

## 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, FEBRUARY 6, 2018 AT 7:00 PM IN THE COCHISE COUNTY BOARD OF SUPERVISORS HEARING ROOM, 1415 MELODY LANE, BUILDING G, BISBEE, ARIZONA.

THE MEETING WAS CALLED TO ORDER BY MAYOR SMITH AT 7:00PM.

### ROLL CALL

#### **COUNCIL**

Councilmember Anna Cline, Ward III  
Councilmember Joan Hansen, Ward II  
Councilmember Frank Davis, Ward I  
Mayor David M. Smith  
Councilmember Bill Higgins, Ward I  
Councilmember Douglas Dunn, Ward II, Mayor Pro Tempore  
Councilmember Gabe Lindstrom, Ward III

#### **STAFF**

Robert Smith, City Manager  
Ashlee Coronado, City Clerk  
Keri Bagley, Finance Director  
Dan Duchon, Personnel Director  
Andy Haratyk, Public Works Director  
Albert Echave, Police Chief  
George Castillo, Interim Fire Chief

#### **CITY ATTORNEY**

Britt Hanson

INVOCATION: Mayor Smith asked that we reflect on the fact that we have incredible staff and employees and gave thanks for the great place we live.

### PLEDGE OF ALLEGIANCE

#### MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Chief Echave introduced the new Police Officers; Jacob Amos and Jay Ritchie. Mayor Smith thanked them for their future service.

#### CALL TO THE PUBLIC

- David Cory, Bisbee resident spoke regarding a fencing issue with a neighbor. He felt it was unsafe.
- Marie Minor, Bisbee resident brought up issues she had discussed with the City Manager and stated that there had been zero feedback.

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 the accounts payable in the amount of \$385,753.78.

SECOND: Councilmember Davis

Mayor Smith asked if there were any questions from the Council.

MOTION PASSED: UNANIMOUSLY

2. Approval of the Consent Agenda

- A. Approval of the Minutes of the Work Session of the Mayor and Council held on September 12, 2017 at 5:30pm.  
Ashlee Coronado, City Clerk
- B. Approval of the Minutes of the Regular Session of the Mayor and Council held on September 19, 2017 at 7:00pm.  
Ashlee Coronado, City Clerk
- C. Approval of the Minutes of the Regular Session of the Mayor and Council held on December 5, 2017 at 7:00pm.  
Ashlee Coronado, City Clerk
- D. Approval of the Minutes of the Work Session of the Mayor and Council held on December 19, 2017 at 5:01pm.  
Ashlee Coronado, City Clerk
- E. Approval of the Minutes of the Regular Session of the Mayor and Council held on December 19, 2017 at 7:00PM
- F. Approval of the Resignation of Thomas Morehouse from the Planning and Zoning Commission.  
Ashlee Coronado, City Clerk
- G. Approval of the Resignation of Mary Ferguson from the Police and Fire Advisory Committee and the Library Advisory Board.  
Ashlee Coronado, City Clerk
- H. Approval of the Appointment of Denise Loth to the iBisbee Committee.  
Ashlee Coronado, City Clerk
- I. Approval of the Appointment of Laura Morgan to the Bisbee Arts Commission.  
Ashlee Coronado, City Clerk

Mayor Smith asked if Council wished to pull an item for further discussion.

MOTION: Councilmember Hansen moved to approve Consent Agenda Items A -I.

SECOND: Councilmember Cline                      MOTION PASSED: UNANIMOUSLY

**OLD BUSINESS**

**NEW BUSINESS**

3. Presentation by Rachael Hudson, Outreach Coordinator Local First Arizona regarding Bisbee Localist Campaign.

Rachel Hudson, Outreach Coordinator Local First Arizona

Ms. Hudson gave a presentation regarding the importance of the Local Movement and how we can help build a better economy. She stated that there would be a mixer for business owners on Thursday, February 22<sup>nd</sup> at Central School projects at 6:30pm. She thanked the iBisbee Committee for their support for printing of the materials.

4. Discussion and Possible Action: Public Hearing regarding the Community Development Block Grant Funds for Fiscal Year 2018 to gather citizen input on the use of the CDBG funds.

Bonnie Williams, SEAGO

Mayor Smith opened the Public Hearing.

- Mayor Smith asked if there was a member in the public that would like to speak in support of this item.

Bonnie Williams, SEAGO gave a 101 lesson regarding the CDBG Funds. She also discussed projects that had been done in the past. The basic purpose was to help communities provide decent housing, suitable living environment, and expand economic opportunities principally for persons of low to moderate income.

Mr. Haratyk, Public Works Director stated that with this amount of money they could actually make a difference in Tintown.

Mayor Smith asked Mr. Haratyk that with this money could the Tintown project be finished with the streets or will the city need to use street money to finish. Mr. Haratyk stated that it would take street money to finish it.

Mayor Smith asked Mr. Haratyk as the Public Works Director to put the money towards Tintown believing that the project could be funded in its entirety and finished. Mr. Haratyk stated that would be a tough call it really needed to be talked about.

- Marie Minor, Bisbee resident asked what the term recent means when you are talking about recent disaster or recent destruction in a neighborhood. What was the time period on recent?

Ms. Williams said that it had to be recent in terms of urgent it was an emergency, something that would be imminent danger to public health.

Ms. Minor commented on a visit she had in Tintown at the homeless shelter regarding the water that was flowing behind it during the months of July and August. She hoped that Tintown was high on the list.

Kimberly Blanck, Bisbee resident pointed out that Cochise Row had flooding problems.

- Mayor Smith asked if there was a member in the public that would like to speak in opposition of this item.
- Mayor Smith asked the City Clerk's Office if there had been any written communications filed with the Clerk's Office. Ms. Coronado indicated that there was one from Chuck at the Senior Center asking that the parking lot at the Senior Center be considered.

Councilmember Dunn gave several suggestions for the use of CDBG funds.

Councilmember Hansen asked if houses that were in disrepair would they qualify. Ms. Williams said yes the owner would have to own the land also lived there one (1) year and be income qualified.

Mayor Smith closed the Public Hearing.

5. Discussion and Possible Approval of Resolution R-18-02; Support of the Paris Accord Agreement.  
David M. Smith, Mayor

Richard Green spoke regarding the Paris Climate Agreement.

Councilmember Dunn appreciated this being brought before Council.

MOTION: Councilmember Dunn moved to approve Resolution R-18-02, support of the Paris Accord Agreement.

SECOND: Councilmember Davis

ROLL CALL VOTE:

AYES: Councilmember Cline, Hansen, Davis, Higgins, Dunn, Lindstrom, and Mayor Smith

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

6. Discussion and Possible Approval of the Notice of Intent to Adopt Ordinance O-18-01; Amending Chapter 9, Article 9.5 of the Bisbee City Code entitled Fluoride in the City Water System, Authorizing and Directing not to provide any Fluoride to water being Distributed in the Water Supply System.

Gabe Lindstrom, Councilmember Ward II

Councilmember Lindstrom said that he had many citizens come up to him and received letters asking him to talk about this. He stated he had researched fluoride. He spoke of studies that he had found. He said fluoride doesn't add to the safety of water, it's potentially harmful to ingest and that research has shown that it was only topically good for your teeth. Ingesting it could be potentially harmful.

Councilmember Lindstrom said lets be the progressive City that everyone wants us to be. He thought that this should be done tonight and not to wait on this.

Mayor Smith stated that there were seven (7) people signed up to speak and asked if any of them were there to speak regarding keeping the fluoride in the water.

Councilmember Dunn stated that Council had a work session on this with considerable input on this. He thought that they were ready to take action according to Councilmember Lindstrom's recommendation.

- Jason Lindstrom spoke on the importance of remove fluoride.
- Betty Lindstrom spoke in favor of remove fluoride.
- Joni Giacomino stated that there was more than enough fluoride that occurs naturally.
- Serena Casey said that this had come before the Council many times and hoped that Council would move in the right direction.

- Maggie Kohanek stated she was grateful that Council was considering this.
- Meggan Connolley stated that her daughter wasn't allowed to drink Bisbee water for many reasons fluoride included.
- Suzanne Drum urged Council to remove fluoride. She read a letter from Theo Bodry wanting the fluoride removed.

MOTION: Councilmember Lindstrom moved to approve the Notice of Intent to adopt Ordinance O-18-01 Amending Chapter 9, Article 9.5 of the Bisbee City Code entitled Fluoride in the City Water System, Authorizing and Directing not to provide any Fluoride to the water being distributed in the water supply system.

SECOND: Councilmember Hansen

Councilmember Dunn stated that he supported this.

Councilmember Hansen said that when this had come up to the Council before she had done a lot of research and what concerned her the most was that we didn't ask for this it was just done.

ROLL CALL VOTE:

AYES: Councilmember Cline, Hansen, Davis, Higgins, Dunn, Lindstrom, and Mayor Smith

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

7. Public Hearing and Discussion and Possible Approval of the Notice of Intent to Adopt Ordinance O-18-02; to conditionally Rezone Parcel 102-05-097G, owned by Kimberly Blanck, from R-1 to R-3.  
Joe Ward, Zoning Inspector

Mr. Paul Esparza, Cochise County Planning Staff said that before Council tonight was a request for a rezoning by Kimberly Blanck. The lower portion of the parcel was the basis for the rezoning it had been renovated to three (3) individual rooms with private baths. The intention by the applicant was to look at long term rentals. He stated that the Planning and Zoning Commission had a public hearing regarding on January 18, 2018 with a 5/0 vote to recommend approval to the City Council to request from R-1 to R-3 with staff conditions. The conditions were that the applicant shall provide the City with a signed Acceptance of Conditions and a Waiver of claims and to limit the permitted uses under this rezoning request to preclude condominiums and multiple dwellings.

Mayor Smith opened the Public Hearing.

- Mayor Smith 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 Smith asked if there was a member in the public that would like to speak in opposition of this item.
- Mayor Smith 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 Smith closed the Public Hearing.

MOTION: Councilmember Higgins moved to approve the Notice of Intent to Adopt Ordinance O-18-02 to conditionally Rezone Parcel 102-05-097G, owned by Kimberly Blanck, from R-1 to R-3.

SECOND: Councilmember Hansen

ROLL CALL VOTE:

AYES: Councilmember Cline, Hansen, Davis, Higgins, Dunn, Lindstrom, and Mayor Smith

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

8. Public Hearing and Discussion and Possible Approval of the Notice of Intent to Adopt Ordinance O-18-03; to clarify the Design Review Board's Authority regarding the Demolition or Movement of Buildings in the Historic District.

Joe Ward Zoning Inspector

Mr. Ward said that the Design Review Board had been working on this for a year. The old wording had it decided on a case by case basis instead of having a standard that was being used. This wording was establishing a good solid standard, so when they are having these hearings it was based upon facts not upon how you feel. It passed the Design Review Board 7/0 in favor and then it went to the Planning and Zoning Commission 6/0 in favor. The staff recommendation was to approve as submitted.

Mayor Smith opened the Public Hearing.

- Mayor Smith 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.

-Michael McPartlin, member of the Design Review Board and Planning and Zoning Commission spoke in support of this item.

- Mayor Smith asked if there was a member in the public that would like to speak in opposition of this item.
- Mayor Smith 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 Smith closed the Public Hearing.

MOTION: Councilmember Davis moved to approve the Notice of Intent to Adopt Ordinance O-18-03 to clarify the Design Review Board's authority regarding the demolition or movement of buildings in the Historic District.

SECOND: Councilmember Hansen

ROLL CALL VOTE:

AYES: Councilmember Cline, Hansen, Davis, Higgins, Dunn, Lindstrom, and Mayor Smith

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

9. Discussion and Possible Approval of the Notice of Intent to Adopt Ordinance O-18-04, Dissolving the Committee on Disability Issues

David M. Smith, Mayor

Mayor Smith stated that he had requested that this be placed on the agenda, as all of us know we have a tremendous amount of commissions and committees and greatly appreciate the work that they do. However, if they fail to function as a committee or a commission there would be little reason to keep them active. This particular commission has not meet as a commission since 2014. It presently has four (4) members and of those four (4) members only two (2) had come in for their oath of office they have been requested numerous times by telephone and by email to please respond and they have not.

- Marie Minor, Bisbee resident stated that she had submitted her application to be on the Committee on Disability Issues and spoke regarding people that she hoped would be signing up for this committee. She also spoke of the value of this committee.

Councilmember Lindstrom said that if there was a group willing to head it up, why not wait a little longer to disband it.

Councilmember Hansen would like to table this for a few months to see whether or not if Ms. Minor was able to get people or not to get it up and running.

Councilmember Cline said that if there was new interest we should give it a shot and if it doesn't work out we can always come back.

MOTION: Councilmember Hansen moved to table this agenda item for three (3) months to see whether or not this committee can be functional again.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

10. Discussion and Possible Approval to Lease a new printer from RICHO for the Copper Queen Library at a cost of \$92.41 per month.

Andy Haratyk, Public Works Director

Mayor Smith asked why the Council was approving an expenditure of \$92.41 was it because it was a contract. Mr. Smith, City Manager stated yes, because it was lease contract. Mayor Smith asked that Mr. Smith have staff look at our policy if it was really realistic to bring those items to the Council, if we could streamline the process.

Mr. Haratyk stated that what they were asking was to be able to lease a copy machine for the library.

MOTION: Councilmember Lindstrom moved to approve the lease of a new printer from Ricoh for the Copper Queen Library. Cost is \$92.41 per month to lease.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

ROLL CALL VOTE:

AYES: Councilmember Cline, Hansen, Davis, Higgins, Dunn, Lindstrom, and Mayor Smith

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

11. Discussion and Possible Approval of a Memorandum of Understanding between the City of Bisbee and Bisbee Unified School District No. 2 regarding the Copper Queen Library Outreach at the Middle School.

Andy Haratyk, Public Works Director

Mr. Haratyk stated that Public Works and the Copper Queen Library would like to accept the Memorandum of Understanding between the City of Bisbee and Bisbee Unified School District No. 2 to jointly promote and enhance literacy and educational opportunities for their youth, their families and others, by having City share use of a classroom at the District's Middle School.

MOTION: Councilmember Dunn moved to approve acceptance of the Memorandum of Understanding (MOU) between the City of Bisbee and Bisbee Unified School District No. 2 regarding Copper Queen Library Outreach at Middle School.

SECOND: Councilmember Hansen

Councilmember Hansen stated that she really appreciated the library staff going to the lengths that they have in promoting reading. She thanked them for all their efforts.

## ROLL CALL VOTE:

AYES: Councilmember Cline, Hansen, Davis, Higgins, Dunn, Lindstrom, and Mayor Smith

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

Mr. Haratyk stated that the library had been awarded a \$40,000 grant from Freeport.

12. Discussion and Possible Approval of the Emergency Installation of chain link fence to secure the City Hall Building.

Andy Haratyk, Public Works Director

**This item was pulled from the agenda.**

13. Discussion and Possible Approval to Amend the existing Contract for Services with the City of Douglas to Extend the contract for one year beginning October 1, 2018 and ending September 30, 2019.

Andy Haratyk, Public Works Director

Mr. Haratyk said that this was an option that we had in the existing contract with the City of Douglas we are opting for this option because we when talking with the City Manager were really looking at coming up with different solutions for transportation this was a really difficult grant to manage and by doing this gives us a year leeway to figure out what our next steps were.

MOTION: Councilmember Davis moved to approve the amendment of the existing Contract for Services with the City of Douglas to extend the contract for one year beginning October 2018 ending September 2019.

SECOND: Mayor Smith

## ROLL CALL VOTE:

AYES: Councilmember Cline, Hansen, Davis, Higgins, Dunn, Lindstrom, and Mayor Smith

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

14. Discussion and Possible Approval of an Agreement with SeeClickFix for Workflow Management software.

Robert Smith, City Manager

Mr. Smith said that we had been looking at customer service as a process within Bisbee and support to our administrative staff internally as well. In looking at the communications that we have with the community we find that closing the communications link was very difficult for us and that the customer service and complaint process that we administer for public complaints was difficult.

SeeClickFix was a software application that offers us the opportunity to begin to manage that. It was a phone application that people can use with a smartphone to take pictures of things that they don't like and send it to the city. The software captures the GPS location of where the picture was taken and it sends that information to us. The beauty of this software was they had now built a work order back end on the software so it doesn't just land on someone's desk. We could program the application to direct that customer service request to whichever department lead was supposed to get it. It becomes a work order. We can set goals for the amount of time that we want the staff to be able to reach back out to the complaining party so there's an initial window for communications. There's also a time limit that we can



set for resolution of the issue and if those things aren't met then red flags occur and those exceptions begin to be managed by folks higher up.

This software was population based and so our total cost per year would be \$4,800.00 to have the software and use it. The company has agreed to allow us to do a beta test of six (6) months as we are in the last of this financial cycle. We will try the software for \$2,400.00 and see how it works.

Mayor Smith said that as he recalled it also had the ability for the complaining party to go to the website and check the status of the complaint so they know exactly whose hands it was in.

Mr. Smith said that part of the software will allow us to collect this data at the end of the year or any point in time we will be able to report to Council how many pothole requests, graffiti request, sidewalk issues. He thought it would be useful at budget time. He believed seasonality can be determined.

Councilmember Higgins asked if Mr. Smith had stated that we could try this for six (6) months and then if we didn't like it that was the end of the deal. Mr. Smith said they had told us that their pricing structure was based on population and we fall squarely within the \$4,800.00 a year. We could stop the use of this at any point.

Councilmember Dunn appreciated staff bringing alternatives to us. He stated that he had serious misgivings about this. He had talked with Public Works people in other communities that have indicated that this software created heightened citizens expectations which exceeded staff resources and time. He spoke regarding back in 2015 when Council had several work sessions on how to report complaints and that you could find a page on the website telling you how to report and the timeframe for it. He didn't feel that this would fit Bisbee.

Councilmember Cline stated that she thought this would take the human element out of it and would rather see this at budget time however, just for a trial period it was kind of worth giving it a shot. That way we will know if it was effective or not.

Mr. Smith stated that one of the reasons to move to this software was to better help us manage the complaints received and actually increase our communications with the public.

MOTION: Councilmember Davis moved to approve the Agreement with SeeClickFix, Inc. for Workflow Management Software in the amount of \$2,400.00 for the first six months and \$4,800.00 annually thereafter.

SECOND: Councilmember Cline

ROLL CALL VOTE:

AYES: Councilmember Cline, Hansen, Davis, Higgins, Lindstrom, and Mayor Smith

NAYS: Councilmember Dunn

MOTION PASSED: AYES -6; NAYS -1

15. Discussion and Possible Approval of a Letter of Engagement with Willdan Financial Services/Economists.com.

Robert Smith, City Manager

Mr. Smith said that it had been sometime since the city had looked at its rates and when the city did look at its rates it was after the recession there has been some changes in the city's financial posture and trending and processing at the plant. It was time for the city to take a look at what we are charging people. His recommendation was that we begin working with Willdan to create a rate schedule. They have agreed to split their rate into this financial year and next financial year and gave us a discount on the amount.

Councilmember Cline stated that she was concerned with outsourcing something yet again. She asked if this was something that we could do in house between the City Manager and the Finance Department. Mr. Smith said he would like to be able to say yes, but he can't he doesn't have the expertise or the analysis that they command. It wasn't something that communities typically do for themselves certainly not communities our size.

Councilmember Lindstrom asked if we could use the last study as part of a plan. Mr. Smith said not really there have been changes made to the plant in terms of the way it operates. This was not a simple process that was why this firm and what they specialize exist.

Councilmember Dunn asked if we would be taking the same approach as we look at other departments.

Mr. Smith said that we would want an expert at this point in time given our financial standing, given the fact that our reserves are gone, and given we are in a negative posture when it comes to financial trending. We are spending more than we are making. He felt that it was critically important that we get this right.

Councilmember Lindstrom asked how much we would lose if we got this wrong. Mr. Smith said that if you get three (3) years into this and you haven't set the rate correctly and you have to make adjustments because your financials have gotten even worse we will not have any reserves. We will have run things into the red and you will be in front of the citizens telling them that you have to make another adjustment right after you made adjustment the year prior.

Councilmember Higgins asked if Mr. Smith had identified what was wrong with our current rate structure. Mr. Smith said that based on the accounting that he saw right now it looks like we may be charging too much.

Councilmember Davis stated that he thought it was important to get this right and have the city move forward.

Councilmember Hansen asked where the money would be coming from since the balance was -\$4,650.00 in the line item. Mr. Smith stated that he didn't have an immediate answer right now he would have to talk to the Finance Director.

MOTION: Councilmember Davis moved to approve the Engagement Letter with Willdan Financial Services/ Economist.com for a Rate Study.

SECOND: Councilmember Hansen

ROLL CALL VOTE:

AYES: Councilmember Hansen, Davis, Higgins, Dunn, Lindstrom, and Mayor Smith

NAYS: Councilmember Cline

MOTION PASSED: AYES -6; NAYS -1

16. City Manager's Report:

- Andy Haratyk, Public Works Director spoke regarding the street program, paving program and recycling program within his department.
- 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.):

- Councilmember Dunn commented on the Kiosk at the Evergreen Cemetery
- Councilmember Hansen commented on the Ward II Council Members booth at the Farmer's Market.

MOTION: Councilmember Higgins moved to adjourn the meeting.

SECOND: Councilmember Lindstrom

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 10:05PM

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David M. Smith, Mayor