

## 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, JANUARY 21, 2020 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 7:00PM.

### 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      Excused

Councilmember Joan Hansen, Ward II

Councilmember Anna Cline, Ward III

#### **STAFF**

Theresa Coleman, City Manager

Ashlee Coronado, City Clerk

Keri Bagley, Finance Director

Jesus Haro, Public Works Director

Albert Echave, Police Chief

#### **CITY ATTORNEY**

James Ledbetter

INVOCATION: Mayor Smith asked for a moment of silence in remembrance of those less fortunate.

### PLEDGE OF ALLEGIANCE

### MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Smith invited Chief Echave to introduce new employees of the Department.
- Mayor Smith listed his activities over the last couple of weeks:
  - On January 10<sup>th</sup> he attended the Youth Council formation meeting run by Councilmember Joan Hansen. He thanked her for the opportunity again for making the presentation.
  - On January 11<sup>th</sup> he attended the Senior Center breakfast.
  - On January 13<sup>th</sup> he had his bi-weekly meeting with the City Manager and he attended the Appeals Board on the Property Maintenance Code.
  - On January 15<sup>th</sup> he attended the Saginaw neighborhood watch meeting.
  - On January 16<sup>th</sup> he attended the Mayor Manager Luncheon in Benson
  - On January 17<sup>th</sup> he attended a USDA Meeting with the City Manager
  - On January 20<sup>th</sup> he attended the Legislative Update with the League of Arizona Cities and Towns along with the CARP meeting.
- Mayor Smith announced that Items 2C and Item 4 would be pulled from the agenda.

### CALL TO THE PUBLIC

- Kathy Otis, Bisbee resident commented on sustainable back yard farming, food security and raising livestock.

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 \$181,005.22.

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

2. Approval of the Consent Agenda

- A. Approval of the Minutes of the Regular Session of Mayor and Council held on December 17, 2019 at 7:00pm.

Ashlee Coronado, City Clerk

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

Ashlee Coronado, City Clerk

- C. Approval of the Appointment of Susan Mathews from the Library Advisory Board.

Ashlee Coronado, City Clerk

This item was pulled from the agenda.

- D. Approval of the Appointment of Yvette Ponte to the Design Review Board.

Ashlee Coronado, City Clerk

- E. Approval of the Appointment of Brian Hope to the Appeals Board for the Property Maintenance Code.

Ashlee Coronado, City Clerk

- F. Approval of the Appointment of Mackinley Greene to the Youth Council.

Ashlee Coronado, City Clerk

- G. Approval of the Appointment of Reece Echave to the Youth Council.

Ashlee Coronado, City Clerk

- H. Approval of the Appointment of Ashley Echave to the Youth Council.

Ashlee Coronado, City Clerk

- I. Approval of the Appointment of Sandy Heusman to the Planning and Zoning Commission.

Ashlee Coronado, City Clerk

- J. Approval of the Reappointment of Peter Gaffer to the Design Review Board.

Ashlee Coronado, City Clerk

- K. Approval of the Reappointment of Peter Gaffer to the Community Sustainability Commission.

Ashlee Coronado, City Clerk

- L. Approval of the Reappointment of Peter Von Gundlach to the Board of Adjustment.  
Ashlee Coronado, City Clerk
- M. Approval of the Reappointment of Frank Cabello to the Streets and Infrastructure Committee.  
Ashlee Coronado, City Clerk
- N. Approval of the Reappointment of Charlene “Snoodly” Borowiec to the Evergreen Cemetery Committee.  
Ashlee Coronado, City Clerk
- O. Approval of the Park, Facility and Right of Way Use Permit for the Use of City Park and Brewery Gulch for the Blues in Bisbee Music Festival to be held on Saturday, September 19, 2020 from 7:00am to 10:00pm. This includes setup and breakdown.  
Ashlee Coronado, City Clerk
- P. Approval of a Special Event Liquor License Application submitted by the Friends of the Warren Ballpark for an event to be held at Warren Ballpark located at 300 Ruppe Avenue, Bisbee on Saturday, April 4, 2020 from 8:00am to 8:00pm and on Sunday, April 5, 2020 from 9:00am to 8:00pm, Catherine Wright, Applicant.  
Ashlee Coronado, City Clerk

Councilmember Higgins requested that item 2O be pulled for further discussion.

MOTION: Councilmember Cline moved to approve Consent Agenda Items A-B, D-N and P.

SECOND: Councilmember Pawlik

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6; NAYS -0

ITEM 2O:

Councilmember Higgins said that this was the first time anyone had asked to close Brewery Avenue for the Blues Festival. He said that this would put a lot of pressure on Ok Street. He thought that this would create problems for residents along with the business that is at the top of the Gulch. He asked if this event could be done without closing Brewery Avenue.

Annette Mather from Easterseals Blake foundation explained that she had come to the city with a different route not closing the Gulch completely. During a discussion with members of city staff the majority wanted the street close because of the congestion issues that were faced last year.

Chief Echave explained the challenges that staff was faced with last year. This was an alternative plan that staff discussed and wanted to propose it to Council. He said that the applicant was willing to do it the same way as last time.

Mayor Smith suggested that it be done the same as last year with signs put up saying “no parking available” and “local traffic only”, that could possibly ease some of the issues. Mayor Smith said that he had some reservations with turning people loose on Ok Street.

MOTION: Councilmember Higgins moved to approve the Park, facility, and right-of-way use permit for the use of city Park, and Brewery Gulch for the Blues in Bisbee music Festival to be held on Saturday, September 19, 2020 from 7 AM to 10 PM to include set up and breakdown. This will also include signage and street closures in the manner that was done last year.

SECOND: Mayor Smith

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6; NAYS -0

**OLD BUSINESS**

**NEW BUSINESS**

- 3. Discussion and Possible Approval of Enterprise Fleet Management Agreements for Equity and Walkaway Leases for a portion of the City’s vehicles.

Albert Echave, Police Chief

Chief Echave explained that the City of Bisbee had an opportunity to add to their fleet options by entering into these agreements with enterprise. He explained that the County had been very gracious to help us out in the past. An equity lease program for 2020 police responder hybrid sedans provided an opportunity to lower maintenance and fuel cost with the potential to build equity in their fleet.

Julian Sosa, Senior Account Executive from Enterprise gave a presentation on the potential savings by entering into the contracts.

Councilmember Cline asked how something like this would fit into the budget. She didn’t understand why this wasn’t coming up during budget discussions.

Ms. Coleman responded that there were funds available in this year’s budget, this was an opportunity to start working these vehicles into the fleet now. We no longer had the opportunity to purchase vehicles at the per mile rate from the County. This would be a way to start integrating our own fleet. Ms. Coleman went on to say that this would be a \$2900 a year annual savings.

Councilmember Pawlik asked for clarification on how many vehicles were being requested.

Chief Echave said that he was requesting five hybrid sedans and two leased trucks for the Police Department and a third truck would be leased for public works.

MOTION: Councilmember Higgins moved to approve the Enterprise Fleet Management Agreements for Equity and Walkaway Lease for a portion of the City’s vehicles.

SECOND: Councilmember Hansen

ROLL CALL VOTE:

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

NAYS: Councilmember Cline

MOTION PASSED: AYES -5; NAYS -1

- 4. Discussion and Possible Approval of a Contract for Services with Ambulance Medical Billing (AMB) for Ambulance Billing Services.

Keri Bagley, Finance Director

This Item was pulled from the agenda. Mayor Smith stated this item was pulled because additional documentation was received today and it needed to be reviewed by legal.

- 5. Discussion and Possible Approval of the recommendation from the Bisbee Arts Commission to fund a grant application for Abigail Stage in the amount of \$300.00 from the Bisbee Arts Commission Fund.

Bill Higgins, Bisbee Arts Commission Liaison

Councilmember Higgins explained that this was a grant from the Bisbee Arts Commission for Abigail Stage.

MOTION: Councilmember Higgins moved to approve the funding of the grant application for Abigail stage in the amount of \$300 from the Bisbee Arts Commission fund.

SECOND: Mayor Smith

MOTION PASSED: UNANIMOUSLY

- 6. Discussion and Possible Approval to establish and Animal Ordinance Ad Hoc Committee.

David M. Smith, Mayor

Mayor Smith explained that pursuant to the last Council meeting he WAS requesting the establishment of an animal ordinance ad hoc committee. He had requested that people turn in applications if they were interested. He requested that Councilmember Giacomino serve as liaison for this committee.

Councilmember Giacomino asked how many members would be appointed to this committee.

Mayor Smith responded there would be five citizen members appointed.

MOTION: Councilmember Higgins moved to establish an Animal Ordinance Ad Hoc Committee.

SECOND: Councilmember Pawlik

- 7. Discussion and Possible Approval to waive the requirement to connect the property located at 106 Mohave Dr. to the City of Bisbee public sanitary sewer system.

Jesus Haro, Public Works Director

Mr. Haro explained that we received a request to waive the requirement for 106 Mohave Dr. to connect to our sewer system. He explained that they were 830 feet away from the closest connection point.

Councilmember Higgins asked what they were currently using.

Mr. Haro explained that they were probably on septic.

MOTION: Councilmember Higgins moved to waive the requirement to connect the property located at 106 Mohave Dr. to the city of Bisbee public sanitary sewer system

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

- 8. Discussion and Possible Approval to publish a request for proposal to demolish and dispose of the remaining old City Hall building.

Jesus Haro, Public Works Director

Mr. Haro explained that something needed to be done with the remaining structure at 118 Arizona St. This was requesting permission to publish a request for proposal.

Councilmember Giacomino explained that she had received communication from her ward requesting to have this delayed, upon further research. She said this was the second oldest building in Warren and it would take away a part of Bisbee's history. She said that it was suggested that grants be sought out to save the historic building.

Mr. Haro said that could be part of the process, but it would not cost us anything to find out how much it would be to demolish the building.

Councilmember Pawlik said that he was sympathetic to the people who had contacted him wanting to preserve the historic structure. The hard truth of the matter was we were broke. There have been two years to try to obtain money and the best city has done was collect the insurance funds. He thought that the best course of action was to proceed forward and find out how much it would cost to tear down the dangerous structure because we did not have the money to secure it.

Councilmember Hansen said that she agreed with Ms. Giacomino, people were very upset about it being demolished. She would like to see a proposal delayed until another RFP/RFQ could be done on City Hall at that location.

Councilmember Cline said she would agree with Ms. Hansen and didn't want to see action taken tonight. Last meeting there was an item for rebuild. She was very troubled by the discussion changing week by week. She knew something needed to be done but hopefully we had a City Manager now that would go out and start looking at other options. Perhaps there were historical grants or something that could help us get to where we needed to be.

Councilmember Higgins said that the engineering report said the structure was compromised and that the whole thing needed to come down. All this was, was a request for proposal.

MOTION: Mayor Smith moved to approve the publishing of a request for proposal to demolish and dispose of the remaining structure at 118 Arizona St.

SECOND: Councilmember Higgins

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Higgins, and Mayor Smith.

NAYS: Councilmember Giacomino, Hansen and Cline

MOTION PASSED: AYES -3; NAYS -3

9. Discussion and Possible Approval to publish a request for proposal to provide an oil distribution truck.  
Jesus Haro, Public Works Director

Mr. Haro explained that this truck would help staff to fog seal and coat streets that had been repaved. Without doing fog ceiling or coating roads would fail sooner than they should. This was a request to obtain formal proposal on a truck.

MOTION: Councilmember Higgins moved to approve the publishing of a request for proposal to provide an oil truck distribution truck.

SECOND: Councilmember Pawlik

MOTION PASSED: UNANIMOUSLY

10. Discussion and Possible Direction on repair and operation of street lighting for SR 80 from Old Bisbee to Lowell around the Freeport McMoRan open pit.

Jesus Haro, Public Works Director

Mr. Haro explained that he had received a phone call from APS informing us that three lights on state Route 80 needed to be replaced. Because they were on the highway it would require a permit along with traffic control. He had received three proposals, one to repair the three, one to replace all the lights and the third to replace arms that were old on all the polls. After discussing with Ms. Coleman, they decided to ask Council if they would like to continue to light this area around the pit.

Councilmember Higgins said that he did not find a reason to light that area up.

Councilmember Hansen said that the hole was a safety issue and a lot of people were not aware of it.

Ms. Coleman explained that the polls were currently around the pit were not the breakaway polls that would ideally be in that location.

Mr. Ledbetter City Attorney said that Council could direct staff to figure out the legal history and make a determination as to who has legal responsibility to provide lighting.

Mayor asked if Council would like to direct staff to find out the historical ownership and legal issues involved in not relighting this area of road.

Council agreed.

11. Possible Approval of a Motion to go into Executive Session for the purpose of Discussion and Consultation with the City Attorney to provide legal guidance with respect to the Nuisance Ordinance.

*Per ARS § 38-431.03(a)(3), the City Council may vote to go into executive session for discussion or consultation for legal advice with the attorney or attorneys of the public body*

James Ledbetter, City Attorney

MOTION: Councilmember Pawlik moved that the Mayor and Council go into Executive Session pursuant to ARS § 38-431.01(a)(3) for the consideration of the employment and appointment of a City Manager.

SECOND: Councilmember Higgins

MOTION PASSED: AYES-5 NAYS-1

MOTION: Councilmember Higgins moved to come out of Executive Session.

SECOND: Councilmember Pawlik

MOTION PASSED: UNANIMOUSLY

12. City Manager's Report:

- Ms. Coleman informed the Council that she had a formal discussion with Jeff Hayes with USDA and the programs that they offer.
- Ms. Coleman explained that the fee schedule was still being worked on
- Ms. Coleman said that she had a trip to SHPO she would have an opportunity to scan the last Warren Historic file and start from there.
- Mr. Ledbetter said that Council would be receiving Ms. Coleman's 6-month evaluation that would be held during the next meeting.
- 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.):

- Mayor Smith requested to have his comments placed on the next agenda.

MOTION: Councilmember Higgins moved to adjourn the meeting.

SECOND: Councilmember Pawlik

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 8:54 PM

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David M. Smith, Mayor