

This meeting was closed to the public due to Covid.

MINUTES

MINUTES OF THE WORK SESSION OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, AND STATE OF ARIZONA, HELD ON MONDAY, OCTOBER 19, 2020 AT 5:30 PM VIA ZOOM.

THE MEETING WAS CALLED TO ORDER BY MAYOR SMITH AT 5:30 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

CITY ATTORNEY

James Ledbetter

THE FOLLOWING ITEM WAS DISCUSSED AT THIS MEETING:

1. Discussion on the Request for Proposal for Animal Care Services.
Leslie Johns, Councilmember Ward I
Joni Giacomino, Councilmember Ward II

Mayor Smith indicated that there had been 25 people that had submitted to speak at Call to the Public, there was no Call to the Public on the agenda. He requested that they be sent to Council for their review. Mayor Smith asked Mr. Ledbetter and Ms. Coleman to explain what a Request for Proposal was.

Mr. Ledbetter explained that a request for proposal was an opportunity to get information to provide to council so they were able to make a more informed decision. He gave some background into the animal shelter contract. He explained that the City Manager had contacted him and requested that he prepare a new contract. He reached out to leaders of the Friends of the Animal Shelter for some information. During the course of reviewing all the information and preparing the renewal it begged the question of procurement. Mr. Ledbetter went on to say that he and the City Manager could not find that the original contract ever went through the proposal process. This was something required per state law and City Code. He said that under the City Code the City Manager had the authority to request an RFP. He was under the opinion that before this renewal of the contract could happen, it had to go through the correct procurement process. It was appropriate that the City Manager initiate the bid process.

Ms. Coleman said that she went to the current City Code regarding animals. That was the source for the information included in the RFP.

Councilmember Giacomino asked why it had taken so long to figure out that this Contract had not gone through the process so that it could have been addressed. She wanted to know why the Council was not notified about the Request for Proposal before it was published.

Mr. Ledbetter said that he was under the assumption that it was properly vetted. The City agreed to go to a month to month payment during the research and negotiating. It was at the end of the drafting period that they discovered that no procurement process had taken place.

Ms. Coleman said that she had sent out an email to Council back around September 29th informing them that in anticipation of a contract an RFP would be sent out.

Councilmember Giacomino asked why there was never a meeting set back in June with the shelter people to discuss the situation.

Councilmember Higgins said that he was satisfied knowing that an RFP was necessary. The issue was that the Community had issues with how the RFP was written.

Councilmember Giacomino said that her main issue with the RFP was there was no place in it that addressed what would happen with the animals that had to be dropped off. Where would people take those animals. Her concern was that the numbers don't add up, and they were not a true number of animals that had been serviced or homed through our shelter. The shelter had a very good reputation.

Mayor Smith asked if our shelter should be in the business of sheltering animals from other jurisdictions.

Councilmember Giacomino said that yes we should. It was kind of a mutual agreement that assists each other. It's a normal collaboration that goes on between shelters/organization. She said that we had to stay progressive.

Councilmember Johns said that everyone wanted to comply with state law and the RFP. She asked if anyone that submits a proposal would have to have their own facility.

Mayor Smith said that if their proposal had the use of the existing structure we would go by that. It was dependent on the proposal that was submitted.

Councilmember Pawlik said that he had talked to many people in the community about their concerns. He said that a legal issue required an RFP and that he had encouraged the staff of the animal shelter to bid this contract so they could keep doing the job they do. They would lose money because the City did not want to pay \$80,000 per year to become a regional care facility. He said that if the citizens want that then we should pay for it, but that needed to be determined. The way to do that would be through a referendum. We needed to fix the legal issue first and legalize the contract. We can deal with the issue of becoming a regional care facility later down the line.

Councilmember Giacomino discussed the verbiage on the Request for Proposal. She said that it was very unclear and needed to be looked at.

Mayor and Council continued to discuss the RFP and ask questions of the City Attorney and City Manager.

MOTION: Councilmember Higgins moved to adjourn the meeting.

SECOND: Councilmember Pawlik

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 6:28 PM

David M. Smith, Mayor