

ATTENTION

IN-PERSON AUDIENCES AT CITY COUNCIL MEETINGS HAVE BEEN SUSPENDED UNTIL FURTHER NOTICE

Due to Covid 19 this meeting will be conducted electronically by Zoom and Facebook. The public can join, listen and view the meeting as follows:

- City's Facebook page (<https://www.facebook.com/COB118Arizona/>). A Facebook account is not necessary.
- Zoom by calling in at 1-346-248-7799 or by the following link <https://us02web.zoom.us/j/83600420237> the meeting/webinar ID is 836 0042 0237.
- The public can submit comments that will be read at the dais by a staff member to publiccomment@bisbeeaz.gov. All comments shall be submitted by no later than Tuesday at noon. Citizens can also be recognized to speak during the meeting only if they sign up ahead of time at the email address above. Please indicate if you are signing up to speak under Call to the Public or a specific item number.

ACTION AGENDA

ACTION AGENDA OF THE REGULAR SESSION OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, AND STATE OF ARIZONA, HELD ON TUESDAY, FEBRUARY 16, 2021 AT 7:00 PM VIA ZOOM.

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

ROLL CALL

COUNCIL

Councilmember Louis Pawlik, Ward III
Councilmember Joni Giacomino, Ward II
Councilmember Frank Davis, Ward I
Mayor Ken Budge
Councilmember Leslie Johns, Ward I
Councilmember Joan Hansen, Ward II
Councilmember Anna Cline, Ward III, Mayor Pro Tempore

STAFF

Theresa Coleman, City Manager
Ashlee Coronado, City Clerk
Keri Bagley, Finance Director
Joelle Landers, Personnel Director
Jesus Haro, Public Works Director
George Castillo, Fire Chief

CITY ATTORNEY

Joseph Estes

INVOCATION: A Moment of Silence

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

CALL TO THE PUBLIC
NO ACTION REQUIRED

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

GENERAL BUSINESS:

1. ACCOUNTS PAYABLE: Subject to availability of funds
ACTION APPROVED

2. Approval of the Consent Agenda

A. Approval of the Minutes of the Regular Session of the Mayor and Council held on February 2, 2021.

Ashlee Coronado, City Clerk

B. Approval of the Resignation of Deborah Phagan from the Evergreen Cemetery Committee.

Ashlee Coronado, City Clerk

C. Approval of the Appointment of Lisa Holland Maddern to the Evergreen Cemetery Committee.

Ashlee Coronado, City Clerk

ACTION ITEMS: 2A-2C APPROVED

OLD BUSINESS

3. Discussion and Possible Approval of Ordinance O-20-01 to Rezone APN 103-62-489; 60 Main Street Owned by Maria Asaro, from R-1 to CM-2.

Joe Ward, Staff Liaison to the Planning and Zoning Commission

ACTION APPROVED

4. Discussion and Possible Approval of Ordinance O-20-02 to Rezone APN 102-15-057; 302 S. Washington Avenue Owned by the City of Bisbee, from C-2 to RM.

Joe Ward, Staff Liaison to the Planning and Zoning Commission

ACTION APPROVED (6/1 Cline)

5. Discussion and Possible Approval of Ordinance O-21-03; Amending Article 5.3.2, Special Provisions for the Historic District by adding 5.3.2 (B)(1)(d) Establishing the right to rebuild, utilizing the setbacks of a demolished or burnt structure on the same parcel in the Bisbee Historic District.

Joe Ward, Staff Liaison to the Planning and Zoning Commission

ACTION APPROVED

6. Discussion and Possible Approval of Ordinance O-21-05; Accepting the transfer of real property from Southeast Arizona Renovations LLC, located at 1 Cochise Row. Bisbee.

Theresa Coleman, City Manager

ACTION APPROVED (5/2 Giacomino-Cline)

NEW BUSINESS

7. Presentation of Personnel Announcements.

Joelle Landers, Personnel Director

NO ACTION REQUIRED

- 8. Presentation and Discussion on the year to date financials for the City.

Keri Bagley, Finance Director

NO ACTION REQUIRED

- 9. Public Hearing on Notice of Intent to Increase Transient Room Tax (Bed Tax) Rate.

Keri Bagley, Finance Director

ACTION APPROVED- HELD PUBLIC HEARING

- 10. Discussion and Possible Approval of Ordinance O-21-04; An Ordinance of the Mayor and City Council, City of Bisbee, County of Cochise, State of Arizona, Increasing the Transient Room Tax (Bed Tax) from 2.5% to 5.0%.

Keri Bagley, Finance Director

ACTION APPROVED

- 11. Discussion and possible approval of an application for an Extension of Premises/Patio Permit submitted by the Bisbee Grand Hotel & Saloon for Permanent change to their areas of service by adding the adjacent first floor space (2,094 sq.ft.) and upstairs area (4,389 sq.ft.), Kevin Kramber, Applicant.

Ashlee Coronado, City Clerk

ACTION APPROVED

- 12. Discussion and possible approval to go into the Board of Appeals for the Building Code with a Public Hearing to render a decision on appeal BBA01-21 filed by Richard Sanders, property owner of 502 Powell Street and Discussion and possible approval to come out of the Board of Appeals for the Building Code.

Joe Ward, Building Inspector/Code Enforcement

ACTION: UPHELD THE DETERMINATION OF BUILDING INSPECTOR

- 13. Discussion and possible approval to enter into a professional services agreement with Souder, Miller & Associates for the design of drainage and roadway improvements to the Tintown Area.

Jesus Haro, Public Works Director

ACTION APPROVED

- 14. Discussion and possible approval of Resolution R-21-01; Amending Public Works Section; Park and Facility Use of the City Fee Schedule.

Theresa Coleman, City Manager

ACTION APPROVED

- 15. Discussion and possible approval of the Notice of Intent to adopt Ordinance O-21-07; Amending Article 9.1.5 C of the City Code regarding Sanitation Service Rates and Fees.

Theresa Coleman, City Manager

ITEM WAS PULLED FROM THE AGENDA

- 16. Possible approval of a motion to go into Executive Session for the following matters:
 - 1. AN EXECUTIVE SESSION PURSUANT TO A.R.S. § 38-431.03(A)(4) DISCUSSION OR CONSULTATION WITH THE ATTORNEY OF THE PUBLIC BODY IN ORDER TO CONSIDER ITS POSITION AND INSTRUCT ITS ATTORNEYS REGARDING THE PUBLIC BODY'S POSITION REGARDING CONTRACTS THAT ARE THE SUBJECT OF NEGOTIATIONS, IN PENDING OR CONTEMPLATED LITIGATION OR IN SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION ON A NOTICE OF CLAIM FROM ANNIE ROBBINS.
 - 2. AN EXECUTIVE SESSION PURSUANT TO A.R.S. § 38-431.03(A)(4) DISCUSSION OR CONSULTATION WITH THE ATTORNEY OF THE PUBLIC BODY IN ORDER TO CONSIDER ITS POSITION AND INSTRUCT ITS ATTORNEYS REGARDING THE PUBLIC BODY'S POSITION REGARDING CONTRACTS THAT ARE THE SUBJECT OF NEGOTIATIONS, IN PENDING OR CONTEMPLATED LITIGATION OR IN SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO

AVOID OR RESOLVE LITIGATION ON A NOTICE OF CLAIM FROM KENNETH AND MARY ALICE BUDGE.

- 3. AN EXECUTIVE SESSION PURSUANT TO A.R.S. § 38-431.03(A)(7) DISCUSSIONS OR CONSULTATIONS WITH DESIGNATED REPRESENTATIVES OF THE PUBLIC BODY IN ORDER TO CONSIDER ITS POSITION AND INSTRUCT ITS REPRESENTATIVES REGARDING NEGOTIATIONS FOR THE PURCHASE, SALE OR LEASE OF REAL PROPERTY.

Per ARS § 38-431.03(A4)(A7), the City Council may vote to go into executive session for Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation and Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property.

Joe Estes, City Attorney

ACTION APPROVED

- 17. Discussion and possible action regarding the settlement terms on the Annie Robbins Notice of Claim discussed in Executive Session.

Joe Estes, City Attorney

ACTION: DIRECT TO TAKE ACTION AS DIRECTED IN EXECUTIVE SESSION

- 18. Discussion and possible action regarding the settlement terms on the Kenneth and Mary Alice Budge Notice of Claim discussed in Executive Session.

Joe Estes, City Attorney

19. ACTION: DIRECT TO TAKE ACTION AS DIRECTED IN EXECUTIVE SESSION

- 20. City Manager's Report:

- Update on 300 Campbell Street
- Other Current events (No Discussion)

NO ACTION REQUIRED

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.):

NO ACTION REQUIRED

ADJOURNMENT: 10:20PM

ACTION APPROVED