

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, AUGUST 4, 2020 AT 7:00 PM VIA ZOOM.

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
Joelle Landers, Personnel Director
Jesus Haro, Public Works Director
Albert Echave, Police Chief

CITY ATTORNEY

James Ledbetter

INVOCATION: Mayor Smith asked for a moment of silence to reflect on the estimated statistic of 180,000 people lost to Covid by the end of August and our ability to actually make a difference and hopefully not make that number a reality.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Smith announced that there would be a Town Hall on Tuesday, August 11th about city trash and recycling.

CALL TO THE PUBLIC

- Donna Pulling- Item #6- She said that she was concerned about the need for 16 body cams and the expenditure of \$65,000 of City funds plus \$20,000 Covid grant funds for more equipment, especially during these times of financial shortfalls. She went on to say that if they were needed at all, 7 could be purchased to be rotated during shifts but not one for each officer. She requested justification for this expense at this time. Cameras don't replace proper training and execution of proper procedures. If our officers are properly trained and if they respond to calls in that manner,

the gear with which they are equipped was sufficient for the types of calls they are responding to in Bisbee.

- Nicholas Night- Item #6- He said that he was completely in favor of our Police Officers wearing body cams. He would prefer that they were automatically activated when the officer leaves their vehicle and that they were not able to be turned off by the Officer. There had been some concern about the cost. How much were we spending on investigations and lawsuits that could have been cleared up in a jiffy with body cam footage?
- Roberta Brack- She said her home in Old Bisbee, a formerly peaceful neighborhood, had been negatively impacted by an increase in large truck traffic on US 80 as it passes through town. Since construction on the border wall has ramped up in 2020, starting as early as 5:30 am weekdays, large trucks carrying pipes, cement, and other construction materials roar down the grade. The use of jake brakes exacerbates the noise. She said to please prohibit their use.
- Emily Cayer- She thanked Council for considering regulating the use of "jake brakes" within Bisbee city limits. She lives on Chihuahua Hill, directly across from AZ-80, and the loud braking disrupts the peace and quiet several times each day and night. It was impossible to enjoy a quiet afternoon or to sleep with the windows open any more. This has been exponentially worse in recent months, since construction ramped up on the border wall. She urged Council to put regulations in place to end this.
- Pamela Browne- She said that she and her husband wanted to let the city know that we were all for restricting jake brakes through the canyon. The sound was obnoxious and they were going too fast down that hill. If they were going the posted speed limit, they would not need to be using them. By posting the restriction, those very trucks might choose to make the safer route through Sierra Vista to their destination.
- Nolan Gouguet- Spoke on Theresa Coleman's job with the City. He felt it had been a failure. He went on to state his dis-satisfaction with Ms. Coleman.
- Ben Lepley- Spoke about Theresa Coleman and his good interactions with her. He said that he hoped that she continued on for many years to come; helping bring Bisbee to a stable and balanced place.
- Lindsay Koehler- Said that she was a big fan of our City Manager. She was approachable and responsive, and seems level-headed even in the face of controversy, and was a great asset to our diverse city.

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 \$147,859.51.

SECOND: Councilmember Johns

Councilmember Cline asked about non-capital purchases and if they were purchases for Council Chambers.

Chief Echave said that they were purchases for the training room.

Councilmember Cline asked about the water costs for W. Vista and Hoatson. She asked why it was so high.

Mr. Haro said that it was because they had begun to water in that area.

Councilmember Giacomino asked about the water use at the pool. She wanted to know about the increase. She also asked about the APS charges.

Mr. Haro said that it was most likely for the park itself. He would follow up on the APS bill.

Councilmember Pawlik asked about charges to NAPA Auto Parts for Autotrax and battery. He also asked about the purchase of emergency equipment.

Mr. Haro said that he would follow up on it.

Chief Echave said that the emergency equipment was for the new vehicles.

MOTION PASSED: UNANIMOUSLY

2. Approval of the Consent Agenda

- A. Approval of the Minutes of the Regular Session of Mayor and Council held on July 21, 2020 at 7:00 pm.

Ashlee Coronado, City Clerk

MOTION: Councilmember Cline moved to approve the consent agenda item A.

SECOND: Councilmember Johns

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-20-12, Authorizing the Acceptance of a Transfer of Real Property from William D. Lyon to the City of Bisbee located on Chihuahua Hill above Ok Street, Bisbee.

Theresa Coleman, City Manager

Mayor Smith explained that this was the second reading of this Ordinance and asked if there were any questions.

Councilmember Cline asked if this property had a street address.

Ms. Coleman responded that there was not. It was vacant property.

MOTION: Councilmember Pawlik moved to approve Ordinance O-20-12, Accepting the transfer of real property from William D. Lyon to the City of Bisbee located on Chihuahua Hill above Ok Street, Bisbee.

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

NEW BUSINESS

- 4. Discussion and Possible Approval of Health Insurance Portability and Accountability ACT (HIPPA) Business Associate Agreement with Paid in Full.

Keri Bagley, Finance Director

Ms. Coleman said that this would spell out the responsibility for both parties. Paid in Full handled our accounts for ambulance.

MOTION: Councilmember Hansen moved to approve the HIPPA Business Associate Agreement.

SECOND: Councilmember Johns

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 an Agreement with Epic Fuels for credit card processing at the New Airport Fuel Terminal.

Keri Bagley, Finance Director

Mr. Haro explained that the new terminal had a proprietary processor. Our current card company will not process the purchases. We will have to use their processor for all purchases.

MOTION: Councilmember Johns moved to approve the agreement with Epic Fuels

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

- 6. Discussion and Possible Approval for the purchase of 16 Body Cameras for the Bisbee Police Department using Office of the Arizona Attorney General’s Office grant in the amount of \$20,000 the remainder of the total amount of \$64,883.53 using General Fund Police Budget Capital Improvements to be paid in 4 annual installments.

Albert Echave, Police Chief

Chief Echave explained that it was recommended that we had a body camera for each individual officer. Each camera would be assigned to an officer individually; those files would be uploaded to the cloud storage under that officers file. He went on to explain that the Arizona Attorney General’s grant in the amount of \$20,000 would be used to make the first payment which was more than the grant in the amount of \$29,304.61. He said that with this program the initial cameras would be switched out at two and a half years for new cameras because technology changes and due to battery life. This was all part of a standard plan that Axon offers.

Mayor Smith said that this was very important equipment. He suggested that if this was approved that Chief Echave and Mr. Ledbetter draw up and SOP for this very soon.

Councilmember Hansen asked if there would be any other reoccurring costs after the 5 years.

Chief Echave responded that, after the first 5 years, we could renew the subscription or look elsewhere for other storage.

Councilmember Pawlik explained that he had done some research on cameras. He also asked how much money was budgeted for training or refresher courses such as de-escalation, public relations, community relations and deadly use of force.

Chief Echave explained that some training was done in house. He didn't have the exact number in front of him but most of it was done in house.

Councilmember Pawlik said that he was concerned that this investment would not benefit the City, the Police Department or the Community when compared to the cost. There was a history of police departments moving away from this type of monitoring. Some points he wanted to make were a lack of a proper plan or operating procedure. If we had cameras already in use with no procedure that was a bad sign. He said that police departments do not always release their videos. He was not convinced that this was the right thing to do at this time especially considering our financial situation.

Councilmember Giacomino asked how much the subscription would cost after the fact.

Chief Echave said that he did not have that information. He said that those were figures that they did not offer.

Councilmember Giacomino said she had a problem with that. She also said that this was coming from general fund capital improvements and asked what was currently in that fund.

Chief Echave said that he didn't have that figure in front of him at this time.

Councilmember Giacomino asked where the money for the purchase of the vehicles came from. Was that account not drained. She went on to say that she agreed with Councilmember Pawlik, she didn't think that we should be spending this amount of money right now. It was an extreme amount of money with all this uncertainty. It's not that she didn't support the cameras the amount of money was just extreme right now.

Councilmember Cline said she knew the importance of having body cams and she didn't have an issue with that she was concerned about the cost. She asked if there were any other possibilities for additional grants.

Chief Echave said he would be happy to make the payment with a grant next year but it was unknown if he could obtain one.

MOTION: Councilmember Higgins moved to approve the purchase of 16 Body Cameras for the Bisbee Police Department using Office of Arizona Attorney General's Office grant in the amount of \$20,000 the remainder of the total amount due of \$64,883.53 using General Fund Police Budget Capital Improvements to be paid in 5 annual installments.

SECOND: Councilmember Hansen

ROLL CALL VOTE:

AYES: Councilmember Higgins, Hansen and Mayor Smith.

NAYS: Councilmember Pawlik, Giacomino, Johns and Cline

MOTION FAILED: AYES -3 NAYS -4

7. Discussion and Possible Direction on Ambulance Subscriptions.

Theresa Coleman, City Manager

Ms. Coleman explained that we had provided examples of what others were doing with their ambulance subscription programs. This was the opportunity for Council to further discuss this. Ms. Coleman referred to the fee structure of Caroline County Emergency Medical Services. She said that individuals or a family of two would be paying \$45.00 per year, a family of three or more would be paying \$75.00 per year, she said that businesses with up to five employees could pay \$100.00 a year with each additional employee at an additional \$10.00 per year.

Councilmember Giacomino asked if there were any limitations on this program. She asked if someone used this service 10 or more times in a year would it change. She also asked if there was a specific list of emergencies.

Ms. Coleman responded that this was for emergencies not transports between hospitals.

Mayor Smith suggested that we initiate this program the way Ms. Coleman suggested.

Councilmember Giacomino wanted to confirm that this was optional not required.

Mayor Smith responded, yes, this was absolutely optional.

Councilmember Cline asked for clarification that this was only coverage for trips going to the hospital not for transfers.

Mayor Smith provided direction to staff to draft this under those guidelines and bring it back to Council for approval.

Ms. Coleman responded that this would come back to Council as a resolution.

8. Discussion and Possible Direction on the use of Air Brakes (Jake Brake).

David M. Smith, Mayor

Mayor Smith said that he had received a lot of phone calls and letters about this. He said that Jake brakes were used to stop very heavy vehicles on downhill grades. If they are not used in many cases the brakes can overheat and cause a fire.

Mr. Ledbetter said that the highway in question was a state highway and they took the position that if cities request that Jake Brakes be prohibited the transition of any liability or damages that could have been prevented would be transferred to the city.

Mayor Smith asked if we could find out where these loads were being picked up and try to find out if there's an additional route that could be used.

Councilmember Pawlik said that Jake brakes were not a bad thing. The problem was that a lot of truckers take the mufflers off the system. If they had the proper muffler on them, it would have less of an impact to the community they were going through. He explained that there were laws that could be put in place requiring a muffler. He suggested that as a possible way around this.

Mr. Haro said that the construction material for the wall was coming from Benson.

Mayor Smith said that he would work with staff to try to resolve this.

9. Discussion and Possible Recommendations regarding the evaluation of the job performance of Theresa Coleman, City Manager.

David M. Smith, Mayor

Mr. Ledbetter explained that it was time for Ms. Coleman's annual evaluation. Mr. Ledbetter said overall Ms. Coleman's ratings were quite high. He read a couple of observations in terms of overall performance. He read, the city manager leads by example resulting in a positive turn in employee morale over the last 12 months. He also read that, the city manager was effective in creating a positive environment for staff. Mr. Ledbetter said that on average Ms. Coleman came in at a 4.75 rating.

Councilmember Giacomino requested consideration that at the next evaluation a sit down discussion happens on each item. This could be private or public depending on what she chooses. This would make for much clearer understanding on concerns or praises.

10. City Manager's Report:

- Other Current events (No Discussion) - Ms. Coleman said that a statement was released to the news outlets in regard to the investigation of the actions that occurred earlier in June. She said we were currently waiting for a complete review by an outside agency.

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 Higgins moved to adjourn the meeting.

SECOND: Councilmember Pawlik

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 8:17 PM

David M. Smith, Mayor