

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, JUNE 7, 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

STAFF

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

CITY ATTORNEY

Britt Hanson

INVOCATION: Mayor Oertle asked that we reflect on all the good things in our lives.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Oertle presented Mr. Peter Von Gundlach with a Service Award.
- Ryan Bruce, KBRP presented a check to Parks and Recreation and the Summer Reading program at the Library. Mayor Oertle thanked Ryan Bruce.
- Mayor Oertle announced that without objection from the council per Councilmember Dunn item number thirteen (13) would be pulled from the agenda. Also, without objection from the council per Sharon Buono, Finance Director Item number ten (10) would be moved to before item number three (3) and without objection from the council per the Public Works Director item number eight (8) would be pulled from the agenda. He stated that the City Manager Report and Council comments would be moved without objection from the council to before item number twelve (12).

Councilmember Conners asked for a brief description of why item number thirteen (13) and eight (8) are being removed.

Mr. Haratyk stated that item number eight (8) was being pulled because they had used an older council action form (CAF) and decided that it would be better to come to you at one time to ask for permission for the project and the contractor. He stated that it would be brought back at the next council meeting.

Mayor Oertle stated that item number thirteen (13) was placed on the agenda by councilmember Dunn and Hansen. They spoke to the City Attorney and felt that it would be better discussed when all the members of Council are in attendance. He said that it would be placed back on the agenda for June 21, 2016.

Councilmember Hansen asked which item was being moved before item number three (3). Mayor Oertle stated that it was item number ten (10) as a courteous to the people from APS who were from California so they didn't have to stay for the whole meeting tonight.

CALL TO THE PUBLIC

- Joan Richel, Bisbee resident thanked the City for funding the library. She stated that the events at the Library affect the entire town. She also stated that she really enjoyed working with the new staff at the Library.
- Susan Blackford, Bisbee resident presented a petition for a public review of the qualifications of Mr. Andy Haratyk as public works director.

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 \$436,742.95.

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 April 19, 2016 at 7:00pm.
Ashlee Coronado, City Clerk
 - B. Approval of the Minutes of the Special Session of Mayor and Council held on May 31, 2016 at 5:30pm.
Ashlee Coronado, City Clerk
 - C. Approval of the Appointment of Judi Flowers to the Transit Advisory Committee.
Ashlee Coronado, City Clerk
 - D. Approval of the Appointment of Moni Norng to the Transit Advisory Committee.
Ashlee Coronado, City Clerk
 - E. Approval of the Appointment of Sydney Dozier to the Youth Council.
Ashlee Coronado, City Clerk
 - F. Approval of the Appointment of Poe Dismuke to the Bisbee Arts Commission.
Ashlee Coronado, City Clerk
 - G. Discussion and Possible Approval of a Park, Facility and Right of Way Use Permit for the Bisbee Rotary Club for the Use of Cole Avenue, Ruppe Avenue, Bisbee Road and

Arizona Street for the 4th of July Parade on Monday, July 4, 2016 from 8:00AM to 1:00PM.

Ashlee Coronado, City Clerk

- H. Approval of the Park, Facility and Right of Way Use Permit for the Use of Brewery Gulch for the 4th of July Mucking and Drilling Contests on Monday, July 4, 2016 from 7:00AM to 7:00PM.

Ashlee Coronado, City Clerk

- I. Approval of the 4th of July Vendor Application for the Use of Lower Vista Park and Goar Park for Vendors for the 4th of July Celebration on Monday, July 4, 2016 from 8:00am to 9:00pm.

Andy Haratyk, Public Works Director

- J. 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 Saturday, June 18, 2016 from 1:00PM to Midnight; Matthew Cook, Applicant.

Ashlee Coronado, City Clerk

MOTION: Councilmember Hansen moved to approve the Consent Agenda items 2A-2J.

SECOND: Councilmember Cline

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

- 3. Discussion and Possible Approval of a Revised Intergovernmental Agreement between the City of Bisbee and the Arizona State Forestry Division.

Marc Burneleit, Fire Chief

Mr. Johnson stated that what was before them was an Intergovernmental Agreement with the Arizona State Forestry division and it was consistent with other agreements that we have had with the Arizona State Forestry for purposes of providing backup for wildland firefighting services inside and outside our particular jurisdiction. This agreement was a ten (10) year agreement with a thirty (30) day opt-out clause. Any cost associated will be reimbursed by the Arizona State Forestry Department.

Councilmember Conners asked about the thirty (30) day opt out if it could be used at any point in the ten (10) years. Mr. Johnson stated that was correct.

MOTION: Councilmember Cline moved to approve the Revised Intergovernmental Agreement between the City of Bisbee and the Arizona State Forestry.

SECOND: Councilmember Doughty

MOTION PASSED: UNANIMOUSLY

- 4. Discussion and Possible Approval of a Lease Renewal Agreement between the City of Bisbee and the Bisbee Council on the Arts and Humanities, Inc. for the Bisbee Historical and Mining Museum (Phelps Dodge Office Building).

Britt Hanson, City Attorney

Mr. Hanson stated that this was a renewal of a contract that the City had entered into for many years. A dollar a year lease with no change in the terms and conditions. This was a straight renewal.

Councilmember Dunn said that he understood that this includes operation and maintenance of Grassy Park. Ms. Gustavson, Bisbee Historical and Mining Museum said that her understanding that Grassy Park was owned by the City of Bisbee and the building that they are housed in. They have not been responsible for Grassy Park.

MOTION: Councilmember Hansen moved to approve the Lease Renewal Agreement between the City of Bisbee and the Bisbee Council on the Arts and Humanities, Inc. for the Bisbee Historical and Mining Museum.

SECOND: Councilmember Connors

MOTION PASSED: UNANIMOUSLY

- 5. Public Hearing for Special Use Permit Application 16-01, Discussion and Possible Approval of a Special Use Permit 16-01, Submitted by Kimber Wright for the Purpose of Allowing her to Operate a Car Lot on a Parcel Zoned C-1.

Joe Ward, Zoning Inspector

Mr. Ward stated that it was brought back because he neglected to put the words Public Hearing on the Council Action Form last time.

Mayor Oertle opened the Public Hearing.

- Mayor Oertle asked if there was a member in the public that would like to speak in support of this item. There were no members in the public that spoke in support of this item.
- Mayor Oertle asked if there was a member in the public that would like to speak in opposition of this item. There were no members in the public that spoke in opposition of this item.
- Mayor Oertle asked the City Clerk’s Office if there had been any written communications filed with the Clerk’s Office. Ms. Coronado indicated that there were not.

Mayor Oertle closed the Public Hearing.

MOTION: Councilmember Dunn moved to approve Special Use Permit 16-01 for the purpose of allowing car sales at 102 Bisbee Traffic Circle with following conditions.

- 1. The Applicants shall demonstrate that they have done the permitting process for right of way with ADOT.
- 2. The Applicant shall be limited to six (6) cards maximum, (for sale) on the business.
- 3. Approval is subject to the applicant adhering to all other conditions that may be required, subject to any other agencies or jurisdictions as may be required.

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

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

Albert Echave, Police Chief

Mr. Echave stated that this was brought to you at the last meeting to discuss the auction which was approved, but wanted to bring forward the final itemized list of the items that will be going up for auction.

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

SECOND: Councilmember Connors

MOTION PASSED: UNANIMOUSLY

- 7. Discussion and Possible Approval of a Purchase of 200 Gabions from MacCafferri for the Repair of the Santa Cruz Wash.

Andy Haratyk, Public Works Director

Mr. Haratyk stated the the 200 baskets will go for the repair at the west side as well as the east side of the Santa Cruz Wash to stabilize that wall. This will take care of the middle section of that wash to stabilize it.

Councilmember Dunn asked did it include filing the baskets with rock. Mr. Haratyk stated that this was just the baskets. Councilmember Dunn asked who was filing them with rock. Mr. Haratyk said that the street crew will go out install them.

Mayor Oertle asked if it was difficult to fill them up. Mr. Haratyk stated that it was manual labor not difficult.

MOTION: Councilmember Cline moved to approve the purchase of 200 Gabions from Maccaferri for the repair of the Santa Cruz Wash.

SECOND: Councilmember Doughty

MOTION PASSED: UNANIMOUSLY

- 8. Discussion and Possible Approval of an Award of a Contract for Chip Seal of Adams Avenue in Old Bisbee.

Andy Haratyk, Public Works Director

THIS ITEM WAS PULLED FROM THE AGENDA.

- 9. Discussion and Possible Approval to Seek Additional Grant Funds from Southeastern Arizona Governments Organization (SEAGO) to Acquire Up to \$60,000 in Funds to Use for the Bisbee Bus Transit System.

Shar Porier, Bisbee Bus Transit Administrator

Ms. Porier stated that there was an excess of \$60,000 dollars that was unspent money and they offered it to our transit system. We are asking for permission to accept that money and to spend it. It would not be used to put a computer in at the garage it would be used for bus shelters which would protect riders from the sun and wind.

Mayor Oertle was very pleased to see Mr. Chris Vertrees from SEAGO here tonight.

Councilmember Hansen asked why they couldn't put a drop in for the computer at the garage. Ms. Porier stated that we could put a drop in there, but it would cost us money to put the drop in and then a hundred dollars a month to have an extra internet line, maybe in the future when they have more money. She explained the process they use now for tracking of the maintenance.

Mayor Oertle thanked Shar Porier the Bisbee Bus transit administrator on a job well done.

MOTION: Councilmember Doughty moved to approve seeking additional grant funds from Southeastern Arizona Governments Organization (SEAGO) to acquire up to \$60,000 in funds to use for the Bisbee Bus Transit System.

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

10. Discussion and Possible Approval on a Payment Center Agreement with Softgate Systems of California, Inc. for Collection of Other Utility Payments in City Hall.
Jestin Johnson, City Manager

ITEM WAS MOVED TO BEFORE ITEM NUMBER THREE (3).

Mr. Johnson stated that this was an opportunity for us to start branching out and identifying the possibility of new revenue sources and expanding the service levels in the City of Bisbee.

Ms. Buono, Finance Director stated that the Softgate Company had won the contract to take APS payments and introduced Mr. Ryan Snyder from Softgate Company.

Ryan Snyder, Softgate Systems stated they specialize in processing payments for unbanked / underbanked individuals within the community that pay in cash. They have partnered with APS to provide a same day posting. He would be the lead in training and installing the main contact.

Mayor Oertle asked how long the training was. Mr. Snyder stated that it could be done in a day. He explained the install and training. Mayor Oertle also asked if it was cash only. Mr. Snyder said that it was cash only.

Councilmember Cline said that it was great that we were going to have this avenue for people to come in, but was concerned about the cash only because there are still a lot of people who pay their bills with a check. She asked if that could be worked out to take checks as well. Mr. Snyder stated unfortunately no it was a cash business they cater to unbanked/ underbanked individuals. Checks present a liability and risk they shy away from that and stick with cash.

Councilmember Dunn stated that his understanding here was the illumination for the City was there was going to be a dollar and a half surcharge for any payment made and one dollar of that goes to the City was that how this was going to work. Mr. Snyder stated that was correct that charge would cover our expenses and cost.

Councilmember Connors asked if the APS building next to Safeway was closing. Mr. Ben Trevizo from APS stated that only 9% use the business office so year after year that business model was declining. They are moving towards the self-serve platform and this was one of the opportunities that they could engage with Softgate. He said that the office would be closing in September of this year.

Mayor Oertle said that this would be an increase in the work load for the finance department and maybe there should be some sort of a small increase in their wages.

Ms. Buono stated that this company already operates in several cities. Mr. Snyder listed the cities and stated that this was the further south they had made it. They are pretty much all over the state.

Councilmember Dunn asked if there were any projections of what the revenue could be. It seems like a small percent. Ms. Buono stated that she would be opening a separate bank account they will reconcile the reports and a draw down will be done automatically out of that account to take their .50cent portion. You will see this as a separate account in the financial reports; even if this is a small amount the opportunity to take other utility payments was there. We want to see how this goes and offer it to our citizens and open the doors. Maybe it would be a revenue source that we could grow.

Councilmember Sullivan asked how long the contract was for if we approve. Mr. Snyder said that we could opt out of this contract at any point in time.

MOTION: Councilmember Connors moved to approve the payment center agreement with Softgate Systems of California Inc for collection of other utility payments in City Hall.

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

11. Discussion and Possible Approval to Enter into a Court Consolidation Agreement by and between the City of Bisbee and Cochise County.

Jestin Johnson, City Manager

Mr. Johnson stated that this was an updated Consolidated Court Agreement the initial agreement was back in 2006 and was renewed in 2011. One of the major changes happening was our requirement to reimburse the county for jail cost that has been pulled away. This will allow us to continue having court services provided by the county. The alternative was that the City of Bisbee starting its own court system and that was a level of effort. Staff recommends continuing this relationship with the county.

MOTION: Councilmember Connors moved to approve the 2016 Court Consolidation Agreement by and between the City of Bisbee and Cochise County.

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

12. Discussion and Possible Approval of a Motion to Go into Executive Session Pursuant to A.R.S. § 38-431.03(a)(1) for a Preliminary Discussion of applicants for City Manager.

Ronald Oertle, Mayor

MOTION: Councilmember Connors moved to go into Executive Session.

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

MOTION: Councilmember Connors moved to come out of Executive Session.

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

MOTION: Mayor Oertle moved to direct the City Clerk to contact the individuals specified in executive session to arrange for interviews and to prepare a list of final candidates for release to the public; Yvonne Kimball, Britt Hanson, Michael Normand, Nicole Mukes, James Russell Jr. and Richard Marsh Jr.

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

13. Discussion and Possible Approval to Retain Tim Hogan and Arizona Center for Law in the Public Interest to Defend the Lawfulness of City Ordinance O-13-14, Which Prohibits Retailers from Providing Single Use Plastic Bags to Customers.

Britt Hanson, City Attorney

THIS ITEM WAS PULLED FROM THE AGENDA.

14. City Manager's Report:

ITEM WAS MOVED TO BEFORE ITEM NUMBER TWELVE (12).

- Other current events
- Mr. Johnson stated that the City Attorney asked for a reminder that there would be a Work Session on the 28th to consider the Border City Land Corporation Application to rezone three (3) parcels from C-1 to C-4.
- Mr. Johnson also stated that in Finance they are going through the five (5) year ASRS Audit.

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.):

ITEM WAS MOVED TO BEFORE ITEM NUMBER TWELVE (12).

- Councilmember Hansen commented on changes and updates on the paving schedule and commented on the extraction equipment and training for the Fire Department. She also thanked Mr. Temby and David Morgan for providing the training and the equipment.

MOTION: Councilmember Hansen moved to adjourn the meeting.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 8:40PM

Ronald Oertle, Mayor