

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, MARCH 16, 2021 AT 7:00 PM VIA ZOOM.

THE MEETING WAS CALLED TO ORDER BY MAYOR BUDGE AT 7:05PM.

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
Councilmember Joan Hansen, Ward II
Councilmember Anna Cline, Ward III, Mayor Pro Tempore

STAFF

Ashlee Coronado, City Clerk
Keri Bagley, Finance Director
Joelle Landers, Personnel Director
Jesus Haro, Public Works Director
Albert Echave, Police Chief
George Castillo, Fire Chief

CITY ATTORNEY

Joseph Estes

INVOCATION: Mayor Budge asked for a moment of silence turning our thoughts to City Manager Coleman who lost her husband a few days ago. Our City is a family and we mourn as a family.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- 40 Years Longevity recognition for Julie Delk- Chief Echave recognized Ms. Julie Delk for her 40 years working for the City. He thanked and congratulated Ms. Delk. Ms. Delk thanked everyone. She said that 40 years had flown by. Ms. Landers also thanked Ms. Delk for her dedicated service. She presented her with a gift from the City of Bisbee. Ms. Landers also read a congratulations letter from Snooky Boroweic.

CALL TO THE PUBLIC

- Ms. Landers read a letter submitted by Bonnie Williams. Ms. Williams wrote that although she saw some benefits with the current garbage collection, such as the control of illegal dumping, she was concerned about the pockets of homes that had to haul their garbage a considerable distance. She was concerned about the elderly and disabled residents. She asked that Council consider restoring door to door collection where badly needed.

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 \$209,508.62.

SECOND: Councilmember Hansen

Councilmember Cline asked about the cost for the reports from Arizona Water Company. She also asked about the charge for cleaning a City vehicle.

Ms. Bagley responded that we receive monthly reports showing who starts and stops service at various addresses. This assists in verifying our sewer and garbage services. Ms. Bagley also addressed the vehicle cleaning. She said that this was an impound vehicle that we now have a City Hall that needed cleaning very badly.

Mayor Budge asked if we receive an actual gas bill every month. He questioned why the bill was so high for such a small apartment.

Mr. Haro said it was for the building. He would look into it and follow up with Council.

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 March 2, 2021.

Ashlee Coronado, City Clerk

MOTION: Councilmember Davis moved to approve the minutes of the Regular Session of Mayor and Council held on March 2, 2021.

SECOND: Councilmember Cline

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

OLD BUSINESS

- 3. Discussion and Possible Approval of Ordinance O-21-06; Authorizing the Acquisition of Real Property from Annie Robbins located at 75C Ok Street.

Theresa Coleman, City Manager

Mayor Budge said that this was the second reading of this Ordinance.

MOTION: Councilmember Hansen moved to approve Ordinance O-231-06; authorizing the acquisition of real property from Annie Robbins located at 75C Ok Street.

SECOND: Councilmember Davis

ROLL CALL VOTE:

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

NAYS: Councilmember Cline

MOTION PASSED: AYES -6 NAYS -1

- 4. Discussion and Possible Approval of the Quotes from Enterprise for Equity Leases for two Colorado pickup trucks.

Theresa Coleman, City Manager

MOTION: Councilmember Pawlik moved to table this item.

SECOND: Councilmember Davis

MOTION PASSED: UNANIMOUSLY

NEW BUSINESS

- 5. Discussion and Possible Approval of the Recommendation from the Bisbee Arts Commission to fund a Grant Application for the Friends of the Copper Queen Library in the amount of \$500.00 from the Bisbee Arts Commission Fund.

Leslie Johns, Bisbee Arts Commission Council Liaison

Councilmember Johns explained that last week the Bisbee Arts Commission approved a \$500 grant for the Friends of the Copper Queen Library to install a mural. This would be placed on an interior wall in the Library and depict the History of the Copper Queen Library Photo Mural Display. They would be working with artist Bridget Shanahan.

MOTION: Councilmember Johns moved to approve the funding of the grant application from Friends of the Copper Queen Library in the amount of \$500.00 from the Bisbee Arts Commission Fund.

SECOND: Councilmember Pawlik

MOTION PASSED: UNANIMOUSLY

- 6. Discussion and Possible Approval of the Recommendation from the Bisbee Arts Commission to fund a Grant Application for Yotaki, Judy Murray in the amount of \$500.00 from the Bisbee Arts Commission Fund.

Leslie Johns, Bisbee Arts Commission Council Liaison

Councilmember Johns explained that at the meeting of Bisbee Arts Commission they approved a \$500 grant to Judy Murray to make Story Pockets. The funds would cover supplies for a workshop she would be holding.

MOTION: Councilmember Johns moved to approve the funding of the grant application from Yotaki, Judy Murray in the amount of \$500.00 from the Bisbee Arts Commission Fund.

SECOND: Councilmember Davis

MOTION PASSED: UNANIMOUSLY

- 7. Discussion and Possible Approval of the Notice of Intent to adopt Ordinance O-21-08; Amending the Zoning Code of the City of Bisbee, Adding Article 10B, Recreational Marijuana Establishments and Testing Facilities.

Theresa Coleman, City Manager

Mr. Estes explained that this was the intent to adopt the Zoning Code Amendments that had come before Council in the past. The City had seen a number of applicants seeking to find locations if they are awarded a license. This would establish the regulations and also mirrors the medicinal marijuana regulations.

MOTION: Councilmember Davis moved to approve the notice of Intent to adopt Ordinance O-21-08; amending the Zoning Code of the City of Bisbee, Adding Article 10B, Recreational Marijuana Establishments and Testing Facilities; Providing for repeal of conflicting ordinances; providing for severability; and providing for penalties.

SECOND: Councilmember Giacomino

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

- 8. Discussion and Possible Approval of a Memorandum of Understanding between the City of Bisbee and Arizona Water Company to hire and pay a consulting engineer to perform a study to improve fire suppression in the City.

Theresa Coleman, City Manager

Mr. Haro explained that we had been awarded a FEMA Grant. Arizona Water Company had agreed to pay for 25% of the master plan with the grant paying for the remaining amount. This would allow us to get this master plan completed sooner and hopefully upgrade the Fire Suppression sooner.

MOTION: Mayor Budge moved to approve the memorandum of understanding between the City of Bisbee and Arizona Water Company to hire and pay a consulting engineer to perform a study to improve fire suppression in the City.

SECOND: Councilmember Hansen

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

- 9. Discussion and Possible Approval to purchase 100 Universal Carts (Roll-out Cans).

Jesus Haro, Public Works Director

Mr. Haro explained that the approval of this purchase would allow us to replace broken cans and allow for new account setup.

MOTION: Councilmember Hansen moved to approve the purchase of 100 Universal Carts from Toter.

SECOND: Councilmember Pawlik

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

- 10. Discussion and Possible Approval to purchase asphalt from KE&G in an amount not to exceed \$215,000.00.

Jesus Haro, Public Works Director

Mr. Haro explained that it was now paving time. We had the first phase planned out and this amount included a contingency. KE&G had competitively bid and were part of cooperative contract.

Councilmember Pawlik asked where these funds were coming from.

Mr. Haro responded that this was coming from the 1% sales tax increase.

MOTION: Councilmember Pawlik moved to approve the purchase of asphalt from KE&G in an amount not to exceed \$215,000.00.

SECOND: Councilmember Davis

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

11. Discussion and Possible Approval to purchase fog seal from Western Emulsions in the amount of \$11,109.94.

Jesus Haro, Public Works Director

Mr. Haro explained that this was in effort to do some pavement preservation. This was the amount for one tanker full of fog seal. We would use our machine and cover as much road as we could with one tanker.

MOTION: Councilmember Davis moved to approve the purchase of fog seal from Western Emulsions in the amount of \$11,109.94.

SECOND: Councilmember Hansen

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

12. Discussion and Possible Approval of a Notice of Intent to adopt Ordinance O-21-09; Bisbee Workforce Housing Initiative.

Theresa Coleman, City Manager

Mr. Estes explained that we had an interested party in our workforce housing. This would codify and establishes the code requirements and eligibility. This also establishes what the proposed pricing would be. We needed this in place in order to move forward on this initiative.

MOTION: Councilmember Davis moved to approve the Notice of Intent to adopt Ordinance O-21-09; Bisbee Workforce Housing Initiative.

SECOND: Councilmember Hansen

Mayor Budge asked if there was a way to broaden the scope if none of the 4 targeted categories were approved for a purchase.

Mr. Estes responded that we would come back to Council to obtain approval to auction the property if no one qualified.

Councilmember Giacomino asked if she understood correctly that the property would be sold for no more than 80% and why were we not starting off at the lower end of the price range. Were we not trying to make this more affordable for the workforce people. We had started the property we currently have at \$120,000.

Mr. Estes said that this actually established how we would set a price. This was in effort to have a sustainable program.

Councilmember Davis explained that Step Up Bisbee/Naco was doing the rehab in conjunction with the City. We needed to have enough proffit to roll over to the next project.

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

13. 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 TO PROVIDE LEGAL ADVICE ON A NOTICE OF CLAIM FROM NOLAN GOUGUET.
2. AN EXECUTIVE SESSION PURSUANT TO A.R.S. § 38-431.03(A)(3) FOR DISCUSSION OR CONSULTATION WITH THE CITY ATTORNEY TO PROVIDE LEGAL ADVICE ON THE COUNTY COURT CO-LOCATED INTERGOVERNMENTAL AGREEMENT.
3. AN EXECUTIVE SESSION PURSUANT TO A.R.S. § 38-431.03(A)(3) FOR DISCUSSION OR CONSULTATION WITH THE CITY ATTORNEY ON A QUIT CLAIM DEED FROM PHELPS DODGE CORPORATION RECORDED IN 1994.
4. AN EXECUTIVE SESSION PURSUANT TO A.R.S. § 38-431.03(A)(7) DISCUSSIONS OR CONSULTATIONS WITH DESIGNATED REPRESENTATIVES OF THE PUBLIC BODY IN ORDER TO CONSIDER ITS POSITION AND INSTRUCT ITS REPRESENTATIVES REGARDING NEGOTIATIONS FOR THE PURCHASE, SALE OR LEASE OF REAL PROPERTY LOCATED AT 1 HILLCREST, BISBEE.

Per ARS § 38-431.03(A3)(A7), 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 Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property.

Joe Estes, City Attorney

MOTION: Councilmember Johns moved to enter into Executive Session.

SECOND: Councilmember Pawlik

MOTION PASSED: UNANIMOUSLY

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

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

14. Discussion and Possible Action regarding the property located at 1 Hillcrest as discussed in Executive Session.

Joe Estes, City Attorney

MOTION: Mayor Budge moved to instruct the City Attorney to continue the negotiations for Hillcrest and to try to acquire the Deed of Trust.

SECOND: Councilmember Pawlik

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

15. City Manager's Report:

- Other Current events (No Discussion) – Mr. Estes explained that the Governor's Order removed the capacity limits that were placed on businesses. It does not

change the requirements of gatherings of 50 people or more. He acknowledged that the City still currently had their mask mandate.

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 Johns

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 8:47 PM

Ken Budge, Mayor