

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, MAY 18, 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, Mayor Pro Tempore

Councilmember Ken Budge, Ward I

STAFF

Stephen J. Pauken, City Manager

Gloria P. Gonzalez, Interim 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 May 4, 2010, at 7:00 P.M.

Gloria P. Gonzalez, Interim City Clerk

B. Acceptance of the Resignation of Susana Montana from the Planning & Zoning Commission.

Gloria P. Gonzalez, Interim City Clerk

C. Discussion and Possible Approval of a Park Facility, and Right-of-Way Use Permit for the Use of Main Street for a Street Dance to Benefit Bisbee High School Bands from 5:30 P.M. to 10:00 P.M. on Sunday, May 30, 2010 with Sponsorship for Insurance Purposes.

Russell McConnell, Public Works Director

D. Discussion and Possible Approval of a Park Facility, and Right-of-Way Use Permit for the Use of Vista Park for Birthday Party on Saturday, June 5, 2010 from 2:00 P.M. to 6:00 P.M.

Russell McConnell, Public Works Director

E. Discussion and Possible Approval of a Park Facility, and Right-of-Way Use Permit for a Retirement Party at Higgins Park on Friday, June 11, 2010 from 5:00 P.M. to 9:00 P.M.

Russell McConnell, Public Works Director

F. Discussion and Possible Approval of a Park Facility, and Right-of-Way Use Permit for Bisbee Pride’s Use of Grassy Park for Arts and Craft Vendors with a Beer Garden on Saturday, June 19, 2010 from 10:00 A.M. to 6:00 P.M.

Russell McConnell, Public Works Director

G. Discussion and Possible Approval of a Park Facility, and Right-of-Way Use Permit for the Use of Howell Avenue for a Street Dance on Saturday, June 18, 2010 from 7:00 P.M. to 1:00 A.M.

Russell McConnell, Public Works Director

H. Discussion and Possible Approval of a Special Event Liquor License Application submitted by the Bisbee Pride to Authorize the Sale of Alcoholic Beverages at a GLBT fundraiser to be held at the Grassy Park on Saturday, June 19, 2010, 7:00 AM - 7:00 PM; Adam R. Lamb, Applicant.

Gloria P. Gonzalez, Interim City Clerk

I. Discussion and Possible Approval of an Application for an Extension of Premises/Patio Permit submitted by the Copper Queen Hotel for a Dance Fundraiser on Howell Avenue in front of the Hotel on Friday, June 18, 2010, between 7:00 P.M. and 1:00 A.M.; Dan Finck, Applicant.

Gloria P. Gonzalez, Interim City Clerk

OLD BUSINESS

NEW BUSINESS

3. Discussion and Possible Approval of a Job Description for the Position of Public Works Operations Manager
Jennifer Graeme, Personnel Director
4. Discussion and Possible Approval of Revisions to Various Job Descriptions to include Varying Degrees of Responsibility for Overseeing Department of Corrections Inmate Labor and the Requirement for Certification for Supervision of Inmate Labor.
Jennifer Graeme, Personnel Director
5. Discussion and Possible Approval of Resolution R-10-05; Adopting the Tentative Budget for the City of Bisbee for FY 10-11 as well as give Notice of the time for a Public Hearing to Taxpayers for Adoption of the Budget.
Stephen J. Pauken, City Manager
6. Discussion and Possible Approval of the Submission of the Application to the Arizona Department of Commerce for EECDBG G032-10 Grant to Continue Retrofits of Energy Efficient Windows at City Hall along with Additional Energy Projects as Funding Allows.
Melissa Hartman, Planning Assistant/Grant Coordinator
7. Discussion and Possible Approval of \$153.00 to Fund the Earth Day Celebration, and Transfer this amount from Line Item 42-40-41700 to Line Item 42-40-40600 to pay the Associated Expenses.
Melissa Hartman, Planning Assistant/Grant Coordinator
8. Discussion and Possible Approval for a \$500.00 Donation by the Bisbee Arts Commission (BAC), to the Summer Youth Program and funds be transferred from Line Item 42-40-41700 Contract Services, to Line Item 42-40-99948 Donation funds to pay for the Associated Expenses.
Melissa Hartman, Planning Assistant/Grant Coordinator
9. Discussion and Possible Approval of the Acceptance of a \$500.00 Donation from the Bisbee Arts Commission to the Summer Youth Program for the Purchase of Art Supplies and Authorize the Expenditure for the Supplies.
Russell McConnell, Public Works Director
10. Discussion and Possible Approval of the Utility Facilities Relocation Agreement Between the City of Bisbee and Arizona Water Company for the Relocation of new Utility Facilities in Arizona Street.
Thomas J. Klimek, Deputy Public Works Director
11. Discussion and Possible Approval of Notice of Intent to Adopt Proposed Ordinance O-10-09, Amending Chapter 11 of the Bisbee City Code Relating to Fees for the Use of Parks and Recreational Facilities.
Russell McConnell, Public Works Director

12. **Discussion and Possible Approval of the First Amendment to the Construction Services Agreement between the City of Bisbee and Mile High Enterprises L.L.C. in the Amount of \$11,500.**

John Charley, Community Development Director

13. City Manager's Report with Possible Discussion on the following topics:

- General Fund Summary Report, Period Ended April 30, 2010
- Street Division Fund

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

COUNCIL COMMENTS:

- Councilmember Nicholl would like to comment on the Recycling Center.

ADJOURNMENT

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



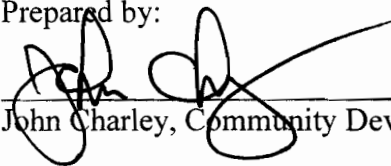
REQUEST FOR COUNCIL ACTION

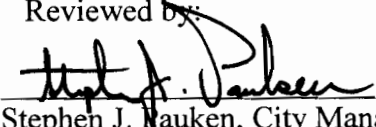
DATE SUBMITTED: May 17, 2010	TYPE OF ACTION: <input type="checkbox"/> RESOLUTION	SUBJECT: DISCUSSION AND POSSIBLE APPROVAL OF THE FIRST AMENDMENT TO CONSTRUCTION SERVICES AGREEMENT BETWEEN THE CITY OF BISBEE AND MILE HIGH ENTERPRISES L.L.C. IN THE AMOUNT OF \$11,500
DATE ACTION REQUESTED: May 18, 2010	<input type="checkbox"/> ORDINANCE	
<input checked="" type="checkbox"/> REGULAR <input type="checkbox"/> CONSENT	<input checked="" type="checkbox"/> FORMAL ACTION	
OTHER:		

TO: Mayor and Council
FROM: John Charley, Community Development Director
RECOMMENDATION: City staff recommends approving the first amendment to Construction Services Agreement between the City of Bisbee and Mile High Enterprises L.L.C.
PROPOSED MOTION: I move that we approve the first amendment to Construction Services Agreement between the City of Bisbee and Mile High Enterprises L.L.C in the amount of \$11,500.

DISCUSSION: During the preparation for the replacement of the Queen Mine Tour roof it was discovered by the contractor that additional significant repairs and improvements would need to be made that were not integral to the initial scope of work. Upon further inspection by Albert Hopper, Architect, Robert Mesquit, City Building Inspector it was confirmed that new sheathing would need to be installed in order to provide a proper base and guarantee the structural integrity of the new roof. The original contract was in the amount of \$28,500. The amended contract will reflect a total of \$40,000.

FISCAL IMPACT: \$11,500
DEPARTMENT LINE ITEM ACCOUNT: 99-40-050903
BALANCE IN LINE ITEM IF APPROVED: \$10,000

Prepared by:

John Charley, Community Development Director

Reviewed by:

Stephen J. Hauken, City Manager

**FIRST AMENDMENT
TO
CONSTRUCTION SERVICES AGREEMENT
BETWEEN
THE CITY OF BISBEE
AND
MILE HIGH ENTERPRISES, L.L.C.**

THIS FIRST AMENDMENT TO CONSTRUCTION SERVICES AGREEMENT (this "First Amendment") is made as of May 4, 2010, between the City of Bisbee, an Arizona municipal corporation (the "Owner") and MILE HIGH ENTERPRISES, L.L.C., an Arizona limited liability company (the "Contractor").

RECITALS

A. The Owner and the Contractor entered into a Construction Services Agreement dated December 1, 2009, (the "Agreement") in connection with the City's Queen Mine Roof Replacement Project (the "Project").

B. The Owner and the Contractor desire to amend the Agreement to provide for additional construction services in connection with the Project.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by reference, the following mutual covenants and conditions, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and the Contractor hereby agree to amend the Agreement as follows:

1. Additional Construction Services. Contractor shall provide the additional construction services as set forth in the Contractor's Proposal attached hereto as **Exhibit A** and made a part hereof (the "Additional Services").

2. Compensation. Contractor shall be paid an amount not to exceed \$11,500 for the Additional Services as set forth in the attached **Exhibit A**.

3. Effect of Amendment. In all other respects, the Agreement is affirmed and ratified and, except as expressly modified herein, all terms and conditions of the Agreement shall remain in full force and effect.

7. Non-Default. By executing this First Amendment, the Contractor affirmatively asserts that the Owner is not currently in default, nor has been in default at any time prior to this First Amendment, under any of the terms or conditions of the Agreement.

8. Conflict of Interest. This First Amendment may be cancelled pursuant to ARIZ. REV. STAT. § 38-511.

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment as of the date and year first set forth above.

“Owner”

CITY OF BISBEE, an Arizona
municipal corporation

W.J. Porter, Mayor

ATTEST:

Gloria P. Gonzalez, Interim City Clerk

APPROVED AS TO FORM:

Mark J. Langlitz, City Attorney

“Contractor”

MILE HIGH ENTERPRISES, L.L.C.,
an Arizona limited liability company

By: _____

Name: _____

Title: _____

**EXHIBIT A
TO
FIRST AMENDMENT
TO
CONSTRUCTION SERVICES AGREEMENT
BETWEEN
THE CITY OF BISBEE
AND
MILE HIGH ENTERPRISES, L.L.C.**

(Contractor's Proposal)

See following pages.

Date: _____ **Signature:** _____

If Accepted:

Date: _____ **Signature:** _____

Please return one copy.