

**AMENDED AGENDA**

**AMENDED AGENDA OF THE REGULAR SESSION OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, TO BE HELD ON TUESDAY, FEBRUARY 2, 2010, AT 7:00 PM IN THE BISBEE MUNICIPAL BUILDING, 118 ARIZONA STREET, BISBEE, ARIZONA.**

THE MEETING CALLED TO ORDER BY \_\_\_\_\_ AT \_\_\_\_\_ PM.

**ROLL CALL**

**COUNCIL**

Councilmember Boyd Nicholl, Ward I  
Councilmember Bennie Scott, Ward III  
Councilmember Luche Giacomino, Ward II  
Mayor W.J. "Jack" Porter  
Councilmember Anna Cline, Ward III  
Councilmember Raymond Rodgers, Ward II  
Councilmember Ken Budge, Ward I, Mayor Pro Tempore

**STAFF**

Stephen J. Pauken, City Manager  
Sharyl K. Honstein, City Clerk  
Dee L. Flanagan, Finance Director  
John Charley, Community Development Director  
Jim Elkins, Chief of Police  
Jack Earnest, Fire Chief  
Jennifer L. Graeme, Personnel Director  
Russ McConnell, Public Works Director  
Peg White, Library Director

**CITY ATTORNEY**

Mark J. Langlitz

INVOCATION: A Moment of Silence

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

Current events

THE FOLLOWING ITEMS WILL BE DISCUSSED, CONSIDERED AND/OR DECIDED UPON AT THIS MEETING:

GENERAL BUSINESS:

ACCOUNTS PAYABLE: Subject to availability of funds.

1. CALL TO THE PUBLIC

“During the proper time on the Agenda, taxpayers or residents of the City, or their authorized representatives, may address the Council on any matter concerning the City’s business or any matter over which the Council has control. (Oral presentations shall not be repetitious and shall be confined to 3 minutes maximum duration.)” Ordinance O-91-29

2. Approval of the Consent Agenda

- A. Discussion and Possible Approval of the Minutes of the Regular Session of Mayor and Council Held on January 19, 2010, at 7:00 p.m.

Sharyl K. Honstein, City Clerk

- B. Discussion and Possible Approval of the Appointment of Thomas Carlson to the Board of Adjustment.

Gloria P. Gonzalez, Deputy City Clerk

- C. Discussion and Possible Approval of the Appointment of Snooky Borowiec to the Evergreen Cemetery Committee and Waive the Length of Service on the Committee.

Gloria P. Gonzalez, Deputy City Clerk

- D. Discussion and Possible Approval of the Appointment of Nancy Davies to the Evergreen Cemetery Committee and Waive the Length of Service on the Committee.

Gloria P. Gonzalez, Deputy City Clerk

- E. Discussion and Possible Approval of the Appointment of Mary Killary to the Evergreen Cemetery Committee and Waive the Length of Service on the Committee.

Gloria P. Gonzalez, Deputy City Clerk

- F. Discussion and Possible Approval of the Appointment of Judy Anderson and Susana Montana to the Planning and Zoning Commission for a Three-Year Term.

Gloria P. Gonzalez, Deputy City Clerk

- G. Discussion and Possible Approval of a Special Event Liquor License Application Submitted by the Border Animal Rescue, For a Fundraising Event to be Held at Club Kilimanjaro, 33 Subway Street, on Sunday, February 14, 2010, from 8:00 PM to 2:00 AM; Dolores Jordan, Applicant.**

Gloria P. Gonzalez, Deputy City Clerk

- H. Discussion and Possible Approval of a Special Event Liquor License Application Submitted by the Border Animal Rescue, for a Fundraising Event to be Held at Club Kilimanjaro, 33 Subway Street, on Saturday, February 20, 2010, from 8:00 PM to 2:00 AM; Dolores Jordan, Applicant.**

Gloria P. Gonzalez, Deputy City Clerk

OLD BUSINESS

3. Remove from the Table for Discussion and Possible Approval Ordinance O-10-01, an Ordinance of the Mayor and Council of the City of Bisbee, County of Cochise,

State of Arizona, Amending Section 2.5.1 of the Bisbee City Code by Changing the Start Time of Regular Meetings of the Mayor and Council from 7:00 p.m. to 6:00 p.m., Unless Noticed Otherwise; Providing for Severability; and Repealing Conflicting Ordinances.

Mark J. Langlitz, City Attorney

#### NEW BUSINESS

4. Discussion and Possible Approval of Ordinance O-10-04: Amending the City of Bisbee Personnel Rules and Regulations, Chapter I, Section 2, Equal Employment Opportunity Statement; Chapter IV, Section 3, Paid Time Off; Chapter VII, Section 3, Four Stage Formal Grievance Process; and Chapter VII, Section 5, Review and Discussion of Other Issues; and Providing for Repeal and Severability.

Jennifer L. Graeme, Personnel Director

5. Discussion and Possible Approval of Ordinance O-10-03; an Ordinance of the Mayor and Council of the City of Bisbee, County of Cochise, State of Arizona, Amending Table 1-A of the 1997 Uniform Building Code, and Section 7.1.3 (A) and Article 15.2 (B) of the Bisbee City Code by Increasing Building Permit Fees; Providing for Severability; and Repealing Conflicting Ordinances.

John Charley, Community Development Director

6. Discussion of the Financial Statements for the City of Bisbee for the Six Months Ending December 31, 2009.

Dee L. Flanagan, Finance Director

7. City Manager's Report on current events (no discussion).

#### COUNCIL COMMENTS:

Councilmember Nicholl would like to express his thanks to the community for their support. Councilmember Cline would like to comment on the Police and Fire Department Awards. Councilmember Budge would like to announce the Upper San Pedro Water District, Public Information Meeting, at the Bisbee Senior Center on Wednesday, February 10, 2010, from 5:30 to 7:30 p.m.

#### ADJOURNMENT

Anyone needing special accommodations to attend this meeting should contact Sharyl Honstein at (520) 432-6000 at least twenty-four hours before the meeting.

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AGENDA ITEM NUMBER 29

**REQUEST FOR COUNCIL ACTION**

<b>DATE SUBMITTED:</b> February 1, 2010	<b>TYPE OF ACTION:</b> <u>    </u> RESOLUTION	<b>SUBJECT:</b> DISCUSSION AND POSSIBLE APPROVAL OF A SPECIAL EVENT LIQUOR LICENSE APPLICATION SUBMITTED BY THE BORDER ANIMAL RESCUE, FOR A FUNDRAISING EVENT TO BE HELD AT CLUB KILIMINJAHRO, 33 SUBWAY STREET, ON SUNDAY, FEBRUARY 14, 2010 FROM 8:00 PM to 2:00 AM; DOLORES JORDAN, APPLICANT.
<b>DATE ACTION REQUESTED:</b> February 2, 2010	<u>    </u> ORDINANCE	
<u>    </u> REGULAR <u>  X  </u> CONSENT	<u>  X  </u> FORMAL ACTION	
	<u>    </u> OTHER:	

**TO:** Mayor and Council

**FROM:** Gloria P. Gonzalez, Deputy City Clerk

**RECOMMENDATION:** Recommend Approval of a Special Event Liquor License Application Submitted by the Border Animal Rescue, for a Fundraising event to be held at Club Kiliminjahro, at 33 Subway Street on Sunday, February 14, 2010 from 8:00 pm to 2:00 am; Dolores Jordan, Applicant.

**PROPOSED MOTION:** I move to approve a Special Event Liquor License Application Submitted by the Border Animal Rescue, for a Fundraising event to be held at 33 Subway Street on Sunday, February 14, 2010 from 8:00 pm to 2:00 am; Dolores Jordan, Applicant

**DISCUSSION:**  
Ms. Dolores Jordan has submitted a request for approval of a Special Event Liquor License Application for the Border Animal Rescue for a Fundraising Event to be held at Club Kiliminjahro, 33 Subway Street, on Sunday, February 14, 2010, from 8:00 p.m. to 2:00 a.m. Ms. Jordan has indicated that there will be three security personnel, one at the main entrance, one at the rear exit, and one in the main hall to act as security personnel to prevent attendees from leaving the designated event area with alcohol.

**FISCAL IMPACT:** None

Prepared by: Gloria P. Gonzalez Reviewed by: Stephen J. Pauken  
Gloria P. Gonzalez, Deputy City Clerk Stephen J. Pauken, City Manager



10. Has the applicant been convicted of a felony in the past five years, or had a liquor license revoked?  
 YES  NO (attach explanation if yes)

11. This organization has been issued a special event license for 1 days this year, including this event  
(not to exceed 10 days per year).

12. Is the organization using the services of a promoter or other person to manage the event?  YES  NO  
If yes, attach a copy of the agreement.

13. List all people and organizations who will receive the proceeds. Account for 100% of the proceeds.  
**THE ORGANIZATION APPLYING MUST RECEIVE 25% OF THE GROSS REVENUES OF THE SPECIAL  
EVENT LIQUOR SALES.**

Name BORDER ANIMAL RESCUE 25%  
Percentage

Address 410 D MASON HILL Bisbee AZ 85603

Name KILIMANJARO EVENT CENTER 75%  
Percentage

Address 33 SUBWAY STREET Bisbee AZ 85603  
(Attach additional sheet if necessary)

14. Knowledge of Arizona State Liquor Laws Title 4 is important to prevent liquor law violations. If you have  
any questions regarding the law or this application, please contact the Arizona State Department of Liquor  
Licenses and Control for assistance.

NOTE: ALL ALCOHOLIC BEVERAGE SALES MUST BE FOR CONSUMPTION AT THE EVENT SITE ONLY.  
"NO ALCOHOLIC BEVERAGES SHALL LEAVE SPECIAL EVENT PREMISES."

15. What security and control measures will you take to prevent violations of state liquor laws at this event?  
(List type and number of security/police personnel and type of fencing or control barriers if applicable)

     # Police  Fencing  
  3   # Security personnel  Barriers

THERE WILL BE THREE SECURITY PERSONNEL. ONE AT THE MAIN  
ENTRANCE, ONE AT THE REAR EXIT, AND ONE IN THE MAIN HALL. THEY ALL  
WILL INSURE THAT THE AZ. STATE LIQUOR LAWS WILL NOT BE VIOLATED.

16. Is there an existing liquor license at the location where the special event is being held?  YES  NO  
If yes, does the existing business agree to suspend their liquor license during the time  
period, and in the area in which the special event license will be in use?  YES  NO

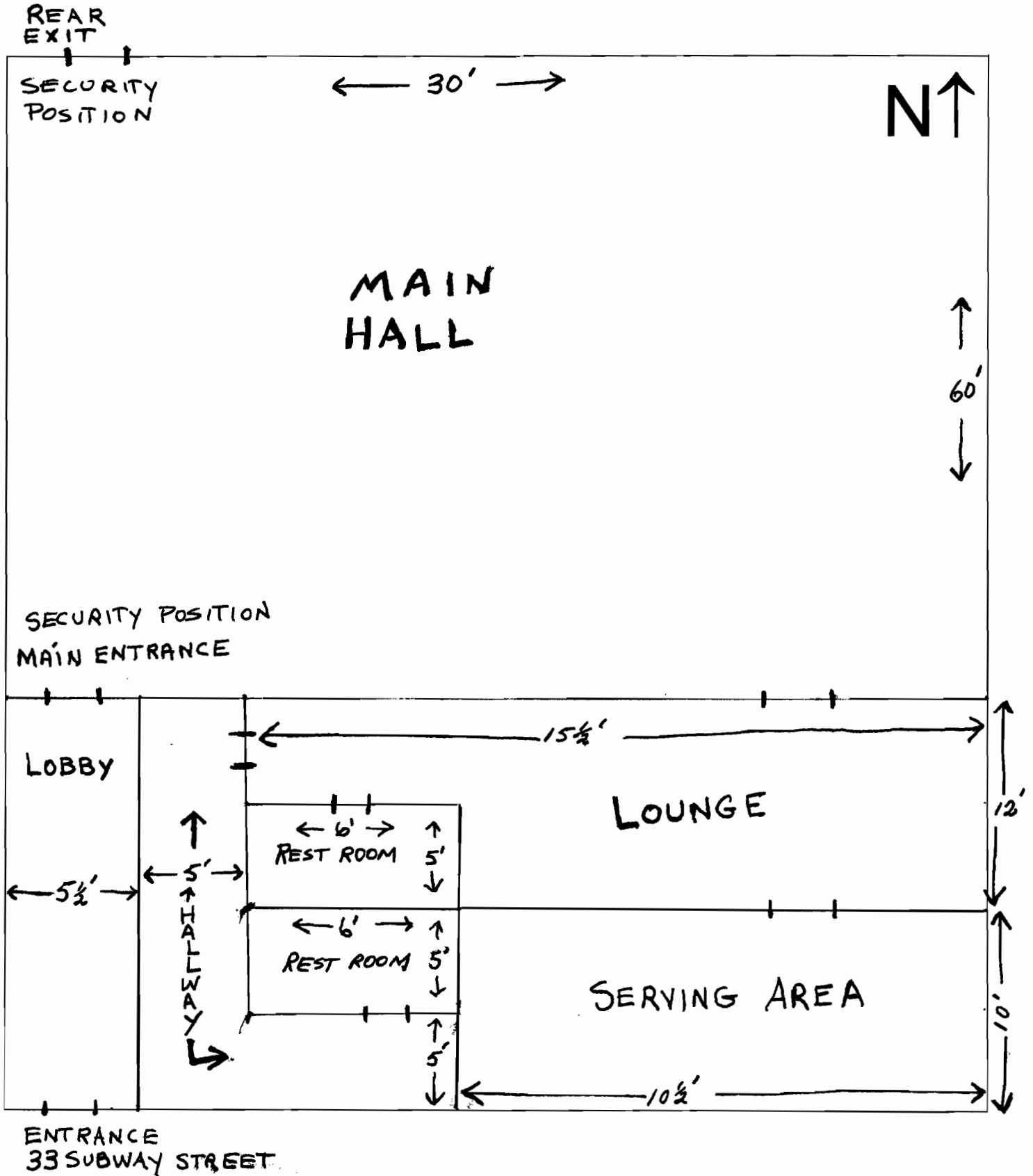
**(ATTACH COPY OF AGREEMENT)**

\_\_\_\_\_  
Name of Business ( ) Phone Number

17. Your licensed premises is that area in which you are authorized to sell, dispense, or serve spirituous liquors  
under the provisions of your license. The following page is to be used to prepare a diagram of your special  
event licensed premises. Please show dimensions, serving areas, fencing, barricades or other control  
measures and security positions.

**SPECIAL EVENT LICENSED PREMISES DIAGRAM**  
(This diagram must be completed with this application)

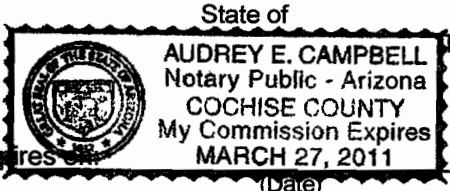
Special Event Diagram: (Show dimensions, serving areas, and label type of enclosure and security positions)  
NOTE: Show nearest cross streets, highway, or road if location doesn't have an address.



**THIS SECTION TO BE COMPLETED ONLY BY AN OFFICER, DIRECTOR OR CHAIRPERSON OF THE ORGANIZATION NAMED IN QUESTION #1**

18. I, Dolores Jordan declare that I am an Officer/Director/Chairperson appointing the applicant listed in Question 6, to apply on behalf of the foregoing organization for a Special Event Liquor License.

X Dolores Jordan (Signature) Treasurer (Title/Position) 1/25/10 (Date) (520) 432-7214 (Phone #)



State of Arizona County of Cochise  
 The foregoing instrument was acknowledged before me this 27<sup>th</sup> January 2010  
 Day Month Year  
Audrey E. Campbell (Signature of NOTARY PUBLIC)

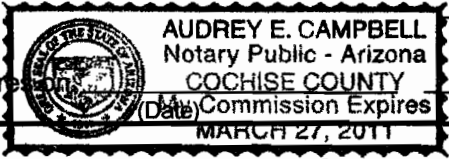
My Commission expires \_\_\_\_\_ (Date)

**THIS SECTION TO BE COMPLETED ONLY BY THE APPLICANT NAMED IN QUESTION #6**

19. I, Dolores Jordan declare that I am the APPLICANT filing this application as listed in Question 6. I have read the application and the contents and all statements are true, correct and complete.

X Dolores Jordan (Signature)

State of Arizona County of Cochise  
 The foregoing instrument was acknowledged before me this \_\_\_\_\_



27<sup>th</sup> January 2010  
 Day Month Year  
Audrey E. Campbell (Signature of NOTARY PUBLIC)

My commission expires \_\_\_\_\_ (Date)

**You must obtain local government approval. City or County MUST recommend event and complete item #20. The local governing body may require additional applications to be completed and submitted 60 days in advance of the event. Additional licensing fees may also be required before approval may be granted.**

**LOCAL GOVERNING BODY APPROVAL SECTION**

20. I, \_\_\_\_\_ hereby recommend this special event application  
 (Government Official) (Title)  
 on behalf of \_\_\_\_\_  
 (City, Town or County) (Signature of OFFICIAL) (Date)

**FOR DLLC DEPARTMENT USE ONLY**

Department Comment Section:  
 \_\_\_\_\_  
 \_\_\_\_\_ (Employee) \_\_\_\_\_ (Date)

APPROVED  DISAPPROVED BY: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ (Title) \_\_\_\_\_ (Date)

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AGENDA ITEM NUMBER 2h

REQUEST FOR COUNCIL ACTION

<b>DATE SUBMITTED:</b> February 1, 2010	<b>TYPE OF ACTION:</b> <u>    </u> RESOLUTION	<b>SUBJECT:</b> DISCUSSION AND POSSIBLE APPROVAL OF A SPECIAL EVENT LIQUOR LICENSE APPLICATION SUBMITTED BY THE BORDER ANIMAL RESCUE, FOR A FUNDRAISING EVENT TO BE HELD AT CLUB KILIMINJAHRO, 33 SUBWAY STREET, ON SATURDAY, FEBRUARY 20, 2010 FROM 8:00 PM to 2:00 AM; DOLORES JORDAN, APPLICANT.
<b>DATE ACTION REQUESTED:</b> February 2, 2010	<u>    </u> ORDINANCE	
<u>    </u> REGULAR <u>  X  </u> CONSENT	<u>  X  </u> FORMAL ACTION	
	<u>    </u> OTHER:	

<b>TO: Mayor and Council</b>
<b>FROM:</b> Gloria P. Gonzalez, Deputy City Clerk
<b>RECOMMENDATION:</b> Recommend Approval of a Special Event Liquor License Application Submitted by the Border Animal Rescue, for a Fundraising event to be held at Club Kiliminjahro, at 33 Subway Street on Saturday, February 20, 2010 from 8:00 pm to 2:00 am; Dolores Jordan, Applicant.
<b>PROPOSED MOTION:</b> I move to approve a Special Event Liquor License Application Submitted by the Border Animal Rescue, for a Fundraising event to be held at 33 Subway Street on Saturday, February 20, 2010 from 8:00 pm to 2:00 am; Dolores Jordan, Applicant

**DISCUSSION:**

Ms. Dolores Jordan has submitted a request for approval of a Special Event Liquor License Application for the Border Animal Rescue for a Fundraising Event to be held at Club Kiliminjahro, 33 Subway Street, on Saturday, February 20, 2010, from 8:00 p.m. to 2:00 a.m. Ms. Jordan has indicated that there will be three security personnel, one at the main entrance, one at the rear exit, and one in the main hall to act as security personnel to prevent attendees from leaving the designated event area with alcohol.

**FISCAL IMPACT:** None

Prepared by: Gloria P. Gonzalez Reviewed by: Stephen J. Pauken  
 Gloria P. Gonzalez, Deputy City Clerk Stephen J. Pauken, City Manager



10. Has the applicant been convicted of a felony in the past five years, or had a liquor license revoked?  
 YES  NO (attach explanation if yes)

11. This organization has been issued a special event license for 20 days this year, including this event (not to exceed 10 days per year).

12. Is the organization using the services of a promoter or other person to manage the event?  YES  NO  
If yes, attach a copy of the agreement.

13. List all people and organizations who will receive the proceeds. Account for 100% of the proceeds.  
**THE ORGANIZATION APPLYING MUST RECEIVE 25% OF THE GROSS REVENUES OF THE SPECIAL EVENT LIQUOR SALES.**

Name BORDER ANIMAL RESCUE 25%  
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Address 410 D MASON AVE Bisbee AZ 85603

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THERE will be THREE SECURITY PERSONNEL. ONE AT THE MAIN ENTRANCE, ONE AT THE REAR EXIT AND ONE IN THE MAIN HALL. THEY ALL WILL INSURE THAT THE AZ. STATE LIQUOR LAWS WILL NOT BE VIOLATED.

16. Is there an existing liquor license at the location where the special event is being held?  YES  NO  
If yes, does the existing business agree to suspend their liquor license during the time period, and in the area in which the special event license will be in use?  YES  NO  
**(ATTACH COPY OF AGREEMENT)**

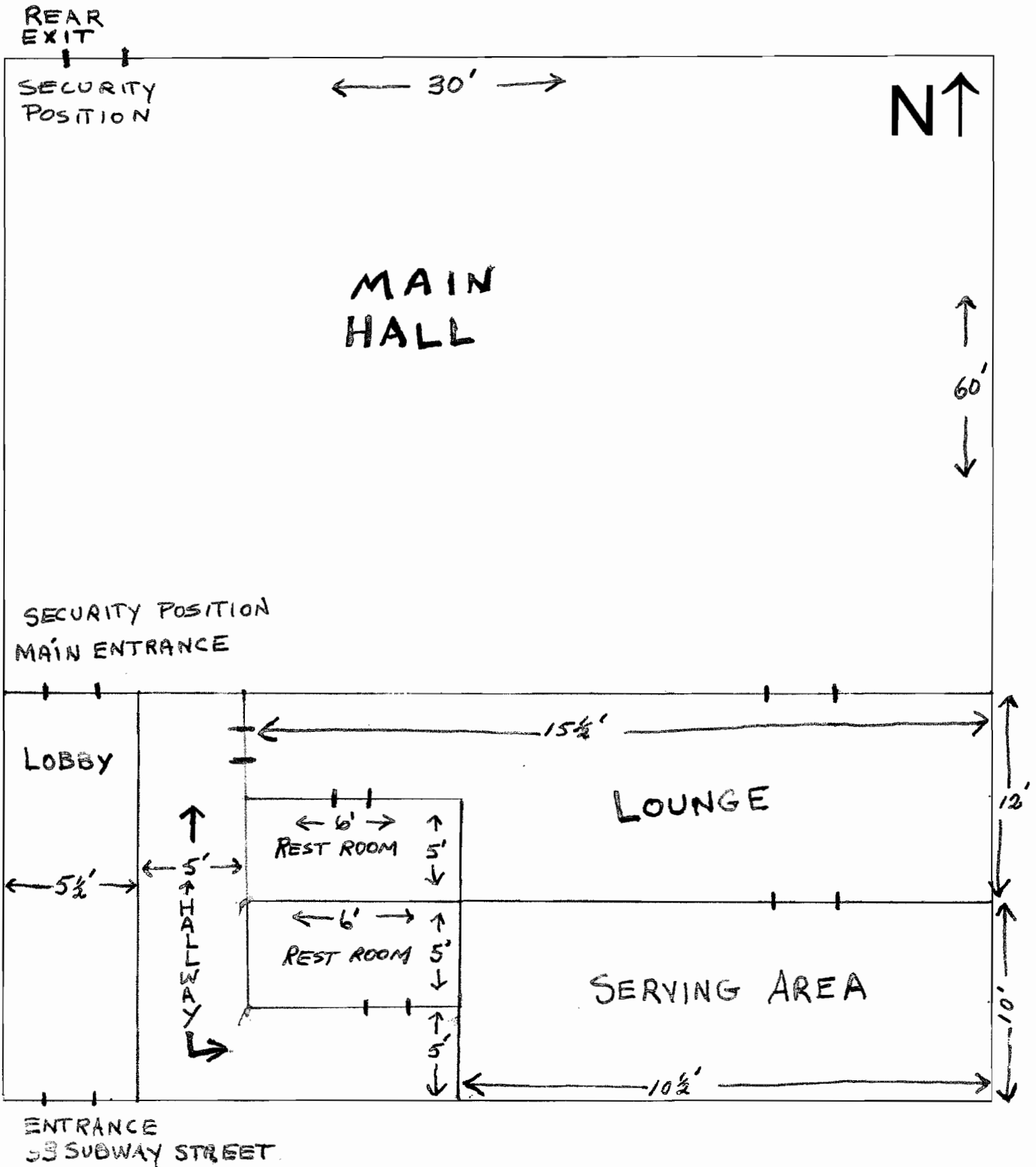
\_\_\_\_\_  
Name of Business ( ) \_\_\_\_\_  
Phone Number

17. Your licensed premises is that area in which you are authorized to sell, dispense, or serve spirituous liquors under the provisions of your license. The following page is to be used to prepare a diagram of your special event licensed premises. Please show dimensions, serving areas, fencing, barricades or other control measures and security positions.

(This diagram must be completed with this application)

Special Event Diagram: (Show dimensions, serving areas, and label type of enclosure and security positions)

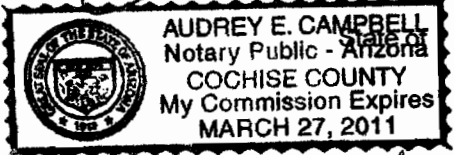
NOTE: Show nearest cross streets, highway, or road if location doesn't have an address.



**ORGANIZATION NAMED IN QUESTION #1**

18. Dolores Jordan declare that I am an Officer/Director/Chairperson appointing the applicant listed in Question 6, to apply on behalf of the foregoing organization for a Special Event Liquor License.

[Signature] (Signature) Treasurer (Title/Position) 1/25/10 (Date) (520) 431-7214 (Phone #)



State of Arizona County of Cochise  
The foregoing instrument was acknowledged before me this

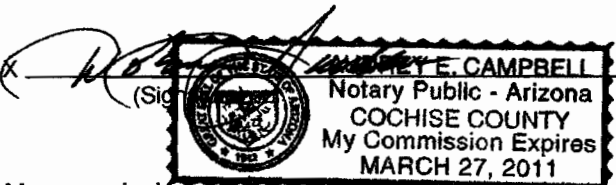
27<sup>th</sup> Day January Month 2010 Year

My Commission expires on: March 27, 2011 (Date)

[Signature] (Signature of NOTARY PUBLIC)

**THIS SECTION TO BE COMPLETED ONLY BY THE APPLICANT NAMED IN QUESTION #6**

19. Dolores Jordan declare that I am the APPLICANT filing this application as listed in Question 6. I have read the application and the contents and all statements are true, correct and complete.



State of Arizona County of Cochise  
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**LOCAL GOVERNING BODY APPROVAL SECTION**

20. I, \_\_\_\_\_ (Government Official) \_\_\_\_\_ (Title) hereby recommend this special event application on behalf of \_\_\_\_\_ (City, Town or County) \_\_\_\_\_ (Signature of OFFICIAL) \_\_\_\_\_ (Date)

**FOR DLLC DEPARTMENT USE ONLY**

Department Comment Section:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Employee) (Date)

APPROVED  DISAPPROVED BY: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
(Title) (Date)

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