

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 20, 2022, AT 7:00 PM AT COUNCIL CHAMBERS LOCATED AT, 915 S. TOVREAVILLE ROAD, BISBEE, ARIZONA.

THE MEETING WAS CALLED TO ORDER BY MAYOR SMITH AT 7:10PM.

ROLL CALL

COUNCIL

Councilmember Juanetta Hill, Ward III
Councilmember Joni Giacomino, Ward II
Councilmember Frank Davis, Ward I Excused
Mayor Ken Budge
Councilmember Leslie Johns, Ward I
Councilmember Mel Sowid, Ward II
Councilmember Anna Cline, Ward III, Mayor Pro Tempore

STAFF

Stephen J. Pauken, City Manager
Ashlee Coronado, City Clerk
Keri Bagley, Finance Director
Matthew Gurney, Public Works Director
Tim Cox, Police Chief
Jim Richardson, Fire Chief

CITY ATTORNEY

Joseph Estes

INVOCATION: Mayor Budge asked for a moment of silence to think about our City and its diversities.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Budge said the League Conference had been great and announced that he had been elected to the Executive Board for the League of Arizona Cities and Towns.

CALL TO THE PUBLIC

THE FOLLOWING ITEMS WERE BE 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 \$249,016.66

SECOND: Councilmember Johns

Councilmember Sowid asked a question about accounts payable, and staff responded to his question.

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 6, 2022.

Ashlee Coronado, City Clerk

- B. Approval of a Park, Facility and Right of Way Use Permit for the use of Howell Avenue in front of the Copper Queen Hotel for a Halloween Street Party on Saturday, October 29, 2022, from 6PM to 1AM.

Ashlee Coronado, City Clerk

- C. Approval of a Special Event Liquor License Application submitted by Bisbee Pride Inc. for an event to be held at 401 Cole Ave, Bisbee, AZ on Saturday, November 26, 2022, from 4:00pm to 11:00pm.

Ashlee Coronado, City Clerk

Councilmember Johns asked that Item 2B be pulled from the Consent Agenda for discussion.

MOTION: Mayor Budge moved to approve the Consent Agenda A and C.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

ITEM 2B: Councilmember Johns asked if anyone was present to represent the applicant on this item.

There was no one from the Copper Queen Hotel Present.

Councilmember Johns asked this item be tabled to the next meeting as she had questions on the request.

MOTION: Councilmember Johns moved to table this item.

SECOND: Councilmember Giacomino

MOTION PASSED: UNANIMOUSLY

OLD BUSINESS

- 3. Discussion and Possible Approval of Ordinance O-22-12, accepting the transfer of real property from Southeast Arizona Renovations LLC, located at 103 D Street, Bisbee.

Stephen Pauken, City Manager

Mr. Pauken explained this was the second reading of this Ordinance and staff was recommending approval. This house would go into the Workforce Housing Program.

MOTION: Councilmember Johns moved to approve Ordinance O-22-12; accepting the transfer of real property from Southeast Arizona Renovations LLC, located at 103 D Street, Bisbee.

SECOND: Councilmember Cline

ROLL CALL VOTE

AYES: Councilmember Hill, Giacomino, Johns, Sowid, Cline and Mayor Budge

NAYS: 0

MOTION PASSED: AYES- 6 NAYS-0

- 4. Discussion and Possible Approval of a Notice of Intent to Adopt Ordinance O-22-13, Authorizing a utility easement to Arizona Public Services Company located near 118 Walsh Avenue.

Matthew Gurney, Public Works Director

Mr. Gurney explained this was a request from APS to move an already existing pole 6 feet from its current location.

MOTION: Mayor Budge moved to approve the Notice of Intent to Adopt Ordinance O-22-13, Authorizing a utility easement to Arizona Public Services Company located near 118 Walsh Avenue.

SECOND: Councilmember Giacomino

ROLL CALL VOTE

AYES: Councilmember Hill, Giacomino, Johns, Sowid, Cline and Mayor Budge

NAYS: 0

MOTION PASSED: AYES- 6 NAYS-0

NEW BUSINESS

- 5. Discussion and Possible Approval of Resolution R-22-15, Authorizing the Adoption of Owner-Occupied Housing Rehabilitation Guidelines in relation to an application for Colonias CDBG Set-Aside Funds.

Stephen Pauken, City Manager
 Melissa Hartman, City Planner

Ms. Hartman explained these guidelines were necessary for individual communities to allow SEAGO to procure any CDBG Funding for various types of projects. This would set the guidelines on how the rehab should be done; with all the regulations and rules to offer an owner-occupied rehab. Ms. Hartman explained the three different types of owner-occupied rehabs.

Mr. Keith Dennis from SEAGO explained this would be a grant that operates like a loan to keep the owner from flipping the home; HUD required the owner to stay in the home for 5 years. SEAGO received approval from the Department of Housing that anything under \$15,000 would be considered a grant.

Ms. Hartman said approval of these guidelines would implement the CDBG funded housing rehabilitation program.

Mayor Budge asked if these could be applied for every year.

Ms. Hartman replied these were available every other year.

MOTION: Councilmember Cline moved to approve Resolution R-22-15, Authorizing the Adoption of Owner-Occupied Housing Rehabilitation Guidelines in relation to an application for Colonias CDBG Set-Aside Funds.

SECOND: Councilmember Johns

ROLL CALL VOTE

AYES: Councilmember Hill, Giacomino, Johns, Sowid, Cline and Mayor Budge

NAYS: 0

MOTION PASSED: AYES- 6 NAYS-0

- 6. Public Hearing and Discussion and Possible Approval of Resolution R-22-16, Authorizing the submission of an application for FY 2021/2022 State Community Development Block Grant Colonias Set-Aside Funds, certifying that said application meets the community's previously identified housing and community development needs and the requirements of the state CDBG program, and authorizing all actions necessary to implement and complete the activities outlined in said application.

Stephen Pauken, City Manager
 Melissa Hartman, City Planner

Mr. Pauken explained we were seeking approval of this Resolution to submit the application to HUD for the CDBG funding for the Saginaw Colonias.

Mr. Keith Dennis said he had been asked why the Saginaw neighborhood. He explained there had been interest from the neighborhood to start this process and to designate it as a Colonias. He said there were now 4 neighborhoods in Bisbee that had that designation. He discussed the timeline and the process of getting residents qualified for this program.

Ms. Hartman said they had collected anywhere from 12 to 15 applications at this time, but not everyone would qualify. She explained the process of the applicant deciding on what their need was and coming up with a cost estimate for the project. The client never sees the actual money, it would go through SEAGO to pay the contractor for the work.

Mayor Budge opened the public hearing. He asked if anyone was present to speak in favor or against this item. No one was present. Mayor Budge asked the City Clerk if there had been any written correspondence on this item.

Ms. Coronado responded that there had been none.

Mayor Budge closed the public hearing.

MOTION: Councilmember Sowid moved to approve Resolution R-22-16, Authorizing the submission of an application for FY 2021/2022 State Community Development Block Grant Colonias Set-Aside Funds, certifying that said application meets the community's previously identified housing and community development needs and the requirements of the state CDBG program, and authorizing all actions necessary to implement and complete the activities outlined in said application.

SECOND: Councilmember Cline

ROLL CALL VOTE

AYES: Councilmember Hill, Giacomino, Johns, Sowid, Cline and Mayor Budge

NAYS: 0

MOTION PASSED: AYES- 6 NAYS-0

7. Discussion and Possible Direction to staff on Christmas on the Vista event.

Leslie Johns, Councilmember Ward I

Joni Giacomino, Councilmember Ward II

Tracy Trehwella spoke on behalf of the Saturday Market. She said they officially found out about the festival of Christmas on the Vista in a public announcement in the Bisbee Observer. She said moving the Saturday Market was unacceptable for several reasons. She stated they should have been invited to the planning meetings for this event as they already have a permit in place for that date.

Councilmember Giacomino said an event in Warren was a good idea, but her concern was the article saying that "The Lights were going out on the Festival of Lights". This was an ongoing event for years that used to occur on Main Street that was moved to City Park. It would be great to run both events during the same time. She saw a conflict with the Farmers Market, and we needed to take that into consideration. Also, people have been complaining about the name; "Christmas on the Vista". She said there are many people that are non-denominational.

Councilmember Johns agreed with everything Councilmember Giacomino had said. It was not our place to celebrate a holiday that was religion specific. She said we should not violate our contract with the Farmers Market. She stated that this needed to be discussed before it was all planned out.

Councilmember Sowid said this was a great thing for Warren. There were conflicts here, but he liked the idea of the event, it was Christmas. He asked Why would we want to take the name Christmas away. He

said we were too focused on a name. The other issues could be worked out. We could still do the Festival of Lights in Old Bisbee. This brings families together.

Councilmember Cline said we had a contract with the Saturday Market, there should not event be a discussion about moving them. She doesn't have an issue with the name but liked the idea of the Festival of Lights moving back to Main Street.

Councilmember Hill said she agreed that it should not impact the Market and that needed to be worked out.

Mr. Pauken said no one had applied for a permit yet and until that happened there was nothing planned. He stated that we do have a contract with the Saturday Market that we will follow. He said even though Public Works had discussions with the neighborhood group, he was sure they would work with us to make it work for everyone. He said the best way to resolve this issue was to step back and start over. We will provide support for all events as we have always done. Mr. Pauken said if we wanted to revive the Festival of Lights not only does it need City support but also community support.

Mayor Budge said community events were about the community and he wanted to support all that we could. We support all kinds of things; Bisbee was one of the most diverse communities.

The chairman of the Warren Community Group, Rachel Allee said she had come up with Christmas on the Vista. She explained her idea and what she was trying to accomplish. She said right now she was working on getting citizens to sponsor a tree around the Vista. She was using solar lights to wrap the trunk of the trees around the Vista Park. She didn't want the city to pay for the lights, so she was currently looking for sponsors and half was already done. She wanted this to be a great event; she wanted to give something back to her community. She was willing to assist anyone else who wanted to start this in their neighborhood.

Mr. Gurney said from the very beginning this idea was to make something even better and possibly bigger. He said he would go in whatever direction Council wanted. If Council wanted it back on Main Street, then we would do that. Also, the name could be changed to whatever Council wanted.

Mayor Budge asked staff to get together and discuss this and come up with a plan together.

8. Discussion and Possible Approval of Resolution R-22-05, Approving a 5 Year Lease with the United States Postal Service for the Facility in Old Bisbee at a rent of \$59,815 per year, effective January 1, 2023.

Stephen Pauken, City Manager

Mr. Estes explained the lease for the Old Bisbee Post Office was coming up. We had been going back and forth negotiating terms for an additional five-year agreement.

Mayor and Council discussed the current hours at the Post Office. It was very limited. They asked if something could be done to make the Old Bisbee Post Office available during longer hours.

MOTION: Mayor Budge moved to table this item.

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

9. Discussion and Possible Approval the Notice of Intent to adopt Ordinance O-22-14; an ordinance of the Mayor and Council of the City of Bisbee, County of Cochise, State of Arizona, authorizing the sale and transfer of certain property located at 105 E Street, City of Bisbee, County of Cochise, State of Arizona under the city's workforce housing initiative; authorizing the taking of all other actions necessary for the consummation of the transaction contemplated by this ordinance.

Stephen Pauken, City Manager

Mr. Pauken said this was another workforce home. The purchaser was a city employee. We were proud to make this home available to another employee making them a Bisbee resident.

MOTION: Councilmember Giacomino moved to approve the Notice of Intent to Adopt Ordinance O-22-14; an ordinance of the Mayor and Council of the City of Bisbee, County of Cochise, State of Arizona, authorizing the sale and transfer of certain property located at 105 E Street, City of Bisbee, County of Cochise, State of Arizona under the city's workforce housing initiative; authorizing the taking of all other actions necessary for the consummation of the transaction contemplated by this ordinance.

SECOND: Councilmember Johns

ROLL CALL VOTE

AYES: Councilmember Hill, Giacomino, Johns, Sowid, Cline and Mayor Budge

NAYS: 0

MOTION PASSED: AYES- 6 NAYS-0

10. Discussion and Possible Approval of an EPA Clean-Up Grant Application for Hillcrest Apartment Building.

Stephen Pauken, City Manager

Mr. Pauken said we currently had three bidders for this property and over speaking to them it has become clear that there was a substantial amount of asbestos in the building. We feel that to bring this project to a successful completion we should remediate it. We were advised that an EPA grant was available to fund all or part of the cost which would bring the cost down overall for the renovation for the developer. Stantec Consulting was the firm that we used for the environmental study. There was a cost of \$7,500 to prepare the grant and due to the highly technical nature we were recommending Stantec. These grants would be awarded in November.

Mayor Budge said the funds for this would come out of the ARPA funds. Those funds would be replaced if the grant is awarded.

MOTION: Mayor Budge moved to approve a grant preparation agreement with Stantec Consulting Services to prepare an application for Environmental Remediation Services at the Hilcrest Apartment Building.

SECOND: Councilmember Giacomino

ROLL CALL VOTE

AYES: Councilmember Hill, Giacomino, Johns, Sowid, Cline and Mayor Budge

NAYS: 0

MOTION PASSED: AYES- 6 NAYS-0

11. Discussion and Possible Approval to Award KE&G Construction Inc. the Demolition and Earthwork project for the New City Hall for the City of Bisbee and Authorize the Mayor to enter into a contract with KE&G Inc.

Stephen Pauken, City Manager

Mayor Budge said there was a posting that stated this demolition was talking about taking down the front of the building; that was not what was happening. They would be removing the last of the footers and walls in the basement. This was a matter of filling the hole and getting a flat base compacted.

Mr. Pauken said he also communicated with the author of the Bisbee Wire and cleared up the fact that we were not taking down the entryway to the building. He wants the community to know that we are not taking it down. Mr. Pauken said the bid for the earthwork had come in a lot lower than it did during the first round of bids.

MOTION: Councilmember Giacomino moved to approve awarding KE&G Construction Inc. the Demolition and Earthwork project for the New City Hall for the City of Bisbee and Authorize the Mayor to enter into a contract with KE&G Inc.

SECOND: Mayor Budge

ROLL CALL VOTE

AYES: Councilmember Hill, Giacomino, Johns, Sowid, Cline and Mayor Budge

NAYS: 0

MOTION PASSED: AYES- 6 NAYS-0

12. City Manager's Report:

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 Cline moved to adjourn the meeting.

SECOND: Mayor Budge

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 8:58PM

Ken Budge, Mayor