

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 21, 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 7:00PM.

ROLL CALL

COUNCIL

Councilmember Juanetta Hill, Ward III
Councilmember Joni Giacomino, Ward II
Councilmember Frank Davis, Ward I Excused
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
Tim Cox, Police Chief
Jim Richardson, Fire Chief

CITY ATTORNEY

Joseph Estes

INVOCATION: Mayor Budge asked for a moment of silence to reflect.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Budge spoke regarding several bills before the State Legislature that could cut city revenue and thus cut services that city residents need and enjoy.
- Mayor Budge stated we have a Short-Term Rental Permit in place now and encouraged those who have Short-Term Rentals to come in and get their permit before fines and penalties were enforced.

CALL TO THE PUBLIC

- Fred Miller, Bisbee Resident spoke in opposition of the five-year contract with Bisbee Vogue Bisbee 1000 Stair Climb as written. He suggested some contract modifications.

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 \$219,545.35.

SECOND: Councilmember Johns

ROLL CALL VOTE

AYES: Councilmember Hill, Giacomino, 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 February 21, 2023.

Ashlee Coronado, City Clerk

- B. Approval of a Park, Facility and Right-of-Way Use Permit for Bisbee Pride, Inc. for the use of Goar Park and Adjacent Parking for Day Stage, Amplified Music, entertainers, and DJ Area 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

- C. Approval of an Application for an Extension of Premises/Patio Permit submitted by Electric Brewing for events to be held at 1326 W. Highway 92 #8 Bisbee, Arizona on Saturday, March 18, 2023, Sunday, April 2, 2023, Sunday, June 18, 2023, Sunday August 13, 2023, and Sunday, September 24, 2023; Joseph Fredrickson, Applicant.

Ashlee Coronado, City Clerk

- D. Approval of a Special Event Liquor License Application Submitted by Friends of Bisbee Animal Shelter for an Event to be held at the Gulch Hotel located at 54 Brewery Avenue for The Prowl on Saturday, March 18, 2023 starting at 12:00pm until Sunday, March 19, 2023 at 2:00am; Kelly Galligan, Applicant.

Ashlee Coronado, City Clerk

MOTION: Councilmember Cline moved to approve the Consent Agenda items A – D.

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

OLD BUSINESS

- 3. Discussion and Possible Approval of 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 stated that this was the second reading; these are the changes within the code that will meet the new standards.

MOTION: Mayor Budge moved to approve 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”.

SECOND: Councilmember Sowid

ROLL CALL VOTE

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

NAYS: 0

MOTION PASSED: AYES-6 NAYS-0

NEW BUSINESS

10. Discussion on closing the Bisbee Public Pool for the season due to costly repairs.
Matthew Gurney, Public Works Director

Mr. Gurney stated this was something they really didn't want to do but they were at a point where there was nothing else they could do. The Bisbee pool would need to be closed for the Summer of 2023. Most were aware that towards the end of the 2022 pool season the pump system failed causing the pool to close early. The pool faces repairs and updates that need to be done prior to reopening.

- Holly Kemp, Bisbee Resident encouraged Council to do everything possible to open the pool for the season.
- Tate Rich, Bisbee Resident spoke about the benefits of pools in the community.
- Patricia Lecy, Bisbee Resident spoke about the pool being a key element for her family in engaging in the community.
- Michael Baxter, Bisbee Resident said that to take the pool away for even just one year would be wrong in his opinion.

Mr. Pauken said it was our commitment to the community that we reopen the pool as soon as it is fixed. He didn't want anyone to think that we were even contemplating complete closure.

Council commented and asked questions regarding the Bisbee pool. Mr. Gurney and Mr. Pauken responded to their questions.

4. Public Hearing on Increase of the Transaction Privilege Tax from 2.5% to 3.5%.
Keri Bagley, Finance Director

Mayor Budge said this was voted on in November by the citizens and was passed. This was the official process needed to make this happen.

Mayor Budge opened the Public Hearing. He asked if anyone would like to speak in support or in opposition of this item. There were none.

Mayor Budge asked the City Clerk if any correspondence had been received on this item. Ms. Coronado responded that we had received none.

Mayor Budge closed the Public Hearing.

5. Discussion and Possible Approval of Ordinance O-23-01; an Ordinance of the Mayor and City Council, City of Bisbee, County of Cochise, State of Arizona, Increasing the Transaction Privilege Tax from 2.5% to 3.5%.

Keri Bagley, Finance Director

Mr. Pauken stated the prior one cent sales tax which was dedicated to streets and infrastructure will sunset at the end of this month. The voters approved essentially a renewal of that with the provision that the sales tax would be spent about half on streets and infrastructure and the other half to assist in paying off the bond issue that paid off the Public Safety Retirement System debt. It was scheduled to start up on March 1st.

MOTION: Mayor Budge moved to approve Ordinance O-23-01; As an emergency measure adopting an increase to the Transaction Privilege Tax from 2.5% to 3.5% effective March 1, 2023 striking the notice of intent.

SECOND: Councilmember Johns

ROLL CALL VOTE

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

NAYS: 0

MOTION PASSED: AYES-6 NAYS-0

- 6. Discussion and Possible Approval of a Five-Year Agreement with Bisbee Vogue for Bisbee 1000 Stair Climb.

Stephen Pauken, City Manager
 Joe Estes, City Attorney

Mr. Estes said the City was approached by Bisbee Vogue to enter into a longer-term agreement with regards to the Bisbee 1000 to ensure that they have those dates locked up for that event. Because of what has happened recently with individuals rushing in and trying to reserve locations and dates that have historically been used for one thing and trying to reserve those for something else. He said that this agreement essentially says that the City will recognize this specific time period which has historically been for the Bisbee 1000. This agreement acknowledges that and gives them the comfort of not having conflicting issues. They are asking that they have the assurances and the ability to set up and run this event every year for the next five years.

Council commented and asked questions regarding the five-year agreement. Mr. Estes responded to their comments and questions.

MOTION: Mayor Budge moved to table this item and bring back at the next Council meeting with modifications.

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

- 7. Discussion and Possible Approval of Ordinance O-23-03; Authorizing the Sale and Transfer of Certain Surplus City Property APN: 103-99-034E located on OK Street.

Stephen Pauken, City Manager

MOTION: Councilmember Cline moved to approve Ordinance O-23-03: Authorizing the Sale and Transfer of Certain Surplus City Property, being a Portion of City Owned Property APN: 103-99-034E located on Ok Street.

SECOND: Councilmember Johns

ROLL CALL VOTE

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

NAYS: 0

MOTION PASSED: AYES-6 NAYS-0

- 8. Discussion and Possible Approval of an amended RFP for the Hillcrest Building.

Stephen Pauken, City Manager
 Melissa Hartman, City Planner

Ms. Hartman said this was a revamped RFP to sell the Hillcrest building. Once approved this new bid can go out quite quickly. We were looking at a two-week timeline for turnaround for purchase.

Mr. Estes said they wanted to put a notice in the RFP that the winning bidder would be required to enter into a development agreement with the City to ensure that the property was developed out within a reasonable time period. He stated to the Council that the RFP language would be updated to include this requirement.

Ms. Hartman stated the Hillcrest was in an opportunity Zone; it's the only property in an opportunity zone that is a designation by the state legislatures, which gives an incentive for a developer to go into a low-income area and they can defer their capital gains tax for a certain amount of time. The money can go directly into development.

Council commented and asked questions regarding the RFP for the Hillcrest building. Mr. Pauken and Ms. Hartman responded to their comments and questions.

MOTION: Councilmember Hill moved to approve the amended RFP for the Hillcrest Building.
SECOND: Councilmember Cline MOTION PASSED: UNANIMOUSLY

- 9. Discussion and possible approval for reconditioning the Klampress let filter press for the San Jose Wastewater Plant.

Matthew Gurney, Public Works Director

Mr. Gurney said this was the original belt press from 2006 when the plant was built. Jacobs has been doing a good job trying to keep it running with replacing the bearings and doing repairs. It was now at the point where we need to do some reconditioning of the belt press. Alfa Laval Inc. was sole source; they will only warranty the parts if it's installed by their people.

Council commented and asked questions regarding the reconditioning of the belt press. Mr. Gurney and Mr. Pauken responded to their comments and questions.

MOTION: Councilmember Sowid moved to approve the reconditioning of the Klampress belt filter press for the San Jose Wastewater Plant.
SECOND: Councilmember Cline MOTION PASSED: UNANIMOUSLY

11. City Manager's Report:

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.):

MOTION: Councilmember Giacomino moved to adjourn the meeting.
SECOND: Councilmember Johns
MOTION PASSED: UNANIMOUSLY
ADJOURNMENT: 8:45PM

Ken Budge, Mayor