

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 18, 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
Albert Echave, Police Chief
George Castillo, Fire Chief

CITY ATTORNEY

Joseph Estes

INVOCATION: Mayor Budge asked for a moment of silence to give thanks to the Firefighters, Police and Public Works who worked together to divert the fire last week.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Budge asked everyone to remember past Fire Chief Norman Wymbs who passed away.

CALL TO THE PUBLIC

- Ms. Landers read comments submitted by Fred Miller. Mr. Miller commented on item 2B, the permit for a market operation in Vista Park on the consent agenda under General Business. He requested that there be extra scrutiny of the operators and the operation for any proposed operational permit. He requested that it be tabled or at least given a conditional three-month approval. He stated his concerns with the permit.

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 \$501,671.55 subject to availability of funds.

SECOND: Councilmember Hansen

Councilmember Giacomino asked about various purchased made.

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 6, 2021.

Ashlee Coronado, City Clerk

- B. Approval of the Minutes of the Regular Session of the Mayor and Council held on May 4, 2021.

Ashlee Coronado, City Clerk

- C. Approval of a Park, Facility and Right of Way Use Permit for Cazador Farmers Market for the use of lower Vista every Saturday from May 22, 2021 through May 21, 2022 from 8:00am to 5:00pm; this includes setup and breakdown.

Ashlee Coronado, City Clerk

- D. Approval of a Park, Facility, and Right-of-Way Use Permit for the Bisbee Coalition for the Homeless for Los Lobos Benefit Concert on Saturday, October 2, 2021 from 4:00pm to 10:00pm

Ashlee Coronado, City Clerk

- E. Approval of a Special Event Liquor License Application submitted by the Bisbee Coalition for the Homeless for the Los Lobos event to be held at the Historic Warren Ballpark located at 99 Arizona Street, Bisbee, AZ on Saturday, October 2, 2021 from 4:00pm to 11:00pm, Tony Bedolla; Applicant.

Ashlee Coronado, City Clerk

Mayor Budge stated he would be pulling item 2C for further discussion.

MOTION: Mayor Budge moved to approve the consent agenda items A, B, D and E.

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

- 2C. Approval of a Park, Facility and Right of Way Use Permit for Cazador Farmers Market for the use of lower Vista every Saturday from May 22, 2021 through May 21, 2022 from 8:00am to 5:00pm; this includes setup and breakdown.

Ashlee Coronado, City Clerk

Mayor Budge asked the applicant about the hours reserved and if they really needed the park for the entire time.

Rona Maneri from Cazador Farmers Market responded that her thought was to reserve it that long for future concerts and events.

Mayor Budge said what was being applied for was not that type of event so there would be issues with that. He also commented on the insurance and wanted to know if they actually had insurance in place.

Ms. Maneri, responded that it was pending approval for the LLC name. She would pay for the insurance once the permit was approved.

Council asked questions relating to the permit request. They agreed that it would be great to have the market back in the park, but there were many things that needed to be worked out.

Ms. Maneri, said that she was willing to put more time into this, but if there was another applicant she would withdraw her request.

MOTION: Councilmember Davis moved to table this item to have more time to get the loose ends worked out on this.

SECOND: Councilmember Giacomino

Mr. Pauken agreed that there were more questions than answers on this permit at this time. He would meet with Ms. Maneri, to refine the application.

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

OLD BUSINESS

NEW BUSINESS

- 3. Discussion and Possible Approval of Resolution R-21-04; Designating Keri Bagley as the Chief Fiscal Officer (CFO) for Fiscal Year 2022 for the purpose of submitting the City’s Annual Expenditure Limitation Report to the Arizona Auditor General’s Office.

Keri Bagley, Finance Director

Ms. Bagley stated that this was the annual required CFO designation that was required by the Auditor General’s Office.

MOTION: Councilmember Hansen moved to approve Resolution R-21-04; Designating Keri Bagley as the Chief Fiscal Officer (CFO) for Fiscal Year 2022.

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

- 4. Discussion and Possible Approval of PSPRS Pension Funding Policy.

Keri Bagley, Finance Director

Ms. Bagley explained that this was required by PSPRS annually. Our plan was to follow the annual contribution requirement by PSPRS that would have it paid down by 2047.

MOTION: Mayor Budge moved to approve the PSPRS Pension Funding Policy.
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

5. Discussion and Possible Approval of the Employee Assistance Plan (EAP) with Alliance Work Partners (AWP) Services Contract for FY22.

Joelle Landers, Personnel Director

Ms. Landers explained that benefits of the Employee Assistance Plan from Alliance Work Partners. She listed what the plan offers to all the employees.

MOTION: Councilmember Cline moved to approve the FY22 Employee Assistance Plan with Alliance Work Partners contract.

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

6. Discussion and Possible Acceptance of a grant from the Bisbee Foundation in the amount of \$5,200 for the completion of Phase I of the Evergreen Cemetery Committee Project.

Jesus Haro, Public Works Director

Mr. Haro explained that this grant was submitted by the Evergreen Cemetery Committee. The goal was to add some watering opportunities at the Cemetery to include water tanks, hoses and trees. The City would be providing some labor for this project.

Councilmember Giacomino thanked Lisa Holland for writing this grant. She also thanked Mr. Oldfield for cutting the dead trees.

MOTION: Councilmember Giacomino moved to approve the acceptance of a grant from the Bisbee Foundation in the amount of \$5,200 for the completion of Phase I of the Evergreen Cemetery Committee Project.

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 to sign an opt in letter for the ADOT Airport Surface Treatment Program 2022.

Jesus Haro, Public Works Director

Mr. Haro explained that this was a grant opportunity that we had and was something that came around every three to four years. This was specific to pavement preservation. Our match would be estimated at

\$32,285 which was tentatively put into our budget. He explained that ADOT would provide 100% of the engineering. This was an opportunity to preserve the runway.

MOTION: Councilmember Davis moved to approve opting into the ADOT Airport Surface Treatment Program 2022.

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

- 8. Discussion and Possible Acceptance of a proposal to remove and replace the cool decking at the City of Bisbee Pool.

Jesus Haro, Public Works Director

Mr. Haro explained that we had gone out to bid and received one bid back from Classic Pools, Inc. This would take about 10 days to complete, but it would take about 4 weeks to acquire the materials.

MOTION: Mayor Budge moved to accept the proposal from Classic Pools Inc. to remove and replace the cool decking at the City of Bisbee Pool.

SECOND: Councilmember Giacomino

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

- 9. Discussion and Possible Approval to purchase a Fuel Management System to be installed at the Public Works Yard.

Jesus Haro, Public Works Director

Mr. Haro said that one of the reasons we went to a fuel card system was because our fuel pump system had failed. This portion of the repair was a fuel management system. This would allow us to run reports and keep track of who was putting fuel into what vehicle.

Mr. Pauken discussed the cost savings that would be realized by changing back over to this system.

MOTION: Councilmember Cline moved to approve the purchase of a Fuel Management System from FluidSecure.

SECOND: Councilmember Giacomino

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 Direction to resume in person Council Meetings for Council and Staff.

Ken Budge, Mayor

Mayor Budge said that this was not something that could be done overnight, but he wanted to open up the discussion to see how Council felt.

Councilmember Davis asked that we continue meeting virtually until August. He didn't think we should meet in person until the public could also attend.

Councilmember Johns agreed with Councilmember Dunn.

Councilmember Cline would like to go back to meeting in person. We use Facebook live for the public. It was harder to meet via Zoom.

Councilmember Giacomino agreed with Councilmember Cline

Councilmember Hansen and Pawlik agreed with Councilmember Davis and Johns and would like to wait.

11. City Manager's Report:

Mayor Budge asked if the Managers Report could be moved ahead of the Executive Session

- Main Street Update- Mr. Haro gave an update on Main Street. WLB Group had completed their assessment of the existing condition of pavement. Mr. Haro said they would be working on a drainage analysis.
- Mr. Pauken asked Chief Castillo to give an update on the two fires that occurred over the weekend.
- Mr. Pauken announced that City Hall would be unlocked tomorrow morning.
- Mr. Pauken explained that there would be a possible power outage in the City Hall area Thursday morning. He said if that happened City Hall would be closed during that time.
- Mr. Pauken announced that the pool would be opening on May 28th in time for Memorial Day Weekend.
- Other Current events (No Discussion)

12. 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 THE PROPERTY LOCATED AT 300 CAMPBELL STREET, BISBEE.
2. 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 THE CITY'S WORKFORCE HOUSING INITIATIVE AND THE PROCUREMENT AND TRANSFER OF PROPERTY REGARDING THE SAME.

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: Mayor Budge moved to enter into Executive Session

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

MOTION: Councilmember Cline moved to come out of Executive Session

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

13. Discussion and Possible Approval of the Assignment of Real Property Purchase Agreement for 300 Campbell St. Bisbee.

Joe Estes, City Attorney

MOTION: Mayor Budge moved to approve the assignment of real property purchase agreement for 300 Campbell St. Bisbee.

SECOND: Councilmember Pawlik

ROLL CALL VOTE:

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

NAYS: Councilmember Giacomino and Cline

MOTION PASSED: AYES -5 NAYS -2

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: 9:00 PM

Ken Budge, Mayor