

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 19, 2023, 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 7:03PM.

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
Keri Bagley, Finance Director
Joelle Landers, Personnel Director
Matthew Gurney, Public Works Director
Logan Dodd, Operations Manager
Tim Cox, Police Chief
Jim Richardson, Fire Chief

CITY ATTORNEY

Joseph Estes

INVOCATION: Mayor Budge asked for a moment of reflection.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Budge spoke regarding the recent migrant drop offs affecting the City of Bisbee.

CALL TO THE PUBLIC

- Sue Ray Blakely, Bisbee resident spoke about an issue with her neighbor on Yuma Trail.

Mr. Pauken, City Manager reported that a Notice of Violation was sent out almost thirty (30) days ago and when that thirty (30) days expires the city will be issuing a citation with a court date.

Mayor Budge said there was action being taken and if Ms. Blakely needed more particulars to contact city staff.

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 \$189,036.39.

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

2. Approval of the Consent Agenda

- A. Approval of the minutes of the Regular Session of Mayor and Council held on Tuesday, September 5, 2023.

Ashlee Coronado, City Clerk

- B. Approval of the Appointment of Peter Muserelli to the Evergreen Cemetery Committee.

Ashlee Coronado, City Clerk

- C. 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 an Indigenous People Festival from Saturday, October 7, 2023 from 5:00am through Sunday, October 8, 2023 until 4:00pm.

Ashlee Coronado, City Clerk

- D. 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 Block Party Saturday, October 28, 2023 from 5:00pm to 1:00am.

Ashlee Coronado, City Clerk

- E. Approval of an Application for a Temporary Extension of Premises/Patio Permit submitted by the Copper Queen Hotel for an Event to be held on Howell Avenue, Bisbee, AZ on Saturday, October 7, 2023; Jenna Faith Lampinen, Applicant.

Ashlee Coronado, City Clerk

- F. Approval of an Application for a Temporary Extension of Premises/Patio Permit submitted by the Copper Queen Hotel for an Event to be held on Howell Avenue, Bisbee, AZ on Saturday, October 28, 2023; Jenna Faith Lampinen, Applicant.

Ashlee Coronado, City Clerk

- G. Approval of a Special Event Liquor License Application submitted by Bisbee Council on the Arts & Humanities for their Annual Fundraising Dinner to be held at 16 Erie Street, Bisbee, AZ on Saturday, October 28, 2023, from 5:30pm to 9:00pm.

Ashlee Coronado, City Clerk

Mayor Budge asked that item C and E; which are associated together, be pulled for further discussion.

MOTION: Councilmember Cline moved to approve the Consent Agenda items 2A, 2B, 2D, 2F, & 2G.

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

- C. 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 an Indigenous People Festival from Saturday, October 7, 2023 from 5:00am through Sunday, October 8, 2023 until 4:00pm.

- E. Approval of an Application for a Temporary Extension of Premises/Patio Permit submitted by the Copper Queen Hotel for an Event to be held on Howell Avenue, Bisbee, AZ on Saturday, October 7, 2023; Jenna Faith Lampinen, Applicant.

Mayor Budge stated his concerns regarding the event and didn't see this as a viable situation to be able to clear out Howell Avenue in case of an emergency. He suggested that they use one of the parks.

Councilmember Davis stated he thought it made sense to do it at a park and not block the streets.

Mayor Budge stated that he was not in favor of passing this.

MOTION: Mayor Budge moved to deny Consent Agenda items 2C & 2E.

SECOND: Councilmember Cline MOTION PASSED: UNANIMOUSLY

OLD BUSINESS

3. Discussion and Possible action regarding the request for proposals for Documentation Consulting Services contract for Camp Naco- Additional Information.

Brooks Jeffery, Camp Naco Strategic Planning Consultant

Mr. Jeffery, Camp Naco Strategic Planning Consultant spoke regarding the concerns about the process of the RFP as well as the vagueness. They were recommending that all bids be rejected and redraft a new RFP to clarify the scope of work and requirements for the proposed project.

MOTION: Mayor Budge moved to reject all bids and to go back out for the bidding process.

SECOND: Councilmember Davis MOTION PASSED: UNANIMOUSLY

NEW BUSINESS

4. Discussion and Possible Action to go into the Board of Appeals for the Building Code with a Public Hearing to render a decision on an appeal of City Code Article 7.10 Light Pollution Code, Section 7.10.12 "Maximum Total Outdoor Light Output" filed by Savannah McDonald, Architect, Poster Mirto McDonald for Joseph Lewis, Property Owner regarding the property located at 100 Clawson Avenue, and Adjournment of the Board of Appeals for the Building Code.

Joe Ward, Building Inspector / Code Enforcement

MOTION: Mayor Budge moved to enter into the Board of Appeals for the Building Code for a public hearing to render a decision.

SECOND: Councilmember Cline MOTION PASSED: UNANIMOUSLY

Savannah McDonald, Architect Poster Mirto McDonald gave background on the situation regarding the lighting. The priority here was the buildings egress lighting to be code compliant for safe entry and exit in the building which includes all doors and pathways on site. She spoke regarding the beauty and importance of this iconic building. She closed with the decision was up to the Council on the preference in terms of what was important to the community.

Joe Ward, Building Inspector stated public safety was paramount but individual exemptions can lead to endless exemptions. If we were to amend for one person lets amend for everyone and be uniform. He recommended not amending it.

Council asked questions and Ms. McDonald and staff responded.

Bruce Syrett, Bisbee Dark Skies spoke in opposition. He said this building was a commercial building in a residential neighborhood on a side street in Bisbee and did not need to be illuminated like a commercial building in downtown Tucson. The outside area was already illuminated by five (5) street lights owned by the City of Bisbee. Exterior entrances can be properly illuminated under the lumen

limits under the city's ordinance for commercial buildings to comply with all ADA guidelines. He hoped that Council did not approve this variance.

There was no public comment in Favor.

Ms. McDonald stated that they wanted to do what was right by the community all she needed was the building to be covered.

Mayor Budge asked for information from the Site Plan Committee who met on Monday.

Mr. Pauken, City Manager stated the Site Plan Committee had met yesterday to go over the entire site plan and the recommendation of the site plan committee was to approve the site plan with the exception of the light.

Mayor Budge spoke regarding the number of allowed lumens for lighting and the excess amounts wanted by the appellant.

Mr. Pauken said we needed to consider what was going on here, we couldn't judge everything by lumens, they are important but the way we use the light was every bit as important. He said the city was not willing to compromise but willing to make sure where there was an issue of safety for the building occupants that the city would honor it.

MOTION: Mayor Budge moved to deny the request as presented.

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

5. Public Hearing for Special Use Permit Application 23-01 and Discussion and Possible Approval of a Special Use Permit 23-01, Submitted by Joel Howard and Dias Howard for the Purpose of Allowing them to Operate a Metal Fabrication Shop from the property located at 39 Old Douglas Road.

Joe Ward, Building Inspector / Code Enforcement

Mayor Budge opened the Public Hearing.

Mr. Howard spoke regarding his property located at 39 Old Douglas Road.

Morgan Douglas spoke in favor of the special use permit.

There was no public comment in opposition.

Mayor Budge asked if the city had received any correspondence. Ms. Coronado stated "No"

Mayor Budge closed the Public Hearing.

MOTION: Councilmember Sowid moved to approve Special Use Permit 23-01 for the Purpose of Allowing a Metal Fabrication Shop to Operate from 39 Old Douglas Road.

SECOND: Councilmember Giacomino

ROLL CALL VOTE

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

NAYS: 0

MOTION PASSED: AYES-7 NAYS-0

6. Discussion and Possible Approval to purchase an ELGIN Broom Badger Mechanical Sweeper under Sourcewell contract #093021-LEG.

Matthew Gurney, Public Works Director

Mr. Gurney stated public works was asking for approval to purchase this sweeper; this purchase would be a big way to maintain the roads and would be an asset for public works and the city.

Council commented and asked questions and staff responded.

MOTION: Councilmember Davis moved to approve the purchase of ELGIN Broom Badger Mechanical Sweeper under Sourcewell contract #093021-LEG.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

7. Discussion and Possible Approval to award the contract to Moots Painting Co. to paint the buildings at Queen Mine Tour.

Doug Graeme, Queen Mine Tour Manager

Mr. Graeme said they were asking to award the contract to Moots Painting Co. and stated the buildings had not been painted since the 1990's.

MOTION: Councilmember Cline moved to award the contract to Moots Painting Co. to paint the Buildings at the Queen Mine Tour.

SECOND: Councilmember Sowid

MOTION PASSED: UNANIMOUSLY

8. Discussion and Possible approval of update to Fire Inspector Job Description for the Bisbee Fire Department.

Joelle Landers, Personnel Director

Ms. Landers explained the updated Fire Inspector job description.

Council commented and asked questions and staff responded.

MOTION: Councilmember Cline moved to approve the update to the Fire Inspector Job Description for the Bisbee Fire Department.

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

9. Discussion and Possible approval of Property & Evidence Technician and Community Service Officer Job Descriptions for the Bisbee Police Department.

Joelle Landers, Personnel Director

Ms. Landers went over the job description for Property & Evidence Technician and Community Services Officer.

Council commented and asked questions and staff responded.

MOTION: Councilmember Cline moved to approve Property & Evidence Technician and Community Service Officer Job Descriptions for the Bisbee Police Department.

SECOND: Councilmember Sowid

MOTION PASSED: UNANIMOUSLY

10. City Manager's Report:

- Mr. Pauken stated that in the past few days he has seen the very best of what Bisbee has to offer regarding the migrants and he was proud to be a part of it.

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 Davis moved to adjourn the meeting.

SECOND: Councilmember Giacomino

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 8:27PM

Ken Budge, Mayor