

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, AUGUST 3, 2021 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 7:09 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
VACANT, Ward II
Councilmember Anna Cline, Ward III, Mayor Pro Tempore

STAFF

Stephen J. Pauken, City Manager
Ashlee Coronado, City Clerk
Keri Bagley, Finance Director
Jesus Haro, Public Works Director
Albert Echave, Police Chief

CITY ATTORNEY

Joseph Estes

INVOCATION: Mayor Budge asked for a moment of silence to remember the EMT who lost his life in Tucson.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

Mayor Budge reminded the public that there were vacancies on some Boards and Commissions. He urged members of the public to apply.

CALL TO THE PUBLIC

No one signed up to speak at 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 accounts payable in the amount of \$223,091.43 subject to availability of funds.

SECOND: Councilmember Johns

ROLL CALL VOTE:

AYES: Councilmember Pawlik, Giacomino, Davis, Johns, 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 Special Session of the Mayor and Council held on July 8, 2021.

Ashlee Coronado, City Clerk

- B. Approval of the Minutes of the Regular Session of the Mayor and Council held on July 20, 2021.

Ashlee Coronado, City Clerk

- C. Approval of the Appointment of Jon Sky to the Appeals Board for the Property Maintenance Code.

Ashlee Coronado, City Clerk

- D. Approval of the Appointment of Deborah Young to the Parks and Recreation Committee.

Ashlee Coronado, City Clerk

- E. Approval of a Park, Facility and Right of Way Use Permit for the Bisbee Coalition for the Homeless for the 6th Annual Bisbee Mariachi Festival for Signs, Trash Barrels, Dumpsters, Additional Dumpster Pickup and Parking Spaces on Saturday, November, 6, 2021 from 12:00 pm to 6:00 pm.

Ashlee Coronado, City Clerk

- F. Approval of a Special Event Liquor License Application submitted by the Bisbee Coalition for the Homeless for the 6th Annual Bisbee Mariachi Festival to be held at the Historic Warren Ballpark located at 99 Arizona Street, Bisbee, AZ on Saturday, November 6, 2021 from 11:00 am to 8:00 pm; Tony Bedolla, Applicant.

Ashlee Coronado, City Clerk

- G. 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, August 15 and Monday, August 16, 2021; Joseph Charles Frederickson, Applicant.

Ashlee Coronado, City Clerk

Items 2C and 2E were pulled from the agenda.

MOTION: Councilmember Cline moved to approve Consent Agenda Items A, B, D, F and G.

SECOND: Councilmember Pawlik

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6 NAYS -0

2C. Approval of the Appointment of Jon Sky to the Appeals Board for the Property Maintenance Code.

Ms. Coronado read a comment submitted by David Smith in opposition of the appointment of Jon Sky to the Appeals Board for the Property Maintenance Code.

Mayor Budge explained that he had received an opinion from City Attorney Estes on this and could move forward on this appointment.

MOTION: Mayor Budge moved to approve Consent Agenda Item 2C.

SECOND: Councilmember Johns

ROLL CALL VOTE:

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

NAYS: Councilmembers Pawlik and Davis.

MOTION PASSED: AYES -4 NAYS -2

2E. Approval of a Park, Facility and Right of Way Use Permit for the Bisbee Coalition for the Homeless for the 6th Annual Bisbee Mariachi Festival for Signs, Trash Barrels, Dumpsters, Additional Dumpster Pickup and Parking Spaces on Saturday, November, 6, 2021 from 12:00 pm to 6:00 pm.

Councilmember Giacomino asked questions regarding fees for this permit as this event was being held on private property.

MOTION: Mayor Budge moved to approve Consent Agenda Item 2E, to include doing away with the \$35.00 event fee.

SECOND: Councilmember Davis

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6 NAYS -0

OLD BUSINESS

3. Discussion and Possible Approval of Ordinance O-21-13; Authorizing the Re-Recording of a certain Quit Claim Deed to Aileen Weaver to correct the legal description on the property adjacent to 48 Wood Canyon.

Ashlee Coronado, City Clerk

Mayor Budge said this was the second reading of this Ordinance.

MOTION: Councilmember Cline moved to approve Ordinance O-21-13; Authorizing the Re-Recording of a certain Quit Claim Deed to Aileen Weaver to correct the legal description on the property adjacent to 48 Wood Canyon.

SECOND: Councilmember Johns

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6 NAYS -0

NEW BUSINESS

- 4. Discussion and Possible Approval for a Compliance Center Contract and a BRForms and Manager Series Contract with Building Reports for Fire Inspection Software.
Jim Richardson, Fire Marshal

Mr. Richardson explained there was a need to purchase a program for Fire Inspections. This company was mostly free with exception of a few forms that could be uploaded if necessary. This would assist with scheduling and tracking of the inspections.

Mr. Pauken said that this amount was in the current budget.

MOTION: Councilmember Davis moved to approve the Compliance Center Contract and BRForms and Manager Series Contract with Building Reports for Fire Inspection Software.
SECOND: Councilmember Cline

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6 NAYS -0

- 5. Public Hearing and Discussion and Possible Approval of the Notice of Intent to Adopt Ordinance o-21-12; Amending Article 6 “General Provisions” Section 6.4 “Walls and Fences” by inserting Screens for the Purpose of Providing an Opportunity for Recreational Courts as Accessory uses in Public use and/or Commercial Historic District, to protect the Integrity of Neighboring Public use and/or Commercial areas, and to Mitigate any Deleterious Impacts on Proximate Properties.
Joe Ward, Building Inspector/Code Enforcement

Mr. Ward explained that the Design Review Board voted on and unanimously approved this amendment and recommended it to go before the Planning and Zoning Commission. The Planning and Zoning Commission held a public hearing on these amendments and voted unanimously to recommend approval with certain changes reflected in Exhibit B of the Ordinance. There was no public comment at that meeting.

Mayor Budge opened the public hearing. He asked if there were any comments in favor or opposed to this item.

Ms. Coronado responded that no comments had been submitted.

MOTION: Councilmember Davis moved to approve the Notice of Intent to Adopt Ordinance o-21-12; Amending Article 6 “General Provisions” Section 6.4 “Walls and Fences” by inserting Screens for the Purpose of Providing an Opportunity for Recreational Courts as Accessory uses in Public use and/or Commercial Historic District, to protect the Integrity of Neighboring Public use and/or Commercial areas, and to Mitigate any Deleterious Impacts on Proximate Properties with Exhibit “B”.
SECOND: Councilmember Pawlik

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6 NAYS -0

- 6. Discussion and Possible Approval of the Notice of Intent to Adopt Ordinance O-21-14, Accepting the Transfer of Real Property from Southeast Arizona Renovations LLC, located at 300 Campbell St, Bisbee.
Stephen Pauken, City Manager

Mr. Pauken explained that this was a foreclosure that was being rehabilitated by Southeast Arizona Renovations. This property would be donated into the Workforce Housing Project.

MOTION: Councilmember Johns moved to approve the Notice of Intent to Adopt Ordinance O-21-14, Accepting the Transfer of Real Property from Southeast Arizona Renovations LLC, located at 300 Campbell St, Bisbee.

SECOND: Councilmember Davis

ROLL CALL VOTE:

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

NAYS: Councilmember Cline

MOTION PASSED: AYES -5 NAYS -1

7. 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.
2. An executive session pursuant to A.R.S. 38-341.03(A)(7) for discussion or consultations with designated representatives of the City in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property known as the Hillcrest Apartments

Per ARS § 38-431.03(A3)(A4)(A7) , 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 and Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property.

Joseph Estes, City Attorney

MOTION: Mayor Budge moved to enter into Executive Session

SECOND: Councilmember Davis

MOTION PASSED: UNANIMOUSLY

MOTION: Mayor Budge moved to come out of Executive Session

SECOND: Councilmember Giacomino

MOTION PASSED: UNANIMOUSLY

8. Discussion and Possible Approval of a Settlement and General Release Agreement on the Gouguet Matter.

Joseph Estes, City Attorney

MOTION: Councilmember Pawlik moved to approve the Settlement and General Release Agreement on the Gouguet Matter.

SECOND: Councilmember Johns

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6 NAYS -0

9. Discussion and Possible Approval of a Letter Agreement for the Hillcrest Apartments.
Stephen Pauken, City Manager

MOTION: Mayor Budge moved to approve the Letter Agreement for the Hillcrest Apartments.
SECOND: Councilmember Giacomino

ROLL CALL VOTE:

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

NAYS: 0

MOTION PASSED: AYES -6 NAYS -0

10. City Manager's Report:

- Main Street Update-
- Other Current events (No Discussion)
 - Mr. Pauken gave an update on the American Rescue Plan List
 - Mr. Pauken gave an update on the bids for the demolition of the 118 Arizona St. Building.
 - Mr. Pauken gave an update on the Hillcrest property.

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: 8:18 PM

Anna Cline, Mayor Pro Tempore