

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, JULY 5, 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 Juanetta Hill, Ward III
Councilmember Joni Giacomino, Ward II
Councilmember Frank Davis, Ward I Excused
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
Joelle Landers, Personnel Director
Matthew Gurney, Public Works Director
Logan Dodd, Operations Manager
Albert Echave, Police Chief
Jim Richardson, Fire Chief

CITY ATTORNEY

Joseph Estes

INVOCATION: Mayor Budge asked for a moment of silence to reflect on those lost and affected by the Highland Park shooting on July 4th.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Joelle Landers, Personnel Director announced Police Chief Albert Echave's Retirement.

CALL TO THE PUBLIC

- Nolan Gouget, Bisbee resident spoke against the Home Rule Option ballot measure.

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 \$354,446.13.

SECOND: Councilmember Giacomino

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

ROLL CALL VOTE

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

NAYS: 0

MOTION PASSED: AYES- 6 NAYS-0

2. Approval of the Consent Agenda

- A. Approval of the Minutes of the Regular Session of Mayor and Council held on June 21, 2022.

Ashlee Coronado, City Clerk

- B. Approval of a Special Event Liquor License Application submitted by the Bisbee Coalition for the Homeless for an event to be held at the Historic Warren Ballpark located at 99 Arizona Street, Bisbee, AZ on Saturday, November 5, 2022, from 10:00am to 9:00pm, Tony Bedolla; Applicant.

Ashlee Coronado, City Clerk

- C. Possible Approval of a Park, Facility and Right-of-Way Use permit for the use of Erie Street in Lowell for the Bisbee Arts Commission Festival of Arts to be held on Saturday, October 22 and Sunday, October 23, 2022, to include a waiver of fees.

Ashlee Coronado, City Clerk

MOTION: Budge moved to approve the Consent Agenda items A-C.

SECOND: Councilmember Cline

ROLL CALL VOTE

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

NAYS: 0

MOTION PASSED: AYES- 6 NAYS-0

OLD BUSINESS

- 3. Discussion and Possible 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, July 10, 2022; Natalie Fredrickson, Applicant.

Ashlee Coronado, City Clerk

Mayor Budge said this item was pulled from the last agenda and Council had requested that the applicant come to the meeting to answer questions related to the outdoor noise complaint.

Natalie Fredrickson, business owner spoke on behalf of the brewery. She gave some background on the outdoor events and discussed their limited space indoors. She also discussed the changes that had been made to address the noise complaint.

Winston Fredrickson, business owner discussed the City Code noise Ordinance. He wanted to know what the average sound of a normal conversation along with the property line.

Joe Fredrickson, business owner said they had kept the neighborhood in mind when planning these events. He gave some history into the noise complaint. They have been trying to keep the music low since the complaint. He said changes had been made after they received the letter notifying them of the issue.

Mayor and Council discussed the concerns they had with the permit and the issues with the noise.

Councilmember Giacomino said there were some people who were not happy about their Sundays being disturbed. The way that the music is being projected is interfering with people. She suggested relocating the projection of the sound.

Mr. Pauken said this discussion was about excessive noise. He said in order to deal with this there was a difference in an acoustic instrument versus amplified instruments. If unamplified entertainment was used, that may be a solution.

Mayor Budge said this just needed to be compliant with the Code. He said it should be 100 feet from the front of the building at 60 decibels.

MOTION: Mayor Budge moved to approve items 3,4,5, and 6 for extension of premises for acoustical music only.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

- 4. Discussion and Possible 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, July 17, 2022; Natalie Fredrickson, Applicant.
Ashlee Coronado, City Clerk

Approved in Item 3.

- 5. Discussion and Possible 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, July 24, 2022; Natalie Fredrickson, Applicant.
Ashlee Coronado, City Clerk

Approved in Item 3.

- 6. Discussion and Possible 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, July 31, 2022; Natalie Fredrickson, Applicant.
Ashlee Coronado, City Clerk

Approved in Item 3.

NEW BUSINESS

- 7. Discussion and Possible Approval of the recommendation from the Bisbee Arts Commission to City Council to fund a grant application from Dan di Monium / Milo Mietzner in the amount of \$500.00, from the Bisbee Arts Commission Fund.
Leslie Johns, council Liaison Bisbee Arts Commission

Councilmember Johns said this was a request for retroactive funding. The performance took place on June 18th at Chuckleheads. The Arts Commission supported this application.

MOTION: Councilmember Johns moved to approve the funding of the grant application from Dan di Monium / Milo Mietzner in the amount of \$500.00, from the Bisbee Arts Commission Fund.

SECOND: Councilmember Giacomino

MOTION PASSED: UNANIMOUSLY

- 8. Discussion and Possible Approval of Amendment #1 to the Agreement to provide Animal Care Services between the City of Bisbee and the Friends of the Bisbee Animal Shelter.

Steve Pauken, City Manager

Mr. Pauken said this amendment to the Agreement for Animal Care Services had one small amendment. It now reflects the actual reports provided by the Friends of the Bisbee Animal Shelter on a monthly basis.

MOTION: Councilmember Cline moved to approve Amendment #1 to the Agreement to provide Animal Care Services between the City of Bisbee and the Friends of the Bisbee Animal Shelter.

SECOND: Councilmember Giacomino

MOTION PASSED: UNANIMOUSLY

- 9. Discussion and Possible Approval to award a contract to KE&G to install a catch basin on Tombstone Canyon near the entrance of the Busy B parking lot.

Matthew Gurney, Public Works Director

Mr. Dodd said they were seeking approval to award the contract to KE&G to install a catch basin on Tombstone Canyon. He explained that two bids had been received.

Councilmember Cline mentioned that KE&G always has change orders and she requested that staff watch that.

Councilmember Sowid asked how this would affect the businesses in the area and wanted to know how affective this would be.

Mr. Pauken said KE&G had done all or the majority of the work the City could not do themselves in the City of Bisbee. The catch basin was not taken into account when the road was redone. He explained that there was already a pipe in the ground. This would be a solution to the current water drainage issues.

Councilmember Sowid asked how business would be affected and for how long.

Mr. Dodd said they were quoted about two weeks to four weeks tops.

MOTION: Councilmember Giacomino moved to approve a contract with KE&G to install a catch basin on Tombstone Canyon near the entrance of the Busy B parking lot.

SECOND: Councilmember Johns

ROLL CALL VOTE

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

NAYS: 0

MOTION PASSED: AYES- 6 NAYS-0

- 10. Discussion and Possible Approval of three lease agreement from GM Financial Commercial Vehicle Lending for three 2022 Chevrolet Silverado trucks.

Matthew Gurney, Public Works Director

Mr. Dodd explained that back in November Public Works had received approval to get quotes for three vehicles. They were now requesting approval of those leases.

Councilmember Sowid asked if they would be replacing vehicles or adding to the fleet.

Mr. Dodd said they would be replacing the old vehicles.

MOTION: Councilmember Giacomino moved to approve the three lease agreements from GM Financial Commercial Vehicle Lending for three 2022 Chevrolet Silverado trucks.

SECOND: Councilmember Cline

ROLL CALL VOTE

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

NAYS: 0

MOTION PASSED: AYES- 6 NAYS-0

11. Discussion and Possible Approval of the Second Amendment to the Agreement for Purchase and Sale of Real Property for the Hillcrest Building.

Stephen Pauken, City Manager

Mr. Pauken explained it became apparent that since the buyer did not get their tax credits, it would put a damper on their ability to follow through with their project. After a discussion with the developer, it has resulted in a change in the agreement. This will extend the feasibility period, and the possibility of receiving tax credits in 2023. This also allows us to market and resell the property. We were also seeking the approval to advertise the building for sale again. He said that three people have already looked at the building.

Mayor and Council discussed the need to better secure the property.

MOTION: Mayor Budge moved to Approve the Second Amendment to the Agreement for Purchase and Sale of Real Property for the Hillcrest Building.

SECOND: Councilmember Sowid

ROLL CALL VOTE

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

NAYS: 0

MOTION PASSED: AYES- 6 NAYS-0

12. Discussion and Possible Approval of Resolution R-22-13; a Resolution of the Mayor and Council of the City of Bisbee, County of Cochise, State of Arizona, submitting to the Electors at the General Election to be held on November 8, 2022, a Proposition Authorizing a Continuation of a One Percent (1.0%) Transaction Privilege Tax.

Steve Pauken, City Manager

Mr. Pauken said this was language that was approved by our financial advisors, bond council and City Attorney. This would go to the voters to ask to continue the sales tax, but the difference being we would now be splitting the money between the Streets and Infrastructure fund and Public Safety Retirement.

Mayor Budge said this would help us establish the million dollars in reserve for PSPRS that was necessary if there was a bad year. Mayor Budge said he would like to see us get this paid off as soon as possible.

MOTION: Mayor Budge moved to approve Resolution; R-21-13 as recommended.

SECOND: Councilmember Cline

ROLL CALL VOTE

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

NAYS: 0

MOTION PASSED: AYES- 6 NAYS-0

13. City Manager's Report:

- 2nd round of ARPA Funding for Non-Profits and the deadline to submit applications. – Mr. Pauken explained that this was the second round of ARPA funding. Last year the Council took applications from eligible non-profit organizations. This was the next round. We would start advertising tomorrow and the deadline would be August 26th. Applications would be posted on our website.
- Other Current events (No Discussion)
 - Mr. Pauken announced City Hall would be open 5 days a week beginning this week
 - Mr. Pauken announced Acting Chief Richardson has been promoted to Fire Chief. He will also maintain the title of Fire Marshal
 - Mr. Pauken gave a brief budget update and performance report.
 - Mr. Pauken announced he would not be in the office starting tomorrow and will return on July 25th. Mrs. Coronado would be Acting City Manager during that time.

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: Mayor Budge moved to adjourn the meeting.

SECOND: Councilmember Giacomino

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 9:02 PM

Ken Budge, Mayor