

## 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 WEDNESDAY, JULY 5, 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      Excused

Councilmember Gabe Lindstrom, Ward III

#### **STAFF**

Vacant, City Manager

Ashlee Coronado, City Clerk

Keri Bagley, Finance Director

Albert Echave, Police Chief

#### **CITY ATTORNEY**

Elda Orduno

INVOCATION: Mayor Smith asked for a moment of silence to reflect on the disruptions and problems associated with wild fires going on throughout the nation particularly in Arizona.

### PLEDGE OF ALLEGIANCE

#### MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Smith stated that he was pulling item number nine (9) that had to do with a purchase of a camera for Public Works. It was pulled due to improper notice and we want to make sure that these items are noticed correctly.

#### CALL TO THE PUBLIC

- Susan Blackford, Bisbee resident responded to the response from the Mayor on her June 16<sup>th</sup> petition which was in an article in the Observer. She clarified the remarks that were made regarding her. She spoke regarding the road issues.

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 \$612,949.09.

SECOND: Councilmember Hansen

Councilmember Lindstrom asked about the charge for Cochise College on the bottom of page six (6) (10-64-13400 Education & Training \$2,866.00). He wanted to know what it was for. Ms. Bagley said that it for tuition and books for the Fire Department employees that are working on their paramedic classes.

MOTION PASSED: UNANIMOUSLY

2. Approval of the Consent Agenda

- A. Approval of the Minutes of the Special Session of Mayor and Council held on June 21, 2017 at 6:00PM  
Ashlee Coronado, City Clerk
- B. Approval to Extend a Public Right of Way Use Permit for Lunches at Goar Park for Dan Maldonado for one year effective July 5, 2017 to July 5, 2018.  
Andy Haratyk, Public Work Director
- C. Approval of a Park, Facility, and Right-of-Way Use Permit for the Bisbee Vogue, Inc. for the Use of Various City Streets, Parking Spaces and Staircases for the Bisbee 1000 Stair Climb on Saturday, October 21, 2017 from 5:00AM to 8:00PM, this includes set up and breakdown.  
Ashlee Coronado, City Clerk
- D. Approval of a Park, Facility, and Right-of-Way Use Permit for the Bisbee Vogue, Inc. for the Use of City Park for the Bisbee 1000 Stair Climb on Saturday, October 21, 2017 from 5:00AM to 8:00PM.  
Ashlee Coronado, City Clerk
- E. Approval of a Park, Facility, and Right-of-Way Use Permit for the Bisbee Vogue, Inc. for the Use of Goar Park for the Bisbee 1000 Stair Climb on Saturday, October 21, 2017 from 5:00AM to 8:00PM.  
Ashlee Coronado, City Clerk
- F. Approval of a Park, Facility, and Right-of-Way Use Permit for the Bisbee Vogue, Inc. for the Use of Grassy Park for the Bisbee 1000 Stair Climb on Friday, October 20, 2017 and Saturday, October 21, 2017 from 5:00AM to 8:00PM both days.  
Ashlee Coronado, City Clerk
- G. Approval of a Special Event Liquor License Application Submitted by the Bisbee Vogue, Inc. for an Event to be held at Copper Queen Plaza Convention Center (Parking Lot) Saturday, October 21, 2017 from 1:00PM to 6:00PM; Cynthia Conroy, Applicant.  
Ashlee Coronado, City Clerk

Mayor Smith asked if any member from Council wished for any of these items to be pulled for discussion. Councilmember Higgins asked to pull items C, D, E, F & G.

MOTION: Councilmember Higgins moved to approve Consent Agenda Items A & B.

SECOND: Councilmember Cline

MOTION PASSED: 5/1

Councilmember Higgins said that he had a couple of questions he would like to ask. He looked at the application for City Park and on that application the reason for the permit was because of music asked what they meant by music. Mr. Ken Budge, Board member of the Bisbee Vogue Inc. stated that they were looking to bring in some vendors for music because they play music during the race.

Mayor Smith said that the permit from last year indicated the same thing and there was no music and the park was not used. Do we have something different this year? Mayor Smith stated that he had been informed that it had been the position of Bisbee Vogue to reserve the parks so that no one else can use those on that particular day to detract from the race and the events. There have been a number of citizens who have complained about it. Mr. Budge said that there was actually music at the start of the race, at the stairs and at City Park as the runners came by.

Councilmember Higgins said that there was music being played on the at City Park they had someone up there beating on the drums. If you need the whole park for someone to beat the drums they can do that from anywhere. He didn't know exactly what was meant by music and thought they would be having a dance or something like that. Ms. Hughes said that each year they try to grow and do different things and it depended on vendors to be able to plan for the music. She said that they did want to use those areas for specific things.

Councilmember Higgins asked about the Goar Park application it said that it would be some kind of public health event, are you going to be running a clinic at Goar Park what are you going to be doing. Mr. Budge said that the plan last year was to get the health department to come down and take blood pressures. It was all for the whole idea of being healthy. He said they would not need the whole park, but if we go set up and we don't have the control of the park then, they are not kicking anyone out or doing anything else they are just going to use a small portion of it to set up table.

Councilmember Higgins also asked about Grassy Park, you were going to do a fundraiser for restoration of one of our old fire engines was that correct. The fire engine was going to be park where on Main Street. How are you going to use the park to raise funds? Mr. Budge said that it would be on the street and they would have a table at the park.

Mr. Budge said that it had been 27 years that this had been going on. The last 4years have been the same and if there are complaints they want to mitigate those. He would ask those people to call them and let us know and they will try to help them out. This was a big event that happens he didn't quite understand why Council thought that people were not allowed in the parks because they had them. What was the problem with them having the park under their control?

Mayor Smith said that in the past that has been the problem. In the past when those parks had been there and other people attempted to do something they had been informed that there was a permit there and they are not allowed to do anything. Mr. Budge asked what they were doing.

Mayor Smith gave an example of the Bisbee Council on Arts & Humanities using the Grassy Park specifically at putting on an Art and Cultural event there on that Saturday because there was going to be a number of people in town that typically leave soon after the race and this would be an opportunity for them to see the Bisbee Arts and Culture in that setting. Mr. Budge said that they would be glad to give up part of the park they didn't need it; there wasn't a way to request sections of the parks.

Mayor Smith clarified that at Grassy Park all they needed was a table. Mr. Budge said at this point.

Councilmember Cline asked why we were just now hearing about this when all the permits were stamped in on March 16<sup>th</sup> it was coming before Council four (4) months later.

Mayor Smith said that the City Manager and he had discussed originally that we would be changing all the fee structure which will be coming up in a month so it had been put off. It was then decided that it would be brought forward so Bisbee Vogue didn't have to wait any longer.

Councilmember Cline said that it didn't seem fair to hold the permits up so that we could charge them more.

Mayor Smith asked about the Beer Garden the parking lot. You had been given the last couple of years that parking lot was in fact pursuant to the settlement agreement it had forty (40) public parking spots that it would be used as public parking spots 365 days of the year. Mr. Ries doesn't have the authority to allow you to use that parking lot as you have for the last four (4) years for that Beer Garden because it was not his to give. Mr. Budge said that part of the agreement was that they control the parking lot but that they had to leave the parking places free. His question back to the Mayor was that for four (4) years it had gone this way was this a whole new change in policy he didn't understand.

Mayor Smith said that what had happened was there had been some recent disputes about parking and it had been more closely researched and information had come out that it had erroneously been provided for the last four (4) years. Mr. Budge asked about Pride having an event in there and anyone else it had been incorrect and now you want to correct it at this point. He asked if they would be satisfied if they provided forty (40) free spaces elsewhere. Mayor Smith said that it wasn't just him the Council had to decide and that it perhaps it would, but they would have to table this item until they got that assurance that information from Mr. Ries indicating that would happen.

MOTION: Mayor Smith- Item C:

Approval of a Park, Facility, and Right-of-Way Use Permit for the Bisbee Vogue, Inc. for the Use of Various City Streets, Parking Spaces and Staircases for the Bisbee 1000 Stair Climb on Saturday, October 21, 2017 from 5:00AM to 8:00PM, this includes set up and breakdown.

SECOND: Councilmember Cline

MOTION PASSED: 5/1

Mayor Smith- Item D:

Approval of a Park, Facility, and Right-of-Way Use Permit for the Bisbee Vogue, Inc. for the Use of City Park for the Bisbee 1000 Stair Climb on Saturday, October 21, 2017 from 5:00AM to 8:00PM.

MOTION: Councilmember Cline

SECOND: Councilmember Davis

MOTION FAILED: 3/3

Mayor Smith- Item E:

Approval of a Park, Facility, and Right-of-Way Use Permit for the Bisbee Vogue, Inc. for the Use of Goar Park for the Bisbee 1000 Stair Climb on Saturday, October 21, 2017 from 5:00AM to 8:00PM.

MOTION: Councilmember Hansen

SECOND: Councilmember Cline

MOTION PASSED: 5/1

Mayor Smith- Item F:

Approval of a Park, Facility, and Right-of-Way Use Permit for the Bisbee Vogue, Inc. for the Use of Grassy Park for the Bisbee 1000 Stair Climb on Friday, October 20, 2017 and Saturday, October 21, 2017 from 5:00AM to 8:00PM Both Days.

MOTION: Councilmember Cline

SECOND: Councilmember Lindstrom

MOTION FAILED: 3/3

Mayor Smith- Item G:

Approval of a Special Event Liquor License Application Submitted by Bisbee Vogue, Inc. for an Event to be held at the Copper Queen Plaza Convention Center (Parking Lot) Saturday, October 21, 2017 from 1:00PM to 6:00PM; Cynthia Conroy, Applicant.

MOTION: Mayor Smith moved to table this to allow them to bring forward an assurance that forty (40) parking spots would be held in the paid parking lot at no cost to the City or to the parkers.

SECOND: Councilmember Higgins

MOTION PASSED: 4/2

## OLD BUSINESS

3. **Ratification pursuant to A.R.S. § 38-431.05, of actions taken on June 21, 2017. The Purpose of this item is to validate an earlier action by the mayor and council regarding Entering into a Contract with Interim Public Management LLC for Interim City Manager and to Authorize the retainer fee of \$1,500 and to allow Mayor Smith to sign the Retainer letter.**

**David M. Smith, Mayor**

Ms. Orduno said that basically what happened at the last meeting when this was originally approved it was not noticed for a vote it was noticed as discussion and possible recommendation. We didn't give the community enough time as far as our notice requirements go and by law we have to bring it back for ratification by Council. It doesn't really change the fact that the vote had already approved the contract and the City took action on that. This was a procedural mechanism to allow Council to basically make the vote legal.

Councilmember Lindstrom asked if it was legal when we paid it even though it wasn't. Ms. Orduno said "right" it was a binding contract it wasn't like we could take it back.

Councilmember Lindstrom said technically it was wrong to pay it. Ms. Orduno said not to the extent that the Council voted for it. The problem was the way the agenda item was noticed.

MOTION: Councilmember Higgins moved to ratify the following Action taken at the June 21, 2017 Council meeting:

- Entering into a contract with Interim Public Management LLC for an Interim City Manager and to authorize the retainer fee of \$1,500 and to allow Mayor Smith to sign the retainer letter.

SECOND: Councilmember Davis

## ROLL CALL VOTE:

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

NAYS: Councilmember Lindstrom

MOTION PASSED: AYES -5; NAYS -1

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

**David M. Smith, Mayor**

Mr. Richard Green spoke regarding climate change and the banking options to divest from unethical financing.

Mayor Smith said to Mr. Green that he was asking Council to sign the Paris Agreement. Mr. Green said "Correct".

Mayor Smith said at his request finance would be checking for local banks to see if they can in fact service us with the requirements we need at a price we can afford.

Councilmember Higgins said he understood the sentiment of Mr. Green, but the Paris Agreement was voluntary and most of the climate activist at the time said that it was just symbolic that it had no real meaning. It was more of a political statement than anything else. Basically what Mr. Green was asking Council to do was to make a political statement. Mr. Green said he believed so, if the City couldn't reduce than symbolic would be the best he could hope for.

Mayor Smith said that the City had a very large solar farm at the wastewater treatment plant which was cutting down the bill tremendously for the citizens of Bisbee. We are actively recharging the sewer treatment plant daily. He wanted to bring that up to let people know we are doing things and that Bisbee was moving in that direction.

Councilmember Davis said that he felt it was important to make a statement about the climate change and that symbolism was important especially in this day and age.

Councilmember Hansen thought that this was a good idea, but she would like to go one step further she would like to see a plan of some sort that would incorporate these types of things when we were looking at different projects.

Mayor Smith directed staff to prepare a document to bring back to Council for their consideration, input and potential ratification.

### **NEW BUSINESS**

5. Discussion and Possible Approval of a Public Auction for the Transfer of Certain City Property located East of 27 Wood Canyon and the Establishment of a minimum bid price.

Joe Ward, Building & Zoning Inspector

Mr. Ward said that he had established a price prior to bringing it to Mayor and Council that being .90 cents a square foot which was the going price they had been using. He thought it would be helpful for us to auction it off it was steep land and land locked. He also thought .90 cents a square foot was a good price and the Planning and Zoning Commission agreed.

Councilmember Davis said that it seemed like a fair price for that property.

MOTION: Councilmember Higgins moved to authorize a Public Auction for the sale of the designated surplus City property located adjacent to and east of 27 Wood Canyon and set a minimum bid price of .90 cents per square foot for this property.

SECOND: Councilmember Lindstrom

#### **ROLL CALL VOTE:**

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

NAYS: 0

MOTION PASSED: AYES -6; NAYS -0

6. Public Auction of Designated Surplus Property located adjacent to 27 Wood Canyon.

Joe Ward, Building & Zoning Inspector

Mayor Smith opened up the public auction. He asked for a minimum bid for \$9,245.00. Mr. Joseph Massey bid \$9,245.00. Mayor Smith said we have a bid for \$9,245.00 and asked if there were any further bids. He stated that the property was sold for \$9,245.00. Mayor Smith now closed the public auction.

MOTION: Councilmember Davis move that we accept the bid as stated.

SECOND: Councilmember Higgins

MOTION PASSED: UNANIMOUSLY

7. Discussion and Possible Approval of an Additional One Year Agreement with SEAGO AAA for the Provision of \$28,000 in Support of the Bisbee Bus.

Keri Bagley, Finance Director

Ms. Bagley stated that this item was to formally accept \$28,000 grant from SEAGO for assistance to help with the operation of the bus.

MOTION: Councilmember Davis moved to approve the additional one year Agreement with SEAGO AAA for the Provision of \$28,000 in support of the Bisbee Bus.

SECOND: Councilmember Hansen

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6; NAYS -0

8. Discussion and Possible Approval to accept a \$5,000 grant from Arizona State Library, Archives and Public Records for the Health Collection for CCHA.

Andy Haratyk, Public Works Director

Ms. Alison Williams, Library staff said that this item was for the Copper Queen Library to update the collection of medical health and wellness collection in all areas and age groups. A portion of the grant will go towards programming.

MOTION: Councilmember Hansen moved to approve and accept a \$5,000.00 grant from the Arizona State Library, Archives and Public Records for the Health Collection for CCHA.

SECOND: Councilmember Davis

MOTION PASSED: UNANIMOUSLY

9. Discussion and Possible Approval to purchase a Camera with additional Head for larger pipes for Wastewater, for a total cost of \$6,460.61.

Andy Haratyk, Public Works Director

**This item was pulled from the agenda.**

10. Discussion and Possible Approval of the Contract for Publishing Services and Official Newspaper of Record.

Ashlee Coronado, City Clerk

Ms. Coronado said that before Council was the annual contract for our Newspaper of record we were required to do this for all of our publishing needs. We received one (1) bid from the Bisbee Observer and the price was \$3.10 per column inch per publication.

Mayor Smith asked if it had been noticed so that others had the opportunity. Ms. Coronado said that it was noticed on the website for fourteen (14) days.

MOTION: Councilmember Cline move to approve the contract for Publishing Services/ Official Newspaper of Record with the Bisbee Observer.

SECOND: Councilmember Hansen

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6; NAYS -0

11. 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 Lindstrom

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 7:58PM

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David M. Smith, Mayor