

GENERAL BUSINESS:

- 1. ACCOUNTS PAYABLE: Subject to availability of funds

MOTION: Councilmember Cline moved to approve accounts payable in the amount of \$193,208.68 subject to availability of funds.

SECOND: Mayor Budge

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6 NAYS -0

- 2. Approval of the Consent Agenda

- A. Approval of the Minutes of the Regular Session of the Mayor and Council held on May 18, 2021.

Ashlee Coronado, City Clerk

- B. Approval of the Appointment of Emily “Linda” Reynolds to the Transit Advisory Committee.

Ashlee Coronado, City Clerk

MOTION: Councilmember Cline moved to approve the consent agenda items A-B.

SECOND: Councilmember Johns

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6 NAYS -0

OLD BUSINESS

NEW BUSINESS

- 3. Presentation by Christine McLachlan, Cochise County Planner on the Bisbee Area Master Mobility Plan; Discussion and Possible Approval to Adopt the Bisbee Area Mobility Master Plan.
Stephen Pauken, City Manager

Mr. Pauken stated that this had gone before the Planning and Zoning Commission on May 20th and they had unanimously approved. Mr. Pauken introduced Christine McLachlan, AICP Planner II Cochise County.

Ms. McLachlan gave a board overview of plan and recommendations to include the following:

- Study Area
- Inventory & Analysis (Land Ownership, Road Jurisdiction, Bus Route and Sun Corridor/mine Trails)
- Public Engagement (Online survey June 2020- Key findings)
- Naco: Existing Conditions/ Recommendations
- San Jose District: Existing Conditions/Recommendations
- Warren District: Existing Conditions/ Recommendations
- Old Bisbee District: Existing Conditions/ Recommendations
- The Multimodal Network (Recommendations/Implementation)

- On May 20, 2021 Planning and Zoning Commission unanimously supported forwarding of the plan to the City Council.
- Andrew Laws, Bisbee resident did not support the mobility plan connecting in Old Bisbee. He was in favor of the pathway around the pit, but didn't want a traffic lane eliminated.
- Cado Daily, Bisbee resident supported the plan, but with changes. She listed the changes she would like to see. She felt that there would be a fire risk and that it would affect the wildlife that they see in Old Bisbee.
- Elizabeth Lueck, Bisbee resident stated that she had property in Zacatecas Canyon and didn't want her property listed in books or the plan. She was concerned also about fire danger.

Councilmember Davis stated that he was concerned about the trails and who would maintain them.

- Kiyomi Foxe, Bisbee resident stated that she was in agreement with all those that have spoken regarding this plan.

Councilmember Pawlik noted that he agreed with what has been said.

Mayor Budge also agreed with the comments and suggested removing any trails that were on private property or unapproved trails.

Mr. Pauken noted that this was a living document and would change over time and would be reviewed periodically, like the general plan. Ownership should be a consideration to respect personal property.

Councilmember Johns agreed with everyone and wanted to respect people who own the land and was also concerned about the fire danger along with the mining shafts. The trails on private property should be taken out of the plan.

Mayor Budge stated that the Council would not take any action on this tonight. He asked that the County bring it back to Council with the caveats that were mentioned in this discussion.

4. Public Hearing on Truth in Taxation and Public Hearing and Discussion on FY 2021-22 Proposed budget for the City of Bisbee.

Keri Bagley, Finance Director

Ms. Bagley stated that this was the public hearing on the proposed tax increase and the budget. This was required before we could approve the budget. The Proposed tax increase would be brought back before Council at the next meeting.

Mayor Budge opened the Public Hearing.

Mayor Budge asked if there was any member of the public in favor. None

Mayor Budge asked if there was any member of the public in opposition. None

Mayor Budge asked Ms. Coronado, City Clerk if there was any written communication. Ms. Coronado stated that she had not received anything.

Mayor Budge closed the Public Hearing.

Mr. Pauken noted that we saw this change every year in the property tax based on evaluations. We were permitted by law to do a maximum increase of 2% plus any new construction that takes place. The current property tax rate was \$2.9954 per one hundred dollars of assessed value. The proposed adjustment was \$3.0503 per one hundred dollars of assessed value. Increasing the tax by about five and half cents per one hundred dollars of assessed value of each property. This will generate an additional \$22,544 in property tax revenue for the City.

Councilmember Pawlik asked why we had to raise it the maximum that was allowed by law. Why couldn't we raise it 1% to give tax payers a break especially in times like these.

Mayor Budge stated that we raise it to the maximum that the state would allow. He felt that since we were facing a lot of increase in cost to run the City we can't get behind. Next year we couldn't raise it 3% the state does not allow us to catch up.

5. Discussion and Possible Approval of Resolution R-21-05: Adopting the Final Budget FY 2021-22 for the City of Bisbee; Adopting the Alternative Expenditure Limitation for FY 2021-22.

Stephen Pauken, City Manager

Mr. Pauken noted that the proposed 21-22 budget was in the amount of \$23,578,658.00. There was a slight increase from the 20-21 budget. Arizona has an expenditure limitation law we are in compliance with that limitation law with this budget. However, when the state imposes a limitation on what cities and counties can spend that means we have to think of every conceivable opportunity, threat or anything else that may happen in the course of the fiscal year.

Councilmember Giacomino stated that we talk about cutting money, was there any way to combine some positions, for instance we have a Fire Marshal and Building Inspector. Why can't those two jobs be combined.

Mr. Pauken explained that he didn't really think that those two positions could be combined, there was too much more of the public safety fire related part of the job of a Fire Marshal that isn't a part of being a Building Inspector.

MOTION: Councilmember Davis moved to approve Resolution R-21-05 adopting the final budget and the alternative expenditure limit for fiscal year 2021-22.

SECOND: Councilmember Johns

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6 NAYS -0

Mr. Pauken thanked everybody that worked on the budget.

6. Discussion and Possible Approval of a Grant Management Policy.

Keri Bagley, Finance Director

Ms. Bagley stated that this was a grant management policy that our auditors during our last year's single audit. The auditors found us to be lacking in a policy that was required. This policy was developed with guidance that the auditors provided along with some other sources. The corrective action plan was to have this developed by the end of this fiscal year.

MOTION: Councilmember Davis moved to approve the City of Bisbee Grant Management Policy.

SECOND: Councilmember Pawlik

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6 NAYS -0

7. Presentation, Discussion and Possible Approval of a Park, Facility and Right of Way Use Permit for Bird Rides, Inc for short term e-scooter rentals.

Jesus Haro, Public Works Director

Mr. Haro said that this application for the park facility, and Right-of-Way use permit was a unique one to Bisbee it was for short term e-scooter rentals. He had several meetings with the Police Chief and wanted the Council to have a clear idea of what they would be approving.

Mike Butler, Bird Rides, Inc. spoke about Bird, how they got started, how it worked, equitable pricing options, their approach, the vehicle, fleet manager (contract with a local who is responsible for the assigned fleet), addressing clutter concerns, and the Bisbee proposal.

Council asked questions, commented and discussed the short term e-scooter rentals permit request.

Mr. Butler answered Council's questions and welcomed their comments and discussion. He stated that this was a pilot program and they were seeing if the City was interested.

Chief Echave said that he had concerns from the public safety side. He also, had concerns about where the scooter would be left when the person was done using it.

Council continued their discussion, comments and questions.

Mr. Butler answered the Council's questions and spoke regarding the issues that have been brought up.

Mr. Estes, City Attorney stated that each city was different, but to address the concerns that have been raised tonight a code could be drawn up to regulate.

Mayor Budge stated that he thought that this should go before the Planning and Zoning Commission.

Chief Castillo stated his concerns with the people who didn't know the town and the possible increase on accidents or injuries.

Councilmember Johns asked the City Attorney if we had liability in this situation if someone injures themselves on one of these scooters. Could we end up getting sued over it?

Mr. Estes, City Attorney said that the City shouldn't have liability.

Mayor Budge asked that this be directed to our Public Works Director and City Manager for further information then it should go before the Planning and Zoning Commission. He stated that we needed a lot more information than what was presented tonight.

8. Discussion and Possible Approval of a Memorandum of Understanding between the City of Bisbee and Midstate Energy-a Verge Company.

Stephen Pauken, City Manager

Mr. Dick Williams, Midstate Energy stated that they would like an opportunity to go through a feasibility study with the City of Bisbee, so they could discover what opportunities exist the City to improve their infrastructure. If the City approved the study they would come out and do a kick off meeting and once they had the utility bills they would go through and do assessments of each facility and look at the system life cycles that are in each of our facilities. He said they would identify their condition, how many more years of life remain on those assets and what the potential opportunities are to retrofit those and improve those designs of those systems. Once the feasibility study was finalized which takes about 90 days they would

bring that information back to the City Council to summarize what the opportunities would be to see if there was a potential to work together.

Mr. Pauken asked that once the feasibility study was completed and something was identified to improve our energy efficiency how does Midstate Energy get paid.

Mr. Williams stated they would ask for a letter of intent to actually move forward with a design and bidding of the project and then at that point they would get paid through a contract.

Council asked questions, commented and discussed the Memorandum of Understanding between the City of Bisbee and Midstate Energy-a Verge Company.

Mr. Williams answered Council’s questions and welcomed their comments and discussion. Mr. Williams stated that there would be no cost for the feasibility study.

Mr. Pauken said that cash flow was a premium for us especially over the next twelve months. The likelihood that we would spend any money on anything for the next twelve months was very remote.

Mr. Williams explained how the money aspect would work to pay for the improvements.

Mayor Budge stated that our budget was tight and we will let this pass for now and hopefully Midstate Energy could come back to the City.

9. Discussion and Possible Approval of Resolution R-21-06; Amending the Fire Department section of the City Fee Schedule.

Jim Richardson, Fire Marshal

Mr. Richardson said that they were proposing amending the Fire Department fee schedule. He stated that he had compared other cities and towns pricing and these fees were pretty low.

Mayor Budge asked about operational permits.

Mr. Richardson explained that operational permits would be for commercial businesses.

MOTION: Councilmember Pawlik moved to approve Resolution R-21-06; Amending the Fire Department section of the City Fee Schedule.

SECOND: Councilmember Davis

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6 NAYS -0

10. Discussion and Possible Approval of the Base Hospital Agreement between St. Joseph’s Hospital and the City of Bisbee.

George Castillo, Fire Chief
Raul Villasenor, Fire Captain

Chief Castillo said that before Council was a Base Hospital Agreement between St. Joseph’s Hospital and the City of Bisbee.

Captain Villasenor said that this agreement would be transferring our medical direction from Dr. Vogelson from TMC to Dr. Curry from St. Joseph’s. There was no cost to this it’s totally free. The reason for the

switch was more opportunities they would have with St. Joseph's that they really hadn't got with TMC. Along with this agreement there was a different section that allowed them to also get medications from their hospital if Copper Queen for some reason they can't get it. This should be a simple transition and lot easier to communicate. This would be a very good change for them and in many ways a lot of cost savings.

Councilmember Cline stated that she thought this was a much better opportunity for the Fire Department. She supported this one hundred percent and thanked Captain Villasenor for going in and looking at this and getting us what was best for the department and for the City.

MOTION: Councilmember Cline moved to approve the Base Hospital Agreement between St. Joseph's Hospital and the City of Bisbee.

SECOND: Mayor Budge

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6 NAYS -0

11. Discussion and Possible Approval to purchase a fork lift for the Recycling Program.

Jesus Haro, Public Works Director

Mr. Haro said that we have a forklift that was assigned to the recycling program, but it had failed. They did send it over to a repair center and they deemed it not wise to repair. It would cost us about \$8,000.00 to get it to a point that they could make sure that it was functional. They did get three proposals for three different forklifts from the mechanic; it was also on a cooperative and competitively bid contract to provide forklifts. They were requesting to purchase the least expensive forklift.

Councilmember Cline asked if we were doing a lot of recycling at this time.

Mr. Haro said that they recycle every day six days a week.

Mr. Pauken explained the issue in recycling, we are recycling continually large volumes of recyclable materials every day down at the recycling center. Even though we've removed the satellite centers which were perhaps too numerous all over town a year ago. A lot of people were still dedicated to recycling the volume was still there and the need for the equipment was still there. He said there was a definite need to purchase the equipment that's being recommended.

MOTION: Mayor Budge moved to approve the purchase of a Hyster H50CT fork lift from Arnold Machinery Company used one for \$15,500.00.

SECOND: Councilmember Johns

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6 NAYS -0

12. Discussion and Possible Approval to purchase dumpsters and roll-outs totes.

Jesus Haro, Public Works Director

Mr. Haro said that they were trying to rectify our trash pickup problem with our trash trucks and during the April 6th meeting the Council approved purchasing the pockets to convert our existing dumpsters into front load dumpsters. Since then they have had some discussions with the City of Sierra Vista and they have an excess of dumpsters that they are looking to get rid of. The City of Sierra Vista came up with pricing and in

addition to the dumpsters they also have 95 Gallon Roll-Out Totes We can use those roll-outs to convert all of our existing residential trash pickups from dumpsters to roll-outs.

MOTION: Councilmember Davis moved to approve the purchase of dumpsters and roll-out totes from the City of Sierra Vista.

SECOND: Councilmember Pawlik

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6 NAYS -0

13. (14) City Manager's Report:

- Andrew Laws spoke regarding the electric car chargers that will be in front of the Bisbee Vogue building.
- Kiyomi Foxe spoke regarding the electric car chargers that will be in front of the Bisbee Vogue building.
 - Mr. Pauken reported on the installation of electric car chargers by APS. (2)
 - Mr. Pauken gave an update on the Farmers Market. (1)
 - Mr. Pauken spoke regarding the vacancies on our Boards and Commissions.
 - Other Current events (No Discussion) (5) Mr. Pauken stated that on June 2nd and 3rd the highway 80 at the tunnel will have reduced traffic there will be ADOT engineers in the tunnel doing some work and study. They will maintain traffic but traffic will be reduced.
 - Mr. Haro gave an update on Main Street. (4)

14. (13) 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)(3)(4) for discussion or consultation on the Harris matter.

Per ARS § 38-431.03(A3)(A4) , the City Council may vote to go into executive session for discussion or consultation for legal advice with the attorney or attorneys of the 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.

Joseph Estes, City Attorney

MOTION: Mayor Budge moved to enter into Executive Session

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

MOTION: Mayor Budge moved to come out of Executive Session

SECOND: Councilmember Davis

MOTION PASSED: UNANIMOUSLY

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: 10:29 PM

Ken Budge, Mayor