



# TOWN OF HUACHUCA CITY

The Sunset City

**MEETING MINUTES OF THE  
HUACHUCA CITY TOWN COUNCIL  
February 9, 2023 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 Mayor Wallace**

#### **b. Roll Call and Ascertain Quorum**

#### **Roll Call.**

**Present: Johann Wallace, Jeffrey Ferro, Cynthia Butterworth, Christy Hirshberg, Debra Trate, Jean Smelt, Town Manager Suzanne Harvey (Not voting), Town Clerk Brandye Thorpe (Not voting), Town Attorney Thomas Benavidez (Not voting).**

**Absent:**

#### **c. Invocation**

**Elder Thomas leads the 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.*

### **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 January 26, 2023.

C.2 Consider approval of the Payment Approval Report.

**Motion:** Items listed on the Consent Agenda, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Cynthia Butterworth.

**Motion:** Items listed on the Consent Agenda with the corrections to the minutes, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Cynthia Butterworth.  
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 [Mayor Wallace]: Proclamation No. 2023-02 proclaiming the month of February, 2023, as “Black History Month” in Huachuca City.**

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

**E.2 Discussion and/or Action [Manager Harvey]: Resolution No. 2023-04 - AUTHORIZING THE TOWN TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE TOHONO O'ODHAM NATION TO RECEIVE A GAMING REVENUE SHARING GRANT FOR ACQUISITION OF BODY-WORN CAMERA EQUIPMENT FOR THE POLICE DEPARTMENT.**

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

Manager Harvey presented an Agreement to sign to pay for the body worn cameras.

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

**Motion passed unanimously.**

**E.3 Discussion and/or Action [Mayor Wallace/Dr. Johnson]: Second reading of Ordinance No. 2023-01 AMENDING THE TOWN CODE TITLE 18 "ZONING," CHAPTER 18.10 "DEFINITIONS," SECTION 18.10.010 "DEFINITIONS," AND CHAPTER 18.100 "SUPPLEMENTAL REGULATIONS," SECTION 18.100.210 "HOME BASED BUSINESSES," TO CHANGE THE DEFINITION OF HOME OCCUPATION AND REVISE THE ZONING REGULATIONS PERTAINING TO HOME BASED BUSINESSES.**

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

Mayor Wallace abstained from any Discussion and Vote on this Item. Councilmember Trate advises she also has a home based business and abstains.

Councilmember Ferro commented how they didn't believe a discussion was necessary. This would simplify and update the code, remarking they should just vote. Council agreed.

**Motion:** Ordinance 2023-01, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Cynthia Butterworth.

Motion passed with Mayor Wallace and Councilmember Trate abstaining.

**E.4 Discussion and/or Action [Mayor Wallace/Dr. Johnson]: Second reading of Ordinance No. 2023-02 AMENDING THE TOWN CODE TITLE 18 "ZONING," CHAPTER 18.105 "OFF-STREET PARKING AND LOADING REGULATIONS," TO REVISE OFF-STREET PARKING AND LOADING REQUIREMENTS AND PARKING LOT DESIGN STANDARDS.**

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

Dr. Jim Johnson went over modifications and revises to be approved by Council.

**Motion:** Ordinance 2023-02, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg

**Motion passed unanimously.**

**E.5 Discussion and/or Action [Mayor Wallace/Dr. Johnson]: Second reading of Ordinance No. 2023-03 AMENDING THE TOWN CODE TITLE 18 "ZONING," CHAPTER 18.110 "SIGN REGULATIONS," TO REVISE REGULATIONS AND MAINTENANCE REQUIREMENTS FOR ON AND OFF-PREMISES SIGNS, TEMPORARY SIGNS AND ELECTRONIC MESSAGE DISPLAYS.**

**Motion:** Item E.5, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.  
**The council required no discussion.**

**Motion: Ordinance 2023-03, Action: Approve, Moved by Johann Wallace, Seconded by Christy Hirshberg**  
**Motion passed unanimously.**

**E.6 Discussion and/or Action [Mayor Wallace/Dr. Johnson]: Second reading of Ordinance No. 2023-04 AMENDING THE TOWN CODE TITLE 18 "ZONING," CHAPTER 18.25 "SITE PLAN REQUIRED," TO REVISE SUBMITTAL AND ADMINISTRATIVE REVIEW REQUIREMENTS FOR PROPERTY DEVELOPMENT SITE PLANS.**

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

**The council required no discussion.**

**Motion: Ordinance 2023-04, Action: Approve, Moved by Johann Wallace, Seconded by Christy Hirshberg**  
**Motion passed unanimously.**

**E.7 Discussion and/or Action [Suzanne Harvey]: Approval to work with the interested organizations to come to an agreement for them to sponsor/adopt Northgate Park.**

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

**Manager Harvey brought to the attention of the Council that there are several groups wanting to come together to sponsor/adopt Northgate Park. Manager Harvey requested permission/authorization to continue working with these groups as they continue to create an agreement.**

**Mayor Wallace mentioned getting in contact with ADOT to find out about the road block in that area.**

**Councilmember Trate mentioned concern over parking.**

**Dr. Jim Johnson told the council about how/why the roadblocks were put in that area.**

**Motion: Town staff to work with the interested organizations to come an agreement to sponsor/adopt Northgate Park and to pursue a conversation with ADOT to have the roadblocks removed , Action: Approve, Moved by Johann Wallace, Seconded by Christy Hirshberg**

**Motion passed unanimously.**

**E.8 Discussion and/or Action [Town Attorney]: Approval of proposed nation-wide governmental entity opioid claims settlements with Walmart, Walgreens, CVS, Teva and Allergan.**

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

**Mayor Wallace asked for permission to sign forms.**

**Motion:** Proposed nation-wide governmental entity opioid claims settlements with Walmart, Walgreens, CVS, Teva and Allergan , **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg

**Motion passed unanimously.**

**E.9 Discussion and/or Action [Suzanne Harvey]: Engaging Johnson Environmental Technologies to provide methane gas monitoring at the landfill to ensure safety and compliance with state and federal regulations.**

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

**Manager Harvey clarified for the council that this is already a service the town utilizes but the contract we had with them is now over, and that this new contract with them would be in the town name and not sub-contacted as it previously was.**

**Motion:** Engaging Johnson Environmental Technologies to provide methane gas monitoring at the landfill to ensure safety and compliance with state and federal regulations., **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg  
**Motion passed unanimously.**

**E.10 Discussion and/or Action [Suzanne Harvey]: Selecting an attorney or law firm to provide criminal prosecution services in the Town's municipal court.**

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

**Manager Harvey recommends Pat Green, from the three bids received.**

**Motion:** Engagement of Pat Green provide criminal prosecution services in the Town's municipal court , **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg  
**Motion passed unanimously.**

**E.11 Discussion and/or Action [Suzanne Harvey]: First reading of Ordinance 2023-05 AMENDING THE TOWN CODE, TITLE 3 "REVENUE AND FINANCE," CHAPTER 3.05 "PROCUREMENT AND INVESTMENT," SECTION 3.05.180 "EMERGENCY PURCHASES," TO ALLOW THE TOWN**

**MANAGER TO EXPEDITE PROCUREMENT OF IMMEDIATELY NEEDED REPAIRS TO TOWN FACILITIES AND EQUIPMENT UP TO \$20,000 WITHOUT PRIOR APPROVAL OF THE COUNCIL.**

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

*Mayor Wallace explained that this is so that the Town Manager can make necessary immediate repairs between council meetings.*

**E. Reports of Current Events by Council**

*Councilmember Butterworth attended the SVMPO work Session, legislature is going on Wednesday, they are looking at the two year transportation plan.*

*The Healthy Huachuca walk every Sunday morning at 10 O'clock in the park.*

*Farmers Luncheon at the Senior Center on Tuesday.*

*Councilmember Ferro attended the Speaker of the Library Event on Local pollenating Bats. He thought it was very lively and had a nice time.*

*Councilmember Smelt asked about the ADOT sign with George Nerhans name on it. Mayor Pro Tem Hirshberg answered that attempts had been made but blocked by his family.*

*Councilmember Smelt asked about the plane issue and whatever happened to it. Mayor Wallace informed that it is something that was already handled and no longer an issue.*

*Councilmember Smelt asked about changing the council into five (5) members instead of seven (7) members.*

*Mayor Wallace reminded Councilmember Smelt that this item is for Current Events and that to open discussions or change policies they would need to get it on the agenda so council can discuss it.*

*Council member Trate attended the Upper San Pedro thing, it was mostly just formalities to begin the year.*

*Mayor Wallace attended the Mac function on base. Was able to talk about updates to the park and updates with Cox. Mayor Wallace will have a meeting on Monday with Cox on services and how things are going.*

*Mayor Wallace talked about things that are going on at a state level, the affects it could have on the town, and steps he is taking to be more informed. He encouraged the council to reach out as well.*

**G. Adjournment**

**Motion:** 6:32pm, **Action:** Adjourn, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg. **Motion passed unanimously.**

Approved by Mayor Johann R. Wallace on February 23, 2023.

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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 February 9, 2023. I further certify that the meeting was duly called and a quorum was present.

\_\_\_\_\_  
Ms. Brandye Thorpe,  
Town Clerk