

This meeting was closed to the public due to Covid 19

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, JUNE 2, 2020 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 Louis Pawlik, Ward III, Mayor Pro Tempore
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

STAFF

Theresa Coleman, City Manager
Ashlee Coronado, City Clerk
Keri Bagley, Finance Director
Joelle Landers, Personnel Director
Jesus Haro, Public Works Director

CITY ATTORNEY

James Ledbetter

INVOCATION: Mayor Smith asked for a moment of silence to continue keeping those that are affected by this virus worldwide and certainly our Bisbee family in our thoughts.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Smith announced that unfortunately the statistical information that we are receiving was showing that Covid 19 was increasing in Arizona.

CALL TO THE PUBLIC

- Laurie Lewis, Vice President for the Bisbee Senior Center gave some history on the center. She spoke on the importance of the center to Bisbee. She informed the public on various services they provide to the city and its residents.
- Donna pulling, welcomed Mike Teran as the new level III Wastewater Treatment Plant operator. She said that he would continue to offer his extensive knowledge and experience. She wished him the very best.
- Bisbee Vogue Inc., spoke in support of opening the pool. They also requested maintenance to the pool in the year 2020 and beyond. They stated their concern for the breeding of mosquitoes in the standing water.

- Kay Lynn Cummins, spoke in support of opening the Bisbee Pool. She said that this was one of the best recreation spots in the city and provides jobs to our youth. She referred to the CDC guidelines required during the pandemic. She said that they were easy guidelines to follow. She said that the pool required maintenance now and commented on mosquitoes.
- Donna pulling, spoke on the ambulance subscription. She requested charges be specifically stated and listed on the document. She also commented on the non-emergency assists that had been offered as a courtesy service in the past to the public as part of the taxes they pay for ambulance services. She said that these services have a minimal impact to the city. She urged Council to vote against this or table until these changes are made.
- Joan Reichel, asked Council to consider opening the pool this summer. She said that there were challenges for sure but we could learn the risks and avoid them.
- Patricia Hill, said that she was in favor of the pool being open.
- Fred Miller, said that he was on the Charter Review Committee and urged Council to approve the charter amendments as is and not make changes. He appreciated the opportunity for this service to the community.
- Margo McCartney, urged Council to open the Bisbee pool with appropriate limits on numbers of people.
- Claire Chafee, said that this had been a very trying time for all of us. She spoke on people losing their job and not being able to pay their bills. She also spoke on the mask versus no mask situation. She said that Council should set a good example for everyone. She went on to say that we were open now for the most part except for City Hall and buildings why was that. She said people could social distance and suggested having meetings outside.

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 \$162,216.33 and you.

SECOND: Councilmember Pawlik

Councilmember Cline asked about a charge for \$3,500 to repair a sewer line.

Mr. Haro responded that it was for a repair that was done because it was a main that was in our right of way.

Councilmember Giacomino asked about the water charges in the parks. She asked why they were so high.

Mr. Haro responded that we had started watering a lot more and the Grassy Park one was a water leak.

MOTION PASSED: UNANIMOUSLY

2. Approval of the Consent Agenda

A. Approval of the Minutes of the Regular Session of Mayor and Council held on May 19, 2020 at 7:00 pm.

Ashlee Coronado, City Clerk

MOTION: Councilmember Cline moved to approve the consent agenda items 2A

SECOND: Mayor Smith

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

OLD BUSINESS

- 3. Discussion and Possible Approval of Ordinance O-20-09; Amending Article 16.2 Queen Mine Regulations and Fees and providing for repeal and severability.

Theresa Coleman, City Manager

Mayor Smith said that this had come before Council previously and asked if there were any questions.

Councilmember Cline asked why the adult age was lowered.

Ms. Coleman responded that it was based on a request from Freeport McMoRan.

MOTION: Councilmember Pawlik moved to approve Ordinance O-20-09; Amending Article 16.2 Queen Mine Regulations and Fees and providing for repeal and severability.

SECOND: Councilmember Hansen

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

- 4. Discussion and Possible Approval of the Notice to adopt Ordinance O-20-10; Amending Article 4.5.1 Rates, and Establishing Article 4.5.2, Ambulance Subscriptions and providing for repeal and severability.

Theresa Coleman, City Manager

MOTION: Councilmember Higgins moved to approve the Notice of Intent to Adopt Ordinance O-20-10; Amending Article 4.5.1 Rates, and Establishing Article 4.5.2, Ambulance Subscriptions and providing for repeal and severability.

SECOND: Hansen

ROLL CALL VOTE:

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

NAYS: Councilmember Cline

MOTION PASSED: AYES -6; NAYS -1

NEW BUSINESS

- 5. Discussion and Possible Direction/Action on a petition received from Monika Patience regarding items blocking the Easement and Right of Way between 201 and 205 OK Street.

David M. Smith, Mayor

Councilmember Higgins explained that he was up at that location this morning, it was true that there were motorbikes parked there. It was a small parking lot. They all seem to be there neatly and not in the roadway or anyone's way for that matter. He did not really see an issue.

MOTION: Councilmember Higgins moved to disregard this petition and not accept the action requested.

SECOND: Mayor Smith

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

- 6. Public Hearing on Truth and Taxation and Public Hearing and Discussion on FY 2020-21 Proposed Budget for the City of Bisbee.

Keri Bagley, Finance Director

Ms. Bagley explained that this was the Public Hearing for the Truth and Taxation notice that had been published.

Mayor Smith opened the public hearing. He asked if we had received any correspondence in favor of this item. He asked if we had received any correspondence in opposition of this item. He said hearing none he closed the public hearing.

- 7. Discussion and Possible Approval of Resolution R-20-17; Adopting the Final Budget FY 20-21 for the City of Bisbee; Adopting the Alternative Expenditure Limitation for FY 20-21.

Keri Bagley, Finance Director

Mayor Smith said that he wanted to make sure everyone knew that we would be receiving some federal funding. This funding would not affect our expenditure limitation. We would be completely safe to pass this budget and accept the federal funding.

Ms. Bagley said that this Resolution would approve the final budget for FY 20-21 in the amount of \$22,078,364.

MOTION: Councilmember Hansen moved to approve Resolution R-20-17; Adopting the Final Budget FY 20-21 for the City of Bisbee; Adopting the Alternative Expenditure Limitation for FY 20-21.

SECOND: Councilmember Johns

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

Mayor Smith thanked Ms. Bagley and Ms. Coleman for a job well done on this budget.

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

Keri Bagley, Finance Director

Ms. Bagley explained that this was the annual pension funding policy that PSPRS now requires from all of their participants. This would explain how we plan to pay off our pension liability. Our plan was to pay our minimum requirement payments. It would be paid off in 2047.

Mayor Smith said that there were individuals who thought we should pay off some of this in lump sums. He explained that Coconino County paid \$20 million into their fund thinking it would help them get ahead of the curve and it did not lower anything. He mentioned other cities in the same situation. He endorsed us only paying what we had to pay. He would continue to work on reform.

MOTION: Councilmember Pawlik moved to approve the PSPRS Pension Funding Policy.

SECOND: Councilmember Hansen

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

9. Discussion and Possible Approval to enter into the Cares Act Airport Agreement.

Jesus Haro, Public Works Director

Mr. Haro explained that we had to enter into this agreement in order to receive our \$20,000 that we were notified we had been awarded.

Councilmember Pawlik asked what the \$20,000 was for and how they arrived at this figure.

Mr. Haro responded that this could be used for any purpose in which airport revenues may be lawfully used. He explained that we recently purchased the upgrades to our fuel system and these funds could go to that.

MOTION: Councilmember Hansen moved to approve to enter into the CARES Act Airport Agreement.

SECOND: Councilmember Johns

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

10. Discussion and Possible Approval to Repair the Sulzer Submersible Sewer Pump for the Mule Gulch Lift Station.

Jesus Haro, Public Works Director

Mr. Haro explained that we purchased a new pump for a backup. We always try to keep a backup on hand in case something happens. The new one has been put in place and we would like to get this one replaced as a backup.

Councilmember Hansen asked if the pump had been repaired before.

Mr. Haro responded no that was a new pump.

MOTION: Councilmember Johns moved to approve to repair the Sulzer submersible sewer pump for the Mule Gulch lift station.

SECOND: Councilmember Cline

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

11. Discussion and Possible Approval of a Memorandum of Understanding between the City of Bisbee and the Bisbee Senior Association for the Senior Center.

Theresa Coleman, City Manager

Ms. Coleman said she had an opportunity to sit down with the senior center manager and take a look at their financials. They both agreed that it would be a good idea to review these financials every year to determine to what extent we would be able to continue to help fund their operation. This simplified some of the wording that was in the original agreement.

MOTION: Councilmember Johns moved to approve the Memorandum of Understanding between the City of Bisbee and the Bisbee Senior Association for the Senior Center

SECOND: Mayor Smith

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

12. Discussion and Possible Approval of the Notice of Intent to Adopt Ordinance O-20-11, Accepting the transfer of Real Property held by Mining Claim in the Saginaw Neighborhood.

Theresa Coleman, City Manager

Ms. Coleman explained that this was a continuation of discussions we've had in the past about how to provide affordable housing. She was currently working with Jay Matchett at SEAGO on a grant application. This was focused on the Saginaw neighborhood. Ms. Coleman informed the Council of her efforts in obtaining various properties in the neighborhood.

MOTION: Councilmember Pawlik moved to approve the Notice of Intent to Adopt Ordinance O-20-11, Accepting the transfer of Real Property held by Mining Claim in the Saginaw Neighborhood.

SECOND: Councilmember Johns

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

13. Discussion and Possible Approval of Resolution R-20-18; Authorizing an Election on Certain Proposed City Charter Amendments to be held on November 3, 2020.

David M. Smith, Mayor/ Charter Review Liaison

Mayor Smith explained that this was the result of the Charter Review Committee which was required to go through the Charter. Mayor Smith said that a lot of hard work had gone into this. Mayor Smith asked if there were any questions.

Mayor and Council discussed questions and concerns regarding these proposed charter amendments. They discussed the importance of the charter.

MOTION: Councilmember Giacomino moved to not accept section 2.08, Duties of the Mayor.

SECOND: Councilmember Cline

ROLL CALL VOTE:

AYES: Councilmember Giacomino, Johns and Cline.

NAYS: Councilmember Pawlik, Higgins, Hansen and Mayor Smith.

MOTION PASSED: AYES -3; NAYS -4

MOTION: Councilmember Cline moved to not accept section 7.07.

SECOND: Councilmember Giacomino

ROLL CALL VOTE:

AYES: Councilmember Giacomino and Cline.

NAYS: Councilmember Pawlik, Higgins, Johns, Hansen and Mayor Smith.

MOTION PASSED: AYES -2; NAYS -5

MOTION: Councilmember Johns moved to approve Resolution R-20-18; authorizing an election on certain proposed charter amendments to be held on November 3, 2020

SECOND: Mayor Smith

ROLL CALL VOTE:

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

NAYS: Councilmember Giacomino, Cline

MOTION PASSED: AYES -5; NAYS -2

14. Possible Approval of a motion to go into Executive Session for the purpose the performance evaluation of Ashlee Coronado, City Clerk.

Per ARS § 38-431.03(a)(1), the City Council may vote to go into executive session for discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting. The public body shall provide the officer, appointee or employee with written notice of the executive session as is appropriate but not less than twenty-four hours for the officer, appointee or employee to determine whether the discussion or consideration should occur at a public meeting.

David M. Smith, Mayor

Mr. Ledbetter explained Ms. Coronado had been noticed that she had a right to go into executive session for her review and she had declined that right. In terms of the evaluations that had come in for Ms. Coronado they were frankly exceptional. She was meeting and exceeding expectations in almost every instance.

MOTION: Mayor Smith moved to approve a 6% raise to Ms. Coronado

SECOND: Councilmember Pawlik

MOTION PASSED: UNANIMOUSLY

15. Discussion and Possible Action Regarding Opening of the Bisbee Pool.

David M. Smith, Mayor

Mayor Smith said that there were people questioning and asking about this.

Mr. Haro said after reviewing the guidelines published by the Red Cross and by State Health Department. They were very similar and could be met. He said for the most part they were similar guidelines, but the state guidelines were missing a very important part that the Red Cross mentioned. That chest compressions and CPR could create aerosols. Ever since this pandemic had come about we had put forth a great effort to limit the contact our employees have with others. The issue here was that there was no way to eliminate contact if we had to rescue someone. He was concerned with putting teenage life guards in physical contact with someone who we may not know has coronavirus.

Mayor Smith asked if we were to follow the CDC guidelines how many employees would we have to have to run the pool.

Mr. Haro responded that a minimum of six lifeguards would be needed per day.

Ms. Coleman said that she was doing her very best to protect the employees that we currently had. The library was offering curbside service, and she had asked that they wait to see what happens 14 days after the memorial holiday before any determination was made to open further. To open the pool, she was being asked to hire teenagers and put them on the front line.

Mayor Smith said that there was money remaining from the friends of the pool. There were also funds available within our budget. He asked if the funds would be available to make repairs to the pool.

Mr. Haro responded yes; there were things that needed to be upgraded and repaired.

Councilmember Giacomino said one of the most important things was the fact that there was no standard care for the Covid virus. Us putting lifeguards at any age at a swimming pool makes us negligent. In order to do your job properly as a lifeguard you have to be able to look, listen, and feel. She went on to say that she was currently employed to lifeguard but had decided not to. She did not want to put herself at risk nor her family.

Councilmember Pawlik said that Covid 19 was a big issue but it was not the only issue. He said that he had been in contact with several people and was told that there was a lot of work that needed to be done at the pool. He asked how long it would take public works to address all the issues and get into a condition to open.

Mr. Haro responded that there were no issues with the pool that would not allow it to open. He said that the pool had been winterized and that's why it was a third full. It would take two weeks to prepare it.

Mayor Smith asked if there was a mosquito problem.

Mr. Haro said that there was not a mosquito problem. The remaining water could always be pumped out and chlorine could be added.

Councilmember Pawlik requested that we re-visit this issue on a monthly basis to reassess. He would like to see the pool open as soon as possible but not under the circumstances of Covid 19.

Councilmember Johns said that she wanted to bring this up for the benefit of her constituents who had suggested it, what would the liability look like if we were using volunteers to do the lifeguards job and sanitize things while the lifeguards were on duty.

Ms. Coleman responded that the city would be liable in the event that someone came to us and said their child was at the pool and came back sick and it was the city's fault.

Councilmember Cline said that she understood everyone wanted the pool open, but we would be negligent if we exposed these lifeguards.

MOTION: Councilmember Cline moved to not open the pool this summer.

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

16. City Manager's Report:

- Other Current events (No Discussion) Ms. Coleman said that many have noticed that there was a Fry Fire ambulance in town. That was because we had a another ambulance down. A proposal to purchase a new ambulance would be brought to Council at the next meeting.

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.):

ADJOURNMENT:

MOTION: Councilmember Higgins moved to adjourn the meeting.

SECOND: Councilmember Pawlik

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 8:44 PM

David M. Smith, Mayor