

**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, SEPTEMBER 15, 2020 AT 7:00 PM VIA ZOOM.

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  
Joelle Landers, Personnel Director  
Jesus Haro, Public Works Director

**CITY ATTORNEY**

James Ledbetter

INVOCATION: Mayor Smith asked for a moment of silence to remember those dealing with the wildfires.

**PLEDGE OF ALLEGIANCE**

**MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:**

- Mayor Smith reported that take out alcohol was no longer allowed after a court ruling.
- Mayor Smith stated that there had been some controversy on legal fees. There was some indication out on social media that Mr. Ledbetter was charging more than the contracted amount. That was not the case. Total fees were as a result of our payments to insurance company's attorneys, for lawsuits against the City.
- Mayor Smith announced that he and his wife had purchased a Flag Pole/Christmas tree for the Traffic Circle.

**CALL TO THE PUBLIC**

- Sandra Michel- requested that the City consider installing removable rubber speed humps for Tombstone Canyon and also requested additional 15 mph speed limit signs.

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 \$282,764.28.

SECOND: Mayor Smith

Councilmember Cline asked about the \$600 charge for a toilet installation at the Senior Center; was there not someone on staff that could do the install. She asked Ms. Coleman to look into it. Councilmember Cline also asked about the APS pole replacement charge in the amount of \$10,000 and where that pole was.

Mr. Haro said he would double check where that was installed.

MOTION PASSED: UNANIMOUSLY

2. Approval of the Consent Agenda

- A. Approval of the Minutes of the Regular Session of Mayor and Council held on September 1, 2020 at 7:00 pm.

Ashlee Coronado, City Clerk

- B. Approval of the Appointment of Amy Brett to the Bisbee Arts Commission.

Ashlee Coronado, City Clerk

- C. Approval of an Application for an Extension of Premises/ Patio Permit submitted by the Bisbee Grand Hotel & Saloon for a permanent change for an addition of adjacent first floor space (2,094 sq. ft.) and upstairs area (4,389 sq. ft.).

Ashlee Coronado, City Clerk

Mayor Smith wished to pull item C for discussion.

MOTION: Councilmember Cline moved to approve the consent agenda item A & B.

SECOND: Councilmember

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

Item 2C.

Mayor Smith said that this item was tabled on the last agenda. It had since been explained further. He asked ask Mr. Ledbetter to address this.

Mr. Ledbetter stated that currently, under the loosening of the liquor laws, series 6 licenses were permitted to serve and allow for off premises consumption outside of their permitted area. He noted that there was another license called a series 11 license which was designed for motels and hotels. It seemed that they intended to allow the entire hotel to become a bar. This would be an unusual extension.

Mayor Smith suggested that Council take no action on this.

NO ACTION TAKEN- Died for lack of motion.

**OLD BUSINESS**

3. Discussion and Possible Approval of Ordinance O-20-14, Authorizing the Acquisition of Real Property located within the City of Bisbee.

Theresa Coleman, City Manager

Mayor Smith explained that this was the second reading of this Ordinance.

Ms. Coleman said that this was for 300 Campbell Street. She explained that she continued to have positive discussions with USDA and anticipates providing them with an agreement in October.

Councilmember Giacomino asked if we had looked at the property. She understood that it had been gutted.

Ms. Coleman said that she had asked and USDA was going to consider it.

MOTION: Councilmember Pawlik moved to approve Ordinance O-20-14, Authorizing the Acquisition of Real Property located within the City of Bisbee.

SECOND: Councilmember Higgins

**ROLL CALL VOTE:**

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

NAYS: Councilmember Giacomino and Cline

MOTION PASSED: AYES -5 NAYS -2

**NEW BUSINESS**

4. Discussion and Possible Approval to dissolve the Animal Ordinance Ad Hoc Committee.

David M. Smith, Mayor

Mayor Smith stated that he had requested this item. The committee was formed to make recommendations to rewrite the Animal Ordinance. The Committee was comprised of 5 individuals, to include members of the Friends of the Bisbee Animal Shelter. Meetings had been held and there became an impasse as far as feral cats. The two members from the Animal Shelter resigned. He then suggested that the Committee be dissolved. He was contacted by one of the three remaining members who agreed with the dissolution.

Councilmember Giacomino asked why none of the members had been notified about this. There were people still researching things on feral cats and dissolving the committee was a surprise to her.

Councilmember Cline asked if the objective was completed.

Mayor Smith said no.

Councilmember Cline asked then why would we be dissolving.

Mayor Smith said it was at an impasse.

Councilmember Giacomino said that there was generally good discussion with the last three people involved. There were two people on one side and one on the other.

Councilmember Pawlik said that he was personally disappointed in the two members of the Friends of the Animal Shelter. This was turned over to those folks to attempt to resolve an impasse on Council. It was their responsibility to take this issue and find a solution. We need to cancel this committee and we need to

address this as a City Council. We need to find a resolution to this and stop letting this drag on. We need this Ordinance and be able to enforce it. It was time to move this forward.

MOTION: Councilmember Higgins moved to approve the dissolution of the Animal Ordinance Ad Hoc Committee.

SECOND: Councilmember Pawlik

ROLL CALL VOTE:

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

NAYS: Councilmember Giacomino, Johns and Cline

MOTION PASSED: AYES -4 NAYS -3

- 5. Discussion and Possible Approval to purchase 200 Universal Carts (Roll-Out Trash Cans) from Toter in the amount of \$11,672.81.

Jesus Haro, Public Works Director

Mr. Haro explained that this purchase would attempt to coordinate them with the newly purchased garbage truck. He said that these were on a corporative contract.

Mayor Smith asked what Ward they would be going into.

Mr. Haro said that they would be going into Old Bisbee.

Councilmember Giacomino asked if more would be purchased for the rest of the City.

Mr. Haro said that was the goal to have all residential locations on rollouts.

MOTION: Councilmember Hansen moved to approve the purchase of 200 Universal Carts from Toter in the amount of \$11,672.81.

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

6. City Manager's Report:

- DRB Guidelines- Ms. Coleman reported that there would be a Special Design Review Board meeting tomorrow and they would be discussing the new Design Review guidelines.
- Ms. Coleman said that we had an opportunity to apply for a grant through SHPO. We chose to pursue an assessment of the Library. We could prioritize some of the maintenance items.
- Ms. Coleman spoke on the CLG grant for the Warren Historic District. She reached out to the U of A they have a course in the Spring that documents historic districts. She received a positive response that they would consider assigning students to assist in completing the Warren Historic District.
- Ms. Coleman said that she and Councilmember Johns were on a call with Gorman and Compass Affordable Housing. They were on tract to submit grant applications in April of 2021 for the affordable housing project on the 8+ acres behind Safeway.
- Ms. Coleman asked Mr. Haro to give an update on the Tombstone Canyon paving project. Mr. Haro said they were about three quarters of the way done. We expect the paving to be finished tomorrow. A walk through would be done next week

with the contractor. They would also be meeting with the striping contractor next week. This would be temporary striping first then three weeks after the permanent one would go down.

- 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.):

ADJOURNMENT:

MOTION: Councilmember Higgins moved to adjourn the meeting.

SECOND: Councilmember Pawlik

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 7:37 PM

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David M. Smith, Mayor