

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, JUNE 20, 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	7:03pm
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	Excused

STAFF

Ashlee Coronado, City Clerk
Keri Bagley, Finance Director
Andy Haratyk, Public Works Director
Albert Echave, Police Chief
Marc Burneleit, Fire Chief

CITY ATTORNEY

Elda Orduno

INVOCATION: Mayor Smith asked for a moment of silence to think about ongoing issues in the world problems in Brussels and the accident on I-10 this morning that involved 25 vehicles.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Smith spoke about the Grand Opening of the Naco Wellness Clinic June 22, 2017 at 5:00PM and it being the 80th Anniversary of the incorporation of Naco, Sonora.
- Mayor Smith announced Clarence Hickman as the July employee of month.

CALL TO THE PUBLIC:

- Carol Taylor, Bisbee resident spoke on the use of herbicides. She was concerned about what was used and if the road was prepared correctly before it was paved. She also was concerned about the pre and post application methods. She wanted to know why the supporting documents that were related to the Streets and Infrastructure Committee or other committees not on the website concerning these issues.
- Judy Hamilton, Bisbee resident spoke on the use of extreme poisons or herbicides and how harmful they are. She said that we needed to consider everyone.
- Roy Goodman, Bisbee resident spoke on the Paris Agreement and the need to address climate change. He proposed a community gathering to discuss.
- Sunny Yow, Bisbee resident congratulated the City for a great Pride weekend and Sonorafest. She spoke about being a fire refugee and that her home burned down in 2006. She stated that she felt very comfortable in Bisbee. She spoke about doing a roller-thon a 1960's tie-dye up at City Park the last week of July. She wondered if anyone besides her was concerned about a better recycling

program. She asked if up in the Gulch it could be power washed it was grimy. She talked about having an open-air market not just on Saturdays.

- Sean Hicks, Bisbee resident said that there could be a structural change to the charter. He wanted to change the balance of power between the City Council and the City Manager. He spoke regarding how this could be done.
- Sharon Rock, Bisbee resident spoke on the use of synthetic herbicides on our streets there have been many things thought to be safe and turned out not to be. She commented that she felt the 3 minutes rule was difficult to communicate anything.
- Charlotte Lepard, Bisbee resident spoke regarding alternatives to herbicides. She complimented Andy Haratyk on the streets. She listed another type of weed abatement “Burn Out” which was a natural alternative to synthetic chemicals it may be safer for people and pets. We should try to seek natural ways that don’t impact our environment.
- Tom Patterson, Bisbee resident said we needed more money and what was holding back small businesses was lack of parking. He spoke regarding his plan for parking to help maximize parking to help with the economy.

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 \$204,910.84.

SECOND: Councilmember Higgins

Councilmember Higgins asked about the refund to Emily Fisher (Contingency 10-99-99100 Unassigned Expenses) \$3,700.00. Ms. Bagley said that Ms. Fisher had bid on some property back in 2005, she had paid the deposit but not the rest of the payment and the land had never transferred it was still in the cities name.

MOTION PASSED: UNANIMOUSLY

2. Approval of the Consent Agenda
 - A. Approval of the Minutes of the Regular Session of Mayor and Council held on May 2, 2017 at 7:00PM
Ashlee Coronado, City Clerk
 - B. Approval of the Minutes of the Work Session of the Mayor and Council held on April 26, 2017 at 5:30PM.
Ashlee Coronado, City Clerk
 - C. Approval of the Resignation of Sam Woolcott from the Design Review Board.
Ashlee Coronado, City Clerk
 - D. Approval of the Resignation of Sara Rose from the Evergreen Cemetery Committee.
Ashlee Coronado, City Clerk
 - E. Approval of the Appointment of Todd Conklin to the Design Review Board with a Waiver on Number of Commissions Served.
Ashlee Coronado, City Clerk

- F. Approval of the Appointment of Joni Giacomino to the Civil Service Commission.
Ashlee Coronado, City Clerk
- G. Approval of the Appointment Evie Wood to the Community Sustainability Commission.
Ashlee Coronado, City Clerk
- H. Approval of the Park, Facility, and Right-of-Way Use Permit for the Use of Several Streets for the Coaster Race Trial Run on July 1st Pre-sets July 3rd and for the Race on July 4, 2017.
Ashlee Coronado, City Clerk
- I. Approval of the Park, Facility, and Right-of-Way Use Permit for the Use of Brewery Gulch for the 4th of July Mucking and Drilling Contests on Tuesday, July 4, 2017 from 7:00AM to 7:00PM
Ashlee Coronado, City Clerk
- J. Approval of the Park, Facility, and Right-of-Way Use Permit for the Bisbee Rotary Club for the Use of Cole Avenue, Bisbee Road, Arizona Street for the 4th of July Parade on Tuesday, July 4, 2017 from 8:00AM to 1:00PM
Ashlee Coronado, City Clerk
- K. Approval of the Park, Facility, and Right-of-Way Use Permit for the Use of Vista Park for Movies in the Park on Saturday, June 24, 2017 from 5:00PM to 11:00PM.
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 Hansen MOTION PASSED: UNANIMOUSLY

OLD BUSINESS

3. Discussion and Possible Approval of Ordinance O-17-04 Amending Articles 9.1.4 and 9.1.5 of the City Code regarding Sanitation Service Rates and Fees and Providing for Repeal and Severability.
Andy Haratyk, Public Works Director

Mr. Haratyk said that this was discussed at the budget session this was the second reading of the request to increase the sanitation rate

MOTION: Councilmember Dunn moved to approve Ordinance O-17-04 Amending Articles 9.1.4 and 9.1.5 of the City Code regarding Sanitation Service Rates and Fees and Providing for Repeal and Severability.

SECOND: Councilmember Davis

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6; NAYS -0

NEW BUSINESS

4. Presentation of the Bisbee Arts Commission Art Auction that was held on Saturday, May 6, 2017
Karen Schumacher, Chair of the Bisbee Arts Commission

Ms. Schumacher, Chair of the Bisbee Arts Commission said that on May 6, 2017 at Central School Project the Bisbee Arts Commission held an art auction after a break for several years. The Bisbee Arts Commission promotes local art and artists every year the BAC gives out about \$5,000 in grant monies and their responsibility was to raise this money themselves so that they could continue to give it out. She gave a basic overview of the Art Auction. She thanked all the volunteers and commission members who participated. She stated that they made \$10,800 this means that the Art Commission should have about \$28,000 which will put us in a more comfortable area. They look forward to expanding our outreach and continuing our grants. She stated that the commissioners would love to have more responsibility when it comes to making aesthetic decisions in the community. She said that without the support of the citizens this event would not have been possible.

Mayor Smith wanted to congratulate Ms. Schumacher and the commission they are way on the road to renewed success.

5. Discussion and Possible Direction to Staff on a Petition received from Richard Green regarding the Paris Climate Agreement.

David M. Smith, Mayor

This Item was pulled from the Agenda.

6. Discussion and Possible Approval of a Contract with Certified Folder Display Service for Rack Card Distribution.

Jennifer Luria, Tourism Manager

Ms. Luria said that before Council was the distribution service agreement with Certified Folder Display we have used this company before they distribute our rack cards throughout the Phoenix area including Picacho and Casa Grande. They distribute about 50,000 rack cards per year through this company. It was a yearlong contract they restock these brochure display units every two weeks.

Mayor Smith asked if this was a contract renewal. Ms. Luria stated "Yes".

Councilmember Hansen asked if Ms. Luria knew what the impact of that distribution was are we seeing any increase. Ms. Luria stated that it was a little difficult it was an actual printed piece of material and not necessarily a web follow-up with tracking to our website. The fact that we replenish 50,000 each was a good indicator that people were taking them.

MOTION: Councilmember Dunn moved to approve the Contract with Certified Folder Display Service for rack card distribution.

SECOND: Councilmember Hansen

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6; NAYS -0

7. Discussion and Possible Approval of the 4th of July Vendor Application.
Andy Haratyk, Public Works Director

Mr. Haratyk said that this would be the 5th year that they have handed in this identical application to increase the price for vendors on the 4th of July. All the money goes back into the parks. He stated that we didn't get many vendors for the 4th of July. This was just a request to raise the fees if Council permits.

Councilmember Hansen said that since the amount for vendors are set by the code can we bypass the code. Mr. Haratyk said that if we can't, then we can't. We had been doing but that it didn't mean that we should have.

Ms. Orduno, City Attorney said that she thought we needed to follow the code as far as what that requires for increasing fees and she wasn't sure what statute says on that.

Mayor Smith said the choices here were to reject it or approve it with an amendment to take the fees to \$4.00 was that what he understood. Mr. Haratyk stated that the fee was normally \$4.00.

Councilmember Hansen asked if we could approve as long as the statutes indicates changed in accordance with the statute. Mr. Haratyk said that he didn't know what that was. They were out of time there wasn't another meeting before the 4th of July. He thought the best thing to do was not take action.

Mayor Smith stated that Councilmember Hansen's was asking if this could be approved contingent on legal.

Ms. Orduno said that she thought that they could do that and the language for the motion if it wasn't allowed by statute then you would revert back to the standard rate.

MOTION: Councilmember Hansen move to approve the 4th of July vendor application for a higher rate if it is in compliance with the statute for raising the rate and if it is not that it would revert back to \$4.00.

SECOND: Councilmember Davis

MOTION PASSED: 5/1

8. Discussion and Possible Approval to Enter into a Contract with Souder, Miller and Associates to provide Engineering Services for the Tintown Street and Drainage Improvements Project.
Andy Haratyk, Public Works Director

This item went before item number seven (7).

Mr. Haratyk said that this was through CDBG to begin construction for the flood control in the street paving in Tintown. We went to bid through SEAGO and this was the company that we selected

MOTION: Councilmember Hansen moved to approve entering into contract with Souder, Miller & Associates (SMA) to provide Engineering Services for the Tintown Street Drainage Improvements Project.

SECOND: Councilmember Cline

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6; NAYS -0

9. Discussion and Possible Approval of the Agreement with the Friends of the Bisbee Animal Shelter for Operation of the Animal Shelter in Bisbee.

Britt Hanson, City Attorney

- Ron Staley, Bisbee resident expressed his views to the council regarding the Animal Shelter. He felt that the “Friends” organization had been in the shelter since January 1st and had not made an effort to meet the obligations described in the agreement. The inexplicable lack of professionalism by the “Friends” organization leaves the impression that there may be serious violations at the shelter that had not yet been exposed. He felt that the agreement should be voided. The question he wanted to ask to Council tonight was why would you vote to continue this relationship with “Friends” knowing that the provisions of this agreement as well as the previous agreement are not being followed. What are the legalities of continuing the agreement when state law A.R.S.39-121 was being violated?

Mayor Smith asked Mr. Staley if he was currently involved in any litigation with “Friends”. Mr. Staley stated that he had been and it had been completed.

Councilmember Higgins said that there had been some accusations made he had no idea what this was about. He didn’t quite understand what Mr. Staley was talking about.

MOTION: Councilmember Higgins moved to approve the Agreement with the Friends of the Bisbee Animal Shelter for Operation of the Bisbee Animal Shelter.

SECOND: Councilmember Davis

ROLL CALL VOTE:

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

NAYS: Councilmember Cline

MOTION PASSED: AYES -5; NAYS -1

Councilmember Hansen said that it sounded like we needed to do more monitoring on the city’s part if these allegations are true and if they are not then fine.

10. Discussion and Possible Approval of a Contract for Services with Hinton Burdick, PLLC for Audit Services for Fiscal Years 2017-2021.

Keri Bagley, Finance Director

Ms. Bagley said that before Council was a contract for services for audit services for the next five (5) fiscal years with Hinton Burdick. She stated that we had received six (6) bids from audit firms and Hinton Burdick came back with a reasonable price and they have a lot of experience with cities around Arizona many cities of similar size. They had very good letters of recommendations from those cities. The bids are available in the Clerk’s office for anybody that would like to see them.

Mayor Smith indicated that he sat in on the meeting going through those bids. This bid was lower than the auditors that we previously had been using and this would satisfy a number of concerns of the public in wanting us to change auditors to get fresh eyes on it. This will accomplish saving us money with a professional firm that’s going to do everything the last one did.

MOTION: Mayor Smith moved to approve a contract with Hinton Burdick, PLLC for audit services for fiscal years 2017-2021.

SECOND: Councilmember Hansen

Councilmember Higgins clarified that it was a five (5) year contract. Ms. Bagley said that it was a five (5) year contract it wasn’t set in stone if they audit the first year and we don’t like them it’s not like have to use them for the following years four (4) years, but they did give us pricing for the next five (5) years.

Councilmember Hansen asked what CAFR stood for. Ms. Bagley said that it was comprehensive annual financial reports they are more detailed and normally we just get the basic financial records it was extra for those because they add statistics and things like that.

Ms. Orduno, City Attorney went back to Councilmember Higgins question and the contract was for five (5) years it was binding and there was no termination clause in this agreement.

Councilmember Higgins asked if this was standard. Ms. Bagley stated that this was a standard contract and it was reviewed by City Attorney Britt Hanson. Councilmember Higgins asked how long with the accounting firm we had. Ms. Bagley stated that it was also a five (5) year.

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6; NAYS -0

11. Discussion and Possible Approval of a Service Agreement for Receivable Patient Accounting with VORNE, d.b.a. AmBiServe, an Arizona Corporation.

David M. Smith, Mayor

Mayor Smith said that this contract was for 911 service only. Presently our contract was with Fry, Fry had come forward with a new contract the terms of that contract was that they basically raised the rates, within the first month period the first 20 billings that they do are at \$150.00 apiece and after that they are \$20.00 apiece. The collection rate for Fry was historically about 40% and AmBiServ was another private company that does ambulance billing they do billings for Douglas, several Tucson area and Arizona Ambulance.

Mayor Smith also said that there was a onetime set fee of \$1,500.00 to come online with how we do things. They are a straight 3.5% collection however their collection rate was 60%.

Chief Burnleit said that we are leaving a lot of money on the table in regarding to billing and any change that would increase that return would be great. The record system that they will be going to would not be compatible with Fry the new company would be able to step in and not miss a beat.

Councilmember Cline asked why they didn't receive a copy of the contract with Fry in their packet so they could do a good comparison and asked why we didn't go out to bid on this.

Mayor Smith said we did go out to bid Fry provided one and AmBiServ did also and to his knowledge these are the only two (2) companies in the area.

Councilmember Cline said that of the ones the Mayor listed that use AmBiServ the only one that actually uses them was Arizona Ambulance which was their company. She said that she had issue with the fact that they just sued us over our CON and now we want to give them a contract.

Mayor Smith said to get the record straight it was Arizona Ambulance that sued.

Councilmember Cline said that Arizona Ambulance was Edward Van Horne and Paul Pederson this company was owed by Edward Van Horne. It was the same association that was her concern. She didn't feel that they had enough information here.

Councilmember Cline asked regarding the payments it stated that patient and insurance payments will be made directly to provider by PO Box or Lock Box jointly accessed by Billing Center. Do we have a lock

box anywhere where would the money go if we don't have that and it was in the contract. Mayor Smith said that we would provide a lock box and lock boxes are usually dual entry.

Councilmember Hansen said that on the service contract itself she couldn't find where it was for 911 and does that need to be added. Mayor Smith stated it was his understanding it was for 911. Chief Burneleit stated that was his understanding too.

Councilmember Cline asked if someone could explain the term "Net Cash" it usually wasn't a term included with contracts like this. Mayor Smith said that "Net Cash" simply means that it was the Net after all expenses.

MOTION: Mayor Smith moved to approve the Service Agreement for Receivable Patient Accounting with Vorne, D.B.A. AmBiServ an Arizona Corporation amended to include 911 calls.

SECOND: Councilmember Dunn

ROLL CALL VOTE:

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

NAYS: Councilmember Cline

MOTION PASSED: AYES -5; NAYS -1

12. City Manager's Report: **None**

- 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.): **None**

MOTION: Councilmember Higgins moved to adjourn the meeting.

SECOND: Councilmember Davis

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 8:25PM

David M. Smith, Mayor