

## 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, MARCH 3, 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

Joelle Landers, Personnel Director

Albert Echave, Police Chief

George Castillo, Fire Chief

#### **CITY ATTORNEY**

James Ledbetter

INVOCATION: Mayor Smith asked that we all keep in mind the people effected by the tornadoes in Tennessee.

### PLEDGE OF ALLEGIANCE

### MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Smith stated that items number 5 & 6 were being pulled from the agenda. He said that a work session would be held specifically on easements in the future.
- Mayor Smith listed his activities for the last couple of weeks:
  - On February 20<sup>th</sup> he attended the monthly meeting with Ms. Coleman. This was also the monthly meeting with our County counterparts. He also attended the neighborhood watch meeting in Warren.
  - On February 21<sup>st</sup> he attended the SEAGO executive board meeting in Wilcox.
  - On February 26<sup>th</sup> we had and a meeting at the city with ADOT to discuss bike paths and the intersection of Highway 92 and Naco Highway.
  - On March 3<sup>rd</sup> he had a meeting with Jacobs Engineering.

### CALL TO THE PUBLIC

- Albert Hopper, presented a proposal to provide a good working environment for city staff and their interaction with the public. He had worked with the various contractors and engineers to put together a

project of less than \$2 million, including a contingency of \$133,000. This proposal included not only a building but a parking lot fully ADA accessible with lighting. He encouraged Council to move forward and get something done this year.

- Andrew Laws, Bisbee resident spoke about an ongoing parking problem in front of the Bisbee Vogue building. He said that easements never go away unless they are relinquished in writing.
- Cynthia Conroy, Bisbee resident read a letter from Cochise County Sheriff’s office and presented signatures supporting the Bisbee Outdoor Recreation Park.

THE FOLLOWING ITEMS WERE DISCUSSED, CONSIDERED AND/OR DECIDED UPON AT THIS MEETING:

GENERAL BUSINESS:

1. ACCOUNTS PAYABLE: Subject to availability of funds

Donna pulling, Bisbee resident asked what the \$5000 expenditure for IT services was in addition to the regular scheduled \$4800 payment.

Ms. Coronado City Clerk responded that those charges were for the setup of 20 new computers, 15 for the library and the additional between police and fire.

MOTION: Councilmember Cline moved to approve accounts payable in the amount of \$253,599.18.

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 February 4, 2020 at 7:00 pm.

Ashlee Coronado, City Clerk

B. Approval of the Resignation of Tedd Ruff from the Community Sustainability Commission.

Ashlee Coronado, City Clerk

C. Approval of the Appointment of Jenny Druckman to the Bisbee Arts Commission.

Ashlee Coronado, City Clerk

D. Approval of the Appointment of Mary Gojkovich to the Civil Service Commission.

Ashlee Coronado, City Clerk

E. Approval of the Appointment of Nancy Shaul to the Library Advisory Board.

Ashlee Coronado, City Clerk

F. Approval of the Appointment of Carolyn Harris to the Community Sustainability Commission.

Ashlee Coronado, City Clerk

G. Discussion and Possible Approval to remove Jon Sky from the Design Review Board.

David M. Smith, Mayor

- H. Approval of a Park Facility and Right of Way Use Permit for Bisbee Vogue, Inc. for the use of Various City Streets, Parking Spaces and Staircases for the Bisbee 1000 Stair Climb on Saturday, October 17, 2020 From 5:00 am to 8:00 pm, this includes set up and breakdown.  
Ashlee Coronado, City Clerk
- I. Approval of a Park Facility and Right of Way Use Permit for Bisbee Vogue, Inc. for the use of City Park for the Bisbee 1000 Stair Climb on Saturday, October 17, 2020 from 7:00 am to 2:00 pm.  
Ashlee Coronado, City Clerk
- J. Approval of a Park Facility and Right of Way Use Permit for Bisbee Vogue, Inc. for the use of Grassy Park for vendor and music in celebration of the 30<sup>th</sup> Annual Bisbee 1000 on Saturday, October 17, 2020 from 5:00 am to 6:00 pm.  
Ashlee Coronado, City Clerk
- K. Approval of a Special Liquor License Application submitted by the Bisbee Coalition for the Homeless for the Los Lobos event to be held at the Historic Warren Ballpark located at 99 Arizona Street, Bisbee, Arizona on Friday, May 8, 2020 from 4:00 pm to 10:00 pm, Tony Bedolla; Applicant.  
Ashlee Coronado, City Clerk
- L. Approval of a Liquor License Application for Mile High Muncheese locates at 76 Main Street, Bisbee, AZ, Barbara Transue Brewer, Applicant.  
Ashlee Coronado, City Clerk

Jon Sky, Bisbee resident requested to speak in regard to his removal from the Design Review Board. He felt like he had done a good job to the best of his abilities. He stated there were no city rules or ordinances stating that he could not be on this board. He requested to confirm with the City Attorney that there were no city law stating he could not be on the board.

Mayor Smith responded that he was the person that appointed him to the board. Even though he had a felony conviction he felt everyone deserves a second chance. Things are not the same as they were back then. There was a new felony conviction.

Mr. Ledbetter said that with respect to Mr. Sky the issue was whether or not the felony plea would preclude him from service to the City; the City requirements for Council to serve are to be a resident and an elector. Once someone pleads to a felony conviction they were no longer an elector. Mr. sky was not an elected official he was an appointed official which require that he just be a resident. However, State Statute 12-904.A states that someone who was convicted of a felony may not hold public office of trust or profit in the state.

Donna pulling, Bisbee resident wanted to thank Jon Sky for his service on the Design Review Board. He had been an asset to the board and he was attentive to the codes and was familiar with them. He had been consistent in his commitment to preservation of the historic district. She thought that Council should retain him on the board.

Andrew Laws, Bisbee resident wished to speak on item 2H. He said this was a continuation from an item last year. He explained that there was a sign on the wall that advertised an event that no longer existed. He read from the sign code and about murals in the historic district. He requested that Council address this sign, as an illegal sign.

Mayor Smith requested that staff review the matter. Mayor Smith then asked if there were any items that needed to be pulled for further discussion.

Councilmember Giacomino requested that item G be pulled from the agenda.

2G: Councilmember Giacomino said that she found it interesting that since this was the town that fought State Statue and argued against it that we now choose to follow it when it fits our needs. She said there was nowhere in the code or the charter that stated if you have a felony you cannot serve on a committee. Getting rid of Mr. Sky because of this incident was very disturbing. She wondered if there was any other reason for it. Councilmember Giacomino said that he had pleaded no contest we do not know what the outcome will be. She said he only has one year left on his term why couldn't he serve it out and not be reappointed.

Councilmember Cline asked why were we doing this now if his case was not completely settled.

Mayor Smith said that it was not up in the air. Mr. Sky had pled no contest which if the judge accepts by law was a guilty plea. Therefore, he has a felony and all that he is waiting for is sentencing.

Councilmember Cline said that she understood that but she hoped that the court would take it into consideration the fact that Mr. Sky had done a great deal of work for the city. That in the sense was paying a debt to society. He had done great work and would continue to do great work no matter what happened. She explained that Council needed to take that into consideration at this time.

Councilmember Giacomino said that if Mr. Sky was given probation or a fine she didn't understand why that would affect his service. As far as what we had on the books city wide there was nothing that states he couldn't serve. It's interesting that we choose to follow state laws when they were convenient.

Councilmember Pawlik said that he had listened to this intently. He had a different viewpoint on this. He believed that Mr. Sky was confused, membership on a committee was not a right it was a privilege. Mr. Sky had been given a public trust by this Council and the Mayor. Under the City Code the Mayor had the right to appoint members; with that trust comes responsibility, ethical behavior, impartiality, do no harm to people who petition you, and most importantly avoid the appearance of a conflict of interest. He believed that Mr. Sky had not lived up to these responsibilities. He personally found him lacking and believe that he should be removed in the best interest of the City.

MOTION: Councilmember Pawlik moved to remove Mr. sky from the Design Review Board.

SECOND: Councilmember Hansen

ROLL CALL VOTE:

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

NAYS: Councilmember Giacomino and Cline

MOTION PASSED: AYES -4; NAYS -2

MOTION: Councilmember Cline moved to approve the consent agenda items 2A-F and H-L

SECOND: Councilmember Pawlik

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6; NAYS -0

## OLD BUSINESS

- Discussion and Possible Approval of Ordinance O-20-02, Accepting the transfer of real property from the Dycus Family Trust located at 416 N. Street Bisbee.

Theresa Coleman, City Manager

Ms. Coleman explained that this was coming to Council for the second time for approval. This would allow the city to obtain a piece of property for future community development activity in Saginaw.

MOTION: Councilmember Hansen moved to approve Ordinance O-20-02 accepting the transfer of real property from the Dycus family located at 416 N Street, Bisbee.

SECOND: Councilmember Cline

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6; NAYS -0

**NEW BUSINESS**

- 4. Public Hearing and Discussion regarding the use of Community Development Block Grant from the Arizona Department of Housing Colonias Set-Aside account.

David M. Smith, Mayor

Keith Dennis from SouthEastern Arizona Governments Organization (SEAGO) gave a presentation on the Community Development Block Grant process. Attached as exhibit "A". He said the next required hearing would be to select a project.

Councilmember Giacomino asked how often these grants come around.

Mr. Dennis responded that the next one would be in 2022 or every two years. He said that Bisbee had a shovel ready project, the momentum was already here. This would finish Tin Town. He said that there were other areas of town that could use the money that were established colonias.

Mayor Smith opened the public hearing.

No one wished to speak on the item

Mayor Smith Closed the public hearing.

- 5. Public Hearing and Discussion and Possible Approval of Abandonment of the Easements Dividing Kevin Collins properties near Adams Ave, to exclude the Adams Ave Easement, City Trail Easement and Ridge Trail Easement.

Joe Ward, Liaison to Planning and Zoning Commission

This item was pulled from the agenda.

- 6. Discussion and Possible Approval to Abandon the portion of an Easement adjacent to Parcel 103-99-053B also known as 223 Youngblood Hill as described in the attached survey.

Theresa Coleman, City Manager

This item was pulled from the agenda.

- 7. Discussion and Possible Approval of a Public Auction for the Transfer of Certain City Property located adjacent to and west of 104D & 144 Locklin Ave, and the establishment of a minimum bid price.

Joe Ward, Liaison to Planning and Zoning Commission

Mr. Ward said that Ken and Sandra Heusman had applied for a transfer of city property by public auction. He said that \$2.50 per square foot was a fair price. This property had not been historically associated with their lot. Mr. Ward said that the square footage was determined by a survey.

MOTION: Councilmember Pawlik moved to authorize a public auction for the transfer of designated surplus city property located adjacent to and west of 104D and 144 Locklin Ave. and also set a minimum bid price of \$16,770 for this property.

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

- 8. Discussion and Possible Approval of Ordinance O-20-03, Authorizing the Sale and Transfer of certain city property located adjacent to 348 Williams Ave, and the establishment of a minimum price.  
Joe Ward, Liaison to Planning and Zoning Commission

Mr. Ward said that this was an interesting situation because the greater portion of the house was built on city property. Mr. Terry had originally asked for more property but wanted to keep it under the \$5,000 mark.

MOTION: Councilmember Hansen moved to approve Ordinance O-20-03, authorizing the sale and transfer of certain city property located adjacent to 348 Williams Ave. and the establishment of a minimum price of two dollars a square foot or \$4,800.

SECOND: Councilmember Pawlik

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6; NAYS -0

- 9. Discussion and Possible approval of an easement for ingress and egress on Adams Avenue requested by David Hansen.  
Jesus Haro, Public Works Director

Ms. Coleman said that this was coming back to Council for the third time. It had been agreed that we would provide Mr. Hanson with the easement for ingress and egress.

MOTION: Councilmember Pawlik moved to approve an easement for ingress and egress on Adams Avenue requested by David Hansen.

SECOND: Mayor Smith

MOTION PASSED: UNANIMOUSLY

- 10. Discussion and Possible Approval of Resolution R-20-02, Submitting to the Electors at the General Election of November 3, 2020, a Proposition to Authorize an Increase in the City Transient Lodging (Bed)Tax Rate.  
Theresa Coleman, City Manager

Ms. Coleman explained that this was coming back to Council after it was discussed last meeting. This would re-establish a 5% bed tax and it would be put on the ballot with no expiration date.

MOTION: Councilmember Higgins moved to approve Resolution R-20-02, submitting to the electors at the general election of November 3, 2020 the designated proposition to authorize an increase in the city’s Transient Lodging (Bed) Tax Rate.

SECOND: Councilmember Hansen

## ROLL CALL VOTE:

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

NAYS: Councilmember Cline

MOTION PASSED: AYES -5; NAYS -1

## 11. Discussion and Possible Direction to staff on an alternate location for the City Hall Building.

David M. Smith, Mayor

Mayor Smith said that he had asked for this item to be placed on the agenda. When discussing a bid for demo, which had nothing to do with this, it was suggested that for us to rebuild on the site would require a two-story building which would put it far out of our affordability range. He was asking for direction to staff to explore alternate land locations.

Councilmember Giacomino asked if he was saying that it would be moved out of Ward 2.

Councilmember Cline said that it was a bit curious that this was on the agenda for a new building and Mr. Hopper showed up with alternate plans for Highway 92 and Taylor Avenue. It seemed like he was trying to move forward with not rebuilding where the majority of residents wanted to go back to. She said that everyone was set up here already.

Mayor Smith commented on the current locations leaky roof.

Councilmember Cline said that we were warned about this by Councilmember Hansen before we moved in. She had actually worked in this building.

Councilmember Pawlik said he was unclear as to what point Councilmember Cline was trying to make. Did she think we needed to stay at this location?

Councilmember Cline said that if we were looking at other buildings, it was quite a move for staff. Staff had done their best and had been through a lot already. If we were not going to build back where City Hall was then why isn't anyone talking about staying here and making this permanent. Why had that not come up.

Councilmember Pawlik said the decision to not build there was because it was a money pit.

Mayor Smith said that was not true and that she had no idea what other people had done.

Councilmember Giacomino said the point was, if we were not going to build in Warren; then, why not put the money here since we are already here.

Councilmember Higgins said that there was nothing wrong with looking at additional locations.

Councilmember Hansen asked if it had been determined that it was in fact too expensive to build on the same site.

Mayor Smith said that we had determined that it was over \$2 million to build on that site.

Councilmember Hansen said that it was up to the City to decide whether or not we wanted to go into more debt to build on that site. She said that we could look at additional sites but did not want to forget about the original site.

12. Update on the 2020 Census.

Theresa Coleman, City Manager

Ms. Coleman said that we had provided a schedule in the packet that the public could access. Our primary concern was that invitations would be mailed March 12 through the 20<sup>th</sup>. That did not include the residence with PO boxes. They were expected to have a door to door delivery between March 16 and April 10. We would have a Census kickoff party on April 1<sup>st</sup> at the Copper Queen Library. She said that we would continue to promote the Census at the ice cream social on May 8 at the Library Annex Building.

13. Discussion and Possible Approval of Amendment #1 to the Agreement between the City of Bisbee and the Bisbee Council on Arts and Humanities, Inc. an Arizona Corporation regarding a Museum and Visitor Center Position.

Theresa Coleman, City Manager

Ms. Coleman said that this idea was introduced to her on the first day on the job. This would consolidate the Visitor Center facility to the office at the Mining Museum. At the time it seemed that there were some Arizona Office of Tourism requirements that we could not meet in that space. In the meantime, Arizona Office of Tourism reached out to her. The request was approved.

Councilmember Cline asked if she was proposing to move the Visitor Center out of the Mine Tour completely.

Ms. Coleman responded that the City would not staff that location at the Mine Tour with the exception of possibly Fridays when Ramon would be there to stock the information. The video that runs there would stay and the information may be scaled back. It would streamline the information that we had available.

Councilmember Giacomino asked if this was another position that would be placed there.

Ms. Coleman responded that right now there was a position there five days a week. It was in excess of what our original agreement called for. This would wrap that all up in a package and memorialize what had been happening currently. Since the city did not hire the Visitor Center manager or Visitor Center Supervisor position, the funds had been used for the marketing team and the information center. We would be at the same budget amount taking this into account.,

Councilmember Cline said one of the things that concern her with this and other positions, was that the talk should be happening during or while we were working on the budget as a Council.

MOTION: Councilmember Pawlik moved to approve the amendment number one to the agreement between the City of Bisbee and the Bisbee Council on arts and humanities Inc. and Arizona Corporation regarding a museum and visitor Center position.

SECOND: Councilmember Higgins

ROLL CALL VOTE:

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

NAYS: Councilmember Cline

MOTION PASSED: AYES -5; NAYS -1

14. Discussion and Possible Direction on the proposed Fee Schedule (City Fees, Fines, Permits, etc.)

Theresa Coleman, City Manager

Ms. Coleman said that we had brought this to Council before and received really good input. This could be brought back to Council formally for adoption at the next council meeting.

Councilmember Giacomino asked when the ability to pay online fees was going to be available.

Ms. Bagley responded that you could currently do that.

Ms. Coleman explained that there would also be language to make this the fee schedule and supersede what was currently in the code.

15. Report from City Attorney regarding costs of legal services for the City of Bisbee.  
James Ledbetter, City Attorney

Ms. Pulling, Bisbee resident believes that on July 16, 2019 the Council approved the position of Interim City Attorney and we were now in the eighth month of that interim agreement. She believes the Council would need to decide whether or not they wanted to hire Mr. Ledbetter as a permanent City Attorney at a set rate; or continue advertising for City Attorney.

Mr. Ledbetter said that he wanted to start with the concern she raised. He said that Council did not vote on a six-month contract. There was an outstanding agreement with his law firm that states he would not ask for a change in rate for six months, he was not asking for a change in rate at this time.

Mr. Ledbetter noted that a number of Councilmembers had asked for a report on what it cost to deliver legal services to the City of Bisbee. Your former City Manager said that he anticipated that we would have approximately 50 hours of legal work in a month. He projected that was at the rate of \$200 an hour. Other contracts Ledbetter Law has with other public entities was significantly higher at \$275 an hour. Ledbetter Law had agreed to represent City of Bisbee at a flat rate. Mr. Ledbetter explained there was one citizen in the City of Bisbee who had filed 21 open meeting Law complaints. One citizen alone. All of which had been found lacking by the Attorney General's Office. Frankly, your entire \$10,000 budget would be consumed by this one citizen alone. Another citizen had brought litigation against the city which was currently dismissed, but it has been appealed. The outside counsel representing the city on this had already spent \$25,000 in that litigation. Ms. Pulling was very aware of that and she had been helping and assisting relative to that litigation. Mr. Ledbetter explained that the city pays \$250,000 annual premium to have outside counsel representing them on liability claims. One claim alone was more than 10% of our annual premium and our premiums will go up and be sustained up for an extended period of time for a case that will not change how the City of Bisbee does business. He said that he was an advocate for going forward and adopting the fee schedule because there was another citizen who for days and days every month staff was devoted to answering her requests for information. She alone was consuming significant resources and these three citizens consume the city's entire legal budget.

Mr. Ledbetter explained that, on average, the City incurs 160 hours of legal services a month at an hourly rate would be approximately \$30,000 a month. Going forward, the Council should always look for a firm on a flat fee rate. He did not think that there would be any firm that would do this on a flat fee of \$10,000. Mr. Ledbetter stated that he lives in the city and chooses to continue because there are hugely wonderful things happening in the City, many devoted employees making things happen along with Council. Nonetheless that was the status of legal services after eight months of doing this. Mr. Ledbetter was not bailing. He went on to explain that open meeting Law complaints were filed against Councilmembers individually and if successful it could come with fees and fines. This week two more of the complaints were dismissed by the Attorney General's Office as being unfounded.

Mr. Ledbetter said that for the first time in his 30-year career he had incurred a Bar Complaint filed by these citizens. The Bar had since written back after opening an investigation to say that the treatment of these citizens was completely appropriate. Mr. Ledbetter said that this had come about because he had advised Ms. Chaffee that a single word petition could not be agenzized. It would have been an open meeting law violation. He said that the City does have a few citizens in the community who make the delivery of legal services near impossible.

Mr. Ledbetter said that an alternative for the City would be to hire a single attorney. That single attorney would be approximately the same cost plus the cost for retirement and benefits. That would make the cost substantially higher than \$10,000 a month. The other dilemma of a single attorney would be the need to outsource.

Mayor Smith asked how many open meeting law complaints had come from that one person and who was that person.

Mr. Ledbetter responded that there had been 21 complaints as of January and it was Donna Pulling who had filed them. The Attorney General determined that the complaints were unfounded.

Councilmember Giacomino asked since we have been working with Mr. Ledbetter’s firm had we had to outsource anything.

Mr. Ledbetter responded no there had been no outsourcing.

Mayor Smith said that we had a fee schedule coming up, in the future public records request would have a charge associated with them.

Mr. Ledbetter said that was a recommendation shared by staff. He was an advocate of it. You lose all that staff time every month and there was no reimbursement for the staff time. Most other entities including the State of Arizona charge \$25 an hour for the staff time associated with the request.

Mayor Smith said that he had heard that there were 17 requests from one person just in one month alone.

Ms. Coronado responded yes that was true. Her office was at record numbers right now.

Mr. Ledbetter said that he apologized to Council for being a little bit testy about these things. When Bar Complaints are filed against a professional’s license in a reckless manner to try to discourage him from what he was trying to do that was crossing a line.

- 16. Discussion and Possible Approval to waive or reduce the Pavement Restoration fee for construction in public roadway to provide natural gas to 213 15<sup>th</sup> Terrace Dr.  
Jesus Haro, Public Works Director

Matt Gurney, Public Works explained that Northern Pipeline Construction company had applied for a permit to perform construction near 213 15<sup>th</sup> Terrace to replace the gas service. The construction would require a street cut of 5.11 square yards on 15<sup>th</sup> Terrace. City Code section 7.12.9 would apply and a pavement restoration fee of \$1,686.30 in addition to the \$50 permit fee and the \$100.00 inspection fee would apply. The total cost would be \$1,836.30. This street was recently paved in August of 2019. Northern Pipeline has requested a waiver or reduction of this fee.

Mayor Smith said that he was against the request. Utilities had an opportunity to liaison with our offices and Streets and Infrastructure Committee. Northern Pipeline was a corporation owned by Southwest Gas Corporation. Southwest Gas was asked to be a part of the Streets and Infrastructure Committee so things like this would not happen.

MOTION: Councilmember Higgins moved to not reduce or waive the permit fee.

SECOND: Councilmember Pawlik

MOTION PASSED: UNANIMOUSLY

- 17. Discussion and Possible Approval to waive or reduce the Pavement Restoration fee for construction in public roadway to provide natural gas to 25 Cochise Trail.  
Jesus Haro, Public Works Director

Mayor Smith said that this was the same situation but a different location.

Mr. Gurney said that the only thing different here was the cost of replacement was reduced because of when it was paved last.

MOTION: Councilmember Cline moved to apply the full restoration fee per City Code 7.12.9 two permit number 09-20 for the construction at 25 Cochise Trail.

SECOND: Councilmember Giacomino

MOTION PASSED: UNANIMOUSLY

18. Discussion and Possible Approval authorizing City Staff to Auction city surplus signs on an online Government Auction Website.

Theresa Coleman, City Manager

Ms. Coleman said that there were hundreds of signs that had been collected that were not retroreflective and could not be used. With Council’s permission we would start auctioning off the signs.

MOTION: Councilmember Pawlik moved to authorize city staff to auction city surplus signs on an online Government auction website.

SECOND: Councilmember Cline

19. City Manager's Report:

- Ms. Coleman said that with setting up all the new computers we had a lot of old computers that we would be looking to recycle.
- Ms. Coleman invited Council to the city offices to observe the current conditions.
- 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.):

MOTION: Councilmember Higgins moved to adjourn the meeting.

SECOND: Councilmember John

MOTION PASSED: UNANIMOUSLY

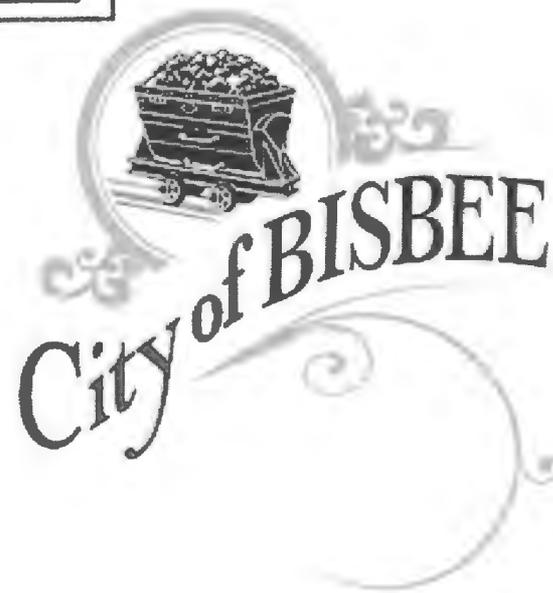
ADJOURNMENT: 8:23 PM

\_\_\_\_\_  
David M. Smith, Mayor

EXHIBIT A  
To Document



**SEAGO**



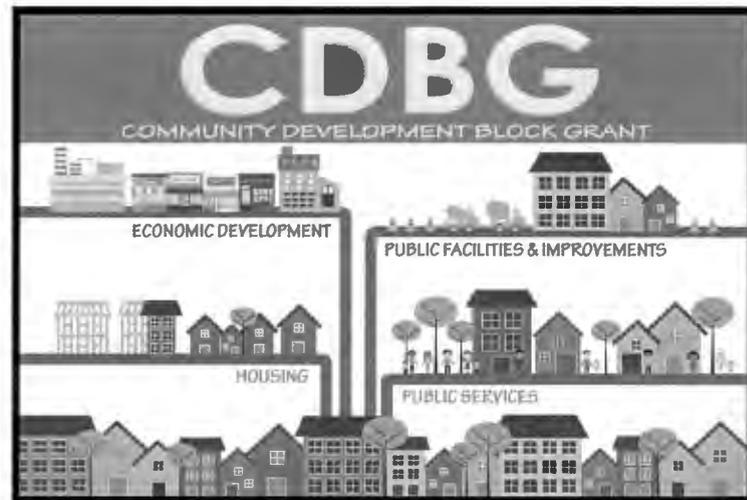
**CITY OF BISBEE  
CDBG PUBLIC HEARING #1  
MARCH 3, 2020**

# AGENDA

- CDBG in Brief.
- Colonias Set-Aside CDBG in Detail.
- Tintown Colonia Streets and Drainage.
- Citizen input regarding community's development needs and possible projects.

# WHAT IS CDBG?

- The Community Development Block Grant program (CDBG) enacted in 1974 by President Gerald Ford through the Housing and Community Development Act of 1974.
- Funded by the U.S. Department of Housing and Urban Development (HUD).



# CDBG PURPOSE

- To help communities provide decent housing, a suitable living environment and expand economic opportunities, principally for persons of low and moderate (LM) income.



# CDBG PROJECTS MUST...

- Primarily benefit Low & Moderate (LM) income persons:
  - 51% of beneficiaries are LM
  - Specific Target Groups are automatically considered LM (Limited Clientele)
- OR: Prevent or eliminate slum & blight conditions:
  - Statutory hearing process required
- OR: Meet other urgent needs related to health & safety issues:
  - Disaster Relief & Human Health Hazard

# **BISBEE LOW-MOD AND CDBG ELIGIBILITY**

- Low-to-moderate income means 80% of the average household income for the area.
- Bisbee as a whole is currently 49.6% low-mod per 2019 HUD numbers.
- New figures from HUD due this spring.

# 3 POTS OF GOLD

- REGIONAL ACCOUNT (RA)  
rotation through SEAGO's  
Method of Distribution (MOD)...



- Annual competitive STATE SPECIAL PROJECTS account and...
- Bi-annual competitive COLONIAS SET-ASIDE

# THE REGIONAL ACCOUNT

- The SEAGO Regional Account is expected to receive approximately \$1.2 million this year.
  
- SEAGO will:
  - Select RA applicants from the rotation schedule established in the Method of Distribution (MOD).
  - Allocate the funds to our 4 counties (Cochise, Santa Cruz, Graham, Greenlee), based on: 70% poverty and 30% population.
  - Huachuca City receives the Cochise 2020 Regional Account this year. Bisbee in 2024.

# THE STATE SPECIAL PROJECTS ACCOUNT (SSP)

- Annual statewide competition, applications due in June;
- Capped at \$500,000;
- Must be “shovel ready,” with complete plans, specs, environmental, bidders list, etc.
- Ideal for Owner-Occupied Housing Rehab of Limited Clientele projects.



# COLONIAS SET-ASIDE ACCOUNT

- Bi-annual competition for approx. \$2 million in ADOH-designated Colonias.
- Project must correct water, drainage, sewer or housing issues.
- 65 eligible Colonias statewide.
- 34 Colonias in the SEAGO region, with 12 in Cochise County.
- Tintown and Bakerville are designated Colonias in Bisbee.

# COCHISE COUNTY COLONIAS

- **Cities and Towns:**

- Benson – Patrick Dr./Valley View
- Benson – Prickly Pear/Cactus
- **Bisbee – Bakerville**
- **Bisbee – Tintown**
- Douglas (Original Townsite)
- Tombstone

- **Unincorporated Areas:**

- Bay Acres
- Bowie
- Fry Townsite
- Lower Huachuca City
- San Simon
- Winchester Heights

# COLONIAS AWARD HISTORY

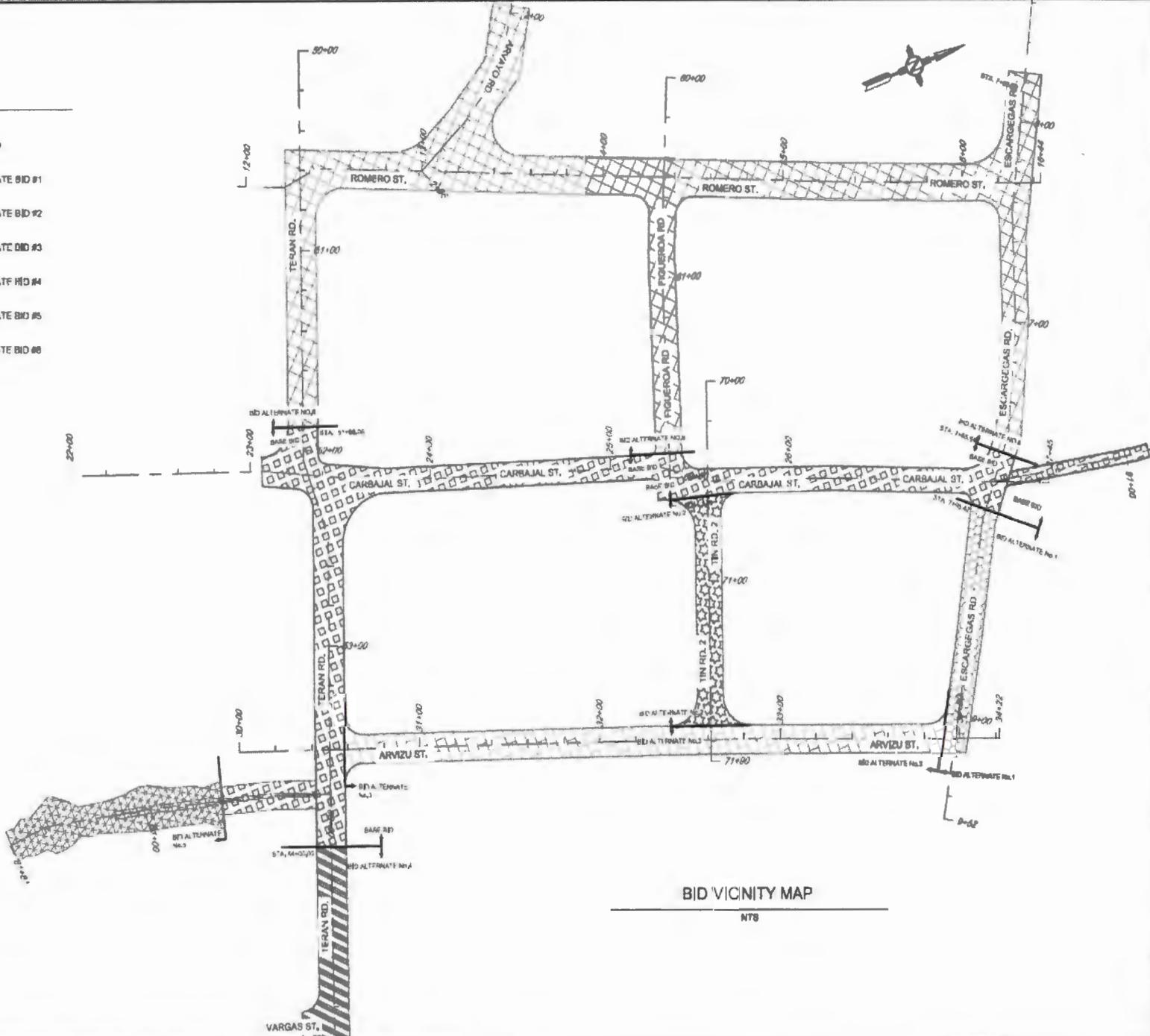
CDBG No.	Project Name	Completed	Award
116-19	Wellton Owner-Occupied Housing Rehab (OOHR)	Active	\$ 500,000.00
115-19	Yuma County OOHR	Active	\$ 500,000.00
117-19	Nogales Perkins Water Main	Active	\$ 1,223,126.00
112-12	Graham Co Solomon Infrastructure	8/12/2014	\$ 2,404,589.00
100-14	Yuma County OOHR	3/10/2017	\$ 890,806.00
109-15	Rillito Water Improvements	12/2/2015	\$ 146,000.00
110-15	Somerton Water Improvements	3/2/2017	\$ 1,861,041.00
116-17	Santa Cruz County Nogalitos Drainage	7/5/2018	\$ 1,311,966.00
117-17	CDBG Colonia Yuma County OOHR	12/13/2018	\$ 500,000.00
118-17	CDBG Colonia Wellton OOHR	12/4/2018	\$ 202,510.00
		<b>TOTAL:</b>	<b>\$ 9,540,038.00</b>
		<b>SEAGO REGION:</b>	<b>\$4,939,681.00</b>
			<b>52%</b>
		<b>OOHR (Yuma Co.):</b>	<b>\$2,593,316.00</b>
			<b>27%</b>
		<b>Yuma Co. Total:</b>	<b>\$4,454,357.00</b>
			<b>47%</b>

TINTOWN  
COLONIA  
STREETS AND  
DRAINAGE  
PHASE 1



**LEGEND**

-  BASE BID
-  ALTERNATE BID #1
-  ALTERNATE BID #2
-  ALTERNATE BID #3
-  ALTERNATE BID #4
-  ALTERNATE BID #5
-  ALTERNATE BID #6



**BID VICINITY MAP**

NTB

<p><b>SOUDER, MILLER &amp; ASSOCIATES</b>                    Engineering • Environmental • Surveying                  Serving the Southwest &amp; Rocky Mountains                  500 West Main Street, Safford, AZ 85546                  Phone (515) 394-0427 Fax (515) 393-0431                  www.soudermiller.com</p>		<p>Rev #</p> <p>Date</p> <p>Description</p>
<p>CITY OF BISHOP, TOWN OF AZ</p> <p><b>BID VICINITY MAP</b></p> <p><b>TIN TOWN DRAINAGE AND STREET IMPROVEMENTS</b></p> <p>PROJECT II</p>		<p>Project No. 110718</p> <p>Sheet 2 of 1</p>

# TINTOWN PHASE 3

- Shovel Ready Project.
- Design plans 100%, Engineer already procured.
- Environmental Review Complete.
- Current cost estimate \$400,000.
- Eligible for Colonias Set-Aside.
- Match/Leverage recommended for higher score.

# NEXT STEPS

- SEAGO will assist community staff with:
  - Advertising another hearing in the spring when Council will adopt appropriate resolutions for the application.
  - Ensuring all required pieces are in place for a successful application, should Bisbee apply.
  - Administration/management of grant if awarded.

# LAST STEPS

- Staff will submit application to SEAGO by July 1.
- SEAGO will review application, modify if necessary.
- SEAGO will submit the application to ADOH by August 15, or other deadline given by ADOH.

# PUBLIC PARTICIPATION

- Colonias applications require project selection and planning ahead of time, but...
- A public project input process is still required.
- Public input is always important for future projects and identifying community needs.
- Bisbee must publish, post and hold 1 public hearing to let residents identify possible projects (tonight). Selection at 2<sup>nd</sup> hearing (to follow).

# PUBLIC HEARING AND INPUT

