

MINUTES

AGENDA OF THE REGULAR SESSION OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, AND STATE OF ARIZONA, HELD ON TUESDAY, MARCH 7, 2023, 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 _____.

ROLL CALL

COUNCIL

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

STAFF

Stephen J. Pauken, City Manager
Ashlee Coronado, City Clerk
Keri Bagley, Finance Director
Matthew Gurney, Public Works Director
Logan Dodd, Operations Manager
Tim Cox, Police Chief
Jim Richardson, Fire Chief

CITY ATTORNEY

Joseph Estes

INVOCATION: Mayor Budge asked for a moment of silence to reflect.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Budge thanked everyone for showing up and watching.

CALL TO THE PUBLIC

- James Terry, spoke regarding city owned property on Williams Avenue.

THE FOLLOWING WERE WILL BE 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 \$237,680.80.

SECOND: Councilmember Johns

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

AYES: Councilmember Hill, Giacomino, Davis, Johns, Sowid, Cline and Mayor Budge

NAYS: 0

MOTION PASSED: AYES-7 NAYS-0

2. Approval of the Consent Agenda

- A. Approval of the Minutes of the Regular Session of Mayor and Council held on February 21, 2023.

Ashlee Coronado, City Clerk

- B. Approval of the Appointment of Alisia Espiriti to the Planning and Zoning Commission.

Ashlee Coronado, City Clerk

- C. Approval of the Appointment of David Neufeld to the Bisbee Arts Commission.

Ashlee Coronado, City Clerk

- D. Approval of the Appointment of Dina Herrington-Chant to the Airport Advisory Commission.

Ashlee Coronado, City Clerk

- E. Approval of a Special Event Liquor License Application submitted by Bisbee Pride Inc. for an event to be held at 401 Cole Avenue Bisbee, AZ on Saturday, May 13, 2023, from 4:00pm to 11:00pm.

Ashlee Coronado, City Clerk

MOTION: Councilmember Cline moved to approve the Consent Agenda items A – E.

SECOND: Councilmember Davis

MOTION PASSED: UNANIMOUSLY

OLD BUSINESS

3. Update on the Five-Year Agreement with Bisbee Vogue for the Bisbee 1000 Stair Climb.

Stephen Pauken, City Manager

Mayor Budge said this had been tabled at the last meeting, since then it was decided that more negotiations would be needed before this was brought back to Council. He was not sure when this would come back before Council if at all. He stated this will be put on hold at this time.

NEW BUSINESS

4. Public Hearing on Potential Declaration of Emergency by the City Council in relation to the Fiscal Year (FY) 2022 Expenditure Limitation.

Keri Bagley, Finance Director

Mr. Estes, City Attorney stated this was a technical requirement for something that happened at the end of the fiscal year 2022; the Council had issued and procured bonds to pay down the PSPRS debt obligations. He went on to explain that Council was taking this source of bond fund money and swapping it for the obligation. He said when the auditors came in to do the annual audit they looked at that and based off of the language in city's home rule resolution they are considering those bond funds that were paid to PSPRS as an expenditure. They were saying that the 20 million dollars was an expenditure under the city's expenditure limitation, and the city only had an available excess of approximately 6 million dollars, so the city over expended 14 million dollars above the expenditure limitation for fiscal year 2022. Even though this was a long-term debt obligation the auditors are classifying it in fiscal year 2022 under the audit. There

was a provision in the state constitution that exempts long-term debt obligations from being considered under the expenditure limitation, but because the city has a home rule resolution, the home rule resolution applies. The resolution didn't incorporate the long-term debt expenditure limitations from the constitution. Mr. Estes stated he had reviewed two dozen home rule resolutions from other municipalities' rules, and they were almost all identical to what Bisbee has. It was a common home rule language, in fact there was only one home rule city that he was able to find that had language in its home rule that addressed exemptions and it was a simple one last sentence in the home rule that said previous exceptions apply. The limitation was set by Council under the home rule for fiscal year 2022. It wasn't anticipated and we weren't anticipating it being classified as an expenditure for one year. We would have expected that expenditure to be spread out over the 20 years that the bonds are going to be paid for. Mr. Estes explained there was a process to resolve the excess expenditure, the first step was that the Council declares an emergency which has to be voted on by Council and has to have a majority vote by Council to declare the emergency. He explained in great detail the next steps and the process.

Mayor Budge opened the Public Hearing. He asked if anyone would like to speak in support or in opposition of this item. There were none.

Mayor Budge asked the City Clerk if any correspondence had been received on this item. Ms. Coronado responded that we had received none.

Mayor Budge closed the Public Hearing.

Council commented and asked questions regarding the declaration of emergency for the expenditure limitation, and Mr. Estes responded.

5. Discussion and possible approval of the Notice of Intent to adopt Ordinance O-23-04; an Ordinance of the Mayor and Council of the City of Bisbee, Approving the amendments to the City of Bisbee Sanitation Code, for the Low-Income Program.

Keri Bagley, Finance Director

Ms. Bagley stated this was amending the current ordinance on what was required for customers to qualify for low-income program. This was clarifying the items that the city can ask for and what makes a person qualify for the program.

Mr. Estes expanded on what Ms. Bagley stated this was an attempt clarify so that the city can verify that those individuals that are applying for this low-income program are actually low-income. The city has had circumstances where individuals apply that own multiple properties, they have a family trust, and their property isn't using any water for multiple months which means they are not living there. This was a way for the city to verify the financial requirements for the low-income program.

MOTION: Councilmember Cline moved to approve the Notice of Intent to adopt Ordinance O-23-04 approving the amendments to the City of Bisbee Sanitation Code Chapter 9, Article 9.1 Section 9.1.5, Subsection 9.1.5(C)(3).

SECOND: Councilmember Johns

ROLL CALL VOTE

AYES: Councilmember Hill, Giacomino, Davis, Johns, Sowid, Cline and Mayor Budge

NAYS: 0

MOTION PASSED: AYES-7 NAYS-0

6. Discussion and possible approval of the Notice of Intent to adopt Ordinance O-23-05; an Ordinance of the Mayor and Council of the City of Bisbee, Approving the amendments to the City of Bisbee Sewer Code, for the Low-Income Program.

Keri Bagley, Finance Director

Mayor Budge said this was the same as item 5, but it had the rules spelled out

MOTION: Councilmember Johns moved to approve the Notice of Intent to adopt Ordinance O-23-05 approving the amendments to the City of Bisbee Sewer Code Chapter 13, Article 13.2 Section 13.2.2 Subsection 13.2.2(A)(3)(c).

SECOND: Councilmember Cline

ROLL CALL VOTE

AYES: Councilmember Hill, Giacomino, Davis, Johns, Sowid, Cline and Mayor Budge

NAYS: 0

MOTION PASSED: AYES-7 NAYS-0

7. City Manager's Report:

- Mr. Pauken spoke regarding the Off System Bridge grant that the public works department had been working on.
- Mr. Pauken also spoke about the \$208,000.00 received in engineering funds from the State Transportation Board through the SMART fund program. The intention was to engineer the replacement of Commerce Street.
- Mr. Pauken gave an update on two bills in the legislature; food tax bill and rental tax bill.

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.):

MOTION: Councilmember Davis moved to adjourn the meeting.

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 7:44PM

Ken Budge, Mayor