

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 7, 2023, AT 7:00 PM AT COUNCIL CHAMBERS LOCATED AT, 915 S. TOVREAVILLE ROAD, BISBEE, ARIZONA.

THE MEETING WAS CALLED TO ORDER BY MAYOR BUDGE AT 7:02PM.

ROLL CALL

COUNCIL

Councilmember Juanetta Hill, Ward III Excused
Councilmember Joni Giacomino, Ward II
Councilmember Frank Davis, Ward I
Mayor Ken Budge
Councilmember Leslie Johns, Ward I
Councilmember Mel Sowid, Ward II
Councilmember Anna Cline, Ward III, Mayor Pro Tempore

STAFF

Stephen J. Pauken, City Manager
Ashlee Coronado, City Clerk
Keri Bagley, Finance Director
Matthew Gurney, Public Works Director
Logan Dodd, Operations Manager

CITY ATTORNEY

Joseph Estes

INVOCATION: Mayor Budge asked for a moment of silence to think about those involved in the terrible earthquake.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

CALL TO THE PUBLIC

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 Cline moved to approve accounts payable in the amount of \$494,762.14.

SECOND: Councilmember Johns

Council asked questions about accounts payable, and staff responded to each question.

ROLL CALL VOTE

AYES: Councilmember Giacomino, Davis, Johns, Sowid, Cline and Mayor Budge

NAYS: 0

MOTION PASSED: AYES-6 NAYS-0

2. Approval of the Consent Agenda

- A. Approval of the Minutes of the Regular Session of Mayor and Council held on January 17, 2023.

Ashlee Coronado, City Clerk

- B. Approval of the Appointment of Mark Gray to the Airport Advisory Commission.

Ashlee Coronado, City Clerk

- C. Approval of the Appointment of Tracy Taylor to the Bisbee Arts Commission.

Ashlee Coronado, City Clerk

- D. Approval of the Appointment of Janet Reynolds to the Bisbee Arts Commission.

Ashlee Coronado, City Clerk

- E. Approval of the Appointment of Cooper Raphael to the Planning and Zoning Commission.

Ashlee Coronado, City Clerk

- F. Approval of the Appointment of Douglas Taylor to the Planning and Zoning Commission with a waiver for number of commissions currently served.

Ashlee Coronado, City Clerk

- G. Approval of the Reappointment of John Balas to the Planning and Zoning Commission.

Ashlee Coronado, City Clerk

- H. Approval of the Reappointment of Frank Cabello to the Streets and Infrastructure Committee.

Ashlee Coronado, City Clerk

- I. Acceptance of the Resignation of Lisa Holland from the Evergreen Cemetery Committee.

Ashlee Coronado, City Clerk

- J. Acceptance of the Resignation of David Russell from the Streets and Infrastructure Committee.

Ashlee Coronado, City Clerk

Michael Schmitzer, Bisbee resident stated he had not received any notification that he was being removed from the Planning & Zoning Commission. He referred to the Planning and Zoning bylaws in relation to nominations of commission members. He said it should go to the entire Council for a review and vote, not just the Mayor. He explained he reapplied and was not given the impression that there would be an issue. He wanted the appointment items pulled from the agenda.

Mayor Budge spoke about the process of appointing members to boards and commissions. He said those items go for final approval with the Council. He said he had internal reasons for not reappointing Mr. Schmitzer to the Planning and Zoning Commission.

MOTION: Mayor Budge moved to approve the Consent Agenda items A – J.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

OLD BUSINESS

- 3. Discussion and Possible Approval of a Special Event Liquor License Application submitted for an event to be held at the Jonquil Motel on Wednesday, April 5, 2023, from 2:00pm to 11:00pm and Thursday, April 6, 2023, through Saturday, April 8, 2023, from 11:00am to 11:00pm each day, Inna Thorn, Applicant.

Ashlee Coronado, City Clerk

Mayor Budge said that this was pulled at the last Council meeting because additional information was needed on this. There had been information provided in the packet. This was not necessarily a music event.

Councilmember Davis said the only issue was how late the event was going every night. He also asked if there would be music at the event.

The applicant explained the event and hours of it. She said there was a buffer built in so they had time to put everything away.

MOTION: Councilmember Davis moved to approve Special Event Liquor License Application submitted for an event to be held at the Jonquil Motel on Wednesday, April 5, 2023, from 2:00pm to 11:00pm and Thursday, April 6, 2023, through Saturday, April 8, 2023, from 11:00am to 11:00pm each day.

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

NEW BUSINESS

- 4. Discussion and Possible Decision regarding an Appeal for a Denied Transfer of Property Application #23-01; submitted by Mr. & Mrs. Corvino for 87 Square Feet of City Owned property APN 103-99-034E.

Stephen J. Pauken, City Manager

Mr. Pauken explained this was before Council because there was no appraisal submitted as per the new rules. He was unable to approve the sale without the appraisal. He denied it in order for the request to come to Council for approval.

Mayor Budge said this seemed like a logical request. He noted that these stairs serve only his home and no one else.

Mr. Corvino said this had become their main entrance to the property. He thanked Mayor and Council for their time on this.

Mayor Budge said the recommended price was \$2.00 per square foot.

MOTION: Councilmember Davis moved to reverse the decision of the City Manager and approve the transfer City property Application #23-01; Submitted by Mr. & Mrs. Corvino for 87 Square Feet of City owned property APN 103-99-034E at \$2.00 per square foot.

SECOND: Councilmember Sowid

MOTION PASSED: UNANIMOUSLY

- 5. Accepted Donation from Freeport to the Bisbee Fire Department.

Jim Richardson, Fire Chief

Chief Richardson announced that they had received a donation of a side by side, trailer and water tender from Freeport McMoRan. They were very grateful for it and thanked them for their generosity.

No Action needed.

6. Discussion and Possible Approval of a Park, Facility and Right-of-Way Use Permit for the Copper Queen Hotel for the use of Howell Avenue for a Father's Day Street Dance to be held starting Friday, June 16, 2023 through Saturday, June 17, 2023 from 6:00pm to 1:00am. **(Two applications have been requested for this location on same weekend)**

Ashlee Coronado, City Clerk

Mayor Budge briefly discussed this item. He stated there were two requests for the same area on the same dates.

There was no one present from the Copper Queen Hotel to speak on this item.

Mayor Budge tabled this item until they could discuss Item 8.

Mayor Budge said the compromise would be to give each applicant one day.

MOTION: Mayor Budge moved to approve the Park, Facility and Right of Way Use Permit for the Copper Queen Hotel for the use of Howell Ave for a Father's Day Dance to be held on Saturday, June 17th only from 6:00pm to 1:00am.

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

7. Discussion and Possible Approval of an Extension of Premises/ Patio Permit submitted by the Copper Queen Hotel for an event to be held at the Copper Queen Hotel located at 11 Howell Avenue, Bisbee, AZ on Friday, June 16, 2023, from 6:00pm to Saturday, June 17, 2023 at 1:00am; Chris Rinehart, Applicant.

Ashlee Coronado, City Clerk

Mayor Budge said this would be modified for Saturday June 17th only.

MOTION: Mayor Budge moved to approve the Extension of Premises/ Patio Permit submitted by the Copper Queen Hotel for an event to be held at 11 Howell Ave, Bisbee, AZ on Saturday, June 17th only.

SECOND: Councilmember Davis

MOTION PASSED: UNANIMOUSLY

8. Discussion and Possible Approval of a Park, Facility and Right-of-Way Use Permit for Bisbee Pride, Inc. for the use of Howell Avenue (Review Alley to Community Y Parking Lot) for the Pride Village to be held starting Friday, June 16, 2023 through Sunday, June 18, 2023 from 8:00am to 12:00am (Midnight) each day. **(Two applications have been requested for this location on same weekend)**

Ashlee Coronado, City Clerk

Ramon Garcia said this application was for the 16th only. Traditionally they held a Pride Street dance in cooperation with the Copper Queen. Normally the street closure was between 5pm to 1am, this would include setup and breakdown of the event. He said the dance ends at midnight, it would give them time to clean up.

Mayor Budge asked for discussion on these items.

Councilmember Giacomino said Pride had been doing this on the same weekend for 19 years. It bothered her that someone else was trying to come in and takeover on it. It is almost becoming a bidding war.

Councilmember Davis agreed with Councilmember Giacomino.

Councilmember Johns agreed that while this was an established event, the Copper Queen turned their application in first. She said we could maybe have two Street Dances.

Councilmember Cline said the Copper Queen was requesting two separate dates. We could do two dances. She said Pride had been doing this event for so long now.

Mayor Budge said Pride could have Friday night and Copper Queen could have Saturday night. It was a good compromise.

Mayor Budge then tabled this item to go back to Item 6.

MOTION: Mayor Budge moved to approve the Park, Facility and Right of Way Use Permit for Bisbee Pride for the use of Howell Ave for the Pride Village and Street Dance on Friday, June 16th from 8:00am to 12:00am.

SECOND: Councilmember Davis

MOTION PASSED: UNANIMOUSLY

- 9. Discussion and Possible Approval of a Park, Facility and Right-of-Way Use Permit for Bisbee Pride, Inc. for the use of Main Street (Iron Man Statue to Goar Park) for the Pride Parade to be held on Saturday, June 17, 2023 from 8:00am to 12:00pm (Noon).

Ashlee Coronado, City Clerk

Mayor Budge asked if there was a need for police escort. If so, we needed to charge for them.

Ramon Garcia explained that depending on what was available, either police or rangers, they would pay the required fees. There would be no street closure, they would flow with traffic.

MOTION: Councilmember Giacomino moved to approve the Park, Facility and Right of Way Use Permit for Bisbee Pride for the use of Main Street from Iron Man Statue to Goar Park for the Pride Parade to be held on Saturday, June 17, 2023 from 8:00am to 12:00pm.

SECOND: Councilmember Davis

MOTION PASSED: UNANIMOUSLY

- 10. Discussion and Possible Approval of a Park, Facility and Right-of-Way Use Permit for Bisbee Pride Inc. for the use of Naco Road (Ok Street to Brewery Avenue) for the Pride Village to be held starting Friday, June 16, 2023 through Saturday, June 17, 2023 from 8:00am to 12:00am (Midnight) each day.

Ashlee Coronado, City Clerk

MOTION: Mayor Budge moved to approve the Park, Facility and Right of Way Use Permit for the use of Naco Road between Ok Street and Brewery Ave for the Pride Village to be held starting Friday, June 16, 2023 through Sunday, June 17, 2023 from 8:00am to 12:00am each day.

SECOND: Councilmember Davis

MOTION PASSED: UNANIMOUSLY

- 11. Discussion and Possible Approval of a Park, Facility and Right-of-Way use permit for Bisbee Pride, Inc. for the use of Subway Avenue (Shearer Avenue to Parking Lot) for the Pride Village to be held starting Friday, June 16, 2023 through Saturday, June 17, 2023 from 8:00am to 12:00am (Midnight) each day.

Ashlee Coronado, City Clerk

This item was pulled from the agenda.

- 12. Discussion and Possible Approval of a Park, Facility and Right-of-Way Use Permit for Bisbee Pride, Inc. for the use of Grassy Park- Adjacent Parking for Day Stage-Amplified Music to be held starting Friday, June 16, 2023 through Sunday, June 18, 2023 from 8:00am to 12:00am (Midnight) each day.

Ashlee Coronado, City Clerk

MOTION: Mayor Budge moved to approve the Park, Facility and Right of Way Use Permit for Bisbee Pride for the use of Grassy Park and parking for day stage and amplified music to be held on Friday, June 16, 2023 through Sunday, June 18, 2023 from 8:00am to 12:00am each day.

SECOND: Councilmember Sowid

MOTION PASSED: UNANIMOUSLY

- 13. Discussion and Possible Approval of a Park, Facility and Right-of-Way Use Permit for Bisbee Pride, Inc. for the use of City Park- Adjacent Parking for the Pride Village to be held on starting Friday, June 16, 2023 through Sunday, June 18, 2023 from 8:00am to 12:00am (Midnight) each day.

Ashlee Coronado, City Clerk

MOTION: Mayor Budge moved to approve the Park, Facility and Right of Way Use Permit for the use of City Park and Adjacent Parking for the Pride Village to be held from Friday, June 16, 2023 through Sunday, June 18, 2023 from 8:00am to 12:00am each day.

SECOND: Councilmember Giacomino

MOTION PASSED: UNANIMOUSLY

- 14. Discussion and Possible Approval of a Park, Facility and Right-of-Way Use Permit for Bisbee Pride, Inc. for the use of Brewery Avenue (Parking Lot and Brewery Avenue) for the Pride Village to be held starting Friday, June 16, 2023 through Sunday, June 18, 2023 from 8:00am to 12:00am (Midnight) each day.

Ashlee Coronado, City Clerk

This item was pulled from the agenda.

- 15. Discussion and Possible Approval of Resolution R-23-03; Adopting the updated “Development Standards for Bisbee, AZ Historic District” for use by the City of Bisbee Design Review Board and the General Public.

Nina Williams, Deputy City Clerk

Mr. Ward said a lot of work had gone into this. Hopefully, this would prevent a lot of problems they had faced.

Councilmember Davis commended all involved in this for all their hard work.

Mr. Pauken said one last minute change had been made to Chapter 3 and 4 in reference to outdoor lighting. The changes now makes reference to the current lighting code.

MOTION: Councilmember Davis moved to approve Resolution R-23-03; Adopting the updated “Development Standards for Bisbee, AZ Historic District” for use by the City of Bisbee Design Review Board and the General Public.

SECOND: Mayor Budge

MOTION PASSED: UNANIMOUSLY

- 16. Discussion and Possible Approval of the Notice of Intent to adopt Ordinance O-23-02; Amending and Additions to the Bisbee Zoning Code in relation to Design Review Board “Development Standards for Bisbee, AZ Historic District”.

Nina Williams, Deputy City Clerk

Mayor Budge explained this was the Ordinance that would change the code relating to the last item.

MOTION: Councilmember Davis moved to approve the Notice of Intent to adopt Ordinance O-23-03; Amendments and Additions to the Bisbee Zoning Code in relation to Design Review Board “Development Standards for Bisbee, AZ Historic District.”

SECOND: Councilmember Johns

ROLL CALL VOTE

AYES: Councilmember Giacomino, Davis, Johns, Sowid, Cline and Mayor Budge

NAYS: 0

MOTION PASSED: AYES-6 NAYS-0

- 17. Discussion and Possible Approval to eliminate late fees for overdue library materials for all patrons and clear the accounts of all patrons who are currently blocked due to late fees by adopting Resolution R-23-04; Amending the Library Section relating to Library Fines of the City Fee Schedule.

Jason Macoviak, Library Manager

Mr. Macoviak explained the Library Board wished to remove Library Fees. He gave some history and reports on the Library Fees. They felt that this would create social equity and encourage access to the library and their programs.

Mr. Pauken stated while he agreed with most of what Mr. Macoviak said it came down to a matter of personal responsibility. He viewed this a little differently. This was not so much about the money; it wasn't a lot to ask to pay ten cents if they didn't bring their book back on time.

Mayor and Council discussed the elimination of the fees and asked Mr. Macoviak questions. They each spoke and gave their feedback.

Mayor Budge asked if we could try this for six months. He wanted Mr. Macoviak to come back with the data from those 6 months.

MOTION: Mayor Budge moved to approve to eliminate late fees for overdue library materials for all patrons and clear the accounts of all patrons who are currently blocked due to late fees for a 6-month trial period by adopting Resolution R-23-04; Amending the Library Section relating to Library Fines of the City Fee Schedule.

SECOND: Councilmember Davis

ROLL CALL VOTE

AYES: Councilmember Giacomino, Davis, Johns, Cline, and Mayor Budge

NAYS: Councilmember Sowid

MOTION PASSED: AYES-5 NAYS-1

- 18. Discussion and possible acceptance of the donation from Bisbee Vogue Inc to have a gate and fencing fabricated, painted and installed at the fitness court on Higgins Hill.

Matthew Gurney, Public Works Director

Mr. Dodd explained this donation was an attempt to keep basketballs from bouncing into the fitness court.

Mayor Budge said there should not be a lock on this gate at any time.

MOTION: Mayor Budge moved to approve the acceptance of a donation from Bisbee Vogue Inc to have an unlockable gate and fencing fabricated, painted, and installed at the fitness court at Higgins Hill park.

SECOND: Councilmember Sowid

MOTION PASSED: UNANIMOUSLY

- 19. Discussion and Possible Approval of the Contract Amended #1 of Professional Services Agreement with Westland Engineering & Environmental Services.

Matthew Gurney, Public Works Director

Mr. Gurney explained the original report was completed back in 2016. They had received funds to update the report and would have to amend the contract.

MOTION: Councilmember Davis moved to approve the Contract Amendment #1 of the Professional Services Agreement with Westland Engineering & Environmental Services.

SECOND: Councilmember Sowid

MOTION PASSED: UNANIMOUSLY

- 20. Discussion and Possible Approval of a grant application for the EPA SWIFR Grant to establish new and expand existing recycling programs as well as approve our Letter of Commitment in partnership between the City of Bisbee, City of Douglas, and Cochise County.

Matthew Gurney, Public Works Director

Mr. Gurney explained this grant was for Solid Waste Infrastructure. We were requesting a new bailer to better suit our recycling needs along with a glass crusher that would turn the glass into sand. This could be used in other areas. We were also requesting an air curtain burner. This would turn our green waste into biochar. This could be used by farmers or gardens in town. Biochar could be sold for about \$120 per cubic yard. This grant was also requesting a metal building to keep all these items. They would also assist the City of Douglas in starting their recycling program.

Mayor and Council discussed the grant and asked questions.

MOTION: Councilmember Johns moved to approve the grant application from the EPA SWIFR Grant to establish new and expanded existing recycling programs as well as approve our Letter of Commitment in partnership between the City of Bisbee, City of Douglas, and Cochise County.

SECOND: Councilmember Davis

MOTION PASSED: UNANIMOUSLY

- 21. Discussion and Possible Approval to purchase a CXT Precast Cortex Restroom for Garfield Park.

Matthew Gurney, Public Works Director

Mr. Gurney explained this purchase would come out of ARPA funds for Garfield Park. This was an Arizona State Contract. The building would have two restrooms.

MOTION: Councilmember Cline moved to approve the purchase of a CXT Precast Cortex Restroom for Garfield Park.

SECOND: Councilmember Giacomino

MOTION PASSED: UNANIMOUSLY

- 22. Discussion and Possible Approval of two Utility Easements between the City of Bisbee and APS for the installation of EV Chargers on Sowles Ave.

Ken Budge, Mayor

Mayor Budge said this has been a long time coming. This was the first step to move forward with getting these installed.

MOTION: Mayor Budge moved to approve two Utility Easements between the City of Bisbee and APS for the installation of EV Chargers on Sowles Ave.

SECOND: Councilmember Sowid

MOTION PASSED: UNANIMOUSLY

- 23. Discussion and Possible Approval of a motion to go into executive session to discuss the Hillcrest Contract and for discussion or consultation for legal advice with the City Attorney regarding the Bonds Issues for the PSPRS Obligations as Authorized by A.R.S. 38-431.03 (A)(3)(7).

- *A.R.S. 38-431.03 (A)(7) Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property.*
- *A.R.S. 38-431.03 (A)(3) Discussion of consultation for legal advice with the attorney or attorneys of the public body.*

Ken Budge, Mayor

MOTION: Mayor Budge moved to enter into Executive Session

SECOND: Councilmember Giacomino

MOTION PASSED: UNANIMOUSLY

MOTION: Councilmember Johns moved to come out of Executive Session

SECOND: Councilmember Giacomino

MOTION PASSED: UNANIMOUSLY

24. City Manager's Report:

Mr. Pauken reported on the following items.

- Update on the repeal of food and rental tax. He discussed the impact to the General Fund.
- Spoke regarding the Old Bisbee Post Office hours was no longer a matter of discussion with the lease. All communication related to the hours was to be brought to the Bisbee Postmaster.
- Informed the public about the services planned for Mr. Albert Hopper

MOTION: Mayor Budge moved to adjourn the meeting.

SECOND: Councilmember Davis

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 10:06PM

Ken Budge, Mayor