



TOWN OF HUACHUCA CITY

The Sunset City

**MEETING MINUTES OF THE
HUACHUCA CITY TOWN COUNCIL
December 9, 2021 AT 6:00 PM
COUNCIL CHAMBERS
500 N. GONZALES BLVD.
HUACHUCA CITY, AZ 85616**

AGENDA

A. Call to Order – Mayor 6:00pm

- a. Pledge of Allegiance

Led by Mayor Wallace.

- b. Roll Call and Ascertain Quorum

Roll Call.

Present: Johann Wallace, Jeffrey Ferro, Cynthia Butterworth, Keith Settlemeyer, Christy Hirshberg, Debra Trate, Jean Smelt.

- c. Invocation

Led by Elder Thomas.

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 – 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 November 18, 2021.

C.2 Consider approval of the Payment Approval Report.

C.3 Consider approval of the disposal of a 2019 Greely 9 Series Vin# LB2G9TAA4K1005612, a 2006 Mitsubishi Eclipse VIN # 4A3AK24F66E039063, a 2001 Dodge Grand Caravan VIN# 2B8GP4466IRI07274, a 1998 Toyota Tacoma VIN# 4TAWM72N4WZ080225, and a 2011 Jeep Patriot VIN# 1J4NT1GA5BD130797 through Public Surplus.

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

Motion: Items listed on the Consent Agenda, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Debra Trate.

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.

Before starting on New Business, Mayor Wallace advises that he would like to move Chief Thies' Department Head report up. There is something special as part of this report. Chief Thies recognizes PFC Alexander Lopez of the National Guard for his service to the Town, and the Police Department in particular, and wishes him well on his future endeavors. Mayor Wallace presents PFC Lopez with a plaque and thanks him as well.

Town Manager Harvey also thanks him.

E.1 Discussion and/or Action [Suzanne Harvey]: Approval of the proposed Council Meeting Schedule for the months, January through December, 2022; and approval of a specific day of the week being used for Council's special meeting sessions.

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

Manager Harvey advises that this keeps with the meetings being on the second and fourth Thursdays, with the exceptions of November and December where there is only one per month due to the Holidays. She also asks for a day of the week for Work Sessions and Special Sessions. She recommends that it not be on Mondays or Fridays. Mayor Wallace would like to have them on Thursdays of opposite weeks from Council Meetings. There is still a possibility of emergencies that can't wait.

Motion: The regular Council Meeting schedule for the months of January thru December 2022 and to designate the first and third Thursdays as Special and Work session days., **Action:** Approve, Moved by Johann Wallace, Seconded by Christy Hirshberg. Motion passed unanimously.

E.2 Discussion and/or Action [Suzanne Harvey]: Update on the annual Christmas Parade.

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

Manager Harvey advises that so far there are 15 floats signed up. Unfortunately the JROTC will not be able to participate this year. She asks if Councilmembers will be on the Council float, that they let her know.

E.3 Discussion and/or Action [Stephanie Fulton]: Update on the Holiday Gift Basket and Polar Express Programs.

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

Stephanie Fulton advises it is still planned for the Polar Express to be held outside, however it can be held in the Library if the weather is bad. It will begin with Polar Express, over to the Tree Lighting and then into the Library to visit with Santa. For the Holiday Gift Baskets, there were \$1500 in monetary donations and \$125 in gift cards. 19 seniors have signed up and our bus driver, Leslie will deliver to those who are housebound. We will be able to help a lot of families and seniors this year.

E.4 Discussion and/or Action [Mayor Pro Tem Hirshberg]: Review of administration and Animal Control Officer staffing in the Police Department.

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

Mayor Pro Tem Hirshberg advises that she asked some questions of Chief Thies regarding the need to hire a full time replacement for the Police Department's retiring records clerk, who would also help with animal control. She asked Chief Thies if it was possible to cut down on the number of staff, since she was advised there are 2 records and 1 animal control staff members at this time. She had some questions about the Animal Control Officer, like how many tickets they wrote and things like that. She obtained some documentation of workload and it seems that 2 people working animal control would be overkill since we don't have the shelter. She also asked about the job description and what the other duties as assigned would consist of and that would be the disposal of the cars and stuff like that. There were approximately 18 vehicles sold this year to the tune of about \$30,000.00.

Mayor Wallace agrees that trying to justify a full time ACO position is difficult, since we no longer have an animal shelter. He does believe there is value in having the ACO provide support to the admin side as well, since a person is leaving. The \$70 cost to clean out vehicles before they are sold could be done by a professional and recouped through the minimum price for the vehicle when it is sold.

Mayor Pro Tem Hirshberg states that in the ACO job description it does say cross train as records clerk. She asks if it isn't possible for the ACO to do animal control as their primary and records clerk as their secondary. Leave the one records clerk full time, and have the ACO step in to help since it doesn't seem we have that many calls or have that much need.

Mayor Wallace states that based on the number of call outs and contacts, he can't see how we can justify paying ACO 30 contact periods over the past year at a cost of \$5200.00. Mayor Wallace reads that the Police Department currently has 1 Senior Records Clerk, 1 Records Clerk, 1 Animal Control Officer, 1 Chief and 5 officers, two positions which are currently open. One is currently actively attempting to be filled, one has been vacant for 5 years. He advises that if one has been vacant for five years, it is no longer a position so we have 4 officer positions. He clarifies with Chief Thies what each category of animal control call involves. Chief Thies does not know what an informational call includes. Mayor Wallace advises that is a problem because a call for service, to him, means you are actively going out and responding to a call, not answering a question over the phone. Chief Thies advises all of these are DR related, they are in Spillman.

Mayor Pro Tem Hirshberg advises that she realizes Chief Thies is not trying to hire another ACO, but there is one full time records clerk here and one full time records clerk on post. She doesn't understand the need for two here.

More discussion is had, with Mayor Wallace determining that the Town Manager has the final say on if the Police Department should be allowed to hire another full time records clerk. He advises Chief Thies to get with Town Manager Harvey and determine what will happen. He does say that he did not like seeing on the payment approval report a drug test for a former employee and it looks like we are trying to hire them for something. We will follow the proper hiring process moving forward.

Chief Thies advises the process has already started.

Mayor Wallace states that it is starting over because it has to be approved by the Town Manager, and there has to be a clear and concise job description for each of those positions. The Senior Records Clerk should be able to do the job of the Records Clerk, and more. They

get paid more money because they have that title and role. Ultimately it will be the Town Manager's decision on if we can justify filling the slot.

Mayor Pro Tem Hirshberg and Councilmember Trate would like more information brought back to Council about the decision.

Mayor Wallace asks that it be worked on by Manager Harvey and Chief Thies and brought back to Council, along with the work analysis of the records department and animal control and taking the Surplus piece back to Admin instead of animal control. That would free up a lot of the work load for the ACO.

Chief Thies asks if they saw the policy for the Surplus. That includes removing everything from the vehicles before they are sold. Mayor Pro Tem Hirshberg asks if that isn't something the inmates or National Guard person could do. Corporal Arnett advises they were told the inmates could not in case there was any drugs, weapons or paraphernalia in them. They were also told the National Guard could not do it.

Chief Thies asks for clarification. Right now he has two full time records clerks and one full time ACO. He asks if they would rather he not replace that one full time records clerk and put that work on the Senior Records Clerk and the ACO will fill in.

Mayor Wallace and Mayor Pro Tem Hirshberg both say no. Mayor Wallace states what they want is for Chief to sit and work with Manager Harvey and bring something back to Council, but ultimately this is an administrative thing and not something that Council has to take care of. This is not something dealing with Police Officers or something where a change needs to be made to the budget, this is administrative in nature and the Town Manager can make the decision.

Mayor Pro Tem Hirshberg states that on post, there is no ACO, the police do it, and federal law allows that. To have an ACO full time for 48 dog tags, is phenomenal. For the small amount of calls and records requests that we take, the numbers don't add up. I'm not saying your people aren't working, I'm saying that maybe we need to look somewhere else, or shift duties.

Something is just not adding up.

Chief Thies asks what numbers he is comparing to. He doesn't know Ft. Huachuca.

Mayor Pro Tem Hirshberg doesn't want him to compare to Ft. Huachuca. She's saying that she knows personally that there are two requests for records from two Chiefs ago that she has never received. She has also called about barking dogs and no one has come. She doesn't understand why we have an ACO when we no longer have an animal control facility. Why can't the police do it? She doesn't believe that federal law and Huachuca city would be that much different, in fact she believes that federal law would be much more stringent.

Councilmember Trate advises that Officers also come to animal calls, because her dogs had gotten out once and there were Police Officers at her house, they called her. She asks if it is a Police report too, in addition to the animal control call. Chief Thies states it is not.

Chief Thies states he thinks there is more here, he sees it, he lives it every day.

Mayor Wallace states, "Then you should be able to articulate it." He also says he makes decisions off of data, if you don't give him the data, the decision is not going to be in your benefit. Work with the Town Manager and bring it back to Council. Since it started as a Council action, we have to finish it as a Council action.

E.5 Discussion and/or Action [Suzanne Harvey]: After Action Review of the Thanksgiving meal provided to the community.

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

Mayor Wallace states that was amazing. He saw many staff members and Councilmembers there. It was a great thing. He gives kudos to Brandye for the idea and making this happen. Councilmember Trate advises it made the Town look good, she received comments from people who said they wish more cities would do this.

Manager Harvey advises this was a great team effort and shows that we are doing this kind of stuff for our residents. I felt very proud to live and work in this town. Everyone on staff and Council participated in one way or another. She does a slide presentation and advises that 129 people were fed thanks to private donations and donations from local businesses. For next year, we need less turkey, we need to begin prep a little bit earlier and we need to prepare the deliveries before the start of serving. We also want to take more pictures. She gives thanks to Mr. Shed, M&M Powder Coating, Grasshopper Landscaping, Marsh Development, Walmart, SSVEC, Coca Cola and Huachuca City Lion's Club. She also thanks all of the staff and volunteers. She asks for suggestion from Council on how to improve.

Councilmember Settlemyer states his daughter called to volunteer and no one called her back.

Councilmember Ferro asks for better cleaning supplies.

Mayor Wallace asks that more than one person have a Food Handler's license for next year.

E.6 Discussion and/or Action [Suzanne Harvey]: Approval of the Town's Highway User Revenue Fund "HURF" funding strategy.

Motion: Item E.6, Action: Open for Discussion and/or Action, Moved by Johann Wallace, Seconded by Christy Hirshberg.

Manager Harvey gives a slide presentation on suggested uses for these funds. This strategy was recommended to be completed during our road survey project. This ensures we have matching funds for possible grant monies that may come available and to make repairs when needed. She advises this should be done during budget planning.

Mayor Wallace suggests that this be done during budget time.

Councilmember Ferro suggests that the match funds be a specific amount, but that the rest of the money not be designated so specifically, he would like to see more flexibility in its possible use.

Councilmember Trate agrees that matching funds need to be set aside.

Mayor Wallace clarifies that there should be 7 HURF line items during the next budget cycle.

Manager Harvey agrees.

Motion: The funding strategy as discussed, Action: Approve, Moved by Johann Wallace, Seconded by Christy Hirshberg.

Motion passed unanimously.

E.7 Discussion and/or Action [Suzanne Harvey]: Update on drinking water for employees of public works and landfill.

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

Manager Harvey presents an update and new ideas on this. She asks Kristy Ramirez to give her recommendation.

Kristy advises that she went with the water bottles and a water filtration system that hooks to the faucet. Councilmember Settlemyer donated approximately 25 water bottles, so now the cost would only be \$20 for the filtration system. This would amount to \$1036.00 of savings per year.

Manager Harvey did clarify with the Department of Corrections that we can give the inmates the water bottles for use here. They can wash them themselves, they don't have to be sanitized, just washed.

Jim Halterman advises that the inmates are not allowed in the kitchen. He suggests purchasing a hardline water cooler to be placed in the break room for everyone to use.

Mayor Pro Tem Hirshberg asks the cost.

Jim Halterman advises it would be between \$200-\$300.

E.8 Discussion and/or Action [Town Attorney]: Approving participation and authorizing the Mayor to sign the Master Settlement Agreements with certain manufacturers and distributors of opioid prescription drugs, settling legal claims filed by the State Attorney General on behalf of state and local governmental entities. These agreements recover financial damages that will be apportioned between the various levels and units of state government. The Town will receive its proportionate share as set forth in the previously-approved "ONE ARIZONA OPIOID SETTLEMENT DISTRIBUTION AGREEMENT." The two settlement agreements may be viewed here: https://nationalopioidsettlement.com/wp-content/uploads/2021/11/Final-Distributor-Settlement-Agreement-10.22.2021-Exhibit-Updates_.pdf and <https://nationalopioidsettlement.com/wp-content/uploads/2021/11/Janssen-agreement-20211105.pdf> The ONE ARIZONA OPIOID SETTLEMENT DISTRIBUTION AGREEMENT can be viewed here: <https://nationalopioidsettlement.com/wp-content/uploads/2021/08/2020-10-15-One-Arizona-MOU-FULLY-EXECUTED-BY-COUNTIES-TBE-by-cities-and-AG.pdf>

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

Attorney Benavidez advises we have been waiting for these to come in. We have already approved the state's distribution. If there isn't enough participation in the county, this won't go any further.

Councilmember Trate asks why a smaller town in Cochise County getting more than Huachuca City.

Attorney Benavidez is unsure, but the spreadsheet we were provided when it was approved seemed to be based on population. He advises we were not involved in the negotiations and he doesn't know.

Motion: Participation and authorizing signing of the agreements, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.
Motion passed unanimously.

E.9 Discussion and/or Action [Suzanne Harvey]: Approval to make a deposit into the Town's Landfill Recovery Assurance Trust account for future closure/remediation of the landfill.

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

Manager Harvey advises this is required every year. This year we budgeted \$40,000.00 and she recommends we pay that amount. The amount required is based on inflation.

**Motion: the deposit of \$40,000.00 into the Town's Landfill Recovery Assurance account, Action: Approve, Moved by Johann Wallace, Seconded by Debra Trate.
Motion passed unanimously.**

E.10 Discussion and/or Action [Matthew Doty]: Approval of expenditures for the repair of the Caterpillar 816k landfill compactor in the approximate amount of \$56,436.42.

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

Mayor Wallace is not surprised by this. He expected it.

Matthew Doty advises that he plans to have Caterpillar come and give a training on the maintenance of the equipment.

Mayor Wallace asks if the equipment is just parked on the hill at the end of the day.

Matthew Doty states the equipment has to be idled down and checked at the end of the day.

**Motion: Expenditures as listed on the Agenda, Action: Approve, Moved by Johann Wallace, Seconded by Christy Hirshberg.
Motion passed unanimously.**

F. Department Director Reports

Jim Halterman advises that Ft. Huachuca is having an issue with fiber so they have to manually pump out sewer from the basins at this time.

Kristy Ramirez advises the replacement fuel monitor was received today and at no cost to the Town.

Chief Thies advises of a reimbursement check for the evidence processing center.

Manager Harvey thanks the Lion's club and the participants of the Toy Run. Mr. Beaman of the Huachuca City School would like some sort of agreement for mutual facility usage, which will be coming up. We received the Forestry Department grant to develop the land by the Community Garden.

G. Items to be placed on future agendas

H. Reports of Current Events by Council

Councilmember Trate and Mayor Pro Tem Hirshberg attended the Hispanic Chamber mixer.

Councilmember Settlemeyer participated in the Toy Run.

Councilmember Butterworth advises of Food Distribution coming up on the 17th.
Mayor Wallace wishes everyone a Merry Christmas and Happy New Year and reminds everyone not to drive drunk.

I. Adjournment

**Motion: 7:32pm, Action: Adjourn, Moved by Johann Wallace, Seconded by Christy Hirshberg.
Motion passed unanimously.**

Approved by Mayor Johann R. Wallace on January 13, 2022.

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 December 9, 2021. I further certify that the meeting was duly called and a quorum was present.

Ms. Brandye Thorpe,
Town Clerk