

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 16, 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 7:03PM.

ROLL CALL

COUNCIL

Councilmember Gabe Lindstrom, Ward III

Councilmember Joni Giacomino, Ward II

Councilmember Bill Higgins, Ward I

Mayor David M. Smith

Excused

Councilmember Leslie Johns, Ward I

Councilmember Joan Hansen, Ward II

Councilmember Anna Cline, Ward III, Mayor Pro Tempore

STAFF

Stephen Pauken, Interim City Manager

Ashlee Coronado, City Clerk

Keri Bagley, Finance Director

Albert Echave, Police Chief

George Castillo, Fire Chief

CITY ATTORNEY

Britt Hanson

INVOCATION: Mayor Pro Tempore Cline asked for a moment of reflection on the positives living in this great community of ours. She thanked our employees for all that they do day in and day out they truly are the backbone that keeps us moving forward. She also thanked Mr. Pauken for being here and leading us through this difficult time.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Pro Tempore Cline stated that items three (3) and five (5) would be pulled from the Agenda.
- Mayor Pro Tempore Cline read the National Day of Prayer Proclamation.
- Police Chief Echave introduced Lonnie Carbajal-Loper, and Ryan Bowie New Employees of the Bisbee Police Department.

CALL TO THE PUBLIC

- Donna Pulling, Bisbee resident said that she was here to speak to agenda item number three (3) sewer rates. She thanked Mr. Pauken for meeting with her last Wednesday to discuss the rates and go over the 1% percent sales tax that was being investigated as to when it was instituted and how it was instituted (sales tax). She spoke regarding Article 6 of the City Charter Finance and Taxation 6.0.2 Sales Tax: The Council shall have the power to increase or decrease a transaction privilege tax, only upon approval by a majority of the qualified electors voting in the regularly scheduled general election. She thought that what was being investigated was if the 1% tax was actually brought to a vote by the people in the 1970's.
- Doris Turner, Bisbee resident spoke regarding the wastewater rate increase. She spoke on the fairness of how people are charged and wants a fair agreement and requested a work session be done.

- Charlet Leopard, Bisbee resident spoke regarding the sewer and garbage fees and wanted transparency as to why they were being increased. She wanted a fair application of the fees being charged. She also spoke about the 1% sales tax that Mr. Pulling spoke about. She also wanted to know where the \$400,000.00 transfer from the wastewater to the general fund went that occurred last year.

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 Higgins moved to approve the accounts payable in the amount of \$265,967.18.

SECOND: Councilmember Hansen

Mayor Pro Tempore Cline asked if there were any questions.

Councilmember Giacomino asked about PARKS: 10-80-34000 Contract Services- LAL Enterprises, Inc (Porta Pots) that were rented are those for Garfield Park. She asked why we pay monthly fees and not just put a bathroom there. Ms. Bagley said that it was a monthly fee. She didn't know why they wouldn't put in a permanent bathroom except for cost. It would cost less to have a porta pot than have a restroom built.

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6; NAYS -0

2. Approval of the Consent Agenda

- A. Approval of the Minutes of the Regular Session of Mayor and Council held on February 5, 2019 at 7:00 pm.

Ashlee Coronado, City Clerk

- B. Approval of the Minutes of the Special Session of Mayor and Council held on February 12, 2019 at 5:30pm.

Ashlee Coronado, City Clerk

- C. Approval of the Minutes of the Work Session of Mayor and Council held on February 16, 2019 at 9:00am.

Ashlee Coronado, City Clerk

- D. Approval of the Minutes of the Regular Session of Mayor and Council held on March 19, 2019 at 7:00pm.

Ashlee Coronado, City Clerk

- E. Approval of the Minutes of the Work Session of Mayor and Council held on March 26, 2019 at 5:30pm.

Ashlee Coronado, City Clerk

- F. Approval of the Minutes of the Regular Session of Mayor and Council held on April 2, 2018 at 7:00pm.

Ashlee Coronado, City Clerk

Mayor Pro Tempore Cline asked if Council wanted any of these pulled for discussion.

MOTION: Councilmember Johns moved to approve Consent Agenda items 2A-2F.

SECOND: Councilmember Higgins MOTION PASSED: UNANIMOUSLY

OLD BUSINESS

- 3. Discussion and Possible Approval of Ordinance O-9-03: An Ordinance of the Mayor and City Council, City of Bisbee, County of Cochise, State of Arizona, Increasing the Wastewater Rates.

Keri Bagley, Finance Director

THIS ITEM WAS PULLED FROM THE AGENDA.

NEW BUSINESS

- 4. Discussion and Possible Approval for Acceptance of Material and Equipment Donation Agreement from Arizona Public Service (APS).

Keri Bagley, Finance Director

Ms. Bagley said that this was furniture donated by APS which they had delivered to us last Thursday.

Mayor Pro Tempore Cline asked if Council had any questions.

MOTION: Councilmember Hansen moved to approve the material and equipment donation agreement from APS.

SECOND: Councilmember Higgins MOTION PASSED: UNANIMOUSLY

- 5. Discussion and Possible Approval of the Right-of-Way Use Permit for the Reservation of as many parking spaces as possible at the Old Bisbee High School Parking Lot on Saturday, April 20, 2019 from 4:30pm to 9:30pm.

Stephen Pauken, Interim City Manager

THIS ITEM WAS PULLED FROM THE AGENDA.

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

Stephen Pauken, Interim City Manager

Mr. Pauken said that this item was on the agenda a little over a month ago and got pulled for some clarification that was needed in regards to some of the terms and conditions regarding the existing agreement. This was an agreement to assign the lease at the airport that was previously held by Fast Fab Erectors, Inc of which Mike Kreppel worked and was now deceased. If approved tonight it will be assigned to Mr. Lindsay Hale.

Mr. Pauken also said that the only thing about the contract that an assignment of this lease can be done with the permission of Council and can't be reasonably withheld. One thing that was noticed there was an escalation clause in the contract that was tied to the CPI. In all the years we had been collecting the monthly fee for that rent we had neglected to apply the escalator when it was appropriate to do so. He spoke with the assignee Mr. Hale about catching up to the current year based on the CPI and he was agreeable to do so. The lease would be increased by \$23.29 per month if we keep up with all the rents like we are supposed to we could generate revenue.

All the other terms of this agreement will stay in place and he would be wanting to talk to us in the very near future about making some further improvements of the lease that he owns. He hoped that this was a positive development for the airport and the city with the new owner/renter. He stated that staff recommends approval of the agreement.

Councilmember Johns asked about the parcel that it spoke about in the agreement, but in the motion was to approve the assignment of the hangar lease. Were we leasing out the hangar, parcel or both. Does that need to be worded in the motion.

Mr. Hanson said that the reason for the terminology of the hangar lease that was what they were called when this first came to us. He understood Councilmember Johns point it was a vacant piece with no hangar on it and now it actually has a hangar on it.

Councilmember Johns said it was fine then. Mr. Hanson said, yes.

Mr. Pauken said for further clarification for Councilmember Johns we wanted to assign the lease without disturbing any of the terms and conditions to make the transaction smooth and efficient.

Councilmember Hansen asked if this property was considered non-commercial or commercial. Mr. Pauken stated that it was considered airport commercial.

Councilmember Hansen also asked under the initial minimum insurance was the insurance \$50,000.00 rather than the million dollar because it was a commercial.

Mr. Pauken said that the insurance was the responsibility of the owner of the building so Mr. Hale was responsible for whatever insurance he need to pay to insure the building.

Councilmember Hansen asked if the minimum was \$50,000.00 according to the lease.

Mr. Pauken said that the minimum was \$50,000.00 according to the lease because that was the price of the building to be constructed on the property at the time. Councilmember Hansen said that she didn't see a copy of the insurance.

Mr. Hanson stated that Mr. Hale did send us a copy of the insurance. He asked Mr. Hale to come up and address this.

Mr. Hale thanked everyone for their hard work and endeavors especially Mr. Hanson. He stated that he did provide insurance through Farmers and a copy of his insurance which covers/shows the City of Bisbee as secondary insured on his two (2) million-dollar policy.

MOTION: Councilmember Higgins moved to approve the assignment of the hangar lease between the City and Fast Fab Erectors, Inc. to Lindsay (Buzz) Hale.

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

- 7. Discussion and Possible Approval to purchase the 2018 International Building Codes, as a preliminary step toward adopting the 2018 building codes.

Joe Ward, Building Inspector

Mr. Ward said he put this on the agenda because he didn't want to spend the public's money without verifying with Council that the move to the 2018 was going to be acceptable. He stated that most of the 2012 were destroyed in the fire. We really need to get these in place and so now was the time for us to step up to a more advanced.

Mayor Pro Tempore Cline asked if Council had any questions.

MOTION: Councilmember Hansen moved to approve that the City of Bisbee purchase the 2018 International Building Codes, as a preliminary step toward adopting the 2018 building codes.

SECOND: Councilmember Higgins

MOTION PASSED: UNANIMOUSLY

- 8. Discussion and Possible Approval to allow Mayor and Council to go into an agreement between the State of Arizona Department of Defense and the Bisbee Police Department for the transfer of controlled property for law enforcement use only.

Albert B. Echave, Chief of Police

Chief Echave stated that this was the 1033 program that he has spoken about over the last year this was a renewal of the contract. This allows the police department to get government surplus property for law enforcement here. Over the past year they have gotten office chairs, Tasers, generators, and the large light (that was set up here when we first got here because it was dark) they got all from this program. They have also gotten several vehicles. It affords them to get a lot of things and equipment that they wouldn't have the funds to just go out and buy. They have to use it for over a year and then they have the option of transferring it to another department within the city, destroying it or selling it during an auction. They have saved by doing this program. He listed other items that they have received. This was a worldwide program that cost us \$250.00.

Mayor Pro Tempore Cline asked if Council had any questions.

Councilmember Lindstrom asked that when they buy something out of the program does it come from city money.

Chief Echave said that right now they don't purchase anything from the program they pay the \$250.00 that was required to be a member of the program. They then are able to search a website. They request the property through the website and if it was granted to us the only thing they have to pay for was the shipping to get it to them.

MOTION: Councilmember Johns moved to allow the Mayor and Council to go into an agreement between the State of Arizona Department of Defense and the Bisbee Police Department for the transfer of controlled property that is in excess to Law Enforcement Agencies for law enforcement use only.

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

9. City Manager's Report:

- Other current events (No Discussion)
- Mr. Pauken gave an update on the Public Works Director Recruitment.
- Mr. Pauken said that there have been interviews for the Tourism Director and that they have narrowed the position down to one individual that they would like to carry on further with. They would like the iBisbee Committee to interview this person also.
- Mr. Pauken reminded everyone that the budget workshops start Monday at 5:30PM. It was scheduled for Monday through Thursday and they will be starting with Wastewater. He thought this could be done in three (3) or two (2) days may not take all week.
- Mr. Pauken spoke regarding the recycling survey that was given to Council what we take to the market place for the last calendar year.
- Mr. Pauken informed the Council that our DOC inmate labor was pulled today. This was regarding the Youtube video that was placed on the internet. All crews have been

pulled and they will have meetings to discuss this further with DOC. Our employees handled this the way they should have.

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: 7:46 PM

David M. Smith, Mayor