

MINUTES

MINUTES OF THE REGULAR SESSION OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, AND STATE OF ARIZONA, HELD ON TUESDAY, FEBRUARY 18, 2020 AT 7:00 PM AT THE CITY HALL BUILDING, 915 S. TOVREAVILLE ROAD, BISBEE, ARIZONA.

THE MEETING WAS CALLED TO ORDER BY MAYOR SMITH AT 7:00PM.

ROLL CALL

COUNCIL

Councilmember Louis Pawlik, Ward III, Mayor Pro Tempore	Excused
Councilmember Joni Giacomino, Ward II	Excused
Councilmember Bill Higgins, Ward I	
Mayor David M. Smith	
Councilmember Leslie Johns, Ward I	
Councilmember Joan Hansen, Ward II	
Councilmember Anna Cline, Ward III	Excused

STAFF

Theresa Coleman, City Manager
Ashlee Coronado, City Clerk
Keri Bagley, Finance Director
Jesus Haro, Public Works Director
Albert Echave, Police Chief
George Castillo, Fire Chief

CITY ATTORNEY

James Ledbetter

INVOCATION: Mayor Smith asked for a moment of silence to please think of and remember the family of Officer David Kellywood who was killed in the line of duty yesterday.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Smith listed his activities over the last couple of weeks:
 - On February 11th he had his bi-monthly meeting with the City Manager
 - On February 12th he met with the new Council general of Mexico-based in the Douglas office.
 - On February 14th he met with a private recycling company that wanted to come to our area. They will be servicing Sierra Vista and that area.
 - On February 17th he did an interview with KOLD TV regarding the City Hall building demolition
 - On February 18th he sat on the Fire Department Oral Boards for the position of Fire Marshal. He also attended Cochise Addiction Recovery Partnership Meeting.
- He informed the Council and Public that he had been appointed to the International Boundary Water Commission Steering Committee. This would be a way to try to assist on the Naco sewage problem.

CALL TO THE PUBLIC

- Alexis Claire, Bisbee resident said that Tasers were not needed or wanted here. Tasers were responsible for killing and injuring a lot of people. The \$18,000 being requested to supplement this purchase was shocking. She said that this money could be better spent elsewhere. She also commented on Firewise and the environment. She said that she witnessed more than 50 healthy trees being cut. This happened under the director of Firewise. She said that cutting the trees had caused a serious soil erosion problem.
- Fred Miller, Bisbee resident spoke on the upcoming bed tax item. He supported the bump in bed tax. Tourism was the economic driver that paid the bills. He suggested to raise it by 2%. He explained that this would have no out-of-pocket effect on the residence of Bisbee and would be entirely funded by overnight visitors to the city.

THE FOLLOWING ITEMS WERE DISCUSSED, CONSIDERED AND/OR DECIDED UPON AT THIS MEETING:

GENERAL BUSINESS:

1. ACCOUNTS PAYABLE: Subject to availability of funds

MOTION: Councilmember Hansen moved to approve accounts payable in the amount of \$171,425.04.

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

2. Approval of the Consent Agenda

A. Approval of the Minutes of the Regular Session of Mayor and Council held on January 21, 2020 at 7:00 pm.

Ashlee Coronado, City Clerk

B. Approval of the Appointment of John Balas to the Planning and Zoning Commission.

Ashlee Coronado, City Clerk

C. Approval of the Appointment of Michael Schmitzer to the Planning and Zoning Commission.

Ashlee Coronado, City Clerk

D. Approval of the Resignation of Richard Soto from the Airport Advisory Commission.

Ashlee Coronado, City Clerk

E. Approval of the Resignation of Darin Giltner from the Youth Council as the Adult Advisor.

Ashlee Coronado, City Clerk

F. Approval of a Liquor License Application for Baba Bar Bisbee locates at 74 Main Street, Bisbee, AZ, Yonatan Adin Evans, Applicant.

Ashlee Coronado, City Clerk

MOTION: Councilmember Higgins moved to approve Consent Agenda Items A-F.

SECOND: Councilmember Hansen

ROLL CALL VOTE:

AYES: Councilmember Higgins, Johns, Hansen, and Mayor Smith.

NAYS: 0

MOTION PASSED: AYES -4; NAYS -0

OLD BUSINESS

- 3. Discussion and Possible Approval of Ordinance O-20-01; Amending the City Code Section 10.1.8, Nuisance.

Theresa Coleman, City Manager

Mayor Smith said that there were members of the public signed up to speak about this item.

Ken Budge, Bisbee resident said that after the first passing of this ordinance he received phone calls from neighbors with concerns. The main concern was the Entertainment district and the fact that it was lacking restrictions. He felt that addressing the Entertainment District later was backwards. He requested the removal of number six. He requested that the additions state what the city wanted to allow and not what they wanted to disallow.

Jeff Harris, Bisbee resident said that this Ordinance was poorly written. He said that it was unenforceable as currently written. He said that the municipality only has the authority to enforce ordinances that are either authorized by statute or by charter. The city was authorized to regulate public nuisances not private nuisances. He said that we were trying to enforce an unreasonable standard.

Ms. Coleman explained that we wanted to address the Entertainment District. She said that it would be reasonable to remove number six at this point and then go back and define the activities that were allowed.

Mr. Ledbetter said that Council could remove number six but when the ordinance was adopted it would be applicable to the Entertainment District. That would cause the city to deal with the time periods between 10 PM and 6 AM.

Mayor Smith said that his preference would be to table this item and address the issues that were brought before us.

MOTION: Mayor Smith moved to table this item.

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

NEW BUSINESS

- 4. Presentation by Bisbee Vogue, Inc. for support in the use of city land for Bisbee Outdoor Recreation Center to build a Fitness Park at Higgins Hill and possible approval for a license to construct the Fitness Park on city property.

Theresa Coleman, City Manager

Jamie Trevillyan, Bisbee Vogue gave a presentation on the Bisbee Outdoor Recreation Center proposal. The presentation is attached as Exhibit "A".

Mayor Smith said that he wanted it to be clear what Bisbee Vogue was proposing. He said that it was permission to allow Bisbee Vogue to collect funds and gift the Bisbee outdoor recreation Center to the City of Bisbee. He said that the city would remain the owner of the land and all the equipment, by doing so we would not go through the procurement process.

Ms. Trevillyan said that was correct.

Mayor Smith asked who would maintain this.

Ms. Trevillyan said that the good news was this was the same surface as the basketball and racquetball court so maintenance would be minimal. Maintenance would most likely fall on the city unless otherwise negotiated.

Mayor Smith asked how long the surface was guaranteed for.

Bisbee Vogue responded that it was guaranteed for 25 years.

Councilmember Johns asked if neighbors and the community that would be effected by this project had been contacted. She asked if there were numbers or data associated with that.

Ms. Trevillyan responded that they had talked to people and they were supportive. But she did not have data, but they would start tracking it from this point.

Councilmember Hansen said that she assumed the City of Bisbee would have liability for this park. She went on to ask what the backing was made of.

Ms. Trevillyan responded that it was a hard backing that would be set back about 6 feet from the basketball court.

Cynthia Conroy, Bisbee resident read letters of support. She explained that this could serve many people in the community. She said that a recreation center would draw people to Bisbee.

Lee Causer, Bisbee resident spoke in support of the Recreation Center. He said that he was a cancer survivor and was undergoing physical therapy in Sierra Vista. This was exactly what he was traveling out of town for. He would love if he could do this in Bisbee especially outside.

Councilmember Hansen asked if this would impact the traffic pattern and parking in that area.

Ms. Trevillyan responded that they envision most people walking to the park. Traffic should not be impacted.

Ms. Conroy said that they had also spoke to David Russel about doing shuttles to that area.

Councilmember Johns asked what the highest piece of equipment was.

Ms. Trevillyan responded that it was around the 6-foot mark.

Councilmember Johns said she was concerned for young children being able to climb on the equipment with the ground being concrete.

Ms. Trevillyan said that there had been no reported incidents of injury.

Councilmember Higgins asked how many stations were there and how many people could use it at the same time.

Ms. Trevillyan responded that it was 28 people at one time.

MOTION: Mayor Smith moved to accept the proposal with the caveat contingent that we receive a petition past to all neighbors within 500 feet.

SECOND: Councilmember Hansen

ROLL CALL VOTE:

AYES: Councilmember Higgins, Hansen, and Mayor Smith.

NAYS: Councilmember Johns

MOTION PASSED: AYES -3; NAYS -1

5. Discussion and Possible Approval of the Notice of Intent to Adopt Ordinance O-20-02, Accepting the transfer of real property from the Dycus Family Trust located at 416 N. Street Bisbee.

Theresa Coleman, City Manager

Ms. Coleman said that during discussions about the affordable housing initiative Council approved a Resolution that included identifying properties other than the 8 acres near Safeway for potential projects. After meeting with Step Up Bisbee/Naco and Habitat for Humanity this property was identified as a possibility for a future duplex. This would be acquired specifically for the purpose of community development.

MOTION: Councilmember Johns moved to approve the notice of intent to adopt Ordinance O-20-02; accepting the transfer of real property from the Dycus Family located at 416 N Street, Bisbee

SECOND: Councilmember Hansen

ROLL CALL VOTE:

AYES: Councilmember Higgins, Johns, Hansen, and Mayor Smith.

NAYS: 0

MOTION PASSED: AYES -4; NAYS -0

6. Discussion and Possible Approval to publish a request for proposal to provide a self-serve aviation fueling terminal.

Jesus Haro, Public Works Director

Mr. Haro said that they were notified by QTpod the manufacturer of the current terminal that the M 3000 would no longer be supported. It was also not compatible with our current bank. It was in our favor to do this research to find out how much this would cost.

MOTION: Councilmember Hansen moved to approve the publishing of a request for proposal to provide a self-serve aviation fueling terminal

SECOND: Councilmember Johns

ROLL CALL VOTE:

AYES: Councilmember Higgins, Johns, Hansen, and Mayor Smith.

NAYS: 0

MOTION PASSED: AYES -4; NAYS -0

7. Discussion and Possible Approval of the purchase of 18 Tasers to include batteries, cartridges, maintenance & support for Bisbee Police Department from AXON Enterprises, Inc. in the amount of \$38,236.75.

Albert Echave, Chief of Police

Mayor Smith said that there was a person signed up to speak about this item.

Donna Pulling, Bisbee resident said that she had sent an email out to all Councilmembers and thought it could be addressed by the Chief this evening. Ms. Pulling went on to ask questions about the current Tasers that the Department had. She also read a statement from Alice Hammer's.

Chief Echave said that a few months ago Ms. Peavey and Bouchever applied for a grant from the 100 Club for the purchase of Tasers. They were awarded \$20,000. The Tasers that the Department currently had were second and third hand. He explained that each officer was trained to carry Tasers. He said that the use of Tasers was included in the officer manual.

MOTION: Councilmember Higgins moved to approve the purchase of 18 Tasers to include batteries, cartridges maintenance and support for the Bisbee Police Department from AXON Enterprises, Inc, in the amount of \$38,236.75.

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

8. Discussion and Possible Direction to Staff regarding a possible Increase to the Transient Lodging (Bed) Tax.

Theresa Coleman, City Manager

Mayor Smith said that this had come up before and he firmly was in the opinion that we should consider an increase up to 5%. The extra half percent was not that big of a deal. Mayor Smith suggested raising it by 2.5% to make it a total of 5%.

Councilmember Johns, Hansen, Higgins all agreed.

Mayor Smith said that this tax would only go towards tourism. Mayor Smith gave direction to staff to prepare the necessary documents and a 5% level, this would be voted on in November.

9. Possible Approval of a Motion to enter into Executive Session for the purpose of Discussion and Consultation with City Attorney to provide legal guidance on pending matters.

Per ARS § 38-431.03(a)(3)(4), the City Council may vote to go into executive session for discussion or consultation for legal advice with the attorney or attorneys of the public body and for Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation.

This item was pulled from the agenda. This discussion will take place in public at the next meeting.

10. City Manager's Report:

- Ms. Coleman said that she had been working with the Bisbee Mining Museum on a proposal to locate the Visitors Center at the information office. She requested that Council let her know if they had any concerns about this.
- Ms. Coleman informed Council that the census timeline would be included in the next packet

COUNCIL COMMENTS OR FUTURE AGENDA ITEM SUGGESTIONS: (Council members may suggest topics for future meeting agendas, but Council will not here discuss, deliberate or take any action on these topics.):

- Councilmember Hanson said that they finally had the first meeting of the Youth Council. The kids were eager to get started and it was a very young Council. She was looking forward to the next meeting on March 6th. She hoped to have additional youth present to see what was going on. She also informed the public that there were two vacant spots on the Youth Council along with the advisor position.

- Mayor Smith requested to hold his comments for another time.

MOTION: Councilmember Higgins moved to adjourn the meeting.

SECOND: Councilmember John

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 8:23 PM



David M. Smith, Mayor

ATTEST/CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Session of the City Council of the City of Bisbee, Arizona held on the 18th day of February, 2020.

I further certify that meeting was duly called and held and that a quorum was present. Dated: March 17, 2020

Ashlee Coronado

City Clerk

Why Are We Here?

Bisbee Vogue, Inc., is requesting approval from the City of Bisbee for the development of an exciting, innovative, one-of-a-kind project for the **Bisbee Outdoor Recreation Center (BORC)** at Higgins Park.

*We have approval from Parks & Recreation for the basic concept, **NOW** we need yours!

Our Vision

For Health & Wellness

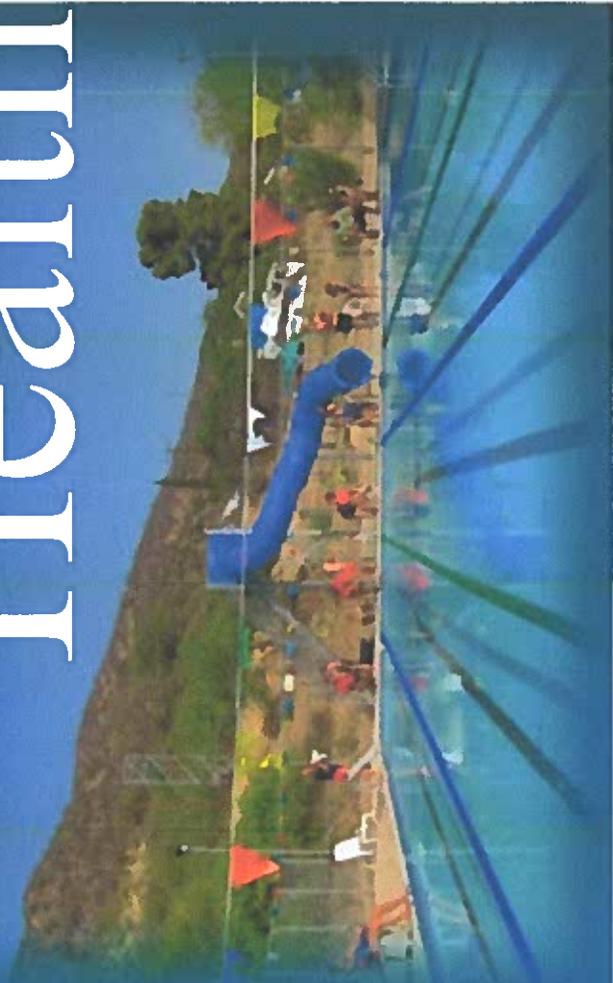
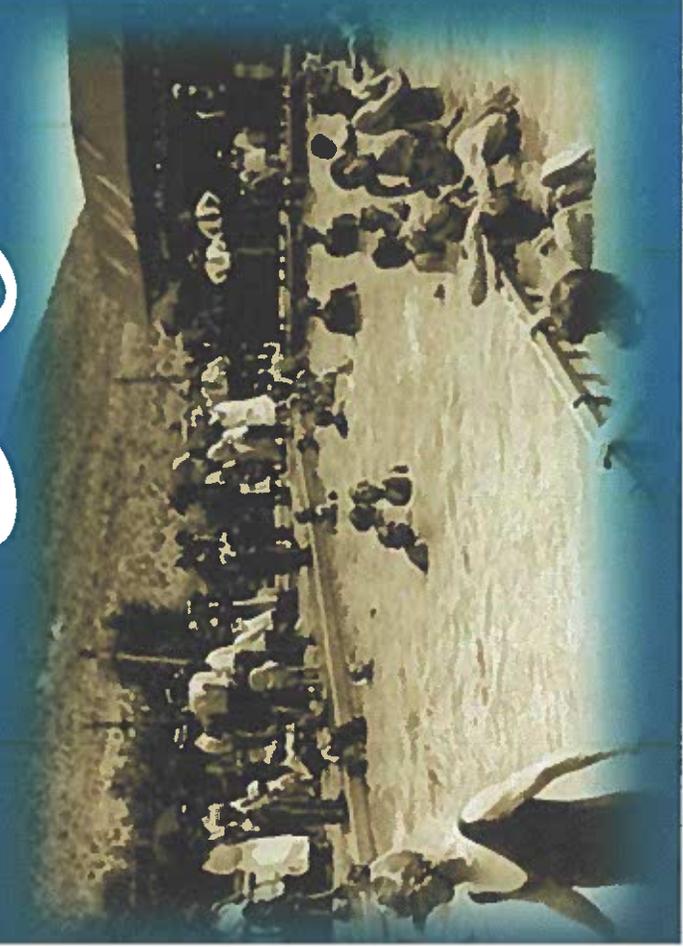
Bisbee residents will:

- developed lifelong habits of physical activity
- **benefit** from reduced stress, cardiovascular disease, type II diabetes
- **increasing** social satisfaction, mental health and overall well-being

*“We don’t stop playing because we grow old,
we grow old because we stop playing.”*

— George Bernard Shaw

Celebrating 50 Years of Health



What is the BORC?

- **Installation** : adjacent to the pickleball & basketball courts
- **Size** : 32' x 35'
- **Easy Accessibility** : for residents & visitors
- **Bonus** : builds on existing infrastructure!

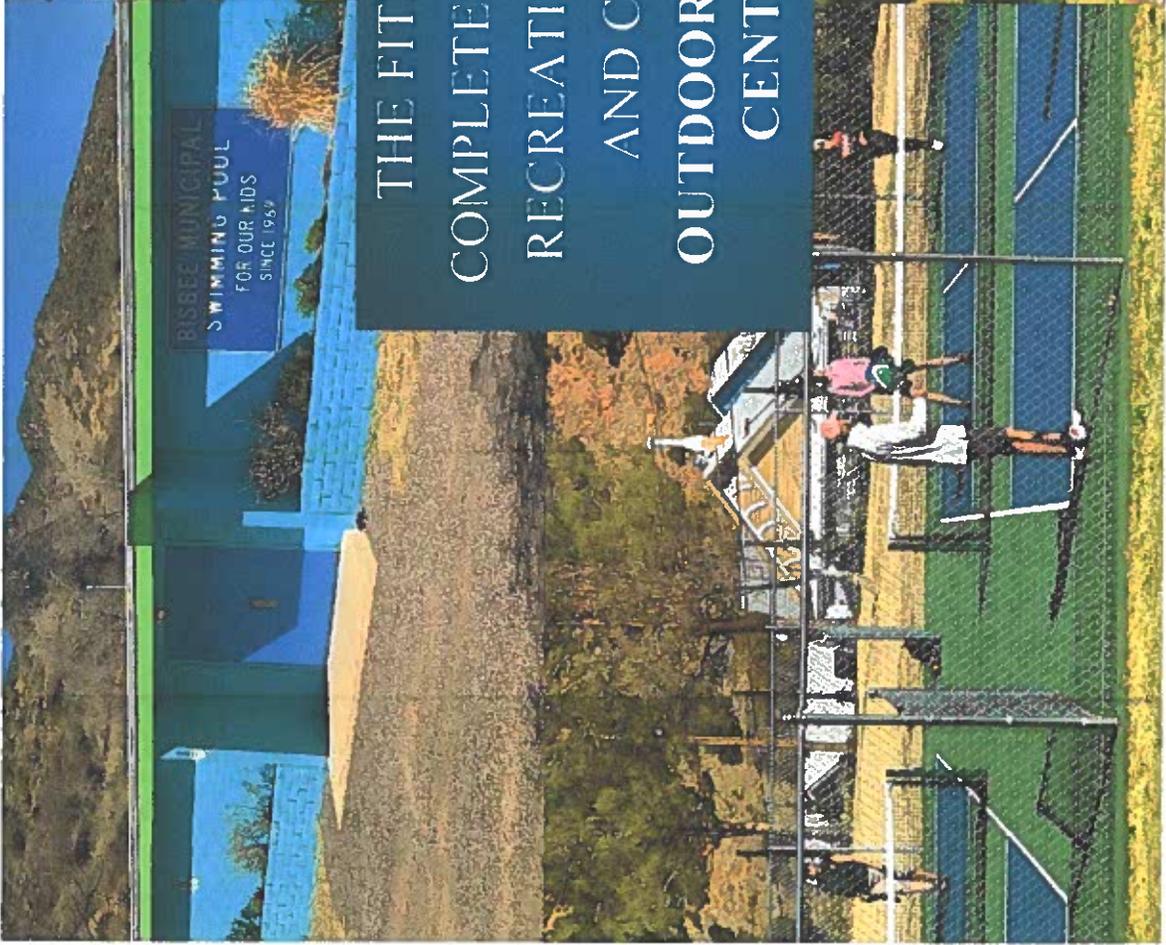


Pool **Basketball Court** **Pickleball Court** **Fitness Court**

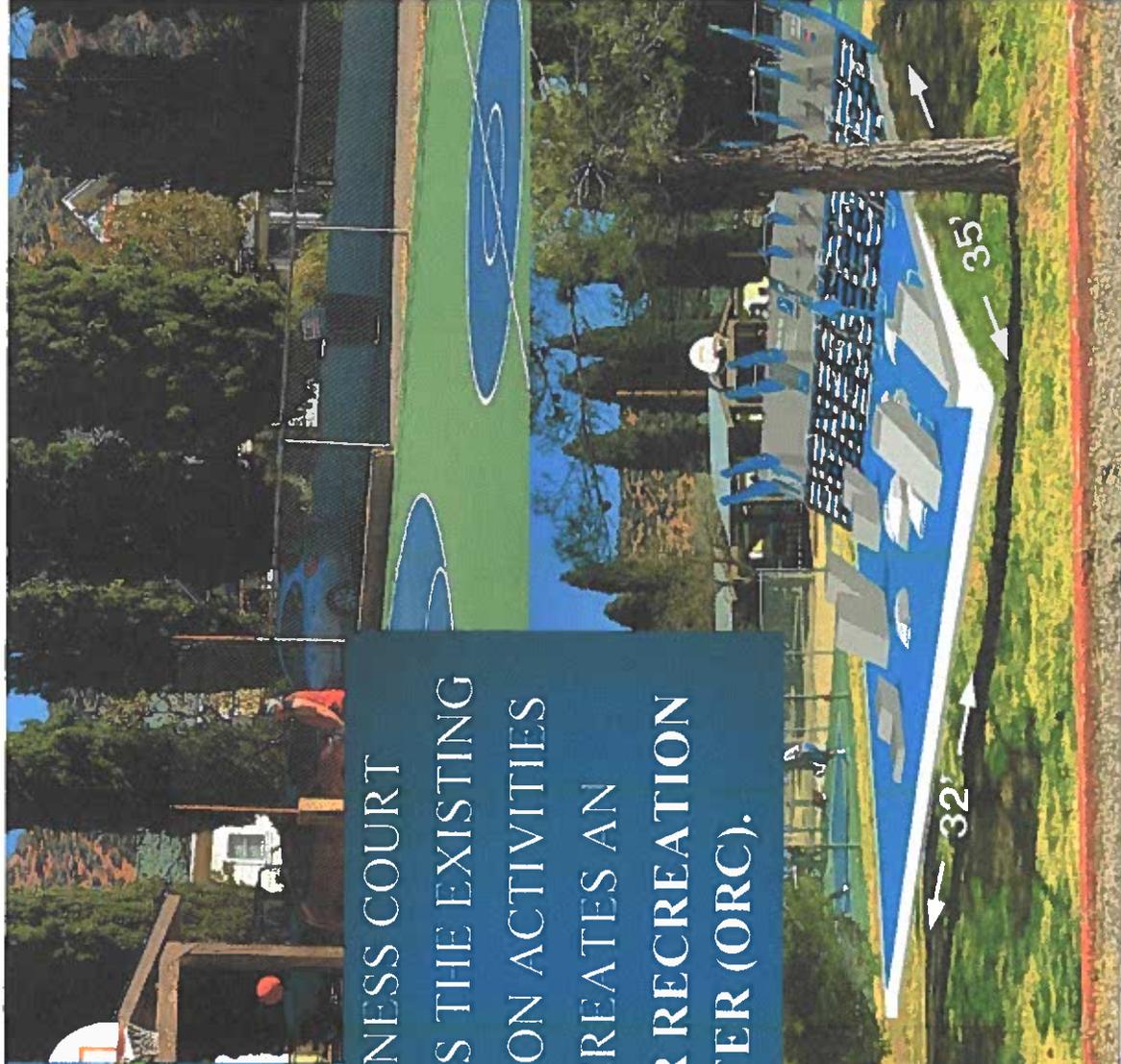




<https://nationalfitnesscampaign.com/watch>



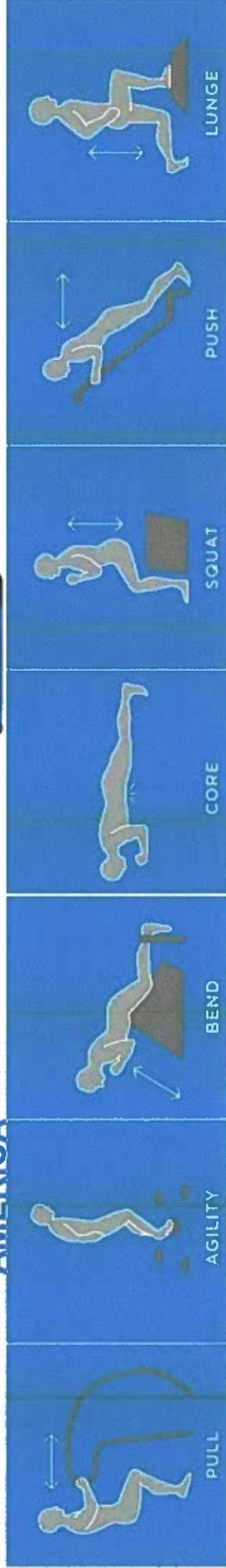
THE FITNESS COURT
COMPLETES THE EXISTING
RECREATION ACTIVITIES
AND CREATES AN
OUTDOOR RECREATION
CENTER (ORC).



Proposed Bisbee Outdoor Recreation Center



**7 MINUTES A DAY IS ALL IT TAKES TO
CHANGE HEALTH OUTCOMES IN
AMERICA**



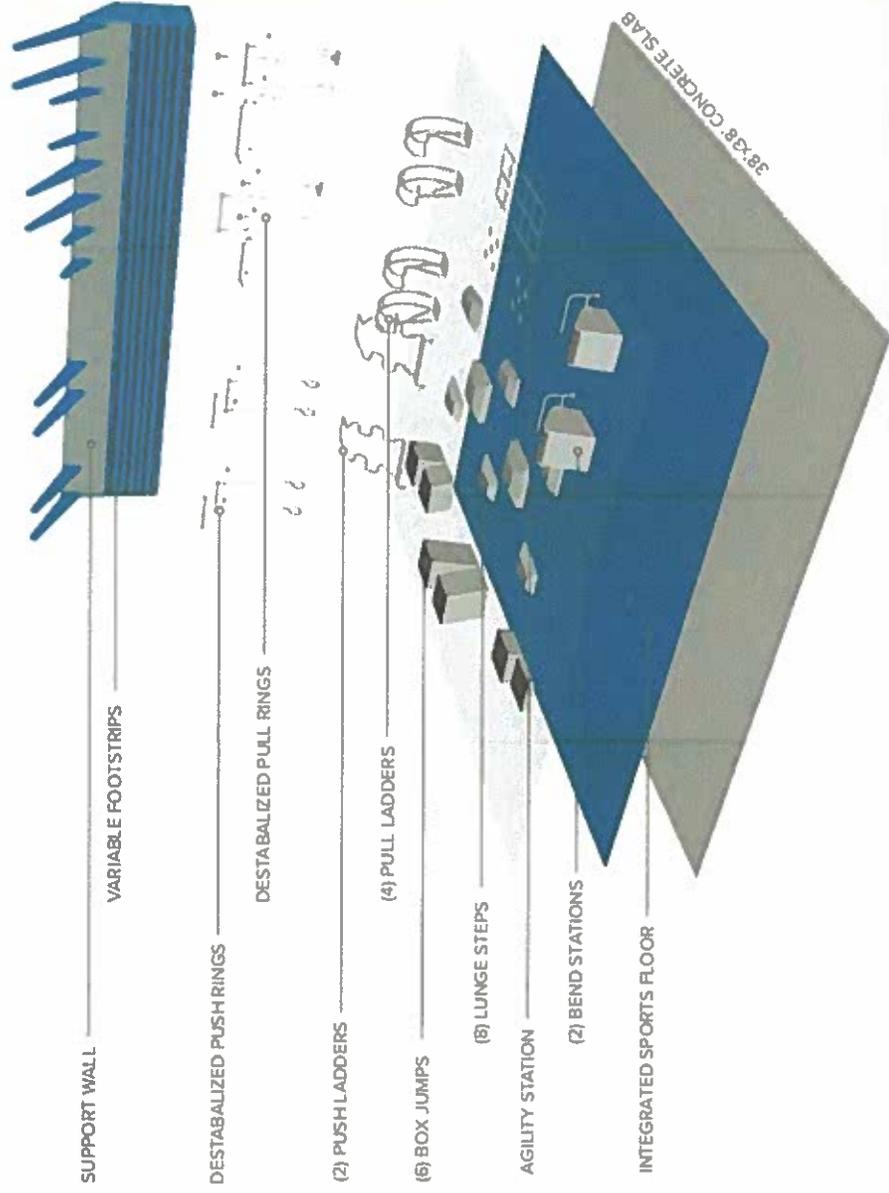
FITNESS COURT

COMPONENT FEATURES



Components

Design Features



- Base / Flooring
- Rubberized tile surface
(provided by MFC)
- Equipment is Dual-layer Powder-coated Carbon steel
- Anti-graffiti laminate decals
- 30+ pieces of bodyweight equip.
- Official Phone App

Mobile Phone App

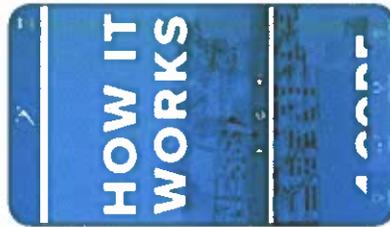


Free
Personalize
Workouts

Attracts diverse
audience (esp.
youth)

How-to
Videos

Audio –
Guided
Circuits



Learn the Moves
Discover the Fitness Court's 7 movements - core, squat, push, pull, bend, and challenge - to challenge and strengthen your body. Beginner, intermediate and advanced training videos demonstrate how users of any age or ability can use free, simple bodyweight circuit training system.



Get Training
Take your workouts to the next level with guided step by step coaching from expert trainers. Celebrity trainers like fitness influencer Rob Riches will show you how to get the most of the Fitness Court. You won't believe what you're capable of.



Take the Challenge
Grab a friend, complete a circuit and see how you score in our timed challenge feature. Get ready to sweat, and do as many reps as you can in 7 minutes.



Work your way to the Top
Share your challenge and see how you rank on local and national leader-boards. Look out for chances to win swag and cash prizes as you improve your scores.

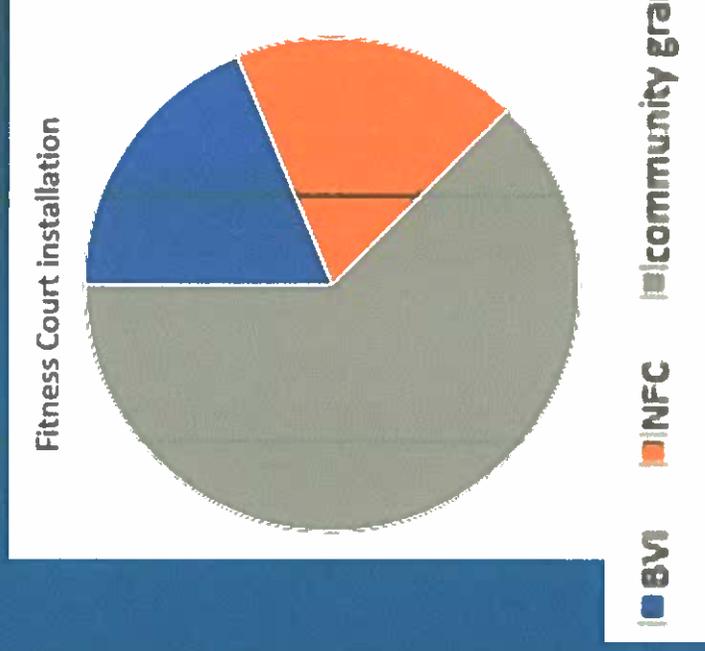
“Day of the
Week”
workouts

Okay, let's talk Turkey

Granted By:	For Development of:	Amount
NFC*	Installation (partial)	\$30,000
BVI	As Needed	\$30,000
Other Grants & Donations*	As Needed	\$100,000
Project Total**		\$160,000

*Deadlines

****This project will be built at no cost to the City.**



What Are the Benefits?

- Contributions to Outdoor Recreation
- Serves both adults & youth
- Free to the public & available
- Improves the health of residents
- Attracts visitors
- Economic advantages – Encourages new residence to move to Bisbee

Why should YOU care?

- It doesn't cost you anything!
- This puts Bisbee in the company of Casa Grande, Las Cruces, Tucson, Maricopa & Phoenix for recreation destination
- BVI, KE&G will work together in coordination with the Public Works Dept to negotiate and plan installation

But Wait there's More

- It adds aesthetic AND functional value
- Builds on the existing legacy of the City of Bisbee as a dynamic community.
- Takes advantage of Bisbee's incredible weather
- Gives Bisbee some press/advertising during launch of new BORC and new exciting events

Preferred completion date Dec 2020



What We Need From YOU?

oui

Si

HELL YA

Absolutely

Sure

Yup

OR SURE

**Just
Say
YES**

YES

RECREATION = RE/CREATION

The whole is greater than the sum of its parts.

Thank You!
for your time and all you do
to create a better Bisbee



Special "thanks" to Stephanie Peavey, Dr. Deborah Young, Lee Causer, Jamie Trevillyan and Cynthia Conroy