

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, APRIL 5, 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 7:00PM.

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

STAFF

Jestin Johnson, City Manager
Ashlee Coronado, City Clerk
Sharon Buono, Finance Director
Marc Burneleit, Fire Chief
Andy Haratyk, Interim Public Works Director

CITY ATTORNEY

Britt Hanson

INVOCATION: Mayor Oertle asked that we reflect on the good things in our life, our family, friends, the fabulous community we live in and the fun things we do.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Oertle presented Kikey Pena with the Prudential Spirit of Community Award Proclamation.
- Mayor Oertle read the Water Wise Proclamation and proclaimed April as Water Awareness Month.
- Mayor Oertle read a Mayor and Council Recognition Day for National Service Proclamation.

CALL TO THE PUBLIC

- Susan Blackford, Bisbee resident thanked Councilmembers Conners, Doughty, Cline and the Mayor for looking out for the interests of the town by opening the process for a City Manager to all over the country and not just to those in town or in City Hall. She stated issues with hiring an inexperienced City Manager.
- Laura Smith, Bisbee resident submitted a petition regarding the Bisbee Farmers Market. Mr. Jim Burke read the petition. This petition requested changing the event from a Special Use Permit to a status of a Community Service and Outreach Program, it also addressed past due fees along with future fees.

- Doug Stanhope, Bisbee resident spoke in support of the Goar Park Lunches. He supported the lunched staying in Goar Park.

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 \$483,981.34.

SECOND: Councilmember Doughty

MOTION PASSED: UNANIMOUSLY

2. Approval of the Consent Agenda

- A. Approval of the Minutes of the Regular Session of Mayor and Council held on March 15, 2016 at 7:00PM.

Ashlee Coronado, City Clerk

- B. Approval of the Appointment of Brent Weller to the Appeals Board for the Property Maintenance Code.

Ashlee Coronado, City Clerk

- C. Approval of the Appointment of Allen Hoese to the Appeals Board for the Property Maintenance Code.

Ashlee Coronado, City Clerk

- D. Approval of the Appointment of John Crow to the Appeals Board for the Property Maintenance Code.

Ashlee Coronado, City Clerk

- E. Approval of the Appointment of Tazlina Shake to the Youth Council.

Ashlee Coronado, City Clerk

- F. Approval of a Special Event Liquor License Application Submitted by the Bisbee Radio Project, Inc. (KBRP) for an Event to be held at the Bisbee Royale on Saturday, April 23, 2016 from 5:00PM to 11:59PM; Ryan Bruce, Application.

Ashlee Coronado, City Clerk

Councilmember Sullivan requested that Consent Agenda Items 2D be pulled for discussion.

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

SECOND: Councilmember Doughty

ROLL CALL VOTE:

AYES: Councilmember Conners, Hansen, Doughty, Cline, Dunn, Sullivan and Mayor Oertle

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

Councilmember Sullivan said that Mr. Crow also served on the Design Review Board which the Appeals Board governing over the Property Maintenance Code. She asked if there would be a conflict of interest.

Mr. Hanson, City Attorney said that there would be no conflict.

MOTION: Councilmember Cline moved to approve the Consent Agenda items 2D.

SECOND: Councilmember Sullivan

ROLL CALL VOTE:

AYES: Councilmember Conners, Hansen, Doughty, Cline, Dunn, Sullivan and Mayor Oertle

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

OLD BUSINESS

NEW BUSINESS

Mayor Oertle said that without objection from the Council Item number 12 would be moved up on the agenda.

- 12. Discussion and Possible Approval for the City of Bisbee to Join the Cochise Conservation Recharge Network (CCRN).

Jestin Johnson, City Manager

Mr. Johnson explained that this MOU would provide an opportunity for the City of Bisbee to participate in the conversations and discussion that happen related to the Sierra Vista Subwatershed. This MOU does not commit us to any projects. Mr. Johnson turned the floor over to Ms. Cado Daily.

Ms. Daily reiterated what Mr. Johnson said. This was an invitation for the City of Bisbee to be part of the conversation. She said that she supported the City of Bisbee entering into this agreement. We have an interest in how our water resources are managed.

Jed-Henry Witowski, Bisbee resident said that it would be a great idea to join in on this.

MOTION: Councilmember Dunn moved that the City of Bisbee joins the Cochise Conservation Recharge Network.

SECOND: Councilmember Sullivan

MOTION PASSED: UNANIMOUSLY

- 3. Presentation on the Old Bisbee Parking Study.

Jestin Johnson, City Manager/ Torin Sadow, Public Works Intern

Mr. Johnson said that Torin had been on board with the City since January and we were very excited about the work he had completed. He then turned the floor over to Mr. Torin Sadow.

Mr. Sadow gave a presentation on the current parking structure in Bisbee. He went on to present a new parking structure that would allow for longer parking structures that would allow visitors to stay and enjoy the town.

Mayor and Council thanked Mr. Sadow for all of his hard work he has done on this study.

- 4. Discussion and Possible Approval of the Notice of Intent to Adopt Ordinance O-16-01, Authorizing the Sale and Transfer of City Property Located East of 536 C Warren Hill Street.

Jestin Johnson, City Manager

Mr. Hanson explained that this was the last step in the sale and transfer of City property that was offered at auction on November 2, 2015.

MOTION: Councilmember Dunn moved to approve the Notice of Intent to Adopt Ordinance O-16-01, authorizing the sale and transfer of City property located East of 536 C Warren Hill Street.

SECOND: Councilmember Connors

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

- 5. Discussion and Possible Approval of the Notice of Intent to Adopt Ordinance O-16-02, Authorizing the Sale and Transfer of City Property Located East of 534 C Warren Hill Street.
Jestin Johnson, City Manager

Mr. Hanson explained that this item was similar to the previous item, which was the final step in the sale and transfer of City property that was offered at auction on November 2, 2015.

MOTION: Councilmember Connors moved to approve the Notice of Intent to Adopt Ordinance O-16-02, authorizing the sale and transfer of City property located East of 534 B Warren Hill Street.

SECOND: Councilmember Sullivan

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

- 6. Discussion and Possible Approval for the Purchase of a Cardiac Monitor from Physio Control, Inc. in the Amount of \$35,013.45.
Marc Burneleit, Fire Chief

Chief Burneleit said that there was a great opportunity to purchase some much needed equipment. Chief Burneleit said that a few of the fire fighters would show the different models of Cardiac Monitors. They went over all the models the City currently has along with the model they are requesting. He explained that the Fire Department was very privileged to have been awarded this grant through the Buffett Foundation he also thanked Mr. David Smith and Mr. Leonard Temby for applying for this grant.

MOTION: Councilmember Cline moved to approve the purchase of a Cardiac Monitor from Physio Control, Inc in the amount of \$35,013.45.

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

- 7. Discussion and Possible Approval of a Service Agreement with Entech for the Servicing of the Bisbee Fire Departments Defibrillator's, AED's and Pulse Ox.
Marc Burneleit, Fire Chief

Chief Burneleit explained that the reason we had been able to keep our equipment for so long was due to this Service Agreement. He said that this company comes out twice a year to calibrate the equipment and make sure that it was in working condition.

MOTION: Councilmember Sullivan moved to approve the service agreement with Entech for the servicing of the Bisbee Fire Department Defibrillator's, AED's and Pulse Ox.

SECOND: Councilmember Connors

MOTION PASSED: UNANIMOUSLY

8. Discussion and Possible Approval to Extend a Public Right of Way Use Permit for Lunches at Goar Park for Dan Maldonado for One Year Effective April 5, 2016 to April 5, 2017.

Andy Haratyk, Interim Public Works Director

Mr. Haratyk explained that this parks permit would extend the park permit for the free Goar Park Lunches. Mr. Haratyk gave the history into the Goar Park Lunches. He said that these lunches had been going on for the last 5 years. He said that there had been some discussion on moving these lunches to a different location, but Goar Park was a perfect location for these lunches.

Councilmember Doughty said that she had been in Old Bisbee during these lunches and there was a very large crowd. She supported this permit.

Dan Maldonado, Bisbee resident gave a rundown of the Goar Park lunches and how they came to be. He decided to take on one day a week serving lunches in the park and it evolved from there. He said that there are around 600 lunches served a month. He said they serve about 50 lunches per day and then they clean up the park to leave it better than they found it. He listed his many community supporters. He thanked the Council for their consideration.

Kelly Galligan, Bisbee resident read a statement from the owner of the Quarry restaurant, Dana House who supported the lunches in the park. She then went on say that she seconded the statement she just read. She said that this was an asset to the entire community.

David Potts, Bisbee resident said that he had just moved to Bisbee with his family. The reason he chose to move his family to Bisbee was because of people like Dan Maldonado. He loves this community, if it weren't for the lunches he would have been lost with two kids. He was very grateful for these lunches.

Christine Plascencia, Bisbee resident spoke in praise of the efforts of the community. She commended everyone for their participation. She appreciated what was being done with these lunches. She also encouraged a long term plan for what was currently being offered at the park, not to hide people away, but to provide them with a safe private environment to receive these benefits.

Karen Schumacher, Bisbee resident spoke in support of the Goar Park lunches. She urged Council to approve the permit for Goar Park Lunches.

Bill Higgins, Bisbee resident also spoke in support of the Goar Park Lunches. It speaks well for this town.

Councilmember Sullivan said that she attended Goar Park Lunches today. The meals are healthy and balanced. Mr. Maldonado does the majority of cooking on his own and he puts in an outrageous amount of work out of the kindness of his heart.

Councilmember Connors said that he supported this permit. He said that this was a wonderful thing going on.

MOTION: Councilmember Connors moved to approve to extend the public right of way use permit for lunches at Goar Park for Dan Maldonado for one year effective April 5, 2016 to April 5, 2017.

SECOND: Councilmember Doughty

MOTION PASSED: UNANIMOUSLY

9. Discussion and Possible Approval to Enter into a Through the Fence Agreement with Private Users of the Bisbee Municipal Airport.

Andy Haratyk, Interim Public Works Director

Mr. Haratyk explained that this agreement had been a long time coming. We are finally at a point that we have an agreement that could be sent to the property owners for signature. The Federal Aviation Administration (FAA) requires us to have this agreement with private users of the airport.

MOTION: Councilmember Hansen moved to approve entering into a Through the Fence Agreement with Private Users of the Bisbee Municipal Airport.

SECOND: Councilmember Connors

MOTION PASSED: UNANIMOUSLY

- 10. Discussion and Possible Approval to Enter into a Contract with Engineering & Environmental Consultants, Inc (EEC) to Complete a Tintown Drainage Study and Determine Alternative Solutions to Erosion and Flooding Using “Green” Design Methods, where possible.

Andy Haratyk, Interim Public Works Director

Mr. Haratyk explained that the initial part of this agreement had been approved by Mayor and Council. EEC was very impressed with the City that they actually went to the USDA and applied for this grant to work with us here in Bisbee on the Drainage Study.

Jed Henry Witowski, Bisbee resident said that he had personally dealt with the flooding in Tintown and supported this Contract.

MOTION: Councilmember Cline moved to enter into a Contract with Engineering & Environmental Consultants, Inc (EEC) to complete a Tintown Drainage Study and Determine Alternative Solutions to Erosion and Flooding Using “Green” Design Methods, where possible.

SECOND: Councilmember Sullivan

MOTION PASSED: UNANIMOUSLY

- 11. Discussion and Possible Approval of the Second Amendment to the Agreement for the Sale and Purchase of Reclaimed Water between the City of Bisbee and Freeport McMoRan Corporation.

Andy Haratyk, Interim Public Works Director

Mr. Haratyk explained that this was the second amendment to the Agreement for the sale and purchase of reclaimed water between the City of Bisbee and Freeport McMoRan. Invoicing for electricity used by FMI had to be modified due to the addition of solar panels at the San Jose Waste Water Treatment Plant.

MOTION: Councilmember Sullivan moved to approve the Second Amendment to the Agreement for the Sale and Purchase of Reclaimed Water between the City of Bisbee and Freeport McMoRan Corporation.

SECOND: Councilmember Connors

MOTION PASSED: UNANIMOUSLY

- 13. Discussion and Possible Direction from Mayor and Council Regarding the Petition received from Richard Green on Divesting our Money from Wall Street and Investing Our Money in Main Street.

Ronald Oertle, Mayor

Richard Green, Bisbee resident explained that he had presented this petition to Mayor and Council urging Council to divest our Money from Wall Street and Investing Our Money in Main Street. He gave some history into the petition and wanted Council to consider this issue. He said that if there were other cities doing it there must be a way that we can do it. He asked if there was a law against the City starting their own investment fund.

Mayor Oertle commended Mr. Green for taking an interest in local government. He said that it was not the function of Municipal Government to be speculators in the financial market. The Municipal Government cannot lend to small businesses because it was not legal. He went on to say that the other

recommendations made by Mr. Greene would require permission from the State Treasurer, Attorney General and the State Auditor. Mayor Oertle gave an update on some of the different funds the City has:

- Wastewater Fund this money could not be used because it is part of the loan covenant with WIFA
- Funds in a Local Bank to pay bills these funds could not be used
- LGIP Fund could possibly be used

Mayor Oertle went on to discuss the divesting our holdings in large investment banks. He said that this would be extremely difficult because most of the banking systems have been consolidated.

Mr. Green said that there were many cities doing this and he didn't understand why the City of Bisbee couldn't. There are many opportunities to be had and we do not have to lose out money to these large bank crashes. He didn't understand why the City couldn't start a fund even if it was a small one for a symbolic purpose.

Councilmember Sullivan said that investments are always a gamble, it's just who we are letting manage our investment. We already did lose \$500,000 in 2008 when the market dropped out. She was very proud of Mr. Green for bringing this up to Mayor and Council it was very progressive. Bisbee was not ready for it. This was the way we needed to go if we wanted to protect or investments. Councilmember Sullivan requested information from legal regarding what was preventing us from doing this.

Mrs. Buono explained that when we are talking about the LGIP fund there was no loss of \$500,000. It was a transfer, not an investment lost. This is an account that had \$500,000 more than they needed and they transferred it to the investment pool. The investment pool was managed by the State Treasurer.

Councilmember Connors said that it was fantastic that Mr. Green brought this up. The resources that it would take to manage these funds are not available. This was too progressive for this town.

Mr. Jonson said that yes there were other communities doing this, but it would be a monumental task. The administration piece would be huge. This was something not to take lightly.

Mr. Hanson, City Attorney explained that there were statues limiting what City Finance Directors can invest money in. They are all built around safety concerns. He said that he tried to go through the statute to see if there was anything that would meet the general outline of Mr. Green's request, but he was unable to find anything. It doesn't mean that there isn't anything out there.

Councilmember Hansen commended Mr. Green for bringing this forward, but we just are not there yet. This was something that Council should look at in the future.

MOTION: Councilmember Sullivan moved to direct the City Attorney to look into the possibility of creating a small separate green investment pool starting with Richard Green's \$100.00 along with her contribution of \$100.00.

Mayor Oertle asked if this meant that Government money would be involved in this fund.

Councilmember Sullivan said no, that this was strictly a donation.

Councilmember Sullivan amended her motion as follows:

AMENDED MOTION: Councilmember Sullivan moved to direct the City Attorney to look into the possibility of creating a small separate green investment pool starting with Richard Green's \$100.00 along with her contribution of \$100.00 adding that it would comply with all State Statutes.

Mr. Hanson said that he understood that Mr. Green's Petition involved the City investing its money in this fund. He clarified that Councilmember Sullivan's motion would involve private citizens investing and not the City's money with the proceeds going to the City. Mr. Hanson said that this might involve a securities lawyer but he would do what he could.

Councilmember Dunn said that he was sympathetic to what was being stated tonight. He said that in today's market there were what are called Socially Responsible Investment Pools for just about everything. He thought that those were available at any investment firm and he was surprised that the State does not offer that. He said that he was President of the Bisbee Foundation, which is part of a broad investment pool under the Arizona Community Foundation, who offers a Socially Responsible Investment Pool, which has been performing quite well. He requested that it be investigated further why the state does not offer a Socially Responsible Investment Pool option for short term investments. He also brought attention to things that are going on with the Bisbee Foundation such as the Evergreen Cemetery Endowment. He said that he would like to explore some of the items further.

Mr. Johnson said that if the Motion passes he would ask for help from Michael Vasquez who was a Financial Advisor who had worked with Cochise County in the past. He had offered his services up at no cost.

Councilmember Sullivan repeated her motion:

MOTION: Councilmember Sullivan moved to Direct City Staff to explore the options of creating a separate Investment Pool for the City of Bisbee that individuals can donate to that would benefit the City and that was socially responsible.

SECOND: Councilmember Hansen

Councilmember Dunn said that he had hoped that it was not only being limited to that motion. We need to be looking at all the other chunks of money within our budget that are just sitting there not earning anything. The motion before us limits us to just bringing in an expert to help us decide whether or not we wanted to invest/manage our own pocket change. He did not favor that. He favored looking into broader opportunities.

Councilmember Sullivan withdrew her previous motion.

MOTION: Councilmember Sullivan moved to Direct City Staff with the help of experts to investigate the potential options for 1. Creating a separate Investment Pool for the City of Bisbee that individuals can donate to that would benefit the City and that was socially responsible and 2. Explore other options that are available with the City Investment Pool.

SECOND: Councilmember Hansen

ROLL CALL VOTE:

AYES: Councilmember Conners, Hansen, Dunn, and Sullivan

NAYS: Councilmember Doughty, Cline, and Mayor Oertle

MOTION PASSED: AYES -4; NAYS -3

14. City Manager's Report:

- Mr. Johnson said that the Monthly financials would be coming out tomorrow. He gave a brief overview of the revenue and expenditures.
- Mr. Johnson gave an update on the Bank transition
- Mr. Johnson informed the Council that the new Ambulance would be here very soon.

- He also informed the Council that the Fire Department would be looking into replacing their turnout gear.
- He said that the Police Manual would be presented to Mayor and Council in the very new future.

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 streets that have been paved and that are set to be paved. She also gave an update on the projects going on with the Library.

MOTION: Councilmember Hansen moved to adjourn the meeting.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 9:29PM

Ronald Oertle, Mayor