

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 18, 2020 AT 7:00 PM VIA ZOOM.

THE MEETING WAS CALLED TO ORDER BY MAYOR SMITH AT 7:02 PM.

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

George Castillo, Fire Chief

CITY ATTORNEY

James Ledbetter

INVOCATION: Mayor Smith said unfortunately we lost another Bisbee resident to a traffic accident on the other side of the tunnel on Highway 80. He asked that everyone think of them and their families and urged everyone to drive more carefully.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Smith announced that APS had put out a bulletin a few hours ago asking for everyone to conserve electricity. This had to do with the extreme heat in the Southwest. This was between the hours of 5 PM and 8 PM.

CALL TO THE PUBLIC

Donna Pulling- Accounts Payable- Ms. Pulling asked about the IT Charges with Executech. She asked what the charge was for in the amount of \$4,090. She asked why we were paying double and said that the budget for IT went over by 100% last fiscal year. She said that at the end of this contract it might be time to go out to bid for a new IT provider. She suggested a real person as a part-time employee at half the cost.

Donna Pulling- Item 4- Ms. Pulling thanked the Community Sustainability Commission for developing this very thorough plan. It reflected the community's desires for sustainability. This plan took years of time and effort to develop and she hoped that it would be utilized. She recommended that the Council direct the City

Manager to develop a triple bottom line checklist for commissions and Council to use that rate social, environmental and environmental impacts of any decision.

Donna Pulling- Item 5- Ms. Pulling said that the ambulance subscription program was a good idea but the city was moving too quickly on it without providing Council and the public with sufficient information to make an informed decision. The price looked good at \$45 and \$75 but what were the true long-term costs. She encouraged Council to table this item until there was sufficient information to analyze the long-term cost to staff and taxpayers and establish a rate that realistically covers the services provided by subscribers.

Allison Williams, gave an update of activities at the Copper Queen Library. She spoke about the success of the summer reading program. She spoke about the curbside service in the expansion to the library Annex. She encouraged students, parents and teachers to contact them for help with resources.

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 Hansen moved to approve accounts payable in the amount of \$196,299.05.

SECOND: Mayor Smith

Councilmember Cline asked about the gasoline purchases under the Police Department. She asked if these were the two officers that were taking their units out of town.

Ms. Coleman said that she could not answer that, but this does not really tell us anything except for we've had to use multiple vehicles in order to keep the department viable. We would have to go back to the fleet management reports to see what vehicles they were putting gas in.

MOTION PASSED: UNANIMOUSLY

- 2. Approval of the Consent Agenda

- A. Approval of the resignation of Albert Hopper from the Appeals Board for the Property Maintenance Code.

Ashlee Coronado, City Clerk

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

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

OLD BUSINESS

NEW BUSINESS

- 3. Discussion and Possible Approval to enter into a contract with KE&G Construction, Inc. to apply an asphalt overlay to Tombstone Canyon.

Jesus Haro, Public Works Director

Mr. Haro apologized for previously presenting this item without the thermoplastic markings. This one includes that. The difference in the two was \$35,823. It was always his intention to bring the full amount to Council. The original discussion included a 20% contingency which would have covered that but he still wanted to keep that 20% contingency. This was nothing done by KE&G.

Councilmember Pawlik asked about the stretch between Naco Road and Brewery Gulch. He wanted to confirm that there would be extra work put into that area.

Mr. Haro said that portion of road would be completely milled up. The city may end up doing a portion of that but it was included in this contract just in case.

Councilmember Cline asked if there would be any additional change orders coming down the pike.

Mr. Haro responded that this was not a change order. He had received three quotes from KE&G; two did not include the thermoplastic. He presented the second proposal mistakenly.

Councilmember Johns asked if there had been any discussion on adding speed bumps to Tombstone Canyon.

Mr. Haro said that he would be happy to discuss the possibility of speed cushions in that area. They were a very specific application, and that is something that we could definitely look into.

MOTION: Councilmember Higgins moved to approve the contract with KE&G Construction, Inc. to apply an asphalt overlay to Tombstone Canyon

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

4. Discussion and Possible Approval of the Notice of Intent to Adopt Ordinance O-20-13; Dissolving the Community Sustainability Commission.

David Smith, Mayor

Mayor Smith said that that commission had done a great job. They fulfilled their mission which was to provide a written sustainability proposal/guide. After his discussions with the chair it was indicated that they had fulfilled their mission and it was time to move on. Mayor Smith thanked them for their hard work that they had put in on this.

Councilmember Hansen said that during her time as liaison for that commission was when they completed the plan. She thanked them for their hard work.

MOTION: Councilmember Higgins moved to approve the Notice of Intent to Adopt Ordinance O-20-13; Dissolving the Community Sustainability Commission.

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

5. Discussion and Possible Approval of Resolution R-20-22, Ambulance Subscriptions Rates and providing for repeal and severability.

Keri Bagley, Finance Director

Ms. Bagley explained that these were the proposed rates for the ambulance subscription program. The proposed rates were \$45 per year for family of two, \$75 per year for a family of three or more and business plans with three different tears. She explained that these rates are not set in stone but we could try it at these rates and see if it works.

Councilmember Giacomino said that based on state statute the certificate holder applying to provide a subscription service was supposed to have done a few things. She read from R-9-25.1105. Ms. Giacomino asked if the correct steps had been followed.

Ms. Bagley responded that Arizona Department of Health Services regulates the rates that are set for ambulance service, we were not changing the rates that were being charged. The customer would still be charged the same rates. All this would do would change how much we collect. She was unsure if AZDHS was concerned with how much we would collect.

Ms. Coleman responded that we already have an ambulance service through our fire department. We were not creating a new service. We were creating a new way to make the payments for these services that we provide. This would provide people with an alternative way to pay the difference.

Mr. Ledbetter said that Councilmember Giacomino made a great point but what the City Manager had indicated was also accurate. DHS indicates that for private ambulance subscription services they do have a right to regulate those. There was not any evidence of the attempt to regulate for city service. The follow-up was appropriate as Councilmember Giacomino had suggested and Ms. Bagley was taking care of that.

Councilmember Pawlik asked if there was an existing plan written on how this program would be administered.

Ms. Coleman responded when an individual indicates to us that they have a paid subscription we would let the billing company know that we would not be collecting the additional fees through them or a collection agency. It was that straightforward.

Councilmember Pawlik asked what would happen to the excess revenues if there was any.

Ms. Coleman responded that it would become a revenue to offset the cost of providing the service.

Councilmember Giacomino asked what the \$45 was based on. She wanted to know if these were compared to other states or towns.

Ms. Coleman responded that this was lower than what other communities were charging.

Councilmember Cline said that she was concerned about the cost. If someone doesn't have insurance and uses this would we be losing more money in the long run. If city staff was going to be doing billing for this could we not do the regular ambulance billing like we used to years ago.

Ms. Bagley responded we would not be doing the billing because there was so much involved in the ambulance billing. This was just collecting a fee and then reporting it or to notate it in the customers account.

MOTION: Councilmember Pawlik moved to approve Resolution R-20-22; Ambulance Subscriptions Rates and providing for repeal and severability.

SECOND: Mayor Smith

ROLL CALL VOTE:

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

NAYS: Councilmember Giacomino and Cline

MOTION PASSED: AYES -5 NAYS -2

- 6. Discussion and Possible Approval of the Amendment to the Employment Agreement between the City of Bisbee and Theresa Coleman, City Manager.

Joelle Landers, Personnel Director

Ms. Landers explained that in lieu of additional compensation this amendment to the contract for Theresa Coleman would increase her to the 10 years or more rate.

Mayor Smith said that Ms. Coleman did not ask for a raise nor was she getting one but he can attest to the fact that she works on weekends and on Fridays continually. This would simply be a way of providing her some extra time off via vacation.

MOTION: Councilmember Hansen moved to approve the amendment to the Employment Agreement between the City of Bisbee and Theresa Coleman, City Manager.

SECOND: Councilmember Pawlik

ROLL CALL VOTE:

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

NAYS: Councilmember Giacomino and Cline

MOTION PASSED: AYES -5 NAYS -2

- 7. Discussion and Possible Approval of Resolution R-20-23; Declaring and Adopting the results of the Primary Election held on August 4, 2020 and Ordering the Recordation of this Resolution.

Ashlee Coronado, City Clerk

Ms. Coronado explained that before them tonight was a Resolution that would allow us to accept and approve the election results from the August 4, 2020 Primary Election if approved this would be recorded at the Cochise County recorder's office.

MOTION: Mayor Smith moved to approve Resolution R-20-23; Declaring and Adopting the results of the Primary Election held on August 2, 2020 and Ordering the recordation of this Resolution.

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

- 8. Discussion and Possible Approval of a Notice of Solicitation for Professional Consultant Services Shared Use Path-Feasibility Study per USDA Grant Approval.

Theresa Coleman, City Manager

Ms. Coleman explained that this was the USDA grant that was approved by Council a couple of meetings ago. This included some in-kind work by a variety of organizations. We needed to go out to find a consultant to prepare the feasibility study for us. This RFP reflects the scope of work.

Councilmember Giacomino asked Mr. Ledbetter if when writing an RFP wasn't held to the letter as to what it stated.

Mr. Ledbetter said generally you have to meet the terms of the RFP.

Councilmember Giacomino had questions in regarding to the way the RFP was written. Ms. Giacomino commented on Bisbee Bikeways involvement at the beginning of this process but why they were not involved currently.

Ms. Coleman stated that this was just the RFP. Bisbee Bikeways had not been precluded from participating in the process.

Councilmember Giacomino thought that it would be beneficial to have someone who originally designed the whole idea as part of this.

Ms. Coleman said that a lot of information that Councilmember Giacomino was referring to would be included in the Master plan. She said that the master plan was being developed by the Cochise County Planning Department with Christine McLachlan.

Councilmember Pawlik requested that on section 2.1.2, under coordination after City of Bisbee, Bisbee Bikeways and Sun Corridor Trail be added.

MOTION: Councilmember Pawlik moved to approve the Notice of Solicitation for Professional Consultant Services Shared Use Path-Feasibility Study per USDA Grant Approval to include Bisbee Bikeways and Sun Corridor Trails as collaborators in the RFP section 2.1.2, coordination with.

SECOND: Councilmember Giacomino

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

- 9. Possible Approval of a Motion to go into Executive Session for the Purpose of Discussion and Consultation with City Attorney and City Manager regarding Acquisition of Property.

Per ARS § 38-431.03(a)(7), the City Council may vote to go into executive session for Discussion or consultation with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property.

David M. Smith, Mayor

MOTION: Councilmember Higgins moved to enter into Executive Session for the purpose of discussion and consultation with City Attorney and City Manager regarding the Acquisition of Property, per ARS § 38-431.03 (a)(7)

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

MOTION: Councilmember Higgins moved to come out of Executive Session

SECOND: Councilmember Giacomino

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

10. City Manager's Report:

- Housing- Ms. Coleman gave an update on what was happening. The first home was in the process of being renovated for workforce housing program. She said that they had met with the people from Washington Federal and they were very happy to provide financing for borrowers. Information would be given to medical technicians, teachers, firefighters and police officers to let them know to work with Washington Federal to be credit approved for housing. We had a very good indication that anyone who was credit approved would not have to wait for a home to be rehabbed but we could work with them right away to help identify a home and assist with closing costs and down payment. Ms. Coleman also discussed the two additional properties. She would be making an appeal in her next City Manager column for folks who have properties that don't know what to do with them. They could donate them to the city to become part of this program. Ms. Coleman also discussed cohousing.
- September 8th Work Session- Easement, Right of Way, etc.- Ms. Coleman explained that there would be a work session on September 8th to discuss easements and right of ways etc.
- 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.):

ADJOURNMENT:

MOTION: Councilmember Higgins moved to adjourn the meeting.

SECOND: Councilmember Pawlik

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 8:32 PM

David M. Smith, Mayor