

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, MARCH 5, 2019 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 Gabe Lindstrom, Ward III

Councilmember Joni Giacomino, Ward II

Councilmember Bill Higgins, Ward I

Mayor David M. Smith

Councilmember Leslie Johns, Ward I

Councilmember Joan Hansen, Ward II

Excused

Councilmember Anna Cline, Ward III, Mayor Pro Tempore

STAFF

Ashlee Coronado, City Clerk

Keri Bagley, Finance Director

Dwayne Wallace, Operations Manager

Albert Echave, Police Chief

CITY ATTORNEY

Elda Orduno

INVOCATION: Mayor Smith asked for a moment of silence in remembrance of three great townspeople, Mary Adams, Reva McIntyre and Gilbert Reyes as well as the 23 people in Alabama and Georgia due to the tornadoes.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

CALL TO THE PUBLIC

- Nicholas Night, Bisbee resident said he was afraid history was going to repeat itself with the hiring of Steve Pauken as the Interim City Manager. He said that this didn't make sense to him. He asked why were we rushing into things. He felt that this was bad timing. He stated he was concerned that the Council would rush into hiring a Community Development Director. There were other items that needed to be addressed first. He stated the need for a Tourism Director.
- Gail Covington, Bisbee resident thanked the Council for their service to the community. She especially wanted to thank Council for the resolution condemning the use of razor wire on the border fence. She was here tonight to urge Council to put a discussion item on the agenda possibly an action item to follow up on this matter. She would like it to be discussed further and possible ideas to see what could be done further. She explained that she had made a phone call to the Tucson border patrol sector to question why the razor wire was placed on Naco's border wall. She said it was requested by the border patrol in high risk urban areas commonly exploited by criminal smuggling organizations. Would anyone describe Naco as a high risk urban area? She didn't think that the razor wire was necessary here. Ms. Covington gave numbers of different measures of border surveillance/security in our area.

- Alison Williams, Bisbee resident said that the Bisbee Bloomers had donated 20 plants to beautify City Hall. She announced that the Copper Queen Library was nominated for a national award the EBSCO excellence in small and rural public library service award this demonstrates excellent service to the community. The Copper Queen Library has won its first national award the EBSCO award.

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 the accounts payable in the amount of \$135,252.87

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

2. Approval of the Consent Agenda

- A. Approval of the Park, Facility, and Right –of-Way Use Permit for the Use of Brewery Gulch for Alice in BisbeeLand to be held on Saturday, April 20, 2019 from 6:00pm to 12:00am (Midnight).

Ashlee Coronado, City Clerk

MOTION: Councilmember Johns moved to approve the Park, Facility and Right of Way use permit for the use of Brewery Gulch for Alice in Bisbeeland to be held on Saturday, April 20, 2019 from 6:00 PM to 12:00 AM.

SECOND: Mayor Smith

ROLL CALL VOTE:

AYES: Councilmember Lindstrom, Giacomino, Higgins, Johns, Cline and Mayor Smith.

NAYS: 0

MOTION PASSED: AYES -6; NAYS -0

OLD BUSINESS

NEW BUSINESS

3. Presentation of the City of Bisbee’s Annual Audit Report for the Year Ended June 30, 2018 by Steven Palmer, CPA, Hinton Burdick.

Keri Bagley, Finance Department

Steven Palmer of Hinton Burdick presented the Fiscal Year 2018 financial activity and audit. He explained that the question that everyone wanted to know was, did the city pass. The answer to that question is yes, the city passed their audit. He explained the three different reports that the audit company issues. He explained that there were no material weaknesses noted and no significant deficiencies noted. Mr. Palmer went over the various funds within the City. Mr. Palmer thanked the Council for giving them the opportunity to provide this service to the city. He also thanked the city employees that helped with the audit, especially Keri and Cindy.

Mayor Smith thanked Mr. Palmer.

- 4. Discussion and Possible Approval of Resolution R-19-04; Approving Application for and Possible Administration of any and all Fire Prevention, Safety and Communications Systems-Oriented grants written by Old Bisbee FireWise’s team of grant writers, so long as such grants would directly benefit the city, not cost the city in additional money or resources, and so long as such applications are pre-approved in writing by both the Mayor and the Chief of Bisbee Fire Department or the Mayor and the Chief of the Bisbee Police Department.

David M. Smith, Mayor

Mayor Smith explained that this item had come about because we have several volunteer grant writers and they were finding that due to the windows on some of the grants timing they wouldn’t be able to get it to Council in time. It would come to Council if we received a grant. This would allow them to apply for grants without having to come before Council each time.

Elda Orduno explained that if Council does approve this item a correction would need to be made. She explained that the second to the last paragraph failed to mention the Police Chief. This would just help keep the Resolution consistent.

Councilmember Johns asked if there could be discussion regarding what these grants would be for so the public was aware.

Danielle Bouchever explained that these grants would be for infrastructure for the communication system, various vehicles and equipment. She explained that there was currently a list of items needed. This would be a blanket agreement that FireWise would write for these things, if they were able to get funding it would of course come back for Council’s approval.

MOTION: Councilmember Johns moved to approve Resolution R-19-04 Approving Application for and Possible Administration of any and all Fire Prevention, Safety and Communications Systems-Oriented grants written by Old Bisbee FireWise’s team of grant writers, so long as such grants would directly benefit the city, not cost the city in additional money or resources, and so long as such applications are pre-approved in writing by both the Mayor and the Chief of Bisbee Fire Department or the Mayor and the Chief of the Bisbee Police Department, to include the changes as proposed by the City Attorney.

SECOND: Councilmember Higgins

ROLL CALL VOTE:

AYES: Councilmember Lindstrom, Giacomino, Higgins, Johns, Cline and Mayor Smith.

NAYS: 0

MOTION PASSED: AYES -6; NAYS -0

- 5. Discussion and Possible Approval of the Notice of Intent to Adopt Ordinance O-19-02, Amending the Appendix of the Zoning Regulations to bring the Zoning Use Matrix into compliance with the text of the Zoning Regulations.

Pete Gardner, Planner II

Mr. Gardner explained that these changes are very minor, they are to bring the matrix showing the uses of zoning regulations into compliance with the text of the regulations.

MOTION: Councilmember Lindstrom moved to approve the notice of intent to adopt Ordinance O-19-02, amending the appendix of the zoning regulations to bring the zoning use matrix into compliance with the text of the zoning regulations.

SECOND: Mayor Smith

ROLL CALL VOTE:

AYES: Councilmember Lindstrom, Giacomino, Higgins, Johns, Cline and Mayor Smith.

NAYS: 0

MOTION PASSED: AYES -6; NAYS -0

- 6. Discussion and Possible Approval to Enter into a Contract with Conklin Electrical, ETC., LLC. To complete the installation of the Grassy Park Lightning Project. The Total Cost is \$55,000 with 60% (\$33,000) Paid up Front.

Dwayne Wallace, Operations Manager

Mr. Wallace explained that the plan had previously been brought before Council. Supervisor English had pledged an amount of money to improve the lighting a Grassy Park. He explained that we had gone out to bid and received three local bids, the most responsive bidder was, Conklin Electrical.

MOTION: Councilmember Cline moved to approve the Contact with Conklin Electrical, Etc to complete the installation of the Grassy Park lighting project. The total cost is \$55,000 with 60% paid upfront.

SECOND: Councilmember Johns

ROLL CALL VOTE:

AYES: Councilmember Lindstrom, Giacomino, Higgins, Johns, Cline and Mayor Smith.

NAYS: 0

MOTION PASSED: AYES -6; NAYS -0

- 7. Discussion and Possible Approval to Enter into a Contract with KE&G to Complete the TinTown Drainage & Pavement Project Phase 2.

Dwayne Wallace, Operations Manager

Mr. Wallace explained that this project was started under Tom Klimek. This would help the drainage and flood control in Tintown.

MOTION: Councilmember Cline moved to approve a contract with KE&G to complete the Tintown drainage and pavement Project phase 2.

SECOND: Mayor Smith

ROLL CALL VOTE:

AYES: Councilmember Lindstrom, Giacomino, Higgins, Johns, Cline and Mayor Smith.

NAYS: 0

MOTION PASSED: AYES -6; NAYS -0

- 8. Discussion and Possible Approval to Issue the Certificate of Occupancy for 429 D Laundry Hill Bisbee, AZ 85603; Jon Sky Property Owner.

Leslie Johns, Councilmember Ward I
Bill Higgins, Councilmember Ward I

This item was pulled from the agenda.

- 9. Discussion and Possible Action Regarding Employment Status of Robert Smith.

Per ARS § 38-431.03(a)(1), the City Council may vote to go into executive session for discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body.

David M. Smith, Mayor

MOTION: Councilmember Cline moved to enter into Executive Session

SECOND: Mayor Smith

MOTION PASSED: AYES-5 NAYS-1

MOTION: Councilmember Higgins moved to come out of Executive Session.

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

MOTION: Councilmember Cline moved to adopt a preliminary resolution stating the Council’s intent to remove the city manager pursuant to charter section 3.09

SECOND: Mayor Smith

ROLL CALL VOTE:

AYES: Councilmember Giacomino, Higgins, Cline and Mayor Smith.

NAYS: Councilmember Lindstrom and Johns

MOTION PASSED: AYES -4; NAYS -2

10. Discussion and Possible Appointment by Mayor and Council of an Interim City Manager.

Per ARS § 38-431.03(a)(1), the City Council may vote to go into executive session for discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body.

David M. Smith, Mayor

MOTION: Councilmember Cline moved to enter into Executive Session

SECOND: Councilmember Higgins

MOTION PASSED: AYES-5 NAYS-1

MOTION: Councilmember Higgins moved to come out of Executive Session.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

MOTION: Councilmember Lindstrom moved to appoint Stephen Pauken as interim city manager to serve in that capacity until such time as a permanent city manager was appointed and employed subject to the parties’ mutual agreement to modifications of the professional services agreement.

SECOND: Councilmember Cline

ROLL CALL VOTE:

AYES: Councilmember Lindstrom, Giacomino, Higgins, Johns, Cline and Mayor Smith.

NAYS: 0

MOTION PASSED: AYES -6; NAYS -0

11. City Manager's Report:

- Other current events (No Discussion)

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 Johns explained that on the Design Review Board there were two vacancies. There have been a few meetings that they were unable to meet because there was not a quorum. Things were being held up due to this. She explained that approval and appointment to the Design Review Board. She requested that Frank Davis

and Ken Budge be appointed to the Design Review Board that would be the most reasonable fix to all of this. She would like meetings to be able to be held regularly. This seems like it would be the best resolution at this point in time.

MOTION: Councilmember Higgins moved to adjourn the meeting.

SECOND: Councilmember Lindstrom

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 9:04 PM

David M. Smith, Mayor