

## 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, NOVEMBER 1, 2022, 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 7:00PM.

### ROLL CALL

#### COUNCIL

Councilmember Juanetta Hill, Ward III  
Councilmember Joni Giacomino, Ward II  
Councilmember Frank Davis, Ward I  
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  
Logan Dodd, Operations Manager  
Tim Cox, Police Chief  
Jim Richardson, Fire Chief  
Melissa Hartman, City Planner

#### CITY ATTORNEY

Joseph Estes

INVOCATION: Mayor Budge asked for a moment of silence to think about the political rhetoric that was going on.

### PLEDGE OF ALLEGIANCE

### MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Budge stated the Festival of the Arts Event held by the Bisbee Arts Commission was a huge success.
- Mayor Budge also stated the Cemetery Tour was a great success.

### CALL TO THE PUBLIC

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 approved accounts payable in the amount of \$440,952.25

SECOND: Councilmember Johns

Councilmember Giacomino asked a question regarding the water bill for Grassy Park and staff responded.

MOTION PASSED: UNANIMOUSLY

2. Approval of the Consent Agenda

- A. Approval of the Minutes of the Regular Session of Mayor and Council held on October 18, 2022.

Ashlee Coronado, City Clerk

- B. Approval of the Minutes of the Special Session of Mayor and Council held on October 6, 2022.

Ashlee Coronado, City Clerk

- C. Approval of the resignation of Amy Brett from the Bisbee Arts Commission.

Ashlee Coronado, City Clerk

- D. Approval of the resignation of Anthony Underwood from the Board of Adjustment.

Ashlee Coronado, City Clerk

- E. Approval of a Park, Facility, and Right-of-Way use permit for the Easterseals Blake Foundation for the Blues in Bisbee event to be held on Saturday, September 9, 2023 from 12:00pm to 9:00pm.

Ashlee Coronado, City Clerk

- F. Approval of the Parks, Facility and Right of Way Use Permit for the use of Grassy Park to place Festival of Lights non-food vendors on Friday, November 25, 2022 from 8:00am to 10:00pm.

Ashlee Coronado, City Clerk

- G. Approval of a Special Event Liquor License Application submitted by Friends of Bisbee Animal Shelter for an event to be held at the Pythian Castle located at 29 Main Street, Bisbee Arizona on Saturday, December 3, 2022 from 6:00pm to 10:00pm .

Ashlee Coronado, City Clerk

- H. Approval of a Special Event Liquor License Application submitted by Matthew Romero for an event to be held on Saturday, March 18, 2023, from 10:00am to 8:00pm (Brewery Gulch).

Ashlee Coronado, City Clerk

Mayor Budge asked for item E be pulled for further discussion.

MOTION: Mayor Budge moved to approve the Consent Agenda A through D and F through H.

SECOND: Councilmember Davis

MOTION PASSED: UNANIMOUSLY

Item E: Approval of a Park, Facility, and Right-of-Way use permit for the Easterseals Blake Foundation for the Blues in Bisbee event to be held on Saturday, September 9, 2023 from 12:00pm to 9:00pm.

Mayor Budge stated he would like to see that they provide updated insurance and that detour signage be added for the road in front of the ballpark.

MOTION: Mayor Budge moved to approve Consent Agenda 2E with the updated insurance and signage for the road closures.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

**OLD BUSINESS**

- 3. Discussion and Possible Approval of Ordinance O-22-11; Amending the City of Bisbee Code, Article 7.10 Light Pollution and the Bisbee Zoning Code, Articles 3, 6, 7, and 9.  
Stephen Pauken, City Manager

Mayor Budge stated this was the second reading of this ordinance.

MOTION: Councilmember Cline moved to approve Ordinance O-22-11: Amending the City of Bisbee code, Article 7.10, Light Pollution and the Bisbee Zoning Code, Articles 3, 6, 7, and 9.

SECOND: Councilmember Davis

**ROLL CALL VOTE**

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

NAYS: 0

MOTION PASSED: AYES-7 NAYS-0

- 4. Discussion and Possible Approval of Ordinance O-22-15; Amending the City of Bisbee Code Article 8, Business Regulations, by Repealing and Replacing Section 8.9 Vacation Rentals and Short-Term Rentals.  
Stephen Pauken, City Manager

Mayor Budge stated this was the second reading of this ordinance. He asked if council had any concerns.

Mr. Estes, City Attorney, addressed the concerns that were raised by the industry. He explained in detail the requirement that all individuals staying in the vacation rental or short-term rental would have to list their name and have background checks to check sexual offender status.

MOTION: Councilmember Giacomino moved to approve Ordinance O-22-15; Amending the City of Bisbee Code Article 8, Business Regulations, by Repealing and Replacing Section 8.9 Vacation Rentals and Short-Term Rentals.

SECOND: Councilmember Sowid

**ROLL CALL VOTE**

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

NAYS: 0

MOTION PASSED: AYES-7 NAYS-0

**NEW BUSINESS**

- 5. Public Hearing on the EPA grant application for Mitigation and Cleanup on the Hillcrest Building.  
Stephen Pauken, City Manager  
Melissa Hartman, City Planner

Ms. Hartman, City Planner spoke regarding the EPA grant application; she stated the process was almost complete and after tonight’s hearing all the pieces that the city was required to do will be finalized.

Mayor Budge opened the Public Hearing. He asked if anyone was present to speak in support of or against. There were none. Mayor Budge asked the City Clerk if any correspondence had been received.

Ms. Coronado responded that we had received none.

Mayor Budge closed the Public Hearing.

- 6. Discussion and Possible Approval of a Grant Agreement between the State of Arizona, the Office of the Governor, and the City of Bisbee for Camp Naco.  
Stephen Pauken, City Manager

Mr. Pauken said Naco Heritage Alliance had been working on ways to rehabilitate Camp Naco for a good number of years before the city owned it. This had not only been a long-term project but a labor of love. Staff was recommending that Mayor and Council approve this grant agreement.

Ms. Rebecca Orozco said that from the bottom of her heart after 22 years thank you to Bisbee because without you taking this on it would not have happened.

Mayor Budge thanked Ms. Orozco for all her hard work over the years.

Ms. Orozco and Mr. Pauken explained the plan for rehabilitation and other grant opportunities.

MOTION: Councilmember Hill moved to accept and approve a grant agreement from the State of Arizona, Office of the Governor, in the amount of \$4.6 Million for the restoration of Camp Naco.

SECOND: Councilmember Davis

ROLL CALL VOTE

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

NAYS: 0

MOTION PASSED: AYES-7 NAYS-0

- 7. Discussion and Possible Approval of the Notice of Intent to Adopt Ordinance O-22-17: Amending the City Code Article 2.6.9 Procedures for the Transfer of City Real Property.  
Joseph D. Estes, City Attorney

Mr. Estes stated there was a stay on any pending sales of city property until the procedures and process for the sale for city property were addressed and this ordinance did that. He explained in detail how the new procedures would work.

Councilmember Sowid asked about the net proceeds going into the Capital Improvement fund.

Mr. Estes explained why the net proceeds go into the Capital Improvement fund and how that money was used.

Mr. Pauken gave background information regarding the transfer of city property and the creation of the Capital Improvement fund.

MOTION: Councilmember Giacomino moved to approve the Notice of Intent to Adopt Ordinance O-22-17; Amending City Code Article 2.6.9 Procedures for the Transfer of City Real Property.

SECOND: Councilmember Johns

ROLL CALL VOTE

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

NAYS: 0

MOTION PASSED: AYES-7 NAYS-0

- 8. Public Hearing and Discussion and Possible Approval of the Notice of Intent to Adopt Ordinance O-22-18; Amending the Zoning Code Article 6, Section 6.3, Subsection 6.3.1 (D) "Accessory Buildings".  
Joe Ward, Building Inspector / Code Enforcement

Mr. Estes stated that this was an item that Joe Ward, Building Inspector/Code Enforcement put forward, it was recommended to Council by the Planning and Zoning Commission to amend the setback requirement for outbuildings for accessory buildings from three (3) feet to five (5) feet from the property line.

Mayor Budge opened the Public Hearing. He asked if anyone was present to speak in support of or against. There were none. Mayor Budge asked the City Clerk if any correspondence had been received.

Ms. Coronado responded that we had received none.

Mayor Budge closed the Public Hearing.

MOTION: Councilmember Davis moved to approve the Notice of Intent to adopt Ordinance O-22-18; Amending the Zoning Code, Article 6, Section 6.3, Subsection 6.3.1 (D) "Accessory Buildings".

SECOND: Mayor Budge

ROLL CALL VOTE

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

NAYS: 0

MOTION PASSED: AYES-7 NAYS-0

9. City Manager's Report:

- Mr. Pauken gave an update on owner occupied rehab in Saginaw.
- Mr. Pauken also gave an update on the Cochise Row and D Street homes available in Workforce Housing.
- Mr. Pauken stated that this was the Library's 140 Year Anniversary.

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 Davis moved to adjourn the meeting.

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 7:54PM

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Ken Budge, Mayor