

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 16, 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
Nina Williams, Deputy City Clerk
Keri Bagley, Finance Director
Andy Haratyk, Public Works Director

CITY ATTORNEY

Britt Hanson

INVOCATION: Mayor Smith asked for a moment of silence in thanking our first responders both fire and police as well as the BLM, Arizona Land, Palominas, Naco Fire, San Jose Fire, Sherrif and Border Patrol this was a huge effort that resulted in basically saving our little town. He would like to reflect on how lucky we are.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Smith announced Yvonne Ward as the May employee of the month.

CALL TO THE PUBLIC

- "Luche" Giacomino, Bisbee resident thanked the Bisbee Fire Department and all the firemen that helped us with the fire in Bisbee and she believed that we have the best Fire Department in the state of Arizona. She thanked everybody for controlling the fire.
- Shirley Doughty, Bisbee resident thanked "Luche" Giacomino, Youth Council and the Boy Scouts for the wonderful job they did at the Mother's Day pancake breakfast and wanted to echo what Luche had said about our wonderful firefighter.
- Marie Minor, Bisbee resident shared in the grief with all those that lost their homes and possessions in the fire. She thanked all the firefighters that assisted and Anna Cline. She spoke regarding an illness she had. She stated she was dressed locally promoting local stores.
- Laura Swan, Bisbee resident read a statement regarding the Sonorfest and the claim by Mr. Marsh that she misinterpreted information in an article regarding the City Charter and Code violations. She stated that Mr. Marsh had violated both. She stood by what was printed in the article based

on the information provided by public record request and confirmed by Bisbee Finance Director Keri Bagley.

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 \$245,313.54
SECOND: Councilmember Dunn MOTION PASSED: UNANIMOUSLY

2. Approval of the Consent Agenda

- A. Approval of the Resignation of Lawrence Cummins from the Parks and Recreation Committee.

Ashlee Coronado, City Clerk

- B. Approval of the Resignation of Kenan Walsh from the Evergreen Cemetery Committee and the Parks and Recreation Committee.

Ashlee Coronado, City Clerk

- C. Approval of the Appointment of Richard Jorgenson to the Parks and Recreation Committee.

Ashlee Coronado, City Clerk

- D. Approval of the Appointment of Peyton Deane to the Parks and Recreation Committee.

Ashlee Coronado, City Clerk

- E. Approval of the Appointment of Phillip Martinez to the Police and Fire Advisory Committee.

Ashlee Coronado, City Clerk

- F. Approval of the Appointment of Elsa DeWitt to the Police and Fire Advisory Committee.

Ashlee Coronado, City Clerk

- G. Approval of the Appointment of Robert Cohn to the Police and Fire Advisory Committee.

Ashlee Coronado, City Clerk

- H. Approval of the Appointment of Frank Cabello to the Streets and Infrastructure Committee.

Ashlee Coronado, City Clerk

- I. Approval of the Appointment of Jonah D. Hetro to the Youth Council.

Ashlee Coronado, City Clerk

- J. Approval of the Park, Facility, and Right-of-Way Use Permit for the Use of Vista Park for Movies in the Park on Saturday, May 20, 2017 from 5:00PM to 11:00PM.

Ashlee Coronado, City Clerk

- K. Approval of a Liquor License Application for Croaking Toad Entertainment LLC Located at 18 Brewery Gulch, Bisbee, Arizona; Daniel Simonis, Applicant.

Ashlee Coronado, City Clerk

Mayor Smith asked if any member from Council wished for any of these items to be pulled for discussion. There were no items pulled for discussion.

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

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

OLD BUSINESS

NEW BUSINESS

3. Presentation by the Bisbee Foundation Evergreen Cemetery Endowment to the City of Bisbee for \$7,000.00 to Purchase an Information Kiosk to be placed in the Evergreen Cemetery.
Douglas Dunn, Councilmember WARD II

Councilmember Dunn said that it was his pleasure to share with Council the project developed by the Evergreen Cemetery Committee with the designed kiosk which has been funded.

Mr. Michael Page said that the kiosk was quiet low in price he had forgone some of the design cost to see this happen and to push it through. Hopefully we will have a great kiosk.

Mr. Todd Conklin, member of the Evergreen Cemetery Committee wanted to thank the Bisbee Foundation for giving them the money for this wonderful kiosk. He said that it was time to get a new kiosk.

Councilmember Dunn asked for them to talk about the platform and how we are going to generate some funds from that.

Mr. Michael Page said that Andy Haratyk was a big part of that. They would be working together with him they would be selling dedication bricks to those members of family that have passed away and their goal was to actually pay for the kiosk with those dedication bricks.

Councilmember Dunn wanted to thank them for their initiative on this along with Andy, "Snooky" was a past member and "Luche" who was the chair of the Evergreen Cemetery Committee.

4. Discussion and Possible Approval Authorizing the Sale of Surplus Vehicles and Surplus Miscellaneous items at Public Auction on June 17, 2017 at 9:00AM.
Albert Echave, Chief of Police

Deputy Chief Long stated that they were requesting approval for the sale of surplus vehicles and surplus miscellaneous items to be held on June 17, 2017.

Councilmember Cline asked if that was the entire inventory we had, because generally when we do the auction we wait until we have a much larger inventory. She was wondering why we were going with such a small inventory. Deputy Chief Long stated that was what they had right now available to sell.

Councilmember Cline asked if we couldn't wait to a later date till we had more. Mayor Smith said we could wait, but what would be the advantage over cashing out on what we have.

Councilmember Cline said it was just when you have a bigger inventory you get a bigger crowd and you have the same amount of personnel running the auction whether you have 2 items or you have 200 items.

MOTION: Councilmember Hansen moved to authorize the Sale of Surplus Vehicles and Surplus Miscellaneous items at Public Auction on June 17, 2017 at 9:00am.

SECOND: Councilmember Davis

MOTION PASSED: UNANIMOUSLY

5. Discussion and Possible Approval of the Request from the Youth Council for a spending budget in the amount not to exceed \$500.00 from the Youth Council Fund for the purchase of Upgraded Swimming Equipment for the City of Bisbee Pool.

Joan Hansen, Councilmember Ward II/ Youth Council Liaison

Councilmember Hansen said she wanted to congratulate Jonah for being selected for the Youth Council. She introduced Mr. Flores who was the current chairman of the Youth Council who would be graduating. She also said that it was exciting to see a Youth Council that was engaged.

Mr. Marco Flores said that some of the new items that they had proposed were diving stick, floaties, Sunscreen in bulk, swimmers diapers, snacks and water.

Mayor Smith said that at the meeting he attended that it would also include pool noodles and that it would be swimming equipment purchased not just water and snacks.

Councilmember Cline wanted to congratulate these kids for doing this.

MOTION: Councilmember Hansen moved to approve the request from the Youth Council for a spending budget not to exceed \$500.00 from the Youth Council Fund for the Purchase of Upgraded Swimming Equipment for the City of Bisbee Pool.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

6. Discussion and Possible Approval of a Donation in the Amount of \$500.00 from the Youth Council Fund to the City of Bisbee Summer Reading Program.

Joan Hansen, Councilmember Ward II/ Youth Council Liaison

Councilmember Hansen said that as you can see our Youth Council has been busy and they have other projects that they are looking at. She said that they wanted to donate \$500.00 to the Library for their Summer Reading Program which goes directly back to the children of Bisbee.

MOTION: Councilmember Hansen moved to approve the donation of \$500.00 from the Youth Council fund to the City of Bisbee Summer Reading Program, approved by the Youth Council on May 1, 2017.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

Councilmember Hansen wanted to thank Mr. Flores for all his work.

Mayor Smith also wanted to thank Mr. Flores and the rest of the Youth Council.

7. Discussion and Possible Approval of a Payment Agreement with the Tucson Hispanic Chamber of Commerce Regarding Sonoran Festival Coordination.

David M. Smith, Mayor

- Marie Minor, Bisbee resident said we have to spend money to make money, but spoke regarding some cost cutting that could have been done.

Mayor Smith said that through a number of record request questions had come up in regard to many subjects, specifically there are two (2) came up that he placed on the agenda. In the attempt for total transparency, he wanted it discussed in public so that the public understood and we could move on from there. He stated that he requested a full accounting on Sonorafest and the expenditures specifically for Sonorafest to date as well as those specifically paid for the services from the Hispanic Chamber of Commerce. It appeared to Mayor Smith that we entered into an agreement with Hispanic Chamber of Commerce to spend \$5,000 for their services to assist us with Sonorafest plus other items.

It was Mayor Smith's interpretation because of the way that it was laid out. Mr. Marsh vehemently disagreed with him and others. He had requested that the Hispanic Chamber to provide all documentation indicating that the "deal" would be up to \$5,000 inclusive of all charges for Mr. Morales. The meals that we paid for, the hotels, and the business cards that we are paying for him were being deducted from that \$5,000 figure. The \$500 advance payment and that the remaining amount to be paid would be deducted from the remaining up to \$4,500.

Mr. Marsh said he received a letter from Mr. Morales on Friday, May 12th which indicated that the purpose of the letter was to dispel all rumors regarding the Sonorafest 2017 expenses as was agreed the expenses will not exceed \$5,000 for the Sonorafest 2017 all the expenses related to business cards, meals, lodging and travel would be deducted from the remaining amount. The \$5,000 would cover all the services provided by the Tucson Hispanic Chamber of Commerce to organize, coordinate activities and meetings between Sonora and Arizona counterparts.

Mr. Marsh stated that he has an itemized list of charges that he requested for both the City of Bisbee and the Tucson Hispanic Chamber of Commerce. Mr. Morales's charges so far add up to \$917.55 that we have paid towards the \$5,000 mark with the understanding that Mr. Marsh and others would have to come to the Council for anything exceeding \$5,000 which technically this does not have to go before Council.

Councilmember Cline said that even if it goes up to \$5,000 she thought with something like this they should have had the information prior to just so they would know.

Mayor Smith said that he and Mr. Marsh had a discussion regarding this and perception of it.

Councilmember Davis said that some lessons had been learned through this whole process and thought we were all excited about enhancing our connections with Sonora. The methods needed to be improved.

Councilmember Dunn said that he didn't want this to cloud the initiative that was taken by the City Manager and the Public Works Director. It was unfortunate in terms of the negative discussion that had occurred around the details of this major event. He urged citizens to give a Bisbee welcome to the Sonoran visitors. He hoped that we move forward on this and not shoot ourselves in the foot, enjoy ourselves and see how things turn out. He said that we should evaluate this once it was over.

Councilmember Lindstrom said that his only concern with Sonorafest was that everything we were doing was after the fact. He didn't feel that we had much planning at all as far as the Council. He felt like Council didn't have a lot of input on this.

Mayor Smith said that as Councilmember Davis said there may be some lessons learned here. As Mayor he made certain assumptions that were incorrect and perhaps some of the people on Council also, so we will move on from there.

Councilmember Cline said that she thought Councilmember Lindstrom brought up some good points we are all feeling that way. She felt like they were being forced to go ahead and approve this because it was already done. She wasn't aware that Main Street was going to be shut down for three (3) days. She asked if this event would be reciprocated, would we be able to go down there so some of our local artists, and crafts people can show our wears and what we offer.

Mayor Smith said that it would certainly be discussed but it was a possibility.

Mr. Marsh apologized for any misunderstandings that may have been conveyed regarding Mr. Morales and the Hispanic Chamber of Commerce. He thought he had made it clear what the intent of the agreement was. He apologized to Laura Swan if he appeared to put her in the light of misinterpreting or being not honorable he respects her a great deal and it wasn't his intent.

Mr. Hanson, City Attorney had one questions to button this up he saw the email from Mr. Morales regarding the expenses not to exceed \$5,000, but it wasn't entirely clear to him that includes the expenses that City paid for Mr. Morales before the agreement.

Mr. Marsh said that Mr. Morales understood that it included all of those expenses.

MOTION: Councilmember Dunn moved to approve the payment agreement with the Tucson Hispanic Chamber of Commerce Regarding Sonoran Festival Coordination up to \$5,000 inclusive to all expenses travel, meals, lodging and ancillary expenses.

SECOND: Councilmember Davis

ROLL CALL VOTE:

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

NAYS: Councilmember Cline

MOTION PASSED: AYES -6; NAYS -1

8. Discussion and Possible Approval of a Payment Agreement with Bringing Home the Wall regarding the Vietnam Memorial Wall.

David M. Smith, Mayor

Mayor Smith stated that this had also come to his attention. He was under the impression that the cost of this was \$4,446 and that he didn't realize that there were two (2) invoices the second one was for \$1,482 which makes the total \$5,928. The City of Bisbee had already paid the invoices. This was over the limit and it did have to go to Council.

Councilmember Cline said that honoring our veterans was wonderful, but we were told that this was "The Traveling Vietnam Wall".

Mayor Smith said that we were told it was "A Traveling Wall"

Councilmember Cline said "No", it was told that it was "The Traveling Vietnam Memorial Wall". She said that for future events like this she wished it to be more accurate.

Councilmember Hansen had a question for Mr. Haratyk, wasn't there talk about getting other people or donations for the wall.

Mr. Haratyk said that there was about \$6,000 in donation forms yet to be returned they have gotten a little over \$2,000 so far.

Councilmember Hansen said that she had heard that it was going to be paid with donations from various companies. She was under the impression that the money would be there before we paid.

Councilmember Higgins said that he had not realized there were so many traveling walls. He asked who exactly the people we were dealing with were and what assurances do we actually have that they would show up here with a wall and does this particular wall have a following of people that we are assured of this.

Mayor Smith said “Yes” if you look on that correct website you will see Bisbee.

Councilmember Lindstrom said that it was a big event, but felt that Council should have been more involved with the planning.

MOTION: Councilmember Davis moved to approve the payment agreement with Bringing Home the Wall regarding the Vietnam Memorial Wall.

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 Ordinance O-17-05, Authorizing the Sale and Transfer of City Property Located Adjacent to 27 Wood Canyon.

Joe Ward, Building Inspector/Code Enforcer

Mr. Ward said that this portion of land had been associated with 27 Wood Canyon for a long time. They found out that it wasn't there's and they wanted to purchase it from the City. The figure for the property was \$3.50 a square foot there was 878 square feet of land there making the total \$2,634.00 and he recommended that Mayor and Council approve the sale of this property.

MOTION: Councilmember Higgins moved to approve the Ordinance O-17-05, authorizing the sale and transfer of City Property located adjacent to 27 Wood Canyon.

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

10. Discussion and Possible Approval of the Intergovernmental Agreement with Cochise County for Procurement Services.

Britt Hanson, City Attorney

Mr. Hanson said that a couple of weeks ago the Council approved the procurement agreement. When he was putting it into the county's system so the county could approve it he noticed a discrepancy in the amount to be paid by the City to the County Procurement Services. It was supposed to be \$40.00 per hour and for whatever reason the drafted that got to the City was at a different rate. This basically was a correction reflecting the appropriate \$40.00 per hour.

MOTION: Councilmember Higgins moved to approve the Intergovernmental Agreement with Cochise County for Provision of Procurement Services.

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

11. City Manager's Report:

- Other current events (No Discussion)

Mayor Smith stated that Mr. Marsh's weekly report to the Council as well as the action sheets that he and Mr. Marsh go through was posted on the City website for the public viewing.

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 spoke regarding the first responders to the Star Fire and thanked the Fire Department, the Police Department and all the people that volunteered behind the scenes.

MOTION: Councilmember Lindstrom moved to adjourn the meeting.

SECOND: Councilmember Higgins

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 8:20PM

David M. Smith, Mayor