

**REGULAR COUNCIL MEETING
BOARD OF ADJUSTMENT & APPEALS
PUBLIC HEARING
TUESDAY, JULY 14, 2015
7:00 P.M.
SCHIEFFELIN HALL**

- I. CALL TO ORDER** Mayor Escapule called the Regular meeting to order on Tuesday, July 14, 2015
- II. PLEDGE OF ALLEGIANCE** Mayor Escapule led the Common Council and the general public in a recitation of the Pledge of Allegiance.
- III. ROLL CALL**
- | | |
|-------------------------------|---------|
| Councilmember Armando Villa | Present |
| Councilmember Bill Barlow | Present |
| Councilmember Patricia Moreno | Present |
| Councilmember Deborah Bachman | Present |
| Mayor Dustin Escapule | Present |
- Randy Bays, City Attorney – Present
Ruben Villa, Finance Director - Present**

A QUORUM WAS DECLARED

IV. BOARD OF ADJUSTMENT AND APPEALS HEARING

- A. DISCUSSION AND/OR ACTION:** Request for approval for a variance at 1328 N. Saddleback Circle for setbacks on construction of a porch.

MOTION by Councilmember Villa, **SECOND** by Councilmember Bachman for the City Council to move into the Board of Adjustment and Appeals Hearing.

VOTE: 5/0

MOTION: Carried

MOTION by Commissioner Bachman, **SECOND** by Commissioner Villa to approve discussion on request for approval for a variance at 1328 N. Saddleback Circle for set backs on construction of a porch

DISCUSSION: Commissioner Villa; "He is seeking a variance to What are we seeking a variance on?"

Chairman Escapule; "I talked to Mac, the Building Inspector, today and he said that this is a variance so that they can put a porch closer to the set backs and leaving the front of the house that what the set backs allow and Mac also said that this is

not the only one that is out there and that he has no problem with it. He would have gone ahead and approved it but because of the way the city ordinance and the actual building code reads we have to have the Board of Adjustments and Appeals has to make that decision. That is why he has forwarded it to us.

Commissioner Bachman; "Basically, I drove by the home today. The home is sitting pretty close to the road way so by putting the porch there they are bringing it out to the easement which is why they need the variance. It is going to affect their circle drive but they will have to go in and out.

Commissioner Villa; "Mac approved it right?"

Commissioner Bachman; "Yeah."

Commissioner Barlow; "Mayor, yesterday the inspector for the City and I went out there and re measured it and looked at it and it does come out in the front yard. The porch was ten feet from the front of the house. I have no problem after looking at it. It is what it is.

Chairman Escapule calls for further discussion. Having no further discussion Chairman Escapule calls for the vote to approve the variance at 1328 N. Saddleback Circle for setback on construction of a porch.

VOTE: 5/0

MOTION TO APPROVE VARIANCE: Carried

Chairman Escapule calls for further discussion. Having no further discussion Chairman Escapule closes the Board of Adjustments & Appeals Meeting.

MOTION by Councilmember Villa, **SECOND** by Councilmember Bachman to Adjourn the Board of Adjustment & Appeals Hearing.

VOTE: 5/0

MOTION: Carried

V. MOTION TO ADJOURN BOARD OF ADJUSTMENT & APPEALS HEARING: CARRIED.

The Board of Adjustment & Appeals Hearing adjourned at 7:04 p.m.

VI. PUBLIC HEARING ON THE FINAL BUDGET AND PROPERTY TAX LEVIES

MOTION by Councilmember Bachman, **SECOND** by Councilmember Villa to enter into the Public Hearing on the Final Budget and Property Tax Levies.

Ruben Villa, Finance Director -

Good evening Mayor and Council. This is the opportunity for the public to address the Mayor and Council after the City has published the tentative budget for two consecutive weeks. Tonight after the closing of the hearing the City Council will have the opportunity to adopt the final budget and the property tax levies.

The budget total is exactly the same as the tentative budget. This year the property taxes will be taxed lower than in prior year by about twenty cents per a hundred dollars of valuation. The result of lower valuations throughout the City and lower bond payments contributes to lower tax rate. The combined tax rate will be \$1.77 per hundred dollars of valuation. The only difference the taxes are for residential calculated on ten percent of the valuation and eighteen per cent for commercial properties. It is not based on the full value that is represented in the tax code.

Mayor Escapule asked if anyone from the general public would like to address the City Council/Finance Director Villa with questions regarding the budget. No one from the public responded.

Mayor Escapule closes the Public Hearing.

VII. APPROVAL OF MINUTES

Special Council Meeting – June 9, 2015
Regular Council Meeting – June 9, 2015
Special Council Meeting – June 25, 2015

MOTION by Councilmember Bachman, **SECOND** by Councilmember Moreno to approve the minutes of the Special Council Meeting for June 9, 2015, Regular Council Meeting of June 9, 2015 and the Special Council Meeting of June 25, 2015.

DISCUSSION: None

VOTE: 5/0

MOTION: Carried

VIII. PUBLIC COMMENTS

Susan Wallace, President of Chamber of Commerce - Ms. Wallace stated that she had recently attended the Governor Conference on Tourism. Ms. Wallace highlighted the items that had been discussed at the Governors Conference on Tourism and how ideas items can be applied to work for the City of Tombstone.

Penny Lescard - Ms. Lescard gives an update on the Medical Equipment and Training Committee. Ms. Lescard states that they had 12 participants in their first sponsored By Stander Basic Lifesaving Class and that they had 12 participants in this class. Ms. Lescard encourages everyone to participate in the up coming classes that they will be holding.

Mayor Escapule closes Call to the Public.

IX. NEW BUSINESS

- A. DISCUSSION AND/OR ACTION:** Approval of Accounts Payable in the amount of \$295,544.03 (June 1, 2015 through June 31, 2015).

MOTION by Councilmember Bachman, **SECOND** by Councilmember Barlow to discuss accounts payable in the amount of \$295,544.03 (June 1, 2015 through June 31, 2015).

DISCUSSION: Mayor Escapule; "the reason that it is so high is that we are using water bond money, we've installed new hydrants and we are doing a lot of infrastructure improvements. This is bond money that is being spent and not from the general fund.

VOTE: 5/0

MOTION: Carried

*Mayor Escapule moves to Agenda Item F due to fire personnel being present from Palomines Fire Department. Fire Department Personnel are present to answer any questions.

- F. DISCUSSION AND/ OR ACTION:** Resolution No. 05-2015; A resolution by the Mayor and Common Council of the City of Tombstone, Cochise County, Arizona, for the adoption of the Fire Department's Mitigation Cost Recovery Rates as set for in Exhibit A below and authorizing the collection of such fees in accordance with the Fire Department Cost Recovery Ordinance.

MOTION: by Councilmember Villa, **SECOND** by Councilmember Bachman to approve: Resolution No. 05-2015; A resolution by the Mayor and Common Council of the City of Tombstone, Cochise County, Arizona, for the adoption of the Fire Department's Mitigation Cost Recovery Rates as set for in Exhibit A below and authorizing the collection of such fees in accordance with the Fire Department Cost Recovery Ordinance.

DISCUSSION: None

Roll Call Vote:

Councilmember Villa	Yes
Councilmember Barlow	Yes
Councilmember Moreno	Yes
Councilmember Bachman	Yes
Mayor Escapule	Yes

5 Yes Votes, 0 No Votes

VOTE: 5/0

MOTION: Carried

B. DISCUSSION AND/OR ACTION: Ordinance No. 2015-01; Second Reading, An ordinance of the City of Tombstone, Arizona amending the Tombstone City Code, Title 2, Chapter 1, renaming the Historic District Commission the Historic Preservation Commission and redefining its jurisdiction to encompass Tombstone’s City Limits in addition to the Historic District, and amending Title 10, Chapter 19, Historic Preservation, relating to the establishment of development guidelines and regulations for historic properties and districts, and designation of landmarks and historic preservation districts.

MOTION by Councilmember Bachman, **SECOND** by Councilmember Barlow to approve Ordinance No. 2015-01; Second Reading, An ordinance of the City of Tombstone, Arizona amending the Tombstone City Code, Title 2, Chapter 1, renaming the Historic District Commission the Historic Preservation Commission and redefining its jurisdiction to encompass Tombstone’s City Limits in addition to the Historic District, and amending Title 10, Chapter 19, Historic Preservation, relating to the establishment of development guidelines and regulations for historic properties and districts, and designation of landmarks and historic preservation districts.

DISCUSSION: Councilmember Bachman; “Mayor I would like to give my copy to Regina, I understand that she is going thru it. I have found some corrections and some errors.

Mayor Escapule; “Mr. Bays, after they have edited it and before it goes in for publication would you be so kind as to put your approval on it for us.

City Attorney Bays; “Yes, Mr. Mayor.”

Roll Call Vote:

Councilmember Villa	Yes
Councilmember Barlow	Yes
Councilmember Moreno	Yes
Councilmember Bachman	Yes
Mayor Escapule	Yes

5 Yes Votes. 0 No Votes

VOTE: 5/0

MOTION: Carried

- C. DISCUSSION AND/OR ACTION:** Ordinance No. 2015-02; Second Reading, An Ordinance of the Mayor and Common Council of the City of the City of Tombstone, Cochise County, Arizona creating within Title 10 of the City Code, Chapter 23, which sets forth the zoning and regulation, zoning and control of medical marijuana cultivation, collection and dispensing.

MOTION by Councilmember Villa, **SECOND** by Councilmember Bachman to approve Ordinance No. Second Reading, An Ordinance of the Mayor and Common Council of the City of the City of Tombstone, Cochise County, Arizona creating within Title 10 of the City Code, Chapter 23, which sets forth the zoning and regulation, zoning and control of medical marijuana cultivation, collection and dispensing.

DISCUSSION: Councilmember Barlow; “I was not here when this was originally presented and discussed but I did read all the material in regards to this. I have some people that approached me stating that the way it is written now; the thirteen hundred and fifty feet that there would not be anything happen because there is no places where you would not have a building that would have thirteen hundred and fifty feet of a residence, church, library or any of those things that is listed. I think we should think about amending this to three hundred and fifty feet.”

Mayor Escapule; “Mr. Bays?”

City Attorney Bays; “The Council if they so choose could amend the setbacks.”

Mayor Escapule; “Okay, I have a question Mr. Bays; if we make the amendment does that mean that it negates the first reading or would this just amend the ordinance so we could continue on with the process?”

City Attorney Bays; “It would amend the ordinance. This is no different than doing some amendments and corrections on the other one.”

Mayor Escapule; “Do we have to do a motion to amend or can we just say that we are going to amend it.”

City Attorney Bays; “It has to be a motion to amend and a second.”

MOTION by Councilmember Barlow, **SECOND** by Councilmember Bachman, to amend Section 10-23-7 to read three hundred and fifty feet rather than thirteen hundred and fifty feet.

Roll Call Vote:

Councilmember Villa	No
Councilmember Barlow	Yes
Councilmember Moreno	Yes
Councilmember Bachman	Yes
Mayor Escapule	Yes

4 Yes Votes, 1 No Vote

VOTE: 4/1

MOTION TO AMEND: Carried

DISCUSSION: City Attorney Bays; “Just so we understand, and for Regina’s sake she is going to actually insert these into the table and another medical marijuana facility is stated at five thousand two hundred and eighty, is there just one line item that’s being changed or all of those that say three twenty five?”

Mayor Escapule: I am sorry I did not hear what you said.”

City Attorney Bays; “is the change on one line item or is it for all of those except for another medical marijuana facility cultivation site. In other words are we only changing the residential zoning district boundary to three hundred and fifty?”

Mayor Escapule: “I think it would be on all of them wouldn’t it?”

Councilmember Barlow; “the motion would be for the facilities location requirements and it does list the separation requirements in feet. So my motion is to affect the chart that is presented with the different categories; three hundred and fifty feet.

City Attorney Bays; “for everything?”

Councilmember Barlow; “Yes.”

City Attorney Bays; “I know we are going to run into a problem on the charter schools, public schools, private schools. If all we are going to do is a residential zoning district I don’t see that as being a

Mayor Escapule; “why don’t we just amend it to the residential and leave the rest as they are.”

Councilmember Barlow;’ So we are amending one part of the ordinance?”

City Attorney Bays; “Yes.”

Councilmember Villa; “Can you put a medical marijuana facility three hundred and fifty feet from a house? Is what you are saying?” “Residential?”

Mayor Escapule: “if you’re in an industrial zoned area.”

Roll Call Vote on approval of Ordinance No. 2015-02 as amended

Councilmember Villa	No
Councilmember Barlow	Yes
Councilmember Moreno	Yes
Councilmember Bachman	Yes
Mayor Escapule	Yes

4 Yes Votes, 1 No Votes

VOTE: 4/1

MOTION: Carried

- D. DISCUSSION AND/OR ACTION:** Ordinance No. 2015-03' Second Reading, An ordinance of the Mayor and Common Council of the City of Tombstone, Cochise County, Arizona creating within Title 5 of the City Code, Chapter 8, which sets forth the regulations of unmanned aircraft within the unregulated airspace within the city limits of the City of Tombstone.

MOTION by Councilmember Bachman, **SECOND** by Councilmember Moreno to approve Ordinance No. 2015-03' Second Reading, An ordinance of the Mayor and Common Council of the City of Tombstone, Cochise County, Arizona creating within Title 5 of the City Code, Chapter 8, which sets forth the regulations of unmanned aircraft within the unregulated airspace within the city limits of the City of Tombstone.

DISCUSSION: None

VOTE: 5/0

MOTION: Carried.

- E. DISCUSSION AND/OR ACTION:** Ordinance No.2015-04; Second Reading, An Ordinance of the Mayor and Common Council of the City of Tombstone, Cochise County, Arizona creating within Title 9 of the City Code, Chapter 3, which sets forth the regulations for large truck-tractors and semi-trailers.

MOTION by Councilmember Barlow, **SECOND** by Councilmember Bachman to approve Ordinance No.2015-04; Second Reading, An Ordinance of the Mayor and Common Council of the City of Tombstone, Cochise County, Arizona creating within Title 9 of the City Code, Chapter 3, which sets forth the regulations for large truck-tractors and semi-trailers.

DISCUSSION: None

VOTE: 5/0

MOTION: Carried

- G. DISCUSSION AND/OR ACTION:** Resolution No. 06-2015; a Resolution by the Mayor and Common Council of the City of Tombstone, Cochise County, Arizona, determining and adopting estimates for the amounts required for the public expense for the City of Tombstone, Arizona; Adopting a budget setting forth the receipts and expenditures and the amounts proposed to be raised by direct property taxation for the various purposes for the fiscal year 2015-2016.

MOTION by Councilmember Bachman, **SECOND** Councilmember Moreno to approve Resolution No. 06-2015; a Resolution by the Mayor and Common Council of the City of Tombstone, Cochise County, Arizona, determining and adopting estimates for the amounts required for the public expense for the City of Tombstone, Arizona; Adopting a budget setting forth the receipts and expenditures and the amounts proposed to be raised by direct property taxation for the various purposes for the fiscal year 2015-2016.

DISCUSSION: None

VOTE: 5/0

MOTION: Carried

- H. DISCUSSION AND/OR ACTION:** Resolution No. 07-2015; a resolution by the Mayor and Common Council of the City of Tombstone, Cochise County, Arizona to authorized for the City's fiscal year 2015-2016 the Primary Tax Rate of .8939 for every \$100 of assessed value.

MOTION by Councilmember Bachman, **SECOND** by Councilmember Moreno to approve: Resolution No. 07-2015; a resolution by the Mayor and Common Council of the City of Tombstone, Cochise County, Arizona to authorize for the City's fiscal year 2015-2016 the Primary Tax Rate of .8939 for every \$100 of assessed value.

DISCUSSION: None

VOTE: 5/0

MOTION: Carried

- I. DISCUSSION AND/OR ACTION:** Resolution No. 08-2016; a resolution of the City of Tombstone, Cochise County, Arizona levying the amount to be raised by Secondary Property Tax Levy and the rate upon each one hundred dollars (\$100.00) of the assessed valuation of property subject to taxation within the City of Tombstone for the fiscal year ending June 30, 2016.

MOTION by Councilmember Barlow, **SECOND** by Councilmember Bachman to approve Resolution No. 08-2016; a resolution of the City of Tombstone, Cochise County, Arizona levying the amount to be raised by Secondary Property Tax Levy

and the rate upon each one hundred dollars (\$100.00) of the assessed valuation of property subject to taxation within the City of Tombstone for the fiscal year ending June 30, 2016.

DISCUSSION: None

VOTE: 5/0

MOTION: Carried

- J. DISCUSSION AND/OR ACTION:** Request for approval from the Tombstone Harley Davidson and Sierra Vista Harley Davidson for a special use permit for the use of 5th Street from Fremont Street to Toughnut Street on Saturday, November 21, 2015 from 6:00 p.m. to 1:00 a.m. for parking and displaying of motorcycles. A further request for approval for parking of a trailer on 5th Street and Allen Street for a Harley display.

MOTION by Councilmember Bachman, **SECOND** by Councilmember Villa to discuss request for approval from the Tombstone Harley Davidson and Sierra Vista Harley Davidson for a special use permit for the use of 5th Street from Fremont Street to Toughnut Street on Saturday, November 21, 2015 from 6:00 p.m. to 1:00 a.m. for parking and displaying of motorcycles. A further request for approval for parking of a trailer on 5th Street and Allen Street for a Harley display.

DISCUSSION: Councilmember Villa; “the original request asked for display on Allen Street in front of Harley Davidson. “ “Who changed that?”

Councilmember Barlow; “that’s not the way that it is written in discussion.

Councilmember Villa; “No but that’s (inaudible) that means that somebody at City Hall changed it.” “They changed the request.”

Mayor Escapule; “I didn’t change the request but Regina do you ... It’s not what the letter proposed.” I think we went through this with the motorcycles before didn’t we?”

Councilmember Villa; “I don’t think so.” I mean we can’t afford to do a luncheon...(inaudible).

Mayor Escapule; “that was for the motorcycles?”

Councilmember Bachman; “but they are requesting the motorcycles park on 5th.

Mayor Escapule; “Right.”

Councilmember Bachman; and the display only in front of (inaudible) on Allen.

Councilmember Villa; “We are chasing groups. We have refused a lot of people on Allen Street.

Mayor Escapule; “We have to make sure what this motion is that I just read is....

Councilmember Villa; "Correct with the request."

Councilmember Barlow; "Those motorcycles going to be displayed on Allen Street?"

Councilmember Bachman; "It reads that the motorcycles will be displayed on 5th Street. What they are asking is to place a trailer....."

Councilmember Villa; "the original request to park display of motorcycles on Allen Street. "

Councilmember Barlow; "We are planning night motorcycle rides and would like to be able to park / display motorcycles on Allen Street." "My question is who's motorcycles are going to be parked or displayed on Allen Street?"

Councilmember Villa; "Motorcycle riders, Harley riders, who else would you expect?"

Interim City Clerk Ikirt; "Did you want me to read this letter?"

Councilmember Barlow: "We have copies."

Interim City Clerk: "You have the copies."

Mr. Steve Goldstein: "Would you like a clarification of what you are talking about?"

Mayor Escapule; "Sure."

Mr. Goldstein; "When we first did the ride to Allen Street we had two hundred and fifty bikes then we had three hundred and fifty bikes and then it was relegated to be a side show between Fremont and Allen and Harley Davidson was very disappointed. It was really not interfering with anybody else's businesses and I still feel that if you want to invite people to do business in Tombstone you should at least honor what their request are if it does not interfere with anybody else. Our place in the cameo of things is Allen Street. Now I can concur with let's say the Dragoon Saloon having wanting to have something by theirs. If they were in charge with what they did with the antique cars they certainly can request to have it in their area. They same thing with the Crystal Palace; if they want to do something and they are running it they should be able to ask for where they want it to be. When it comes to Tombstone Harley Davidson; I and Harley Davidson don't want it to be a side show because lot of the people that saw the bikes come and be relegated between 5th and the highway they came they saw they left. They spent very little money there. Instead of going around to the different businesses which we advised them to do. What I would like to be able to do is to be able to park up on Allen Street if possible not interfering with anyone else's business. They bring a trailer with paraphernalia which they expose to other people that Harley Davidson wants to expose to the public. It's a small trailer not a forty foot trailer it's about sixteen foot. That's all it is and we had to park it on the side street last time and Harley Davidson was very disappointed. You are not going to get a lot of people wanting to do business in Tombstone if you relegate them to be a side show. If it is at all possible we would like to be able to park the bikes which they pristinely polish and clean and are very proud of; it's an American product and put them on Allen Street and let them have their little trailer right there in front of

the Harley Davidson store or where they would like to have it to come the product. They bring a lot of people to Tombstone, they pay a lot of taxes, we pay a lot of taxes we do a lot of advertising probably twenty thousand dollars worth in advertising for Tombstone. I wish you would back up the companies that back up Tombstone. They do it in other cities. Once again it would be nice to have it between the Harley Davidson Store and off 5th Street and this would show them that they are not just a side show. “Thank you.”

Councilmember Barlow; “Mayor, once we start parking vehicles and motorcycles (inaudible) on Allen Street you might as well start at the next meeting to rescind the ordinance that we have.” We can’t do it a little bit (inaudible) there is no such thing...” Mr. Goldstein; “Yes there is because you’re allowed to do it on special occasions and on special occasions....”

Mayor Escapule; “Excuse me Mr. Goldstein; I am not going to get into an argument.”

Mr. Goldstein; “I am just answering.” “I think it would be up to the city attorney and you guys to read your own regulations because it is allowed on special occasions to park on Allen Street. Whether you like it or not.”

Councilmember Villa; “If it benefits the City of Tombstone, we can’t even afford to pay a luncheon what does that tell us. We can’t afford to pay fifteen peoples luncheon and we are hurting for money. These people ...”

Mayor Escapule; “Excuse me. I am going to ask that this item be tabled until I can get a legal opinion from Mr. Bays so we can do a little more research.

MOTION by Councilmember Barlow, **SECOND** by Councilmember Moreno, to **TABLE** agenda item J until a legal opinion can be obtained.

VOTE: 5/0

MOTION TO TABLE: Carried

- K. DISCUSSION AND/OR ACTION:** Request for approval from the Crystal Palace Saloon for a special use permit for closure of 5th Street from Fremont Street to Toughnut Street on Saturday, September 26th, 2015 for their Rockabilly Night Event.

MOTION by Councilmember Villa, **SECOND** by Councilmember Bachman to approve request from the Crystal Palace Saloon for a special use permit for closure of 5th Street from Fremont Street to Toughnut Street on Saturday, September 26th, 2015 for their Rockabilly Night Event.

DISCUSSION: None

Roll Call Vote:

Councilmember Villa	Yes
Councilmember Barlow	Yes
Councilmember Moreno	Yes
Councilmember Bachman	Yes
Mayor Escapule	Yes

5 Yes Votes, 0 No Votes

VOTE: 5/0

MOTION: Carried

- L. DISCUSSION AND/OR ACTION:** Request for approval from the Tombstone Courthouse for a parade meet and greet station location on Sunday, September 20th, 2015 from 9:00 a.m. to 3:00 p.m. Locations to be used will be the Tombstone Courthouse Picnic Area off of Toughnut Street as well as the Tombstone Courthouse parking area on 3rd Street.

MOTION by Councilmember Barlow, **SECOND** by Councilmember Moreno to approve the Tombstone Courthouse for a parade meet and greet station location on Sunday, September 20th, 2015 from 9:00 a.m. to 3:00 p.m. Locations to be used will be the Tombstone Courthouse Picnic Area off of Toughnut Street as well as the Tombstone Courthouse parking area on 3rd Street.

DISCUSSION: None

VOTE: 5/0

MOTION: Carried

- M. DISCUSSION AND/OR ACTION:** Request for approval for the appointment of Bruce Nielsen to the City of Tombstone Planning and Zoning Commission.

MOTION by Councilmember Bachman, **SECOND** by Councilmember Barlow to approve appointment of Bruce Nielsen to the City of Tombstone Planning and Zoning Commission.

DISCUSSION: None

VOTE: 5/0

MOTION: Carried

- N. DISCUSSION AND/OR ACTION:** Request for approval from Tombstone Wine Works, 618 E. Allen Street, for a Series 13-Farm Winery Liquor License.

MOTION by Councilmember Villa, **SECOND** by Councilmember Bachman to approve request for Tombstone Wine Works, 618 E. Allen Street, for a Series 13-Farm Winery Liquor License.

DISCUSSION: None

VOTE: 5/0

MOTION: Carried

- O. DISCUSSION AND/OR ACTION:** Request for approval from Tombstone Distillery, 610 E. Allen Street, for a Series 18-Craft Distillery Liquor License.

MOTION by Councilmember Barlow, **SECOND** by Councilmember Villa to approve request for approval from Tombstone Distillery, 610 E. Allen Street, for a Series 18-Craft Distillery Liquor License.

DISCUSSION: Councilmember Barlow; Yesterday, the two owners are here tonight, I spent the morning with Steve and last evening I met with the other owner Gary and I had lots of questions. We had a very in depth discussion and I think it should be an asset to the City. I think we should pass it.

VOTE: 5/0

MOTION: Carried

- P. DISCUSSION AND/OR ACTION:** Request for approval from the Tombstone Forward Association for a special use permit for the use of Third Street from Allen Street to Toughnut Street on Sunday, September 20, 2015 between the hours of 6:00 a.m. to 3:00 p.m. for a staging area for wagons and select parade participants. A further request for a special use permit for a parade to be held on Sunday, September 20, 2015 on Allen Street.

MOTION by Councilmember Bachman, **SECOND** by Councilmember Villa to discuss request by the Tombstone Forward Association for a special use permit for the use of Third Street from Allen Street to Toughnut Street on Sunday, September 20, 2015 between the hours of 6:00 a.m. to 3:00 p.m. for a staging area for wagons and select parade participants. A further request for a special use permit for a parade to be held on Sunday, September 20, 2015 on Allen Street.

DISCUSSION: Councilmember Bachman; "Number one we had the request from the Courthouse the approval for the same area and for the parade. I am just wondering why it is on here again through Tombstone Forward?" "Also, with the wagons I thought during the original discuss about this event that the wagons were here for a race not to be set up and I don't know if they are selling anything or what they are doing but they were to be here for the wagon races."

Councilmember Moreno; "there are no wagon races. (inaudible). There was no request for a parade on the application. Actually it was for the use of the street from Allen to Toughnut in coordination with what they are doing at the Courthouse

for after the parade so that people can take pictures with the wagons and some of the people that were in the parade.”

Councilmember Bachman; “Okay, and the ball field. What’s happening at the ball field?”

Councilmember Moreno; ”there is nothing on the ball field.”

Councilmember Bachman; “Okay.”

Councilmember Villa; “so you are not staging any wagons or any vendors on the football field?” You are not getting money to clean the field for that reason?”

Councilmember Moreno; “Excuse me?”

Councilmember Villa; “your not cleaning the field for wagons or anything?”

Councilmember Moreno; “There is going to be a chuck wagon competition but that’s not part of this request.

Councilmember Villa; ‘Exactly”

Councilmember Moreno; “That request has already been granted and”

Mayor Escapule; “Hold on, the football field has nothing to do with the City of Tombstone. Nothing to do with us. This is the item that we are discussing right now and that is the only thing we are going to discuss.” It’s the only thing that is on the agenda.”

Councilmember Moreno; “I would like to amend the request to read just the use of Third Street from Allen to Toughnut and to take out the request for the parade since (inaudible).

City Attorney Bays; “Just strike out the last sentence and I think we would be good to go we don’t have to amend it.”

Councilmember Bachman; “the only reason I brought this up is because initially under the first approval of this the wagons were going to be staged at the football field now they are being staged here. That’s the only reason...”

Councilmember Moreno; “No, what your talking about is the Chuck Wagon Competition. This is not the Chuck Wagon Competition. What these are... it’s going to be a non motorized parade. It’s going to be buggies and wagons”

Councilmember Bachman; “That’s where I got confused then. That’s why I brought it up.”

Mayor Escapule; “We are striking the last sentence in this which is a further request for a special use permit for the parade. That’s to be taken out because it’s already been approved by a previous meeting.”

Roll Call Vote:

Councilmember Villa	No
Councilmember Barlow	Yes
Councilmember Moreno	Yes
Councilmember Bachman	Yes
Mayor Escapule	Yes

4 Yes Votes, 1 No Votes

VOTE: 4/1

MOTION: Carried

X. MOTION TO ADJOURN

Mayor Escapule entertains a motion for adjournment.

MOTION by Councilmember Barlow, **SECOND** by Councilmember Moreno to adjourn the meeting.

VOTE: 5/0

MOTION: Carried

The Regular Council Meeting for Tuesday, June 9, 2015 thereby adjourned at 7:48 p.m.

Dustin Escapule, Mayor

Brenda Ikirt, Acting City Clerk