

**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, JANUARY 19, 2021 AT 7:00 PM VIA ZOOM.

THE MEETING WAS CALLED TO ORDER BY MAYOR BUDGE AT 7:01 PM.

**ROLL CALL**

**COUNCIL**

Councilmember Louis Pawlik, Ward III  
Councilmember Joni Giacomino, Ward II  
Councilmember Frank Davis, Ward I  
Mayor Ken Budge  
Councilmember Leslie Johns, Ward I      Excused  
Councilmember Joan Hansen, Ward II  
Councilmember Anna Cline, Ward III, Mayor Pro Tempore

**STAFF**

Theresa Coleman, City Manager  
Ashlee Coronado, City Clerk  
Keri Bagley, Finance Director  
Jesus Haro, Public Works Director  
George Castillo, Fire Chief

**CITY ATTORNEY**

Joseph Estes

INVOCATION: Mayor Budge asked for a moment of silence to think about a peaceful transition tomorrow at the Federal level.

**PLEDGE OF ALLEGIANCE**

**MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:**

- Mayor Budge said that we had a passing of one of our past employees Russ McConnell. He thanked his family for his service to our City.

**CALL TO THE PUBLIC**

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 \$163,470.43.

**SECOND:** Councilmember Hansen

Councilmember Giacomino asked why the website was so expensive for the Cemetery.

Mr. Haro responded that it did put our records online, and was a nationwide tracking system.

Mayor Budge asked about the payment to Executech; was this part of the move. He also asked about the volunteer insurance under the Police Department.

Ms. Coronado stated that it was part of the move.

Ms. Bagley explained that the insurance was part of the worker's compensation insurance that was paid for quarterly.

MOTION PASSED: UNANIMOUSLY

2. Approval of the Consent Agenda

- A. Approval of the Minutes of the Regular Session of the Mayor and Council held on December 15, 2020.  
Ashlee Coronado, City Clerk
- B. Approval of the Minutes of the Regular Session of the Mayor and Council held on January 5, 2021.  
Ashlee Coronado, City Clerk
- C. Approval of the Appointment of David Russell to the Streets and Infrastructure Committee.  
Ashlee Coronado, City Clerk
- D. Approval of the Reappointment of Stephan Green to the Design Review Board.  
Ashlee Coronado, City Clerk
- E. Approval of the Reappointment of Grace Wiggins to the Evergreen Cemetery Committee with a Waiver for Residency Requirement.  
Ashlee Coronado, City Clerk
- F. Approval of the Reappointment of Joan Reichel to the Library Advisory Board with a Waiver for Length of Service.  
Ashlee Coronado, City Clerk
- G. Approval of the Reappointment of Jane Gaffer to the Parks and Recreation Committee.  
Ashlee Coronado, City Clerk
- H. Approval of the Appointment of Douglas Dunn to the Planning and Zoning Commission.  
Ashlee Coronado, City Clerk
- I. Approval of the Reappointment of Stephen Dey to the Streets and Infrastructure Committee with a Waiver for Residency Requirements.  
Ashlee Coronado, City Clerk
- J. Approval of the Reappointment of Ben Lepley to the Streets and Infrastructure Committee with a Waiver for Number of Commission Memberships Currently Served.  
Ashlee Coronado, City Clerk

MOTION: Councilmember Davis moved to approve the consent agenda item 2A through J.

SECOND: Councilmember Pawlik

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Davis, Hansen, Cline and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES -6 NAYS -0

**OLD BUSINESS**

**NEW BUSINESS**

- 3. Discussion and Possible action or direction on the Petition submitted by Michael Foster to increase off-street parking on Upper OK Street.

Ken Budge, Mayor

Michael Foster, Bisbee resident explained that he lived at the top of Youngblood Hill and Ok Street. They have been dealing with ongoing parking issues. He went on to say that just recently a new house was approved in the neighborhood and another new house was recently purchase. There was a potential for three more residents occupying the spaces up there. In anticipation of this he went around speaking to all the neighbors he could find to create this petition. No one he spoke to was against creating more parking. He requested that the City come and scrape the areas to make them available to parking.

Mayor Budge read a letter from Robert and Denise Corvino who supported this petition. He explained that he went up and took a look at the area. He requested an opinion from the Public Works Director.

Mr. Haro said that he would like a structural engineer to draw something up for a retaining wall.

Councilmember Hansen asked who owns the property in those locations.

Mayor Budge responded that it was the City except for a small portion.

Councilmember Hansen said that it was worth investigating.

Mayor Budge asked that this be looked into by the City Manager and department heads to see what could be done. He requested that they report back to Council.

Council agreed that further research needed to be done.

- 4. Discussion and Possible Approval of a 5-year Lease Agreement with Xerox for a copy machine at the Fire Department.

George Castillo, Fire Chief

Chief Castillo explained that the Fire Department was seeking approval of a 5-year lease agreement with Xerox for a new copy machine at Station 81. Currently the Fire Department was paying a monthly base charge of \$144.49 plus a per page cost that was entered into back in 2015. Approval of this lease agreement would now have a monthly base charge of \$79.03 plus copy charges. This would be a monthly savings of \$65.46. The current machine was dated and was giving them problems. This machine was used daily for paperwork.

Councilmember Giacomino asked what was being copied that required an almost \$5,000 machine. A regular \$200.00 copier could be purchased and it would last a year or two. This was an extreme expense for a copy machine.

Ms. Coronado responded that this lease included all toner and maintenance. There would be no additional costs. This was a networkable machine which was much more efficient.

Chief Castillo said that all office work was done on this machine. All medical forms, hospital run reports, faxing and emails were done on this machine. This was a very vital piece of equipment to their department.

Councilmember Pawlik asked if this agreement provided for ink cartridges. He went on to say that he was working on his third computer in a year purchased at Best Buy. A contract like this would be valuable if it was used in a production mode like the Fire Department would.

Ms. Coronado confirmed that all ink was included in this contract.

Councilmember Davis said that the amount of paperwork that would be run through the copier would be much more than was used in a classroom. A \$250.00 printer would not last that long.

Mayor Budge said that over the long run this would break even with the cost of coping.

MOTION: Councilmember Pawlik moved to approve the 5-year lease agreement with Xerox for a copy machine at the Fire Department.

SECOND: Councilmember Hansen

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Davis, Hansen, Cline and Mayor Budge.

NAYS: Councilmember Giacomino

MOTION PASSED: AYES -5 NAYS -1

5. Discussion and Possible Approval to donate a surplus Ambulance to Naco, Sonora.

Theresa Coleman, City Manager  
George Castillo, Fire Chief

Chief Castillo explained that approval of this item would allow us to donate a surplus ambulance to Naco, Sonora. This was a medic unit that was taken out of service years ago and the City had been using it for movies in the park. Naco was in need of a unit and this would better help their medical staff.

Councilmember Cline asked if it was going to create a hardship to Ms. Coronado for movies in the park if we donated this.

Ms. Coronado responded no, it would not. We have volunteers to help us.

Councilmember Davis said it was a great idea to donate this to Naco. We wanted to keep good relations with our neighbors.

Mr. Estes asked that whoever made the motion would also move to declare the item as surplus first and then donate it.

MOTION: Mayor Budge moved to declare the ambulance as surplus and to approve the donation of the surplus ambulance to Naco, Sonora.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

6. Discussion and Possible Approval to enter into an Intergovernmental Agreement with the City of Douglas for Public Transit.

Jesus Haro, Public Works Director

Mr. Haro explained that this IGA would replace our expired contract with the City of Douglas. He had discussed this with ADOT and Douglas and they preferred that an IGA be used instead of a contract for services.

Council discussed the reasoning for not going out to bid.

MOTION: Councilmember Davis moved to enter into an Intergovernmental Agreement with the City of Douglas for Public Transit Service

SECOND: Councilmember Pawlik

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Davis, Hansen, Cline and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES -6 NAYS -0

7. Discussion and Possible Approval of the Lease-Purchase Agreement for a Mini Excavator.

Jesus Haro, Public Works Director

Mr. Haro explained that he had gone back to Empire as requested. They looked into different models. He explained that a 2019 and 2020 used excavator had been located. The 2019 model would save about \$7,500 as compared to the new machine. Both would meet the needs; the only difference was the warranty between the two.

Councilmember Cline said that she had an issue with spending this type of money before the budget discussions.

Mayor Budge also agreed that he was a little apprehensive over this piece of equipment until we knew were we stood with the budget. He said that if we absolutely needed one we could rent one.

MOTION: Councilmember Pawlik moved to approve the lease purchase agreement with CAT Financial for a new 2020 mini hydraulic excavator.

SECOND: Councilmember Davis

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Davis and Hansen

NAYS: Councilmember Giacomino, Cline and Mayor Budge

MOTION FAILED: AYES -3 NAYS -3

MOTION: Mayor Budge moved to approve the lease purchase agreement with CAT Financial for the 2019 mini hydraulic excavator.

SECOND: Councilmember Pawlik

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Davis, Hansen and Mayor Budge.

NAYS: Councilmember Giacomino and Cline

MOTION PASSED: AYES -4 NAYS -2

- 8. Discussion and Possible Approval on an Amended Mayor’s Proclamation and Emergency Declaration.  
Joe Estes, City Attorney

Mr. Estes explained that after reviewing the proclamations and resolutions regarding the Covid 19 emergency, a number of them needed to be updated. He wanted to make sure that there was clarity in those proclamations. In addition, with the prior Mayor leaving office and a new Mayor taking over office he wanted to ensure there were not any concerns.

Mayor Budge thanked Mr. Estes for clarifying everything.

MOTION: Mayor Budge moved to approve the amended Mayor’s Proclamation and Emergency Declaration.

SECOND: Councilmember Hansen

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Davis, Hansen, Cline and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES -6 NAYS -0

- 9. Discussion and Possible direction on a future Work Session of Open Meeting Law and Mayor Manager Form of Government.

Joe Estes, City Attorney

Mr. Estes explained that he had wanted to see if Mayor and Council would be interested in setting up a Work Session on Open Meeting Law and on the Mayor Manager Form of Government. He would like to do these on an annual basis.

Mayor Budge suggested that the Work Session be turned into a YouTube and sent to all Board and Commission members.

Council agreed that this Work Session was necessary.

- 10. Possible Approval of a motion to go into Executive Session for the following matters:

1. An executive session pursuant to A.R.S.§ 38-431.03(a)(3) for discussion or consultation with the city attorney on a co-located court agreement.
2. An executive session pursuant to A.R.S.§ 38-431.03(a)(3) for discussion or consultation on the OML Complaint dated December 29<sup>th</sup>.
3. An executive session pursuant to A.R.S.§ 38-431.03(a)(3)(4) for discussion or consultation on the Harris matter.
4. An executive session pursuant to A.R.S.§ 38-431.03(a)(3)(4) for discussion or consultation on the Slusser matter.

***Per ARS § 38-431.03(A3)(A4) , 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 and 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 contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation.***

Joseph Estes, City Attorney

MOTION: Councilmember Davis moved to enter into Executive Session for the purpose of discussion and consultation with City Attorney to provide legal guidance on pending matters per ARS § 38-431.03(A)(3) and (A)(4).

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

MOTION: Councilmember Cline moved to come out of Executive Session

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

11. Discussion and Possible approval to establish and select a Judicial Selection Committee for the Purpose of making recommendations for a City Magistrate.

Joe Estes, City Attorney

MOTION: Councilmember Budge moved to table this item.

SECOND: Councilmember Davis

MOTION PASSED: UNANIMOUSLY

12. City Manager's Report:

- Other Current events (No Discussion)

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.):

ADJOURNMENT:

MOTION: Councilmember Davis moved to adjourn the meeting.

SECOND: Councilmember Pawlik

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 9:13 PM

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Ken Budge, Mayor