

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, MAY 17, 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 7:03PM.

ROLL CALL

COUNCIL

Councilmember Eugene Conners, Ward I	EXCUSED
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	EXCUSED
Councilmember Serena Sullivan, Ward I	

STAFF

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

CITY ATTORNEY

Britt Hanson

INVOCATION: Mayor Oertle asked that everyone take a moment to reflect on the good things in our lives.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Oertle announced that items 6 and 10 would be moved up on the agenda with no objection from the Council.

CALL TO THE PUBLIC

- Susan Blackford, Bisbee resident said that she had submitted a petition concerning the Finance Director not giving her a free copy of the budget. She said that Boards and Commission members should be allowed requested documents at no charge so they may do their job.
- Molly Harico, Bisbee resident addressed whoever was pushing the new hotel in Old Bisbee. She said that this project caters mainly to tourists and a little of that was ok but if we bend over so far backwards our back would break. Do we want to focus all of our energy on bringing people here who do not respect the sole or value of the town? She said that whoever claims to want to invigorate this town should invest in the people who live here. She also commented on the

closure of the City pool being closed for the summer. Those are the types of investments the City should be focused on.

- Peter VonGundlach, Bisbee resident commented on first responders and the effects of shift work. He said that the PSPRS was not overly generous. He said by subcontracting out our first responders services to others we lose the benefits of neighborhood policing as well as local people helping their neighbors.

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

GENERAL BUSINESS:

1. ACCOUNTS PAYABLE: Subject to availability of funds.

Susan Blackford, Bisbee resident requested more information regarding a payment made to Copper City Inn in the amount of \$159.60. She asked why this was not made directly to the Tucson Weekly. She said that she saw the ad and it was a waste of ad space.

MOTION: Councilmember Cline moved to approve Accounts Payable in the amount of \$77,357.74.

SECOND: Councilmember Doughty

MOTION PASSED: UNANIMOUSLY

2. Approval of the Consent Agenda

- A. Approval of a Special Event Liquor License Application submitted by the Community Montessori School of Bisbee, Inc., for an event to be held at the Central School Project located at 43 Howell Avenue, Bisbee, AZ on Saturday, June 4, 2016 from 7:00PM to 11:00PM; Melissa Holden, Applicant.

Ashlee Coronado, City Clerk

- B. Approval of a Special Event Liquor License Application submitted by the Turn Your Life Around (T.Y.L.A), Inc., for an event to be held at City Park, 62 Brewery Avenue, Bisbee, AZ on Saturday, May 28, 2016 from 12:00PM to 7:00PM; Samuel Donaldson, Applicant.

Ashlee Coronado, City Clerk

- C. Approval of a Special Event Liquor License Application submitted by the Douglas Arts & Humanities Association Inc., for an Event to be held at the Courtyard, 18 Brewery Avenue, Bisbee, AZ on Thursday, June 9, 2016 from 5:00PM to 12:00AM; Matthew Cook, Applicant.

Ashlee Coronado, City Clerk

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

SECOND: Councilmember Sullivan

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -5; NAYS -0

OLD BUSINESS

NEW BUSINESS

- 6. Discussion and Possible Approval of a Special Use Permit 16-01, Submitted by Kimber Wright for the Purpose of Allowing her to Operate a Used Car Sales Lot from a Property Zoned C-1.
Joe Ward, Zoning Inspector

Mr. Ward explained that the application before the Council tonight was to operate a Used Car Sales Lot. All the proper advertising has been done and no comments have been received. Mr. Ward said that he defers to the expertise from the Planning and Zoning Commission and he agreed with their conditions.

Councilmember Hansen said that it was hard to tell from the drawing if the parking of the vehicles would obstruct any vision from people coming into the Circle.

Mr. Ward replied that there would not be. Also the ADOT Encroachment Permit they have to obtain will require those things to be looked at. A study would be done.

MOTION: Councilmember Cline moved to approve the permit submitted by Kimber Wright for the purpose of allowing her to operate a Used Car Sales lot from property zoned C-1.

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

- 10. Discussion and Possible Approval to Enter into an Intergovernmental Agreement by and Between the Cochise County Sheriff’s Office and the City of Bisbee.
Jestin Johnson, City Manager

Mr. Johnson explained that this IGA would allow the City of Bisbee to partner with the Cochise County Sherriff Department. He said that given the current status of the Police Department we needed to make sure we had the ability to support our law enforcement efforts. This was a one year agreement would allow the Bisbee Police Department time to graduate police cadets from this year’s Police Academy as well as provide our officers with an opportunity to take advantage of accrued Personal Time Off.

Mayor Oertle asked if when the Deputies come to work for the City would they be under the direction of Chief Echave.

Mr. Johnson replied that was correct. This was a great collaborative relationship.

Councilmember Cline asked Chief Echave if this agreement was strictly for backup and for emergency purposes.

Chief Echave replied that this was for backup purposes and if there was an emergency we could contact the Sheriff’s Department to see if they had anyone available to assist us.

Councilmember Sullivan said that she was happy to hear that these Deputies would be under the direction of Chief Echave. She hoped they would understand the differences between their Deputy duties and City duties.

Councilmember Hansen said that she wanted to assure the public that the City was not going to stop recruiting officers.

MOTION: Councilmember Cline moved to approve the Intergovernmental Agreement with the Cochise County Sheriff’s Office for back-up law enforcement services.

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

3. Discussion and Possible Approval of Resolution R-16-04: Adopting the Tentative Budget for the City of Bisbee for FY 16-17 as well as give notice of the time for Public Hearing to Taxpayers for Adoption of the Budget.

Jestin Johnson, City Manager

Mr. Johnson said that the Resolution R-16-04 would adopt the Tentative Budget for the Fiscal Year 16-17. He said that one of the items that was discussed by Mayor and Council was the inclusion of the funding for half of the turnouts for the Fire Department.

Luche Giacomino, Bisbee resident addressed the transfer of \$55,000 in the Proposed Budget from the Youth Council to Capital Improvements to fix the Swimming Pool. This was illegal. This should come out of the Public Works budget. She asked Council to do the right thing and not purchase the Boom Truck and fix the pool with those funds. Leave the Youth Council funds where they belong.

Mayor Oertle explained that there was currently \$124,000 in the Youth Fund. There was \$103,000.00 locked up by an Ordinance and to use any of it an Ordinance would have to be repealed. If the Youth Council wanted to spend around \$40,000.00 it would have to be specified in the Budget or we would not be able to spend the money.

Councilmember Cline said that this was being shown on the budget as being a transfer.

Mrs. Buono agreed with Mayor Oertle the transfer would only occur if it was approved by Council and the Ordinance would have to be repealed. This leaves the option open to Mayor and Council and no transfer will be made unless the Ordinance was repealed.

Councilmember Sullivan said that she was struggling with this line item as well. She stated that she agrees with Mrs. Giacomino if it was not legal why show it in the budget. She said the Council should vote first and then see the funds in the budget for the next year. It was obviously making people uncomfortable and she didn't see why it was there. Our City Code doesn't not allow us to do spend those funds.

Mrs. Buono said this was just setting the expenditure limitation by adopting the Tentative Budget. Because it was budgeted does not mean that it was an expenditure.

Councilmember Cline said that the Council knew why it was there but it seemed like we were putting the cart before the horse. It's making people uncomfortable. If Council votes to appeal it then it would be done proper and then it could be added to the next budget.

Mrs. Buono said if done that way it would turn into a two year process that would possibly miss another pool season.

Joni Giacomino, Bisbee resident gave some history into the pool and the required repairs. She said that back in 1993 the City of Bisbee had a \$75,000 budget for the summing pool alone. Over the years the pool budget continued to be hit. We are taking something (funds) from the kids that should have been fixed years ago. A list of repairs had been given to the City since 2002 with repairs that needed to be done. She said that it was a pleasant surprise to see Mr. Peter VonGundlach back helping with the pool because he was a true professional. She said that she had made the suggestion to run the pool under an enterprise fund and that had always been pushed to the side.

Susan Blackford, Bisbee resident asked where in the budget was the funds for the new ambulance.

Mrs. Buono replied that on page 14 of the budget it was under the Transfers under Debt Service. We budgeted \$15,000 for payments which was the same amount we have budgeted in the past.

Mr. Johnson said that he would be happy to schedule sometime with Mrs. Blackford to go over the budget with her.

Councilmember Cline asked Mrs. Buono where the HURF funds were located on this Tentative Budget.

Mr. Johnson replied that it was on page 58 under HURF Gas Tax on the top line.

Councilmember Cline referred to the budget highlights under the fire Department stating that they would realize an increase in Health Insurance. Councilmember Cline asked why a benefits presentation was not done this year like it had been done in years past. She also asked if the City went out to bid for benefits like in previous years.

Mr. Johnson replied that he thought a presentation would be done closer to open enrollment which would be in June.

Councilmember Cline asked in regards to the HR Director position and who was handling those duties. That person would have been the one who was normally handling the benefits presentation.

Mr. Johnson said that he was handling the HR duties at this time with the Executive Assistant.

Councilmember Cline also addressed the difference in Police and Fire Department budgets. The Fire Department had about \$5,900 less than the Police Department. Was there a way to shift things around so things were a little more even. There were more Fire Fighters than Police Officers at this time. She also asked why the Fire Department was the only Department that was taxed on their uniform allowance.

Mrs. Buono stated that it was due to the fact that the Fire Department elected to receive their uniform allowance in their paychecks. The Police Department has to provide itemized receipts for that they purchased. Mrs. Buono stated that this could be looked into and changed if the Fire Department wanted to.

Chief Echave and Chief Burneleit both discussed the way uniforms and their reimbursements are handled for each Department. They also discussed the cost to outfit each Officer/Firefighter.

Mayor and Council discussed various line items in detail with Staff.

MOTION: Councilmember Sullivan moved to approve Resolution R-16-04: Adopting the Tentative Budget for the City of Bisbee for FY 16-17 as well as give notice of the time for Public Hearing to Taxpayers for Adoption of the Budget.

SECOND: Councilmember Cline

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -5; NAYS -0

4. Discussion and Possible Approval on an Agreement with Grasso Law Firm for Legal Representation for the PSPRS Local Board.
Jestin Johnson, City Manager

Mr. Johnson explained that this Agreement was required from the PSPRS Local Board to have legal representation. This Law firm came highly recommended.

MOTION: Councilmember Sullivan moved to approve the agreement with Grasso Law Firm for Legal Representation for the PSPRS Local Board.

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

5. Discussion and Possible Approval Direction to Staff on the Petition Received from Laura Smith regarding the Bisbee Farmers Market.
Ronald Oertle, Mayor

Mayor Oertle explained the petition received from Ms. Laura Smith. Her petition requested the following:

- Change the status of the Bisbee Farmers' Market from "A Special Event" to a weekly Community Service and Outreach Program.
- Eliminate any and all past fees
- Change payment status to \$40.00 per week to cover the cost incurred by the City for park usage.
- Co-sponsor the Bisbee Farmers Markets' for advertising purposes (the City would not be responsible for any expenses just the name)

Mayor Oertle said he was sympathetic to these proposals. He said that during a meeting with Ms. Smith and Mr. Bogue an agreement was made to present a 6 month extension for the permit, which was passed by Council. This will allow the details of the agreement to be worked out. The Community Synergy Corp. will be partnering with the Bisbee Farmers Market. He said that Council should wait to act on this item until more information is available.

Councilmember Sullivan explained that the Bisbee Farmers Market was under a 501(C)(3) BASA and they had some organizational changes. Ms. Smith had done the best she could. She wants to go forward under a new nonprofit which was Community Synergy Solutions. This was the same nonprofit that the Community Garden was under. Councilmember Sullivan requested that Council move forward with this tonight.

Mayor suggested that Council receive some more time on this issue before any decisions are made. He wanted staff to be involved with the discussions with Community Synergy Solutions.

Mayor Oertle asked that this petition be filed and formalize this process.

Mrs. Laura Smith spoke in behalf of the Farmers Market. She spoke about the benefits of the Market to the Community. She thought that this event was very educational for the Community.

7. Discussion and Possible Approval of a Contract with Certified Folder Display Service for Rack Card Distribution.
Jennifer Luria, Tourism Manager

Ms. Luria explained that this was a contract that the City had participated in for the last 10 years. They distribute our rack cards for the Phoenix, Picacho/Casa Grande areas for a period of July 1, 2016 through June 30, 2017.

MOTION: Councilmember Hansen moved to approve the Contract with Certified Folder Display Service for Rack Card Distribution.

SECOND: Councilmember Sullivan

MOTION PASSED: UNANIMOUSLY

8. Discussion and Possible Approval to Purchase a Refurbished 2008 35 Foot Boom Truck from a Private Seller in Paradise Valley for a Total Cost of \$23,500 to Replace Existing Boom Truck which has been Red Tagged.

Andy Haratyk, Public Works Director

Mr. Haratyk explained that our existing Boom Truck was no longer usable and was in such bad condition that the City was considering not even putting it into the City Auction it's too dangerous to use as a Boom Truck. After searching for a new truck they were able to find the 2008 Boom Truck. Staff had gone up to test drive the truck.

Councilmember Cline asked since this Boom Truck was unable to go to Auction what would happen to it.

Mr. Haratyk replied that the truck could be disassembled and then sold at auction for scrap.

MOTION: Councilmember Sullivan moved to approve the Purchase a Refurbished 2008 35 Foot Boom Truck from a Private Seller in Paradise Valley for a Total Cost of \$23,500 to Replace Existing Boom Truck which has been Red Tagged.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

9. Discussion and Possible Approval Authorizing the Sale of Surplus Vehicles and Surplus Miscellaneous Items at Public Auction on June 11, 2016 at 9:00AM.

Albert Echave, Police Chief

Chief Echave explained the Police Department was requesting permission to sell the items listed on the Surplus Vehicles/Miscellaneous Items at the upcoming Auction on June 11, 2016.

MOTION: Councilmember Hansen moved to authorize the Sale of Surplus Vehicles and Surplus Miscellaneous Items at Public Auction on June 11, 2016 at 9:00AM.

SECOND: Councilmember Sullivan

MOTION PASSED: UNANIMOUSLY

11. Discussion and Possible Approval of an Extension of the Employment Agreement with City Manager, Jestin D. Johnson, through July 1, 2016.

Britt Hanson, City Attorney

Mr. Hanson explained that a discussion between the Mayor and Mr. Johnson it was indicated that Mr. Johnson could stay on a little longer to see through the Budget process. Mayor Oertle had requested that an extension be drawn up to extend his current contract under the same terms.

MOTION: Councilmember Hansen moved to approve the extension of the Employment Agreement with the City Manager, Jestin D. Johnson, through July 1, 2016.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

12. City Manager's Report:

- Other current events
- Mr. Johnson informed the Council that the Monthly Financials should be presented at the next Council Meeting.
- Mr. Leonard Temby will be in town to conduct an Extrication Class.
- Pick up of the New Fire Truck would happen within the next week.
- Mr. Johnson commented on the paving work going on within the town.
- Movies in the Park would have to be postponed due to the wind

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 Street Paving Project.

MOTION: Councilmember Sullivan moved to adjourn the meeting.

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 9:56PM

Ronald Oertle, Mayor