

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, JULY 2, 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 7:56 PM.

ROLL CALL

COUNCIL

Louis Pawllik, 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

Stephen Pauken, Interim City Manager
Ashlee Coronado, City Clerk
Keri Bagley, Finance Director
Jesus Haro, Public Works Director
Albert Echave, Police Chief
George Castillo, Fire Chief

CITY ATTORNEY

Vacant

INVOCATION: Mayor Smith everyone to take a couple of moments to remember and think of the family is that six years ago at the Yarnell Fire lost 19 firefighters.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

Mayor Smith welcomed Mr. Pawlik to Council.

CALL TO THE PUBLIC

- Claire Chaffe, Bisbee resident thanked Council for thinking about the decision regarding the effluent. She especially thanked Councilmember Giacomino and Higgins. She again thanked Council for doing their due diligence. She went on to say that she felt that Mayor Smith left people out on things. There were certain people he liked and certain people he did not. She requested that he keep everyone involved and on the same page. She said that all constituents matter.
- Tami Birch, Bisbee resident announced that there would be a vigil on July 12th. It's a national movement from the lights for liberty group. They will be gathering at 7 PM at Grassy Park and walk to the Episcopal Church where the Reverend would talk about her experiences dealing with the detention children and how the people in custody are treated in this nation.

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 \$106,259.54.

SECOND: Councilmember Hansen

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 17, 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 18, 2019 at 7:00 pm.

Ashlee Coronado, City Clerk

C. Approval of a Park, Facility and Right of Way Use Permit for the use of Grassy Park for the Bisbee Garden Tour Pop Up Art Show to be held on Saturday, August 31, 2019 from 7:00 am to 7:00 pm.

Ashlee Coronado, City Clerk

D. Approval of a Special Event Liquor License Application Submitted by St. John’s Episcopal Church for an event to be held at 19 Sowles, Bisbee, Arizona in the Parish Hall on Friday, July 26, 2019 from 7:00 pm to 11:00 pm; Kym Kennedy, Applicant.

Ashlee Coronado, City Clerk

E. Approval of a Special Event Liquor License Application Submitted by St. John’s Episcopal Church for an event to be held at 19 Sowles, Bisbee, Arizona in the Parish Hall on Saturday, August 10, 2019 from 7:00 pm to 11:00 pm; Kym Kennedy, Applicant.

Ashlee Coronado, City Clerk

F. Approval of a Special Event Liquor License Application submitted by Easterseals Blake Foundation for an event to be held at City Park on Saturday, September 7, 2019 from 12:00 pm to 11:00 pm; Dina Scalone; Applicant.

Ashlee Coronado, City Clerk

G. Approval of a Special Event Liquor License Application submitted by the Bisbee Coalition for the Homeless for an event to be held at the Historic Warren Ballpark located at 99 Arizona Street, Bisbee, Arizona on Friday, November 1, 2019 from 5:00 pm to 10:00 pm and on Saturday, November 2, 2019 from 10:00 am to 8:00 pm; Tony Bedolla, Applicant.

Ashlee Coronado, City Clerk

H. Approval of a Liquor License Application for the Bisbee Grand Hotel & Saloon located at 57-61 Main Street, Bisbee, Arizona; Kevin Kramber, Applicant.

Ashlee Coronado, City Clerk

MOTION: Councilmember Higgins moved to approve Consent Agenda items 2A-2H.

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

Mayor Smith said that without any objection Item #9 would be moved up to the next item on the agenda.

- 9. Discussion and Possible Approval of a letter of support to support the efforts of Ecotopia and Meggen Connolley in creating a Bisbee Bicycle Master Plan.

Jesus Haro, Public Works Director

Mr. Haro explained a couple of weeks ago he met with Councilmember Higgins and Meggen Connolley to discuss the plan that Meggen has with Ecotopia to put together a bicycle Master plan. The plan meets many objectives of the City of Bisbee General Plan. Mr. Haro said he provided a draft letter to Council for their review.

Councilmember Higgins requested that the letter be read into the record. The letter is attached as Exhibit A.

MOTION: Councilmember Higgins moved to approve and sign the letter of support for Ectopia and Meggen Connolley in creating a Bisbee Bicycle Master Plan.

SECOND: Councilmember Giacomino

MOTION PASSED: UNANIMOUSLY

OLD BUSINESS

- 3. Discussion and Possible Approval of a Final Resolution to remove the City Manager.

David M. Smith, Mayor

Mayor Smith explained that this was on the agenda because under the Charter this had not been completed. There was a preliminary motion, although it's not the specific it was required to make a final motion.

Claire Chaffe, Bisbee resident said that from Robert Smith's accepted resignation on February 12th to his approved preliminary resolution on March 5th, there had been many discrepancies. She said Mr. Smith was paid out a total of \$13,893.30 and three-month severance of \$28,002. She requested that Council table this motion as this was approximately three months after the fact. A formal investigation was being asked for from the Attorney Generals office of this whole process.

MOTION: Councilmember Higgins moved to adopt the final resolution of Mayor and Council pursuant to section 3.09 of the Charter, to remove the City Manager without cause.

SECOND: Councilmember Hansen

ROLL CALL VOTE:

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

NAYS: Councilmember Hansen

MOTION PASSED: AYES -6; NAYS -1

NEW BUSINESS

- 4. Public Hearing on Truth and Taxation and Public Hearing and Discussion on FY 2019-20 proposed Budget for the City of Bisbee.

Keri Bagley, Finance Director

Ms. Bagley explained that this was the Public Hearing for the proposed Increase to the property tax rate. This would increase it by 2%. It would increase tax revenues from \$2.82 to \$2.91 per \$100 of assessed value.

Councilmember Giacomino asked when the last increase was done.

Mayor Smith Opened the Public Hearing.

Mayor Smith responded that it was last year and it was done every year.

Mayor Smith asked if there was anyone who would like to speak in favor of this item.

Mayor Smith asked if there was anyone who would like to speak in opposition of this item.

Mayor Smith asked City Clerk Coronado if there had been any communication received regarding this item.

Ms. Coronado responded, no there had not been.

Mayor Smith closed the Public hearing.

MOTION: Councilmember Higgins moved to consider the proposed tax increase and FY 2019-2020 budget for the city of Bisbee.

SECOND: Councilmember Hansen

ROLL CALL VOTE:

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

NAYS: Councilmember Giacomino and Cline

MOTION PASSED: AYES -5; NAYS -2

5. Discussion and Possible of Resolution R-19-07; Adopting the Final Budget FY 2019-2020 for the City of Bisbee; Adopting the Alternative Expenditure Limitation for FY 2019-2020.
Keri Bagley, Finance Director

Mrs. Bagley explained that this was the resolution to adopt the final budget for FY-19-20 and set the alternative expenditure limitation to \$18,845,130.00

MOTION: Councilmember Higgins moved to approve Resolution R-19-07 adopting the final budget and the alternative expenditure limit for Fiscal Year 2019- 2020.

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

6. Discussion and Possible Approval of Renewal of ECivis Master Subscription and Service Agreement.
Keri Bagley, Finance Director

Mrs. Bagley explained that this was a service agreement with eCivis, which was a Grant software to apply for grants and manage them. We have been purchasing this service since 2015 for about \$700 a year. The normal subscription rate has now gone up to \$10,000, but we have been given the grandfathered price.

Councilmember Hansen asked how often this software was used.

Ms. Bagley responded that the majority of users right now were volunteers because we don't have a grants writer.

MOTION: Councilmember Hansen moved to approve the eCivis Master subscription and service agreement for service through August 31, 2020.

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

- 7. Discussion and Possible Approval Resolution R-19-10; Urging the Arizona Legislature to hear and ratify an amendment to the Constitution of the United States relative to Equal Rights for Men and Women.

David M. Smith, Mayor

Mayor Smith said that he gave him pleasure to bring this item forward. He had been contacted by several local individuals as well as state and national. He personally thought this was the right thing to do.

MOTION: Councilmember Johns moved to approve Resolution R-19-10; urging the Arizona Legislature to hear and ratify an amendment to the Constitution of the United States relative to equal rights for men and women.

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

- 8. Discussion and Possible Approval to enter into a Contract to repair a section of wall on Sims Road in Old Bisbee with KE&G Construction, Inc.

Jesus Haro, Public Works Director

Mr. Haro explained that during the June 4th Regular Session Council gave the approval to publish a request for proposal. We received two proposals and they were opened on June 24th. KE&G was the low bidder.

MOTION: Councilmember Hansen moved to enter into a contract to repair a section of wall on Sims Road and Old Bisbee with KE&G Construction, Inc.

SECOND: Councilmember Pawlik

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 of a Contract with Fireworks Productions of Arizona for the 4th of July Fireworks.

George Castillo, Fire Chief

Chief Castillo explained that the fire department was requesting approval of this contract for the Fourth of July fireworks. This year with the city's donation, Freeport's donation and the fire fighters Union there was a hope that it would be a great show.

Councilmember Cline commented that Council used to fund more for the fireworks. She did not feel that the fire fighter union should have to pay to add to this show.

MOTION: Councilmember Higgins moved to approve the contract with Fireworks Production of Arizona for the Fourth of July fireworks.

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

11. Discussion and Possible Approval to enter into a Memorandum of Understanding between the Bisbee Fire Department, San Jose Fire District and Naco Fire District for a collaborative FEMA Assistance to Firefighters Grant.

George Castillo, Fire Chief/ Raul Villasenor, Lieutenant

Chief Castillo explained that they were seeking approval to enter into a Memorandum of Understanding between Bisbee Fire, San Jose Fire and Naco Fire for the FEMA Assistance to Firefighters Grant.

Lt. Villasenor said we were at the end of this grant. The grant was submitted last October. FEMA reached out to let them know they are being considered for this grant, they just needed additional documentation. We were pressed for time on this.

Mr. Pauken said that the somewhat urgent nature of this particular application has put the cart before the horse. Ordinarily, these are things that would go to legal review before coming to Council. Without objection he requested that Council approve this tonight subject to legal review.

MOTION: Councilmember Pawlik moved to enter into a Memorandum of Understanding between the Bisbee Fire Department, San Jose Fire Department and Naco Fire District for a collaborative FEMA assistance to firefighters Grant, subject to legal review.

SECOND: Councilmember Higgins

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

12. City Manager's Report:

- Verbal update on the City Manager Recruitment - Mr. Pauken explained last week we were unable to reach an agreement with the first candidate that was identified for the position. The parting was amicable. Without your permission but with your knowledge we moved on to the second candidate. We had proceeded to come to a tentative agreement with her. For the record that person was Theresa Coleman. We will need to have a special meeting next Tuesday; it will have an executive session to answer any questions that might come up.
- Mr. Pauken welcomed Mr. Pawlik to the group.
- Mr. Pauken said that part of the hours of budget discussions that Council went through always end up in a final budget being passed in a heartbeat. He mentioned that so people present would be aware that Council went through hours and hours of discussion and consideration on this budget.
- Other current events (No Discussion)

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 Anna Cline wished everyone a very safe and happy 4th of July. We had a lot of people coming to town for a reunion. She said police and fire going all day, please be safe with fireworks.

MOTION: Councilmember Higgins moved to adjourn the meeting.

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 8:41 PM

David M. Smith, Mayor

EXHIBIT A
To Document

July 2nd, 2019

To Whom It May Concern:

The City of Bisbee would like to formally support the efforts of Ecotopia and its mission to create the Bisbee Bicycle Master Plan. This planning document will serve as a foundation for Bisbee Bikeways, an interconnected network of bikeways throughout Bisbee.

The Project Manager of Bisbee Bikeways, Meggen Connolley, has already donated over 200 hours of her time to research possible bike routes throughout the City of Bisbee, while also managing to establish a coalition of partners that includes the County, Freeport McMoran, Ecotopia, and the City of Bisbee.

This effort strongly supports several of the objectives and policies of the "City of Bisbee General Plan Update 2015" (CBGP) and the "Guiding Principles and Best Practices for the San Jose District" (GPBPSJD) as noted in the excerpts below:

Policy 5-li "Support land use, transportation, circulation, trails, and urban design Improvements ... that will link this activity center with other areas of the City" " ... safe pedestrian routes to Greenway and the Bisbee High School."

Policy 8-1 d " ... Encourage new residential developments to provide bike and pedestrian trail connectivity and linkages to neighborhoods, parks, schools, public facilities and community

In 2007, the City of Bisbee became a signatory to the U.S. Mayors Climate Protection Agreement, as endorsed by the 73rd Annual U.S. Conference of Mayors meeting, Chicago, 2005. As one of only ten signatories to this agreement in the state of Arizona, the city has agreed to strive to meet or exceed Kyoto Protocol targets for reducing global warming pollution by taking actions in its own operations and communities." "Promote transportation options such as bicycle trails, commute trip reduction programs, incentives for carpooling and public transit;" NOTE: City of Bisbee Council recently passed a resolution in support of the Paris Climate Agreement.

The reality is, to make this entire bike path network exist, this project needs the energy and determination of residents like Meggen Connolley and the support and cooperation of the City of Bisbee to successfully create a Bisbee Bicycle Master Plan.

Meggen and Ecotopia are valuable assets to the City of Bisbee. As such, the City of Bisbee would like to offer official support in the efforts to create the Bisbee Bicycle Master Plan.

Sincerely,

David M. Smith, Mayor