

## 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 20, 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

Excused

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

Daniel Duchon, Personnel Director

Andy Haratyk, Public Works Director

Albert Echave, Police Chief

George Castillo, Interim Fire Chief

#### **CITY ATTORNEY**

Elda Orduno

INVOCATION: Mayor Smith asked for a moment of silence for the families of the slain in Florida and perhaps we could find a way to stop this carnage.

### PLEDGE OF ALLEGIANCE

#### MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Smith thanked those that went to the Town Hall meeting last Thursday as well as the WARD III meeting, and the WARD I meeting. He thanked those that were a part of their community.

#### CALL TO THE PUBLIC

- Alice Hamers, McNeal Resident suggested to the Council that the city bank local. She encouraged the city to consider Western Bank. She also listed other banks that are local.

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 \$206,414.75.

SECOND: Councilmember Davis

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

Councilmember Cline questioned 10-51-13100 Business Travel under the City Manager \$1,005.91 asked if this was for a conference or what and how many days was it. Mr. Smith believed it to be the Arizona City County Managers Conference in Sedona and it was for three (3) days.

Councilmember Cline questioned 10-51-46000 Operational Expenses: Moving Expenses \$8,330.83 wanted to know why it was so expensive. Mayor Smith stated that there were three (3) bids given and that was the cheapest bid.

Councilmember Cline understood that part but felt it was an awful lot of money for Chino Valley down to Bisbee. Mayor Smith said he didn't know that as a fact.

Councilmember Cline stated that Mr. Johnson didn't go over \$5,000.00 coming from Georgia. She said that the Council had approved reasonable charges and this was not reasonable.

Councilmember Cline asked about the 10-54-46100 Fire Replacement Expense Contract Buyout Xerox Corp \$3,805.97 and 10-55-46100 Fire Replacement Expense Contract Buyout Xerox Corp. \$8,683.30; why do we have a contract buy out, what departments are they for and why are they so much. Ms. Bagley, Finance Director stated they were for the copy machines that were in Finance, Public Works and Community Development that were in the City Hall building. We leased them and since they were destroyed in the fire, we had to purchase what was remaining. It will be reimbursed by the insurance company.

Councilmember Cline also asked about 10-55-24110 Rent/ Lease \$130.00: Ground Lease Relay Station 2018 & Lowell Parking 2018 and what it was that for. Mr. Haratyk, Public Works Director stated for the Lowell Ground lease we make that payment every year we lease the parking lots and the sidewalks. Police Chief Echave stated that it was for the property directly behind the police station up on the hill where there was one (1) remote tower.

Councilmember Lindstrom asked what the tuition fees were for Cochise College. Ms. Bagley, Finance Director said that it was Paramedic School for one of the Firemen. He also agreed with Councilmember Cline regarding the moving expenses it seems high. Ms. Bagley, Finance Director stated that for Mr. Johnson there was a set rate that was agreed to, but per Mr. Smith's contract it stated reasonable.

Councilmember Lindstrom asked if we normally paid mileage, don't we give them a car. Ms. Bagley, Finance Director stated that we didn't have a city vehicle at this time.

Mr. Smith provided some details to the Council regarding the cost of his move.

MOTION PASSED: 5/1; Councilmember Lindstrom voted NAY

## 2. Approval of the Consent Agenda

- A. Approval of the Minutes of the Special Session of the Mayor and Council held on July 10, 2017 at 6:00pm.

Ashlee Coronado, City Clerk

- B. Approval of the Minutes of the Regular Session of the Mayor and Council held on September 5, 2017 at 7:00PM

- C. Approval of the Special Event Liquor License from Community Synergy Solutions for an event at Club Kilimanjaro, 33 E. Subway Street, Bisbee on Saturday, March 10, 2018 from 7:00pm to 11:00pm.

Ashlee Coronado, City Clerk

Mayor Smith asked if Council had any questions.

Councilmember Cline asked what the event was for Community Synergy Solutions. Mayor Smith stated that the event was a fundraiser for the Return of the Turkey Vultures with all proceeds going to the swimming pool fund.

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

SECOND: Mayor Smith

MOTION PASSED: UNANIMOUSLY

### OLD BUSINESS

3. Discussion and Possible Approval of 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

Mayor Smith stated that this was the second reading. He asked if members of the Council had comments.

MOTION: Councilmember Lindstrom moved to approve 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 Davis

#### ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6; NAYS -0

4. Discussion and Possible Approval of 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

Mayor Smith stated that this would be the second reading. He asked if the Council had comments.

Councilmember Dunn commended the applicants for the improvement's they have made to this property and the adjoining property.

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

SECOND: Councilmember Davis

#### ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6; NAYS -0

5. Discussion and Possible Approval of 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

MOTION: Councilmember Davis moved to approve 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 Dunn

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6; NAYS -0

## NEW BUSINESS

6. Presentation of the City of Bisbee Annual Audit Report for the Year ended June 30, 2017 by Steven Palmer, CPA of Hinton and Burdick.

Keri Bagley, Finance Director

Ms. Bagley introduced Mr. Steven Palmer with Hinton Burdick who was here to present the results of our 2017 audit.

Mr. Palmer of Hinton Burdick gave a presentation on the audit of the financial statements for the year ended June 30, 2017. The question asked was did the city pass its audit and the answer to that was "yes". He spoke regarding the three (3) reports issued: the independent auditor's report, to report on compliance on internal control; a significant deficiency and the city's compliance with state matters. The Street Fund had over spent by \$200,000.00. He also spoke regarding the trends of the city, the general fund, the expenditure funds and the Queen Mine Fund. He thanked the City staff for all their help and hard work it was a challenging year for them.

7. Presentation by Carrie Gustavson on the Arts and Culture District.  
David M. Smith, Mayor

Ms. Gustavson gave a presentation on the Arts and Culture District to include the following: Location, What is an Arts & Culture District, the Committee, the Mission Statement, the purpose, the Core Values, the Vision, determined who and what they are, branding, logo, street signs, and a welcoming art installation for the Arts & Culture District.

8. Presentation by Daniel S. Duchon, Sarah Baillie and Ying Zhang on the Fee/Fine Study being completed by University of Arizona Students.  
Daniel Duchon, Personnel Director

Mr. Duchon introduced Sarah Baillie and Ying Zhang, MPA students in PA 594 Capstone Project. They gave a presentation the Fee/Fine Inventory of Bisbee. They would be doing an Analysis comparing Bisbee's fee and fines to those of other cities in Arizona, making recommendations for potential adjustments, and showing Council the results they will be returning to present their findings at a Bisbee City Council meeting in May.

9. Public Hearing and Discussion and Possible Approval of the Notice of Intent to Adopt Ordinance O-18-05; Amending Zoning Code Sections 3.2, 5.2.2, 6.7, 6.14 and 9.2 to Allow Special Use Application for Alternative Lodging Parks in All Zoning Districts, Allow Rehabilitated Mobile Homes in RM Zoning District, and Clarifying Special Use Permit Language by:
  1. Amending Article 3.2 to include "Special uses that may be applied for are set forth in the Appendix, designated by blank spaces in the Uses and Zone Matrix and in the chart entitled: Special Use Permit Required."
  2. Amending Article 6.7 to allow both manufactured homes and rehabilitated mobile homes to be placed in the RM Zone

3. Amending Article 9.2 to include definitions for Alt Lodging Park, “Tiny Home” and for “Rehabilitated Mobile Home”.

Joe Ward, Zoning, Inspector

Mayor Smith stated that there had been a work session regarding this.

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.

- Ms. McCartney wanted to know why this was coming up again. She wanted to know if this was the action that came out of the work session. Mayor Smith stated that they could not vote on anything at a work session and this was the action that came out of the work session.

- 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 Dunn moved to approve the Notice of Intent to Adopt Ordinance O-18-05; Amending Zoning Code Sections 3.2, 5.2.2, 6.7, 6.14 and 9.2 to Allow Special Use Application for Alternative Lodging Parks in All Zoning Districts, Allow Rehabilitated Mobile Homes in RM Zoning District, and Clarifying Special Use Permit Language by:

1. Amending Article 3.2 to include “Special uses that may be applied for are set forth in the Appendix, designated by blank spaces in the Uses and Zone Matrix and in the chart entitled: Special Use Permit Required.”
2. Amending Article 6.7 to allow both manufactured homes and rehabilitated mobile homes to be placed in the RM Zone
3. Amending Article 9.2 to include definitions for Alt Lodging Park, “Tiny Home” and for “Rehabilitated Mobile Home”.

**SECOND:** Councilmember Davis

**ROLL CALL VOTE:**

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

**NAYS:** 0

**MOTION PASSED:** AYES -6; NAYS -0

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

Andy Haratyk, Public Works Director

Mr. Haratyk stated that what was before Mayor and Council was the bid that they had approved for the chain link fence around city hall, this was an emergency that we needed to do. He stated that they also went out and secured other bids as well through state contracting. The fence was up and it was secure.

Councilmember Lindstrom asked if it had to be a permanent fence. Mr. Haratyk stated that it was done as permanent fencing to get us through the next one (1) to five (5) years. We didn’t want anyone to get in there and get hurt.

**MOTION:** Councilmember Davis moved to approve the emergency installation of chain link fence to secure the City Hall Building.

**SECOND:** Mayor Smith

**MOTION PASSED:** UNANIMOUSLY

11. Discussion and Possible Approval of Resolution R-18-03 Supporting the Bisbee Bus Transit Program and the application for funds to operate the Bisbee Bus Transit/Bus System and Authorizing the Mayor to sign all applications and grant contracts.

Andy Haratyk, Public Works Director

Mr. Haratyk said that each year the city must apply for funds from the Arizona Department of Transportation (ADOT) for its share of the federal funds used to operate the Bisbee Bus Transit Program. This program provides transportation via a flex route system throughout Bisbee and Naco six (6) days a week. In order to apply for these funds, the City Council must provide documentation of its support for the program annually and authorize the Mayor to sign the application.

MOTION: Councilmember Cline moved to approve Resolution R-18-03, supporting the Bisbee Bus Transit Program and the Application for Funds to Operate the Bisbee Transit / Bus System and Authorizing the Mayor to Sign all Applications and Grant Contracts.

SECOND: Councilmember Dunn

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6; NAYS -0

12. Discussion and Possible Approval to Enter into an Agreement between Arizona Department of Homeland Security for Operation StoneGarden award #170412-02 and the Bisbee Police Department in the amount of \$11,000 for overtime, employee related expenses and mileage.

Albert Echave, Chief of Police

- Alice Hamers said that Stonegarden was not something the city should be doing this was about the war on terror.

Chief Echave said that this was the Stonegarden grant and every year we were awarded a certain amount of funds. This year due to our extremely low numbers in personnel and the ability to work Stonegarden we were not able to use all the money that had been given us in the past couple of years. This year we were awarded only be getting \$11,000.00 which was pretty low in comparison to what we have gotten in the past. It covers \$1,000.00 for mileage and vehicle use which leaves \$10,000.00 for overtime which will cover all the ERE's.

Mayor Smith asked if we were able to use last year's funding. Chief Echave stated, yes. Mayor Smith asked regarding the \$1,000.00 for mileage was there a rate for that. Chief Echave stated, yes, but couldn't remember what it was.

MOTION: Councilmember Cline moved to allow the Mayor & Council to go into an agreement between Arizona Department of Homeland Security for Operation StoneGarden award #170412-02 and the Police Department in the amount of \$11,000.00 for Overtime, Employee Related Expenses and mileage.

SECOND: Mayor Smith

MOTION PASSED: UNANIMOUSLY

13. Discussion and Possible Approval for the Bisbee Arts Commission to sponsor the Bisbee Community Chorus in the Amount of \$1,000.00

Bill Higgins, Bisbee Arts Commission Liaison

Councilmember Bill Higgins said that this \$1,000.00 would go to the Community Chorus to help sponsor the Tucson Symphony this was something that the Bisbee Arts Commission has done traditionally. They were happy to approve the \$1,000.00.

MOTION: Councilmember Higgins moved to approve the Sponsorship by the Bisbee Arts Commission to the Bisbee Community Chorus in the Amount of \$1,000.00.

SECOND: Councilmember Davis

MOTION PASSED: UNANIMOUSLY

14. Discussion and Possible Approval for the Bisbee Arts Commission to reimburse Sharon Stetter in the amount of \$200.00 for the purchase of a cigarette machine which will be used for an ongoing method of fundraising.

Bill Higgins, Bisbee Arts Commission Liaison

Councilmember Higgins said that the cigarette machine which was recently purchased would be converted into an art dispenser. This will be set up downtown somewhere.

MOTION: Councilmember Higgins moved to approve the Bisbee Arts Commission to reimburse Sharon Stetter in the amount of \$200.00 for the Purchase of a Cigarette Machine which will be used for an ongoing method of fundraising.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

15. Discussion and Possible Approval of the proposed budget for the Bisbee Arts Commission fundraising event to be held May 2018

Bill Higgins, Bisbee Arts Commission Liaison

Councilmember Higgins stated that last year the Bisbee Arts Commission had a very successful Art Auction fundraiser. This year they would be having a more of a fiesta type event which will take place on Subway Street. He said that this was their annual fundraiser where they make all of their money that they turn around and give to the community. The budget was for \$5,000.00 they didn't think they would need all of that but wanted to make sure they had enough if it was needed.

MOTION: Councilmember Higgins moved to approve the proposed budget for the Bisbee Arts Commission Art Fundraising Event May 2018.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

16. City Manager's Report:

- Mr. Smith spoke regarding the Pop-Up Park demo that had been set up outside.
- 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.):

MOTION: Councilmember Higgins moved to adjourn the meeting.

SECOND: Councilmember Davis

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 8:15PM

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David M. Smith, Mayor