

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 21, 2017, AT 7:00 PM IN THE BISBEE MUNICIPAL BUILDING, 118 ARIZONA STREET, 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

Richard J. Marsh Jr., City Manager
Ashlee Coronado, City Clerk
Keri Bagley, Finance Director
Andy Haratyk, Public Works Director
Albert Echave, Police Chief
Marc Burneleit, Fire Chief

CITY ATTORNEY

Britt Hanson

INVOCATION: Mayor Smith asked that we have a moment of silence of joyous nature thinking about our neighbors in Mexico.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Smith indicated that we had many dignitaries in attendance tonight.
- Mayor Smith thanked Leonard Temby for the portable lighting system donation to the Bisbee Fire Department.
- Mayor Smith read the proclamation declaring the City of Bisbee's relationship with the City of Sonora, Mexico.

CALL TO THE PUBLIC: **None**

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 \$253,590.97.
SECOND: Councilmember Higgins

A member of the public wanted to speak, but it was her first time and didn't realize that she needed to sign up to do so. Mayor Smith allowed her to come up and speak.

- Elsa Dewitt, Bisbee resident thanked council for the proclamation and felt it was important that we made these kinds of gestures towards our neighbor given that they are so close. She believes we had a moral obligation to stand with our neighbors

Councilmember Lindstrom requested information on the bus operation for the City of Douglas. Mayor Smith informed Councilmember Lindstrom that we have a contract with the City of Douglas for the Bisbee Bus they provide the drivers for the city bus. He stated that we had a grant for this.

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

2. Approval of the Consent Agenda

- A. Approval of the Appointment of Dan Callaghan to the Airport Advisory Committee
Ashlee Coronado, City Clerk
- B. Approval of the Resignation of Kurt Minick to the Bisbee Arts Commission.
Ashlee Coronado, City Clerk
- C. Approval of the Appointment of Renee Harper to the Evergreen Cemetery Committee.
Ashlee Coronado, City Clerk
- D. Approval of the Appointment of Kate Drew-Wilkinson to the Bisbee Arts Commission.
Ashlee Coronado, City Clerk
- E. Approval of a Park, Facility, and Right of Way use permit for the City of Bisbee for the Memorial Day Weekend – Vietnam Traveling Wall at Vista Park from Thursday, May 24, 2017 through Monday, May 29, 2017 from 7:00am to 9:00pm.
Ashlee Coronado, City Clerk
- F. Approval of a Special Event Liquor License Application submitted by the City of Bisbee for an Event to be held at the Vista Park from Thursday, May 25, 2017 through Monday, May 29, 2017 .
Ashlee Coronado, City Clerk
- G. Approval of a Special Event Liquor License Application submitted by the Bisbee Radio Project, Inc. (KBRP) for an Event to be held at the Bisbee Royale, 94 Main Street, on Saturday, April 1, 2017 from 4:00pm to 11:59pm; Ryan Bruce, Applicant.
Ashlee Coronado, City Clerk
- H. Approval of a Liquor License Application for the Copper Queen Hotel Located at 11 Howell Avenue, Bisbee Arizona; Helen Lampinen, Applicant.
Ashlee Coronado, City Clerk

Mayor Smith asked if anyone from Council wished for any of these items to be pulled.

Councilmember Dunn requested that Item F be pulled. Mayor Smith pulled Item F

MOTION: Councilmember Cline moved to approve the Consent Agenda items 2A-E and 2G, 2H.

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

- F. Approval of a Special Event Liquor License Application submitted by the City of Bisbee for an Event to be held at the Vista Park from Thursday, May 25, 2017 through Monday, May 29, 2017

Ashlee Coronado, City Clerk

Councilmember Dunn asked if this was a necessary permit. This was Memorial Day Weekend honoring the Vietnam Wall; the park was in a family neighborhood. He commented that this was the first time the city had asked for a liquor license for itself. He wondered why we were doing this.

Mr. Andy Haratyk, Public Works Director stated that this would be the way they would fund bringing the wall to Bisbee and basically fund the entire weekend event.

MOTION: Councilmember Cline moved to approve the Consent Agenda item 2F.

SECOND: Councilmember Davis

ROLL CALL VOTE:

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

NAYS: Councilmember Dunn

MOTION PASSED: AYES -6; NAYS -1

OLD BUSINESS

NEW BUSINESS

3. Discussion and Possible Approval of Ordinance O-17-02, Authorizing the Sale and Transfer of City Property located Adjacent to 513F Baily Hill.

Elda Orduno, City Attorney

Mr. Hanson, City Attorney said that once again we had a situation where a property owner had discovered after getting a survey done that a sliver of property was in the city right of way. The owner had gone through the application process. This was the kind of parcel that should not go to auction. He stated that there has been a slight change in the legal description and the price, which will be \$1,757.00 which was based on the \$1.75 per square foot.

MOTION: Councilmember Dunn moved to approve Ordinance O-17-02, authorizing the sale and transfer of City property located adjacent to 513F Baily Hill.

SECOND: Councilmember Higgins

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

Mr. Hanson wanted to let council know that this was the very first sale of city property that has gone all the way through under the new expedited process; cutting out an auction, cutting out the second reading. He thought that it delivered a better result for everybody involved.

4. Discussion and Possible Approval of the New Updated Bisbee Police Department Manuel.
Albert Echave, Police Chief

Chief Echave said that this had been a long time coming it was a long process to get this rewritten and updated. It was pretty extensive both himself and his staff had gone through this and made their corrections or changes. It had been vetted to make sure that it was up to par.

Councilmember Dunn was very pleased of the work that had been done on this. He confessed that he had not had time to read it and he wanted to request that this be tabled. He thanked Chief Echave for his work.

Donna Pulling, Bisbee resident explained she was on the Homeless Task Force and they requested a section to deal with mental health crisis. She thought it was a good idea to table this item because the extensive nature of the manual.

Judy Lutgring, Bisbee resident spoke on the mental health section of the manual. She pointed out some issues with the manual. She requested that the department with the Cenpatico liaison review the mental health section. She said she wanted NAMI to be invited and she also wanted to be invited. She also thought it useful to have it go to the public defender to see if they could lend their expertise to it.

MOTION: Councilmember Dunn moved to table this to our next regular meeting.

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

5. Discussion and Possible Approval of a Memorandum of Understanding by and between the City of Bisbee and Palominas Fire District.

Marc Burneleit, Fire Chief

Chief Burneleit introduced Chief Mark Matthews and stated that what was before council tonight was a proposal to approve a Per Diem Firefighter Program (PDFF). The goal of this was to reduce overtime and Public Safety Retirement without reducing the workforce of the Fire Department. Currently the Fire Department was down four (4) positions which made them use overtime to cover the necessary hours to cover our community. The minimum staffing requires them to have five (5) personnel and two (2) ambulances in the city at all times. This would allow them to do back to back 911 medical calls and have a minimum force to respond to a fire call. They also do inter-facility transfers they needed to have an additional two (2) personnel and at least one ambulance available. Presently they cover those positions with on-call/ overtime personnel. These firefighters are prescheduled for their shifts, take home a support vehicle and are required to monitor emergency traffic for twenty-four (24) hours. We pay an on-call employee a minimum of five (5) hours plus all the time that they are needed not to exceed twenty-four (24) hours on a shift. This MOU would allow them to reduce scheduling current Bisbee firefighters for on-call duty and replace them with per diem employees from Palominas Fire. We would pay an EMT \$11.00 an hour and a Paramedic \$13.00 an hour. By using Palominas employees we would eliminate having to post for part time job positions, but it may be something that we do at a later time.

Chief Burneleit stated that we would not be paying overtime, retirement or insurance. Also, these employees would be using their own protective equipment. Since we have an automatic aid and an IGA with the Palominas Fire Department already they had a familiarity with our equipment and our area. At this time the projected cost savings for the remainder of the fiscal year, if this proposal was approved and implemented by March 1st, it could be as much as \$50,000.00 in reduction in payroll and a 30% reduction in overtime and retirement contribution.

Mayor Smith stated that as many know in campaign mode he had discussed seven (7) economic points and this basically was one of them. He called it an ambulance driver program. This was an interesting version of that and he was certainly in favor of trying it out and if we run the numbers on this we can easily save \$500.00 and above per day by going to this program as long as Chief Matthews has the people. He would be voting in the affirmative and thought that this was a very interesting and a very much needed program. He thanked Chief Burneleit, Chief Matthews and City Manager Marsh for getting together to come up with this program.

Councilmember Cline asked what they anticipated this costing the city. Chief Burneleit stated that at this time it would be a possibility of a few more man hours. We wouldn't have to go through background checks, fingerprinting, and medical physicals or supply any gear to them. Councilmember Cline said that when they are on shift here we are paying them correct. Chief Burneleit stated "Yes". Councilmember Cline said that there was a cost associated with having them here. So, what was the anticipated cost to us as oppose to the overtime. Chief Burneleit stated that they were approximately looking at an EMT at \$11.00 an hour and a Paramedic at \$13.00 an hour so combined they are looking at \$24.00 an hour and they would look at paying \$288.00 a day for one (1) employee and an additional \$288.00 for the second for a total of \$576.00. With our average overtime two (2) employees would cost us \$1,150.00. They would be saving about \$500.00 a day.

Councilmember Cline asked if that would cut out all of our overtime. Chief Burneleit stated that this would be a new program that they hope to implement and they will try pre-scheduling it so that we do cut out some of the overtime or as much as they can. He didn't think that it would eliminate all of the overtime.

Mayor Smith pointed out that this was a reciprocating agreement meaning our people off duty can go to Palominas. Chief Burneleit agreed. We have to make hard decisions to keep going and this was one of the ones we were going to make. They will have the opportunity to stay close to home and work with a familiar department.

Councilmember Cline asked Chief Matthews from Palominas generally what did overtime run and how do you anticipate to use our firefighters. Chief Matthews stated on average it would be looking very similar, but only one (1) a day. He said that they were trying to mirror the programs as much as possible. However, they are a little bit smaller on career staff.

MOTION: Councilmember Dunn moved to approve the Memorandum of Understanding by and Between the City of Bisbee and Palominas Fire District.

SECOND: Councilmember Davis

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

NAYS: Councilmember Cline

MOTION PASSED: AYES -6; NAYS -1

Chief Burneleit extended an invitation to the Mayor and all Council to come and meet with him, his officers and firefighters at any time to discuss any area of concern or present any new ideas.

6. Discussion and Possible Approval for the Mayor to sign a letter to Legislators Opposing HB2179, a Bill that would Mandate that City Staff and Council Review every IGA that it has entered into, hold a Public Hearing on all of them and vote to affirm them.

David M. Smith, Mayor

Mayor Smith stated that the legislation had put this forward indicating that we would have to void every IGA that we had and would require a public hearing to get input. These IGA's would have to be renewed

every eight (8) years. He also stated that a letter had been drafted. He was asking for council's permission to sign that letter and send it to the state legislators.

Mr. Hanson, City Attorney stated the origin of this bill was from Maricopa County. They had a contract with the Maricopa County Recorder's Office to run their election. Since the elections have not gone well a particular legislator decided to attack the IGA between Maricopa County and the Recorder's Office. That IGA did not have a term limit. He was glad to see the city council taking this under consideration.

MOTION: Councilmember Hansen move to authorize and direct the Mayor to sign a letter to legislators opposing HB2179, a bill that would mandate that City staff and Council review every IGA that it has entered into, hold a public hearings on all of them and vote to affirm them, which would be a huge waste of time for staff and the Council, with no benefit to citizens.

SECOND: Councilmember Davis

MOTION PASSED: UNANIMOUSLY

7. Discussion and Possible Approval of Resolution R-17-01 Establishing an Entertainment District in Old Bisbee.

Elda Orduno, City Attorney

Mr. Hanson, City Attorney stated that this Resolution would not put bars next to church's all over the city it was to give people the opportunity who are within 300 feet of a church to have the same chance to have a license as those who are not within 300 feet of a church in downtown Old Bisbee. He also stated that this was not the same as the Arts and Culture district they are too separate things.

Mayor Smith said this was on case by case basis not carte blanche were every location within 300 feet of a church can become a liquor establishment. This still had to go to the council and it still had to go to the liquor board.

Mr. Rob Page have some history into how this subject came about.

Councilmember Lindstrom asked when that law went into effect. Mr. Hansen stated that it probably goes back to the 30's and 40's sometime after prohibition.

Councilmember Dunn asked Mr. Page what the average cost of license was. Mr. Page stated that it depend on what the liquor license was. He gave examples of each classes for the license and it was very restrictive.

MOTION: Councilmember Hansen moved to approve Resolution R-17-01 establishing an entertainment district in Old Bisbee pursuant to A.R.S § 4-207.

SECOND: Councilmember Dunn

ROLL CALL VOTE:

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

NAYS: Councilmember Cline

MOTION PASSED: AYES -6; NAYS -1

8. City Manager's Report:

- Mr. Marsh gave an update on the Arizona City Manager Association Conference he attended.
- Mr. Marsh spoke on Volunteer Recruitment.
- Mr. Marsh thanked the planning committee who had helped us with bringing forth the Sonora Fest which would be held in Bisbee on Memorial weekend.
- Mr. Marsh also spoke on the visit with Sonora Mexican Dignitaries

- Other current events (No Discussion)

Mayor Smith wanted to thank our friends from Douglas, Cananea, Naco and Acapulco for being with us and all the people in the audience for bearing with us.

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.): **None**

MOTION: Councilmember Higgins moved to adjourn the meeting.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 7:53PM

David M. Smith, Mayor