

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 21 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 7:00PM.

ROLL CALL

COUNCIL

Councilmember Gabe Lindstrom, Ward III

Councilmember Joni Giacomino, Ward II

Councilmember Bill Higgins, Ward I

Mayor David M. Smith

Councilmember Leslie Johns, Ward I

Councilmember Joan Hansen, Ward II

Councilmember Anna Cline, Ward III, Mayor Pro Tempore

STAFF

Ashlee Coronado, City Clerk

Keri Bagley, Finance Director

Albert Echave, Police Chief

George Castillo, Fire Chief

CITY ATTORNEY

Britt Hanson

INVOCATION: Mayor Smith asked for a moment of silence to reflect on the people affected by the incredible weather events that had been going on for the last several days.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS: None

CALL TO THE PUBLIC

- Fred Miller, Bisbee resident spoke regarding the Visitor Center position.
- Jon Sky, Bisbee resident spoke regarding the Design Review Board letter and the appointment of Ben Lepley.

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 the accounts payable in the amount of \$98,014.98.

SECOND: Councilmember Hansen

Mayor Smith asked if there were any questions.

MOTION PASSED: UNANIMOUSLY

2. Approval of the Consent Agenda

- A. Approval of the Minutes of the Special Session of Mayor and Council held on May 14, 2019 at 5:30 pm.
Ashlee Coronado, City Clerk
- B. Approval of the Minutes of the Special Session of Mayor and Council held on May 7, 2019 at 5:30 pm.
Ashlee Coronado, City Clerk
- C. Approval of the Minutes of the Regular Session of Mayor and Council held on May 7, 2019 at 7:00 pm.
Ashlee Coronado, City Clerk
- D. Approval of the Minutes of the Regular Session of Mayor and Council held on November 7, 2018 at 7:00 pm.
Ashlee Coronado, City Clerk
- E. Approval of the Minutes of the Work Session of Mayor and Council held on October 16, 2018 at 5:01 pm.
Ashlee Coronado, City Clerk
- F. Approval of the Minutes of the Regular Session of Mayor and Council held on June 19, 2018 at 7:00 pm.
Ashlee Coronado, City Clerk
- G. Approval of the Minutes of the Work Session of Mayor and Council held on May 10, 2018 at 6:30 pm.
Ashlee Coronado, City Clerk
- H. Approval of the Minutes of the Work Session of Mayor and Council held on May 2, 2018 at 6:30 pm.
Ashlee Coronado, City Clerk
- I. Approval of the Minutes of the Work Session of Mayor and Council held on April 25, 2018 at 6:30 pm.
Ashlee Coronado, City Clerk
- J. Approval of the Resignation of Deborah Crow from the Parks and Recreation Committee.
Ashlee Coronado, City Clerk
- K. Approval of the Appointment of Benjamin Lepley to the Design Review Board.
Ashlee Coronado, City Clerk
- L. Approval of a Park, Facility and Right of Way Use Permit for Outstanding in the Field for the use of Erie Street for Bisbee Community Table event to be held on Monday, October 21, 2019 from 9:00 am to 10:00 pm.
Ashlee Coronado, City Clerk

- M. Approval of a Special Event Liquor License Application submitted for an event to be held on Erie Street, Bisbee, Arizona on Monday, October 21, 2019 from 3:00 pm to 8:00pm; Grady Meadows, Applicant.

Ashlee Coronado, City Clerk

Colin Dorwart, Outstanding in the Field, was here if Council had any questions regarding 2L and 2M. He gave background information regarding what they do and summarized the event that will be taking place.

Mayor Smith asked if Council wished for anything to be pulled for further discussion.

Councilmember Giacomino asked that item K be pulled for further discussion and discuss it during item number 4.

Mayor Smith stated that they would pull item K and discuss it during item number 4.

MOTION: Councilmember Cline moved to approve Consent Agenda items 2A-2J, 2L and 2M.

SECOND: Councilmember Lindstrom

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

OLD BUSINESS

- 3. Discussion and Possible Authorization to Sign and Return a letter from an Assistant Attorney General Finding an Open Meeting Law Violation for Unauthorized Disclosure of Executive Session Information and Requiring the City to pay a \$500 Fine and the City Council and Staff to Attend Open Meeting Law Training.

Britt Hansen, City Attorney

Mayor Smith indicated that item number 3 had been pulled from the agenda. He stated that it had been pulled because the Attorney General has indicated to disregard their earlier letter to us and that they would need to receive further information.

NEW BUSINESS

- 4. Discussion regarding the Design Review Board letter to Mayor and Council that they would like to read into the record at the Council Meeting.

Leslie Johns, Councilmember Ward I

Joni Giacomino, Councilmember Ward II

Councilmember Johns read into the record a letter that the Design Review Board wrote to the Council regarding; Appointment of Full Board (This letter is attached as Exhibit "A" to these minutes).

- K. Approval of the Appointment of Benjamin Lepley to the Design Review Board.

Ashlee Coronado. City Clerk

Councilmember Giacomino spoke regarding Mr. Lepley and the fact that he does not live in Bisbee. She questioned it. He wouldn't be readily available to the board. We had a board that had spoken out on what they would like.

Councilmember Lindstrom asked for a legitimate reason as to why Mr. Budget had not been appointed.

Councilmember Cline asked if anyone lived at 27 Temby.

Councilmember Giacomino said that she didn't know.

Mr. Budge stated that his application has been in for 6 months and one week. He asked what kind of message were we sending to the public.

The Council went back and forth regarding the application / reappointment of Ken Budge for the Design Review Board.

Councilmember Giacomino said she didn't understand the issue. The board members want him.

Councilmember Lindstrom asked what they would do if this continued to be a stand-still.

Mr. Hanson, City Attorney said that legally there was not a solution usually it was a political solution where you compromise on both sides.

Councilmember Giacomino asked if Mr. Hanson could define the term "Residency".

Mr. Hanson said the definition they usually use for legal reasons was for registering to vote where you reside.

MOTION: Mayor Smith moved to approve the Appointment of Benjamin Lepley to the Design Review Board.
SECOND: Councilmember Hansen

ROLL CALL VOTE:

AYES: Councilmember Higgins, Johns, Hansen, and Mayor Smith.

NAYS: Councilmember Lindstrom, Giacomino, and Cline

MOTION PASSED: AYES -4; NAYS -3

- 5. Discussion and Possible Authorization to accept Grant Funding from the Tohono O'Odham Nation on behalf of the Bisbee Healing Arts Center, if funding is awarded.

Leslie Johns, Councilmember Ward I

Joni Giacomino, Councilmember Ward II

Morgan Oxley spoke regarding the grant funding from the Tohono O'Odham Nation. In order to receive the funding, the tribe requires a local government to accept it on their behalf.

Nicholas Night spoke in support of this.

MOTION: Councilmember Johns moved to accept grant funding from the Tohono O'odham Nation on behalf of the Bisbee Healing Arts Center, if funding is awarded.

SECOND: Mayor Smith

MOTION PASSED: UNANIMOUSLY

- 6. Discussion and Possible Direction to Staff on how to move forward with the City Attorney position.

David M. Smith, Mayor

Nicholas Night stated that we needed an attorney.

Mayor Smith spoke regarding the options for a City Attorney.

Council discussed having an in house attorney as an employee.

Mayor and Council directed staff to advertise for an employee attorney and have personnel do a study to see what the average cost of City Attorney's in other cities and towns our size and bring it back to the Council.

Council went back and forth regarding the hiring of a City Attorney. A range of \$85,000 - \$95,000 was directed to staff.

7. Discussion and Possible Direction to Staff regarding the Visitor Center Manager/Tourism Director position.
David M. Smith, Mayor

Mayor Smith stated that Council was provided with a new job description for Tourism Director and the Council passed that job description, but didn't specifically pass that position authorization. So, what needs to be done was to have the Council make the decision of what position they want to hire under.

Ken Budge questioned how this was going to be paid for that needed to be decided first.

Rob Page, iBisbee, said that it was a critical position. The department brings in a return on the investment. Tourism supports all wards. He spoke on Bisbee's awards that have been received due to Tourism.

Cynthia Conroy spoke on the different great parts of Bisbee. She urged the Council to hire a part-time person there could be a savings. Hire a consultant.

Christine Placencia stated that tourism matters. How much can we afford? She said that it matters to businesses. When tourism was strong the economy was strong. She urged Council to fire a way.

Nicholas Night said he doesn't envy the Council. He urged the Council to do something.

Mayor Smith stated that many in the business committee would like it to be hired with the new job description.

Councilmember Lindstrom wanted clarification regarding this.

Mayor Smith explained that we need to authorize which description Council would like to hire from.

Councilmember Cline spoke about staying within the budget.

Councilmember Giacomino questioned if there was money to sustain the position.

Councilmember Johns felt that we needed to revisit this after the budget. She was not ready right now to say what they should do.

Councilmember Giacomino stated that one of her concerns was the lack of tourism experience of what she saw and are were getting applicants for what we truly need.

Councilmember Hansen stated that Ms. Luria promoted our town. We had to have a good Tourism Director. We are a tourist town that was our lively hood.

Council discussed the funding for this position and this position in general.

Councilmember Higgins said that it would be short sided to not hire for the Tourism Director Position.

Council continued to discuss the funding for this position and this position.

Mr. Hanson, City Attorney suggested to open it under both positions.

Council continued to discuss the funding for this position and this position in general.

Mayor and Council directed staff to hire under the Tourism Director job description.

8. City Manager's Report:

- Other current events (No Discussion)
- Mr. Pauken wasn't at this meeting but his report went to Council in their packets regarding an update on the City Manager recruitment.

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.):

- Councilmember Hansen announced the activities for Memorial Day at the Evergreen Cemetery and Memorial Cemeteries. She also, announced the Pool Opening.

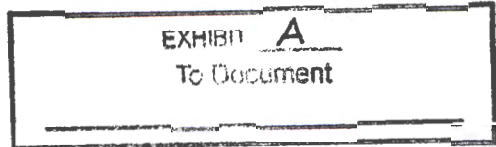
MOTION: Councilmember Higgins moved to adjourn the meeting.

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 8:37 PM

Anna Cline, Mayor Pro Tempore



**DESIGN REVIEW BOARD
CITY OF BISBEE**

April 8, 2019

The Mayor and Council
City of Bisbee
915 S. Tovreaville Road
Bisbee, AZ 85603

Dear Mayor and Council:

Subject: Appointment of Full Board

We, the members of the Design Review Board (DRB) of the City of Bisbee, are writing to urge you to take immediate action to restore the DRB to its full complement of seven members.

We are a volunteer, uncompensated body, with individuals serving at the pleasure of the Mayor and Council. We exist to help maintain the historic design elements of Old Bisbee. We do this by individually reviewing applicants plans and by discussion and debate at our public meetings. Although we have a common goal, we are a diverse group with different backgrounds, experiences, disciplines and technical abilities. To reach a fair and balanced decision we exchange our individual thoughts and ideas. The more members present at our meetings, the better our ability to balance the needs of the applicants with the intent of our design standards.

Inevitably, we all have other demands on our time and occasionally must be excused from a meeting. Also, being a small community (and with members involved in construction and real estate commerce) there are conflicts of interest to manage and consequent recusals. Being two members short of the statutory seven as we were for the first three months of 2019 rendered the DRB only marginally functional. One meeting was cancelled owing to a lack of quorum and at two others only a bare quorum was present. This situation does not serve the community fairly. In addition, the full board has an odd number of members, a factor which serves to avoid a tie vote. Given that a tie vote is an automatic rejection we currently stand to have more decisions winding up at the Board of Adjustment.

We therefore urge the Mayor and Council without further delay to reinstate Mr. Ken Budge to the DRB (whom the Board had appointed in 2018 to serve as Chairman – a clear testimony to the respect the other members had of Mr. Budge’s ability and knowledge). Should the Mayor and Council elect not to reinstate Mr. Budge then we further urge you to appoint an alternate candidate as quickly as possible.

Respectfully,

Todd Conklin Todd Conklin

Frank Davis Frank C. Davis

Peter Gaffer Peter Gaffer

Stephan Green Stephan Green

Michael McPartlin Michael McPartlin

Jon Sky Jon Sky