

## 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, JUNE 7, 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 7:01PM.

### ROLL CALL

#### COUNCIL

Councilmember Juanetta Hill, Ward III  
Councilmember Joni Giacomino, Ward II 7:05pm  
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

Stephen J. Pauken, City Manager  
Ashlee Coronado, City Clerk  
Keri Bagley, Finance Director  
Joelle Landers, Personnel Director  
Matthew Gurney, Public Works Director  
Albert Echave, Police Chief  
Jim Richardson, Acting Fire Chief

#### CITY ATTORNEY

Joseph Estes

INVOCATION: Mayor Budge asked for a moment of silence to think about the recent gun violence across the States.

### PLEDGE OF ALLEGIANCE

### MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

### CALL TO THE PUBLIC

- Nolan Gouget, Bisbee resident spoke about a Cop Watch he runs in Bisbee. He then spoke about the recent incident in Uvalde. He spoke on the response time and compared it to Bisbee.

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 \$456,743.52.

SECOND: Councilmember Davis

### ROLL CALL VOTE

AYES: Councilmember Hill, Giacomino, Davis, Cline and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES- 5 NAYS-0

2. Approval of the Consent Agenda

- A. Approval of the Minutes of the Regular Session of Mayor and Council held on May 17, 2022.

Ashlee Coronado, City Clerk

- B. Approval of the Resignation of Donna Pulling from the Transit Advisory Committee.

Ashlee Coronado, City Clerk

- C. Approval of a Park, Facility, and Right-of-Way Use Permit for the Boys and Girls Club of Bisbee for the use of Arizona Street (between Briggs Avenue and Ruppe Street) for the Cars & Bikes on Arizona Street Show to be held on Saturday, September 3, 2022, from 6:00am to 5:00pm.

Ashlee Coronado, City Clerk

- D. Approval of a Park, Facility, and Right-of-Way Use Permit for the use of several streets for the Coaster Race Trial Run on July 2<sup>nd</sup>, Pre-Sets July 3<sup>rd</sup> and the Race on July 4, 2022.

Ashlee Coronado, City Clerk

- E. Approval of a Park, Facility and Right-of-Way Use Permit for the Bisbee Rotary Club for the use of Cole Avenue, Bisbee Road and Arizona Street for the Annual 4<sup>th</sup> of July Parade on Monday, July 4, 2022, from 9:00am to 1:00pm.

Ashlee Coronado, City Clerk

- F. Approval of a Special Event Liquor License Application submitted by Bisbee Pride, Inc. for an Event to be held on Howell Avenue, Friday, June 17, 2022, from 6:00pm to 12:00am (midnight).

Ashlee Coronado, City Clerk

- G. Approval of a Special Event Liquor License Application submitted by Bisbee Pride, Inc. for an Event to be held outside of the Convention Center, on Friday, June 17, 2022, and Saturday, June 18, 2022, from 6:00pm to 12:00am (midnight) each day.

Ashlee Coronado, City Clerk

- H. Approval of an Application for an Extension of Premises/ Patio Permit submitted by Electric Brewing for an Event to be held at 1326 W. Highway 92 #7, Bisbee, Arizona on Sunday, June 12, 2022; Joseph Charles Fredrickson, Applicant.

Ashlee Coronado, City Clerk

- I. Approval of an Application for an Extension of Premises/ Patio Permit submitted by Electric Brewing for an Event to be held at 1326 W. Highway 92 #7, Bisbee, Arizona on Sunday, June 19, 2022; Joseph Charles Fredrickson, Applicant.

Ashlee Coronado, City Clerk

- J. Approval of an Application for an Extension of Premises/ Patio Permit submitted by Electric Brewing for an Event to be held at 1326 W. Highway 92 #7, Bisbee, Arizona on Sunday, June 26, 2022; Joseph Charles Fredrickson, Applicant.

Ashlee Coronado, City Clerk

- K. Approval of a Liquor License Application for the Bisbee Royale located at 94 Main Street, Bisbee, Arizona; Michael David Page, Applicant.  
Ashlee Coronado, City Clerk

Councilmember Cline asked to pull items 2H-J

MOTION: Mayor Budge moved to approve the Consent Agenda items A-G & K  
 SECOND: Councilmember Cline MOTION PASSED: UNANIMOUSLY

Items 2H-J:

Councilmember Cline said she had gone by the location over the weekend and did not hear excessive noise as noted in the complaint they received.

Mayor Budge said he visited the location and did some measurements. He then discussed the Code regulations for noise. He said the business should direct all equipment back towards their building. He said he wanted to make that a stipulation on these permits. He also asked that the City Manager and Police monitor the situation. He was willing to approve these permits, but this was becoming a permanent part of their business.

MOTION: Mayor Budge moved to approve Consent Agenda items 2H-J, with the stipulation that the applicant turn the speakers to face the venue instead of towards the street and that they follow City Code 10.1.8F.

SECOND: Councilmember Giacomino MOTION PASSED: UNANIMOUSLY

**OLD BUSINESS**

**NEW BUSINESS**

- 3. Discussion and Possible Approval to go into the Board of Appeals for the Building Code with a Public Hearing to render a decision on the appeal filed by Deborah Hall and Paul Till, property owner of 118 Tombstone Canyon and Discussion and Possible Approval to come out of the Board of Appeals for the Building Code.

Joe Ward, Building Inspector / Code Enforcement

MOTION: Councilmember Davis moved to go into the Board of Appeals for the Building Code with a Public Hearing to render a decision on the appeal filed by Deborah Hall and Paul Till, property owner of 118 Tombstone Canyon.

SECOND: Councilmember Cline MOTION PASSED: UNANIMOUSLY

Mayor Budge went over the order of the hearing.

Paul Till, appellant said the wall replacement was necessary and an emergency. They had rocks falling into their home. He apologized for not going about it the right way.

Michael Neil said there were two retaining walls built with boulders with cement holding them up. He thought he was repairing and replacing the wall better then the previous owner had done. He explained the process he went through to include pouring a footer. He explained that Joe Ward had stopped by to see what we had been doing, and we were not told to stop the work. Mr. Neil said that Joe told them if it was more then four feet a building permit along with a structural engineer would be needed. He said knowing that he cut the forms down to four feet from the footer. He also had an engineer from Benson who wrote a letter

saying everything was done correctly. He said that this was very necessary because of the rocks. Mr. Neil submitted photos to the Board and explained each one.

Mr. Ward, Building Inspector said retaining walls were measured from the bottom of the footer to the top of the wall, not from the top of the footer. Mr. Ward provided examples. He explained that he had examined the forms in detail before knocking on the door. He spoke to the owners and left with the understanding that they would be obtaining a building permit and engineering inspection. He said that the engineer that was used was not a structural engineer. Mr. Ward said he was not impressed with the reinforcements. He explained that the owner intends to extend the wall with gabions.

Mr. Neil said the wall was falling. He said that Mr. Ward said that it had to be four feet, so he cut the forms down as requested.

Mr. Till said it was an emergency, there were no options. They had to protect the property.

Mayor and Council discussed the possible remedies.

Mayor Budge discussed the forms being left in place after the concrete was poured. Mr. Ward confirmed that forms should have been removed.

Mr. Pauken said that no one in this room was totally qualified to render a determination on what needed to be done. He recommended that the appellant procure the services of a structural engineer to look at the sight and make a determination if the wall was up to code or not.

MOTION: Mayor Budge moved that the appellant come back to the board with more information and a stamped approval from a Structural Engineer in 6 weeks' time.

SECOND: Councilmember Davis

MOTION PASSED: UNANIMOUSLY

MOTION: Councilmember Davis moved to come out of the Board of Appeals for the Building Code.

SECOND: Mayor Budge

MOTION PASSED: UNANIMOUSLY

4. Public Hearing on Truth in Taxation and Public Hearing and Discussion of the FY 2022-23 Proposed Budget for the City of Bisbee.

Keri Bagley, Finance Director

Mayor Budge opened the Public Hearing

- Mayor Budge asked if there were members in the public that wish to speak in support of this item.
- Mayor Budge asked if there were members in the public that wish to speak in opposition of this item
- Mayor Budge asked the City Clerk if there were any written communications filed with the Clerk's Office. Ms. Coronado indicated there were not.

Mayor Budge closed the Public Hearing.

5. Discussion and Possible Approval of Resolution R-22-11: Adopting the Final Budget for FY 2022-23 for the city of Bisbee; Adopting the Alternative Expenditure Limitation for FY 2022-23.

Stephen J. Pauken, City Manager

Mr. Pauken explained the final budget amount for FY 2022-23 was \$68,771,446. He explained the amounts budgeted in various funds along with the amounts accounted for in possible grants.

MOTION: Councilmember Davis moved to approve Resolution R-22-11 adopting the final budget and the alternative expenditure limit for fiscal year 2022-23.

SECOND: Mayor Budge

ROLL CALL VOTE

AYES: Councilmember Hill, Giacomino, Davis, Cline and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES- 5 NAYS-0

- 6. Discussion and Possible Action to return to in-person meetings for all Boards, Committees and Commissions.

Ken Budge, Mayor

Mayor Budge requested all Boards, Committees and Commissions start to meet in person from here on out. He said that hybrid meeting will no longer be held.

- 7. Discussion and Possible Approval of an Intergovernmental Agreement with Cochise County for Election Supplies and Services.

Ashlee Coronado, City Clerk

Mrs. Coronado explained this IGA with Cochise County for Election Supplies and Services would provide ballot programing and mailing. It also provided the vote centers that were available on election day.

MOTION: Councilmember Davis moved to approve the IGA with Cochise County for Election Supplies and Services.

SECOND: Councilmember Cline

ROLL CALL VOTE

AYES: Councilmember Hill, Giacomino, Davis, Cline and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES- 5 NAYS-0

- 8. Discussion and Possible Approval of a Memorandum of Understanding between the City of Bisbee and Bisbee Vogue Inc., for the Coordination and Implementation of Recreational Activities at Higgins Hill Park.

Steve Pauken, City Manager

Mr. Pauken explained this MOU had come out of a discussion with Bisbee Vogue. This would provide programmed activity at Higgins Park, mainly at the pickleball courts and exercise equipment. The programs that Vogue wants to sponsor would be funded by Vogue, but the employees would be employed by the City. They would be part time seasonal employees. This was a one-year agreement. Vogue has committed \$6,000 to the program for this year.

MOTION: Councilmember Cline moved to approve the Memorandum of Understanding between the City of Bisbee and Bisbee Vogue Inc., for the Coordination and Implementation of Recreational Activities at Higgins Hill Park.

SECOND: Mayor Budge

ROLL CALL VOTE

AYES: Councilmember Hill, Giacomino, Davis, Cline and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES- 5 NAYS-0

- 9. Discussion and Possible Approval to accept the donation of 4 tents (1-40'x20' and 3- 20'x20') from Bisbee Vogue, Inc.

Matthew Gurney, Public Works Director

Mr. Gurney explained Bisbee Vogue has requested to donate these 4 large tents to the City of Bisbee. They would be available for events.

Councilmember Cline thanked Bisbee Vogue for this generous donation.

MOTION: Mayor Budge moved to accept the donation of 4 tents from Bisbee Vogue, Inc.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

- 10. Discussion and Possible Approval to award the RFP for the wall replacement at 229 A Tombstone Canyon to Lithic Construction Inc.

Matthew Gurney, Public Works Director

Mr. Gurney explained Lithic Construction was the low bidder on this project and staff was requesting approval to award this project to them.

MOTION: Councilmember Davis moved to award the RFP for the wall replacement at 229 A Tombstone Canyon to Lithic Construction Inc.

SECOND: Councilmember Cline

ROLL CALL VOTE

AYES: Councilmember Hill, Giacomino, Davis, Cline and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES- 5 NAYS-0

- 11. Discussion and Possible Approval to award the RFP to replace the Senior Center Roof to Landmark Metal Builders.

Matthew Gurney, Public Works Director

Mr. Gurney explained this was a request to award a contract to Landmark Metal Builders to replace the roof at the Senior Center. The entire roof would be replaced. This was being paid for out of ARPA Funds.

MOTION: Councilmember Hill moved to award the RFP to replace the Senior Center Roof to Landmark Metal Builders.

SECOND: Councilmember Giacomino

ROLL CALL VOTE

AYES: Councilmember Hill, Giacomino, Davis, Cline and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES- 5 NAYS-0

- 12. Discussion and Possible Approval of a Contract with Fireworks Productions of Arizona for the 4<sup>th</sup> of July Fireworks.

Jim Richardson, Acting Fire Chief

Chief Richardson said they were seeking approval to purchase Fireworks for the 4<sup>th</sup> of July show. This year the insurance was not included in the price of the fireworks. He said that the Fire Union would be purchasing an additional \$5,000 in fireworks as well.

Mr. Pauken reminded the public the dangers of setting off fireworks. He asked that the public leave that up to the professionals.

MOTION: Councilmember Giacomino moved to approve the contract with Fireworks Productions of Arizona for the 4th of July Fireworks.

SECOND: Councilmember Cline

ROLL CALL VOTE

AYES: Councilmember Hill, Giacomino, Davis, Cline and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES- 5 NAYS-0

13. City Manager's Report:

- Update on City Hall project- Mr. Pauken said we had received 3 bids all of which came in excess of what we felt was a reasonable budget for the building. We have gone back to the low bidder to make sure that the prices quoted were in line with the bid document. We were awaiting some revised numbers.
- Update on the sale of the Hillcrest building- Mr. Pauken explained the prospective buyer of the building did not receive their tax credits. They could still receive them in the next round during the fall.
- Other Current events (No Discussion)- Mr. Pauken gave an analysis of the numbers after the bond issue for PSPRS. He said that the remaining balance in unfunded liability was \$747,000. We had anticipated that amount be around a million dollars.

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 Cline

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 8:37 PM

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Ken Budge, Mayor