

**REGULAR COUNCIL MEETING  
TUESDAY, JANUARY 10, 2017  
7:00 P.M.  
SCHIEFFELIN HALL  
(CORNER OF FREMONT AND FOURTH STREET)**

- I. CALL TO ORDER** Mayor Dustin Escapule called the Regular Council Meeting to order on Tuesday, January 10, 2017.
- 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 Anna Salcido   | Present |
| Councilmember Bill Barlow    | Present |
| Councilmember Brian Davis    | Present |
| Councilmember James Newbauer | Present |
| Mayor Dustin Escapule        | Present |

Also in attendance: P. Randall Bays – City Attorney

**IV. CALL TO PUBLIC**

**Mr. Gordon Anderson** – “I urged the Mayor and the City Council to pass the proclamation “Tombstone American Second Amendment City” this is a great day in America and a great day for Tombstone and this is a way for us to reach out to current and future generations of Americans. Thank you!”

**Mr. Maurice Sinsley** – “I have the Stampede RV Park. Tonight I see were going to do a part here about animals that are going to be shot. About three years ago I had this big buck and he used to always come in our area there and these guys were out there with the bow and arrows. They said that’s a good one right there! I said there better not be because if I lose him your gone. Not to long after that they found a carcass out with just his head had been removed. Didn’t take it for the money or for the food or anything. Those kind of things we don’t need out there especially with a bow and arrow. You can’t hear it coming and the only time is when you feel it. Thank you very much!”

**V. APPROVAL OF MINUTES**

**MOTION** by Councilmember Davis, **SECOND** by Councilmember Newbauer, to approve the Regular Council Meeting, Tuesday, November 15, 2016, Regular Council Meeting, Tuesday, November 15, 2016 and the Regular Council Meeting, Tuesday, December 13, 2016

**DISCUSSION:** None

**VOTE:** 5/0

**MOTION:** Carried

## VI. PROCLAMATIONS

**Mayor Escapule** reads to the Common Council and the General Public “Tombstone School Choice Week Proclamation” and “America’s Second Amendment City Proclamation”

**Mayor Escapule;** “I would like to make a couple of statements just to clear the air on a couple of things ladies and gentlemen. One is; this no way, shape or form, changes the Town to Tough to Die. Tombstone will always be the Town to Tough to Die we just have another name which is America’s Second Amendment City. We don’t want anybody to believe that we advocate violence however; we put on gunfight shows daily on the streets and different venues in town and where there’s a lot of gun activity that doesn’t necessarily mean that we advocate any kind of gun violence. This proclamation means that we appreciate and we respect our right to bear arms and we want to make sure that the people of America know that people in Tombstone are here to say we appreciate the Second Amendment of the United States. Thank you!”

## VII. NEW BUSINESS

- A. DISCUSSION AND/OR ACTION:** Approval of Accounts Payable in the amount of \$ 152,415.14 (December 1, 2016 through December 31, 2016).

**MOTION** by Councilmember Davis, **SECOND** by Councilmember Barlow, to approve Accounts Payable in the amount of \$ 152,415.14 (December 1, 2016 through December 31, 2016).

**DISCUSSION:** None

**VOTE:** 5/0

**MOTION:** Carried

- B. DISCUSSION AND/OR ACTION:** Approval of Resolution No. 01-2017, A resolution of the Mayor and Common Council of the City of Tombstone, Cochise County, State of Arizona to amend Resolution No. 04-2013 (Entertainment District) that consist of no more than one square mile and no less than one eighty mile in width, the district contains a significant number of entertainment, Artistic and cultural venues, including music halls, concert facilities, theaters, arenas, stadiums, museums, studios, galleries, restaurants, bars, convenience stores, gas stations and other related facilities.

**MOTION** by Councilmember Barlow, **SECOND** by Councilmember Salcido, to approve Resolution No. 01-2017, A resolution of the Mayor and Common Council of the City of Tombstone, Cochise County, State of Arizona to amend Resolution No. 04-2013 (Entertainment District) that consist of no more than one square mile and no less than one eighty mile in width, the district contains a significant number of entertainment, Artistic and cultural venues, including music halls,

concert facilities, theaters, arenas, stadiums, museums, studios, galleries, restaurants, bars, convenience stores, gas stations and other related facilities.

**DISCUSSION:** None

**VOTE:** 5/0

**MOTION:** Carried

- C. DISCUSSION AND/OR ACTION:** Approval of Ordinance No. 2017-01; Emergency Declared; An Ordinance of the Mayor and Common Council of the City of Tombstone, County of Cochise, Arizona amending Title 5, Chapter 4, to add Section 7 which restricts hunting or trapping within the city limits of the City of Tombstone.

**MOTION** by Councilmember Newbauer, **SECOND** by Councilmember Davis, to approve Ordinance No. 2017-01; Emergency Declared; An Ordinance of the Mayor and Common Council of the City of Tombstone, County of Cochise, Arizona amending Title 5, Chapter 4, to add Section 7 which restricts hunting or trapping within the city limits of the City of Tombstone.

**DISCUSSION:** Mayor Escapule; "I will say that Mr. Sinsley's recap of what he experienced is taking place almost on a daily basis here the last couple of weeks. The Marshal's Office has been called numerous times about people hiding behind people's backyard waiting for a buck or somebody to walk out so they could shoot them. That's not hunting! That's not even close to being hunting! I felt that it was necessary that we create an emergency and Mr. Bays agreed with me and so Mr. Bays this will take effect immediately after it's approved tonight right?"

"City Attorney Bays; "Yes Mr. Mayor and more importantly this type of hunting especially within the City limits is a significant risk to the people that reside here as well as the tourist."

Mayor Escapule; "Yes as Mr. Sinsley pointed out it is a silent killer and you don't know that anybody is shooting arrows around you and I think that in any kind of hunting it's dangerous within the City."

Mayor Escapule closes discussion.

**Roll Call Vote:**

Councilmember Salcido	Yes
Councilmember Barlow	Yes
Councilmember Davis	Yes
Councilmember Newbauer	Yes
Mayor Escapule	Yes

**5 Yes Votes, 0 No Votes**

**VOTE:** 5/0

**MOTION:** Carried

- D. DISCUSSION AND/OR ACTION:** Approval of awarding a bid for replacing the pump at Well No. 1.

**MOTION** by Councilmember Davis, **SECOND** by Councilmember Newbauer to approve awarding a bid for replacing the pump at Well No. 1.

**DISCUSSION:** Mayor Escapule; "We've been handed three quotes and it is obvious which one is the one we need to be choosing. The lowest and to be familiar with the well which is Bill's Pump. I will tell you that I took it upon myself because I felt that this was somewhat of an emergency and asked Bill's Pump to setup on the well and be prepared to pull the pump immediately in the morning. The reason is; is if we have a serious catastrophe on the water line coming across from the mountains and Well No. 2 wouldn't happen to turn on we could be in serious trouble. I think it is imperative that we have this repaired immediately; as soon as possible. I have taken it upon myself to choose Bill's Pump which is the price of \$12,442.00.

City Attorney Bays; "Mr. Mayor the only recommendation that I would make on this. The other two quote are also bidding on a motor. Just in case that particular well needs it an additional motor I would ask the Council to authorize an additional motor if in fact it is needed."

Mayor Escapule; "I was under the impression that Bill's Pump did include the motor. They are all bidding on the same thing I believe, Mr. Bays."

City Attorney Bays; "The motors that I see on the other two; Tanner and also on Driver are at a cost of approximately twelve thousand dollars respectively. There is one that broke out at four hundred and fifteen and one at twelve thousand nine hundred those are the ones I am talking about. It doesn't look like it's in Bill's Pump but just in case we need to replace that motor we should...."

Mayor Escapule; "Okay."

Mayor and Council confer over bids.

City Attorney Bays; "Okay, I see that he has a motor in here for five thousand thirty one dollars. I apologize I missed that."

Mayor Escapule; "Okay we are good. Thank you!" "I will ask for the Council to vote on approving Bill's Pump Service to replace the pump.

**MOTION** by Councilmember Davis, **SECOND** by Councilmember Newbauer to approve Bill's Pump Service to replace the pump at Well No. 1

**DISCUSSION:** None

**VOTE:** 5/0

**MOTION:** Carried

Mayor Escapule; "Is that good Randy? Did we skip a ...."

City Attorney Bays; "No you actually voted twice on the same thing but..."

Mayor Escapule; Not really because I think what I am looking at is we had a motion to; we modified it to say who was getting it. On the original motion it was approval of awarding of the bid for the replacement of the pump but we didn't say who."

City Attorney Bays; "Okay so who voted for Bill's Pump then?"

Mayor Escapule; "Bill's Pump yes."

City Attorney Bays; "Any further discussion on whether or not Bill's Pump should get the contract?"

No further discussion. Mayor Escapule closes discussion and asks for a roll call vote.

**Roll Call Vote:**

Councilmember Salcido	Yes
Councilmember Barlow	Yes
Councilmember Davis	Yes
Councilmember Newbauer	Yes
Mayor Escapule	Yes

**5 Yes Votes, 0 No Votes**

**VOTE:** 5/0

**MOTION:** Carried

- E. DISCUSSION AND/OR ACTION:** Approval of request from the Wild West Detachment Marine Corp League for a special events use permit for the use of Allen Street for the 8<sup>th</sup> Annual Tombstone Wild West Days to be held on Saturday, March 18, and Sunday, March 19, 2017. Event will consist of performances by re-enactment groups and parade.

**MOTION** by Councilmember Barlow, **SECOND** by Councilmember Newbauer to approve request from the Wild West Detachment Marine Corp League for a special events use permit for the use of Allen Street for the 8<sup>th</sup> Annual Tombstone Wild West Days to be held on Saturday, March 18, and Sunday, March 19, 2017. Event will consist of performances by re-enactment groups and parade.

**DISCUSSION:** None

**VOTE:** 5/0

**MOTION:** Carried

- F. DISCUSSION AND/OR ACTION:** Approval of request from the Tombstone Lions Club for a special events use permit for the use of the City Park for Movies in the Park event to be held on Saturday, July 8, Saturday, August 12, and September 9, 2017. The Tombstone Lions Club request the use of an electrical source for this event.

**MOTION** by Councilmember Davis, **SECOND** by Councilmember Newbauer to approve request from the Tombstone Lions Club for a special events use permit for the use of the City Park for Movies in the Park event to be held on Saturday, July 8, Saturday, August 12, and September 9, 2017. The Tombstone Lions Club request the use of an electrical source for this event.

**DISCUSSION:** None

**VOTE:** 5/0

**MOTION:** Carried

- G. DISCUSSION AND/OR ACTION:** Approval of request from the OK Corral for a renewal of a special use permit for a static display which consist of a Fire Hose Cart, Buggy & 3 Coffins to be displayed at 325 E. Allen Street during daylight hours.

**MOTION** by Councilmember Davis, **SECOND** by Councilmember Barlow to approve request from the OK Corral for a renewal of a special use permit for a static display which consist of a Fire Hose Cart, Buggy & 3 Coffins to be displayed at 325 E. Allen Street during daylight hours.

**DISCUSSION:** None

**VOTE:** 5/0

**MOTION:** Carried

## **VIII. MOTION TO ADJOURN**

Mayor Escapule entertains a motion for adjournment.

**MOTION** by Councilmember Davis, **SECOND** by Councilmember Newbauer, to adjourn the Regular Council Meeting for Tuesday, January 10<sup>th</sup>, 2017.

**VOTE:** 5/0

**MOTION:** Carried

The Regular Council meeting for Tuesday, January 10<sup>th</sup>, 2017 thereby adjourned at 7:21 p.m.

---

Dustin Escapule, Mayor

---

Brenda A. Ikirt, Interim City Clerk