

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, OCTOBER 3, 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

Councilmember Mel Sowid, Ward II

7:08PM

Councilmember Anna Cline, Ward III, Mayor Pro Tempore

STAFF

Stephen J. Pauken, City Manager

Ashlee Coronado, City Clerk

Keri Bagley, Finance Director

Matthew Gurney, Public Works Director

Jay Ritchie, Deputy Police Chief

Jim Richardson, Fire Chief

Melissa Hartman, Planner

CITY ATTORNEY

Joseph Estes

INVOCATION: Mayor Budge asked for a moment of reflection.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Budge said were moving forward on a City Manager search.

CALL TO THE PUBLIC

- Sheri Williamson, Bisbee resident spoke about the railroad behind Mill Road being blocked by Freeport McMoRan.

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 \$560,173.36.

SECOND: Councilmember Johns

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

MOTION PASSED: UNANIMOUSLY

2. Approval of the Consent Agenda

- A. Approval of the minutes of the Regular Session of Mayor and Council held on Tuesday, September 19, 2023.
Ashlee Coronado, City Clerk
- B. Approval of the Appointment of Sharon Stetter to the Board of Adjustment.
Ashlee Coronado, City Clerk
- C. Approval of the Resignation of Peter Muserelli from the Evergreen Cemetery Committee.
Ashlee Coronado, City Clerk
- D. Approval of a Park, Facility and Right-of-Way Use Permit for the use of Main Street from Subway St to the Convention Center for the 33rd Festival of Lights on Friday, November 24, 2023 from 8:00am to 10:00pm, vendors will set up on Main Street and Grassy Park.
Ashlee Coronado, City Clerk
- E. Approval of the attached letter to request donations for the 33rd Annual Festival of Lights to be held on Friday, November 24, 2023, from 12:00pm to 10:00pm.
Ashlee Coronado, City Clerk

MOTION: Councilmember Cline moved to approve the Consent Agenda items 2A-2E.

SECOND: Councilmember Sowid

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 “Plein Air Festival 2023” submitted by Central School Project in the amount of \$700.00 from the Bisbee Arts Commission Fund.
Leslie Johns, Council Liaison Bisbee Arts Commission

Councilmember Johns spoke regarding the grant application funding.

MOTION: Councilmember Johns moved to approve the funding of the grant application for “Plein Air Festival 2023” submitted by Central School Project in the amount of \$700.00 from the Bisbee Arts Commission Fund.

SECOND: Councilmember Sowid

MOTION PASSED: UNANIMOUSLY

- 4. Discussion and Possible Approval of the Special Event Agreement for 5 years between Bisbee Pride, Inc., and the City of Bisbee for the Bisbee Pride Festival.
Stephen Pauken, City Manager

Mr. Pauken said this item was a request between Bisbee Pride and the City for a five (5) year Special Event Agreement. This agreement was almost verbatim as to the one approved for the Bisbee 1000 Stair Climb.

Mr. Ramon Garcia, Bisbee Pride Inc. spoke about the request for the Special Event Agreement.

Council asked questions regarding the Special Event Agreement with Bisbee Pride Inc., and Mr. Garcia and staff responded.

MOTION: Mayor Budge moved to approve the 5-year Special Event Agreement between Bisbee Pride, Inc., and the City of Bisbee for the Bisbee Pride Festival and doing away with item 3C (Higgins Hill Park).

SECOND: Councilmember Davis

MOTION PASSED: UNANIMOUSLY

- 5. Discussion and Possible Approval of the Notice of Intent to adopt Ordinance O-23-14; Amending the code of the City of Bisbee Article 3.5.20 Bid Protest, Subsection 3.5.20(A) Filing of a Protest by defining and “Interested Party” in Subsection 3.5.20(A)(1); Providing for the repeal and Severability.

Joe Estes, City Attorney

Mr. Estes said approval of this Ordinance would clean up the code that caused issues a few years back with regard to who was defined as an interested party and who was able to file a bid protest.

Council discussed and asked questions regarding defining an Interested Party and staff responded.

MOTION: Councilmember Davis moved to approve the Notice of Intent to adopt Ordinance O-23-14.

SECOND: Councilmember Sowid

ROLL CALL VOTE

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

NAYS: 0

MOTION PASSED: AYES-7 NAYS-0

- 6. Discussion and Possible Acceptance of the award from EPA for the Cleanup and Mitigation of the Hillcrest Apartment Building in the amount of \$468,000.00 and approval of a contract with Viking Specialty Contractor.

Melissa Hartman, City Planner

Ms. Hartman spoke regarding the award from the EPA to cleanup and mitigate the Hillcrest Apartment Building and the contractor who will provide the service.

MOTION: Councilmember Cline moved to accept the award from EPA for the Cleanup and Mitigation of the Hillcrest Apartment Building in the amount of \$468,000.00 and approval of a contract with Viking Specialty Contractor.

SECOND: Councilmember Giacomino

MOTION PASSED: UNANIMOUSLY

- 7. Discussion and Possible Approval of accepting a grant in the amount of \$45,000.00 from Freeport McMoRan for new Firefighter Turnout gear.

Jim Richardson, Fire Chief

Chief Richardson spoke regarding the grant they were awarded from Freeport McMoRan that they will use to purchase anywhere from 10 to 15 sets of new Firefighter Turnout gear.

Council asked questions regarding the Turnout gear and staff responded.

MOTION: Councilmember Giacomino moved to accept a grant from Freeport-McMoRan in the amount of \$45,000.00 for new Firefighter Turnout Gear.

SECOND: Councilmember Cline

MOTION PASSED: UNANIMOUSLY

8. Discussion and Possible Approval of the Notice of Intent to Adopt Resolution R-23-12, amending and increasing the Sewer Fees in the City Fee Schedule.
Stephen Pauken, City Manager

Mr. Pauken stated we held a Work Session on August 15th to discuss the need to increase the Sewer Fees. He reminded everyone that we had a sewer rate study done back in 2018 that recommended in the first few years not to increase the sewer rates but in the subsequent years starting in 2021 to start increasing in three percent increases. We did not do that and consequently we had not adjusted our sewer rates for ten (10) years. This was a long time not to increase rates. He spoke about the fund balance growing smaller and smaller.

Mr. Estes stated the resolution had been drafted to meet the requirements of the code that allows us the sixty (60) days following the adoption of this resolution to give notice of the intent to increase the sewer rates. The hearing will be held on December 5, 2023.

MOTION: Mayor Budge moved to approve Resolution R-23-12 which is adopting notice of intent to increase wastewater rates fees and services and setting the public hearing on the proposed increase for December 5, 2023.

SECOND: Councilmember Davis

ROLL CALL VOTE

AYES: Councilmember Hill, Davis, Johns, Sowid, Cline, and Mayor Budge

NAYS: Councilmember Giacomino

MOTION PASSED: AYES-6 NAYS-1

9. City Manager's Report:

- Mr. Pauken spoke regarding Ms. Sandy Moshi, a Marvin Andrews fellow at Arizona State University; a Master of Public Administration program who was his guest at tonight's meeting, and explained what this program was.
- Mr. Gurney, Public Works Director gave an update on the pool.

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: 8:05PM

Ken Budge, Mayor