

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, JULY 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 7:05PM.

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

Andy Haratyk, Interim City Manager/ Public Works Director
Ashlee Coronado, City Clerk
Sharon Buono, Finance Director

CITY ATTORNEY

Britt Hanson

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

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Oertle asked that Council speak into the microphone when speaking at a council meeting so that they can be heard on the recordings and at the meeting.

CALL TO THE PUBLIC

- "Luche" Giacomino, Bisbee resident spoke regarding charging for copies of the budget.
- Susan Blackford, Bisbee resident addressed Councilmember Hanson remarks that were made on June 21st. She spoke on the right to vote on the bag ban.
- Richard Green, Bisbee resident updated on the socially responsible investment fund. He read his petition. He also spoke regarding the Go Fund me account that was set up.
- Chuck Alton, Bisbee resident spoke regarding two (2) upcoming candidate forums July 8th and July 30th. He also spoke regarding the pool rally on Friday at 5:00pm.

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 \$379,232.89.

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 5, 2016 at 7:00PM.
Ashlee Coronado, City Clerk
- B. Approval of the Minutes of the Regular Session of Mayor and Council held on June 7, 2016 at 7:00PM.
Ashlee Coronado, City Clerk
- C. Approval of the Minutes of the Special Session of Mayor and Council held on May 9, 2016 at 5:30PM.
Ashlee Coronado, City Clerk
- D. Approval of the Minutes of the Special Session of Mayor and Council held on June 20, 2016 at 5:30PM.
Ashlee Coronado, City Clerk
- E. Approval of the Resignation of Jennifer Graeme from the Civil Service Commission.
Ashlee Coronado, City Clerk
- F. Approval of a Park, Facility, and Right-of-Way Use Permit for the Bisbee Rotary Club Vintage Bisbee Food & Wine Tasting and Entertainment at City Park on Saturday, October 8, 2016 from 10:00AM to 9:30PM.
Ashlee Coronado, City Clerk
- G. Approval of a Special Event Liquor License Application Submitted by the Bisbee Rotary Charities for an Event to be held at City Park on Saturday, October 8, 2016 from 4:00PM-7:00PM; Patricia Worth, Applicant.
Ashlee Coronado, City Clerk
- H. Approval of a Park, Facility, and Right-of-Way Use Permit for the Bisbee Vogue, Inc. for the Use of Various City Streets and Staircases for the Bisbee 1000 Stair Climb on Saturday, October 15, 2016 from 5:00AM to 8:00PM, This Includes Set Up and Breakdown.
Ashlee Coronado, City Clerk
- I. Approval of a Park, Facility, and Right-of-Way Use Permit for the Bisbee Vogue, Inc. for the Use of City Park for the Bisbee 1000 Stair Climb on Saturday, October 15, 2016 from 5:00AM to 6:00PM.
Ashlee Coronado, City Clerk
- J. Approval of a Park, Facility, and Right-of-Way Use Permit for the Bisbee Vogue, Inc. for the Use of Goar Park for the Bisbee 1000 Stair Climb on Saturday, October 15, 2016 from 5:00AM to 6:00PM.
Ashlee Coronado, City Clerk
- K. Approval of a Park, Facility, and Right-of-Way Use Permit for the Bisbee Vogue, Inc. for the Use of Grassy Park for the Bisbee 1000 Stair Climb on Saturday, October 15, 2016 from 5:00AM to 6:00PM.
Ashlee Coronado, City Clerk

- L. Approval of a Special Event Liquor License Application Submitted by the Bisbee Vogue, Inc. for an Event to be held at 2 Copper Queen Plaza (Parking Lot) Saturday, October 15, 2016 from 1:30PM to 6:00PM.

Ashlee Coronado, City Clerk

- M. Approval of a Park, Facility, and Right-of-Way Use Permit for the Bisbee Coalition for the Homeless for the Use of City Park for The 2nd Annual Bisbee Mariachi Festival 2016” on Saturday, November 5, 2016 from 8:00AM to 7:00PM.

Ashlee Coronado, City Clerk

- N. Approval of a Special Event Liquor License Application Submitted by the Bisbee Coalition for the Homeless for an Event to be held at City Park, Bisbee on Saturday, November 5,2016 from 1:00PM-6:00PM; Wanda Leikem, Applicant.

Ashlee Coronado, City Clerk

Councilmember Connors wanted 2H pulled to be discussed.

MOTION: Councilmember Cline moved to approve the Consent Agenda items 2A-G; 2I-N.

SECOND: Councilmember Hansen

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

Councilmember Connors stated that he pulled item 2H because of the vagueness of the various streets, stairs and usage. He would like to table H until we have some clarification.

Mayor Oertle asked if this was the same set up that has been used over the years.

Mr. Haratyk said that he believed that the closing time was a little later than in previous years. The event was usually over by 2 or 3pm in the past. He would like to pull up the permits from last year and compare.

MOTION: Councilmember Hansen moved to table item 2H until the next regular meeting.

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

OLD BUSINESS

NEW BUSINESS

- 3. Discussion and Possible Approval of Resolution R-16-06: a resolution of the Mayor and Council, City of Bisbee, County of Cochise, State of Arizona, Fixing, Levying and Assessing the Amount to be raised by the City of Bisbee from Property Taxation and Fixing and Determining the Property Tax Rate for the 2016-2017 Fiscal Year and Providing for Severability.

Andy Haratyk, Interim City Manager

Mr. Haratyk stated that this was a continuing part of our budget process. This increase has been accounted for in the new budget and asking that council approves this so that we can continue forward with our balanced budget.

MOTION: Councilmember Sullivan moved to approve Resolution R-16-06 fixing, levying and assessing the amount to be raised by the City of Bisbee from property taxation and fixing and determining the property tax rate for the 2016-17 fiscal year in the amount of \$2.5873 per \$100 of assessed valuation and providing for severability.

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

- 4. Discussion and Possible Approval on Renewing the Arizona State Purchasing Cooperative Membership Agreement for the next five years.

Andy Haratyk, Interim City Manager

Mr. Haratyk stated that this was a tool designed by the Arizona State Legislator for small / rural communities to help with purchasing and state procurement. We had been a part of this for the last five (5) years and we use it extensively.

Councilmember Hansen stated that it does cause some controversy because we were not going out to bid and giving the local community an opportunity to do the job, however most organizations can apply for state cooperative membership.

MOTION: Councilmember Hansen moved to approve the renewal of the Arizona State Cooperative Membership Agreement for the next five years.

SECOND: Councilmember Connors

MOTION PASSED: UNANIMOUSLY

- 5. Discussion and Possible Approval of the Updated By-Laws for the Planning and Zoning Commission.

Joe Ward, Building Inspector

Mr. Ward stated that this was a simple upgrade of the by-laws for the Planning and Zoning Commission which had not been updated in twelve (12) years.

MOTION: Councilmember Dunn moved to approve the updated by-laws for the Planning and Zoning Commission.

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

- 6. Discussion and Possible Approval on Purchasing Turnout Gear through the Cooperative Agreement with the City of Tucson with United Fire.

Andy, Haratyk, Interim City Manager

Mr. Haratyk stated that this was discussed during the budget process that we were going to purchase the new turnouts half from last year's budget and the other half from this year's budget. Although we did discuss it council never took formal action. We are asking for the council to take formal action on this decision.

MOTION: Councilmember Cline moved to approve the purchase of Turn out Gear with United Fire for a total of \$46,038.99.

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

7. Discussion and Possible Action regarding a Petition received from Susan Blackford requesting that there be a Review of an Unauthorized Charge by the Finance Director for Documents to do the Job as a Commissioner.

Ronald Oertle, Mayor

Susan Blackford, petitioner spoke regarding her petition to not be charged for a copy of requested documents as a member of a committee.

Mayor Oertle said that concerning the fee for documents an ordinance would have to be changed to waive the fee. He stated that one can print the document from the city website and that a copy of the budget was located in the ADA room at city hall. He also said that the necessary documents will be provided as part of the agenda packet for corresponding committees, commissions and boards when they are needed.

Mayor Oertle stated that without objection from the council that this petition be filed in the clerk's office for future reference.

8. Discussion and Possible Action regarding a Petition received from Susan Blackford requesting that there be a Review of the Hiring of Mr. Haratyk as the new Public Works Director in April of 2016.

Ronald Oertle, Mayor

Susan Blackford, petitioner spoke in detail regarding her petition on the hiring of Mr. Haratyk as the new Public Works Director.

Cado Daily spoke in support of Mr. Haratyk and his accomplishments.

Peter VonGundlach also spoke in support of Mr. Haratyk.

Mayor Oertle said that this petition deals with the hiring of Andy Haratyk as Public Works Director the Bisbee city charter clearly states that the city manager has complete authority to hire department heads with a few exceptions including the public works director without influence one way or another from Mayor and Council. Mr. Haratyk was hired by the previous city manager and as far as he was concerned this issue was over and done with.

Mayor Oertle stated that without objection from the council that this petition be filed in the clerk's office for future reference.

9. Discussion and Possible Motion to Enter into Executive Session Pursuant to A.R.S § 38-431.03(a)(3) and (a)(4) to Discuss and Consult with our City Attorney for legal advice regarding the litigation on the application of Arizona Ambulance to Amend its CON to Provide Unrestricted Certification for Interfacility Transfers.

Pursuant to A.R.S. § 38-431.03(a)(3) and (a)(4), the City Council may vote to go into executive session for discussion or consultation for legal advice with the attorney or attorneys of the public body or 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 pending or contemplated litigation.

Britt Hanson, City Attorney

MOTION: Councilmember Cline moved to go into Executive Session.

SECOND: Councilmember Hansen MOTION PASSED: UNANIMOUSLY

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

SECOND: Councilmember Cline MOTION PASSED: UNANIMOUSLY

- 10. Discussion and Possible Approval of a Motion to go into Executive Session Pursuant to A.R.S. §38-431 (A)(1) for a discussion of a Preferred Applicant for the Position of City Manager.

Per ARS § 38-431.03(a)(1), the City Council may vote to go into executive session for discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body.

Ronald Oertle, Mayor

MOTION: Councilmember Cline moved to go into Executive Session.

SECOND: Councilmember Sullivan MOTION PASSED: UNANIMOUSLY

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

SECOND: Councilmember Cline MOTION PASSED: UNANIMOUSLY

- 11. Discussion and Possible Selection of a Preferred Applicant for the Position of City Manager.

Ronald Oertle, Mayor

MOTION: Councilmember Cline moved that we select Richard Marsh Jr. as our preferred applicant for the position of City Manager, subject to the finalization of negotiations for the contract for that position.

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

- 12. City Manager's Report:

- Mr. Haratyk stated that council would receive a packet in the next couple of days of City of Bisbee large events that have been preapproved.
- Mr. Haratyk spoke regarding Jen Luria's stats for the Visitor Center and Queen Mine tour.
- Mr. Haratyk also stated that he would be appointing Sharon Buono the Personnel Director and putting her in charge of the Animal Shelter until we get a new city manager.
- Other current events

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.):

MOTION: Councilmember Cline moved to adjourn the meeting.

SECOND: Councilmember Sullivan

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 9:28PM

Ronald Oertle, Mayor