

## 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 18, 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 7:00PM.

### 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                      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

Tim Cox, Police Chief

Jim Richardson, Fire Chief

#### CITY ATTORNEY

Joseph Estes

INVOCATION: Mayor Budge asked for a moment of reflection.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Budge said he was so proud of Bennie Scott for being awarded the Sprit of Service from the Governors Office. He also said that our City Manager Steve Pauken was awarded the Gabe Zimmerman award as a Community Builder.

CALL TO THE PUBLIC

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 the accounts payable in the amount of \$524,324.34 subject to availability of funds.

SECOND: Councilmember Davis

MOTION PASSED: UNANIMOUSLY

2. Approval of the Consent Agenda

A. Approval of the appointment of Molly Carroll to the Parks and Recreation Committee.

Ashlee Coronado, City Clerk

MOTION: Councilmember Cline moved to approve the Consent Agenda Item A.

SECOND: Mayor Budge

MOTION PASSED: UNANIMOUSLY

**OLD BUSINESS**

3. Discussion and Possible Approval of Ordinance O-23-12 to Rezone APN 102-16-079, 102-16-080 and 102-16-081 unaddressed parcels adjacent to 1008 W. Highway 92 owned by Todd Conklin for Conklin Electrical, ETC., LLC, from RM to C-4.

Joe Ward, Building Inspector / Code Enforcement

Mayor Budge explained this was the second reading of this Ordinance. He stated that the parcels had been changed to include three of Mr. Conklin’s five that he had requested.

MOTION: Councilmember Davis moved to approve Ordinance O-23-12; Approving a change of zoning and amendment to the Official Zoning Map to rezone APNs 102-16-079, 102-16-080 and 102-16-081, unaddressed parcels located adjacent to 1008 W. Highway 92, more legally described in Exhibit A, owned by Todd Conklin for Conklin Electrical, ETC., LLC, from RM to C-4.

SECOND: Councilmember Cline

**ROLL CALL VOTE**

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

NAYS: 0

MOTION PASSED: AYES-5 NAYS-0

**NEW BUSINESS**

4. Discussion and Possible Action to go into the Board of Appeals for the Building Code with a Public Hearing to render a decision on the appeal files by Bob Smith, Director of Construction for Larsen Baker regarding property located at 1101 Naco Highway, and adjournment of the Board of Appeals for the Building Code.

Joe Ward, Building Inspector / Code Enforcement

MOTION: Mayor Budge moved to enter into the Board of Appeals for the Building Code

SECOND: Councilmember Davis

MOTION PASSED: UNANIMOUSLY

Mayor Budge asked the appellant to come up and speak to the Council regarding the appeal.

Bob Smith, representative for Baker Larsen explained the old ALCO Building was 22,000 square feet. He stated they had been able to establish a lease with a well-established company for that building. The Company requires 1,000amps for the space. He said the time frame to get a 1000amp service was two years. They were able to settle on a 600amp service for the building, but the timeframe was about three months with APS. The panel would take about one year to receive. The building currently has a 400amp service and the company was okay with adding an additional 200amp service to the existing.

APS was okay with this addition. He said plans were submitted, and Mr. Ward said because it was one structure it only allowed for one service. They were requesting approval tonight to have two panels for the one structure. Mr. Smith said they could put in a temporary 200amp service until they received the panel, but that would be a lot of extra work.

Mayor Budge said the one service one building rule was in place for safety reasons. If there was a fire, there would only be one disconnect to have to worry about.

Mayor and Council asked questions to Mr. Smith related to the available panels and what could possibly be done to fix the issue.

Mr. Ward disagreed with putting a second panel onto the building. He said it was ultimately up to Mayor and Council.

Mayor Budge asked how he felt about the temporary panel with signage being added.

Mr. Ward said it would be the best of both worlds.

Mayor Budge asked if anyone was in attendance to speak in favor or against this item. He also asked if we had received any written communication on this item.

Ms. Coronado responded that we had not.

MOTION: Mayor Budge moved to allow the 200amp temporary service to be put into place and that they will keep up apprised, and within a year and a half the 600amp service be installed and that permanent plaques be installed and labeled regarding the two separate services until it is switched over.

SECOND: Councilmember Dairs

#### ROLL CALL VOTE

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

NAYS: 0

MOTION PASSED: AYES-5 NAYS-0

MOTION: Mayor Budge moved to adjourn the Board of Appeals and return to the regular meeting.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

5. Discussion only regarding homeless encampments within the City limits, including enforcement issues and potential ways to help reduce and/or illuminate such encampments in compliance with applicable case law on homelessness and homeless individuals' constitutional rights.

Joni Giacomino, Councilmember Ward II

Councilmember Giacomino spoke on the increasing number of homeless in Bisbee. She said she went on a ride along with the shelter and was surprised by what she saw. The conditions were scary. She asked if the city planned on doing anything because we can't just ignore it. We had many people out there who needed services. Councilmember Giacomino also asked about the bus voucher program and if we had one. She asked the available services be listed on a page on the City website. Councilmember Giacomino said there were no sanitary services out in the encampment area and wondered if that was something that could be brought in. The area behind Safeway was City property. She spoke about the need for mental health services.

Mr. Estes said by providing certain things the City would be open to different liabilities. These issues are not unique to the City of Bisbee. It was a difficult situation to try to manage and address.

He said there were a number of NGO’s that were helping. The city could assist those NGOs without the City taking on the additional responsibility and liability.

Tony Bedolla from the Bisbee Coalition for the Homeless discussed the numbers he was seeing as far as homeless. He also discussed the services they offered and how many meals they provide annually. Mr. Bedolla offered to work with the city in any way they could.

Mr. Pauken commented on the bus passes and people being released from jail. The city was working on installing a bus stop over by the jail.

Mayor and Council discussed the various camps, the issues and how the city could get involved.

- 6. Discussion and Possible Approval of the updated Memorandum of Understanding (MOU) between the Bisbee Firefighters Association Local 2146 (BFFA), PFFA-IAFF and the City of Bisbee, effective July 19, 2023.

Stephen Pauken, City Manager

Mr. Pauken said city staff and the executive board of the Fire Union had been engaged in meetings to update the Memorandum of Understanding. Mr. Pauken briefly discussed the changes that had been made within the document.

Gus Campillo, Bisbee Fire Union president thanked Mr. Pauken and everyone for helping with this.

Mr. Pauken thanked the Fire Union.

MOTION: Councilmember Cline moved to approve the updated MOU between Bisbee Firefighters Local 2146 and the City of Bisbee, effective July 19, 2023.

SECOND: Councilmember Giacomino

MOTION PASSED: UNANIMOUSLY

- 7. 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 11, 2023 through September 11, 2024, from 7:30am to 2:30pm; this includes set-up and breakdown.

Ashlee Coronado, City Clerk

Mr. Pauken said from staff’s prospective this was going really well.

MOTION: Councilmember Hill 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 11, 2023 through September 11, 2024, from 7:30am to 2:30pm; this includes set-up and breakdown.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

- 8. Discussion and Possible approval to enter a long-term partnership between the Bisbee Senior Association with the City of Bisbee in their continuing collaboration to maintain, improve and redevelop the Bisbee Senior Center and the surrounding two-acre property located at 300 Collins Road, Bisbee.

Stephen Pauken, City Manager

Mr. Pauken said he had met with the officers of the Bisbee Senior Association to discuss a variety of items they would like to undertake. They were requesting that the city act as the fiscal agent for grants they wished to apply for.

Kara Donnell, Bisbee Seniors Association discussed the programs they are hoping to bring to the Senior Center.

MOTION: Councilmember Hill moved to approve the proposed long-term partnership between the Bisbee Seniors Association with the City of Bisbee in their continuing collaboration to maintain, improve and redevelop the Bisbee Senior Center and the surrounding two-acre property located at 300 Collins Road, Bisbee.

SECOND: Councilmember Davis

MOTION PASSED: UNANIMOUSLY

- 9. Discussion and Possible Approval to enter into an Intergovernmental Agreement between the City of Tombstone and the City of Bisbee to obtain a basic “Cellebrite” system to provide forensic tools necessary for digital intelligence extraction for criminal investigations.

Timothy Cox, Police Chief

Chief Cox explained this agreement would allow us to increase the amount of digital evidence we collect during an investigation. This would allow us to extract digital information. Currently the Bisbee Police Department relies heavily on Sierra Vista and Douglas for this, which means our investigations sometimes take a backseat to their investigations.

MOTION: Councilmember Davis moved to enter into an Intergovernmental Agreement between the City of Tombstone and the City of Bisbee to obtain a basic “Cellebrite” system to provide forensic tools necessary for digital intelligence extraction for criminal investigations.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

- 10. Discussion and Possible Approval to purchase asphalt (Liquid Road).

Stephen Pauken, City Manager

Mr. Pauken said this was part of our annual pavement maintenance program. It was more pliable than asphalt. This will be used to seal coat various roads.

MOTION: Councilmember Davis moved to approval the purchase of asphalt not to exceed \$433,006.25.

SECOND: Mayor Budge

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 for Public Works to apply an asphalt overlay on roads within the City of Bisbee with an estimated cost of \$501,351.96.

Stephen Pauken, City Manager

Mr. Pauken said this was the asphalt portion of this year’s paving program. This was all asphalt overlay.

MOTION: Mayor Budge moved to approve that Public Works apply an asphalt overlay on roads within the City of Bisbee with an estimated cost of \$501,351.96.

SECOND: Councilmember Davis

MOTION PASSED: UNANIMOUSLY

- 12. Discussion and Possible Approval of a Uniform Video Service License Agreement with Cable One d/b/a Sparklight.

Stephen Pauken, City Manager

Mr. Pauken said this was a continuation of 10-year agreement with Sparklight. Things had changed over the last ten years. Sparklight no longer provides cable, and the agreements are very standard.

MOTION: Councilmember Cline moved to approve the Uniform Video Service License Agreement with Cable One d/b/a Sparklight.

SECOND: Mayor Budge

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:

- Pool Update- Mr. Pauken said the specifications for electrical replacement had been turned into a request for Bid. The bids were due the 8<sup>th</sup> of August.
- Update on the petition received on West Blvd. requesting speed bumps. - Mr. Pauken said they had met with the group at West Blvd. They discussed the speed bump locations. Jackie Watkins from Cochise County would be bringing up the counting device so we could have an idea of travel in both directions.
- Mr. Pauken said we were working with SEACOM on the street name clarifications.
- Mr. Pauken announced we currently had three recruits that are slated to start the Police Academy.

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: 9:20 PM

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Ken Budge, Mayor