

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, FEBRUARY 2, 2016, AT 7:00 PM IN THE BISBEE MUNICIPAL BUILDING, 118 ARIZONA STREET, BISBEE, ARIZONA.

THE MEETING WAS CALLED TO ORDER BY MAYOR OERTLE AT 7:05PM.

ROLL CALL

COUNCIL

Councilmember Eugene Conners, Ward I
Councilmember Joan Hansen, Ward II
Councilmember Shirley Doughty, Ward III
Mayor Ronald Oertle
Councilmember Anna Cline, Ward III, Mayor Pro Tempore
Councilmember Douglas Dunn, Ward II
Councilmember Serena Sullivan, Ward I Excused

STAFF

Jestin Johnson, City Manager
Ashlee Coronado, City Clerk
Sharon Buono, Finance Director
Albert Echave, Police Chief
Marc Burneleit, Fire Chief

CITY ATTORNEY

Elda Orduno

INVOCATION: Mayor Oertle asked everyone to turn their thoughts to the displaced people around the planet especially North Africa and the Middle East.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Oertle welcomed back Council Member Shirley Doughty. He said that we were glad to have her back.
- Mayor Oertle said that without objection from the Council Item #4 would be pulled from the Agenda.
- Mayor Oertle turned it over to Councilmember Cline. Councilmember Cline spoke about Chief Lombardini who passed away and his wife who also passed away two weeks after. She offered the City's condolences.

CALL TO THE PUBLIC

- Alice Hammers, McNeal resident spoke in opposition of the StoneGarden Grant. She said that this grant was a militarization of our police. The local police should be serving a different purpose. She spoke about the marijuana bust that was in last week's paper. She said that it was wasteful and useless to spend tax dollars on busting marijuana. It was legal in many cities. Marijuana was everywhere and everyone had marijuana. She also spoke about the killing of Carlos Ramirez, she felt that the police are not being held accountable.

- Steve Dey, Naco resident spoke about transparency issues. He said that the City was currently involved in two law suits. He spoke on the two law suits involving two elected officials and the City of Bisbee. He said that these lawsuits could have a large impact to the City. He gave a summary of the allegations.
- David Smith, Bisbee resident said that he had a couple of discussions with Ms. Kennedy from the School Board. He commented on the decrease in enrollment at the schools. He said that he would volunteer to help with anything that was needed to fix these problems.
- John Viverto, Bisbee resident spoke about Cancer in our community. He gave his story about how Cancer had impacted his life and family. He said that he made it through and now he would like to help others. He spoke about a local group Bisbee Run/Walk for a Cure, who are looking to assist people impacted with cancer with things like gas cards, food certificates, hotel stays etc. The funds raised would stay here in Bisbee. He encouraged the Community to please support this organization and the upcoming event “Cupids Run” on February 13th.
- Peter VonGundlach made a proposal to raise the amount that Mayor and Council get paid. He said it would entice younger individuals to run for office.

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 the Accounts Payable in the amount of \$199,611.03.

SECOND: Councilmember Doughty

MOTION PASSED: Unanimously

2. Approval of the Consent Agenda

- A. Approval of the Minutes of the Work Session of Mayor and Council held on November 10, 2015 at 5:30PM.

Ashlee Coronado, City Clerk

- B. Approval of the Minutes of the Regular Session of Mayor and Council held on January 5, 2016 at 7:00PM.

Ashlee Coronado, City Clerk

- C. Approval of the Appointment of Peter Von Gundlach to the Airport Advisory Committee with a Waiver of Number of Commissions Served.

Ashlee Coronado, City Clerk

MOTION: Councilmember Cline moved to approve the Consent Agenda Items 2A-C.

SECOND: Councilmember Dunn

ROLL CALL VOTE:

AYES: Councilmember Connors, Hansen, Doughty, Cline, Dunn and Mayor Oertle

NAYS: 0

MOTION PASSED: AYES: 6; NAYS: 0

OLD BUSINESS

NEW BUSINESS

- 5 Discussion and Possible Approval of a Contract with Western States Fire Equipment for the Purchase of a Fire Truck.

Marc Burneleit, Fire Chief

This item was moved up on the agenda by Mayor Oertle.

Chief Burneleit explained that this contract would allow the City of Bisbee to purchase a new fire truck with the FEMA Grant that was awarded to the City. He said that the Ambulance contract was awarded last month as part of the grant as well. He said that the price of this truck falls well within the amount available from the grant and it would be replacing the 1981 Fire Truck that was currently in our fleet.

Councilmember Cline said that this was quite exciting.

Councilmember Hansen asked what the actual cost including taxes and add-ons. Chief Burneleit said that the amount would be \$190,400.00

MOTION: Councilmember Cline moved to approve the Contract with Western States Fire Equipment for the purchase of a new fire truck.

SECOND: Councilmember Hansen

MOTION PASSED: Unanimously

- 3. Presentation on the Bisbee Unified School District by Kym Kennedy.

Joan Hansen, Councilmember WARD II

Ms. Kym Kennedy gave a presentation on the Bisbee Unified School District (Attached as Exhibit A). She covered the following items.

- Enrollment
- AZ Merit
- Parent Perception
- The Challenges
- What can we all do?

Mayor Oertle said the ACT tests from the Bisbee High School scored above the national average. He commented on the sports programs and how they excel. He informed the public of the Bisbee Unified School top finalists in Cowboy poetry. He suggested that our school district offer things that would compete with the other school districts, such as a Chinese language instructor, music/band, Auto Instruction at the High School. This was in some way a competition to bring and keep students here.

Councilmember Dunn said that he and his wife had participated in the strategic planning forum. He stated his concerns about children reading at a 3rd grade level, and that there are only 15% of the students reading at that level by the 3rd grade. He suggested that during the interview process for a new superintendent the question “How do you plan to engage the community” be asked. He felt the strategic plan was very vague and he had hoped for a more specific strategies or actions. He stressed the importance of reading to and with your child.

Councilmember Hansen thanked Ms. Kennedy for her presentation tonight. She said that Ms. Kennedy had mentioned that Bisbee was once a model school, and asked what caused them to fall from that.

Ms. Kennedy responded that it was funding and other things. The Country and State had been devaluing education for some time now. She also said that declining population had a lot to do with it. We lose money every time we lose a student.

Councilmember Hansen asked if there had been any discussion on a dual track program, technical track and an academic track through high school.

Ms. Kennedy responded that no not at this time due to the numbers. There were only a small percentage of students that participate in the career designated classes. Last year's graduating class had a percentage of 85% that went onto college.

Councilmember Cline said that she had been invited to participate in the Strategic Planning, but didn't because she was an employee of the school. In the past the employees had been told they are not able to participate in those things, but who better knows the issues at the schools. She suggested that a forum be held with the employees. She said the dual track program had been discussed in the past, and it was shot down. She supported the dual track program.

Ms. Kennedy apologized for the district, that there was fear from the faculty to comment on things. She was always willing to forward comments on anonymously.

Councilmember Doughty asked if there were dual credits between the High School and Cochise College.

Ms. Kennedy responded that there were.

Mr. Johnson thanked Ms. Kennedy for coming out and having this discussion. He agreed with the Mayor that this was in fact a competition for students. He asked if there was an opportunity for BUSD to look into partnering with Cochise College for the Upward Bound Program or Talent Search. He said that he was a very proud product of both those programs. He offered his services to BUSD.

Mayor Oertle thanked Ms. Kennedy.

4. Discussion and Possible Approval of Reducing the Number of Committee Members on the Airport Advisory Committee from Seven to Five.

Joan Hansen, Councilmember WARD II

This item was pulled from the agenda.

6. Discussion and Possible Approval of the Job Description and Position for the Administrative Services Director.

Jestin Johnson, City Manager

Mr. Johnson said that this item as well as the next item would provide professional growth opportunities for our employees. The position for Administrative Services Director encapsulates the true responsibilities within the Finance Department, such as risk management and procurement. We currently have a decentralized procurement process and there was still some kind of disconnect within the department's and it would be nice to have a specific resource to address questions to. One thing we can't offer was money and this title change was something we can offer employees.

Councilmember Dunn wanted clarification that we are not creating a new position we are creating advancement for an existing person.

Mr. Johnson said that it does add to the Full Time Employee (FTE) count, because in order to create a description you have to create a position. There was no money that was attached with this position only a title.

Mayor Oertle said that he seemed to him that this was a new position. He asked if this would be advertised.

Mr. Johnson said that this would go through the formal recruitment process, every position had to be advertised, whether it be internally or external. We would allow employees within the organization to compete for the position.

Mayor Oertle asked if this position was advertised and someone applies who has very impressive credentials would we then have two Finance Directors.

Mr. Johnson replied no, because if the position was posted internally, existing employees would only be able to apply and we have many qualified candidates within the organization. This was not an external posting.

Mayor Oertle was concerned that there was transference from the City Manager position over to the Administrative Services Director. Procurement was a duty of the City Manager per the City Charter.

Mr. Johnson said that this was at the pleasure of Mayor and Council the purpose of this agenda item was to provide opportunity for professional growth.

Mayor Oertle asked City Attorney Orduno if there would be conflict of 8.02 of the Charter.

Mrs. Orduno said that the Charter does say that procurement was a duty of the City Manager; she did say that section 3.5.5 of the City Code allows the City Manager or dually authorized designee to provide purchasing and procurement duties.

Councilmember Connors said that the City Manager was ultimately responsible for everything that happens within the City.

Councilmember Cline verified that there was no financial impact of this position and this would just be a title change. She also verified that the Finance Director position would not be eliminated. She said that this position is essentially an Assistant City Manager position while we keep the Finance Director position in the books.

Councilmember Dunn said that the Finance Director was established by the Charter and would require a Charter Amendment if we eliminated that position. In the past we had been able to appoint one person to both positions.

Mr. Johnson informed the Council that this item was brought before the Civil Service Committee for their consideration.

Mayor Oertle said that this was a conflict between the City Charter and the procurement code. He verified with the City Attorney that the City Charter would take precedence of over the City Code. Mrs. Orduno responded that yes the City Charter would take precedence.

Mrs. Orduno said that the Charter was very clear on how it was written and the Code shows some discretion in someone assisting him. The problem was that the Charter was very specific.

The discussion continued between Council and the City Manager on how this position was established and why it was important to the City.

MOTION: Councilmember Dunn moved to table this item.

SECOND: Councilmember Doughty

ROLL CALL VOTE:

AYES: Councilmember Hensen, Doughty, Cline, Dunn, Mayor Oertle

NAYS: Councilmember Connors

MOTION PASSED: AYES: 5; NAYS: 1

7. Discussion and Possible Approval of the Job Description and Position for the Library Manager.
Jestin Johnson, City Manager

Mr. Johnson explained that this was another opportunity to provide professional growth within our organization. He said that the creation of this position affords the library staff to grow within the department.

Mayor Oertle went over the job description and highlighted the changes to the job description from the Library Director and Library Manager. He asked if there was difficulty finding someone with a Masters in Library Science.

Mr. Johnson responded that this would allow us to broaden the pool, which was important. He also said that titles were important.

Councilmember Cline said that comparing the two descriptions the thing that she was concerned about was the fact that we are no longer requiring a Masters in Library Science.

Mr. Johnson said that the Library Director position was not going away. This was a creation of a new position.

Councilmember Cline said that she would feel more comfortable having these discussions during budget time so we are able to see how it affects our bottom line. She wasn't opposed to the changes or the positions but would like to talk about this during budget time.

Mayor Oertle said that there were comments in the paper that the termination of the Library Director and Public Works Director was due to budgetary reasons and now we are hiring a Library Manager at a less price. He asked for clarification.

Mr. Johnson said that we have an opportunity to post this position internally to allow those who meet the minimum qualifications to compete.

Mayor Oertle said that during the budget time last year the Council did not talk about saving money through terminations. We passed furloughs. When we go through budget Council dictates how money was allocated throughout the budget.

Councilmember Connors said that during the budget discussions, Council discusses the proposed budget and then votes on the Final Budget. We set the limit of spending, and try to pinpoint everything. But we are unable to do that all the time. The City Manager was saving money while trying to raise employees from within.

The discussion continued between Council and the City Manager on how this position was established and why it was important to the City.

MOTION: Councilmember Conners moved to approve the Job Description and Position of the Library Manager

SECOND: Councilmember Hansen

ROLL CALL VOTE:

AYES: Councilmember Conners, Hansen

NAYS: Councilmember Doughty, Cline, Dunn, Mayor Oertle

MOTION FAILED: AYES: 2; NAYS: 4

A second motion was then made

MOTION: Councilmember Dunn moved to table this item to the next meeting for modification of the job description.

SECOND: Councilmember Doughty

ROLL CALL VOTE:

AYES: Councilmember Doughty, Cline, Dunn, Mayor Oertle

NAYS: Councilmember Conners, Hansen

MOTION PASSED: AYES: 4; NAYS:2

- 8. Discussion and Possible Approval of the Grant Agreement between the City of Bisbee and the Arizona Department of Homeland Security for Operation StoneGarden Grant, Award # 150415-01, in the Amount of \$115,100, which includes \$100,100 for Overtime and Employee Related Expenses and \$15,000 for Mileage.

Albert Echave, Police Chief

Chief Echave explained that this was the annual Operation StoneGarden Grant that the department had been involved in for some time now. This year we were not awarded any funds for equipment just for overtime and employee related expenses.

Councilmember Dunn asked if employee related expenses included all contributions to retirement. Chief Echave responded that that was correct.

Peter VonGundlach, Bisbee resident spoke in support of StoneGarden.

MOTION: Councilmember Doughty moved to approve the Grant Agreement between the City of Bisbee and the Arizona Department of Homeland Security for Operation StoneGarden Grant, Award # 150415-01, in the Amount of \$115,100, which includes \$100,100 for Overtime and Employee Related Expenses and \$15,000 for Mileage.

SECOND: Councilmember Cline

MOTION PASSED: Unanimously

- 9. City Manager's Report:

- Mr. Johnson said that the Movie Screen had been purchased for movies in the park
- He announced that Mr. Walter Webb had been hired in the Public Works Department.
- The CDBG grant was moving along.

- He announced that the Friends of the Library had purchased children's furniture for the Library.
- He informed Council that we received \$5,000 from the Trust of Charles Angus for the Animal Shelter.
- He commented on a section of retaining wall on Ok Street that was flaking off and needing repair.

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.):

- Councilmember Hansen gave an update on the Public Works Department and informed the Council and Public of the ongoing projects.

Councilmember Hansen also informed the Council and Public that Arizona Senator Barbara McGuire introduced SB1136 into the Arizona Senate requesting that Aid in Dying be made a legal option for the terminally ill in Arizona. She noted that other Cities and Town who passed similar Resolutions.

MOTION: Councilmember Dunn moved to adjourn the meeting.

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 10:15PM

Ronald Oertle, Mayor