

## 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 19, 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  
Councilmember Anna Cline, Ward III, Mayor Pro Tempore

#### **STAFF**

VACANT, City Manager  
Ashlee Coronado, City Clerk  
Keri Bagley, Finance Director  
Albert Echave, Police Chief  
George Castillo, Fire Chief

#### **CITY ATTORNEY**

Elda Orduno

INVOCATION: Mayor Smith asked for a moment of silence to think about the numerous tragedies and problems we have had in the United States.

### PLEDGE OF ALLEGIANCE

#### MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Smith welcomed and acknowledged Peggy and Steve Pauken. He was looking forward to working with Steve.
- Mayor Smith informed everyone that there will be a Work Session held next Tuesday, March 26<sup>th</sup> for the Council to discuss a permanent City Manager at 5:30PM.

#### CALL TO THE PUBLIC

- Alison Williams spoke regarding upcoming programs at the Copper Queen Library.
- Monica Patience spoke regarding rocks on OK Street and also wanted to know what criteria was used for painting the rails red. She didn't feel that citizens in Bisbee are treated equally.
- Doris Turner spoke regarding having a comprehensive sewer discussion at a work session and thought that the size of house should be considered.
- Jon Sky spoke about the Design Review Board appointments Frank Davis was good for the board and that Ben Lepley did not live in Bisbee. He spoke about the building inspections and how difficult it was to get permits.
- Tyler Bradberry spoke regarding permitting with the County, the process was more and more difficult it took almost three (3) weeks to get permits.

- Richard Rosales, Community Affairs for APS spoke regarding the programs APS has to offer. Citizens can find out more about APRS programs at [www.aps.com/helping](http://www.aps.com/helping)

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 \$353,400.51.

SECOND: Councilmember Johns

Mayor Smith asked if there were any questions.

Councilmember Cline asked about the reimbursement for Mr. Smith there was one last accounts payable and one on this accounts payable.

Ms. Bagley stated that this was mileage for when Mr. Smith went to the ICMA Conference in Flagstaff.

Councilmember Cline asked about 10-75-46000 Operational Expenses: Food/Pick UP \$90.50.

Ms. Bagley said she will have to look into this she was not sure what this was for.

Councilmember Cline asked about the expenses for asphalt. She didn't think it was the time of year to be using asphalt.

Ms. Bagley stated that this was to fix the dip in the road on Hereford Road.

MOTION PASSED: UNANIMOUSLY

2. Approval of the Consent Agenda

- A. Approval of the Appointment of Juanetta Hill to the Bisbee Arts Commission.  
Nina Williams, Deputy City Clerk
- B. Approval of the Appointment of Frank Davis to the Design Review Board.  
Nina Williams, Deputy City Clerk
- C. Approval of the Appointment of Benjamin Lepley to the Design Review Board.  
Nina Williams, Deputy City Clerk
- D. Approval of the Park, Facility, and Right –of-Way Use Permit for the Use of City Park Band Stand for Shakespeare in the Park to be held on Saturday, April 13, 2019 from 3:00 pm to 11:00 pm, this includes set-up and breakdown.  
Nina Williams, Deputy City Clerk
- E. Approval of the Park, Facility, and Right –of-Way Use Permit for the Use of Grassy Park for the Friends of the Bisbee Animal Shelter Animal Resource Fair to be held on Saturday, April 27, 2019 from 8:30 am to 6:30 pm, this includes set-up and breakdown.  
Nina Williams, Deputy City Clerk

- F. Approval of the Park, Facility, and Right –of-Way Use Permit for the Use of City Park, Goar Park and Brewery Gulch for the Blues in Bisbee Music Festival to be held on Friday, September 6, 2019 from 4:00 pm to 11:00 pm and Saturday, September 7, 2019 from 12:00 pm to 10:00 pm.

Nina Williams, Deputy City Clerk

Mayor Smith asked if Council wished to pull one of these for discussion.

Councilmember Giacomino wanted C pulled for further discussion.

Councilmember Johns wanted D and F Pulled for further discussion.

MOTION: Councilmember Cline moved to approve Consent Agenda Items A, B and E.

SECOND: Councilmember Hansen

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

- C. Approval of the Appointment of Benjamin Lepley to the Design Review Board.

Councilmember Giacomino stated that Mr. Lepley doesn't reside in Bisbee. She was curious to know why he was chosen. Mayor Smith stated that he chose Mr. Lepley because he was an architect and he lived here part time.

MOTION: Mayor Smith moved to approve the appointment of Benjamin Lepley to the Design Review Board.

SECOND: Councilmember Higgins

ROLL CALL VOTE:

AYES: Councilmember Higgins, Hansen, and Mayor Smith

NAYS: Councilmember Lindstrom, Giacomino, Johns, and Cline

MOTION FAILED: AYES -3; NAYS -4

- D. Approval of the Park, Facility, and Right –of-Way Use Permit for the Use of City Park Band Stand for Shakespeare in the Park to be held on Saturday, April 13, 2019 from 3:00 pm to 11:00 pm, this includes set-up and breakdown.

Councilmember Johns stated that everyone else had copies of their insurance and it wasn't in the packet for this event.

MOTION: Councilmember Johns moved to table this item until the next meeting.

SECOND: Councilmember Giacomino

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

- F. Approval of the Park, Facility, and Right –of-Way Use Permit for the Use of City Park, Goar Park and Brewery Gulch for the Blues in Bisbee Music Festival to be held on Friday, September 6, 2019 from 4:00 pm to 11:00 pm and Saturday, September 7, 2019 from 12:00 pm to 10:00 pm.

Councilmember Hansen asked about the barriers from St. Elmo’s all the way down to the end of Brewery Gulch. Did that mean that people who live on upper Gulch couldn’t get down that way. Was there a concern about having that blocked off.

Chief Echave stated that the format that they are using was the same as the 4<sup>th</sup> of July events. Traffic would be allowed to come up, but not allowed to come down they will have traffic go around City Park and be directed back down to Main Street behind Western Bank. OK Street will still be open.

Councilmember Higgins asked about the time ending being 11:00 pm. Ms. Coronado, City Clerk stated that included breakdown.

MOTION: Councilmember Hansen moved to approve the Park, Facility, and Right-of-way Use Permit for the use of City Park, Goar Park, and Brewery Gulch for the Blues in Bisbee Music Festival to be held on Friday, September 6, 2019 from 4:00 pm to 11:00 pm and Saturday, September 7, 2019 from 12:00 pm to 10:00 pm.  
 SECOND: Mayor Smith

**ROLL CALL VOTE:**

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

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

**OLD BUSINESS**

- 3. Discussion and Possible Approval of 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

Mayor Smith stated that this was the second reading of this and he asked if Council had any questions.

MOTION: Councilmember Johns moved to approve 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: Councilmember Hansen

**ROLL CALL VOTE:**

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

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

**NEW BUSINESS**

- 4. Discussion and Possible Approval of the Assignment of Hanger Lease between the City and Fast Fab Erectors, Inc. to Lindsay (Buzz) Hale.  
 Elda Orduno, City Attorney

This item was pulled from the Agenda.

- 5. Discussion and Possible Approval of Ordinance O-19-03: An Ordinance of the Mayor and City Council, City of Bisbee, County of Cochise, State of Arizona, Increasing the Wastewater Rates.  
Keri Bagley, Finance Department

Mayor Smith stated that this was pursuant to a rate study that was done and as a result of the study we had two (2) options for Council to consider. Mayor Smith spoke regarding the options that were presented from the study.

Option 1 provides for a delay in any increase in sewer fees until July 1, 2021. Beginning July 1, 2021, fees will increase 3% annually for the first three (3) years and 2% for the subsequent 4 (four) years.

Option 2 provides for a 1% increase to sewer fees on July 1, 2019 and increasing 2% annually for the following 8 years.

Donna Pulling asked that Council hold off on the vote tonight. She spoke on a tax in 1994, double charging. She would like Council to consider tabling item.

Mayor Smith stated that the sewer rate had been discussed in a Work Session earlier and it was before Council now. He also stated that he has discussed this with and received this information from Ms. Pulling some time ago. He referred this to legal who indicated that there wasn't paperwork available to substantiate the information given.

Councilmember Giacomino said that maybe Council should table this item for further investigation.

MOTION: Councilmember Johns moved to table this item until the April 16<sup>th</sup> meeting.  
SECOND: Councilmember Giacomino

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

- 6. Discussion and Possible Approval to Enter into the Professional Services Agreement to Retain Stephen J. Pauken as Interim City Manager.  
*Per ARS § 38-431.03(a)(3), the City Council may vote to go into executive session for discussion or consultation for legal advice with its attorney.*

Leslie Johns, Councilmember Ward I  
 Joni Giacomino, Councilmember Ward II  
 Gabe Lindstrom, Councilmember Ward III

Ms. Orduno stated that she had put in the option to go into executive session in case Council had questions.

Mayor Smith said he saw no reason to go into executive session.

Councilmember Hansen asked about early termination and the amount Mr. Pauken would be paid. Ms. Orduno stated that the agreement was for a flat fee \$17,600.00, so if Mr. Pauken works for one week or nineteen weeks he will get that flat fee based on this agreement.

Ms. Orduno said if Council wanted to make amendments we could talk with Mr. Pauken.

Councilmember Hansen would like the agreement to be paid on a monthly basis.

MOTION: Councilmember Hansen moved to amend the agreement to pay Mr. Pauken monthly as opposed to the entire amount with in seven (7) days.

Ms. Orduno stated for clarification the motion was to say if he only completed twelve (12) weeks then we will prorate the \$17,600.00 and the City will only pay him for those twelve (12) weeks.

Councilmember Hansen stated correct.

Councilmember Lindstrom said he didn't think it was necessary and it should be approved as it was written.

Councilmember Cline agreed with Councilmember Lindstrom and felt we were getting a bargain and she would like the contract as it was.

Ms. Orduno clarified that there was already a motion on the table and Council needed to vote on that and if it fails then somebody else can make another motion.

SECOND: Councilmember Johns

ROLL CALL VOTE:

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

NAYS: Councilmember Lindstrom, Giacomino, and Cline

MOTION PASSED: AYES -4; NAYS -3

7. City Manager's Report:

- Other current events (No Discussion)
- Mr. Pauken thanked the Council for asking him to do this. This was home. He was delighted to help in the next nineteen (19) weeks. He stated that the number one (1) priority in the next nineteen (19) weeks was to find a City Manager. He stated that there would be a work session next Tuesday on this. He pledged that Bisbee was a Council/ Manager Town he will work with the Mayor and Council for the next nineteen (19) weeks he works for all of Council equally.

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 Higgins moved to adjourn the meeting.

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 7:53PM

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Anna Cline, Mayor Pro Tempore