

## MINUTES

MINUTES OF THE SPECIAL SESSION OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, HELD ON WEDNESDAY, MARCH 23, 2011, AT 5:30 PM IN THE BISBEE MUNICIPAL BUILDING, 118 ARIZONA STREET, BISBEE, ARIZONA.

THE MEETING CALLED TO ORDER BY MAYOR PORTER AT 5:30 PM.

### ROLL CALL

#### COUNCIL

Councilmember Boyd Nicholl, Ward I  
Councilmember Bennie Scott, Ward III EXCUSED  
Councilmember Luche Giacomino, Ward II  
Mayor W.J. "Jack" Porter  
Councilmember Anna Cline, Ward III ARRIVED 5:42 PM  
Councilmember Ransom Burke, Ward II, Mayor Pro Tempore  
Councilmember Ken Budge, Ward I

#### STAFF

Stephen J. Pauken, City Manager EXCUSED  
Gloria P. Gonzalez, City Clerk  
John Charley, Community Development Director  
Jim Elkins, Chief of Police  
Jennifer L. Graeme, Acting City Manager  
Tom Klimek, Public Works Director/City Engineer

#### CITY ATTORNEY

John A. MacKinnon

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

1. Discussion and Possible Approval of the Intent to Provide Waiver of Sanitary Sewer Connection Fees for Tintown in the Amount of \$74,000.00.  
Tom Klimek, Public Works Director/ City Engineer

Mr. Klimek requested approval of a letter that would be sent to the Border Environmental Cooperation Commission to help achieve and acquire funding for construction from USDA for the Tintown Project. Mr. Klimek explained the cost to construct the sewer line and the 22 occupied dwelling units, 6 vacant homes, and 9 vacant properties in Tintown being served by Cesspools. He said that Cesspools were no longer legal in the State of Arizona and needed to be removed and that the Federal Government had leaned over to make this Project work. He said that the cost was about \$27,000 per property to sewer and that the area qualified as low income making it eligible for funding. Mr. Klimek requested approval to waive the \$2000 hook-up fee charged by the City and that there would be no real cost to labor or material because of the Federal Government funding. Mr. Klimek indicated that an Ordinance needed to be established to ensure City compliance, but tonight, he was requesting approval to waive sewer fees.

Councilmember Giacomino recalled Tintown when it had outhouses and commented that this was a long time coming for the community and supported the intent.

Councilmember Nicholl asked about the lift station and the gravity feed, and if it had met with everyone's satisfaction. Mr. Klimek said yes and that it would involve a small lift station, solar powered and backed up with a diesel generator.

Councilmember Budge asked why the fees needed to be waived for the vacant lots. He said he fully supported the homes with cesspools to be connected to the sewer, but did not understand the reason for the vacant lots. Mr. Klimek replied that it was considered a total service area and said that in the instance of vacant lots, the house connection service would only go to the property line. He said that after that anyone building a new home after the fact was responsible for running their own sewer. Councilmember Budge commented that the people currently living in Tintown needed to be cared for, but did not support the nine (9) vacant lots. He commented that any building after the fact needed to pay the standard cost.

Councilmember Burke commented that the entire project was at risk without this intent. Mr. Klimek replied that this was a possibility and provided an in-depth explanation.

Mayor Porter asked for the meaning of a Cesspool and if the outhouses were knocked down and then ran a sewer line into the hole. Mr. Klimek replied that essentially yes and hopefully secured. Mayor Porter asked if the cesspools were secured. Mr. Klimek replied that they had lids, but varied in the level of security.

Mr. MacKinnon clarified that these fees were established by Ordinance and what the City would do in the not too distant future is to bring an amendment to that Ordinance that will provide for waiver when it is a condition that is required for federal grant programs, as well as other related amendments. He said the letter of intent would be sufficient to move the project forward and the City will not actually be in the situation where the fees would have been levied for a year or two.

MOTION: Councilmember Nicholl moved to approve the intent to provide waiver of sanitary sewer connections fees for Tintown in the amount of \$74,000.00.

SECOND: Councilmember Giacomino.

MOTION: PASSED UNANIMOUSLY

2. Discussion and Possible Recommendations Regarding the Bisbee Arts Commission Strategic Plan.

W.J. Porter, Mayor

Melanie Greene presented an overview of the BAC Strategic Plan. She conveyed that the BAC has requested direction from the Council on how to proceed in the future. The main recommendation by the BAC was to start an endowment and become strictly an advisory committee. Much discussion ensued on this topic. The proposed letter submitted on behalf of BAC has been included as Exhibit A to the original Minutes of the April 5, 2011 Regular Session of Mayor and Council.

Mr. Douglas Dunn, President of the Bisbee Foundation, explained the power of an endowment, the creation of a stand-alone endowment, and how the BAC and Council would benefit from the endowment.

Councilmember Nicholl commented that there was no public space to exhibit art in the City and if this could be a possibility at Central School Melissa Holden replied that a person could have a exhibition as Central School Project by submitting a proposal on what they would like to do.

Councilmember Burke agreed with the idea of being a community that not only supported the art and artist, but also those who enjoyed and bought art and believe this was a win-win process.

Councilmember Budge indicated his support of the arts, but \$45,000 would not keep a public space for heating, lighting, etc. He commented that the City not be involved in the funding aspect because it then became political and also had concerns on it would work in starting a foundation.

Concerns of expenditure of funding, priorities to spend funds were addressed, but as mentioned earlier, Mrs. Flanagan and Mr. MacKinnon confirmed that there were strict guidelines under that control.

Councilmember Budge suggested the possibility of a resolution stipulating a founding mission statement. Ms. Greene also conveyed that the City had the flexibility to maintain control in the same way of Youth Council.

Ms. Conroy thanked Melanie Greene for doing an excellent job in leading six of the members and supported the recommendation to begin a foundation.

3. Discussion Regarding Possible Changes to the Parking Regulations in Old Bisbee.  
Ransom Burke, Councilmember Ward II

Mayor Porter indicated that Councilmembers Burke and Budge wished to address the parking regulations in Old Bisbee.

Councilmember Burke thanked the Bisbee Police Department for enforcing all traffic regulations. He indicated that the parking issue needed to be addressed in Old Bisbee, for residents and tourists and added that police presence was a big factor in crime prevention. Councilmember Burke suggested potential parking limitations in Old Bisbee, such as the Post Office, Commerce Street, and loading zones; possible parking zones from Castle Rock to Zacatecas Canyon and enforcement of all areas. He further indicated that parking needed to be enforced for new and current regulations, installation of new signage and curb parking, as well as possible passage of an Ordinance.

Councilmember Giacomino asked for the parking limit for Howell Avenue and Brewery Gulch. Mr. Klimek replied that Howell Avenue was two-hours and the Gulch area was kind of hit and miss with different signage with and without limits. Councilmember Giacomino agreed that parking at the Post Office be 30-minutes especially for persons in wheel-chairs and this also needed enforcement. Councilmember Giacomino suggested that parking on Main Street should be two-hour parking for those wanting to shop and also needed parking enforcement. Mr. Klimek suggested that he could prepare a base map outlining the different timeframe that currently exist in Old Bisbee. The map would identify what currently exists today and where the City may want to be in the future.

Councilmember Budge commented that the Police Officers would do what they could and that the real important was to address Commerce Street and Post Office. He said that it was not necessary to create 19 different kinds of parking zones and should not have to reinvent the wheel. He addressed that there was need for 4-hour and long term zones and having all day parking on Howell Avenue for overnight guests and residences. He commented that the City is composed of businesses, tourism, and homes and needed to be taken into considerations. He added that there needed to be urban parking as opposed to suburban parking and work with what was available for the needs and limitations of the City.

Mayor Porter thanked Chief Elkins and the Police Department for the ticketing campaign because it opened up parking for the visitors and the residents. Mayor Porter suggested that maybe Mr. Klimek could get back to Council with a map in a few weeks.

Nick Knight commented that he would like to have the money taken out of the political arena for the BAC in order to promote art in the community. He supported the increase of parking limits in Old Bisbee and the preparation of a new map, but also recommended that the enforcement of parking be consistent in regards to the parking enforcement.

Shar Porier commented that some of the issues could be alleviated for some of the problems that have been created. She expressed that her business office also received visitors and provided directions and was also another City Visitor Center. She expressed that 30 minutes was unreasonable for those visiting the Library as some events were one-hour or more in length. She expressed concern for the 17 spaces on Commerce Street and indicated that signage should be clarified for these spaces. She suggested longer parking on Commerce Street because the needs of the business in that area could not be met by parking on Howell Avenue and felt that this was insensitive to some of the needs of the visitors and businesses. She commented that the public should be allowed to use public parking without restriction for at least one end of Commerce Street and added that there were no parking problems until the City created the problem.

Christina Crowley had concern to understand the ultimate goal of the City. She indicated that she understood that officers were directed to enforce parking regulations that had not been routinely enforced, but did not understand the ultimate motive for the change in parking. She addressed possible collaboration by the public and businesses to be able to provide input beneficial to everyone.

Mayor Porter asked Mr. Klimek to work with Chief Elkins for the development of a map with the suggestions made by the public from this meeting. Mr. Klimek also indicated that this would be done, and expressed that was openly volunteering Mr. Charley, Community Development Director to participate in this project as well.

Cynthia Conroy commented that she agreed with Shar. She indicated that were parking problems for bigger events but that exceptions were made to accommodate the public in these cases where ordinarily it was non-existent. She recommended that the problem with the randomness of enforcing parking needed to be reasonable and consistent.

MOTION: Councilmember Giacomino moved to adjourn the meeting.

SECOND: Councilmember Budge.

MOTION: PASSED UNANIMOUSLY.

ADJOURNMENT: 7:20 P.M.

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W.J. Porter, Mayor