

**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 15, 2021 AT 7:00 PM VIA ZOOM.

THE MEETING WAS CALLED TO ORDER BY MAYOR BUDGE AT 7:11 PM.

ROLL CALL

**COUNCIL**

Councilmember Louis Pawlik, Ward III  
Councilmember Joni Giacomino, Ward II  
Councilmember Frank Davis, Ward I  
Mayor Ken Budge  
Councilmember Leslie Johns, Ward I  
Councilmember Joan Hansen, Ward II  
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  
Jesus Haro, Public Works Director  
Albert Echave, Police Chief  
George Castillo, Fire Chief

**CITY ATTORNEY**

Joseph Estes

INVOCATION: Mayor Budge asked for a moment of silence to remember Sergio one of our local bike riders who was hit and killed around the pit.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

Mayor Budge announced that he would be making some changes to the agenda order of business. He would be moving Item 9 after Item 3. He would also be moving the City Managers report and Council Comments to before the Executive Session.

CALL TO THE PUBLIC

Joelle Landers read letters submitted by citizens.

- Sharon Rock wrote about the Shared Use Path that was going to come before Council. She said that she had spoken to Al Anderson and submitted suggestions. She thought going back to the drawing board would be beneficial.
- T. McCarthy wrote in support of the Shared Use Path and thought it should be a priority.
- Kimber Lanning wrote to express support for the projected pathways proposal.

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 \$226,241.00 subject to availability of funds.

SECOND: Councilmember Hansen

Councilmember Cline asked questions about items that had been purchased.

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Davis, Johns, Hansen, 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 the Mayor and Council held on June 1, 2021.

Ashlee Coronado, City Clerk

- B. Approval of the Appointment of Heather Loken to the Police and Fire Advisory Committee.

Ashlee Coronado, City Clerk

- C. Approval of the Park, Facility and Right of Way Use Permit for the use of Brewery Gulch for the 4<sup>th</sup> of July Mucking and Drilling Contests on Sunday, July 4, 2021 from 12:00am to 3:00pm.

Ashlee Coronado, City Clerk

- D. Approval of a Park, Facility and Right of Way Use Permit for the Senior Class 2021 Dance for the use of Main Street between Subway and Post Office to Celebrate Graduating Class of 2021 from the Bisbee High School to be held on Saturday July 17, 2021 from 6:00pm to 10:00pm; with waiver of fees.

Ashlee Coronado, City Clerk

- E. Approval of a Permanent Extension of Premises/Patio Permit application submitted by Electric Brewing, located at 1326 W Highway AZ-92 #8, Fredrickson Joseph Charles, Applicant.

Ashlee Coronado, City Clerk

Councilmember Cline asked that Item E be pulled for discussion.

MOTION: Councilmember moved to approve Consent Agenda items A-D.

SECOND: Councilmember Davis

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Davis, Johns, Hansen, Cline, and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

2E. Approval of a Permanent Extension of Premises/Patio Permit application submitted by Electric Brewing, located at 1326 W Highway AZ-92 #8, Fredrickson Joseph Charles, Applicant.

Councilmember Cline said that she liked the patio, but wanted to make sure that the neighbors were okay with it.

Ms. Coronado responded that she was unsure if the neighbors had been asked their opinion.

Councilmember Davis thought that if the laundry mat had any objection we would have heard it.

MOTION: Mayor Budge moved to table this item.

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

**OLD BUSINESS**

**NEW BUSINESS**

- 3. Discussion and Possible Approval of the recommendation from the Bisbee Arts Commission to fund a grant application for Laurie McKenna in the amount of \$500.00 from the Bisbee Arts Commission Fund.

Leslie Johns, Council Liaison

Councilmember Johns said that this application was themed around the events of last year. Ms. McKenna had applied for grants in the past and had filled all the obligations.

MOTION: Councilmember Davis moved to approve the funding of the grant application for Laurie McKenna in the amount of \$500.00 from the Bisbee Arts Commission Fund.

SECOND: Councilmember Johns

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Davis, Johns, Hansen, Cline, and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

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

George Castillo, Fire Chief

Mayor Budge said that he had received several calls and emails on this. Mayor Budge said with the ban on consumer fireworks it would help free up our people to be on standby. He said that if there was wind or any other situation they would of course not go off. If we don't approve this tonight it wouldn't happen at all. We needed to get them at least ordered. He would leave the final call up to the Fire Chief and Fire Marshal.

Councilmember Hansen said we needed to order them, but her concern was having to pull fire trucks from their posted locations to deal with consumer fireworks. She thought we might be better off delaying them all together and having a special Bisbee day or something.

Councilmember Cline explained the precautions that the Fire Department took to make this a very safe event.

Chief Castillo said that he and the others who lit the fireworks were certified. He went on the explained that there was no brush in the area where they shoot the fireworks. He also explained the preplanning that went into the show itself.

MOTION: Councilmember Cine moved to approve the contract with Fireworks Productions of Arizona for the 4<sup>th</sup> of July Fireworks.

SECOND: Mayor Budge

ROLL CALL VOTE:

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

NAYS: Councilmember Pawlik and Hansen

MOTION PASSED: AYES -5 NAYS -2

5. Discussion and Possible Approval of a Park, Facility, and Right-of-Way Use Permit for Cazador Farmers Market for the use of Lower Vista every Saturday from June 19, 2021 through May 21, 2022 from 8:00am to 5:00pm; this includes set-up and breakdown.

Ken Budge, Mayor

Ms. Coronado informed the Council that no one from Cazador Market was on the Zoom Meeting tonight.

Councilmember Giacomino said that she didn't like the length of time they wanted the park. It made the park unusable.

Councilmember Hanson agreed with Councilmember Giacomino.

Mr. Pauken said that they met with the applicant at some length. They discussed the issues that came up the last time they were before Council. They were aware of the concerns and they had an opportunity to discuss what the City wanted to see in a Farmers Market.

MOTION: Mayor Budge moved to table this item.

SECOND: Councilmember Hansen

MOTION PASSED: UNANIMOUSLY

6. Discussion and Possible Approval of a Park, Facility, and Right-of-Way Use Permit for the Bisbee Saturday Market for the use of Lower Vista every Saturday from September 1, 2021 through September 11, 2022 from 8:00am to 2:00pm; this includes set-up and breakdown.

Ken Budge, Mayor

Tracy Trewhella from Bisbee Saturday Market said that this was a community service and healthy locally grown foods was paramount in the area. That was their focus, as well as a wellness and arts and crafts piece.

Councilmember Giacomino said that she was glad to hear something would be coming back to Warren and asked if she thought there would be any conflicts with the existing market.

Ms. Trewhella said that no she didn't. They would both be very different. Venders in Sierra Vista were desperately wanting to come back to Bisbee at the Vista Park.

Mayor and Council discusses the specific processes that would be followed by the market if approved.

MOTION: Mayor Budge moved to table this item.

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

MOTION: Councilmember Giacomino moved to pull this item off the table.

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

MOTION: Councilmember Hansen moved to approve the Park, Facility, and Right-of-Way Use Permit for the Bisbee Saturday Market for the use of Lower Vista every Saturday from September 1, 2021 through September 11, 2022 from 8:00am to 2:00pm; this includes set-up and breakdown.

SECOND: Councilmember Giacomino

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Davis, Johns, Hansen, Cline, and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

- 7. Discussion and Possible Approval of Resolution R-21-07; a Resolution of the Mayor and Council, City of Bisbee, County of Cochise, State of Arizona, fixing, levying and assessing the amount to be raised by the City of Bisbee from property taxation and fixing and determining the property tax rate for the 2021-2022 fiscal year and providing for severability.

Keri Bagley, Finance Director

Ms. Bagley explained that this would increase the FY22 property taxes to \$3.0503 per one hundred dollars. This would add an additional \$22,544 in tax revenue to support the General Funds expenditures.

MOTION: Councilmember Hansen moved to approve Resolution R-21-07; a Resolution of the Mayor and Council, City of Bisbee, County of Cochise, State of Arizona, fixing, levying and assessing the amount to be raised by the City of Bisbee from property taxation and fixing and determining the property tax rate for the 2021-2022 fiscal year and providing for severability.

SECOND: Mayor Budge

ROLL CALL VOTE:

AYES: Councilmember Giacomino, Davis, Johns, Hansen, Cline, and Mayor Budge.

NAYS: Councilmember Pawlik

MOTION PASSED: AYES -6 NAYS -1

- 8. Discussion and Possible Acceptance of American Rescue Plan Act (ARPA) award terms and conditions.

Stephen Pauken, City Manager

Mr. Pauken explained that the American Rescue Plan was adopted by Congress. This round of assistance was a little different from the first round. He explained that there were specific areas where this round could be spent along with reporting requirements.

MOTION: Councilmember Pawlik moved to approve the ARPA Award Terms and Conditions.

SECOND: Councilmember Davis

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Davis, Johns, Hansen, Cline, and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

- 9. Discussion and Possible Approval of Resolution R-21-08: Temporary Ban on the Use of Permissible Consumer Fireworks.

Joelle Landers, Personnel Director/Staff Liaison

Ms. Landers explained that she was bringing this before Council at the request of the Police and Fire Advisory Board. They held a Special Session and voted unanimously to put this Resolution forward to Council for a temporary ban on consumer fireworks. This would be in effect immediately through July 6<sup>th</sup> or until the implementation of stage one or higher fire restriction has been lifted whichever was longer.

Chief Castillo strongly agreed with this Resolution. He said that everything was so dry at this time and people using these fireworks were not professionals. He wanted to avoid any incidents within the City. He requested that the public leave the fireworks to the professionals.

Chief Echave said that he also agrees with this temporary ban. He explained that in years past we had a few incidents where these type of fireworks caused brushfires. Things are much dryer this year. He said that we put a good fireworks show on for the public and encouraged everyone to come out and see it.

Mayor and Council agreed with what both Chief's said.

MOTION: Councilmember Hansen moved to approve Resolution R-21-08; Temporary Ban on the Use of Permissible Consumer Fireworks.

SECOND: Councilmember Johns

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Davis, Johns, Hansen, Cline, and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

10. Discussion and Possible Approval to establish motorcycle parking adjacent to the old America Legion Building on Subway Street.

Jesus Haro, Public Works Director

Joe Ward, Building Inspector/ Staff Liaison

Mr. Haro explained that he had received a request from Mr. Ablin to establish motorcycle parking in front of the Old American Legion Building on Subway Street. This went before Planning and Zoning Commission that they recommended that it go before Council. Mr. Haro said that he had no engineering reason whatsoever to designate any specific parking in front of this building. It could be parallel parking or motorcycle parking depending on what Council wanted to do.

Ms. Landers read a letter from Frankie Flanders who did not want motorcycle parking established. He said that the noise was a concern as he lived on Subway.

Mr. Ablin explained that he had hired a civil engineer to look at a feasibility study to make sure they were within the proper guidelines. He said they had worked very hard to clean up that corner. His future intent was to cooperate with the City as much as possible. His intent was to open up a brewery and restaurant dedicated to military veterans. He said that would create three more parking spaces in downtown Bisbee. This was in the entertainment district. He felt he met all the guidelines and followed all channels.

Mayor and Council discussed establishing this parking and raised questions and concerns.

MOTION: Councilmember Davis moved to establish motorcycle parking adjacent to the Old America Legion Building on Subway Street.

SECOND: Councilmember Pawlik

ROLL CALL VOTE:

AYES: Councilmember Pawlik and Davis

NAYS: Councilmember Giacomino, Johns, Hansen, Cline and Mayor Budge

MOTION FAILED: AYES -2 NAYS -5

11. Discussion and Possible Approval of a contract for Publishing Services/Official Newspaper of Record with the Bisbee Observer.

Ashlee Coronado, City Clerk

Ms. Coronado explained that before Council was the Annual Newspaper of record contract. This was the only bid received. There would be a fifty cent per column inch increase.

MOTION: Councilmember Hansen moved to approve the contract for Publishing Services/Official Newspaper of Record with the Bisbee Observer.

SECOND: Councilmember Cline

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Davis, Johns, Hansen, Cline, and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

12. Discussion and Possible Approval to Enter into an Intergovernmental Agreement with the City of Sierra Vista to purchase dumpsters and roll-out totes.

Jesus Haro, Public Works Director

Mr. Haro explained that this was a formal IGA between the City of Bisbee and City of Sierra Vista for the purchase of dumpsters and rollouts. The purchase itself was approved at the last meeting.

MOTION: Mayor Budge moved to enter into an intergovernmental agreement with the City of Sierra Vista to purchase dumpsters and roll-out totes.

SECOND: Councilmember Cline

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Davis, Johns, Hansen, Cline, and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

13. Discussion and Possible Approval for the Purchase of 11 Dell MDT Computers for the Bisbee Police Department using awarded Arizona Attorney General's Office grant in the amount of \$20,000.

Albert Echave, Police Chief

Chief Echave explained that before Council was approval to purchase 11 Mobile Data Terminals. These were the computers that Officers use daily in their vehicle. This grant would allow us to purchase 11 of them.

MOTION: Councilmember Hansen moved to approve the purchase of 11 Dell MDT Computers for the Bisbee Police Department using awarded Arizona Attorney General's Office grant in the amount of \$20,000.

SECOND: Councilmember Pawlik

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Davis, Johns, Hansen, Cline, and Mayor Budge.

NAYS: 0

MOTION PASSED: AYES -7 NAYS -0

14. 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 Gouguet 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: Mayor Budge moved to come out of Executive Session

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

15. City Manager's Report:

- Main Street Drainage Update- Mr. Haro gave an update on the Main Street Drainage report. He said that WLB group was almost finished with the report. He said that they had done the analysis on the flow. It turns out that their analysis showed that one building the old JC Penny Building could have issues and that was prior to the overlay. At this point WLB Group would finish their analysis and make recommendations. There were no new buildings designated.
- 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.):

- Councilmember Pawlik would like a future item relating to RV Parking that had been previously discussed at the Planning and Zoning meeting.

MOTION: Councilmember Davis moved to adjourn the meeting.

SECOND: Councilmember Johns

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 9:46 PM

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Ken Budge, Mayor