

This meeting was closed to the public due to Covid19.

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 17, 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 7:05 PM.

ROLL CALL

COUNCIL

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

STAFF

Theresa Coleman, City Manager
Ashlee Coronado, City Clerk
Joelle Landers, Personnel Director
Jesus Haro, Public Works Director
George Castillo, Fire Chief

CITY ATTORNEY

William Macdonald

INVOCATION: Mayor Smith asked for a moment of silence for all the countries that Covid 19 was ravaging as well as the United States, even our state of Arizona.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Smith said that he had a conference with Senator Sinema and other mayors to keep an ongoing dialogue with the changes with Covid 19. Mayor Smith said that he met with the governor's office today and they would be giving daily briefings regarding Covid 19.
- Mayor Smith said that he was pulling item 2E and 2F from the Consent Agenda.

CALL TO THE PUBLIC- Public Comments were submitted by email and read aloud by Joelle Landers due to the social distancing requirements.

- Submitted by Brad Edwards, Bisbee resident commented on item 8 of the Agenda. He said that he wanted to receive some clarification. He was unhappy with the way that the reductions were being calculated and said that it was hard to find the clarification on the website. He requested that the information be made available in a clearer location.

- Submitted by Kenneth Budge, Bisbee resident. Mr. Budge requested that items 3, 7,8 and 9 be pulled and brought back up when things got back to normal and the public could attend. He also requested that the Mayor hold future items that were not essential to running the city. He urged Council to table those items.
- Submitted by Steve Pauken, Bisbee resident. Mr. Pauken commented on the MOU regarding interfacility transports. He requested clarification regarding the fiscal impact. He stressed that this decision was more than a change in protocol it impacted many things like the general fund budget.
- Submitted by Claire Chaffee, Bisbee resident. Ms. Chaffee requested that Council pull items 3, 7, 8 and 9 until the time when citizens are able to express themselves to council in person.

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 \$142,391.78.

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

2. Approval of the Consent Agenda

- A. Approval of the Minutes of the Regular Session of Mayor and Council held on February 18, 2020 at 7:00 pm.

Ashlee Coronado, City Clerk

- B. Approval of the Appointment of Jade Luinstra to the Youth Council.

Ashlee Coronado, City Clerk

- C. Approval of the Appointment of Rubi Luinstra to the Youth Council.

Ashlee Coronado, City Clerk

- D. Approval of the Appointment of Angelica Johnson to the Library Advisory Board.

Ashlee Coronado, City Clerk

- E. Approval of a Park Facility and Right of Way Use Permit for the use of Grassy Park and Five adjacent parking spaces on Main Street for the Friends of the Bisbee Animal Shelter Animal Resource Fair to be held on Saturday, April 25, 2020 from 8:30 am to 6:30 pm, this includes set up and breakdown.

Ashlee Coronado, City Clerk

This item was pulled from the agenda.

- F. Approval of a Special Liquor License Application submitted by Central School Project for and event to be held at Central School located at 43 Howell Avenue, Bisbee, Arizona on Friday, May 1, 2020 from 4:30 pm to 10:30 pm, Laurie McKenna; Applicant.

Ashlee Coronado, City Clerk

This item was pulled from the agenda.

- G. Approval of a Liquor License Application for POCO located at 15 Main Street, Bisbee, AZ, Kelly Galligan, Applicant.
Ashlee Coronado, City Clerk

MOTION: Councilmember Cline moved to approve the consent agenda items 2A-D and G
 SECOND: Councilmember Pawlik

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

OLD BUSINESS

- 3. Discussion and Possible Approval of a Notice of Intent to Adopt Ordinance O-20-01; Amending the City Code Section 10.1.8, Nuisance.
Theresa Coleman, City Manager

Ms. Coleman explained that this had been considered in the past and there were concerns brought up regarding the entertainment district.

Mr. William Macdonald addressed the changes to the noise in the entertainment district.

MOTION: Councilmember Hansen moved to approve the Notice of Intent to Adopt Ordinance O-20-01; Amending the City Code Section 10.1.8, Nuisance.
 SECOND: Councilmember Pawlik

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Hansen and Mayor Smith.

NAYS: Councilmember Higgins, Johns and Cline

MOTION PASSED: AYES -4; NAYS -3

NEW BUSINESS

- 4. **Discussion and Possible Action regarding the Senatorial request for a Declaration of Emergency.**
David M. Smith, Mayor

Mayor Smith explained during his call with Senator Sinema she requested that all of the Mayors in the state declare a state of emergency. Her reason in doing this was so that if we started to lose funds we would be able to request state and federal assistance. Senator Sinema also requested that bars and restaurants be closed and congregation of people be kept to 10 people or less. Mayor Smith went on to say that at this time he was not going to declare a state of emergency. There were currently a total of 20 cases in the state of Arizona and none in Cochise County. He informed Council that he had contacted restaurants and bars in the city to brief them on the situation. He explained that should we have to go to the next step of declaring a state of emergency he hoped he had Council’s backing on that.

Mayor Pro Tempore Pawlik said that he respected the Mayor’s decision and would back him on that.

Councilmember Giacomino asked if not declaring a state of emergency would set us back for any sort of funding. She also asked how it would affect the borders.

Mayor Smith responded no it would not affect funding and at this time it was not affecting the border.

Council discussed the issue and Ms. Coleman gave an update on the changes to city functions to include City Hall, the Library, Queen Mine and Visitor Center.

Mayor Pro Tempore Pawlik cautioned the Mayor not to wait too long to declare an emergency, because it was here.

- 5. Discussion and Possible Approval for the Bisbee Arts Commission to sponsor Kate Scott’s Book on the Impact of the Border Wall on the River and Wildlife in the amount of \$1,000.00 to publish 200 copies from the Bisbee Arts Commission Fund.

Bill Higgins, Council Liaison

Councilmember Higgins explained that this was unanimously approved by the Bisbee Arts Commission.

MOTION: Councilmember Higgins moved to approve the sponsorship by the Bisbee Arts Commission to sponsor Kate Scott’s book on the impact of the border wall on the River and Wildlife in the amount of \$1000 to publish 200 copies.

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

- 6. Discussion and Possible Approval for the Bisbee Arts Commission to sponsor the Central School Projects Make Youth Arts Festival 2020 in the amount of \$350 from the Bisbee Arts Commission Fund.

Bill Higgins, Council Liaison

Councilmember Higgins explained that this event had been postponed but still needed the funds for the future event. Councilmember Higgins explained that this was also approved unanimously by the Bisbee Arts Commission.

MOTION: Councilmember Higgins moved to approve the sponsorship by the Bisbee Arts Commission to sponsor the Central School Project make youth arts Festival 2020 in the amount of \$350.

SECOND: Mayor Pro Tempore Pawlik

MOTION PASSED: UNANIMOUSLY

- 7. Discussion and Possible Approval of a Memorandum of Understanding related to Medical Transport Service.

George Castillo, Fire Chief

Chief Castillo gave history on the memorandum of understanding. He explained that this MOU would change how these medical transports would take place. Due to staffing shortage they were not able to take the volume of transports that they had in the past. He explained that this would allow the city to do all in County transports. Chief Castillo also commented on the wear and tear on the ambulance vehicles.

Lieutenant Villasenor, explained how transports were currently working and how they were billed. He also explained the safety issue involved in transports.

Chief Castillo went over the transportation numbers over the last few years.

Mayor Pro Tempore Pawlik said that he had researched this issue. He said that they had a tough job. He realized that there was a fiscal issue but he wanted to err on the side a safety.

Council discussed this memorandum in comparison to the existing one along with the financial impacts.

Councilmember Cline said that it was always about safety, and as a Council they needed to look at vehicle replacement.

MOTION: Councilmember Higgins moved to approve the Memorandum of Understanding related to Medical Transport Services.

SECOND: Councilmember Pawlik

ROLL CALL VOTE:

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

NAYS: Councilmember Cline

MOTION PASSED: AYES -6; NAYS -1

8. Discussion and Possible Approval of a Notice of Intent to Adopt Ordinance O-20-04, Amending the City Code to Repeal and Remove Fees within the City Code and Approval of a City Fee Schedule.

Theresa Coleman, City Manager

Ms. Coleman explained this was the third or fourth time this had come before Council. Adjustments had been made based on comments we had received.

MOTION: Mayor Pro Tempore Pawlik moved to approve the notice of intent to adopt Ordinance O-20-04, amending the City Code to repeal and remove fees within the City Code and approval of a City Fee Schedule.

SECOND: Councilmember Hansen

ROLL CALL VOTE:

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

NAYS: Councilmember Cline

MOTION PASSED: AYES -6; NAYS -1

9. Discussion and Possible Approval of a Notice of Intent to Adopt Ordinance O-20-05, Amending Article 11.3.4 of the Bisbee City Code entitled Library Fines and Collection Policies and providing for repeal and severability.

Theresa Coleman, City Manager

Ms. Coleman explained that this went hand-in-hand with the fee schedule. This would clarify what was being charged in the fee schedule.

MOTION: Councilmember Higgins moved to approve the Notice of Intent to Adopt Ordinance O-20-05, amending article 11.3.4 of the Bisbee City Code entitled Library Fines and Collection Policies and providing for repeal and severability

SECOND: Councilmember Hansen

ROLL CALL VOTE:

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

NAYS: Councilmember Giacomino

MOTION PASSED: AYES -6; NAYS -1

10. Discussion and Possible Direction to staff regarding the preparation of one or more propositions for the 2020 General Election to amend the Transaction Privilege Tax Rate.

Theresa Coleman, City Manager

Ms. Coleman explained that the city currently had a 1% sales tax in place that was good through the next election cycle when it would need to be renewed. She said that this was an opportunity to talk about an additional 1% sales tax to support public safety.

Councilmember Giacomino asked if passed can it be specified exactly what it went to.

Mayor Smith responded yes that's what was done with the streets revenue.

Council discussed where an increase could possibly be used. Items discussed were Streets, Walls and Public Safety.

Council directed staff to give two proposals for the possible increase.

11. City Manager's Report:

- Ms. Coleman gave an update on E-Fleets program. She said that due to manufacturing glitches the vehicles would most likely be delivered in the next fiscal year. They would be budgeted for accordingly.
- Ms. Coleman informed Council that a renewal to the Inmate Labor Contract was completed with no changes.
- Other Current events (No Discussion) - Ms. Coleman asked Mr. Haro public works director to explain changes to the garbage collection.
Mr. Haro explained that due to the Covid 19 pandemic temporary changes would be made to the sanitation department. Maximizing the mechanical pickup in old Bisbee was a priority. There would no longer be hand pick up. Dumpsters have been set out in locations along Tombstone Canyon and Brewery Avenue. He said that changes would also be made to recycling. They were going to ask the public to bring their recycling to the station. Staff would be available to assist with sorting.

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.):

ADJOURNMENT:

MOTION: Councilmember Higgins moved to adjourn the meeting.

SECOND: Councilmember Pawlik

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 8:45 PM

David M. Smith, Mayor