

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, APRIL 6, 2021 AT 7:00 PM VIA ZOOM.

THE MEETING WAS CALLED TO ORDER BY MAYOR BUDGE AT 7:01 PM.

ROLL CALL

COUNCIL

Councilmember Louis Pawlik, Ward III
Councilmember Joni Giacomino, Ward II
Councilmember Frank Davis, Ward I
Mayor Ken Budge
Councilmember Leslie Johns, Ward I
Councilmember Joan Hansen, Ward II
Councilmember Anna Cline, Ward III, Mayor Pro Tempore

STAFF

Theresa Coleman, City Manager
Ashlee Coronado, City Clerk
Keri Bagley, Finance Director
Joelle Landers, Personnel Director
Jesus Haro, Public Works Director
Albert Echave, Police Chief
George Castillo, Fire Chief

CITY ATTORNEY

Joseph Estes

INVOCATION: Mayor Budge asked for a moment of silence to recognize all that happened in the last few weeks with gun violence. He asked that we put all the victims' families in our thoughts.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Budge read a Proclamation for National Medical Laboratory Professionals Week

CALL TO THE PUBLIC

- Ms. Landers read comments submitted by the City of Bisbee employees. They submitted letters of support of City Manager Coleman.
- Ms. Landers read comments from Joe Ward, Ward 2 Resident. He wrote that terminating Ms. Coleman was the wrong thing to do. He said that she was well respected by her staff and she had great work ethic.
- Ms. Landers said that there were also letters and signatures from 48 members of staff.

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 \$341,340.89.

SECOND: Mayor Budge

Councilmember Giacomino asked about the appraisals that were paid for. Were they properties that we had or ones that we wanted to obtain.

Ms. Coleman responded that they were properties that were on the list for eminent domain. We were in a position to pursue 7 of them.

Councilmember Giacomino asked about the amount being paid to Xerox corporation.

Ms. Coronado responded that it was our monthly charge for the copy machine at City Hall.

Councilmember Giacomino asked about the reimbursement charge in Personnel.

Ms. Landers responded that it was for the 5 longevity gifts.

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Davis, Johns, Hansen, Cline and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

2. Approval of the Consent Agenda

- A. Approval of the Minutes of the Regular Session of the Mayor and Council held on March 16, 2021.

Ashlee Coronado, City Clerk

- B. Approval of a Permanent Extension of Premises/Patio Application Submitted by the Bisbee Table, 2 Copper Queen Plaza, Bisbee, AZ; Robert Page, Applicant.

Ashlee Coronado, City Clerk

MOTION: Councilmember Johns moved to approve Consent Agenda Items A&B.

SECOND: Councilmember Cline

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Davis, Johns, Hansen, Cline and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

OLD BUSINESS

3. Discussion and Possible Approval of the Quotes from Enterprise for Equity Leases for two Colorado pickup trucks.

Theresa Coleman, City Manager

Mr. Haro explained that these vehicles were included in the budget during this time last year. They are being distributed through 5 different departments in Public Works.

Councilmember Pawlik asked Mr. Estes what would happen if we did not recognize these payments and what would the consequences be.

Mr. Estes responded that we would default on the lease agreement and return the vehicles. The vehicles would have to be sold at auction and we would have to pay approximately \$5,000 to \$6,000 per vehicle.

Councilmember Giacomino asked about the state of our budget and did we really have the finances to buy these vehicles. We may lose \$12,000 in the end, but how much would the vehicles really cost us in the end. She asked if these trucks were imperative to Public Works operations.

MOTION: Councilmember Pawlik moved to approve the Quotes from Enterprise for Equity Leases for two Colorado Pickup Trucks.

SECOND: Councilmember Hansen

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Davis, Johns, Hansen and Mayor Budge.

NAYS: Councilmember Giacomino and Cline

MOTION PASSED: AYES -5 NAYS -2

- 4. Discussion and Possible Approval of Ordinance O-21-08; Amending the Zoning Code of the City of Bisbee, Adding Article 10B, Recreational Marijuana Establishments and Testing Facilities.
Theresa Coleman, City Manager

MOTION: Councilmember Davis moved to approve Ordinance O-21-08; Amending the Zoning Code of the City of Bisbee, Adding Article 10B, Recreational Marijuana Establishments and Testing Facilities.

SECOND: Councilmember Hansen

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Davis, Johns, Hansen, Cline and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

- 5. Discussion and Possible Approval of Ordinance O-21-09; Bisbee Workforce Housing Initiative.
Theresa Coleman, City Manager

MOTION: Councilmember Davis moved to approve Ordinance O-21-09; Bisbee Workforce Housing Initiative.

SECOND: Councilmember Johns

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Davis, Johns, Hansen and Mayor Budge.

NAYS: Councilmember Giacomino and Cline

MOTION PASSED: AYES -5 NAYS -2

NEW BUSINESS

- 6. Presentation by VEREGY on energy efficiency solutions, solar and smart building technology.
Theresa Coleman, City Manager

Ms. Coleman explained that Veregy had reached out with potential solutions for improvements at City Buildings. Veregy reached out and requested to make a presentation.

Mr. Dick Williams gave a presentation to Mayor and Council on possible energy savings projects available to the City of Bisbee. Mr. Williams said that he hoped that Council would consider moving forward to complete the feasibility study. He thanked Mayor and Council for their time.

- 7. Presentation by Enterprise Fleet Management.
Theresa Coleman, City Manager

Ms. Coleman introduced Kaylin Wiley and Evan Paur from Enterprise who would give a presentation to Council on the Vehicle Fleet programs available.

Ms. Wiley and Mr. Paur explained the programs available and the advantages of going with their company.

- 8. Discussion related to vehicles for delivery during FY 21/22.
Theresa Coleman, City Manager

Councilmember Johns asked why we were bringing this up now instead of during the budget sessions.

Ms. Coleman said that this way when we were in the budget sessions, it would reflect what we wanted to move forward with.

Councilmember Cline asked why other departments aren't being considered for new vehicles.

Ms. Coleman responded that other departments had the opportunity to request new vehicles as well.

Council discussed the costs involved with the new vehicles.

- 9. Discussion and Possible Approval of a Park, Facility, and Right-of-Way Use Permit for the use of City Park and Brewery Gulch for the Blues in Bisbee to be held on Saturday, September 18, 2021 from 11:00 AM to 9:00 PM.
Ashlee Coronado, City Clerk

Annette Mather from Easter Seals Blake Foundation explained that she was requesting a permit for the use of City Park for the Blues in Bisbee Festival on September 18, 2021. She said that she had met with City staff and they had worked up two plans. Option A was requesting to close off the Gulch to provide a safer event. Option B was allowing traffic up the Gulch as a partial closure.

Council discussed their preference on street closures.

MOTION: Mayor Budge moved to the Park Facility and Right of Way Use Permit for the use of City Park and Brewery Gulch for the Blues in Bisbee event to be held on Saturday, September 18, 2021 from 11:00am to 9:00pm using Option A.

SECOND: Councilmember Davis

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Davis, Johns, Hansen, Cline and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

- 10. Discussion and Possible Approval of a Special Event Liquor License Application Submitted by Easterseals Blake Foundation for an Event to be held at City Park on Saturday, September 18, 2021 from 10:00 AM to 10:00 PM; Dina Scalone, Applicant.
Ashlee Coronado, City Clerk

MOTION: Councilmember Hansen moved to approve the special event liquor license application submitted by Easterseals Blake Foundation for an event to be held at City Park on Saturday, September 18, 2021 from 10:00 AM to 10:00 PM; Dina Scalone, Applicant.

SECOND: Councilmember Davis

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Davis, Johns, Hansen, Cline and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

- 11. Discussion and Possible Approval of the Court Co-Located Intergovernmental Agreement between Cochise County Superior Court, Bisbee Justice Court and the City of Bisbee.

Theresa Coleman, City Manager

Ms. Coleman explained that in the past the City had an agreement with the County using a consolidated court agreement. The County had gone back to the drawing board and come up with a Co-Located Court Agreement.

MOTION: Councilmember Davis moved to approve the Court Co-Located Intergovernmental Agreement between Cochise County Superior Court, Bisbee Justice Court and the City of Bisbee.

SECOND: Councilmember Hansen

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Davis, Johns, Hansen, Cline and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

- 12. Discussion and Possible Approval of an Agreement for the Appointment of the City Magistrate for the Magistrate Court of the City of Bisbee.

Theresa Coleman, City Manager

Ms. Coleman explained that this was one of the terms of the Co-Located Court Agreement that was just approved. We had to utilize the current Justice of the Peace as our City Magistrate.

MOTION: Mayor Budge moved to approve the Agreement for the Appointment of City Magistrate for the Magistrate Court of the City of Bisbee.

SECOND: Councilmember Johns

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Davis, Johns, Hansen, Cline and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

- 13. Discussion and Possible Direction to City Staff regarding handling of emergency overflow of sewer laterals.

Ken Budge, Mayor

Mayor Budge said that he requested this item. He formally directed staff to continue to deal with the overflows on an emergency basis.

- 14. Discussion and Possible Approval of a Service Contract with KE&G for street drainage improvements to the Tin Town Community.

Jesus Haro, Public Works Director

Mr. Haro explained that this was part of the grant from CDBG. There was a formal bidding process. He said that they were proposing the base bid with Alternate #1 and #2.

Councilmember Cline said that this had been a long time coming and she was glad that we were at this point.

MOTION: Councilmember Johns moved to approve the Service Contract with KE&G for street drainage improvements to the Tin Town Community.

SECOND: Councilmember Pawlik

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Davis, Johns, Hansen, Cline and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

15. Discussion and Possible Approval of the Assignment of the hanger lease between the City of Bisbee and Lindsay (Buzz) Hale to Copper City Aviation or direction to draft a new lease agreement.

Jesus Haro, Public Works Director

Mr. Haro explained that he had received a request from Buzz Hale to transfer the lease he currently had to Copper City Aviation. Mr. Haro gave some history of this lease. Mr. Haro recommended that an entire new lease be drafted instead of an assignment.

Mayor and Council agreed that a new lease should be drafted.

16. Discussion and Possible Approval to publish a Request for Proposal to remove and replace the cool decking at the City of Bisbee Pool.

Jesus Haro, Public Works Director

Mr. Haro said that there had been direction not to open the pool last season. The funds not used for wages could be used to resurface the decking. This was a formal request to go out to bid.

MOTION: Councilmember Giacomino moved to publish a request for proposal to remove and replace the cool decking at the City of Bisbee Pool.

SECOND: Councilmember Johns

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Davis, Johns, Hansen, Cline and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

17. Discussion and Possible Approval to purchase dumpster fork pockets.

Jesus Haro, Public Works Director

Mr. Haro explained that there had been a number of issues with the trash trucks. We had to rent a trash truck from Deming, New Mexico. We could not go to one of our neighboring cities because we do not have the correct dumpsters. We are one of two municipalities that have hooks instead of pockets on the dumpsters.

MOTION: Mayor Budge moved to approve the purchase of 300 dumpster fork pockets from Holtz Industries Inc. and waive the procurement requirements to obtain sealed bids due to emergency circumstances.

SECOND: Councilmember David

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Davis, Johns, Hansen, Cline and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

18. Discussion and Possible Approval to purchase tax lien certificates in amounts to exceed \$5,000 to protect the City’s interest.

Theresa Coleman, City Manager

Ms. Coleman explained that there were several strategies being used to eliminate the vacant and dilapidated properties and to make homes available for the workforce housing initiative with Step-up Bisbee/Naco. Rather than using eminent domain we are requesting to purchase the notes on these properties. She explained that the City Attorney had suggested that the over the counter purchase of the tax certificate may be more beneficial.

Mayor Budge inquired about the sewer liens and the amount of them.

Ms. Coleman said that this could be brought back to Council at a later date once we have all the information together.

MOTION: Councilmember Davis moved to table this item.

SECOND: Councilmember Pawlik

MOTION PASSED: UNANIMOUSLY

19. Possible approval of a motion to go into Executive Session for the following matters:

1. AN EXECUTIVE SESSION PURSUANT TO A.R.S. § 38-431.03(A)(4) DISCUSSION OR CONSULTATION WITH THE ATTORNEY OF THE PUBLIC BODY IN ORDER TO CONSIDER ITS POSITION AND INSTRUCT ITS ATTORNEYS REGARDING THE PUBLIC BODY'S POSITION REGARDING CONTRACTS THAT ARE THE SUBJECT OF NEGOTIATIONS, IN PENDING OR CONTEMPLATED LITIGATION OR IN SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION ON A NOTICE OF CLAIM FROM KENNETH AND MARY ALICE BUDGE.

Per ARS § 38-431.03(A4) the City Council may vote to go into executive session for Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation

Joe Estes, City Attorney

MOTION: Councilmember Giacomino moved to enter into Executive Session.

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

MOTION: Mayor Budge moved to come out of Executive Session.

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

20. City Manager's Report:

- Update on County redistricting- Ms. Coleman said that there was a delay in getting the census results. There would not be figures to redraw the wards until later than expected.

- 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.):

ADJOURNMENT:

MOTION: Councilmember Davis moved to adjourn the meeting.

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 10:51 PM

Ken Budge, Mayor