

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, MAY 4, 2021 AT 7:00 PM VIA ZOOM.

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

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

Stephen J. Pauken, City Manager
Ashlee Coronado, City Clerk
Keri Bagley, Finance Director
Joelle Landers, Personnel Director
Jesus Haro, Public Works Director
George Castillo, Fire Chief

CITY ATTORNEY

Joseph Estes

INVOCATION: Mayor Budge noted that for tonight's moment of silence he wanted to let everybody know that this Thursday, May 6th will be the National Day of Prayer; it would be held at the Community Church in Warren. He wanted us all to think and give thanks to all of the churches that were participating who would be praying for so many things that affect us all.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Budge asked that without objection he would like to move the City Manager's Report up before item number ten.

CALL TO THE PUBLIC- None

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 \$341,350.14 subject to availability of funds.

SECOND: Councilmember Giacomino

Mayor Budge asked Ms. Bagley, Finance Director about 10-52-34000 Contract Services Arizona Water Company (Water Reports March 2021) \$125.00.

Ms. Bagley explained that they use them; they have on/off reports, who activated an account, disconnect an account, shows all the usage reports and they can compare accounts that we have missing in our system, and whose paying on a bill. They use it to cross reference a lot of different thing.

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 April 20, 2021.

Ashlee Coronado, City Clerk

- B. Approval of the Minutes of the Special Session of the Mayor and Council held on April 14, 2021.

Ashlee Coronado, City Clerk

- C. Approval of the Minutes of the Special Session of the Mayor and Council held on April 26, 2021.

Ashlee Coronado, City Clerk

- D. Approval of the Minutes of the Special Session of the Mayor and Council held on April 27, 2021.

Ashlee Coronado, City Clerk

- E. Approval of the Minutes of the Special Session of the Mayor and Council held on April 28, 2021.

Ashlee Coronado, City Clerk

- F. Approval of a Park, Facility and Right of Way Use Permit for the Boys and Girls Club of Bisbee for the use of Arizona Street, between Briggs Ave and Ruppe St, for the Annual Cars & Bikes on Arizona Street Show to be held on Saturday, September 4, 2021 from 6:00 am to 5:00 pm, to include a request for a waiver of fees.

Ashlee Coronado, City Clerk

- G. Approval of a Park, Facility, and Right-of-Way Use Permit for the Bisbee Rotary Club Taste of Bisbee Food & Wine tasting event at City Park on Saturday, October 9, 2021 from 4:00pm to 8:00pm.

Ashlee Coronado, City Clerk

- H. Approval of a Park, Facility, and Right-of-Way Use Permit for the Bisbee Rotary Club for the use of Cole Avenue, Bisbee Road and Arizona Street for the 4th of July Parade on Monday, July 5, 2021 from 8:00AM to 11:00AM.

Ashlee Coronado, City Clerk

MOTION: Councilmember Davis moved to approve the consent agenda items A-H.

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

OLD BUSINESS

3. Discussion and Possible Approval of Ordinance O-21-11; Authorizing the Sale and Transfer of certain property located at 121 Fort Huachuca Lane.

Ashlee Coronado, City Clerk

MOTION: Councilmember Hansen moved to approve Ordinance O-21-11; Authorizing the Sale and Transfer of certain property located at 121 Fort Huachuca Lane.

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

NEW BUSINESS

4. Discussion and Possible Approval of Resolution R-21-03; Adopting the Tentative Budget for the City of Bisbee for FY 21-22 as well as give notice of the time for Public Hearing to Taxpayers for the adoption of the Budget.

Keri Bagley, Finance Director

Councilmember Cline stated that just for clarification when we adopt the tentative, we were setting our spending limitation, we could still go back and have one more chance to question or change things as long as we did not go over, correct?

Mr. Pauken stated that was correct, we could not spend more but we could spend less.

Councilmember Giacomino thanked Mr. Pauken for taking the time to thoroughly explain things and answered their questions. It gave the Council and the public a better understanding of what was going on.

Councilmember Pawlik stated that he really appreciated the words of fiscal discipline it had been sorely missing. He also, stated to Mr. Pauken that the budget that was proposed had structural problems to which he must object. He said the budget represented an 8.2 increase over the current budget that requires \$350,000.00 from reserves to balance this was a budget tactic that he would not support. Some line items and department requests are 50 to 100% above the current fiscal amounts without being adequately justified. An increase in previously negotiated contract amount was anticipated without negotiations having taken place. This giveaway will weaken the city's position at the negotiating table.

Councilmember Pawlik went on to say that in addition to these objections statements were made over the three days of budget meetings that gave him concern. You've expressed a desire to revisit rebuilding the old city hall in spite of the fact that historical documentation indicated that this would be an expensive vanity project. You have stated your support for police body cameras which have a low initial equipment cost, but a much higher undefined maintenance and data storage cost. Finally, you stated that you would like to refinance our PSPRS debt thereby lowering our annual debt service cost, but this was doing nothing to solve the long-term problem. You are an experienced City Manager with the background to make hard decisions necessary to balance the budget, but he saw nothing in this proposed budget that will drive us in that direction.

Mr. Pauken responded that he certainly appreciated Councilmember Pawlik's point of view, but he stated for the record that we had a four-day schedule of questions where some of these things could have been brought up and were not. We would have certainly entertained them and had a full discussion of them.

Mayor Budge stated that he had some of the same concerns that Councilmember Pawlik. He said as far as what future contracts would come before Council on a one by one basis and that was when those decisions would be made. They had to be put into the budget at this time in order to decide if we want them or not. If we don't put them in, then there was no way we can even entertain them.

MOTION: Mayor Budge moved to approve Resolution R-21-03; Adopting the Tentative Budget for the City of Bisbee for FY 21-22 as well as give notice of the time for Public Hearing to Taxpayers for the adoption of the Budget.

SECOND: Councilmember Giacomino

ROLL CALL VOTE:

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

NAYS: Councilmember Pawlik

MOTION PASSED: AYES -6 NAYS -1

5. Discussion and Possible Direction regarding the reopening of the library building to the public.
Jason Macoviak, Library Director

Mr. Macoviak gave an update on their plans to reopen the Library to allow the public back in.

- All patrons must wear masks to enter the library building. They will have disposable masks available.
- All patrons must follow social distancing guidelines.
- All patrons should limit their visits to thirty minutes. So that they can control the amount of people in the library at one time.
- Daily newspapers will be kept outside on the balcony for patrons to read.
- The amount of patrons in the library at one time will be limited to 10 people.
- Library programs will remain virtual or be held outside in our public parks.
- Curbside pickup will remain available for those who chose to utilize that.
- To ensure social distance guidelines for computers, they will be cleaned in between uses.
- Toys, puzzles, and other manipulatives that they keep in the children's library will be kept in storage at this time.
- They will have hand sanitizing stations that are throughout the library.
- The library's public meeting rooms will remain unavailable during this phase.
- Furniture will be arranged to encourage social distances.
- They will have doxy glass shields for their front counter.
- The Copper Queen Library Annex will continue for right now to do Friday curbside pickup until they are able to hire a new early literacy coordinator.

If approved they were looking to reopen on Monday, May 17, 2021.

Councilmember Davis thanked Mr. Macoviak for putting this together.

Councilmember Johns stated that she fully supported everything that the library was doing.

Councilmember Cline thought it was a great plan and thanked Mr. Macoviak for doing the curbside pickup.

Mayor Budge noted that slowly we were moving forward.

- 6. Discussion and Possible Approval of the FY22 Blue Cross/ Blue Shield Health Insurance and Delta Dental Insurance renewal agreements.

Joelle Landers, Personnel Director

Ms. Landers, Personnel Director presented to Council the fiscal year 22 BlueCross BlueShield insurance contract as well as the Delta Dental contract. She stated that overall this was a great renewal considering the number of active claims in 2020 and also, considering our initial response was 15%.

Councilmember Cline noted that she appreciated working with CBIZ because they have really been helpful over numerous years.

MOTION: Councilmember Hansen moved to approve the FY22 Blue Cross/ Blue Shield Health Insurance and Delta Dental Insurance renewal agreements.

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

- 7. Discussion and Possible Approval of an Amended Memorandum of Understanding between City of Sierra Vista, Cochise County Flood Control District, Hereford Natural Resources Conservation District, The Nature Conservancy, City of Bisbee formally adding Fort Huachuca to the Cochise County Recharge Network.

Ken Budge, Mayor

Mayor Budge noted that he sat on this board for the City; they had been working on how to recharge the San Pedro at different areas. They would be releasing a website that would have information on what kind of recharge was happening, where it was happening, what projects are underway, and where they are on those projects. This document amends the ability to bring Fort Huachuca on as one of the members. There may be a chance of possible funding for this network.

MOTION: Mayor Budge moved to approve the MOU with adding Fort Huachuca to the Cochise County Recharge Network.

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

- 8. Discussion and Possible Approval to pave the Walsh Avenue Parking Lot.

Jesus Haro, Public Works Director

Mr. Haro explained that the Streets and Infrastructure Committee recommended to pave the Walsh Avenue Parking Lot. This was the parcel that was actually located at 116 Brewery Avenue. He provided the Council with a parcel map. The City of Bisbee owns this parcel. The cost of the materials would be about thirteen thousand five hundred dollars. With this project he recommended that we get professional engineering services to do a design because this was new paving project. We would be creating a large impermeable surface which will increase the drainage. We do need to have some design so that we can retain the increase in drainage that we would be creating. The total estimated cost to pay this would be about \$25,000.00. If approved, he anticipated using the one percent Streets and Infrastructure sales tax line item.

Councilmember Cline asked why we were paving this at this time.

Mr. Haro stated that it was a recommendation by the Streets and Infrastructure Committee.

Councilmember Cline asked if this would be private parking or would there be private parking involved.

Mr. Haro stated that it would be public parking.

Councilmember Johns asked if any of the residence who park up there on the Streets and Infrastructure Committee or have we talked to the residents in that area to see what they think of this.

Mr. Haro said that he didn't believe the residents in that area were on the Committee and he didn't know if any of the Committee members had spoken to them.

Councilmember Johns would like to see some kind of survey of the neighborhood because she knew that people can be touchy about changes up there.

Mr. Haro stated that we could do a survey. He only brought this before the Council because it was voted on at the Committee meeting.

Councilmember Davis asked if currently that was a gravel.

Mr. Haro said correct.

Councilmember Davis said that it seemed to be working okay, maybe it needs to be smoothed out. He agreed with Councilmember Johns that we should take a little more time before we pave it.

Councilmember Cline agreed with Councilmembers Davis and Johns.

Mayor Budge would like to send this back to the Streets and Infrastructure and maybe get some more feedback. They could reach out to the neighbors. If the desire was still, there with more information they could bring that back to Council.

Mr. Haro said no it would come out of the one percent of the Streets and Infrastructure. What it would do for the budget line item was it would remove availability to do other types of pavement preservation or Infrastructure improvements. We had a set budget that the Council discuss during our preliminary budget meetings. We would only do what we could with that money.

Councilmember Giacomino asked why we were paving this type of situation and we are not doing streets like Temby or some of the other pothole ones. She thought those would be at the front of the que way before a parking lot.

Mayor Budge reiterated that this go back to the Streets and Infrastructure Committee for more information.

9. Discussion and Possible Approval of a lease agreement for new garbage trucks.
Jesus Haro, Public Works Director

Mr. Haro said that Council had been hearing over the last two or three meetings now that they had some problems with garbage trucks including the one that caught on fire. Staff was recommending that we go into lease agreement for two new garbage trucks. They had done a lot of research and have come up with three options for Council.

- To Lease two 2019 Autocar Garbage Trucks.

- To Lease a Mack Chassis Garbage Trucks
- To Lease a Peterbilt Garbage Trucks.

Option one and Option two were available to us now and Option three one truck would be available now and the other in ten months. These options include two vehicles and include an attachment that was called a curotto-can. They are front load collection garbage truck. They were recommending that we purchase the leased option one. Currently we are renting a garbage truck from a private company we are spending approximately \$250.00 per day for a month.

Councilmember Cline stated that it was hard to hear Mr. Haro and would like Mr. Pauken to give a quick rundown and the recommendation that we think was best.

Mr. Pauken stated that we were recommending option number one and that was because it was the most versatile equipment available for the uses that we need for both disposals on the large containers as well as the raw containers that we're using for residential purposes. We could also adapt to some of the existing dumpsters that we have out there in the field without too much modification.

Councilmember Johns asked a question about front loading garbage trucks. Why was front loading an advantage?

Mr. Haro explained the difference of rear loading and front loading and what the advantage was.

Councilmember Hansen asked what the life expectancy for the vehicles.

Mr. Haro stated he didn't have that off hand, but our current vehicles are a 2004 and 2008 so they are over ten years old. These being a newer technology he assumed they would last in that range if not more.

Mr. Pauken gave a big shout out for all the sanitation workers that we have seen out in the neighborhoods hand unloading dumpsters over the last couple of days.

MOTION: Councilmember Davis moved to approve the proposal for the lease two new Autocar with Heil 40-yard garbage collection system trucks.

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

10. (11) City Manager's Report:

- Other Current events (No Discussion)
- Mr. Pauken noted that he had heard from the Board of Supervisors this afternoon that they did approve our co-location agreement.
- Mr. Pauken spoke about reopening City Hall. We need to be able to put up some partitions in order to send the public where they need to go without them getting off track and wandering.
- Mr. Haro gave a bi-weekly report on Main Street.
- Mr. Pauken stated that the City was looking for lifeguards.

11. (10) 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)(7) DISCUSSIONS OR CONSULTATIONS WITH DESIGNATED REPRESENTATIVES OF THE PUBLIC BODY IN ORDER TO CONSIDER ITS POSITION AND INSTRUCT ITS REPRESENTATIVES REGARDING

NEGOTIATIONS FOR THE PURCHASE, SALE OR LEASE OF REAL PROPERTY LOCATED AT 1 HILLCREST, BISBEE.

- 2. 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)(A7), 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 and Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property.

Joe Estes, City Attorney

MOTION: Councilmember Davis moved to enter into Executive Session

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

MOTION: Councilmember Hansen moved to come out of Executive Session

SECOND: Councilmember Davis

MOTION PASSED: UNANIMOUSLY

- 12. Discussion and Possible Action/Direction related to the Kenneth and Mary Alice Budge matter.

Kristin Mackin, Attorney

Joe Estes, City Attorney

MOTION: Councilmember Davis made a motion to direct Kristin Mackin, City lawyer to receive the appeal.

SECOND: Councilmember Hansen

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Davis, Johns, Hansen, Cline.

NAYS: 0

MOTION PASSED: AYES -6 NAYS -0

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 Davis moved to adjourn the meeting.

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 8:42 PM

Ken Budge, Mayor