

## 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 18, 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 7:02PM.

### ROLL CALL

#### **COUNCIL**

VACANT, Ward III

Councilmember Joni Giacomino, Ward II

Councilmember Bill Higgins, Ward I 7:06 PM

Mayor David M. Smith

Councilmember Leslie Johns, Ward I

Councilmember Joan Hansen, Ward II

Councilmember Anna Cline, Ward III, Mayor Pro Tempore Excused

#### **STAFF**

Stephen Pauken, Interim City Manager

Ashlee Coronado, City Clerk

Keri Bagley, Finance Director

VACANT, Personnel Director

Jesus Haro, Public Works Director

Albert Echave, Police Chief

George Castillo, Fire Chief

#### **CITY ATTORNEY**

Britt Hanson

INVOCATION: Mayor Smith asked for a moment of silence in remembrance of Fran Richman.

### PLEDGE OF ALLEGIANCE

### MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

### CALL TO THE PUBLIC

- Margo Macartney, Bisbee resident wanted to talk about parking in Old Bisbee when there were events in town. She was part owner of a gallery on the Gulch and whenever there was an event there's no place to park. Last year she was on the pride board and made sure that they rented a vehicle in which they could shuttle people from the pit into town. This alleviated some of the parking issues. She would like the Council to consider requiring any large event to provide shuttle service or transportation.
- Claire Chaffee, Bisbee resident spoke about the confusion on the duties of the Mayor. She read from the charter on duties of the Mayor. She also recited the section of the charter regarding violations. She said that we needed to make sure we follow the charter and that there were violations by many. She encouraged others to read the charter.
- Doris Turner, Bisbee resident said that she had not seen any issues regarding the sewer and garbage on the agenda. She said that consideration of sewer increases cannot happen until there's a comprehensive revision of what the sewers are charging for and what the costs are going to be.

- Alison Williams, Bisbee resident spoke about the summer reading program along with the upcoming events at the library.
- Tandra Birch, Bisbee resident said that she wanted Council to consider a Resolution supporting the ERA. It was long overdue that women need to be equal to men.

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 Hansen moved to approve the accounts payable in the amount of \$317,127.97.

SECOND: Councilmember Johns

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 June 10, 2019 at 5:30 pm.  
Ashlee Coronado, City Clerk
- B. Approval of the Minutes of the Regular Session of Mayor and Council held on June 4, 2019 at 7:00 pm.  
Ashlee Coronado, City Clerk
- C. Approval of the Minutes of the Work Session of Mayor and Council held on June 3, 2019 at 5:30 pm.  
Ashlee Coronado, City Clerk
- D. Approval of the Minutes of the Regular Session of Mayor and Council held on June 19, 2017 at 6:00 pm.  
Ashlee Coronado, City Clerk
- E. Approval of the Minutes of the Special Session of Mayor and Council held on May 24, 2017 at 5:30 pm.  
Ashlee Coronado, City Clerk
- F. Approval of the Resignation of Peyton Deane from the Parks and Recreation Committee.  
Ashlee Coronado, City Clerk
- G. Approval of a Park, Facility and Right of Way Use Permit for the use of Vista Park for Movies in the Park on Saturday, June 22, 2019 from 3:00 pm to 11:00 pm.  
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 Ave, Bisbee Rd, Ruppe and Arizona Street for the 4th of July Parade on Thursday, July 4, 2019 from 9:00 am to 1:00 pm.  
Ashlee Coronado, City Clerk
- I. Approval of a Park, Facility and Right of Way Use Permit for the use of Brewery Gulch for the 4<sup>th</sup> of July Mucking and Drilling Contests on Thursday, July 4, 2019 from 7:00 am to 7:00 pm.

Ashlee Coronado, City Clerk

- J. Approval of a Park, Facility and Right of Way Use Permit for the use of Brewery Gulch for the Bisbee Circus Bizarre to be held on, Sunday, September 1, 2019 from 10:00 am to 12:00 am.  
Ashlee Coronado, City Clerk

Mayor Smith stated that items 2D-E would be pulled from the agenda. Mayor Smith stated that the reason that we were looking at minutes from 2017 was because they were lost in the fire.

MOTION: Councilmember Higgins moved to approve the Consent Agenda Items 2A-C & F-J.

SECOND: Councilmember Johns

MOTION APPROVED: UNANIMOUSLY

ITEMS 2D-E.

Claire Chaffee said that she didn't quite understand how you would recreate the minutes. She was concerned. Were we creating them from memory?

Ashlee Coronado, City Clerk responded that the packets were lost in the fire, once we realized they were never approved we addressed the issue.

Claire Chaffee said that she didn't feel that the new Councilmembers should be voting on them because they do not know.

MOTION: Councilmember Higgins moved to approve items 2D-E.

SECOND: Councilmember Johns

ROLL CALL VOTE:

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

NAYS: Councilmember Giacomino

MOTION PASSED: AYES -4; NAYS -1

**OLD BUSINESS**

**NEW BUSINESS**

- 3. Discussion and Possible Approval of Resolution R-19-06; Adopting the Tentative Budget for the City of Bisbee for FY 19-20 as well as give notice of the time for Public Hearing to Taxpayers for the Adoption of the Budget.

Stephen Pauken, City Manager

Mr. Pauken, Interim City Manager explained that if this Tentative Budget was approved by Council tonight under state law it locks in expenditures. We cannot come back with the final budget and add more expenditures. Tonight was a very important night for the budget.

Keri Bagley, Finance Director explained that tonight's tentative budget for a total amount of \$18,845,130.00. After the changes from the last work session we ended up reducing the use of fund balance by about \$200,000.

MOTION: Councilmember Hansen moved to approve resolution R-19-06 adopting the tentative budget for fiscal year 2019-2020 and also for notice of the public hearing to be held on July 2, 2019.

SECOND: Councilmember Johns

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -5; NAYS -0

- 4. Discussion and Possible Approval of PSPRS Pension Funding Policy  
Keri Bagley, Finance Director

Mrs. Bagley explained that this was a PSPRS pension funding policy that the state legislation passed in 2018. This policy would have to be renewed annually. This basically states how we would pay down our liability. Right now our plan was to pay per the PSPRS schedule.

MOTION: Councilmember Higgins moved to approve the PSPRS pension funding policy

SECOND: Councilmember Hansen

MOTION APPROVED: UNANIMOUSLY

- 5. Discussion and Possible Approval of a Transfer of City Property located near 822 C Pace Avenue pursuant to the request of Todd Conklin.  
Peter Gardner, Planner II

Peter Gardner, Planner II from Cochise County explained that Mr. Conklin desires to acquire 737 ft. of city property. The intention here was to create additional private parking spaces. He explained that there was parking pressure on Pace Avenue. He explained staff sent public notice and no public comment was received. This was essentially property that was doing the city no good and could do a private citizen good along with putting money in the city’s coffers. Based on the location of the property which does not touch any property other than his so there would be no other legitimate claim to the property. There would be no requirement for public auction. He explained that the Planning and Zoning Commission heard this issue on May 15 and unanimously recommended it for approval. There were two conditions. One, that a utility easement be granted to the city. And two, that a retaining wall be constructed under the garage.

MOTION: Councilmember Higgins moved to adopt Ordinance O-19-04 authorizing the sale and transfer of city property located near 822C Pace Avenue to Todd Conklin.

SECOND: Councilmember Johns

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -5; NAYS -0

- 6. Discussion and Possible Approval of the Agreement for Continued Support between the City of Bisbee and Bisbee Science Exploration and Research Center, Inc. for the Use of space at the Queen Mine Tour Building.

Melanie Greene, Bisbee Science Exploration and Research Center

Melanie Greene, BSERC said that this was an exciting time for the Bisbee Science Exploration and Research Center. She said as most of you know the science center was kicked off with a USDA grant to help get this started. The grant was issued to the city because BSERC was not a nonprofit at the time. The grant will expire in September. They have been working hard to develop additional funding. She explained that one of the long-term goals was to partner with the Mine Tour. In asking for this agreement they feel like they are well on their way. Ms. Greene briefly went through the contract with Council. She explained that they were asking for the use of a minimum of 768 square feet or the back quarter of the Queen Mine Tour building that was underutilized. This would be used to present exhibits that are interactive activities. They would like this to

commence on September 1<sup>st</sup> as their current lease expires October 14<sup>th</sup>. The Science Lab would assume the cost of getting into that space. Ms. Greene went through all the points in the contract.

Councilmember Giacomino asked if they ever received their nonprofit.

Ms. Greene responded, yes.

Councilmember Giacomino said any assistance the city was giving them was showing preference to one nonprofit over others. She went on to say that when this was first presented you knew that the rent was going to increase. Councilmember Giacomino said that now the science lab wants to move in and just pay utilities.

Ms. Greene responded that they would be paying their share of utilities and any additional expenses that the city would incur. Along with insurance and any improvements.

Councilmember Giacomino asked if they would be paying rent.

Ms. Greene responded, that there was no rent included in this agreement.

Councilmember Giacomino said that the conflict she was seeing was if we do not charge you rent why are we not helping the multitude of other nonprofits in town.

Councilmember Giacomino asked what would happen when Queen Mine Tour has a double train of people of 70 plus where would they all go? And what would keep people from messing with the unsupervised setups?

Ms. Greene said that the hope was like some museums do, they offer things that don't have to be attended, static exhibits. Anything that does require oversight would be put away.

Mayor Smith wanted to indicate for disclosure purposes that he sits on this board. The position was without pay so his action would not be a conflict of interest.

Council discussed the projected number of visitors to the Science Lab.

Councilmember Johns wanted to make sure with Mr. Graeme that there weren't any concerns with this.

Mr. Graeme responded that this was a way for the City to control their destiny on this. This was important for the business; we cannot remain static. For the long-term health this was necessary.

MOTION: Councilmember Higgins moved to approve the agreement of continued support between the city of Bisbee and the Bisbee science exploration and research center supporting the use of a portion of the Queen Mine Tour facility by the Bisbee Science Lab as outlined in the agreement.

SECOND: Councilmember Hansen

ROLL CALL VOTE:

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

NAYS: Councilmember Giacomino

MOTION PASSED: AYES -4; NAYS -1

7. Discussion and Possible Approval to submit an Application to the Arizona Department of Health Services for a Rate Increase of Ambulance Services.

George Castillo, Fire Chief and Raul Villasenor, Lieutenant

Chief Castillo explained that they were seeking approval for a rate increase for ambulance services from the Department of Health Services. He explained that Lieutenant Villasenor had been working very hard on this project.

Lieutenant Villasenor explained that in order to move forward with this increase we need to show the state that it was brought before Council. A rate increase had not been requested since June 3, 2013. 90% of the departments in Arizona have requested rate increases. Rate increases can be requested every six months. They were trying to match Douglas's rates for ALS and BLS of \$1,341.40. This was what they were requesting but was not guaranteed that they would be approved for this. Department of health services could say they were asking for too much or not enough. Our current rate was \$947.87.

MOTION: Councilmember Johns moved to submit an application to the Arizona Department of Health Services for a Rate Increase of Ambulance Services.

SECOND: Councilmember Higgins

MOTION APPROVED: UNANIMOUSLY

8. Discussion and Possible Direction to Staff on the possible sale of the Old Bisbee Post Office 1<sup>st</sup> Floor.  
David M. Smith, Mayor

Mayor Smith explained that on April 16<sup>th</sup>, while he was on vacation he received an email from a gentleman indicating that he represented investor that purchased post offices around the country. He asked if we were interested in selling our post office. Mayor Smith stated that he responded back that if there was an offer he would provide it to Council. He did explain to the gentleman that we do not sell property it has to go out to bid. A written offer was provided on 2<sup>nd</sup> of May. Mayor Smith said that he emailed and spoke to the Interim City Manager and legal counsel indicating that an offer was received. He was then compelled to bring it forward to the public because it was an offer to purchase property. He said he let the gentleman know on the 21<sup>st</sup> it would be on the agenda, but other business came up so it was kept off the agenda. The Mayor did inform them that it would be on the agenda tonight and they said the language in the offer was extended until tonight. Mayor Smith said that it might be of interest and importance that he had not indicated a position on this because it might be a violation of open meeting law. He did want to state that this was a terrible idea.

Cathy Clifton, Bisbee resident said that the elevator was the primary access to the library and it also makes it handicap accessible. The library was probably the, if not one of the community centers for Bisbee. The building is on the national register of historic places and it is part of our heritage. Selling off our heritage piece by piece was not who we are.

Margo Mcartney, Bisbee resident selling of our heritage was the worst idea she had ever heard in her life. The entire post office is a community center. It's our building we cannot sell it. She strongly urged Council to vote against it.

Claire Chaffee, Bisbee resident said she was concerned because it was in the historic district. She was concerned that the Mayor had gotten the offer because no one knew what had happened. It riled people right up. This was part of Bisbee. She said she was sad when she saw this.

Tamara Birch, Bisbee resident thanked the Mayor for not wanting to do this. Bisbee Post Office was in our hearts and blood and spirit. It needs to be preserved for the next generations.

Councilmember Higgins said he received many phone calls.

Councilmember Johns agreed.

Councilmember Giacomino said that if the Mayor heard about it on April 14<sup>th</sup>, why didn't the Council hear about it until now. It would've been nice to have had a heads up that the Council.

Councilmember Hansen said she was also against this.

Mayor Smith said that it was safe to say that we would not be providing any direction he would be sending an email this evening indicating that Council and citizens are not interested in the sale of the post office.

- 9. Discussion and Possible Approval of a Contract for Publishing Services/ Newspaper of Record with the Bisbee Observer.

Ashlee Coronado, City Clerk

Ms. Coronado, City Clerk said that before Council tonight was the contract for publishing services and newspaper of record. The only bid received was from the Bisbee Observer. The price quoted was \$3.75 per column inch per publication.

MOTION: Councilmember Higgins moved to approve the contract for Publishing Services/ Official Newspaper of Record with Bisbee Observer.

SECOND: Councilmember Johns

MOTION APPROVED: UNANIMOUSLY

- 10. Discussion and Possible Approval of a Motion to go into Executive Session Pursuant to A.R.S. § 38-431.03. (1) for Consideration of the employment and appointment of a City Manager.

*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.*

*David M. Smith, Mayor*

This item was pulled from the agenda.

- 11. Discussion and Possible Selection of a Preferred Applicant for the Position of City Manager.

David M. Smith, Mayor

This item was pulled from the agenda.

- 12. City Manager's Report:

- Other current events (No Discussion)

Mr. Pauken said that when he was assigned here back at the end of March there were a good number of vacant positions. Many of those positions were at the management level. He explained we have already filled a couple of them. This evening he would like to announce to positions which had been recently filled. He announced the new Personnel Director, Joelle Landers. He went on to say that this Council was aware one of the first new hires he made was the Public Works Director, Jesus Haro. Key to the Public Works Director was the position of Operations Manager. We didn't have to look further than our backyard and promoted Matthew Gurney to this position.

Mr. Pauken also informed the Council that contract matters for the city manager have been discussed this afternoon. A draft copy of the contract has been sent to Ms. Ruder for her review and hopefully they would hear back tomorrow. Once we have it back it would be submitted to the City Attorney for legal review. His hope was that it would be placed on the agenda for the July 2<sup>nd</sup> meeting for Council's approval. Ms. Ruder might be available to start sometime after mid-July which would be about two weeks before his contract expires. That would be ample opportunity to help her get oriented.

Mr. Pauken informed the Council that the water meter at the Cemetery had been removed. Likewise, the meter at this complex had been bypassed and a smaller meter has replaced it. He explained that Arizona water did all this at no extra cost of the city.

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 Higgins moved to adjourn the meeting.

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 8:22 PM

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David M. Smith, Mayor