

MINUTES

MINUTES OF THE SPECIAL SESSION OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, AND STATE OF ARIZONA, HELD ON THURSDAY, JULY 8, 2021 AT 7:00 PM VIA ZOOM.

THE MEETING WAS CALLED TO ORDER BY MAYOR BUDGE AT 7:02 PM.

ROLL CALL

COUNCIL

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

STAFF

Stephen J. Pauken, City Manager
Ashlee Coronado, City Clerk
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 those that were lost in the condo collapse in Florida. He also asked that everyone keep the first responders in their thoughts as well.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Ms. Landers and Mr. Macoviak acknowledged Alison Williams, Library Program Coordinator for being included in the Library Journals Movers and Shakers 2021.
- Ms. Landers and Mr. Haro recognized a longevity recognition for Raul Hidalgo
- Ms. Landers and Chief Echave recognized a longevity recognition for Reserve Officer Montgomery

CALL TO THE PUBLIC

- Ms. Landers read a letter from Sonia Hernandez who spoke in opposition of the Shared Use Path.
- Ms. Landers read a letter from Rose Hall who spoke in support of the Shared Use Path.
- Ms. Landers read a letter from Lauren Jennings who spoke in support of the Shared Use Path.
- Ms. Landers read a letter from Molly Harico who spoke in support of the Shared Use Path.
- Ms. Landers read a letter from Carl Stedder who spoke in support of the Shared Use Path.
- Ms. Landers read a letter from Roberta Barak who spoke in support of items 5 and 8.
- Ms. Landers read a letter from Kay Schmitdt who spoke in support of the Shared Use Path.
- Ms. Landers read a letter from Alex Hernandez who spoke in opposition of the Shared Use Path.
- Ms. Landers read a letter from Ben Lepley who spoke in support of the Shared Use Path.

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 \$244,648.99 subject to availability of funds.

SECOND: Councilmember Davis

Councilmember Cline asked questions about items that had been purchased.

ROLL CALL VOTE:

AYES: Councilmember Giacomino, Davis, Johns, 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 the Mayor and Council held on June 15, 2021.

Ashlee Coronado, City Clerk

- B. Approval of the Appointment of Dan Callaghan to the Airport Advisory Commission.

Ashlee Coronado, City Clerk

- C. Approval of the Appointment of Denise Whisman to the Police and Fire Advisory Committee.

Ashlee Coronado, City Clerk

- D. Approval of the Resignation of Mike Normand from the Board of Adjustment.

Ashlee Coronado, City Clerk

- E. Approval of the Resignation of Marsha Mayer from the Parks and Recreation Committee.

Ashlee Coronado, City Clerk

- F. 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 4:30pm to 11:30pm; with waiver of fees.

Ashlee Coronado, City Clerk

- G. Approval of a Park, Facility, and Right-of-Way use permit for the use of Various Streets, Parking Spaces and Staircases along with Higgins Hill Park for the Bisbee 1000 Stair Climb on Saturday, October 16, 2021, from 5:00AM to 2:00PM.

Ashlee Coronado, City Clerk

- H. Approval of a Park, Facility, and Right-of-Way Use Permit for the use of Lower Vista Park for a Staff Appreciation Day for Chiricahua Community Health Centers, Inc on Saturday, August 14, 2021 from 11:00 am to 3:00 pm.

Ashlee Coronado, City Clerk

Ms. Coronado informed Mayor Budge that there was someone who signed to speak about this item.

MOTION: Mayor Budge moved to approve Consent Agenda Items A-F and H.

SECOND: Councilmember Cline

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -5 NAYS -0

2G. G. Approval of a Park, Facility, and Right-of-Way use permit for the use of Various Streets, Parking Spaces and Staircases along with Higgins Hill Park for the Bisbee 1000 Stair Climb on Saturday, October 16, 2021, from 5:00AM to 2:00PM.

Andrew Laws spoke about a sign that was painted on the wall near his business. He said it was for a event that no longer existed. He said that this was an illegal sign.

MOTION: Mayor Budge moved to approve Consent Agenda item 2G.

SECOND: Councilmember Cline

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -5 NAYS -0

OLD BUSINESS

- 3. Discussion and Possible 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

Mayor Budge noted that we had received confirmation from the laundromat that was next door showing their support for this extension.

MOTION: Councilmember Davis moved to approve the Permanent Extension of Premises/ Patio Permit application submitted by Electric Brewing, Located at 1326 W Highway AZ-92 #8, Fredrickson Joseph Charles, Applicant.

SECOND: Councilmember Cline

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -5 NAYS -0

NEW BUSINESS

- 4. Personnel Announcements- Steven Gardner retirement from Bisbee Police Department.
Joelle Landers, Personnel Director

Chief Echave and Ms. Landers recognized Steven Gardner for his retirement from the Bisbee Police Department after 24 years. They thanked him for his service.

- 5. Discussion and Possible Approval of the Job Classification for Community Development, Planner.
Joelle Landers, Personnel Director

Ms. Landers explained that this position would be dedicated to grant opportunities and planning activities. They would also take on the Design Review Board and Planning and Zoning Commission.

Mr. Pauken said that he knew that there had been discussion out there as to what exactly this planner position would be doing. The fact was that grant writing was a standard line in every job description that pertains to planning. There was nothing in the description that specifically referred to transportation planning. He went on to say that there would be times when this planner would be asked to do things that pertained to some transportation activities. He said that there were a lot of pressing priorities. He thanked Mayor and Council for their cooperation and thanked staff for putting this position together.

Meggen Connolley, said that she had been working on the bike project for a couple of years. It was a priority of hers to do something about the climate crisis and to try to create alternative options to get people around town and not use cars. She said that she had collected fifteen letters of support from residents, council and school district along with twenty-three letters from small business owners. She thought this was a clear pathway to economic development. This needed to be a priority.

Council agreed that they were happy to see a position like this come back.

MOTION: Councilmember Cline moved to approve the job classification for Community Development, Planner.

SECOND: Councilmember Davis

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -5 NAYS -0

- 6. Discussion and Possible approval the Park, Facility, and Right-of-Way Use Permit for the use of the City Pool for the Boys and Girls Club End of Summer Party on July 22, 2021 from 10:00 am to 2:30 pm with a waiver of fees.

Jesus Haro, Public Works Director

Mr. Haro explained that this was a private party and would close the pool on a normal open day.

MOTION: Councilmember Davis moved to approve the Park, Facility, and Right-of-Way Use Permit for the use of the City Pool for the Boys and Girls Club End of Summer Party on July 22, 2021 from 10:00 am to 2:30 pm with a waiver of fees.

SECOND: Councilmember Cline

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -5 NAYS -0

- 7. Discussion and Possible Approval of the Park, Facility, and Right-of-Way Use Permit for the use of the City Pool for the Library Summer Reading Program Pool Party on July 23, 2021 from 12:00 pm to 2:00 pm with a waiver of fees.

Jesus Haro, Public Works Director

Mr. Haro explained that this was the same situation as the last item.

MOTION: Mayor Budge moved to approve the Park, Facility, and Right-of-Way Use Permit for the use of the City Pool for the Library Summer Reading Program Pool Party on July 23, 2021 from 12:00 pm to 2:00 pm with a waiver of fees.

SECOND: Councilmember Giacomino

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -5 NAYS -0

8. Presentation, Discussion and Possible Action on the Shared Use Path Feasibility Study.
Stephen Pauken, City Manager

Mr. Pauken said that this was the Shared Use Path Feasibility Study. The consultant Brent Crowther from Kimley Horn was here tonight to present the study.

Mr. Crowther gave a presentation of the Shared Use Path Feasibility Study and answered questions from Mayor and Council.

Ms. Landers read from Stephen Moramarco, said while he wanted to see a bike path. Neither of the plans were sensible. He thought this needed to be reworked.

Ms. Landers read a letter from Donna Pulling Encouraging Council to vote for Plan B of the Study and prioritize it for grant funding. She also submitted a petition to Council requesting immediate improvements to increase safety for cyclists and pedestrians.

Andrew Laws, said that he was in favor of a Bike Path, he thought it was outrageous not to move forward with something immediately.

Meggen Connolley, thanked everyone for their involvement over the last two years. She was focused on climate change, health and economic stability. This would help the town and prevent deaths.

Coriana Eastman, thanked everyone for all the work done on this project. She shared her experience with walking to and from Old Bisbee. She said that she supported plan B and it was a great plan.

Swaneagle Fitzgerald, thanked everyone for their hard work on this issue. She said it was important to her that plan B succeeded.

Tracey Sheppard, asked Council to make this project a priority. She said that this was a very dangerous stretch of road.

Mayor and Council further discussed the different options and asked questions to Mr. Crowther.

MOTION: Mayor Budge moved to approve the Shared Use Path Feasibility Study Plan B and to look for possible funding.

SECOND: Councilmember Davis

ROLL CALL VOTE:

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

NAYS: Councilmember Cline

MOTION PASSED: AYES -4 NAYS -1

9. Discussion and Possible Approval to sell surplus garbage trucks.

Jesus Haro, Public Works Director

Mr. Haro explained that thanks to the approval to purchase new garbage trucks. They were now asking permission to sell the surplus ones on govedeals.com.

MOTION: Mayor Budge moved to approve the sale of three surplus garbage trucks.

SECOND: Councilmember Johns

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -5 NAYS -0

10. Discussion and Possible Approval to change the rate monthly passes on the Bisbee Bus for Senior and Disabled riders.

Jesus Haro, Public Works Director

Mr. Haro explained this approval of this increase would encourage riders to obtain a free pass and allow us to use the grant funds provided. We were at risk of losing the grant if we didn't take advantage of it.

MOTION: Mayor Budge moved to approve the rate change for monthly passes on the Bisbee Bus for senior and disabled riders to \$15.00 per month.

SECOND: Councilmember Johns

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -5 NAYS -0

11. City Manager's Report:

- Other Current events (No Discussion)

- Mr. Pauken reported on the following:

- Award notification for the Coronavirus Local Fiscal Recovery Fund.
- Visitor Center Manager position and opening the Visitor Center again.
- Staff will prepare a booth for the Arizona League of Cities and Towns Conference.
- Update on the Hillcrest Working Group
- Update on the Area Master Mobility Plan by landowners.
- Update on the Surplus Vehicle Disposal.
- Main Street Drainage Update.
- State Shared Revenue
- Pullout at the Waterfall closed
- Notice of Violation on City Hall Building 118 Arizona St.

12. Discussion and Possible Acceptance of the Resignation of Councilmember Joan Hansen and Discussion and Recommendation for scheduling to fill this vacancy.

Ken Budge, Mayor

Mayor Budge said that he appreciated all the work she had done and to her dedication to the City.

MOTION: Mayor Budge moved to accept the resignation of Councilmember Joan Hansen and moved that we set a date of August 3, 2021, to appoint a replacement Councilmember for this position.

SECOND: Councilmember Giacomino

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -5 NAYS -0

13. 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

This item was pulled from the agenda.

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: 10:07 PM

Ken Budge, Mayor