

## 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, OCTOBER 5, 2021 AT 7:00 PM AT COUNCIL CHAMBERS LOCATED AT, 915 S. TOVREAVILLE ROAD, BISBEE, ARIZONA.

THE MEETING WAS CALLED TO ORDER BY MAYOR BUDGE AT 7:00 PM.

### ROLL CALL

#### COUNCIL

Councilmember Louis Pawlik, Ward III  
Councilmember Joni Giacomino, Ward II Arrived at 7:20pm  
Councilmember Frank Davis, Ward I  
Mayor Ken Budge  
Councilmember Leslie Johns, Ward I Excused  
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  
Jesus Haro, Public Works Director  
Albert Echave, Police Chief  
Jim Richardson, Acting Fire Chief

#### CITY ATTORNEY

Joseph Estes

INVOCATION: Mayor Budge asked that for tonight's moment of silence that everyone reflect on the good things that have happened in our City and the nonprofits and volunteers that help us all.

### PLEDGE OF ALLEGIANCE

### MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Budge introduced Doug Taylor the new City Planner. He really hit the ground running.

### CALL TO THE PUBLIC

- Ms. Coronado read a submission from Claire Chaffee regarding the Seiling Loop residents. She asked that the City help these citizens with aid to move.

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 \$227,752.27 subject to availability of funds.

SECOND: Councilmember Davis

Councilmember Sowid asked what was being done about the fuel costs. He asked what corrective actions were being taken to stay within the budget. He also asked about merchandise that was purchased at the Queen Mine.

Mr. Pauken responded that the fuel farm was being re-established at the City Garage. He explained that the process had taken a little longer than anticipated. Mr. Pauken explained that the merchandise that was purchased at the Queen Mine would be used to sell in the gift shop.

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Davis, Sowid, Cline, and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES -5 NAYS -0

2. Approval of the Consent Agenda

- A. Approval of the Minutes of the Regular Session of the Mayor and Council held on September 21, 2021.

Ashlee Coronado, City Clerk

- B. Approval of the Minutes of the Special Session of the Mayor and Council held on September 23, 2021.

Ashlee Coronado, City Clerk

- C. Approval of the resignation of Yvette Ponte from the Design Review Board.

Ashlee Coronado, City Clerk

- D. Approval of the Park, Facility and Right of Way Use Permit for the Use of Howell Avenue in front of the Copper Queen Hotel for a Halloween Block Party Saturday, October 30, 2021 from 8:00pm to 12:00am.

Ashlee Coronado, City Clerk

- E. Approval of an Extension of Premises/Patio Permit submitted by the Copper Queen Hotel for an event to be held at 11 Howell Avenue, Bisbee, AZ on Saturday, October 30, 2021 and Sunday, October 31, 2021; Helen Lampinen, Applicant

Ashlee Coronado, City Clerk

MOTION: Councilmember Cline moved to approve Consent Agenda Items A-E.

SECOND: Councilmember Pawlik

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Davis, Sowid, Cline, and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES -5 NAYS -0

**OLD BUSINESS**

**NEW BUSINESS**

3. Discussion and Possible Approval of the Appointment of Jon Sky to the Design Review Board.  
Ken Budge, Mayor

Mayor Budge said that one person had signed up to speak.

Jon Sky said that he was planning to be in Bisbee for the next 40 or 50 years. He wanted to be involved in City politics and rebuilding Bisbee. He had served on the Design Review Board previously and felt that he was effective. He went to all the builds and checked them out personally before every meeting. He felt he was always fair and didn't use his friendships, he voted on his own opinions. He was requesting a chance to get back on the board and would continue to apply if he didn't make it tonight.

Councilmember Davis said that it was his duty to represent and be receptive of the wishes of Ward I constitutes as the City liaison the same applied. He had received a number of letters and phone calls from constitutes and none were in favor of Mr. Sky's appointment. He was concerned of a possible conflict of interest as Mr. Sky was a part of the construction community.

Councilmember Pawlik said he admired Mr. Sky's enthusiasm. He encouraged him to continue it. He also encouraged Mr. Sky to reflect on his past behavior. He could not in good conscience vote for Mr. Sky to be back on the DRB tonight. He hoped that someday he could get back there.

Councilmember Sowid felt the same as the other members of Council.

Mayor Budge said he had an issue with how many times Jon may have to recuse himself for being involved in various jobs in the City. It would create a bit of a problem.

MOTION: Councilmember Cline moved to approve the appointment of Jon Sky to the Design Review Board.

SECOND:

MOTION FAILED FOR LACK OF A SECOND.

4. Discussion and Possible Approval of the Appointment of Lori Gunnell to the Design Review Board.  
Ken Budge, Mayor

Councilmember Davis said this applicant was very qualified. He was in favor of her appointment.

MOTION: Councilmember Davis moved to approve the appointment of Lori Gunnell to the Design Review Board.

SECOND: Councilmember Sowid

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Davis, Sowid, Cline, and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES -5 NAYS -0

5. Discussion and Possible Approval of a request for American Rescue Plan Act, Emergency Assistance Funds for The Bisbee Arts Commission in an amount between \$15,000 to \$20,000.

Ken Budge, Mayor

Karen Schumacher presented her proposal to Mayor and Council for a two day arts festival in 2022. She was requesting funds from the American Rescue Plan Act Funds. This would offer the opportunity to support the artists in the community.

Councilmember Pawlik asked if there would be a cost accounting after the project to show where the funds were spent.

Ms. Schumacher said that she would and these funds would also be matched with the funds directly from the Arts Commission.

MOTION: Mayor Budge moved to approve the request of the Bisbee Arts Commission for \$15,000 using ARPA Community Assistance Funds.

SECOND: Councilmember Sowid

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Davis, Sowid, Cline, and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES -6 NAYS -0

6. Discussion and Possible Approval of Resolution R-21-10; A Resolution of the Mayor and Council of the City of Bisbee, Approving the transfer of Budget Funds within the City of Bisbee Fiscal Year 2020-2021 Budget.

Keri Bagley, Finance Director

Ms. Bagley explained that this Resolution would transfer budgeted amounts from departments with excess budgeted amounts to departments with budget shortfalls as required by statute. She explained that no actual funds were being moved between departments or funds, this was only an adjustment to the original estimates of expenditure figures. Ms. Bagley went over each line item that was over.

Councilmember Sowid stated his concerns with doing this and wanted to know if this was something that happened every year.

Mayor, Council and staff discussed the need for this transfer. Ms. Bagley, Mr. Pauken and Mr. Estes answered Council's questions and clarified things.

MOTION: Councilmember Pawlik moved to approve Resolution R-21-101; A Resolution of the Mayor and Council of the City of Bisbee, Approving the transfer of Budget Funds within the City of Bisbee Fiscal Year 2020-2021 Budget.

SECOND: Councilmember Davis

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Davis, Cline, and Mayor Budge.

NAYS: Councilmember Sowid

MOTION PASSED: AYES -5 NAYS -1

- 7. Discussion and Possible Approval to enter into an agreement between the State of Arizona through the Arizona Department of Administration and NextGen Communications Inc., and the City of Bisbee Police Department to implement NG9-1-1 and to provide a statewide, public safety-grade, Emergency Services Internet Protocol (IP) network and to deploy the National Emergency Number for the State’s 911 program that connects Arizona Public Safety Answering Point (PSAP).

Albert Echave, Police Chief

Chief Echave explained that approval of this agreement would ensure uninterrupted access to 911 services for customers and the 911 authority. There were no financial costs for this.

MOTION: Mayor Budge moved to enter into an agreement between the State of Arizona through the Arizona Department of Administration (AODA) and NextGen Communications Inc., and the City of Bisbee Police Department to implement NG9-1-1 and to provide a statewide, public safety-grade, Emergency Services Internet Protocol (IP) network and to deploy the National Emergency Number for the State’s 911 Program that connects Arizona public safety answering point (PSAP).

SECOND: Councilmember Davis

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Davis, Sowid, Cline, and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES -6 NAYS -0

- 8. Discussion and Possible Approval to issue a purchase order for Pick-up Trucks for the Public Works Department.

Jesus Haro, Public Works Director

Mr. Haro explained that this would allow us to issue a purchase order for three vehicles for the Public Works Department. The vehicles would go Streets Dept., Wastewater and Parks Departments. Mr. Haro said that these were budgeted for and there would be a savings purchasing the vehicles this way over enterprise.

Councilmember Cline asked if four-wheel drive was necessary.

Mr. Haro said yes, especially when it snows. He was requesting approval to just get these vehicles ordered. There was still a slight chance we may not receive them.

MOTION: Councilmember Davis moved to issue a purchase order for three pick-up trucks to O’Rielly Commercial & Fleet for three pick-up trucks.

SECOND: Councilmember Pawlik

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Davis, Sowid, Cline, and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES -6 NAYS -0

- 9. Discussion and Possible Approval of the One Arizona Distribution of Opioid Settlement Funds Agreement.

Joe Estes, City Attorney

Mr. Estes explained that as most of Council will recall there had been a long standing national litigation involving the opioid crisis. We are getting closer to a settlement. Because this was a class action each municipally was a recipient.

MOTION: Mayor Budge moved to approve the One Arizona Distribution of Opioid Settlement Funds Agreement.

SECOND: Councilmember Cline

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Davis, Sowid, Cline, and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES -6 NAYS -0

10. City Manager's Report:

- Other Current events (No Discussion)
  - Mr. Pauken announced that the we had been without a flag since 2017 when the fire happened and we now had a new one.
  - Mr. Pauken gave an update on the Arizona Water Company's charge to restore water to the building. He said he was able to negotiate it down a little bit.
  - Mr. Pauken said that the demolition on the former City Hall Building would commence next week.
  - Mr. Pauken discussed the need for a future strategic planning session.

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 moved to adjourn the meeting.

SECOND: Councilmember

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 8:27 PM

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Ken Budge, Mayor