

## MINUTES

MINUTES OF THE WORK SESSION OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA HELD ON TUESDAY, MARCH 2, 2010, 6:00 PM IN THE BISBEE MUNICIPAL BUILDING, 118 ARIZONA STREET, BISBEE, ARIZONA.

THE MEETING CALLED TO ORDER BY MAYOR PORTER AT 6:00 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  
Gloria P. Gonzalez, Interim City Clerk

#### CITY ATTORNEY

Mark J. Langlitz

THE FOLLOWING ITEM WAS DISCUSSED AND/OR CONSIDERED AT THIS MEETING:

1. PRESENTATION AND POSSIBLE DISCUSSION REGARDING A REVISED AGREEMENT WITH ARIZONA PUBLIC SERVICE TO MAINTAIN STREET LIGHTS IN THE CITY OF BISBEE.

MARK J. LANGLITZ, CITY ATTORNEY

Mr. Langlitz, City Attorney, advised that the City currently has three agreements with Arizona Public Service (APS) for the provision in lighting of street lights in the City. He said the three agreements were as follows:

- A license agreement for the City in some instances to attach a street light to an APS pole. In other cases, the City actually owned the pole on which the street light is attached.
- A second agreement was for the cost of the electricity to the street lights.
- The third agreement is Street Light Construction & Maintenance Agreement which is for APS to maintain the street lights.

Mr. Langlitz conveyed that the City was approached by APS to amend the agreement to increase the APS fees charged for that maintenance service. He said that APS currently charged the City a cost of \$1.50 per light per month. Mr. Langlitz explained that APS has proposed new payment terms of \$2.53 per month, per light for an initial five-year period. He said this agreement could be terminated after the five-year period by either party, but if the parties decided to renew the agreement for an additional five-year term, the cost would then increase from \$2.53 to \$3.11 that would be effective for another five-year term; but if the agreement was to be renewed for another five-year term, that cost would increase from \$3.11 to \$3.82. Mr. Langlitz advised that this agreement was being placed before Council for consideration and discussion. He added that minor changes were highlighted and the vertical dashes depicted the recommendations made by APS.

Councilmember Nicholl asked what the maintenance fee included, particularly those that were City-owned. Mr. Langlitz indicated that the APS agreement was broken-up into what was characterized as standard facilities and special facilities. He explained that standard facilities consisted of ordinary street light duties such as bulb replacements, street lights, protection fuses, and photo control replacements. Councilmember Nicholl asked how many poles carried the photo control mechanism. Mr. Pauken replied that all of the poles should have this mechanism. Mr. Langlitz also provided some examples of special facilities.

Councilmember Nicholl asked if the City had choices regarding this agreement, to which Mr. Pauken replied in the affirmative. He said the choices were that the City take over the maintenance and repair of street lights; and/or contract with an Electrical contractor for an amount of money not yet determined; and/or turn off street lights.

Councilmember Scott commented someone had stuck a steel light pole, with a number, behind the Bobby Sox Field last fall. He asked that if this was requested by the City and if not, who was responsible for payment. Mr. Pauken said there had been instances where a person asked for similar light fixtures to be installed on or near their property, and have been responsible for the monthly charges. He said that the contract indicated there are 693 city-owned street lights.

Councilmember Giacomino mentioned that there were street lights that periodically go out and it takes APS forever to replace the lights. She asked if there would be assurances that they would maintain these lights regularly or quarterly. Mr. Pauken replied that he was not sure how to respond because he has experienced both sides of service calls, some responses were quick and others were extremely long.

Mayor Porter asked how many poles were actually owned by the City. Mr. Pauken replied that the majority of the poles were city-owned and less than half were owned APS. Mayor Porter commented that citizens might think that there were too many or too few lights and asked if this would be a good time for citizens to provide input. He also asked if this would be an appropriate time to have APS address these issues. Mr.

Pauken advised that Mr. Hudgins, District Manager, would conduct an inventory of poles within Bisbee city limits because this had not been done in many years. He said that the City was currently operating from a two-year expired contract. He explained that one meeting was conducted regarding the street lights, but then had not been addressed until now. He gave examples of problems associated with shutting down streets lights in certain areas of town or not shutting them down. Mr. Pauken explained that fundamentally the City should not turn off streets lights because people want it be dark and believes the City make sure the right kind of fixtures are being used in order to comply with dark skies or not be intrusive. He said the one area that has proven unsuccessful with APS is that there are better light fixtures available, even though the high pressure sodium lamp is energy efficient in comparison to the old mercury vapor incandescent bulbs. He informed Council that this type of light fixture was installed at the upper end of Walsh Avenue.

Mr. Pauken explained that he City of Bisbee and the City of Douglas were both in the same boat, because they are the only two towns in this area that are serviced by APS. He believed that the City of Bisbee and the City of Douglas team-up to start pressing for all items that have been discussed in terms of energy-efficiency on our own buildings for the last couple of year. He said that there was absolutely no reason that as bulbs burn out, they could not replace luminaries with something that was more energy-efficient. He said that while the City was being asked in the first five-years to pay APS 168% of what was being paid now, maybe the City of Bisbee and the City of Douglas could get them to, as a part of this negotiation, attempt to see what could be done for APS to improve the energy efficiencies of the fixtures that the City rents from them.

Councilmember Scott asked if Mr. Pauken had spoken with Douglas. Mr. Pauken queried the Douglas City Manager on the APS negotiations to which he conveyed they were in exactly the same place as Bisbee. Mr. Pauken advised that Douglas was more than welcome to engage into joint negotiations with the City of Bisbee. Mr. Pauken stated that everyone should come together to ensure a positive result. He said there would be a 168% increase in the first five years, estimated at \$800 a month taken from the Street department budget that the City does not have. He indicated that the funds could then be returned from energy costs. Mr. Pauken indicated that APS and other investor-owned utilities were striving towards energy efficiency.

Councilmember Budge explained that he ran figures that resulted in an increase of 22% every year, over a five-year period and now the City was looking at \$1753 a month to cover the maintenance or over \$21,000 a year to replace light globes. He commented that if there wasn't a private contractor with a lift truck that would ride around to service 700 lights for \$21,000 a year.

Councilmember Budge asked for an explanation to Exhibit A as it was blank. Mr. Langlitz replied that Exhibit A listed the costs for additional services that APS would provide out the scope of their regular maintenance services which would be performed if the City would request those services. He said the current proposed

agreement did not include Exhibit A, but the 2006 agreement did. Mr. Langlitz placed a call into APS to determine if these charges would be changed, but was awaiting for a response from them. He said that the agreement as it is worded now, is that APS had the option to charge the City either that schedule supposedly set forth at Exhibit A or the actual cost that are incurred in providing that service. Mr. Langlitz advised that Council might want to review and revise cost services with APS.

Councilmember Budge asked why the City was responsible for traffic control and was not in agreement with being charged for traffic control to do maintenance work. At a cost of \$21,000 a year, he felt that APS could do their own traffic control. Councilmember Rodgers said that when he paid his electric bill, he reported that a street light had been out and was told that he had to have the pole number. He said that if an elderly person called to report a light out and was asked to identify the number of pole, which is at least eight (8) feet up in the air, would make it difficult for someone who was sight-impaired. Councilmember Rodgers stated that there should be an accommodation in the reporting standard that perhaps more leniency could be established for these types of circumstances.

Mr. Pauken replied that the City did attempt to accommodate residents who are unable to obtain pole numbers through Public Works. He asked that if residents were unable to read or see a pole number, to contact Public Works to identify the location of the pole and a Public Works employee would be dispatched to assist in this matter.

Councilmember Scott recommended that the City Manager meet with the Douglas City Manager to establish a game plan.

Mayor Porter also encouraged the City Manager to do everything possible to encourage APS to install the most energy efficient apparatuses as possible. Mr. Langlitz addressed the timeliness of response of APS. He said that the agreement provided that APS would respond within ten (10) days of notification for the replacement of a street light and felt that the timeframe was excessive. He stated that if the City entered into an Agreement with APS, that time period would be shortened significantly.

MOTION: Councilmember Scott moved to adjourn.

SECOND: Councilmember Budge.

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT: 6:35 PM

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W.J. Porter, Mayor