

**This meeting was closed to the public due to Covid 19.**

## **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, MAY 5, 2020 AT 7:00 PM AT THE CITY HALL BUILDING, 915 S. TOVREAVILLE ROAD, BISBEE, ARIZONA.

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

### **ROLL CALL**

#### **COUNCIL**

Councilmember Louis Pawlik, Ward III, Mayor Pro Tempore  
Councilmember Joni Giacomino, Ward II  
Councilmember Bill Higgins, Ward I  
Mayor David M. Smith  
Councilmember Leslie Johns, Ward I  
Councilmember Joan Hansen, Ward II  
Councilmember Anna Cline, Ward III

#### **STAFF**

Theresa Coleman, City Manager  
Ashlee Coronado, City Clerk  
Keri Bagley, Finance Director  
Joelle Landers, Personnel Director  
Jesus Haro, Public Works Director

#### **CITY ATTORNEY**

James Ledbetter

INVOCATION: Mayor Smith asked for a moment of silence.

### **PLEDGE OF ALLEGIANCE**

### **MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:**

- Mayor Smith explained that the governor had required certain aspects of the state to be opened up. We were complying with that. What this meant was, effective today some retail establishments were open for retail pick up and take out of goods. He said that Friday they would be open if they followed social distancing. He went on to explain that on Monday restaurants would be allowed to open following social distancing and a reduced clientele. At this time, we did not know what that reduced number was. He went on to say that Saturday the Farmers Market would be open.

### **CALL TO THE PUBLIC**

- Fred Miller commented on the draft budget. He gave four recommendations. The first was regarding transferring \$16,000 to advertising budget of the transient room tax. He gave two separate sources for that increase. His second suggestion was that the revenue for the proposed 1% sales tax increase should be removed. He said that this was based on an assumption that this would pass by the voters. His third suggestion was regarding the ambulance revenue; the number was unknown because we do not know how giving up Tucson runs would affect the city. His fourth suggestion was that the Ambulance Subscription revenue seemed wildly optimistic.

- Claire Chafee, said that she noticed Councilmember Cline wished to address comments made at the last meeting. Ms. Chafee explained that this was regarding the comments she made on the Bisbee Senior Center and why we pay their bills. She encouraged Council to put their time and energy into figuring out how to fund the Senior Center.

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 \$327,888.77.

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

2. Approval of the Consent Agenda

- A. Approval of the Minutes of the Regular Session of Mayor and Council held on April 7, 2020 at 7:00 pm.

Ashlee Coronado, City Clerk

MOTION: Councilmember Cline moved to approve the consent agenda items 2A

SECOND: Mayor Smith

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Higgins, Johns, Hansen, Cline and Mayor Smith.

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

OLD BUSINESS

3. Discussion and Possible Approval of Ordinance O-20-06, Authorizing the Acquisition or Exercise of Interest in Real Property Located within the City of Bisbee.

Theresa Coleman, City Manager

Ms. Coleman said that this was in relation to liens that the City currently had on properties. Some of the liens end up being released through judgments, foreclosures or tax certificates. This would be a way for us to act before any of our liens were removed.

Councilmember Giacomino asked how people who have liens were notified.

Ms. Coleman responded that they receive a letter before the lien was filed with the County Recorder's Office.

MOTION: Councilmember Pawlik moved to approve Ordinance O-20-06, Authorizing the Acquisition or Exercise of Interest in Real Property Located within the City of Bisbee.

SECOND: Councilmember Higgins

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Higgins, Johns, Hansen, Cline and Mayor Smith.

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

- 4. Discussion and Possible Approval of Ordinance O-20-07, Authorizing the Acquisition of Real Property Located within the City of Bisbee.

Theresa Coleman, City Manager

Councilmember Giacomino asked if this was going to be used for affordable housing and how would that be determined. Would it be done on a sliding scale or an application?

Ms. Coleman responded that it would be somebody that could afford the payment. This was not the only housing initiative that was being currently considered. Also, they would have to qualify.

Mayor Smith said that the City would not be managing affordable housing. We were simply the conduit to get land and property to those that do. We would be using their sliding scales and their current criteria to make those decisions.

Councilmember Giacomino asked where those places were.

Ms. Coleman responded that we were currently working with Compass Affordable Housing out of Tucson.

MOTION: Councilmember Hansen moved to approve Ordinance O-20-07, Authorizing the Acquisition of Real Property Located within the City of Bisbee.

SECOND: Councilmember Higgins

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Higgins, Johns, Hansen, Cline and Mayor Smith.

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

- 5. Discussion and Possible Approval of a Notice of Intent to Adopt Ordinance O-20-08, Accepting the Transfer of Real Property from the Dycus Family Trust Located at 416 N. Street, Bisbee.

Theresa Coleman, City Manager

Ms. Coleman explained that this property had already come before Council and was approved. A Special Warranty Deed was sent to the Dycus Family Trust and they requested that they sign a quitclaim deed instead. So that was why this coming back to Council.

MOTION: Councilmember Hansen moved to approve the Notice of Intent to Adopt Ordinance O-20-08, Accepting the Transfer of Real Property from the Dycus Family Trust Located at 416 N. Street, Bisbee.

SECOND: Councilmember Cline

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Higgins, Johns, Hansen, Cline and Mayor Smith.

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

**NEW BUSINESS**

- 6. Discussion and Possible Approval to Award a Contract to Provide and Install an Aviation Fuel Management System.

Jesus Haro, Public Works Director

Mr. Haro said that a request for sealed proposals was published and we only received one response from Conklin Electric. This would be an upgrade to our existing system with the same manufacturer.

MOTION: Councilmember Higgins moved to award the contract to provide and install an Aviation Fuel Management System to Conklin Electric.

SECOND: Councilmember Pawlik

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Higgins, Johns, Hansen, Cline and Mayor Smith.

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

7. Update and Discussion of Arizona Department of Environmental Quality (ADEQ) Inspection of the City of Bisbee Wastewater Collection System.

Jesus Haro, Public Works Director

Mr. Haro gave an update on the inspection that happened on April 21, 2020. He explained that before the inspection ADEQ had reported to the City that there would be two potential deficiencies. Both deficiencies were adequately addressed in the final result of the inspection and that there were no deficiencies noted during the course of the inspection.

8. Update and Discussion of Submitted Sealed Proposals for the Demolition of Old City Hall.

Jesus Haro, Public Works Director

Mr. Haro explained that a request for sealed proposals to demolish, remove, and dispose of the remaining portions of the old City Hall was published back in March. He said that seven proposals were received and they ranged between \$48,000 and \$163,000. These were the base bids for demolition only. He explained that there were three separate alternates to this bid depending on how the material would be disposed of. He said at this point he just wanted to bring the information to Council.

9. Discussion and Possible Approval of the Updated Memorandum of Understanding (MOU) between the Bisbee Fire Fighters Association Local 2146, PFFA-IAFF and the City of Bisbee, effective July 2, 2020.

Theresa Coleman, City Manager

Joelle Landers, Personnel Director

Councilmember Cline said that since her son was the president of the Fire Union and negotiated this MOU she would be recusing herself from this discussion.

Ms. Coleman said that one of the very first items of interest that came to her attention was a desire to have a current MOU with the firefighters Association. It took a little time to get there but we did. She said that the union made significant concessions in their MOU. She also said that one significant change was how their overtime was calculated. Instead of it being calculated on 212 hours it would be calculated on 106 hours. That will allow the firefighters an opportunity to use their PTO in a week in which they would sacrifice the fewest overtime hours which was part of their structured pay. This was a way to acknowledge that they were actually losing PTO or having it fall off because they were not using it in order to preserve their structured overtime.

Councilmember Giacomino asked what the significant concessions were.

Ms. Coleman responded that one was in consideration of the five hours of on-call pay. They asked that we add a reference that if an employee was not able to fulfill their full 24-hour period then their on-call would be only two hours of pay. Ms. Coleman also pointed out additional changes that were made.

Councilmember Giacomino said when she thought of concessions it made her think of giving something up.

Ms. Coleman said that the union suggested that what was in the previous MOU was not appropriate given their current relationship with the City; rather than giving things up they cleaned up language that was necessary for their operation.

MOTION: Councilmember Higgins moved to approve the updated MOU between Bisbee Firefighters Local 2146 and the City of Bisbee effective July 1, 2020.

SECOND: Councilmember Hansen

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Higgins, Johns, Hansen and Mayor Smith.

NAYS: 0

MOTION PASSED: AYES -6; NAYS -0 1-Abstention by Councilmember Cline

10. Discussion and Possible Approval of Resolution R-20-13; Adopting the Tentative Budget for the City of Bisbee for FY20-21 as well as give notice of the time for Public Hearing to Taxpayers for the Adoption of the Budget.

Theresa Coleman, City Manager  
Keri Bagley, Finance Director

Ms. Coleman explained that this was the result of the hard work that had been done in the previous week. This was not the final budget, but if approved this would be the maximum budget.

Mayor Smith clarified that this was the bottom line but between now and the final adoption items within the budget could be changed between funds, but the bottom line would remain the same.

Ms. Coleman pointed out that the \$50,000 travel advertising was a combination of what was in the Visitor Center and what was in the Queen Mine Tour budget for advertising. This in no way cut the available advertising budget it just put part of it into an enterprise fund and part into the sales tax.

Mayor Smith wanted to discuss the Senior Center situation. He met with the Director of the Senior Center who brought all of their financials, with the \$7500 a year that he was being paid by the City they were still losing \$2000 a year. He requested that we fund the Senior Center as we had in the past. It was a very important part of the community.

Ms. Coleman said that the agreement with the Bisbee Senior Association was executed in 1991. It was quite an old document. There were some terms within the document that were no longer applicable. We would be bringing a new agreement memorandum of understanding with the Bisbee Senior Association.

Council discussed the terms of the old agreement.

Councilmember Cline said that just for clarification she did not see that they had lots of money. When it came up in the budget a member had contacted her and asked about the utilities and if they were being paid by the City. This member said that there was money in the account to pay utilities. Nothing else was said.

Mayor Smith asked Ms. Bagley what the best way to go about funding this was.

Ms. Bagley responded that we could increase the bottom line increasing the fund balance.

Mayor Smith asked that we go ahead and do that unless Council had any objections.

Councilmember Giacomino said that she still had concerns on the city sales tax. What happens if this was not passed. What happens to the numbers in the budget?

Ms. Coleman responded that there were services the City would have to stop providing.

Ms. Giacomino requested more information on revenue numbers. She was concerned that some numbers were a little high.

MOTION: Councilmember Higgins moved to approve Resolution R-20-13 adopting the tentative budget for Fiscal Year 2020-2021 and give notice of the public hearing on June 2, 2020.

SECOND: Councilmember Pawlik

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Higgins, Johns, Hansen, Cline and Mayor Smith.

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

11. Discussion and Possible Approval to waive late fees, suspend service disconnections and possible credits for decreased usage for accounts during the stay at home order.

Theresa Coleman, City Manager

Ms. Coleman said that what we were proposing that we suspend service disconnections for nonpayment for residential and business customers. This would last through at least May 31, 2020. This could be revisited after that date. She went on to say that we encourage customers who have questions or who may be facing potential hardships to contact our customer service departments by telephone or email. She said that we offer several payment options and can assist customers with payment arrangements if needed. Ms. Coleman said that this would include a credit of three dollars per 1000 gallons of water usage for commercial customers with proof that there has been a decrease of usage through at least May 31, 2020.

Councilmember Giacomino asked what sort of proof was needed.

Ms. Coleman responded that a bill from last year during this period would work.

Mayor Smith said that his only concern was that the suspension of disconnections that were already in the pipeline having nothing to do with the Covid 19 situation. These people had already been warned and failed to honor their agreements. He did not want to give them a get out of jail free card on this.

Ms. Coleman responded that the get out of jail free card was coming from Arizona Water Company because they would not be disconnecting anyone at this time. We were tied to their timeframe.

Councilmember Giacomino asked if we should be helping everyone.

Mr. Ledbetter said that it was a gubernatorial mandate that there would not be water shutoffs.

MOTION: Councilmember Johns moved to approve waived late fees, suspend service disconnections and possible credits for decreased usage for accounts during the stay at home order.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

12. Discussion and Possible Approval of Resolution R-20-15; Appointing Theresa Coleman, City Manager as the Designated Applicant Agent for the Arizona Division of Emergency Management.  
Theresa Coleman, City Manager

Ms. Coleman said that this updated the contact information with the State.

MOTION: Councilmember Pawlik moved to approve Resolution R-20-15; Appointing Theresa Coleman, City Manager as the Designated Applicant Agent for the Arizona Division of Emergency Management.

SECOND: Councilmember Hansen

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Higgins, Johns, Hansen, Cline and Mayor Smith.

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

13. Discussion and Possible Approval of Resolution R-20-11: Designating Keri Bagley as the Chief Fiscal Officer (CFO) for Fiscal Year 2020 for the purpose of submitting the City's Annual Expenditure Limitation Report to the Arizona Auditor General's Office.

Keri Bagley, Finance Director

Ms. Bagley explained that every year after the auditor completes their reports she has to submit the Annual Expenditure Limitation Reports to the Auditor General. They require someone to be the designated CFO to submit the report. They came out with a uniform resolution that they wanted all cities to use. This would designate her as the CFO for the current year and the next item would designate her for the next fiscal year.

MOTION: Councilmember Hansen moved to approve Resolution R-20-11: Designating Keri Bagley as the Chief Fiscal Officer (CFO) for Fiscal Year 2020 for the purpose of submitting the City's Annual Expenditure Limitation Report to the Arizona Auditor General's Office.

SECOND: Mayor Smith

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Higgins, Johns, Hansen, Cline and Mayor Smith.

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

14. Discussion and Possible Approval of Resolution R-20-12: Designating Keri Bagley as the Chief Fiscal Officer (CFO) for Fiscal Year 2021 for the purpose of submitting the City's Annual Expenditure Limitation Report to the Arizona Auditor General's Office.

Keri Bagley, Finance Director

MOTION: Councilmember Hansen moved to approve Resolution R-20-12: Designating Keri Bagley as the Chief Fiscal Officer (CFO) for Fiscal Year 2021 for the purpose of submitting the City's Annual Expenditure Limitation Report to the Arizona Auditor General's Office.

SECOND: Mayor Smith

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Higgins, Johns, Hansen, Cline and Mayor Smith.

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

- 15. Discussion and Possible Approval of Amendment #1 to the Professional Services Agreement between the City of Bisbee and Dog Cat Mouse Media, LLC for Marketing and Design Services.  
Theresa Coleman, City Manager

Ms. Coleman explained this would simply extend the terms and conditions in their current agreement for a year.

MOTION: Councilmember Higgins moved to approve Amendment #1 to the Professional Services Agreement between the City of Bisbee and Dog Cat Mouse Media, LLC for Marketing and Design Services.

SECOND: Mayor Smith

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Higgins, Johns, Hansen, Cline and Mayor Smith.

NAYS: 0

MOTION PASSED: AYES -7; NAYS -0

16. City Manager's Report:

- Other Current events (No Discussion) -Ms. Coleman said that we would be making an emergency purchase to provide air-conditioning for City Hall. The bids and recommendations would be brought to Council at the next meeting.

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 Cline said that at the last budget meeting Ms. Coronado was asked to read into the record comments from Claire Chaffee regarding erroneous information. Councilmember Cline said that she had asked about the education line in the fire department budget. She said that Chief Castillo indicated that they needed a couple more thousand dollars to send firefighters to school. She thought that was the end of it. She didn't know where the erroneous information may have come from so she was unsure what Ms. Chaffee was talking about.

ADJOURNMENT:

MOTION: Councilmember Higgins moved to adjourn the meeting.

SECOND: Councilmember Pawlik

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 8:08 PM

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David M. Smith, Mayor