

REGULAR COUNCIL MEETING
7:00 P.M.
TUESDAY, AUGUST 13, 2024
SCHIEFFELIN HALL
(CORNER OF FREMONT AND FOURTH STREET)

- I. CALL TO ORDER** Mayor Dustin Escapule called the Regular Council Meeting to order on Tuesday, August 13, 2024.
- II. PLEDGE OF ALLEGIANCE** Mayor Dustin Escapule led the Common Council and the general public in a recitation of the Pledge of Allegiance.
- III. ROLL CALL**
- | | |
|----------------------------|---------|
| Councilmember Colin Regan | Present |
| Mayor Pro-Tem Bill Barlow | Absent |
| Councilmember Matt Faulk | Present |
| Councilmember Jim Newbauer | Present |
| Mayor Dustin Escapule | Present |
- Also, in attendance: Charissa Presti, Interim City Clerk

IV. CALL TO THE PUBLIC

Mayor Escapule calls for public participants.

Steve McNeely: I'm here to discuss why we have speed bumps on Safford Street and over by Circle K. I've had a lot of citizens complain that it's a road about everybody uses to go to the post office. There happens to be a stop sign on both ends. In my mind, I cannot figure out why we would spend money as a city to put speed bumps there, when every citizen basically goes to the post office each day. It's not good for the cars. It's kind of ridiculous. We could well spend money someplace else. We have plenty of roads we could spend money on. And I'm wondering if the council voted on this, and if they didn't, why not? And also, when can we expect to have them removed?

Lillian Hritz: I just want to thank all of those who supported me in this last election. I want to thank Lefty for giving a respectful and non-dirty campaign. I appreciate that in this day and age, when it doesn't happen very often. I want to ask those who currently live in the ward to reach out with any questions or concerns you might have by email, text message, or Facebook, if that's your only way of doing it. I would also like to say a lot of people have asked me about the budget that recently passed and other items on tonight's agenda. I need to clarify, I'm not your representative until I get sworn-in in November and ask for apologies up front because I will be missing the December meeting due to a vacation planned since 2021.

Kim Pierce: There's a couple items on the agenda that talk about city ordinances that us citizens don't understand. I'm hoping when you vote on them, that there will be a discussion to explain them to us, especially item C. I haven't had a chance to go ask city hall for the paperwork. Before you vote on it, I kindly request that you expand on it.

Mayor closes Call of the Public.

V. FIRE CHIEF'S REPORT: Monthly Fire Chief Reports on June 1, 2024 to June 30, 2024.

We had 62 total calls. 37 were EMS calls, 5 were fire related, 14 service calls, mostly snake removals.

Items of Note:

On 4th of July, we managed to good show, even with a storm an hour before and three fireworks that malfunctioned by exploding at eye level. This caused a 5-to-7-minute delay that might have been noticed by the attendees.

Some fire departments rescue cats from trees, here in Tombstone we rescue cats stuck in roof vents of old buildings. The cat and its curiosity, and now eight (8) lives, are doing fine.

We do a lot of animal calls, which we are happy to do.

On Saturday August 31st, we will be holding for first water festival call Battle of the Blaze. It will begin at noon and end at 6:00 PM on the old high school baseball field. There will be a dunk tank, different tug of war type things, things for the kids. We are planning for a whole afternoon of fun for everybody.

Presentation of Plaque to Anthony Palma:

We have learned that Captain Anthony Palma has been ordered to retire from the fire department due to medical issues by his physician team. In his place we have promoted a Lieutenant to Captain. Anthony has given his lifetime of service for somebody so young as he is. He's been with the department for a decade. I wanted to recognize his decade of service and encourage him to continue to be part of the family. *Chief Alleman presents a plaque to Anthony Palma.*

On tonight's agenda is a measure to approve a contract with Anthony Palma as fire inspector, so we can continue the fire inspection program that is currently in place. This is a good service to the city and will allow Mister Palma to remain active with the department and the city and highly recommend that it is passed.

Mayor closes Fire Chief's report.

VI. APPROVAL OF MINUTES

- A. **DISCUSSION AND/OR ACTION:** Approval of minutes for Special Council Meeting for Tuesday, July 9, 2024.

MOTION by Councilmember Regan, **SECOND** by Councilmember Newbauer to approve the minutes for Special Council Meeting for Tuesday, July 9, 2024.

DISCUSSION: None

VOTE: 4-Yes/0-No/1-Absent

MOTION: Carried

- B. **DISCUSSION AND/OR ACTION:** Approval of minutes for Regular Council Meeting for Tuesday, July 9, 2024.

MOTION by Councilmember Faulk, **SECOND** by Councilmember Regan to approve the minutes for Regular Council Meeting for Tuesday, June 11, 2024.

DISCUSSION: None

VOTE: 4-Yes/0-No/1-Absent

MOTION: Carried

- C. **DISCUSSION AND/OR ACTION:** Approval of minutes for Special Council Meeting for Tuesday, July 16, 2024.

MOTION by Councilmember Newbauer, **SECOND** by Councilmember Faulk to approve the minutes for Special Council Meeting for Tuesday, July 16, 2024.

DISCUSSION: None

VOTE: 4-Yes/0-No/1-Absent

MOTION: Carried

VII. NEW BUSINESS

- A. **DISCUSSION AND/OR ACTION:** Approval of Accounts Payable in the \$521,276.87 (July 1, 2024 through July 31, 2024).

MOTION by Councilmember Newbauer, **SECOND** by Councilmember Regan to approve Accounts Payable in the amount of \$521,276.87 (July 1, 2024 through July 31, 2024).

DISCUSSION: None

VOTE: 4-Yes/0-No/1-Absent

MOTION: Carried

- B. DISCUSSION AND/OR ACTION:** Approval of Ordinance No. 2024-03, An Ordinance of The Mayor and Common Council of the City of Tombstone, Cochise County, State of Arizona, levying a primary property tax upon the assessed valuation of the property within the city subject to taxation, for the fiscal year ending in June 30, 2025.

MOTION by Councilmember Faulk, **SECOND** by Councilmember Newbauer to approve Ordinance No. 2024-03, An Ordinance of The Mayor and Common Council of the City of Tombstone, Cochise County, State of Arizona, levying a primary property tax upon the assessed valuation of the property within the city subject to taxation, for the fiscal year ending in June 30, 2025.

DISCUSSION: None

ROLL CALL VOTE:	Councilmember Regan	Yes
	Mayor Pro-Tem Barlow	Absent
	Councilmember Faulk	Yes
	Councilmember Newbauer	Yes
	Mayor Escapule	Yes

MOTION: Carried

- C. DISCUSSION AND/OR ACTION:** Approval of Ordinance No. 2024-04, An Ordinance of The Mayor and Common Council of the City of Tombstone, Cochise County, State of Arizona, amending the city code, Title 8 "Public Ways and Property", Chapter 5 "Parades; Processions", Section 8-5-2, "Animal Use Permits", Subsection (l), "Restrictions", Establishing an effective date and declaring and emergency.

MOTION by Councilmember Newbauer, **SECOND** by Councilmember Regan to approve Ordinance No. 2024-04, An Ordinance of The Mayor and Common Council of the City of Tombstone, Cochise County, State of Arizona, amending the city code, Title 8 "Public Ways and Property", Chapter 5 "Parades; Processions", Section 8-5-2, "Animal Use Permits", Subsection (l), "Restrictions", Establishing an effective date and declaring and emergency.

DISCUSSION: None

ROLL CALL VOTE:	Councilmember Regan	Yes
	Mayor Pro-Tem Barlow	Absent
	Councilmember Faulk	Yes
	Councilmember Newbauer	Yes
	Mayor Escapule	Abstain

MOTION: Carried

- D. DISCUSSION AND/OR ACTION:** Approval of Resolution No. 10-2024, A Resolution of the Mayor and Council of the City of Tombstone, Cochise County, Arizona, declaring and adopting the results of the primary election held on July 30, 2024.

MOTION by Councilmember Newbauer, **SECOND** by Councilmember Faulk to approve Resolution No. 10-2024, A Resolution of the Mayor and Council of the City of Tombstone, Cochise County, Arizona, declaring and adopting the results of the primary election held on July 30, 2024.

DISCUSSION: None

ROLL CALL VOTE:	Councilmember Regan	Yes
	Mayor Pro-Tem Barlow	Absent
	Councilmember Faulk	Yes

Councilmember Newbauer Yes
Mayor Escapule Yes

MOTION: Carried

E. DISCUSSION AND/OR ACTION: Approval of Resolution No. 11-2024, A resolution of the Mayor and Council of the City of Tombstone, Cochise County, Arizona,

1. Authorizing the National Bank of Arizona as the Primary Banking Institution for the City of Tombstone.
2. Designating Authorized Signers, Charissa Presti, Colin Regan, Bill Barlow, and Dustin Escapule, on behalf of the City of Tombstone for Accounts held at National Bank of Arizona, and Vantage West Credit Union.
3. Authorizing the closure of all City of Tombstone Bank Accounts at Bank of America.

MOTION by Councilmember Regan, **SECOND** by Councilmember Faulk to approve Resolution No. 11-2024, A resolution of the Mayor and Council of the City of Tombstone, Cochise County, Arizona, authorizing National Bank of Arizona as the primary banking institution, Charissa Presti, Colin Regan, Bill Barlow, and Dustin Escapule as authorized signers, at National Bank of Arizona and Vantage West Credit Union, and to close all accounts at Bank of America.

DISCUSSION:

This switch of banks will save the city \$19,000 a year in fees. It will not be an immediate transition, but will take about six (6) months to completely switch.

ROLL CALL VOTE:

Councilmember Regan Yes
Mayor Pro-Tem Barlow Absent
Councilmember Faulk Yes
Councilmember Newbauer Yes
Mayor Escapule Yes

MOTION: Carried

F. DISCUSSION AND/OR ACTION: Approval of Contract between the City of Tombstone and Anthony Palma for Fire Inspector an Investigator Services, for Tombstone Fire Department, effective August 13, 2024.

MOTION by Councilmember Newbauer, **SECOND** by Councilmember Regan to approve Contract between the City of Tombstone and Anthony Palma for Fire Inspector an Investigator Services, for Tombstone Fire Department, effective August 13, 2024.

DISCUSSION:

Policy and Procedures will be created in the next 30 to 60 days. City Clerk is researching fees to charge for Fire Inspections, as all cities have this fee.

ROLL CALL VOTE:

Councilmember Regan Yes
Mayor Pro-Tem Barlow Absent
Councilmember Faulk Yes
Councilmember Newbauer Yes
Mayor Escapule Yes

MOTION: Carried

G. DISCUSSION AND/OR ACTION: Approval to renew lease agreement with USDA for 1.23 Acres, of the northwest quarter of Section 1, Township 20 south, Range 22 East, for one year, October 1, 2024 to September 30, 2024.

MOTION by Councilmember Regan, **SECOND** by Councilmember Newbauer to approve to renew lease agreement with USDA for 1.23 Acres, of the northwest quarter of Section 1, Township 20 south, Range 22 East, for one year, October 1, 2024 to September 30, 2024.

DISCUSSION:

There is a typo and the dates should be October 1, 2024 to September 30, 2025. Error was noted and Council will vote with for the contract to be from October 1, 2024 to September 30, 2025.

ROLL CALL VOTE:	Councilmember Regan	Yes
	Mayor Pro-Tem Barlow	Absent
	Councilmember Faulk	Yes
	Councilmember Newbauer	Yes
	Mayor Escapule	Yes

MOTION: Carried

- H. **DISCUSSION AND/OR ACTION:** Approval of special use permit from Sam and Dona Franko for Annual Block Party, Sunday, September 1, 2024. Requesting the following:
- Closure of Bruce Street between 9th Street and 10th Street, from Noon to Midnight to include set-up and tear-down. Party is from 6 PM to 10 PM.

MOTION by Councilmember Regan, **SECOND** by Councilmember Faulk, to approve special use permit from Sam and Dona Franko for Annual Block Party, Sunday, September 1, 2024, closing Bruce Street between 9th and 10th Street from Noon to Midnight.

DISCUSSION: None

VOTE: 4-Yes/0- No/1 Absent

MOTION: Carried

- I. **DISCUSSION AND/OR ACTION:** Approval of special use permit from American Legion for a 9/11 Parade on Wednesday, September 11, 2024. Requesting the following:
- Use of Allen Street from 6th Street to 3rd Street, beginning at 11 AM to 12 PM.

MOTION by Councilmember Regan, **SECOND** by Mayor Pro-Tem Barlow, to approve special use permit from American Legion for a 9/11 Parade on Wednesday, September 11, 2024.

DISCUSSION: None

VOTE: 4-Yes/0- No/1 Absent

MOTION: Carried

- J. **DISCUSSION AND/OR ACTION:** Approval of special use permit from American Legion for Bike Fest on Saturday, October 26, 2024. Requesting the following:
- Closure of 2nd Street between Allen and Toughnut from 7 AM to 8 PM for parking, games, and bike show.

MOTION by Councilmember Newbauer, **SECOND** by Councilmember Regan, to approve special use permit from American Legion for Bike Fest on Saturday, October 26, 2024.

DISCUSSION: None

VOTE: 4-Yes/0- No/1 Absent

MOTION: Carried

- K. **DISCUSSION AND/OR ACTION:** Approval of Temporary Extension of Premises Liquor License for American Legion, Friday October 25, 2024 from 12 PM to 10 PM and Saturday October 26, 2024 from 8 AM to 10 PM.

MOTION by Councilmember Faulk, **SECOND** by Councilmember Newbauer, to approve Temporary Extension of Premises Liquor License for American Legion, Friday October 25, 2024 from 12 PM to 10 PM and Saturday October 26, 2024 from 8 AM to 10 PM.

DISCUSSION: None

ROLL CALL VOTE:

Councilmember Regan	Yes
Mayor Pro-Tem Barlow	Absent
Councilmember Faulk	Yes
Councilmember Newbauer	Yes
Mayor Escapule	Yes

MOTION: Carried

L. DISCUSSION AND/OR ACTION: Approval of special use permit from Wyatt Earp’s Oriental Saloon & Theater, Saturday, November 2, 2024 from 8 AM to 5 PM for Annual Gunslinger Car Show and Pinup Contest. Requesting the following:

- Closure of 5th Street from Fremont Street to Allen Street.

MOTION by Councilmember Regan, **SECOND** by Councilmember Faulk, to approve special use permit from Wyatt Earp’s Oriental Saloon & Theater, Saturday, November 2, 2024 from 8 AM to 5 PM for Annual Gunslinger Car Show and Pinup Contest.

DISCUSSION: None

ROLL CALL VOTE:

Councilmember Regan	Yes
Mayor Pro-Tem Barlow	Absent
Councilmember Faulk	Yes
Councilmember Newbauer	Yes
Mayor Escapule	Yes

MOTION: Carried

M. DISCUSSION AND/OR ACTION: Approval of special use permit from Creepy People Management, Saturday, January 18, 2025 from 8 AM to Midnight for The Nick Groff Tour. Requesting the following:

- Schieffelin Hall and Senior Center for Paranormal Event.

MOTION by Councilmember Newbauer, **SECOND** by Councilmember Regan, to approve special use permit from Creepy People Management, Saturday, January 18, 2025 from 8 AM to Midnight for The Nick Groff Tour.

DISCUSSION:

This event will bring the city money for rental of buildings, chairs, tables, etc.

ROLL CALL VOTE:

Councilmember Regan	Yes
Mayor Pro-Tem Barlow	Absent
Councilmember Faulk	Yes
Councilmember Newbauer	Yes
Mayor Escapule	Yes

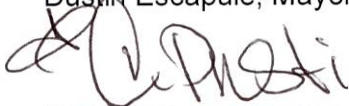
MOTION: Carried

VIII. MOTION TO ADJOURN

MOTION by Councilmember Newbauer **SECOND** by Councilmember Regan, to adjourn the Regular Council Meeting for Tuesday, July 9, 2024.



 Dustin Escapule, Mayor



 Charissa Presti, Interim, City Clerk