

**MINUTES**

MINUTES OF THE SPECIAL SESSION OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, AND STATE OF ARIZONA, HELD ON WEDNESDAY, APRIL 14, 2021 AT 6:00 PM VIA ZOOM.

THE MEETING WAS CALLED TO ORDER BY MAYOR BUDGE AT 6:00PM.

**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**

Ashlee Coronado, City Clerk

**CITY ATTORNEY**

Joseph Estes

THE FOLLOWING ITEMS WERE DISCUSSED AND/OR CONSIDERED AT THESE MEETINGS:

1. Discussion and Possible Approval of a Motion to Go into Executive Session Pursuant to A.R.S. § 38-431.03(a)(1)(4) for discussion or consultation with the City Attorney in order to consider its position and instruct the City Attorney regarding the City's position regarding an employment contract with Stephen J. Pauken as City Manager.

*Per ARS § 38-431.03(a)(1)(4), 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 and 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.*

Ken Budge Mayor

Councilmember Pawlik asked what compelling reasoning was taking us into executive session; why can't the Council discuss this in public.

Mayor Budge stated that there was no particular reason, he thought that the Council may want to go into executive session. If the majority of Council stated otherwise the Council can hold this in open session.

Councilmember Pawlik asked if City Attorney Joe Estes had a compelling reason why the Council needed to do this in executive session.

Joe Estes, City Attorney stated that if the Council was talking about a specific potential employee, and the employee hasn't revoked his request to have this discussion in open session. If the Council was going to have specific discussion or legal questions in regards to that employee, he would suggest that Council have that in executive session. If not, then the Council could have this discussion in open session of this.

Councilmember Pawlik withdrew his question and Council can go into executive session.

MOTION: Mayor Budge moved to enter into Executive Session Pursuant to A.R.S. §38-431.03(a)(1)(4) for discussion or consultation with the City Attorney in order to consider its position and instruct the City Attorney regarding the City's position regarding an employment contract with Stephen J. Pauken as City Manager.

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

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

SECOND: Councilmember Davis

MOTION PASSED: UNANIMOUSLY

2. Discussion and Possible Appointment of Stephen J. Pauken as City Manager and Approval of the City Manager Contract.

Ken Budge, Mayor

Councilmember Pawlik noted that he had some concerns of the process that the Council was going through because we have not advertised or interviewed candidates. The Council was pretty much opening it to Mr. Pauken because of his past experience and contributions to the City, which he fully recognizes and respects.

Councilmember Pawlik asked the following questions of Mr. Pauken:

- Do you see yourself as a permanent City Manager for an indefinite period of time or do you see yourself as a fill in until the Council could select another candidate?

Mr. Pauken stated that he saw his roll a little bit differently than the last time, the last time we had a finite period of time it was Council's prerogative at that time to do two (2) things; put the budget together to get it adopted and to recruit a new City Manager, that was not expressed to him this time. The City has a lot on its plate right now to put another interim person in the position.

- What are the three (3) top crisis problems facing the City of Bisbee today?

Mr. Pauken believed that the City's biggest crisis was the infrastructure, then 118 Arizona Street (Old City Hall), Main Street drainage since, the new paving and he would say the fourth was work force housing along with planning issues.

- Share ideas that you would have on balancing the budget this year.

Mr. Pauken said he would look into generating revenue. Hard decisions would have to be made.

- City of Bisbee has ongoing grant funding initiatives, how will you as the City Manager deal with those initiatives that are ongoing. Councilmember Pawlik gave Police Radios as an example.

Mr. Pauken said that the first thing was getting up to speed on those things. City Council sets the policy and the City Manager implements it.

- Do you have some ideas on how the City should deal with the sanitary sewer problem in Old Bisbee?

Mr. Pauken thought for over a hundred (100) years with residential outlets in particular, whenever two (2) pipes come from a property and they meet at that point it was public sewer and whenever there was an issue with the line down stream of that point that was taken care of by the City. The peculiar nature of Old Bisbee was such that when you build a City on a mountain you are not going to have nice straight pipes with nice ninety (90) degree connections like we do have in other parts of the community. It was going to be a hodgepodge of pipeline and we have to recognize that.

Councilmember Hansen asked the following questions for Mr. Pauken:

- In your previous tenure as City Manager what would you call your three (3) top accomplishments.

Mr. Pauken stated his top accomplishment was keeping the City solvent during the worst recession since the great depression, getting Arizona Street paved, and was able to give employees raises when they could.

- Asked if it was fair to say when you left the first time you were ready to leave.

Mr. Pauken said that it was mixed emotions, there were two (2) people who got elected to City Office who did so with the intention of removing the City Manager. His philosophy was that if he wasn't welcomed in your house he would put on his coat and go home. This took a little while because the rest of Council was good enough to give him the time that he needed to shop around to see what was available. It ended up good for him.

- Why do you want to come back as City Manager again?

Mr. Pauken stated for the purpose of making sure that the City was well taken care of. He has a vested interest in this town.

- Have heard rumors that you want to fire some people and it concerns her there has been so much turmoil and going in and firing people right of the bat would not be the right action and would like to know your response to that.

Mr. Pauken said that he had no idea where that came from, that could not be further from the truth. Everybody who was listening right now should not be worried about being fired.

Councilmember Davis stated that in the last four (4) years we have had three (3) City Managers that they interviewed, hired and lost. Even though this was a different process, the old process was not working for us. At this juncture with covid trying to do interviews and find somebody to come in and help us solve the problems was not a good idea. He thought hiring Mr. Pauken at this point was a better solution for at least the time being.

Councilmember Johns thanked Mr. Pauken for being willing to do this for us and had liked everything that has been said tonight.

Councilmember Giacomino was looking forward to working with Mr. Pauken and thought it was what the City needed right now.

Councilmember Cline thanked Mr. Pauken for considering helping the City out. They have worked together a long time and appreciates his professionalism, tackling the hard issues and looks forward to this.

Mayor Budge knew the process wasn't what we normally had done in the past, and that was upsetting to some. He felt that what we need was what we need and he did not want the City still looking for months on end trying to find a perfect person. He appreciated Mr. Pauken standing up and helping.

Mayor Budge commented that he knew that sometimes change was difficult, but he just wanted the Councilmembers and the public to know as the elected Mayor of Bisbee he would bend over backwards to include and encourage everyone to come together for the betterment of our town. He quoted “there was nothing we can’t do when we do it together”.

MOTION: Mayor Budge moved to appoint Steve Pauken as City Manager and approve the City Manager Contract as included in this agenda.

SECOND: Councilmember Cline

Councilmember Hansen stated that she could not in good conscious vote yes on this, simple because of everything that has happened and the way this has come about. She didn’t feel there was the transparency, staff was not happy nor had any input and the City hadn’t had any input either. She will work with Mr. Pauken to make sure that we can get things done.

Mr. Pauken responded to Councilmember Hansen he understood where she was coming from and wanted Councilmember Hansen to know that he enjoyed working with her in the past especially on the Budget.

Councilmember Pawlik stated that he came into this meeting prepared to vote no on this because of the process argument that he had from the beginning. However, Mr. Pauken equated his self well in answering all of the questions tonight. He thought it would be sour grapes on his part to vote no.

ROLL CALL VOTE:

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

NAYS: Councilmember Hansen

MOTION PASSED: AYES -6 NAYS -1

MOTION: Councilmember Davis moved to adjourn the meeting.

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 7:37 PM

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Ken Budge, Mayor