

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, JANUARY 4, 2022 AT 7:00 PM AT COUNCIL CHAMBERS LOCATED AT, 915 S. TOVREAVILLE ROAD, BISBEE, ARIZONA.

THE MEETING WAS CALLED TO ORDER BY MAYOR BUDGE AT 7:00PM.

ROLL CALL

COUNCIL

Councilmember Louis Pawlik, Ward III
Councilmember Joni Giacomino, Ward II Excused
Councilmember Frank Davis, Ward I
Mayor Ken Budge
Councilmember Leslie Johns, Ward I Excused
Councilmember Mel Sowid, Ward II Excused
Councilmember Anna Cline, Ward III, Mayor Pro Tempore

STAFF

Ashlee Coronado, City Clerk
Keri Bagley, Finance Director
Matthew Gurney, Public Works Director
Doug Taylor, City Planner
Jim Richardson, Acting Fire Chief

CITY ATTORNEY

Joseph Estes

INVOCATION: Mayor Budge asked for a moment of silence to think about the holidays along with the current covid surge.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

CALL TO THE PUBLIC

No one signed up to speak at call to the public.

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 \$406,201.48.

SECOND: Councilmember Davis

Council asked questions about accounts payable and staff responded to each question.

ROLL CALL VOTE

AYES: Councilmember Pawlik, Davis, Cline and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES- 4 NAYS-0

2. Approval of the Consent Agenda

- A. Approval of the Minutes of the Regular Session of Mayor and Council held on October 19, 2021.

Ashlee Coronado, City Clerk

- B. Approval of the Minutes of the Regular Session of Mayor and Council held on November 2, 2021.

Ashlee Coronado, City Clerk

- C. Approval of the Minutes of the Regular Session of Mayor and Council held on November 16, 2021.

Ashlee Coronado, City Clerk

- D. Approval of the Minutes of the Regular Session of Mayor and Council held on December 7, 2021.

Ashlee Coronado, City Clerk

- E. Approval of the Resignation of Peter Von Gundlach from the Board of Adjustment.

Ashlee Coronado, City Clerk

- F. Approval of the Appointment of Tyler Bradberry to the Board of Adjustment with a Waiver for Residency Requirement.

Ashlee Coronado, City Clerk

- G. Approval of the Appointment of William Higgins to the Board of Adjustment with a Waiver for Number of Commission Memberships currently served.

Ashlee Coronado, City Clerk

- H. Approval of the Appointment of Fred Miller to the Board of Adjustment.

Ashlee Coronado, City Clerk

- I. Approval of a Special Event Liquor License Application submitted by the Friends of Warren Ballpark for an Event to be held at Warren Ballpark located at 300 Ruppe Avenue, Bisbee, Arizona on Saturday, April 2, 2022 and Sunday, April 3, 2022 from 8:00am to 7:00pm each day, Judy Anderson, Applicant.

Ashlee Coronado, City Clerk

MOTION: Councilmember Davis moved to approve Consent Agenda Items A through I.

SECOND: Councilmember Pawlik

ROLL CALL VOTE

AYES: Councilmember Pawlik, Davis, Cline and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES- 4 NAYS-0

OLD BUSINESS

- 3. Discussion and Possible Approval of Ordinance O-21-18; Amending the Zoning Code Article 6, by Establishing a New Section 6.16 Entitled “Mobile Food Vendors”.

Doug Taylor, City Planner/ Planning and Zoning Staff Liaison

Mayor Budge stated this was the second reading of this Ordinance.

Mr. Taylor said there were two revision G5 and G7, as well as the proposed fees as requested by Council.

MOTION: Councilmember Pawlik moved to approve Ordinance O-21-18; Amending the Zoning Code Article 6, by Establishing a New Section 6.16 Entitled Mobile Food Vendors.

SECOND: Councilmember Cline

ROLL CALL VOTE

AYES: Councilmember Pawlik, Davis, Cline and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES- 4 NAYS-0

- 4. Discussion and Possible Approval of Ordinance O-21-20; Authorizing the Transfer of Real Property from the City of Bisbee to Ken and Mary Alice Budge.

Joe Estes, City Attorney

This item was tabled for lack of a quorum available to vote.

NEW BUSINESS

- 5. Discussion and Possible Approval of a request for American Rescue Plan Act, Emergency Assistance Funds for the Friends of Warren Ballpark.

Stephen J. Pauken, City Manager

Mayor Budge explained that all the other applications had been reduced by a percentage. He had done the same with this one and came to the amount of \$9,375.

Councilmember Cline thought it would be fair to hold this application until the next round of assistance funds.

No action taken.

- 6. Discussion and Possible Approval to use American Rescue Plan Act Funds to Purchase Sewer Pipe and Fixtures for the Waste Water Collections Department.

Stephen J. Pauken, City Manager

Mr. Gurney explained there were many ongoing projects within the collections department. This would allow them to have pipe and fixtures on hand.

MOTION: Councilmember Davis moved to approve the use of American Rescue Plan Act Funds to Purchase Sewer Pipe and Fixtures for the Waste Water Collections Department.

SECOND: Mayor Budge

ROLL CALL VOTE

AYES: Councilmember Pawlik, Davis, Cline and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES- 4 NAYS-0

- 7. Discussion and Possible Approval of Amendment No. 3 to the Jacobs Agreement for Operations Maintenance and Management Services for the City of Bisbee San Jose Wastewater Treatment Plant.

Matthew Gurney, Public Works Director

MOTION: Mayor Budge moved to table this item.

SECOND: Councilmember Cline

Approved: Unanimously

- 8. Discussion and Possible Approval to have Accelerated Construction & Excavating “ACE” repair 112’ of retaining wall on Temby Avenue.

Matthew Gurney, Public Works Director

Mr. Gurney explained this was the price to extend the retaining wall on Temby.

MOTION: Councilmember Pawlik moved to have Accelerated Construction & Excavating “ACE” repair 112’ of retaining wall on Temby Avenue.

SECOND: Councilmember Davis

ROLL CALL VOTE

AYES: Councilmember Pawlik, Davis, Cline and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES- 4 NAYS-0

- 9. Discussion and Possible Approval to allow Mayor & Council to go into an Agreement pursuant to A.R.S. §28-410 between the Arizona. Department of Transportation (ADOT) and the City of Bisbee Police Department requesting Authorization for the use of the software, state standard data entry forms and database.

Albert B. Echave, Chief of Police

Mr. Estes explained this was the software the Police Department would use to integrate with the ADOT system.

MOTION: Councilmember Cline moved to go into an Agreement pursuant to A.R.S. §28-410 between the Arizona. Department of Transportation (ADOT) and the City of Bisbee Police Department requesting Authorization for the use of the software, state standard data entry forms and database.

SECOND: Councilmember Davis

ROLL CALL VOTE

AYES: Councilmember Pawlik, Davis, Cline and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES- 4 NAYS-0

- 10. Discussion and Possible Approval of the Notice of Intent to Adopt Ordinance O-22-01; Authorizing the Exchange and Transfer of Real Property with Bisbee Vogue, Inc. Located near 201 Tombstone Canyon Street, Bisbee, Arizona 85603.

Joseph Estes, City Attorney

Mayor Budge explained in order to have these chargers installed this simple land exchange needed to take place.

MOTION: Councilmember Davis moved to approve the Notice of Intent to Adopt Ordinance O-22-01; Authorizing the Exchange and Transfer of Real Property with Bisbee Vogue, Inc. Located near 201 Tombstone Canyon Street, Bisbee, Arizona 85603.

SECOND: Councilmember Pawlik

ROLL CALL VOTE

AYES: Councilmember Pawlik, Davis, Cline and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES- 4 NAYS-0

11. City Manager's Report:

- Other Current events (No Discussion) - None

12. Possible Approval of a motion to go into Executive Session for the following matters:

1. An executive session pursuant to A.R.S.§ 38-431.03(a)(3)(4) for discussion or consultation on the Harris matter.

Per ARS § 38-431.03(A3)(A4) , the City Council may vote to go into executive session for discussion or consultation for legal advice with the attorney or attorneys of the public body and for Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation.

Joseph Estes, City Attorney

MOTION: Mayor Budge moved to enter into Executive Session

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

MOTION: Councilmember Cline moved to come out of Executive Session

SECOND: Councilmember Pawlik

MOTION PASSED: UNANIMOUSLY

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.):

- Mayor Budge spoke about the passing of Snooky Borowiec. He asked that everyone keep her family in their thoughts.

ADJOURNMENT:

MOTION: Councilmember Davis moved to adjourn the meeting.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 8:19 PM

Ken Budge, Mayor