

AGENDA

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, JULY 5, 2011, AT 7:00 PM IN THE BISBEE MUNICIPAL BUILDING, 118 ARIZONA STREET, BISBEE, ARIZONA.

THE MEETING WAS CALLED TO ORDER BY _____ AT _____ PM.

ROLL CALL

COUNCIL

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

STAFF

Stephen J. Pauken, City Manager
Gloria P. Gonzalez, 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
Tom Klimek, Public Works Director/City Engineer
Peg White, Library Director

CITY ATTORNEY

John A. MacKinnon

INVOCATION: A Moment of Silence

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

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

GENERAL BUSINESS:

1. ACCOUNTS PAYABLE: Subject to availability of funds.

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 June 7, 2011 at 7:00 PM.
Gloria P. Gonzalez, City Clerk
- B. Discussion and Possible Approval to Appoint Grady Meadows to the Design Review Board.
Gloria P. Gonzalez, City Clerk
- C. Discussion and Possible Approval to Appoint Michael Whyte to the Committee on Disability Issues.
Gloria P. Gonzalez, City Clerk
- D. Discussion and Possible Approval to Appoint Douglas Dunn to the Board of Adjustment and Waive the Length of Service on the Board.
Gloria P. Gonzalez, City Clerk
- E. Discussion and Possible Approval to Appoint Clark Hay to the Police and Fire Advisory Committee and Waive the Length of Service on the Committee.
Gloria P. Gonzalez, City Clerk
- F. Discussion and Possible Approval of a Park, Facility, and Right-of-Way Use Permit for the Use of Parking Spaces along the Warren Ballpark on Both Sides of Ruppe Avenue on Thursday, September 15, 2011 at 10:00 AM until Sunday, September 18, 2011 at 2:00 PM.
Thomas J. Klimek, Public Works Director/City Engineer
- G. Discussion and Possible Approval of the Special Event License Application Submitted by Save Our Stairs, Inc., to Authorize the Sale of Alcoholic Beverages at the Bisbee Blues Festival in the Warren Ball Park as a Fundraiser on Saturday, September 17, 2011, from 11am to 9pm, Cynthia Conroy, Applicant.
Gloria P. Gonzalez, City Clerk
- H. Discussion and Possible Approval of an Extension of Premises/Patio Permit Application submitted by the Old Bisbee Brewing Co. LLC, 200 Review Alley, Bisbee, Arizona, as a Permanent Change of Area Service; Victor H. Winqvist, Applicant.
Gloria P. Gonzalez, City Clerk

OLD BUSINESS

- 3. PUBLIC HEARING to Gather Citizen Input Regarding the Use of Colonia CDBG Funds in the Bakerville and Tintown Neighborhoods.
John Charley, Community Development Director
- 4. Discussion and Possible Approval of Ordinance O-11-11, adding Article 8.7, Historic District Temporary Exemption to the City of Bisbee Zoning Code and Providing for Repeal and Severability.
John Charley, Community Development Director

NEW BUSINESS

5. Discussion and Possible Approval of Resolution R-11-10; Fixing, Levying and Assessing the Amount to be Raised by the City of Bisbee from Property Taxation and Fixing and Determining the Property Tax Rate for Fiscal Year 2011-2012, and Providing for Severability.
Dee L. Flanagan, Finance Director
6. Approval of Designating Fester and Chapman to Perform Audit Services for Fiscal Year ended June 30, 2011.
Dee L. Flanagan, Finance Director
7. Discussion and Possible Approval of Notice of Intent to Adopt Ordinance O-11-13, Authorizing and Accepting a Sewer Pump Station and Sewer Line Easement from Freeport –McMoRan Corporation for the Tintown Project.
Thomas J. Klimek, Public Works Director
8. Discussion and Possible Approval of the First Amendment to the Settlement Agreement and Release with Brown and Caldwell, Inc. for Professional Engineering Services for the Hereford Road Sewer Project.
Thomas J. Klimek, Public Works Director
9. City Manager’s Report on other current events (no discussion).

COUNCIL COMMENTS:

- Councilmember Giacomino would like to comment on the last water bill for the Swimming Pool.

ADJOURNMENT

Anyone needing special accommodations to attend this meeting should contact Gloria Gonzalez at (520) 432-6012 at least twenty-four hours before the meeting.

GL Acct No	Vendor	Vendor Name	Description	Invoice No	PO No	Inv Date	Amount	
611								
10-50-24000	GENERAL FUND - MAYOR & COUNCIL - TELEPHONE & FAX 4192 QWEST		PHONE SERVICE	11-0622		06/22/2011	42.09	PD
10-50-30000	GENERAL FUND - MAYOR & COUNCIL - OTHER CONTRACTS-VIDEO TAPING 1254 GLAVE, WILLIAM L		TAPING-CNCL MTGS/MYR&CNCL	11-0621		06/21/2011	185.00	
10-52-41500	GENERAL FUND - FINANCE DEPARTMENT - OFFICE SUPPLIES 3199 OFFICE SMART		SUPPLIES/FINANCE	143531		05/10/2011	197.90	
10-52-52000	GENERAL FUND - FINANCE DEPARTMENT - ADVERTISING 1145 SIERRA VISTA HERALD		TRUTH IN TAXATION	11-0627		06/13/2011	282.90	
10-53-52000	GENERAL FUND - CITY CLERK - ADVERTISING/PUBLICATIONS 1153 BISBEE OBSERVER		LEGAL AD	2510		06/23/2011	619.85	
10-54-14000	GENERAL FUND - COMMUNITY DEVELOPMENT - EDUCATION/TRAINING 1157 CHARLEY, JOHN		RMBRSMNT-HOTEL BUSINESS CC	11-0630		06/30/2011	91.31	
10-54-41500	GENERAL FUND - COMMUNITY DEVELOPMENT - OFFICE SUPPLIES 3199 OFFICE SMART 5095 McNEIL'S CUSTOM ENGRAVING		SUPPLIES NAME PLATES	145548 755827		06/21/2011 06/10/2011	19.15 17.43 36.58 *	
10-54-52000	GENERAL FUND - COMMUNITY DEVELOPMENT - ADVERTISING 1145 SIERRA VISTA HERALD		PUBLIC NOTICE	11-0627		06/13/2011	35.29	
10-55-21000	GENERAL FUND - ADMINISTRATION & GENERAL GOVT - ELECTRIC 1097 AZ PUBLIC SERVICE (2 of 3)		118 AZ ST CITY HALL/NDEPT	11-0622		06/22/2011	1,569.67	PD
10-55-22000	GENERAL FUND - ADMINISTRATION & GENERAL GOVT - WATER 1106 AZ WATER COMPANY		WATER / 118 AZ STREET	11-0622		06/22/2011	149.49	PD
10-55-23000	GENERAL FUND - ADMINISTRATION & GENERAL GOVT - GAS 1751 SOUTHWEST GAS CORPORATIC		GAS-	11-0622		06/22/2011	50.22	PD
10-55-51100	GENERAL FUND - ADMINISTRATION & GENERAL GOVT - COPIER MAINTENANCE 2548 XEROX CORPORATION 5710 XEROX CORPORATION		COPIER MAINT AGRMNT/NDEPT CONTRACT SVC/AGG	055433892 055433892		06/22/2011 06/03/2011	665.72 - 665.72 .00 *	PB PD
10-57-31100	GENERAL FUND - LEGAL SERVICES - PROFESSIONAL FEES - ATTORNEY 5247 MACKINNON, JOHN A		LEGAL SVC FEES	10		06/16/2011	2,420.40	
10-58-21000	GENERAL FUND - WATER SYSTEMS - ELECTRIC 1097 AZ PUBLIC SERVICE (2 of 3)		ELEC-DOUGLAS RD PUMP/WTR S	11-0622		06/22/2011	28.59	PD
10-59-24000	GENERAL FUND - TELEPHONE & FAX 4192 QWEST 4192 QWEST 4192 QWEST		PHONE SERVICE PHONE SERVICE PHONE SERVICE	11-0622 11-0622 11-0622		06/22/2011 06/22/2011 06/22/2011	365.29 271.07 247.70 884.06 *	PD PD PD
10-62-13000	GENERAL FUND - POLICE DEPARTMENT - UNIFORMS 1273 REYNA, BEN 1415 BREWERY AVENUE DESIGNS 5588 LONG, ALAN (SCOTT)		RBMNT-UNIFORM/BPD SHIRTS- DISPATCH RMBRSMNT-UNIFORM /BPD	11-0622 13787 11-0623		06/22/2011 06/23/2011 06/23/2011	203.63 260.85 62.98 527.46 *	PD PD PD
10-62-13097	GENERAL FUND - POLICE DEPARTMENT - AUCTION EXPENSES & EQUIPMENT 1893 LAL ENTERPRISES, INC 2164 COCHISE LOCK & SAFE		PORTA POTS DIPLICATE KEYS/BPD	18036 96141		06/20/2011 06/09/2011	120.00 25.00	

GL Acct No	Vendor	Vendor Name	Description	Invoice No	PO No	Inv Date	Amount	
	2228	WILLCOX AUTO PARTS INC.	AUTO PARTS	66722		06/11/2011	16.41	
	2228	WILLCOX AUTO PARTS INC.	AUTO PARTS	66803		06/13/2011	51.50	
	2228	WILLCOX AUTO PARTS INC.	AUTO PARTS	67228		06/17/2011	13.47	
	3199	OFFICE SMART	SUPPLIES/BPD	1455431		06/21/2011	315.58	
	4644	WILLIAM BAGBY	REIMBERSMENT TITLE FEES/BPD	11-622		06/22/2011	112.00	PD
							653.96	*
10-62-21000	GENERAL FUND - POLICE DEPARTMENT - ELECTRIC							
	1097	AZ PUBLIC SERVICE (2 of 3)	ELEC- 129 TANK HILL PRTR/BPD	11-0622		06/22/2011	66.70	PD
10-62-22000	GENERAL FUND - POLICE DEPARTMENT - WATER							
	1106	AZ WATER COMPANY	WATER / TOUREAVILLE POUND	11-0622		06/22/2011	96.53	PD
10-62-24000	GENERAL FUND - POLICE DEPARTMENT - TELEPHONE & FAX							
	4192	QWEST	PHONE SERVICE	11-0622		06/22/2011	346.78	PD
10-62-24001	GENERAL FUND - POLICE DEPARTMENT - INTERNET ACCESS FEES							
	4059	CABLE ONE	EMAIL SVC/BPD	11-0622		06/22/2011	73.06	PD
10-62-41500	GENERAL FUND - POLICE DEPARTMENT - OFFICE SUPPLIES							
	3199	OFFICE SMART	SUPPLIES/BPD	1455561		06/21/2011	33.37	
10-62-53000	GENERAL FUND - POLICE DEPARTMENT - CONTRACTS - OTHER							
	1499	IKON OFFICE SOLUTIONS	COPIER MAINT AGRMNT	5018884823		06/16/2011	251.08	
10-62-53503	GENERAL FUND - POLICE DEPARTMENT - DOC WORKERS							
	3163	AZ STATE PRISON CMLX-DOUC	DOC LABOR CREW D04-48/VDEP1	11-0623		06/20/2011	29.75	
10-62-61000	GENERAL FUND - POLICE DEPARTMENT - PARTS & LABOR							
	2092	ECHAVE, ALBERT	REIMBURSEMENT- SUPPLIES/BPI	123517		06/27/2011	136.38	PD
10-62-64000	GENERAL FUND - POLICE DEPARTMENT - EQUIPMENT							
	4304	DURHAM COMMUNICATIONS, IN	EQUIPMENT REPAIR	39814		06/16/2011	522.18	
10-62-72000	GENERAL FUND - POLICE DEPARTMENT - OTHER MAINT - ANIMAL SHELTER							
	1775	ALCO DISCOUNT STORE	SHELTER SUPPLIES/BPD	345-01785		06/07/2011	88.46	
	4192	QWEST	PHONE SERVICE	11-0622		06/22/2011	49.54	PD
							138.00	*
10-62-72001	GENERAL FUND - POLICE DEPARTMENT - Shelter Programs							
	1248	CZAR CORPORATION	SPAY/NUETER /BPD	3465		06/24/2011	98.00	
10-64-22000	GENERAL FUND - FIRE DEPARTMENT - WATER							
	1106	AZ WATER COMPANY	WATER / 192 HWY 92	11-0622		06/22/2011	41.42	PD
10-64-24000	GENERAL FUND - FIRE DEPARTMENT - TELEPHONE & FAX							
	4192	QWEST	PHONE SERVICE	11-0622		06/22/2011	49.54	PD
	4192	QWEST	PHONE SERVICE	11-0622		06/22/2011	148.62	PD
							198.16	*
10-64-31100	GENERAL FUND - FIRE DEPARTMENT - PROFESSIONAL FEES							
	5307	MG PATIENCE CPA	CONTRACT SRVC EARNEST	437		06/24/2011	2,980.00	
10-64-41610	GENERAL FUND - FIRE DEPARTMENT - SPECIAL SUPPLIES - OTHER							
	1698	SAFEWAY INC.	SUPPLIES-BFD	2035949		06/13/2011	13.69	
10-64-56002	GENERAL FUND - FIRE DEPARTMENT - EQUIPMENT							
	1775	ALCO DISCOUNT STORE	SUPPLIES/BFD	345-01794		06/15/2011	32.87	
10-74-41700	GENERAL FUND - BUILDING & MAINTENANCE - CONTRACT SERVICES							
	1650	PRUDENTIAL OVERALL SUPPLY	UNIFORMS & OTHER	210134803		06/16/2011	12.28	

GL Acct No	Vendor	Vendor Name	Description	Invoice No	PO No	Inv Date	Amount		
	1650	PRUDENTIAL OVERALL SUPPLY	UNIFORMS & OTHER	210137477		06/23/2011	12.28		
	1650	PRUDENTIAL OVERALL SUPPLY	UNIFORMS & OTHER	210137477		06/23/2011	18.32		
							42.88	*	
10-74-42000	GENERAL FUND - BUILDING & MAINTENANCE - CUSTODIAL SUPPLIES								
	1659	ACE HARDWARE	SUPPLIES	1516		05/25/2011	48.20		
	4672	WAXIE SANITARY SUPPLY	CUSTODIAL SUPPLIES	72691052		06/16/2011	176.83		
	4672	WAXIE SANITARY SUPPLY	CUSTODIAL SUPPLIES	72692154		06/16/2011	1,282.48		
	4672	WAXIE SANITARY SUPPLY	CUSTODIAL SUPPLIES	72703556		06/23/2011	138.95		
							1,646.46	*	
10-74-53500	GENERAL FUND - BUILDING & MAINTENANCE - DOC WORKERS								
	3163	AZ STATE PRISON CMLPX-DOUC	DOC LABOR CREW/VDEPTS	110613		06/20/2011	31.50		
	3163	AZ STATE PRISON CMLPX-DOUC	DOC LABOR CREW/VDEPTS	110613		06/20/2011	31.50		
	3163	AZ STATE PRISON CMLPX-DOUC	DOC LABOR CREW/VDEPTS	110613		06/20/2011	59.50		
							122.50	*	
10-75-21000	GENERAL FUND - PUBLIC WORKS ADMINISTRATION - ELECTRIC								
	1097	AZ PUBLIC SERVICE (2 of 3)	ELEC-404 BISBEE RD	11-0622		06/22/2011	166.02	PD	
10-75-22000	GENERAL FUND - PUBLIC WORKS ADMINISTRATION - WATER								
	1106	AZ WATER COMPANY	WATER / 404 BISBEE ROAD	11-0622		06/22/2011	90.85	PD	
10-75-23000	GENERAL FUND - PUBLIC WORKS ADMINISTRATION - GAS								
	1751	SOUTHWEST GAS CORPORATIK	GAS-	11-0622		06/22/2011	42.48	PD	
10-75-24000	GENERAL FUND - PUBLIC WORKS ADMINISTRATION - TELEPHONE & FAX								
	4192	QWEST	PHONE SERVICE	11-0622		06/22/2011	99.08	PD	
10-75-24001	GENERAL FUND - PUBLIC WORKS ADMINISTRATION - INTERNET ACCESS FEES								
	4059	CABLE ONE	EMAIL SVC/PW	110625		06/25/2011	99.95	PD	
10-77-13000	GENERAL FUND - GARAGE - UNIFORMS								
	1650	PRUDENTIAL OVERALL SUPPLY	UNIFORMS & OTHER	210134807		06/16/2011	12.50		
	1650	PRUDENTIAL OVERALL SUPPLY	UNIFORMS & OTHER	210137480		06/23/2011	12.50		
							25.00	*	
10-77-24000	GENERAL FUND - GARAGE - TELEPHONE & FAX								
	4192	QWEST	PHONE SERVICE	11-0622		06/22/2011	99.08	PD	
10-77-41700	GENERAL FUND - GARAGE - CONTRACT SERVICES								
	1650	PRUDENTIAL OVERALL SUPPLY	UNIFORMS & OTHER	210134807		06/16/2011	19.50		
	1650	PRUDENTIAL OVERALL SUPPLY	UNIFORMS & OTHER	210137480		06/23/2011	19.50		
							39.00	*	
10-77-53000	GENERAL FUND - GARAGE - OTHER VARIOUS CONTRACTS								
	1854	W R RYAN - FIRESTONE	TIRES-ALIGNMENTS/PARKS	T89865		06/06/2011	75.03		
10-77-53500	GENERAL FUND - GARAGE - DOC WORKERS								
	3163	AZ STATE PRISON CMLPX-DOUC	DOC LABOR CREW/VDEPTS	110613		06/20/2011	29.75		
10-77-61000	GENERAL FUND - GARAGE - PARTS & LABOR								
	2228	WILLCOX AUTO PARTS INC.	AUTO PARTS	63392		05/09/2011	104.21		
	2228	WILLCOX AUTO PARTS INC.	AUTO PARTS	64567		05/20/2011	4.80		
							109.01	*	
10-77-62007	GENERAL FUND - GARAGE - LUBRICANTS								
	2228	WILLCOX AUTO PARTS INC.	AUTO PARTS	63392		05/09/2011	5.03		
10-79-41500	GENERAL FUND - BUILDING INSPECTOR - OFFICE SUPPLIES								
	3199	OFFICE SMART	SUPPLIES	136846C		01/05/2011	6.49		
10-80-13000	GENERAL FUND - PARKS - UNIFORMS								
	1650	PRUDENTIAL OVERALL SUPPLY	UNIFORMS & OTHER	210134803		06/16/2011	18.32		

GL Acct No	Vendor	Vendor Name	Description	Invoice No	PO No	Inv Date	Amount	
10-80-21000	GENERAL FUND - PARKS - ELECTRIC							
	1097	AZ PUBLIC SERVICE (2 of 3)	ELEC-BREWERY GLCH C PARK	11-0622		06/22/2011	22.59	PD
	1097	AZ PUBLIC SERVICE (2 of 3)	ELEC-E VISTA COURT	11-0622		06/22/2011	39.71	PD
	1097	AZ PUBLIC SERVICE (2 of 3)	ELEC-GOAR PARK	11-0622		06/22/2011	34.33	PD
	1097	AZ PUBLIC SERVICE (2 of 3)	ELEC-MAIN ST /PARK	11-0622		06/22/2011	68.29	PD
	1097	AZ PUBLIC SERVICE (2 of 3)	ELEC-VISTA PARK	11-0622		06/22/2011	25.60	PD
	1097	AZ PUBLIC SERVICE (2 of 3)	ELEC-E VISTA PARK	11-0622		06/22/2011	28.60	PD
							219.12	*
10-80-22000	GENERAL FUND - PARKS - WATER							
	1106	AZ WATER COMPANY	WATER / VISTA PARK	11-0622		06/22/2011	47.68	PD
	1106	AZ WATER COMPANY	WATER / LOWER E VISTA & TENE	11-0622		06/22/2011	199.27	PD
	1106	AZ WATER COMPANY	WATER / PAUL PARK WARREN	11-0622		06/22/2011	46.16	PD
	1106	AZ WATER COMPANY	WATER / LOWER VISTA PARK	11-0622		06/22/2011	210.35	PD
	1106	AZ WATER COMPANY	WATER / TIN TOWN PARK	11-0622		06/22/2011	16.69	PD
	1106	AZ WATER COMPANY	WATER/ W VISTA & HOATSON-VI	11-0622		06/22/2011	4,731.12	PD
	1106	AZ WATER COMPANY	WATER / GALENA PARK	11-0622		06/22/2011	15.19	PD
	1106	AZ WATER COMPANY	WATER / MULE MTN GDN	11-0622		06/22/2011	18.21	PD
							5,284.67	*
10-80-41500	GENERAL FUND - PARKS - OFFICE SUPPLIES							
	3199	OFFICE SMART	SUPPLIES/PARKS	145266		06/14/2011	34.82	
10-80-42600	GENERAL FUND - PARKS - REPAIRS & MAINT - GROUNDS							
	4773	BSN SPORTS	SWING SEAT/PKS	94056164		05/12/2011	160.53	
	5795	SIMPSON NORTON CORPORATI	EQUIPMENT PARTS	1383069-00		05/31/2011	434.53	
							595.06	*
10-80-52000	GENERAL FUND - PARKS - ADVERTISING							
	1153	BISBEE OBSERVER	AD-SUMMER POSITIONS	2440		05/30/2011	37.70	
	1153	BISBEE OBSERVER	AD-SUMMER POSITIONS	2457		05/30/2011	35.34	
							73.04	*
10-80-53500	GENERAL FUND - PARKS - DOC WORKERS							
	3163	AZ STATE PRISON CMLPX-DOUC	DOC LABOR CREW/VDEPTS	110613		06/20/2011	55.25	
10-80-73001	GENERAL FUND - PARKS - RECREATIONAL PROGRAMS							
	1698	SAFEWAY INC.	SUPPLIES/PARKS & REC	2035950		06/19/2011	27.52	
	1928	ORIENTAL TRADING CO	SUMMER CAMP SUPPLES/PARKS	45291520-01		06/20/2011	36.99	
	4505	GONZALES, CAROLINE	PARKS REC RMBRSMNT/POOL	11-617		06/17/2011	84.74	PD
	4505	GONZALES, CAROLINE	PARKS REC RMBRSMNT/POOL	11-617		06/17/2011	22.17	PD
	5627	SAINT PATRICK PARISH	FACILITY USE	11-0621		06/21/2011	560.00	
							731.42	*
10-81-13000	GENERAL FUND - SWIMMING POOL - UNIFORMS - CLOTHING							
	1415	BREWERY AVENUE DESIGNS	T-SHIRTS/POOL	13748		06/09/2011	59.18	
10-81-21000	GENERAL FUND - SWIMMING POOL - ELECTRIC							
	1097	AZ PUBLIC SERVICE (2 of 3)	ELEC-QUALITY HILL/POOL	11-0622		06/22/2011	701.58	PD
10-81-24000	GENERAL FUND - SWIMMING POOL - TELEPHONE & FAX							
	4192	QWEST	PHONE SERVICE	11-0622		06/22/2011	49.54	PD
10-81-41605	GENERAL FUND - SWIMMING POOL - SPECIAL SUPP - POOLS							
	4577	LESLIE'S POOL SUPPLY, INC	POOL SUPPLIES/POOL	649-37542		05/12/2011	154.56	
	4577	LESLIE'S POOL SUPPLY, INC	POOL SUPPLIES/POOL	649-38988		06/09/2011	247.24	
							401.80	*
10-81-42500	GENERAL FUND - SWIMMING POOL - REPAIRS & MAINT - BLDG							
	1659	ACE HARDWARE	SUPPLIES	1599		06/06/2011	4.82	
	3805	BENJAMIN SUPPLY	SUPPLIES/POOL	711416-1		06/10/2011	68.14	
	4577	LESLIE'S POOL SUPPLY, INC	POOL SUPPLIES/POOL	649-39839		06/26/2011	59.91	

GL Acct No	Vendor	Vendor Name	Description	Invoice No	PO No	Inv Date	Amount	
							132.87	*
10-81-44000	GENERAL FUND - SWIMMING POOL - CONCESSION SUPPLIES							
	4505 GONZALES, CAROLINE		PARKS REC RMBRSMNT/POOL	11-617		06/17/2011	31.57	PD
	5431 KLIMEK, TOM		RMBRSMNT - SUPPLIES	110627		06/27/2011	155.42	PD
							186.99	*
10-83-21000	GENERAL FUND - LIBRARY - ELECTRIC							
	1097 AZ PUBLIC SERVICE (2 of 3)		ELEC-MAIN ST /LIBRARY	11-0610		06/10/2011	899.23	PD
10-83-24000	GENERAL FUND - LIBRARY - TELEPHONE & FAX							
	4192 QWEST		PHONE SERVICE	11-0622		06/22/2011	148.62	PD
10-83-42100	GENERAL FUND - LIBRARY - BOOKS AND REFERENCE MATERIALS							
	1125 BAKER & TAYLOR, INC.		BOOKS/LIBRARY	4009755953		03/14/2011	15.76	PD
	1125 BAKER & TAYLOR, INC.		BOOKS/LIBRARY	4009796062		04/19/2011	16.33	PD
	1125 BAKER & TAYLOR, INC.		BOOKS/LIBRARY	4009824249		05/16/2011	16.35	PD
	1494 BAKER & TAYLOR		BOOKS/LIBRARY	4009755953		06/20/2011	15.76	PR
	1494 BAKER & TAYLOR		BOOKS/LIBRARY	4009796062		06/20/2011	16.33	PR
	1494 BAKER & TAYLOR		BOOKS/LIBRARY	4009824249		06/20/2011	16.35	PR
							.00	*
10-83-53500	GENERAL FUND - LIBRARY - DOC WORKERS							
	3163 AZ STATE PRISON CMLPX-DOUC		DOC LABOR CREW/VDEPTS	110613		06/20/2011	29.75	
10-85-13585	GENERAL FUND - SENIOR CITIZENS CENTER - COORDINATOR CONTRIBUTION							
	3188 BISBEE SENIOR ASSOCIATION		MNTHLY CNTRBTN-	11-0622		06/22/2011	616.63	PD
10-85-22000	GENERAL FUND - SENIOR CITIZENS CENTER - WATER							
	1106 AZ WATER COMPANY		WATER / COLLINS RD/SNR CTR	11-0622		06/22/2011	55.74	PD
10-85-24000	GENERAL FUND - SENIOR CITIZENS CENTER - TELEPHONE & FAX							
	4192 QWEST		PHONE SERVICE	11-0622		06/22/2011	99.08	PD
10-85-24001	GENERAL FUND - SENIOR CITIZENS CENTER - INTERNET ACCESS FEES							
	4059 CABLE ONE		EMAIL SVC/SC	11-625		06/22/2011	69.95	PD
10-99-99100	GENERAL FUND - CONTINGENCY - UNASSIGNED EXPENSES							
	3199 OFFICE SMART		SUPPLIES	145236		06/14/2011	701.26	
	3199 OFFICE SMART		SUPPLIES	145294		06/22/2011	473.24	
							1,174.50	*
18-40-22512	TRANSPORTATION GRANTS - GRANT EXP - TRANSPORTATION - AZ STREET DESIGN SERVICES							
	5045 ENGINEERING & ENVIRONMENT		AZ STREET PRJCT	50135		06/15/2011	2,451.00	
20-40-24000	TRANSIENT ROOM TAX - FUND EXPENDITURES - TELEPHONE & FAX							
	4192 QWEST		PHONE SERVICE	11-0622		06/22/2011	148.62	PD
20-40-24001	TRANSIENT ROOM TAX - FUND EXPENDITURES - INTERNET ACCESS							
	4059 CABLE ONE		EMAIL SVC/V/C	11-0625		06/20/2011	99.95	PD
20-40-41700	TRANSIENT ROOM TAX - FUND EXPENDITURES - CONTRACT SERVICES							
	4415 CULLIGAN/OASIS BOTTLED WTF		DRINKING WATER	12X13396007		06/20/2011	7.64	
20-40-52000	TRANSIENT ROOM TAX - FUND EXPENDITURES - CITY ADVERTISING FUND							
	1831 MADDEN PREPRINT MEDIA, INC.		ADVERTISEMENT/QMINE	201103138		06/03/2011	865.00	
	1831 MADDEN PREPRINT MEDIA, INC.		ADVERTISEMENT/QMINE	201103183		06/03/2011	525.00	
	1831 MADDEN PREPRINT MEDIA, INC.		ADVERTISEMENT/QMINE	201103259		06/03/2011	865.00	
							2,255.00	*
21-40-13000	STREETS O&M FUND - FUND EXPENDITURES - UNIFORMS							
	1650 PRUDENTIAL OVERALL SUPPLY		UNIFORMS	210134808		06/16/2011	21.58	
	1650 PRUDENTIAL OVERALL SUPPLY		UNIFORMS & OTHER	210137481		06/23/2011	21.58	

GL Acct No	Vendor	Vendor Name	Description	Invoice No	PO No	Inv Date	Amount		
							43.16	*	
21-40-21000	STREETS O&M FUND - FUND EXPENDITURES - ELECTRIC								
	1097	AZ PUBLIC SERVICE (2 of 3)	ELEC-60 BREWERY GULCH SHOF	11-0622		06/22/2011	38.48	PD	
	1097	AZ PUBLIC SERVICE (2 of 3)	ELEC-60 BREWERY GULCH SHOF	11-0622		06/22/2011	41.48	PD	
	1097	AZ PUBLIC SERVICE (2 of 3)	ELEC-60 BREWERY GULCH SHOF	11-0622		06/22/2011	325.65	PD	
	1097	AZ PUBLIC SERVICE (2 of 3)	ELEC-60 BREWERY GULCH SHOF	11-0622		06/22/2011	26.40	PD	
	1097	AZ PUBLIC SERVICE (2 of 3)	ELEC-LOWELL TRAFFIC CIRCLE	11-0622		06/22/2011	26.37	PD	
	1879	AZ PUBLIC SERVICE (3 of 3)	UTILITY POLES/STREETS	4800000408		06/20/2011	1,124.02	PR	
							665.64	*	
21-40-24000	STREETS O&M FUND - FUND EXPENDITURES - TELEPHONE & FAX								
	4192	QWEST	PHONE SERVICE	11-0622		06/22/2011	49.56	PD	
21-40-41611	STREETS O&M FUND - FUND EXPENDITURES - TRAFFIC CONTROL DEVICES								
	1236	COCHISE COUNTY HWY/FLDPLM	FABRICATE SIGNS	11-0609		06/09/2011	805.83		
	1236	COCHISE COUNTY HWY/FLDPLM	FABRICATE SIGNS	11-0622		06/22/2011	675.08		
							1,480.91	*	
21-40-45240	STREETS O&M FUND - FUND EXPENDITURES - CONCRETE, REBAR & FORMS								
	1337	EADS CONSTRUCTION	MIXES/STREETS	20881		06/20/2011	64.26		
21-40-53500	STREETS O&M FUND - FUND EXPENDITURES - DOC WORKERS								
	3163	AZ STATE PRISON Cmplx-Douc	DOC LABOR CREW/VDEPTS	110613		06/20/2011	59.50		
	3163	AZ STATE PRISON Cmplx-Douc	DOC LABOR CREW/VDEPTS	110613		06/20/2011	252.00		
							311.50	*	
21-40-61000	STREETS O&M FUND - FUND EXPENDITURES - PARTS & LABOR								
	2228	WILLCOX AUTO PARTS INC.	AUTO PARTS	62876		05/03/2011	25.41		
21-40-62003	STREETS O&M FUND - FUND EXPENDITURES - GASOLINE								
	3551	UNION DISTRIBUTING	UNLEADED	132738		06/14/2011	5,940.00		
21-40-62005	STREETS O&M FUND - FUND EXPENDITURES - DIESEL								
	3551	UNION DISTRIBUTING	DIESEL	132738		06/14/2011	4,441.76		
39-40-13597	RICO---DRUG ENFORCE/ASSET SHRG - FUND EXPENDITURES - RICO AUCTION EXPENSE (COUNTY)								
	1862	B&D LUMBER & HARDWARE	SUPPLIES	106143		06/22/2011	10.50		
48-30-22500	MISC. DONATIONS - REVENUE - MISC DONATIONS								
	1486	BOYS & GIRLS CLUB	MUCKING & DRILLING DONATION	11-0629		06/29/2011	2,420.00	PD	
48-40-22500	MISC. DONATIONS - 48-40 - MISC DONATION EXP								
	1486	BOYS & GIRLS CLUB		11-0629		06/29/2011	.00	PD	
50-40-24000	AIRPORT FUND - FUND EXPENDITURES - TELEPHONE & FAX								
	4192	QWEST	PHONE SERVICE	11-0622		06/22/2011	49.54	PD	
54-40-13000	SEWER FUND - FUND EXPENDITURES - UNIFORMS								
	1650	PRUDENTIAL OVERALL SUPPLY	UNIFORMS & OTHER	210134815		06/16/2011	30.59		
	1650	PRUDENTIAL OVERALL SUPPLY	UNIFORMS & OTHER	210137486		06/23/2011	30.59		
							61.18	*	
54-40-21000	SEWER FUND - FUND EXPENDITURES - ELECTRIC								
	1097	AZ PUBLIC SERVICE (2 of 3)	ELEC-42 WARREN CUT OFF BLDC	11-0622		06/22/2011	934.11	PD	
	1097	AZ PUBLIC SERVICE (2 of 3)	ELEC-42 WARREN CUT OFF BLDC	11-0622		06/22/2011	53.55	PD	
							987.66	*	
54-40-24000	SEWER FUND - FUND EXPENDITURES - TELEPHONE & FAX								
	4192	QWEST	PHONE SERVICE	11-0622		06/22/2011	234.51	PD	
	4192	QWEST	PHONE SERVICE	11-0622		06/22/2011	49.54	PD	

GL Acct No	Vendor	Vendor Name	Description	Invoice No	PO No	Inv Date	Amount	
							284.05	*
54-40-24001	SEWER FUND - FUND EXPENDITURES - INTERNET ACCESS FEE							
	4059 CABLE ONE		EMAIL SVC/WW	11-625		06/22/2011	75.95	PD
54-40-27500	SEWER FUND - FUND EXPENDITURES - LIENS EXPENSE (FILING FEES)							
	1241 COCHISE COUNTY RECORDERS		LIEN RELEASE-	11-0630		06/30/2011	110.00	PD
54-40-34102	SEWER FUND - FUND EXPENDITURES - OTHER - TESTING							
	1462 LEGEND TECHNICAL SERVICES		TESTING FEES	1107697		05/31/2011	226.00	
	1462 LEGEND TECHNICAL SERVICES		TESTING FEES	1107866		05/31/2011	92.00	
	1462 LEGEND TECHNICAL SERVICES		TESTING FEES	1107920		05/31/2011	92.00	
	1462 LEGEND TECHNICAL SERVICES		TESTING FEES	1107922		05/31/2011	92.00	
	1462 LEGEND TECHNICAL SERVICES		TESTING FEES	1107923		05/31/2011	62.00	
	5758 FLORES, ROBERT		BACK FLOW SERVICE	372472		06/10/2011	90.00	PD
	5792 FLORES BACKFLOW SERVICES		BACKFLOW TEST	372472		06/22/2011	90.00	PR
							564.00	*
54-40-41500	SEWER FUND - FUND EXPENDITURES - OFFICE SUPPLIES							
	3199 OFFICE SMART		OFFICE SUPPLIES/WW	142852		04/27/2011	79.92	
	3199 OFFICE SMART		SUPPLIES/SWR	145266		06/14/2011	32.85	
							112.77	*
54-40-41700	SEWER FUND - FUND EXPENDITURES - CONTRACT SERVICES							
	1650 PRUDENTIAL OVERALL SUPPLY		UNIFORMS & OTHER	210134815		06/16/2011	32.22	
	1650 PRUDENTIAL OVERALL SUPPLY		UNIFORMS & OTHER	210137486		06/23/2011	32.22	
							64.44	*
54-40-42502	SEWER FUND - FUND EXPENDITURES - PIPES & FITTINGS							
	1090 USA BLUEBOOK		FITTINGS/WASTE WATER	424962		06/20/2011	391.56	
	1659 ACE HARDWARE		SUPPIES	1536		05/27/2011	43.22	
	1659 ACE HARDWARE		SUPPLIES	1607		06/07/2011	23.18	
	1659 ACE HARDWARE		SUPPIES	1620		06/08/2011	2.17	
	1659 ACE HARDWARE		SUPPLIES/SWR	1646		06/13/2011	21.89	
	1659 ACE HARDWARE		SUPPLIES	1725		06/22/2011	43.83	
	5513 DC FROST ASSOCIATES, INC.		PIPES & FITTINGS	6126		06/17/2011	59.93	
							585.78	*
54-40-43000	SEWER FUND - FUND EXPENDITURES - LAB SUPPLIES							
	1090 USA BLUEBOOK		CHEMICALS	423459		06/16/2011	126.76	
	5235 IDEXX DISTRIBUTION, INC.		LAB SUPPLIES	251893084		06/09/2011	522.42	
							649.18	*
54-40-53500	SEWER FUND - FUND EXPENDITURES - DOC WORKERS							
	3163 AZ STATE PRISON CMLPX-DOUC		DOC LABOR CREW/VDEPTS	110613		06/20/2011	31.50	
54-40-56001	SEWER FUND - FUND EXPENDITURES - SMALL TOOLS & EQUIPMENT							
	1659 ACE HARDWARE		SUPPIES	1536		05/27/2011	13.14	
	1659 ACE HARDWARE		SUPPIES	1591		06/06/2011	18.37	
							31.51	*
54-40-61000	SEWER FUND - FUND EXPENDITURES - PARTS & LABOR							
	2228 WILLCOX AUTO PARTS INC.		AUTO PARTS	54287		05/18/2011	29.11	
	2228 WILLCOX AUTO PARTS INC.		AUTO PARTS	64923		05/24/2011	2.40	
	2228 WILLCOX AUTO PARTS INC.		AUTO PARTS	65121		05/26/2011	109.76	
	2228 WILLCOX AUTO PARTS INC.		AUTO PARTS	65122		05/26/2011	20.00	
							161.27	*
54-40-62007	SEWER FUND - FUND EXPENDITURES - LUBRICANTS							
	2228 WILLCOX AUTO PARTS INC.		AUTO PARTS	64287		05/18/2011	5.03	
56-40-13000	SANITATION FUND - FUND EXPENDITURES - UNIFORMS							
	1650 PRUDENTIAL OVERALL SUPPLY		UNIFORMS & OTHER	210134809		06/16/2011	64.04	
	1650 PRUDENTIAL OVERALL SUPPLY		UNIFORMS & OTHER	210137482		06/23/2011	67.12	

GL Acct No	Vendor	Vendor Name	Description	Invoice No	PO No	Inv Date	Amount	
							131.16	*
56-40-24000	SANITATION FUND - FUND EXPENDITURES - TELEPHONE & FAX							
	4192 QWEST		PHONE SERVICE	11-0622		06/22/2011	49.54	PD
56-40-53500	SANITATION FUND - FUND EXPENDITURES - DOC WORKERS							
	3163 AZ STATE PRISON CMLPX-DOUC		DOC LABOR CREW/DEPTS	110613		06/20/2011	63.00	
	3163 AZ STATE PRISON CMLPX-DOUC		DOC LABOR CREW/DEPTS	110613		06/20/2011	189.00	
							252.00	*
56-40-56001	SANITATION FUND - FUND EXPENDITURES - SMALL TOOLS & EQUIPMENT							
	2228 WILLCOX AUTO PARTS INC.		AUTO PARTS	64731		05/23/2011	5.69	
56-40-61000	SANITATION FUND - FUND EXPENDITURES - PARTS & LABOR							
	2228 WILLCOX AUTO PARTS INC.		AUTO PARTS	62761		05/02/2011	9.90	
	2228 WILLCOX AUTO PARTS INC.		AUTO PARTS	62831		05/03/2011	37.39	
	2228 WILLCOX AUTO PARTS INC.		AUTO PARTS	63620		05/11/2011	88.45	
	2228 WILLCOX AUTO PARTS INC.		AUTO PARTS	64805		05/23/2011	21.47	
	2228 WILLCOX AUTO PARTS INC.		AUTO PARTS	65120		05/01/0269	25.84	
	2228 WILLCOX AUTO PARTS INC.		AUTO PARTS	65166		05/26/2011	64.41	
	2228 WILLCOX AUTO PARTS INC.		AUTO PARTS	65553		05/31/2011	73.62	
							321.08	*
56-40-62007	SANITATION FUND - FUND EXPENDITURES - LUBRICANTS							
	2228 WILLCOX AUTO PARTS INC.		LUBRICANTS	62831		05/03/2011	4.60	
	2228 WILLCOX AUTO PARTS INC.		LUBRICANTS	63620		05/11/2011	19.41	
							24.01	*
56-40-72000	SANITATION FUND - FUND EXPENDITURES - RECYCLING PROGRAM							
	1129 BARNETT'S OXYGEN SERVICE		PROPANE/SANATATION	1116		06/08/2011	78.91	
56-40-99100	SANITATION FUND - FUND EXPENDITURES - UNASSIGNED EXPENSES							
	5392 COCHISE COUNTY FLEET MAINT		REPAIR - GARBAGE TRUCK	117		06/20/2011	10,301.83	
59-40-21000	QUEEN MINE FUND - FUND EXPENDITURES - ELECTRIC							
	1097 AZ PUBLIC SERVICE (2 of 3)		ELEC-HWY 80 TOUR/QMINE	11-0622		06/22/2011	577.23	PD
59-40-24000	QUEEN MINE FUND - FUND EXPENDITURES - TELEPHONE & FAX							
	4192 QWEST		PHONE SERVICE	11-0622		06/22/2011	198.16	PD
59-40-41500	QUEEN MINE FUND - FUND EXPENDITURES - OFFICE SUPPLIES							
	3199 OFFICE SMART		SUPPLIES/CD/QMT	137892		01/21/2011	64.58	PD
59-40-41604	QUEEN MINE FUND - FUND EXPENDITURES - SPECIAL SUPP - MERCHANDISE							
	2410 PRISM COMMUNICATIONS		DVD, TAPES HISTORY OF BISBEE	9168		03/11/2011	60.00	
	3241 SQUIRE BOONE VILLAGE, INC		QMT GIFTSHOP SUPPLIES/QM	MIN-00195538		06/07/2011	73.04	
	5107 MOSTLY POSTCARDS, INC.		COPPER POSTCARDS	32351		06/20/2011	45.12	PR
							87.92	*
59-40-42501	QUEEN MINE FUND - FUND EXPENDITURES - TOUR MAINTENANCE							
	1659 ACE HARDWARE		SUPPLIES/QM	1605		06/07/2011	13.14	
96-40-41505	BISBEE BUS FUND - FUND EXPENDITURES - ADMIN MISC EXPENSES							
	5686 MARRA, LISA M		RMBRSMNT MILEAGE-ADOT GRAI	11-0629		06/29/2011	43.32	
20-40-54500	TRANSIENT ROOM TAX - FUND EXPENDITURES - PROPERTY LEASES - VARIOUS							
	1267 BORDER CITIES LAND CORP		VISITORS CNTR LEASE	11-0701		06/22/2011	1,147.90	PD
Grand Total:							63,193.31	

711

GL Acct No	Vendor	Vendor Name	Description	Invoice No	PO No	Inv Date	Amount
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Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

City Treasurer: _____



AGENDA ITEM NUMBER 2a

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: June 30, 2011	TYPE OF ACTION: <u> </u> RESOLUTION	SUBJECT: DISCUSSION AND POSSIBLE APPROVAL OF THE MINUTES OF THE REGULAR SESSION OF MAYOR AND COUNCIL HELD ON JUNE 7, 2011 AT 7:00 PM.
DATE ACTION REQUESTED: July 5, 2011	<u> </u> ORDINANCE	
<u> </u> REGULAR <u> X </u> CONSENT	<u> X </u> FORMAL ACTION	
OTHER:		

TO: Mayor and Council
FROM: Gloria P. Gonzalez, City Clerk
RECOMMENDATION: Approve the Minutes.
PROPOSED MOTION: I move to approve the Minutes of the Regular Session of Mayor and Council held on June 7, 2011 at 7:00 PM.

DISCUSSION:

FISCAL IMPACT: No Impact
DEPARTMENT LINE ITEM ACCOUNT:
BALANCE IN LINE ITEM IF APPROVED:

Prepared by: Ashlee Coronado
Ashlee Coronado, Deputy City Clerk

Reviewed by: W.J. Porter
W.J. Porter, Mayor

MINUTES

MINUTES OF THE REGULAR SESSION OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, HELD ON TUESDAY, JUNE 7, 2011, AT 7:00 PM IN THE BISBEE MUNICIPAL BUILDING, 118 ARIZONA STREET, BISBEE, ARIZONA.

THE MEETING WAS CALLED TO ORDER BY MAYOR PORTER AT 7:00 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 Ransom Burke, Ward II, Mayor Pro Tempore
Councilmember Ken Budge, Ward I

STAFF

Stephen J. Pauken, City Manager
Gloria P. Gonzalez, 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
Tom Klimek, Public Works Director/City Engineer

CITY ATTORNEY

John A. MacKinnon

INVOCATION: Mayor Porter asked for a moment of silence to pray for rain.

PLEDGE OF ALLEGIANCE

MAYOR'S PROCLAMATIONS AND ANNOUNCEMENTS:

- Mayor Porter asked that Item 6 of the Agenda be pulled and add Item 16 in its place.

MOTION: Councilmember Scott moved to pull Item 6 of the Agenda and add Item 16 in its place.

SECOND: Councilmember Budge.

MOTION PASSED: UNANIMOUSLY

- Mayor Porter declared June 17-19 as Bisbee Pride Week-end and read the proclamation.

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

GENERAL BUSINESS:

1. ACCOUNTS PAYABLE: Subject to availability of funds.

MOTION: Councilmember Cline moved to accept Accounts Payable in the amount of \$360,529.22.

SECOND: Councilmember Scott.

MOTION PASSED: UNANIMOUSLY

Councilmember Nicholl pointed out the cost of \$84,725.00 for the FAA contribution to the Airport to get the fuel system in place; \$3,700.00 for the Council Chambers Cooling system; \$2,400 on Coal Mix; and \$22,000 on the lease purchase agreement for the new Fire Station.

CALL TO THE PUBLIC

- Albert Hopper, Bisbee resident, presented a paper punch, \$100 check, and a card with 100 boxes around its perimeter and a phrase "Let a Kid Swim for Free" to the City Pool. This card allowed a child to swim for free, whether or not that child had \$1.00, and staff at the counter would punch a hole in the card so that child could swim on that day. He said this would continue until all the card was fully punched. He asked that those wishing to contribute to this game could contact him so that he could draw up a card with their contribution for a child to be able to swim without worrying about how to pay. He indicated that this was the spirit of this community and invited the community to contact him if they wish to play this game.
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 3, 2011 at 7:00 PM.
Gloria P. Gonzalez, City Clerk
 - B. Discussion and Possible Approval of the Minutes of the Regular Session of Mayor and Council held on, May 17, 2011 at 7:00 PM.
Gloria P. Gonzalez, City Clerk
 - C. Discussion and Possible Approval of the Appointment of Frank Davis to the Design Review Board.
Gloria P. Gonzalez, City Clerk
 - D. Discussion and Possible Approval of the Appointment of David Austin to the Police and Fire Advisory Committee.
Gloria P. Gonzalez, City Clerk
 - E. Discussion and Possible Approval of the Resignation of Peter M. Kuhlmann from the Design Review Board.
Gloria P. Gonzalez, City Clerk
 - F. Discussion and Possible Approval of a Park, Facility, and Right-of-Way Use Permit for the Use of City Park for the Class of 2001 Picnic on July 3, 2011 from 11:00 AM to 5:00 PM.
Thomas J. Klimek, Public Works Director/City Engineer
 - G. Discussion and Possible Approval of a Park, Facility and Right-of-Way Use Permit for the Use of City Streets for the 4th of July Parade on Monday, July 4, 2011 from 11:00 AM to 12:30 PM with City Sponsorship and Waiver of Fees.
Thomas J. Klimek, Public Works Director/ City Engineer
 - H. 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 Friday, June 17, 2011 from 7:00 PM to 1:00 AM.
Thomas J. Klimek, Public Works Director/ City Engineer
 - I. Discussion and Possible Approval of an Extension of Premises Application Submitted by Copper Queen Hotel, 11 Howell Ave., Bisbee, AZ on June 17, 2011, Dan Fink, Applicant.
Gloria P. Gonzalez, City Clerk

- J. 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, October 29, 2011 From 7:00 PM to 1:00 AM.
Thomas J. Klimek, Public Works Director/ City Engineer
- K. Discussion and Possible Approval of an Extension of Premises Application Submitted by Copper Queen Hotel, 11 Howell Ave., Bisbee, AZ on October 29, 2011, Dan Fink, Applicant.
Gloria P. Gonzalez, City Clerk

MOTION: Councilmember Burke moved to approve Items A-F and Item H-K of the Consent Agenda and pull Item G.

SECOND: Councilmember Nicholl.

ROLL CALL VOTE:

AYES: Councilmember Nicholl, Scott, Giacomino, Cline, Burke, Budge, and Mayor Porter.

NAYS: 0 MOTION PASSED: AYES - 7 NAYS - 0

Consent Agenda Item G: Councilmember Burke provided a brief update on the use of Arizona Street and parade route for the 4th of July. He further thanked the Rotary Club for putting together a nice parade.

MOTION: Mayor Porter moved to approve Item G of the Consent Agenda.

SECOND: Councilmember Nicholl.

ROLL CALL VOTE:

AYES: Councilmember Nicholl, Scott, Giacomino, Cline, Burke, Budge, and Mayor Porter.

NAYS: 0 MOTION PASSED: AYES - 7 NAYS - 0

OLD BUSINESS

- 3. Discussion and Possible Approval of Ordinance O-11-08, Amending Chapter 13, Sewer, of the City Code and Providing for Repeal and Severability.
Dee L. Flanagan, Finance Director

Mrs. Flanagan asked that Council approve Ordinance O-11-08, as the basic issues had been discussed at the last Council meeting in the form of a Notice of Intent to approve this Ordinance.

MOTION: Councilmember Nicholl moved to approve Ordinance O-11-08 amending Chapter 13, Sewer of the City Code and Providing for Repeal and Severability.

SECOND: Councilmember Scott.

ROLL CALL VOTE:

AYES: Councilmember Nicholl, Scott, Giacomino, Cline, Burke, Budge, and Mayor Porter.

NAYS: 0 MOTION PASSED: AYES - 7 NAYS - 0

- 4. Discussion and Possible Approval of Ordinance O-11-07, Amending Article 3.8, Liens for the Collection of Delinquent Fees, of the City Code and Providing for Repeal and Severability.
John MacKinnon, City Attorney

Mr. MacKinnon indicated that this Ordinance confirmed that the Lien process was in conjunction with the collection of sewer fees to changes in State law and to ensure that the City included all

the interests and costs as subject to City liens; and that the City has a comprehensive collection system for Sewer Fees.

MOTION: Councilmember Nicholl moved to approve Ordinance O-11-07 Amending Article 3.8, Liens for the Collection of Delinquent Fees, of the City Code and Providing for Repeal and Severability.

SECOND: Councilmember Cline.

ROLL CALL VOTE:

AYES: Councilmember Cline, Burke, Budge, Nicholl, Scott, Giacomino and Mayor Porter.

NAYS: 0

MOTION PASSED: AYES - 7 NAYS - 0

- 5. Discussion and Possible Approval of Ordinance O-11-06, Amending Article 11.4.2.D of the City Code Revising the Swimming Pool Fees and Providing for Repeal and Severability, and to Adopt this Ordinance as an Emergency.
Tom Klimek, Public Works Director/ City Engineer

Mr. Klimek addressed the amendment to increase the fees for use of the Bisbee City Pool.

MOTION: Councilmember Burke moved to approve Ordinance O-11-06, amending Article 11.4.2.D of the City Code, Revising the Swimming Pool Fees and Providing for Repeal and Severability and to adopt this Ordinance as an Emergency and amend the fees to split the season pass.

SECOND: Councilmember Cline.

Councilmember Budge asked if there was a way to split the \$150.00 Season Pass in two payments mainly because the public may find it difficult to pay the entire amount at once. Mr. Klimek suggested possibly having one pass for June and one for July or split the \$150 Season Pass as suggested. Mrs. Flanagan explained that the Pool staff collected and managed the money and then brought it to Finance Office in City Hall. She indicated that if the staff could make this work, she was fine with the split payment.

Mayor Porter indicated that the motion needed to be amended and asked Councilmember Burke if he would mind amending the motion. Councilmember Burke accepted the amendment of the motion.

Mr. MacKinnon pointed out that in the Ordinance there was a provision that the season pass fees would be reduced proportionately based on the actual length of the pool being opened.

Councilmember Giacomino asked if there had been season passes being bought now. Mr. Klimek replied that normally there was not a big request for season passes. He said that last year it was a handful.

MOTION: Councilmember Budge moved to approve Ordinance O-11-06, amending Article 11.4.2.D. of the City Code, revising the Swimming Pool fees and providing for repeal and severability and to adopt this Ordinance as an Emergency and an amendment to split the season pass.

SECOND: Councilmember Nicholl

ROLL CALL VOTE:

AYES: Councilmember Giacomino, Scott, Nicholl, Budge, Burke, Cline, and Mayor Porter.

NAYS: 0

MOTION PASSED: AYES - 7 NAYS - 0

NEW BUSINESS

6. Presentation by Copper Queen Community Hospital.
W.J. Porter, Mayor

This Item was pulled from the agenda, as Mr. Dickson would not be able to attend the meeting.

16. Discussion and Possible Approval to Authorize a "Hanging Banner" Project to Help Raise Funds for the City Swimming Pool.
Stephen J. Pauken, City Manager

Michael Rissman, Bisbee resident, expressed that the commercial interest in town would be more willing to contribute to the City pool if the contributions would be sold as advertising in the form of naming rights or advertising banners. He indicated that he was able to do volunteer work with Mrs. Shay's class this year and that he would make a substantial contribution to the pool to hang a banner acknowledging the students with their names.

Councilmember Giacomino indicated that it was an excellent idea for advertising for the different entities in town.

Mr. MacKinnon asked if it would be appropriate to set a base amount for the contribution to put a banner up at the pool. Councilmember Budge suggested that banner be put up by square feet at \$10.00 by square foot.

Mr. Pauken recommended a minimum amount of \$10 per square foot and if donors would like to contribute an excess of the base amount per square foot, the City would accept the money.

Councilmember Burke commented that this was a great idea, but the City needed to reserve some editorial license for the wording on the banners and directed toward staff.

MOTION: Councilmember Nicholl moved to approve the "Hanging Banner" Project to Help Raise Funds for the City Swimming Pool at a minimum of \$10.00 per Square Foot, and directed staff to be aware of the editorial content in the assigned banner at \$10 a square foot.

SECOND: Councilmember Scott.

MOTION PASSED: UNANIMOUSLY

7. Discussion and Possible Approval of an Interfacility Transport Protocol Agreement among the City of Bisbee, Copper Queen Community Hospital and Arizona Ambulance.

Stephen J. Pauken, City Manager

Mr. Pauken explained that transporting patients between hospitals had become more technical in scope and competitive with private and public agencies. As a result the proposed agreement was reviewed and revised by the lawyer from the Copper Queen Community Hospital, Loren Weinwig, Arizona Ambulance Transport, Ted VanHorne, as well as Chief Earnest and City Manager Pauken. He explained that the agreement was being presented for Council approval and adoption.

MOTION: Councilmember Budge moved to approve the Interfacility Transport Protocol Agreement with the City of Bisbee, the Copper Queen Community Hospital and Arizona Ambulance.

SECOND: Councilmember Nicholl.

MOTION PASSED: UNANIMOUSLY

- 8. Discussion and Possible Approval of Entering into an Agreement with Arizona State Parks Board for the Purpose of Accepting a Certified Local Government Conference Scholarship in the Amount of \$225.00.

John Charley, Community Development Director

Mr. Charley indicated that the State Historic Preservation Office (SHPO) has asked him to participate as a speaker at the Arizona State Historic Preservation Conference in Tucson, Arizona. In exchange for his participation, SHPO has offered scholarship funds to cover the registration costs.

MOTION: Councilmember Nicholl moved to enter into an Agreement with Arizona State Parks Board and accept the Conference Scholarship in the amount of \$225.00.

SECOND: Councilmember Cline.

MOTION PASSED: UNANIMOUSLY

- 9. Discussion and Possible Approval of Resolution R-11-08; A Resolution of the Mayor and City Council, City of Bisbee, County of Cochise, State of Arizona, Adopting a Notice of Intention to Increase the Wastewater Rates, Fees, and Service Charges and Setting a Date for a Public Hearing of the Proposed Increase on July 19, 2011 at 7:00PM.

Dee L. Flanagan, Finance Director

Mrs. Flanagan explained that the resolution is required by ARS 9-511.01 which provided that any municipality engaging in a wastewater business must adopt a notice of intention by motion at a regular Council meeting to increase wastewater rates, fees and service charges, and set a date for a Public Hearing on the proposed Increase. Resolution R-11-08 adopts a notice of intention and set the date for a Public Hearing on July 19, 2011 at 7:00 P.M.

Councilmember Nicholl asked Mrs. Flanagan for brief overview on why the sewer rates needed to be increased. Mrs. Flanagan explained that when the base structure was designed in 2007, it was designed to have regular rate increases, account for the debt service payments offset by the NAD Bank transition assistance, a planned reduction in fund balance and periodic rate increases and proceeded to explain the increase in sewer rates.

MOTION: Councilmember Burke moved to approve R-11-08, adopting a Notice of Intention to increase the Wastewater rates, fees, and service charges and setting the date for a Public Hearing of the proposed increase on July 19, 2011 at 7:00PM.

SECOND: Councilmember Giacomino

ROLL CALL VOTE:

AYES: Councilmember Budge, Burke, Cline, Giacomino, Scott, Nicholl, and Mayor Porter.

NAYS: 0

MOTION PASSED: AYES - 7 NAYS - 0

- 10. Discussion and Possible Approval Authorizing the Sale of Surplus Vehicles, Surplus Miscellaneous Items at Public Auction on Friday, June 18, 2011.

Jim Elkins, Chief of Police

Chief Elkins explained that the City periodically sold surplus vehicles and miscellaneous items at the public auction. The public auction would be held on June 18, 2011 and is asking that Council approve the sales of City surplus vehicles and miscellaneous items.

MOTION: Councilmember Scott moved to approve authorizing the sale of surplus vehicles, surplus miscellaneous items at Public Auction on Saturday, June 18, 2011.

SECOND: Councilmember Cline.

MOTION PASSED: UNANIMOUSLY

11. Discussion and Possible Approval of the Second Amendment to the Contract with Jevas Engineering, Inc. in the Amount of \$10,000.00 for Professional Engineering Services in Connection with the Bakerville Drainage and Streets Improvement Project Phase 3.

Tomas J. Klimek, Public Works Director/ City Engineer

Mr. Klimek asked for approval of the Second Amendment to the Contract with Jevas Engineering in the amount of \$10,000 to provide additional topographic surveying and plan to pave Wells Avenue.

MOTION: Councilmember Nicholl moved to approve the Second Amendment to the Contract with Jevas Engineering, Inc. in the Amount of \$10,000.00 for Professional Engineering Services in Connection with the Bakerville Drainage and Streets Improvement Project Phase 3.

SECOND: Councilmember Giacomino. MOTION PASSED: UNANIMOUSLY

12. Discussion and Possible Approval of a Letter of Support for the University of Arizona Cochise County Cooperative Extension Water Wise Program and Ecoasis Sustainable Living Center's Grant Application to the Watershed Management Group.

Thomas J. Klimek, Public Works Director/ City Engineer

Mr. Klimek has requested Council approval for a Letter of Support for the University of Arizona Cochise County Cooperative Extension Water Wise Program and the Ecoasis Sustainable Living Center to apply for an Arizona Green Infrastructure Community Training Grant. This grant would benefit the City and Bisbee community by providing green water conservation projects and education opportunities.

MOTION: Councilmember Nicholl moved to approve the Letter of Support for the University of Arizona Cochise County Cooperative Extension Water Wise Program and Ecoasis Sustainable Living Center's Grant Application to the Watershed Management Group.

SECOND: Councilmember Budge. MOTION PASSED: UNANIMOUSLY

13. Discussion and Possible Approval of Resolution R-11-09, Supporting the League of Arizona Cities and Towns, and its Municipal Members in Requesting the Arizona State Legislature Freeze Future Sweeps of Highway User Revenue Funds Allocated to Arizona Cities and Towns and to Restore HURF Funding to FY 2008 Levels Over a 3-5 Year Period to Begin in FY 2012/2013.

Stephen J. Pauken, City Manager

Mr. Pauken indicated that support of Resolution R-11-09 supports the League of Arizona Cities and Towns and its municipal members requesting that the Arizona State Legislature end fund sweeps of Arizona HUF and restore funding to the municipalities budget from the DPS to bring HURF funds back to 2008 levels. He explained the consequences that this sweep has brought to municipalities regarding HURF funds. He explained that the principal sponsor of this resolution was the City of Douglas and has asked that the City of Bisbee co-sponsor a Resolution that would basically oppose the future State sweeps and restore that funding level to the 2008 level.

MOTION: Councilmember Nicholl moved to approve Resolution R-11-09 supporting the League of Arizona Cities and Towns, and its Municipal Members in requesting the Arizona State Legislature Freeze Future Sweeps of Highway User Revenue Funds allocated to Arizona Cities and Towns and restore HURF funding to FY 2008 levels over a 3-5 Year period to begin in FY 2012/2013.

SECOND: Councilmember Giacomino

ROLL CALL VOTE:

AYES: Councilmember Nicholl, Scott, Giacomino, Cline, Burke, Budge, and Mayor Porter.

NAYS: 0

MOTION PASSED: AYES - 7 NAYS - 0

14. Discussion and Possible Approval of a Request by the City of Sierra Vista to Co-Sponsor a Resolution to the League of Arizona Cities and Towns Urging the Governor and the State Legislature to Adopt Legislation that Requires Disclosure of Development Impact Fees on Purchase Contracts for New Residential Construction.
Stephen J. Pauken, City Manager

Mr. Pauken explained that the City of Sierra Vista has taken the lead in preparing a Resolution requiring additional disclosure of impact fees. The City of Sierra Vista resolution essentially Requests that the State adopt legislation that requires that builders and home sellers disclose the full amount of development impact fees on purchase contracts for new residential construction and was basically a matter of transparency.

MOTION: Councilmember Nicholl moved to co-sponsor a Resolution with the City of Sierra Vista and others urging the Governor and the State Legislature to develop and pass Legislation that requires disclosure of Development Impact Fees on Purchase Contracts for new residential construction.

SECOND: Councilmember Giacomino.

MOTION PASSED: UNANIMOUSLY

15. Discussion and Possible Approval of a Request by the City of Sierra Vista to Co-Sponsor a Resolution to the League of Arizona Cities and Towns Encouraging the State of Arizona to Reduce the Shortage of Physicians in the State.
Stephen J. Pauken, City Manager

Mr. Pauken explained that for the past four years, the City of Bisbee has jointed the City of Sierra Vista and other communities to support crafting a recommendation encouraging the State of Arizona to reduce the shortage of physicians in the State. He indicated that the proposed Arizona League of Cities and Towns resolution received Council support, it would be sent to the League for consideration at the Annual Conference in August.

MOTION: Councilmember Giacomino moved to co-sponsor a Resolution with the City of Sierra and others to encourage the State of Arizona to reduce the shortage of physicians in the State.

SECOND: Councilmember Cline.

MOTION PASSED: UNANIMOUSLY

16. Discussion and Possible Approval of the Basic Services Contract with SEAGO for SFY 2011-2012.
Stephen J. Pauken, City Manager

Mr. Pauken explained that this was the annual dues to SEAGO to provide local and regional planning and technical assistance support. The annual payment for the City of Bisbee for FY 2011-2012 is \$1,716.00.

MOTION: Councilmember Giacomino moved to approve the Basic Services Contract with SEAGO for SFY 2011-2012.

SECOND: Councilmember Cline.

MOTION PASSED: UNANIMOUSLY

18. City Manager Report

- Mr. Pauken reported that a group of local organizations raised sufficient funds to ensure a 4th of July Fireworks show this year. He indicated that major donors included Bisbee Firefighters Association, Local 2146, Bisbee Rotary Club, Freeport McMoRan Copper

and Gold, Bisbee Coffee Company, and Ace Hardware. He explained that donations were still being accepted. Checks were accepted and could be written and mailed to the City of Bisbee, Fireworks Fund, 118 Arizona Street, Bisbee, Arizona. In a related development, he reported that a Fireworks Show sponsored by the Bisbee Copper Kings Baseball Club and underwritten by Rosemont Copper would be held July 3rd in the Warren Ballpark. He also directed the Bisbee Police Department to respond to and to cite usage of illegal fireworks.

- Mr. Pauken reported that Mr. George Renteria had contacted him to seek help in staging a Drilling and Mucking Contest on July 4th in Brewery Gulch. Mr. Renteria will secure permission for the event. In addition he will also be looking for donations and sponsors for the Drilling and Mucking Contest. Mr. Pauken commented that the City would commit to most of the same resources it had provided for past events in Brewery Gulch.
- Mr. Pauken reported that the City Pool would open this week. Thus far there has been about \$2,200 in donations, and fund raising continued to take place. He expressed his thanks to all who made an effort to support this worthy cause.
- Final CDBG allocations were announced and the City would receive \$267,443 this year, as funding was down almost \$60,000 from the last allocation of \$327,000.
- Mr. Pauken reported that the cooling/heating system in the Council Chambers was now operational. He added that this repair would now allow the contractor for the insurance company to begin the remainder of the renovation for Chambers.

COUNCIL COMMENTS:

- Councilmember Nicholl praised the following employees for their hard work - Sanitation Engineer Crew - Audi Britain, Alex Marinez, Sergio Rivera, headed by Andy Haratyk, Ernesto Avechucu, Matthew Gurney, DUI Crew for their great job; thanked Ashlee Coronado for the great job she does in the City Clerk's Office; Michael Teran for his work at the Airport as well as being over town for his hard work; and Parks employees - Tom Koble and John Hill. He commented that they were the unsung employees and wished to recognize their hard work.
- Councilmember Scott addressed the comments made by Mr. Miller at the last Council meeting. He explained that during the budget process, many employees stepped up to take furloughs and cuts within their department, but if benefits were cut, the City would lose good employees. He added that putting Police & Fire under one department would not be feasible, as this had been done in 1989; and then went on to explain some of the problems that were encountered.
- Councilmember Giacomino commented that the Walk-a-Thon implemented by the children of Bisbee raised over \$1300 and praised their efforts. She added that Root Beer Floats were sold at the event as well as a donation jar. She commented that pool donations were still forthcoming.
- Councilmember Burke reserved his time to comment on the Copper Queen Hospital Expansion for a later time.

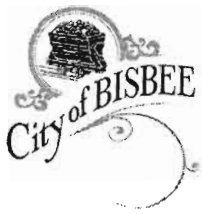
MOTION: Mayor Porter moved to adjourn the meeting.

SECOND: Councilmember Scott.

MOTION PASSED: UNANIMOUSLY

ADJOURNMENT - 8:45 P.M.

W.J. PORTER, MAYOR



AGENDA ITEM NUMBER 26

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: June 30, 2011	TYPE OF ACTION: <input type="checkbox"/> RESOLUTION <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> FORMAL ACTION OTHER:	SUBJECT: DISCUSSION AND POSSIBLE APPROVAL TO APPOINT GRADY MEADOWS TO THE DESIGN REVIEW BOARD.
DATE ACTION REQUESTED: July 5, 2011		
<input type="checkbox"/> REGULAR <input checked="" type="checkbox"/> CONSENT		

TO: Mayor and Council

FROM: Gloria P. Gonzalez, City Clerk

RECOMMENDATION: Approve appointment

PROPOSED MOTION: I move to approve the appointment of Grady Meadows to the Design Review Board.

DISCUSSION:

Mr. Meadows has submitted his application to serve on the Design Review Board. If approved, Mr. Meadows will serve on the Committee for a three-year term.

FISCAL IMPACT: \$

DEPARTMENT LINE ITEM ACCOUNT:

BALANCE IN LINE ITEM IF APPROVED:

Prepared by: Gloria P. Gonzalez Reviewed by: W.J. Porter
 Gloria P. Gonzalez, City Clerk W.J. Porter, Mayor

Other Background Information Relevant to Serving in this Position:

ON D.R.B. - 3 years

I am qualified and interested in serving on this Board because:

35 years of architectural & construction

Have you ever been convicted of a felony or misdemeanor by any court or do you have any pending criminal charges against you? Yes No If yes, please Explain: _____

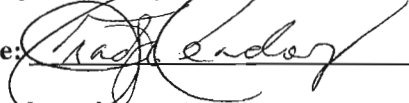
WAIVER REQUEST (If Applicable):

I am requesting that the following rule(s) be waived in order to serve on the Commission:

- _____ Residency Requirement (Bisbee Resident for less than 1 year)
- _____ Length of Service (I have served _____ terms)
- _____ Number of Commission Memberships currently served. I also serve on the: _____

I am requesting this/these waivers for the following reasons for consideration:

I hereby certify and affirm that all the information contained in this application is true, complete and correct. I understand that false or misleading statements or the omission of important information made on this application or any time during the process may disqualify me from volunteer work with the City of Bisbee. I understand that the Mayor and Members of the Council must approve any waiver request.

Signature:  Date: 6/30/11

When complete, please return to:
City Clerk Office 118 Arizona Street Bisbee, Arizona 85603 Fax 520.432.6069 E-mail: gpgonzalez@cityofbisbee.com
acoronado@cityofbisbee.com



AGENDA ITEM NUMBER 2c

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: June 30, 2011	TYPE OF ACTION: <u> </u> RESOLUTION	SUBJECT: DISCUSSION AND POSSIBLE APPROVAL TO APPOINT MICHAEL WHYTE TO THE COMMITTEE ON DISABILITY ISSUES.
DATE ACTION REQUESTED: July 5, 2011	<u> </u> ORDINANCE	
<u> </u> REGULAR <u> X </u> CONSENT	<u> X </u> FORMAL ACTION	
OTHER:		

TO: Mayor and Council

FROM: Gloria P. Gonzalez, City Clerk

RECOMMENDATION: Approve appointment

PROPOSED MOTION: I move to approve the appointment of Michael Whyte to the Committee on Disability Issues.

DISCUSSION:

Mr. Whyte has submitted his application to serve on the Committee on Disability Issues. If approved, Mr. Whyte will serve on the Board for a two-year term.

FISCAL IMPACT: \$

DEPARTMENT LINE ITEM ACCOUNT:

BALANCE IN LINE ITEM IF APPROVED:

Prepared by: Gloria P. Gonzalez
Gloria P. Gonzalez, City Clerk

Reviewed by: W.J. Porter
W.J. Porter, Mayor

Other Background Information Relevant to Serving in this Position:

Created a driving course for adults with severe physical disabilities in specially equipped vehicles. Provided specialized driver education at the high school level for students with both mental and physical disabilities.

I am qualified and interested in serving on this Board because:

I have always been interested in finding ways to improve services for individuals with disabilities. I was the ADA liaison between the Arizona Dept. of Economic Security (DES) internal divisions and outside service contractors, and served on the internal DES Requests for Reasonable Accommodation Review Board. I wrote many DES Requests for Proposals for various services that included specific requirements for disabled individuals, and organized a statewide conference about ADA and disability issues for state contractors.

Have you ever been convicted of a felony or misdemeanor by any court or do you have any pending criminal charges against you? Yes No **If yes, please Explain:** _____

WAIVER REQUEST (If Applicable):

I am requesting that the following rule(s) be waived in order to serve on the Commission:

- _____ Residency Requirement (Bisbee Resident for less than 1 year)
- _____ Length of Service (I have served _____ terms)
- _____ Number of Commission Memberships currently served. I also serve on the:

I am requesting this/these waivers for the following reasons for consideration:

I hereby certify and affirm that all the information contained in this application is true, complete and correct. I understand that false or misleading statements or the omission of important information made on this application or any time during the process may disqualify me from volunteer work with the City of Bisbee. I understand that the Mayor and Members of the Council must approve any waiver request.

Signature: Michael N. Whyte **Date:** 6/16/2011

When complete, please return to:

City Clerk Office 118 Arizona Street Bisbee, Arizona 85603 Fax 520.432.6069 E-mail: gpgonzalez@cityofbisbee.com
acoronado@cityofbisbee.com



AGENDA ITEM NUMBER 2d

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: June 30, 2011	TYPE OF ACTION: <u> </u> RESOLUTION	SUBJECT: DISCUSSION AND POSSIBLE APPROVAL TO APPOINT DOUGLAS DUNN TO THE BOARD OF ADJUSTMENT AND WAIVE THE LENGTH OF SERVICE ON THE BOARD.
DATE ACTION REQUESTED: July 5, 2011	<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, City Clerk
RECOMMENDATION: Approve appointment
PROPOSED MOTION: I move to approve the appointment of Douglas Dunn to the Board of Adjustment and waive the length of service on the Board.

DISCUSSION:

Mr. Dunn has submitted his application to continue to serve on the Board of Adjustment. He has served on the Board since 2002, and has requested that Council waive the length of service on the Board. If approved, Mr. Dunn will serve on the Board for an additional two-year term.

FISCAL IMPACT: \$
DEPARTMENT LINE ITEM ACCOUNT:
BALANCE IN LINE ITEM IF APPROVED:

Prepared by: Gloria P. Gonzalez
Gloria P. Gonzalez, City Clerk

Reviewed by: W.J. Porter
W.J. Porter, Mayor



BOARD / COMMISSION MEMBERSHIP APPLICATION

PLEASE PRINT CLEARLY IN INK OR TYPE

Date of Application: 6/17/11

Board interested to serve:

- Airport Advisory Committee
- Board of Appeals
- Committee on Disability Issues
- Evergreen Cemetery Committee
- Municipal Property Corporation
- Police and Fire Advisory Committee
- Transit Advisory Committee
- Bisbee Arts Commission
- Charter Review Committee
- Design Review Board
- Judicial Selection Committee
- Parks and Recreation Committee
- Public Safety Retirement Board
- Youth Council
- Board of Adjustment
- Civil Service Commission
- Employee Council
- Library Advisory Board
- Planning and Zoning Commission
- Streets and Infrastructure Committee

Dunn Last Name Douglas First Name T Middle Initial

406 E Vista Mailing Address 406 Number Vista Street Bisbee City T State 87603 Zip Code

Residential Street Address: 406 E. Vista

Telephone Number(s): (520) 432-2462

Email Address: dt@dunn@comcast.net

* I have been a resident of Bisbee for 16 years * Are you currently on any Boards? yes
 * (Less than one-year residency or serve on more than one City of Bisbee Board or Commission, please complete Waiver Portion of this Form)

Please provide a brief summary of Education and Employment Experience (Employer, Job Titles, Dates Employed):
Member of ^{Bisbee} P&Z Commission, Main Street merchant (14 years) retired, University of Arizona Cooperative Extension, Cochise County Director
MS degree in Economics, Cornell University

Please provide a brief summary of Civic/Volunteer Experience:
President, Bisbee Foundation
former President, City of Bisbee Street + Infrastructure Committee

Other Background Information Relevant to Serving in this Position:

I am qualified and interested in serving on this Board because:

I have experience on the Planning & Zoning Commission, and have interest in land use issues & economic development of the Bisbee Communities

Have you ever been convicted of a felony or misdemeanor by any court or do you have any pending criminal charges against you? Yes No **If yes, please Explain:** _____

WAIVER REQUEST (If Applicable):

I am requesting that the following rule(s) be waived in order to serve on the Commission:

- Residency Requirement (Bisbee Resident for less than 1 year)
- Length of Service (I have served 3 terms)
- Number of Commission Memberships currently served. I also serve on the: _____

I am requesting this/these waivers for the following reasons for consideration:

Continue liaison between P+Z Commission & Board of Adjustment.

I hereby certify and affirm that all the information contained in this application is true, complete and correct. I understand that false or misleading statements or the omission of important information made on this application or any time during the process may disqualify me from volunteer work with the City of Bisbee. I understand that the Mayor and Members of the Council must approve any waiver request.

Signature: _____ Date: 6/30/11

When complete, please return to:

City Clerk Office 118 Arizona Street Bisbee, Arizona 85603 Fax 520.432.6069 E-mail: gpgonzalez@cityofbisbee.com
acoronado@cityofbisbee.com



AGENDA ITEM NUMBER 2e

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: June 30, 2011	TYPE OF ACTION: <input type="checkbox"/> RESOLUTION	SUBJECT: DISCUSSION AND POSSIBLE APPROVAL TO APPOINT CLARK HAY TO THE POLICE & FIRE ADVISORY COMMITTEE (PFAC) AND WAIVE THE LENGTH OF SERVICE ON THE COMMITTEE.
DATE ACTION REQUESTED: July 5, 2011	<input type="checkbox"/> ORDINANCE	
<input type="checkbox"/> REGULAR <input checked="" type="checkbox"/> CONSENT	<input checked="" type="checkbox"/> FORMAL ACTION	
OTHER:		

TO: Mayor and Council

FROM: Gloria P. Gonzalez, City Clerk

RECOMMENDATION: Approve appointment

PROPOSED MOTION: I move to approve the appointment of Clark Hay to the PFAC and Waive the Length of Service on the Committee.

DISCUSSION:

Mr. Hay has submitted his application to continue to serve on the PFAC. Mr. Hay has served on the PFAC since 2007, and has requested that Council waive his length of service on the Committee. If approved, Mr. Hay will serve on the Committee for an additional two-year term.

FISCAL IMPACT: \$

DEPARTMENT LINE ITEM ACCOUNT:

BALANCE IN LINE ITEM IF APPROVED:

Prepared by: Gloria P. Gonzalez Reviewed by: W.J. Porter
 Gloria P. Gonzalez, City Clerk W.J. Porter, Mayor



BOARD / COMMISSION MEMBERSHIP APPLICATION

PLEASE PRINT CLEARLY IN INK OR TYPE

Date of Application: 21 June 2011

Board interested to serve:

- Airport Advisory Committee
- Board of Appeals
- Committee on Disability Issues
- Evergreen Cemetery Committee
- Municipal Property Corporation
- Police and Fire Advisory Committee
- Transit Advisory Committee
- Bisbee Arts Commission
- Charter Review Committee
- Design Review Board
- Judicial Selection Committee
- Parks and Recreation Committee
- Public Safety Retirement Board
- Youth Council
- Board of Adjustment
- Civil Service Commission
- Employee Council
- Library Advisory Board
- Planning and Zoning Commission
- Streets and Infrastructure Committee

<u>Hay</u>	<u>Clark</u>	<u>M</u>
Last Name	First Name	Middle Initial

<u>511 Arizona Street</u>	<u>Bisbee</u>	<u>AZ</u>	<u>85603</u>
Mailing Address	Number	Street	City

Residential Street Address: same

Telephone Number(s): 520-432-3259 520-266-1495 (cell)

Email Address: pamhay@earthlink.net

* I have been a resident of Bisbee for 15 years * Are you currently on any Boards? Yes,DRB
* (Less than one-year residency or serve on more than one City of Bisbee Board or Commission, please complete Waiver Portion of this Form)

Please provide a brief summary of Education and Employment Experience (Employer, Job Titles, Dates

Employed): Retired Graduate of Bisbee High School and University of Arizona.

Please provide a brief summary of Civic/Volunteer Experience: Former President of Bisbee Chamber of Commerce. Three years as Director of Bisbee Senior Center. Ten years on DRB.

Other Background Information Relevant to Serving in this Position:

I am qualified and interested in serving on this Board because:

I have been doing it for several
years

Have you ever been convicted of a felony or misdemeanor by any court or do you have any pending criminal charges against you? Yes No If yes, please Explain:

WAIVER REQUEST (If Applicable):

I am requesting that the following rule(s) be waived in order to serve on the Commission:

- Residency Requirement (Bisbee Resident for less than 1 year)
- Length of Service (I have served terms)
- x Number of Commission Memberships currently served. I also serve on the:
 DRB

I am requesting this/these waivers for the following reasons for consideration:

I am retired and have enough time to easily handle both obligations

I hereby certify and affirm that all the information contained in this application is true, complete and correct. I understand that false or misleading statements or the omission of important information made on this application or any time during the process may disqualify me from volunteer work with the City of Bisbee. I understand that the Mayor and Members of the Council must approve any waiver request.

Signature: Clark M Hay **Date:** 21 June 2011

When complete, please return to:

City Clerk Office 118 Arizona Street Bisbee, Arizona 85603 Fax 520.432.6069 E-mail: gpgonzalez@cityofbisbee.com
acoronado@cityofbisbee.com



AGENDA ITEM NUMBER 2f

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: June 29, 2011	TYPE OF ACTION: <u> </u> RESOLUTION <u> </u> ORDINANCE <u> X </u> FORMAL ACTION <u> </u> OTHER:	SUBJECT: DISCUSSION AND POSSIBLE APPROVAL OF A PARK, FACILITY, AND RIGHT-OF-WAY USE PERMIT FOR THE USE OF PARKING SPACES ALONG THE WARREN BALLPARK ON BOTH SIDES OF RUPPE AVE ON THURSDAY, SEPTEMBER 15, 2011 AT 10AM UNTIL SUNDAY, SEPTEMBER 18, 2011 AT 2PM.
DATE ACTION REQUESTED: July 5, 2011		
<u> </u> REGULAR <u> </u> X <u> </u> CONSENT		

TO: Mayor and Council
FROM: Thomas Klimek, Public Works Director/ City Engineer
RECOMMENDATION: Approve the Park, Facility, and Right-of-Way Use Permit for the use of parking spaces along the Warren Ballpark on both sides of Ruppe Ave. on Thursday, September 15, 2011 at 10am until Sunday, September 18, 2011 at 2pm.
PROPOSED MOTION: I move to approve the Park, Facility, and Right-of-Way Use Permit for the use of parking spaces along the Warren Ballpark on both sides of Ruppe Ave. on Thursday, September 15, 2011 at 10am until Sunday, September 18, 2011 at 2pm.

DISCUSSION: Paul Orlando of Cherry Creek Radio is requesting to reserve public parking spaces on Ruppe Ave along the North side of the Warren Ballpark for the annual Blues Festival event. He is requesting permission to block all parking on both sides of the street from 10am on Thursday, September 15, 2011 until Sunday, September 18, 2011 at 2pm. He is also requesting 8 "No Parking" signs and 10 "A" frame barricades to be dropped off at the event location. He has submitted the Permit Fee of \$50, the barricade fee of \$57, and the \$50 refundable deposit. No insurance is required.

FISCAL IMPACT: \$50 park permit, \$57 barricade fee
DEPARTMENT LINE ITEM ACCOUNT: 10-34-10880
BALANCE IN LINE ITEM IF APPROVED:

Prepared by: Caroline Gonzales
Caroline Gonzales, Events & Recreation Coordinator

Reviewed by: Stephen J. Pauken
Stephen J. Pauken, City Manager

Permit No.
23-11

CITY OF BISBEE
PARK, FACILITY AND RIGHT-OF-WAY USE PERMIT
(This permit must be approved by City Council and/or by Parks staff prior to the event)

Permit must be submitted to and approved by the City Council prior to the event. City Council meetings are the first and third Tuesday of each month. **Please note:** your permit application must be submitted to the Public Works / Parks & Recreation Department at least four weeks prior to the next scheduled City Council meeting (before your scheduled event) in order for it to be on the City Council's meeting agenda. If the applicant is proposing to sell liquor at the proposed event, the applicant should allow an additional 10 days for processing of the required State "Special Liquor License." **Also:** As per section 11.2.9 paragraph G - "All permittees shall be responsible for returning the park, recreational facility or public right-of-way to the same condition in which it existed upon issuance of the permit. If this responsibility is not met, the permittee will be charged at a rate set forth by the City staff and approved by the Mayor and Council".

Refer to Section 11.2.9 - "Park and Facility Use" of the City Code for requirements regarding use of City parks and facilities (a copy of the City Code is available at www.cityofbisbee.com, City Hall, or the Copper Queen Library)

If you have any questions regarding this permit application, please contact Caroline Gonzales, Public Works at 432-6004 or cgonzales@cityofbisbee.com

APPLICANT INFORMATION

- 1). Applicant Name: PAUL ORLANDO Date: 5/30/2011
- 2). Organization Name: CHERRY CREEK RADIO
- 3). Mailing Address: PO BOX 2770 SIERRA VISTA AZ 85636
- Phone #: 458-4313 Contact name and phone # during event PAUL ORLANDO 456-6805
CYNTHIA CONROY - 266-0401
- 4). Name and complete description of activity planned (attached separate letter to include breakdown of event activities and details if more than one activity or if more space is needed).
BISBEE BLUES FESTIVAL WHICH WILL INCLUDE MUSIC, FOOD and VENDORS
- 5). Approximate Number of Participants and/or Spectators: 3500
- 6). Requested Location of Event: WARREN BALLPARK
- 7). Date(s) of Event: 9/17/2011
- 8). Hours of Event: NOON - 8 PM
- (9) Hours of Reservation (with set-up and breakdown) THURS 9/15 10AM - Sun 9/18 7PM
- 10). Request Consumption of Alcohol: Yes No
- 11). Request Sales of Alcohol: Yes No

Special Event Liquor License Applied for Ballpark itself.

SERVICES REQUESTED FROM THE CITY OF BISBEE

(Provide letter with all services that are needed with details of times and locations. City may require services depending on nature of event) See attached service rate sheet.

\$ n/a General Electricity access \$10, Band Shell Access \$50: for _____

\$ n/a Water access \$10: for _____

\$ ~~n/a~~ Beer Permit (non-commercial permits only) \$10

\$ n/a Police (escorts, security, road closures, redirecting of traffic): for _____

\$ 32 Park/Public Works staff (example: posting closures of streets/parking, access to facility/band shell/restrooms, etc):

EIGHT NO PARKING SIGNS - DROP OFF - @ \$150 EACH = \$1200
TEN A-FRAME BARRICADES - DROP OFF - @ \$20 EACH = \$200

\$ 25 Other - any additional requests made by applicant or any other conditions set by the City Council, City Code, ordinance or resolution.

plus \$25 for barricade deposit

CONDITIONS APPLICANT MUST MEET THAT ARE REQUIRED BY THE CITY OF BISBEE:

- \$25 non-commercial or \$50 commercial permit fee paid before permit is processed.
- \$50.00 refundable deposit paid before permit is processed (if a check is issued, must be written separately from other charges) This deposit will be refunded at the completion of the event, provided that the facility has been left in the same, or better, condition as it was at the start of the event. The City will deduct from this deposit any expenses that may be incurred for cleaning or repairing the facility following the event prior to refunding any remaining balance.
- Fees for above service requests in the amount of \$ ~~425~~ 225 before permit is processed or event can take place.
- Business License / Special Event License Fee of \$32.50 paid before permit is processed- where there is a promoter sub-letting booth space to vendors, the promoter will pay a fee of \$32.50. and \$4.00 per vendor per day. The promoter is required to supply a list of vendors which describes the items or service the vendor will be selling and pay all applicable fees prior to the event. Sales tax on all items sold at the City rate will be collected by the City for all sales made by the promoter and all vendors via their State tax forms. VENDORS NOT ON CITY PROPERTY
- Vendor Fee of \$4.00 per vendor, per day (must be submitted prior to the event).
- Certificate of insurance required showing City of Bisbee as additional insured - \$1,000,000 minimum for high risk functions.
- County Health Department Food Permit must be attached if serving food or having food vendors. The Health Department can be contacted at 520- 432-9472 for more information (This is not a food handler's certificate)
- Special Event Liquor License Application submitted to the City Clerks office- required in order to serve or sell liquor from the State of Arizona (Department of Liquor Licenses & Control, Tucson office). The sale of or consumption of alcoholic beverages must be approved by the City Council.
- Copy of flyers or promotional material associated with this event.

APPLICANT CERTIFICATION:

ANY PERSON VIOLATING ANY PROVISION OF THIS ARTICLE SHALL BE GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHABLE BY A FINE OF NOT LESS THEN FIFTY DOLLARS NO MORE THAN FIVE HUNDRED DOLLARS.

I, Paul Oriando, certify that I am authorized to sign this agreement and agree to abide by the conditions set forth herein and in the City Code.

Paul Oriando
Signature of Applicant/Authorized Party

5/25/11
Date

HOLD HARMLESS AGREEMENT

Please print or type:

In consideration of any services rendered and the use of the City of Bisbee facilities or Right-of-Way during the (print event) BLUES FESTIVAL event the period from (date & time)

9/17/2011 to 9/17/2011, the permittee PAUL ORLANDO agrees to the following:

1. That the permittee shall defend, indemnify and save harmless the City of Bisbee, its officers, employees, agents and representatives from and against all losses, claims, demands, payments, suits, actions, recoveries and judgments of every nature and description arising by reason of any act or omission of the permittee, his agent(s), employees or participants during the event or in consequence of any negligence or carelessness regarding the same.

If Permittee is required to provide insurance:

2. The Permittee's insurance shall be primary.
3. The City of Bisbee shall be named as an additional insured on the permittee's liability insurance coverage for the referenced event, and the Hold Harmless Agreement be endorsed onto said insurance policy.
4. Said liability insurance shall be in an amount no less than \$1,000,000.00 per occurrence.
5. Said insurance shall not be canceled or expire during the term of the event unless a minimum of ten (10) days written notice is given to the Finance Director of the City of Bisbee.

Paul Orlando
Signature of Permittee or Authorized Representative

PAUL ORLANDO
Print Name

5/25/11
Date

COUNCIL ACTION:		
Recommended to:	Approve: _____	Deny: _____
With conditions as noted: _____		

_____	_____	_____
Mayor's Signature		Date

SATURDAY
SEPTEMBER 17, 2011

WARREN BALLPARK


Budweiser
PRESENTS

**BISBEE
BLUES
FESTIVAL
★ 2011 ★**

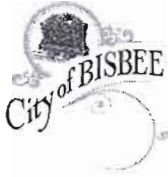
COCO MONTOYA

**BIG DADDY D
AND THE DYNAMITES**

BRYAN DEAN TRIO

TRAIN WRECK

thebisbeeb bluesfestival.com



AGENDA ITEM NUMBER 29

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: June 30, 2011	TYPE OF ACTION: <u> </u> RESOLUTION	SUBJECT: DISCUSSION AND POSSIBLE APPROVAL OF THE SPECIAL EVENT LICENSE APPLICATION SUBMITTED BY SAVE OUR STAIRS, INC., TO AUTHORIZE THE SALE OF ALCOHOLIC BEVERAGES AT THE BISBEE BLUES FESTIVAL IN THE WARREN BALL PARK AS A FUNDRAISER ON SATURDAY, SEPTEMBER 17, 2011, FROM 11AM TO 9PM; CYNTHIA CONROY, APPLICANT.
DATE ACTION REQUESTED: July 5, 2011	<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, City Clerk
RECOMMENDATION: Recommend Approval of Application for Special Event License
PROPOSED MOTION: I move to approve the Special Event License Application submitted by Save our Stairs, Inc., to authorize the sale of alcoholic beverages at the Bisbee Blues Festival in the Warren Ball Park as a Fundraiser on Saturday, September 17, 2011, from 11AM to 9PM; Cynthia Conroy, Applicant.

DISCUSSION: Cynthia Conroy, applicant, Save Our Stairs, Inc., has requested approval of a Special Event License Application to authorize the sale of alcoholic beverages at the Bisbee Blues Festival to be held in the Warren Ball Park located on Ruppe and Arizona Street, on Saturday, September 17, 2011 from 11am to 9pm.

Security measures will consist of 20 Security Personnel to consist of Arizona Rangers and Volunteer Security. The event will take place in a fenced area.

FISCAL IMPACT: No Impact
DEPARTMENT LINE ITEM ACCOUNT:
BALANCE IN LINE ITEM IF APPROVED: Not Applicable

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

State of Arizona Department of Liquor Licenses and Control
 800 W. Washington, 5th Floor
 Phoenix, AZ 85007
 www.azliquor.gov
 (602)542-5141

APPLICATION FOR SPECIAL EVENT LICENSE

Fee = \$25.00 per day for 1-10 day events only
 A service fee of \$25.00 will be charged for all dishonored checks (A.R.S. § 44-6852)

NOTE: THIS DOCUMENT MUST BE FULLY COMPLETED OR IT WILL BE RETURNED.
 PLEASE ALLOW 10 BUSINESS DAYS FOR APPROVAL

****Application must be approved by local government before submission to Department of Liquor Licenses and Control. (Section #20)**

DLLC USE ONLY
LICENSE #

1. Name of Organization: SAOE OUR STAIRS INC

2. Non-Profit/I.R.S. Tax Exempt Number: 86-0713130

3. The organization is a: (check one box only)

- Charitable Fraternal (must have regular membership and in existence for over 5 years)
 Civic Political Party, Ballot Measure, or Campaign Committee
 Religious

4. What is the purpose of this event? Entertainment

5. Location of the event: CORNER ARIZONA ST + RUPPE RD BISBEE AZ 85603
Address of physical location (Not P.O. Box) City County Zip

Applicant must be a member of the qualifying organization and authorized by an Officer, Director or Chairperson of the Organization named in Question #1. (Signature required in section #18)

6. Applicant: CYNTHIA ANN CONROY 4-29-1947
Last First Middle Date of Birth

7. Applicant's Mailing Address: 608 SHATTUCK ST BISBEE AZ 85603
Street City State Zip

8. Phone Numbers: (520) 432-5381 (520) 266-0401 (520) 432-1585
Site Owner # Applicant's Business # Applicant's Home #

9. Date(s) & Hours of Event:

	Date	Day of Week	Hours from A.M./P.M.	To A.M./P.M.
Day 1:	<u>SEPT 17, 2011</u>	<u>SATURDAY</u>	<u>11AM</u>	<u>9PM</u>
Day 2:	_____	_____	_____	_____
Day 3:	_____	_____	_____	_____
Day 4:	_____	_____	_____	_____
Day 5:	_____	_____	_____	_____
Day 6:	_____	_____	_____	_____
Day 7:	_____	_____	_____	_____
Day 8:	_____	_____	_____	_____
Day 9:	_____	_____	_____	_____
Day 10:	_____	_____	_____	_____

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 0 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 Save Our Stairs Inc. 25%
Percentage

Address PO Box 1099 Bisbee AZ 85603

Name CHERRY CREEK RADIO 75%
Percentage

Address PO Box 2770 Sierra Vista AZ 85636
(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
20 # Security personnel Barriers

WE will be using ARIZONA RANGERS AS WELL
AS VOLUNTEER SECURITY

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)

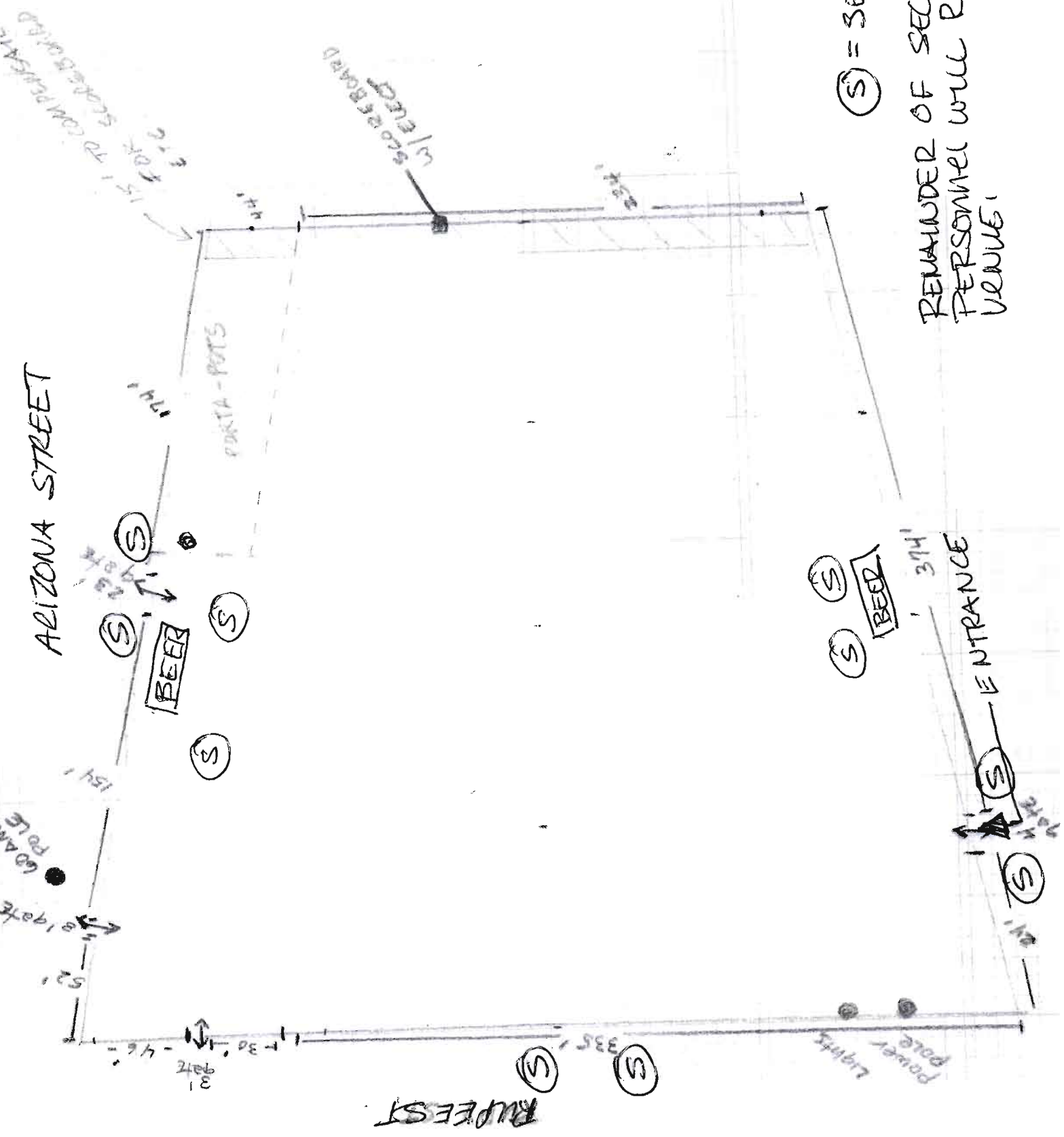
Special Event Diagram: (Show dimensions, serving areas, and label type of enclosure and security positions)
NOTE: Show nearest cross streets, highway, or road if location doesn't have an address.

SEE ATTACHED

N↑

ARIZONA STREET

RUPES ST



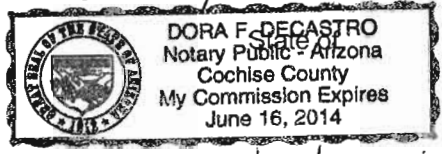
(S) = SECURITY

REMAINDER OF SECURITY PERSONNEL WILL ROAM VENUE!

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

18. I, Cynthia Ann Conroy 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 C Conroy (Signature) President (Title/Position) 5-24-2011 (Date) (520) 266-090 (Phone #)



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

24th Day May Month 2011 Year

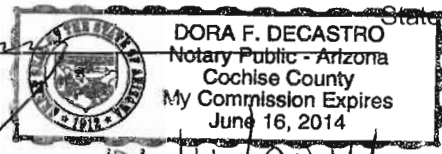
My Commission expires on: 06/16/2014 (Date)

Dora F Decastro (Signature of NOTARY PUBLIC)

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

19. I, Cynthia Ann Conroy 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 C Conroy (Signature) State of Arizona County of Cochise
The foregoing instrument was acknowledged before me this



24th Day May Month 2011 Year

My commission expires on: 06/16/2014 (Date)

Dora F Decastro (Signature of NOTARY PUBLIC)

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, _____ (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)

SERIES: 15 SPECIAL EVENT LICENSE (Temporary)

**Non-transferable
On-sale retail privileges**

PURPOSE:

Allows a charitable, civic, fraternal, political or religious organization to sell and serve spirituous liquor for consumption only on the premises where the spirituous liquor is sold, and only for the period authorized on the license. This is a temporary license.

ADDITIONAL RIGHTS AND RESPONSIBILITIES:

The applicant for a special event license must request a special event application from the Department and file the application with the governing body of the city or town, or Board of Supervisors of an unincorporated area of a county (where the special event is to take place) for approval or disapproval. Some local governing bodies may require approximately 60 days prior notice.

If the application is approved by the local authority, and the event meets the requirements for granting the license, the Director will issue a special event license to the qualifying organization.

Qualifying organizations will be granted a special event license for no more than ten (10) days in a calendar year. Events must be held on consecutive days and at the same location or additional licenses will be required. The license is automatically terminated upon closing of the last day of the event or the expiration of the license, whichever occurs first.

The qualified organization must receive at least twenty-five percent (25 %) of the gross revenues of the special event liquor sales.

A person selling spirituous liquor under a special event license must purchase the spirituous liquor from the holder of a license authorized to sell off-sale; *except that*, in the case of a non-profit organization which has obtained a special event license for the purpose of charitable fund raising activities, a person may receive the spirituous liquor from a wholesaler as a donation.

AVERAGE APPROVAL TIME: One (1) to seven (7) days.

PERIOD OF ISSUANCE:

Issued for no more than a cumulative total of ten (10) days in a calendar year. A special event may be held for more than one (1) day, but it must be held on consecutive days and at the same location or additional licenses will be required.

FEES: \$25.00 per day.

ARIZONA STATUTES AND REGULATIONS:

ARS 4-203.02, 4-244, 4-261; Rule R19-1-228, R19-1-235, R19-1-309.

Disabled individuals requiring special accommodations please call (602) 542-9027



AGENDA ITEM NUMBER 2h

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: June 28, 2011	TYPE OF ACTION: <u> </u> RESOLUTION	SUBJECT: DISCUSSION AND POSSIBLE APPROVAL OF AN EXTENSION OF PREMISES APPLICATION SUBMITTED BY THE OLD BISBEE BREWING CO. LLC, 200 REVIEW ALLEY, BISBEE, AZ AS A PERMANENT CHANGE OF AREA OF SERVICE; VICTOR H. WINQUIST, APPLICANT.
DATE ACTION REQUESTED: July 5, 2011	<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, City Clerk

RECOMMENDATION: Approval of the Extension of Premises.

PROPOSED MOTION: I move to approve the Extension of Premises Application submitted by the Old Bisbee Brewing Co. LLC located at 200 Review Alley, Bisbee, AZ as a Permanent Change of Area of Service; Victor H. Winquist, Applicant.

DISCUSSION: Mr. Winquist has submitted a request for an Extension of Premises/Patio Permit as a permanent change of area of service for the Old Bisbee Brewing Co., LLC. Mr. Winquist has indicated that the security precautions to be taken for the prevention of liquor violations are as follows: 1) only entrance through currently approved area; 2) the area is completely secured with fencing; and 3) there will be camera surveillance of the total area.

FISCAL IMPACT: None

DEPARTMENT LINE ITEM ACCOUNT:

BALANCE IN LINE ITEM IF APPROVED:

Prepared by: Gloria P. Gonzalez
Gloria P. Gonzalez, City Clerk

Reviewed by: Stephen J. Panken
Stephen J. Panken, City Manager

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix AZ 85007-2934
www.azliquor.gov
(602) 542-5141

APPLICATION FOR EXTENSION OF PREMISES/PATIO PERMIT

THIS APPLICATION MUST BE RETURNED TO THE DEPARTMENT OF LIQUOR

Permanent change of area of service - Give specific purpose of change: SECURED PATIO AREA (SEE ATTACHED DRAWING) TO BE ADDED TO CURRENT AREA OF SERVICE
Temporary change for date(s) of:

- 1. Licensee's Name: WINQUIST VICTOR HOLMBOE
2. Mailing Address: P.O. BOX 1594, BISBEE, AZ 85603
3. Business Name: OLD BISBEE BREWING CO. LLC LICENSE #: 03
4. Business Address: 200 REVIEW ALLEY, BISBEE, COCHISE, AZ 85603
5. Business Phone: (520) 432-2739 Residence Phone: (602) 622-1692
6. Do you understand Arizona Liquor Laws and Regulations? YES
7. Have you received approved Liquor Law Training? YES When? 1/21/11
8. What security precautions will be taken to prevent liquor violations in the extended area? (1) ONLY ENTRANCE THROUGH CURRENTLY APPROVED AREA, (2) COMPLETELY SECURED WITH FENCING, (3) CAMERA SURVEILLANCE OF TOTAL AREA
9. Does this extension bring your premises within 300 feet of a church or school? NO
10. IMPORTANT: ATTACH THE REVISED FLOOR PLAN CLEARLY DEPICTING YOUR LICENSED PREMISES AND WHAT YOU PROPOSE TO ADD.

After completing sections 1-9, take this application to your local Board of Supervisors, City Council or Designate for their recommendation. This recommendation is not binding on the Department of Liquor.

This change in premises is RECOMMENDED by the local Board of Supervisors, City Council or Designate:

(Authorized Signature)

(Title)

(Agency)

I, VICTOR HOLMBOE WINQUIST, being first duly sworn upon oath, hereby depose, swear and declare, under penalty of perjury, that I am the APPLICANT making the foregoing application. I have read this application and the contents and all statements are true, correct and complete.

Victor Holmboe Winquist
(Signature of Owner or Agent)

State of AZ County of COCHISE
SUBSCRIBED IN MY PRESENCE AND SWORN TO before me this 7th Day of June, 2014
Notary Public - Arizona Cochise County My Commission Expires May 9, 2014

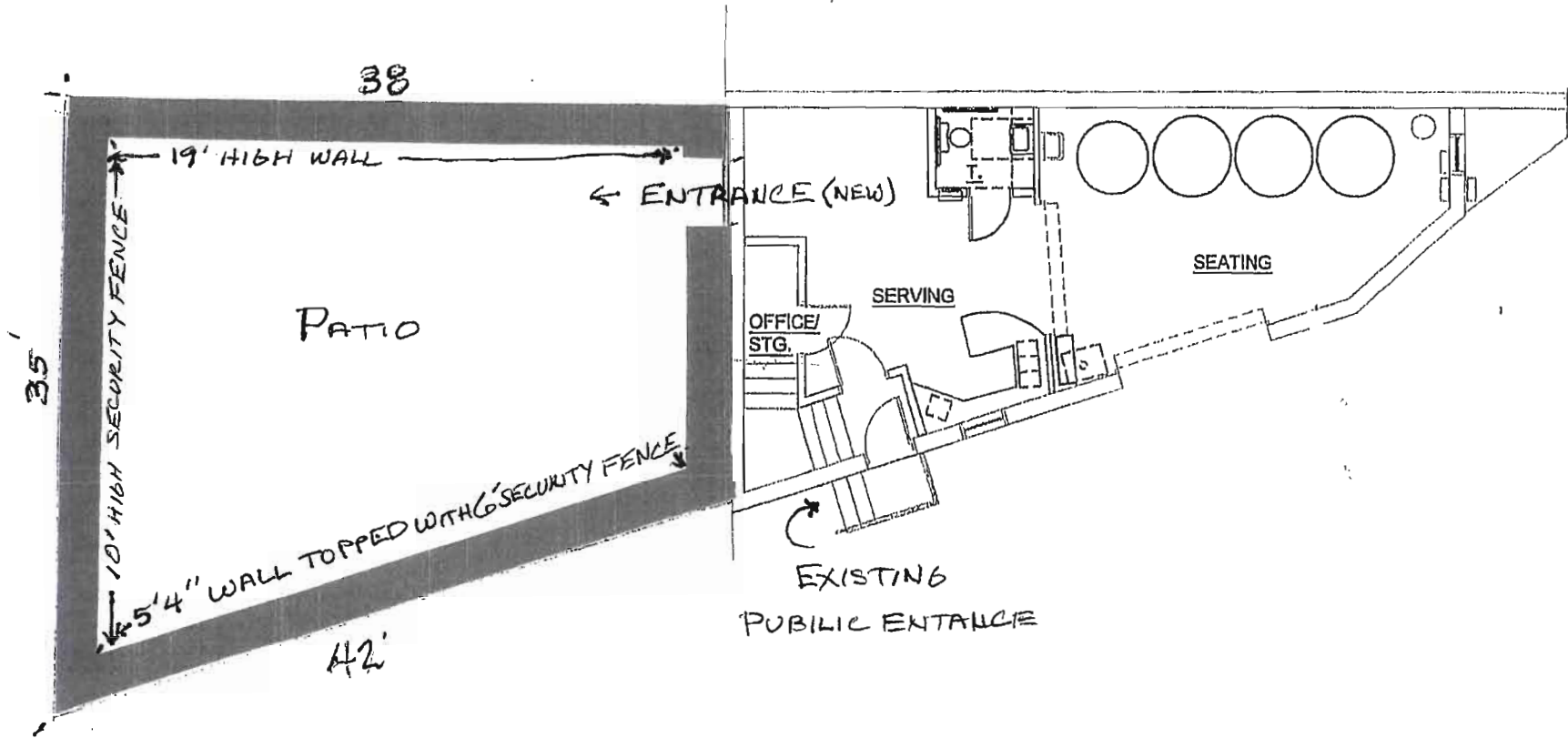
My commission expires on: MAY 5, 2014

(Signature of NOTARY PUBLIC)

Investigation Recommendation Approval Disapproval by: Date:

Director Signature required for Disapprovals Date:

OLD BISBEE BREWING COMPANY PATIO ADDITION





REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: June 29, 2011	TYPE OF ACTION: <input type="checkbox"/> RESOLUTION	SUBJECT: PUBLIC HEARING TO GATHER CITIZEN INPUT REGARDING THE USE OF COLONIA CDBG FUNDS IN THE BAKERVILLE AND TINTOWN NEIGHBORHOODS
DATE ACTION REQUESTED: July 5, 2011	<input type="checkbox"/> ORDINANCE	
<input checked="" type="checkbox"/> REGULAR <input type="checkbox"/> CONSENT	<input type="checkbox"/> FORMAL ACTION <input checked="" type="checkbox"/> OTHER: Public Hearing	

TO: Mayor and Council

FROM: John Charley, Community Development Director

RECOMMENDATION:

PROPOSED MOTION: Discussion only

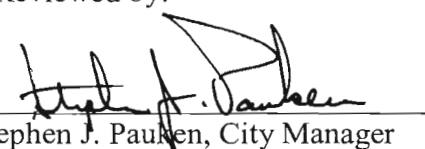
The City of Bisbee is intending to apply for up to 2.4 million dollars in federal Community Development Block Grant (CDBG) funds from the Arizona Department of Housing set aside specifically for Colonias'. Colonia CDBG funds must be used to benefit low-income persons and areas, alleviate slum and blight, or address urgent need within a designated Colonia neighborhood. In Bisbee, those neighborhoods are Bakerville and Tin Town only. Projects that can use these funds include public infrastructure (wastewater/sewer) and housing rehabilitation (owner occupied or full replacement). Two public hearings were scheduled to gather citizen input on the use of these funds. The first public hearing was held on Monday, June 27 2011.

FISCAL IMPACT:
DEPARTMENT LINE ITEM ACCOUNT:
BALANCE IN LINE ITEM IF APPROVED:

Prepared by:


John Charley, Community Development Director

Reviewed by:


Stephen J. Pauken, City Manager



JANICE K. BREWER
Governor

MICHAEL TRAILOR
Director

STATE OF ARIZONA
DEPARTMENT OF HOUSING

1110 WEST WASHINGTON, SUITE 310
PHOENIX, ARIZONA 85007

(602) 771-1000 WWW.AZHOUSING.GOV
FAX: (602) 771-1002

March 1, 2011

ATTN: Colonias Contacts
State of Arizona
Via e-mail

Dear Community Partner:

The State of Arizona Department of Housing is undertaking a process to recertify Arizona Colonias to ensure that they comply with the legislation and recently issued HUD guidance (CPD notice CPD-11- 001). As you may know, the State is required to set aside 10% of its CDBG funds for projects assisting Colonias with high priority needs. We need to complete the recertification process prior to allocating the 2011 CDBG Colonias set-aside funds.

You have been identified as the contact person for recertification of one or more Colonia, as indicated on the attached list. Please notify us if someone else will be handling the process.

To recertify a Colonia, please submit documentation of its eligibility to receive CDBG set aside funds by *March 25, 2011*. Complete the attached form, and attach the necessary documentation to establish basic eligibility and extent of need. Please note that we have provided examples of acceptable documentation, but other documentation may also be acceptable. The State is required to allocate funding based on the highest need, so carefully completing the form and documenting need will impact funding priorities. Should all supporting documentation not be completed by the deadline, please submit at a minimum the completed form, with a description of the documentation that will follow. Extension requests to complete the documentation will be considered.

To assist you, a guide to assessing housing quality is attached.

The State has contracted with the University of Arizona Drachman Institute to assist in this process. A representative from Drachman will be contacting you within two weeks to set up an appointment for a site visit. During the site visit, they will verify site conditions, and provide technical

assistance as required. If you have any questions, please contact Noel Schaus at 602-771-1024 or Noel.Schaus@azhousing.gov.

We appreciate your cooperation in this effort. The Colonias program is important, and this will allow us to continue to support these communities.

Sincerely,



Katherine E. Blodgett
CD&R Programs Administrator

Attachments:

- Colonia Contact List
- Colonia Certification Form
- Housing Assessment Guide



City of Bisbee Community Development Department

John Charley, Community Development Director

118 Arizona Street, Bisbee, Arizona 85603
P 520.432.6269 F 520.432.6272
jcharley@cityofbisbee.com

MEMORANDUM

To: Mayor and Council
From: John Charley, Community Development Director
Subject: Colonia CDBG Funding. Public Hearing
Date: June 29, 2011
Agenda Item

In response to the State Department of Housing request for recertification of Colonia status (see attached letter from Katherine Blodgett) the City of Bisbee submitted the Bakerville and Tintown neighborhoods for consideration. Both of these neighborhoods were chosen based on existing substandard housing, and wastewater infrastructure.

After a review by the Department of Housing both Bakerville and Tintown have received the Colonia certification. The City is now on a very tight schedule to gather public input, produce a windshield survey of housing conditions in both neighborhoods, adopt resolutions of support and associated housing rehabilitations guidelines.

SEAGO has suggested the following timeline for proper submittal of the application:

June 9: publish and post the attached P2 display ad. Post in the 2 Colonia neighborhoods as well as the places you posted the Bakerville P2. John, add the new addresses to your posting list.

June 15: SEAGO deadline to provide the City with draft Housing Rehab Guidelines (HRG). In my recent phone conversation with Kathy Blodgett at ADOH, she indicated that in her view, many of the houses in Tin Town would need full replacement. ADOH and HUD do not want to see just emergency (\$15,000) repairs with these funds. So, there will be the need to set up a 0%, forgivable loan with homeowners through a promissory note, and release that note in 5-10 years, depending on the amount of funds spent on the house. I know Mr. Pauken had expressed doubt about that type of program, but that's the way it appears we need to do it. SEAGO will manage the program for the City under our administrative duties. Otherwise, the guidelines can be quite flexible. Usually they are approved ahead of time by ADOH, but apparently ADOH will ask the City to revise their HRG if they see anything they don't like after the application is submitted. Bob could be paid from the grant to be the rehab specialist (to inspect homes and come up with a scope of work to bid for each house and cost estimates). SEAGO could do the rest of the rehab specialist's work, but we don't have the skills to inspect or write specifications. Things to think about: stick built or manufactured? Is there clear title for the homes? How many houses? Could neighborhood group gather a list of interested homeowners and addresses, find out what's rented, do preliminary title searches? (an official one will be required later, grant will pay Pioneer but only if ordered after under contract with ADOH)

June 27: hold first public meeting. Minutes and a list of all potential projects mention must be included in the application. Really try to get people to show up.

July 1: deadline for City revisions to HRG back to me, including inserting required energy efficiency policies and procedures that perhaps Bob can write up (for both rehab and replacement).

July 5: hold second public hearing, keep minutes, list, as before

July 14: publish and post the attached P4. Revise what is in red after the hearings, list all ideas.

July 21: deadline for me to supply City with draft resolutions and final HRG. City to provide me with detailed cost estimates for various types of rehab (ie; new energy efficient water heater) and for full replacement for the application. Bob to do letter as backup re local costs, justification of the cost estimates. City to provide completed housing survey

(John, I'm trying to get a spreadsheet together in the next few days for you to use). Will also need photos of Tin Town houses, the list of interested homeowners and a map with street names by this date.

August 2: Council meeting to adopt resolutions and HRG.

August 11: all staff to meet to review draft application and discuss, set remaining schedule.

August 31: application deadline to ADOH, 4 pm



AGENDA ITEM NUMBER 4

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: June 27, 2011	TYPE OF ACTION: <u> </u> RESOLUTION	SUBJECT: DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE O-11-11, ADDING ARTICLE 8.7, HISTORIC DISTRICT TEMPORARY EXEMPTION TO THE CITY OF BISBEE ZONING CODE AND PROVIDING FOR REPEAL AND SEVERABILITY
DATE ACTION REQUESTED: July 5, 2011	<u>X</u> ORDINANCE	
<u>X</u> REGULAR <u> </u> CONSENT	<u> </u> FORMAL ACTION <u> </u> OTHER:	

TO: Mayor and Council
FROM: John Charley, Community Development Director
RECOMMENDATION: Approve
MOTION: I move that we approve Ordinance O-11-11, adding Article 8.7, Historic District Temporary Exemption to the City of Bisbee Zoning Code and providing for repeal and severability.

DISCUSSION: In an effort to promote economic development and recognizing the unique land use challenges found in the Bisbee Historic District city staff is proposing a two year suspension of the minimum parking requirements for existing commercial and commercial mixed zoned structures and their associated lots. Off street parking currently maintained by an existing building or use shall be maintained. On June 21, 2011 the Mayor and Council held a public hearing regarding the adoption of this ordinance and subsequently approved the notice of intent to adopt.

FISCAL IMPACT: NA
DEPARTMENT LINE ITEM ACCOUNT:
BALANCE IN LINE ITEM IF APPROVED: NA

Prepared by:
John Charley, Community Development Director

Reviewed by:
Stephen J. Pauken, City Manager

ORDINANCE O-11-11

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, AMENDING THE ZONING CODE OF THE CITY OF BISBEE BY ADDING ARTICLE 8.7, HISTORIC DISTRICT TEMPORARY EXEMPTION, AND PROVIDING FOR SEVERABILITY.

WHEREAS, the problem of meeting contemporary parking standards within an historic district, built prior to the era of the automobile, has continued to pose challenges for those who have sought to develop viable businesses in this area; and

WHEREAS, in the current economic environment, there is little possibility of funding any larger parking structure or facility which might serve all of the historic district parking needs; and

WHEREAS, the Planning and Zoning Commission has held several public meetings on this issue and has recommended that the Mayor and Council adopt a temporary exemption of certain parking requirements, as applicable to certain commercial and associated residential development within the area of the Bisbee Historic Preservation Overlay Zone, as a means of determining what effect this will have on the use of this area; and

WHEREAS, it is in the best interests of this community to determine by actual experience whether a short-term exemption of certain parking requirements will have either a positive or negative impact upon this community,

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bisbee as follows:

Section 1: That the Zoning Code of the City of Bisbee is hereby amended by the addition of Article 8.7, Historic District Temporary Exemption, as stated in the attached Exhibit A, which is incorporated herein by reference.

Section 2: Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions.

PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Bisbee, this ____ day of _____, 2011.

APPROVED:

W.J. Porter, Mayor

ATTEST:

Gloria P. Gonzalez, City Clerk

APPROVED AS TO FORM:

John A. MacKinnon, City Attorney

EXHIBIT A

AMENDMENT TO THE ZONING CODE OF THE CITY OF BISBEE

New language

{Deleted language}

8.7 Historic District Temporary Exemption.

Within the Bisbee Historic Preservation Overlay Zone, for all alterations, additions, extensions or enlargements of existing structures and associated improvements for commercial development and for residential development within an existing CM zoned structure, for which a building permit for construction is issued during the period from July 1, 2011, to June 30, 2013, the parking requirements of Article 8.1 of this Zoning Code shall not be applicable. No additional parking spaces shall be required by this Article in connection with any such construction, enlargement or renovation or the subsequent use of that commercial space for the uses specifically designated in any such building permit. Off-street parking currently being maintained in connection with any existing building or use shall be maintained so long as that building exists or its use continues.



REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: 06/28/11	TYPE OF ACTION: <input checked="" type="checkbox"/> RESOLUTION	SUBJECT: DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION R-11-10: A RESOLUTION OF THE MAYOR AND CITY COUNCIL, CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, FIXING, LEVYING AND ASSESSING THE AMOUNT TO BE RAISED BY THE CITY OF BISBEE FROM PROPERTY TAXATION AND FIXING AND DETERMINING THE PROPERTY TAX RATE FOR THE 2011-2012 FISCAL YEAR AND PROVIDING FOR SEVERABILITY.
DATE ACTION REQUESTED: 07/05/11	<input type="checkbox"/> ORDINANCE	
<input checked="" type="checkbox"/> REGULAR <input type="checkbox"/> CONSENT	<input type="checkbox"/> FORMAL ACTION <input type="checkbox"/> OTHER:	

TO: Mayor and Council

FROM: Dee L. Flanagan, Finance Director

RECOMMENDATION: Approve the primary property tax rate

PROPOSED MOTION: I move to approve Resolution R-11-10 fixing, levying, and assessing the amount to be raised by the City of Bisbee from property taxation and fixing and determining the property tax rate for the 2011-12 fiscal year in the amount of \$2.0363 per \$100 of assessed valuation and providing for severability.

DISCUSSION:
A.R.S. § 42-17151 states that the governing body shall levy and assess the amount to be raised from primary property taxation on or before the third Monday in August each year. Staff is recommending adoption of a tax rate in the amount of \$2.0363 per one hundred dollars (\$100) of assessed value.

FISCAL IMPACT: Will generate approximately \$ 874,422 in property tax revenues.

DEPARTMENT LINE ITEM ACCOUNT: 10-31-24500

BALANCE IN LINE ITEM IF APPROVED: N/A

Prepared by:

Dee L. Flanagan, Finance Director

Reviewed by:

Stephen J. Pauken, City Manager

RESOLUTION R-11-10

A RESOLUTION OF THE MAYOR AND CITY COUNCIL, CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, FIXING, LEVYING AND ASSESSING THE AMOUNT TO BE RAISED BY THE CITY OF BISBEE FROM PROPERTY TAXATION AND FIXING AND DETERMINING THE PROPERTY TAX RATE FOR THE 2011-2012 FISCAL YEAR AND PROVIDING FOR SEVERABILITY.

WHEREAS, pursuant to A.R.S. § 42-17151, the City of Bisbee is required to fix, levy and assess the amount to be raised from property taxation and to fix and determine the property tax rate on or before the third Monday of August of each year; and

WHEREAS, the amount to be raised from property taxation and the property tax rate, as indicated below, are consistent with the amounts previously approved in connection with the prior approval of the City budget for this fiscal year, for the purposes appearing in that budget, and do not exceed the maximum amounts allowed by Arizona law; and

WHEREAS, the City Charter of the City of Bisbee, Section 7.05(a) authorizes the levy and assessment of the amount to be raised by primary and secondary taxation to be done by resolution; and

WHEREAS, the collection of these property taxes is necessary for the City to have the funds that are necessary to provide police, fire and other essential governmental services, as necessary to protect the lives, health, safety and the property of this community; and

WHEREAS, the County of Cochise is the assessing and collecting authority for the City of Bisbee and the City Clerk is hereby directed to transmit a certified copy of this resolution to the Assessor and to the Board of Supervisors of the County of Cochise, as necessary, and to the Property Tax Oversight Commission, upon approval of this Resolution,

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Bisbee as follows;

Section 1: The City of Bisbee hereby fixes, levies and assesses the amount to be raised from primary property taxation for Fiscal Year 2011-2012 in the total amount of Eight Hundred and Seventy Four Thousand, Four Hundred and Twenty Two Dollars (\$874,422). This is the designated amount to be levied from primary property taxes as appearing in the previously approved budget for Fiscal Year 2011-2012, for the purposes designated in that budget, as adopted by the City of Bisbee.

Section 2: The City of Bisbee hereby fixes and determines the primary property tax rate for this purpose at the rate of \$2.0363 on each hundred dollars of taxable property, as shown by the finally equalized valuations of property, less exemptions, that appear on the

RESOLUTION R-10-12

tax rolls for this fiscal year, and that when extended on those valuations will produce, in the aggregate, the entire amount to be raised by direct property taxation for this fiscal year by the City of Bisbee.

Section 3: These property taxes shall be collected in the manner required by Arizona law. No failure by the county officials of the County of Cochise, State of Arizona, to properly return the delinquent list and no irregularity of any kind in any preceding shall invalidate such proceeding or invalidate any title conveyed by any tax deed; nor shall any failure or neglect of any officer or officers to perform any of the duties assigned to him or to them on the day or within the time specified invalidate the assessment and levy of the taxes or of the judgment or sale by which the collection of the same may be enforced or in any manner affect the lien of the City of Bisbee upon such property for collection of taxes or the foreclosure thereof.

Section 4: If any section, subsection, sentence, clause, phrase, or portion of this resolution or any part hereof is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED, APPROVED AND ADOPTED by the Mayor and City Council of the City of Bisbee, Arizona this ____ day of _____ 2011.

W. J. Porter, Mayor

ATTEST:

Gloria P. Gonzalez, City Clerk

APPROVED AS TO FORM:

John A. MacKinnon, City Attorney



AGENDA ITEM NUMBER 6

REQUEST FOR COUNCIL ACTION

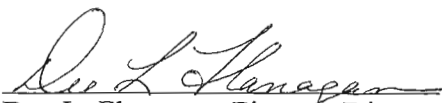
DATE SUBMITTED: 06/28/11	TYPE OF ACTION: <u> </u> RESOLUTION	SUBJECT: APPROVAL OF DESIGNATING FESTER AND CHAPMAN TO PERFORM AUDIT SERVICES FOR FISCAL YEAR ENDED JUNE 30, 2011.
DATE ACTION REQUESTED: 07/05/11	<u> </u> ORDINANCE	
<u> </u> REGULAR <u> X </u> CONSENT	<u> X </u> FORMAL ACTION	
OTHER:		

TO: Mayor and Council
FROM: Dee L. Flanagan, Finance Director
RECOMMENDATION: Designate Fester and Chapman to perform audit services for Fiscal Year ended June 30, 2011.
PROPOSED MOTION: I move to designate Fester and Chapman to perform audit services for Fiscal Year ended June 30, 2011.


DISCUSSION: In May of 2009, Council passed a motion to award a contract to Fester & Chapman, PC to perform the independent audits for the City for fiscal years 2009, 2010, and 2011. The City Charter requires the Council each year to designate the independent Certified Public Accountant to perform the audit for the City. This action would designate Fester and Chapman to perform audit services for fiscal year ended June 30, 2011.

FISCAL IMPACT: \$37,000 from FY 2011-12 Budget
DEPARTMENT LINE ITEM ACCOUNT: 10-52-33000
BALANCE IN LINE ITEM IF APPROVED: \$-0-

Prepared by:


Dee L. Flanagan, Finance Director

Reviewed by:


Stephen J. Pauken, City Manager

Fester & Chapman P.C.

Certified
Public
Accountants

4001 North 3rd Street
Suite 275
Phoenix, AZ 85012-2086

Tel: (602) 264-3077
Fax: (602) 265-6241

June 23, 2011

Mr. Stephen J. Pauken, City Manager
City of Bisbee, Arizona
118 Arizona Street
Bisbee, Arizona 85603

Dear Mr. Pauken:

We are pleased to confirm our understanding of the services we are to provide City of Bisbee, Arizona (the City) for the year ended June 30, 2011. We will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, which collectively comprise the basic financial statements, of the City of Bisbee, Arizona as of and for the year ended June 30, 2011. U.S. generally accepted accounting standards provide for certain required supplementary information, such as management's discussion and analysis (MD&A), to accompany the City's basic financial statements. As part of our engagement, we will apply certain limited procedures to the City's required supplementary information. These limited procedures will consist principally of inquiries of management regarding the methods of measurement and presentation, which management is responsible for affirming to us in its representation letter. Unless we encounter problems with the presentation of the required supplementary information or with procedures relating to it, we will disclaim an opinion on it. The following required supplementary information is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis
- 2) Budgetary comparison schedules
- 3) Schedule of agent retirement plans' funding progress

Also, the schedule of expenditures of federal awards accompanies the City's basic financial statements. We will subject the schedule of expenditures of federal awards to the auditing procedures applied in our audit of the basic financial statements and will provide an opinion on it in relation to the basic financial statements.

Audit Objectives

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the additional information referred to in the first paragraph when considered in relation to the basic financial statements taken as a whole. The objective also includes reporting on—

- Internal control related to the financial statements and compliance with laws, regulations, and the provisions of contracts or grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control related to major programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.

The reports on internal control and compliance will each include a statement that the report is intended solely for the information and use of management, the body or individuals charged with governance, others within the entity

specific legislative or regulatory bodies, federal awarding agencies, and if applicable, pass-through entities and is not intended to be and should not be used by anyone other than these specified parties.

Our audit will be conducted in accordance with U.S. generally accepted auditing standards; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of OMB Circular A-133, and will include tests of accounting records, a determination of major program(s) in accordance with OMB Circular A-133, and other procedures we consider necessary to enable us to express such opinions and to render the required reports. If our opinions on the financial statements or the Single Audit compliance opinions are other than unqualified, we will fully discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

Management Responsibilities

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. Management is also responsible for preparation of the schedule of expenditures of federal awards in accordance with the requirements of OMB Circular A-133. As part of the audit, we will assist with preparation of your financial statements, schedule of expenditures of federal awards, and related notes. You are responsible for making all management decisions and performing all management functions relating to the financial statements, schedule of expenditures of federal awards, and related notes and for accepting full responsibility for such decisions. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and the schedule of expenditures of federal awards and that you have reviewed and approved the financial statements, schedule of expenditures of federal awards, and related notes prior to their issuance and have accepted responsibility for them. Further, you are required to designate an individual with suitable skill, knowledge, or experience to oversee any nonaudit services we provide and for evaluating the adequacy and results of those services and accepting responsibility for them.

Management is responsible for establishing and maintaining effective internal controls, including internal controls over compliance, and for monitoring ongoing activities, to help ensure that appropriate goals and objectives are met. You are also responsible for the selection and application of accounting principles; for the fair presentation in the financial statements of the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Bisbee, Arizona and the respective changes in financial position and, where applicable, cash flows in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is also responsible for making all financial records and related information available to us and for ensuring that such records and information are reliable and properly recorded. Your responsibilities also include, including identifying significant vendor relationships in which the vendor has responsibility for program compliance and for the accuracy and completeness of that information. Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud or illegal acts affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws, regulations, contracts, agreements, and grants. Additionally, as required by OMB Circular A-133, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan. You are responsible for the preparation of the supplementary information in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information.

You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because an audit is designed to provide reasonable, but not absolute assurance and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform you of any material errors and any fraudulent financial reporting or misappropriation of assets that come to our attention. We will also inform you of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

Audit Procedures—Internal Controls

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by OMB Circular A-133, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to OMB Circular A-133.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and OMB Circular A-133.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City's compliance with applicable laws and regulations and the provisions of contracts and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

OMB Circular A-133 requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Circular A-133 Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the City's major programs. The purpose of these procedures will be to express an opinion on the City's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to OMB Circular A-133.

Engagement Administration, Fees, and Other

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. If applicable, we will provide copies of our report for you to include with the reporting package you will submit to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditors' reports or nine months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audits.

The audit documentation for this engagement is the property of Fester & Chapman P.C. and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to your oversight agency or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Fester & Chapman P.C. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release or for any additional period requested by your oversight agency. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to begin our audit on approximately June 30, 2011 and to issue our reports no later than December 15, 2011. Larry Fester is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. Our fee for these services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that we agree that our gross fee, including expenses, will not exceed \$37,000 for the financial statement audit, single audit, assistance with preparation of the financial statements, and assistance with preparation of the Annual Expenditure Limitation Report along with audit of the AELR. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

Government Auditing Standards require that we provide you with a copy of our most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of the contract. Our 2009 peer review report and acceptance letter accompany this letter. No letter of comment was issued.

We appreciate the opportunity to be of service to City of Bisbee, Arizona and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,



Larry Fester
Director

RESPONSE:

This letter correctly sets forth the understanding of City of Bisbee, Arizona.

Date _____

Mr. Pauken / City Manager

Date _____

W. J. Porter, Mayor

HEIDENREICH & HEIDENREICH, CPAs, PLLC

10201 S. 51st Street #170
Phoenix, AZ 85044
(480)704-6301 fax 785-4619

System Review Report

July 1, 2009

To the Owners of
Fester & Chapman P.C.
and the Peer Review Committee of the CA Society of CPAs

We have reviewed the system of quality control for the accounting and auditing practice of Fester & Chapman P.C. (the firm) in effect for the year ended March 31, 2009. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included engagements performed under the *Government Auditing Standard*.

In our opinion, the system of quality control for the accounting and auditing practice of Fester & Chapman P.C. in effect for the year ended March 31, 2009, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Fester & Chapman P.C. has received a peer review rating of *pass*.

Heidenreich & Heidenreich

Heidenreich & Heidenreich, CPAs, PLLC

November 17, 2009

Larry Fester, CPA
Fester & Chapman, P.C.
4001 N 3rd Street
Suite 275
Phoenix, AZ 85012

Dear Mr. Fester:

It is my pleasure to notify you that on November 10, 2009 the California Peer Review Committee accepted the report on the most recent system peer review of your firm. The due date for your next review is September 30, 2012. This is the date by which all review documents should be completed and submitted to the administering entity.

As you know, the report had a peer review rating of pass. The Committee asked me to convey its congratulations to the firm.

Sincerely,

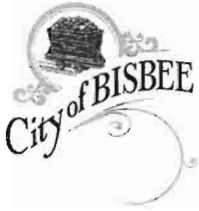
A handwritten signature in cursive script that reads "Linda McCrone".

Linda McCrone
Director

cc: Suzanne Heidenreich, CPA

Firm Number: 10080730

Review Number: 280145



AGENDA ITEM NUMBER 7

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: June 28, 2011	TYPE OF ACTION: ___ RESOLUTION	SUBJECT: DISCUSSION AND POSSIBLE APPROVAL OF NOTICE OF INTENT TO ADOPT ORDINANCE O-11-13, AUTHORIZING AND ACCEPTING A SEWER PUMP STATION AND SEWER LINE EASEMENT FROM FREEPORT-MCMORAN CORPORATION FOR THE TINTOWN PROJECT.
DATE ACTION REQUESTED: July 5, 2011	X ORDINANCE	
X REGULAR ___ CONSENT	___ FORMAL ACTION ___ OTHER:	

TO: Mayor and Council

FROM: Thomas J. Klimek, P.E., R.L.S, Public Works Director

RECOMMENDATION: Recommend approval.

PROPOSED MOTION: I move to approve the notice of intent to adopt Ordinance O-11-13, authorizing and accepting a sewer pump station and sewer line easement from Freeport-McMoRan Corporation for the TinTown project.

DISCUSSION: Freeport McMoRan Corporation (FMI) is providing sanitary sewer easements to the City of Bisbee for the sewer pump station and sewer line located on Lot 33 of the Tin Town plat and across the FMI property located north of SR 92. These easements will allow for a direct connection to the City’s interceptor sanitary sewer and the easements are intended to allow the City to repair and maintain the sewer lines and pump station in perpetuity. FMI will also maintain ownership rights to the property. Discussions with FMI make reference to FMI including Lot 33 as part of a future land swap. The easement agreement and proposed Ordinance are attached.

FISCAL IMPACT: N/A

DEPARTMENT LINE ITEM ACCOUNT: 57-40-22508

BALANCE IN LINE ITEM IF APPROVED: N/A

Prepared by: Thomas J. Klimek
Thomas J. Klimek, Public Works Director

Reviewed by: Stephen J. Paulsen
Stephen J. Paulsen, City Manager

NOTICE OF INTENT

PROPOSED ORDINANCE O-11- 13

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE,
COUNTY OF COCHISE, STATE OF ARIZONA, AUTHORIZING THE
ACCEPTANCE OF A SEWER PUMP STATION AND SEWER LINE
EASEMENT FOR THE TINTOWN PROJECT**

WHEREAS, the City is authorized to acquire property, or interests in such property, as its best interests may require, by ordinance, pursuant to Sections 1.03(b) and 7.05(h) of the Bisbee City Charter; and

WHEREAS, the Freeport-McMoRan Corporation has offered to provide certain easements to the City, under certain terms and conditions, but without any requirement for additional compensation; and

WHEREAS, these easements, as designated in the “Sewer Pump Station and Sewer Line Easement Agreement” are necessary for the construction and completion of the sewer improvement project planned for the Tintown area of Bisbee; and

WHEREAS, it is in the best interests of the City of Bisbee and its citizens to accept this Agreement and the associated easements as offered,

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF
THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, AS
FOLLOWS:**

That the attached “Sewer Pump Station & Sewer Line Easement Agreement” is hereby approved, the designated easements are accepted by the City of Bisbee under the terms and conditions stated therein, and the Mayor is authorized to sign this agreement on behalf of the City of Bisbee.

PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Bisbee on this ____ day of _____, 2011.

APPROVED:

W. J. Porter, Mayor

ATTEST:

Gloria P. Gonzalez, City Clerk

APPROVED AS TO FORM:

John A. MacKinnon, City Attorney

WHEN RECORDED, RETURN TO:

Freeport-McMoRan Corporation
Attn: Land & Water Department
333 North Central Avenue
Phoenix, Arizona 85004

SEWER PUMP STATION & SEWER LINE EASEMENT AGREEMENT

THIS SEWER PUMP STATION & SEWER LINE EASEMENT AGREEMENT (“Agreement”) is made this 21st day of June, 2011, by and between **FREEPORT-MCMORAN CORPORATION**, a New York corporation (“Grantor”), and **THE CITY OF BISBEE**, an Arizona municipal corporation (“Grantee”).

AGREEMENT

Subject to the terms and conditions set forth herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto state, confirm and agree as follows:

1. Grant of Easements.

Grantor hereby grants to Grantee a non-exclusive, permanent easement upon, across over and under the surface of the real property (the “Easement Pump Station Property”) described and depicted on **Exhibit “A”**, which is attached hereto and made a part hereof, for the purposes of installation, construction, repair, replacement, and maintenance of an above-ground sanitary sewer and wastewater pump station and underground conduits and pipelines twenty (20) feet in width under the surface of the real property described on **Exhibit “B”**, which is attached hereto and incorporated herein by this reference (the “Easement Sewer Line Property”, and together with the Easement Pump Station Property, the “Easement Property”), together with the right of reasonable ingress and egress to and from the Easement Property, which ingress and egress shall be over existing roads and other property designated by Grantor and the right to operate, repair, replace, maintain, and remove said Easement and appurtenant facilities from the Easement Property, to add to or alter said Easement and/or appurtenant facilities at any reasonable time, and to trim, prune, or remove any trees or shrubs located within or outside the limits of the Easement Property, that in the judgment of Grantee may interfere with the construction or endanger the operation of said Easement and/or appurtenant facilities (the “Easement”). Notwithstanding the immediately foregoing, Grantor hereby reserves unto itself, for its benefit and the benefit of its successors and assigns, all mineral rights and groundwater rights associated with the Easement Property located forty (40) feet or more below the surface of the Easement Property, including but not limited to the right to access and mine such minerals and access and pump such groundwater. In addition, Grantor hereby reserves unto itself, for its benefit and the benefit of its successors and assigns, a perpetual easement and privilege to run with and bind the Easement Property, including the right to release and discharge dust, sand, tailings, dirt, noises and vibrations from mines, dumps, and other facilities located on lands now or hereafter owned by the Grantor, its successors and assigns adjacent to or in the vicinity of the Easement Property,

and to allow and permit such dust, sand, tailings, dirt, noises, vibrations to be carried over and across the Easement Property, either by wind, water, air currents or otherwise, without incurring any liability for or on account of any damage or injury to Grantee's interest in the Easement Property or to any vegetation, facilities, improvements, property, or persons located thereon, including the Easement.

2. No Implied Rights; No Representations or Warranties.

Notwithstanding anything herein to the contrary with respect to the Easement and the Easement Property, Grantor makes no representations or warranties, express or implied, including representations as to the accuracy or completeness of the information shown on the Exhibits attached hereto, and Grantee agrees to accept and use the Easement Property in "AS IS" "WHERE IS" condition and to bear all risks associated with the Easement and the condition of the Easement Property. Grantee is entering into this Agreement and shall use the Easement Property based on Grantee's inspection and investigation of all matters pertaining thereto and not in reliance on any representation, warranty or agreement of Grantor. Grantee agrees that the Easement is subject to all existing easements, rights-of-way and other rights, including, without limitation, all matters of record and all matters that can be disclosed by a physical inspection and survey of the Easement Property.

3. Duties and Obligations of Grantee.

Grantee shall exercise reasonable care in its use of the Easement Property and shall, at the expense of Grantee, regularly inspect, maintain, repair and keep the Easement Property, in a good, safe, clean and workmanlike condition. Grantee shall comply with all applicable laws, rules and regulations now in force and hereafter enacted, including, without limitation, all environmental, safety and health related laws and regulations, in connection with its use of the Easement and Easement Property. Grantee shall repair and replace, at its expense, any present or future street, roadway, improvement, structure, building, fence, gate, landscaping or vegetation that is disturbed, destroyed or damaged as a result of Grantee's construction, maintenance, protection, repair, replacement or removal of the Easement on the Easement Property. By accepting this Easement, Grantee agrees to provide Grantor with a copy of all plans and specifications for any improvements constructed within the Easement Property, as well as an "as built" map or survey of the improvements following the completion thereof. In addition, Grantee shall obtain any and all necessary approvals and right-of-way use permits from the County of Cochise, Arizona, at Grantee's sole cost and expense, for installation of the Easement on the Easement Property.

4. No Liens.

Grantee shall at all times keep and maintain the Easement Property free and clear of any and all liens, claims, demands, obligations, liabilities and causes of action arising out of or in any manner relating to any work, including construction and installation of the Easement and maintenance and repair work, performed on the Easement Property for or on behalf of Grantee or arising out of the use of the Easement Property by Grantee and its guests, invitees, agents and employees. If any demand, claim, lien or cause of action is filed, asserted or made on, against or with respect to the Easement Property as a result of any of such work or use, Grantee shall cause such lien, demand, claim or cause of action to be dismissed, released, and discharged therefrom no

later than ten (10) days thereafter or commence proceedings to dismiss, release and discharge within ten (10) days and diligently pursue such proceedings until completed.

5. Indemnification and Release.

To the fullest extent allowable by law, Grantee and Grantee's individual assigns that access and use the Easement Property, agree to indemnify, defend, protect and hold Grantor, its successors and assigns, officers, directors, employees, partners, representatives and agents, harmless from, of, for and against any and all liabilities, claims, damages, demands, obligations, expenses, costs, including attorneys' fees and court costs, and causes of action resulting from, arising out of or relating to:

- a) the use, construction, maintenance, operation and repair of the Easement or the Easement Property by Grantee and its guests, invitees, agents, contractors and employees;
- b) any equipment, lines, facilities, or other property placed or maintained on the Easement Property by or for Grantee; and/or
- c) any of Grantee's operations or activities which may result in damage or loss to other property, real and personal, including, without limitation, under- and above ground utilities and facilities, owned by Grantor located near or adjacent to the Easement Property.

To the fullest extent allowable by law, Grantee, and Grantee's individual assigns that access the Easement Property, hereby release and forever discharge Grantor, its successors and assigns, officers, directors, employees, partners, representatives and agents, of and from any and all liabilities, claims, obligations, causes of action, costs and expenses arising out of or relating to any manner based upon or related to Grantee's use of the Easement Property. Grantee's obligations under this Paragraph survive the termination of this Agreement.

6. Environmental Issues.

Grantee shall comply, and shall cause all of its employees, agents, representatives, contractors, invitees and other third parties to comply, with all applicable federal, state and local laws, statutes, rules, ordinances, codes and regulations applicable to the Easement Property at any time, relating to environmental protection, public health and safety, nuisance or menace, and the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. § 9601-et seq., and its state and local counterparts presently in effect or amended or promulgated in the future (collectively, "Environmental Laws"). Grantee expressly warrants, represents and agrees that no Hazardous Substances (as hereinafter defined) will be released or disposed of on, under, or about the Easement Property, either by Grantee or any of its employees, agents, representatives, contractors, invitees or other third parties. "Hazardous Substances" shall mean any substance, material, pollutant, contaminant, or waste, whether solid, gaseous or liquid, that is infectious, toxic, hazardous, explosive, corrosive, flammable or radioactive, and that is regulated, defined, listed or included in any Environmental Law, including, but not limited to, asbestos, petroleum, or petroleum additive substances, polychlorinated biphenyls, urea formaldehyde, or waste tires. Grantee shall not, and shall cause all of its employees, agents, contractors, and invitees and other third parties to agree not to bring onto the Easement Property any Hazardous

Substances without the prior written consent of Grantor, and further agrees not to generate, handle, use, store or treat any Hazardous Substances on the Easement Property.

Grantee shall indemnify, defend, protect and hold Grantor, its past, present and future corporate parents, subsidiaries and affiliates, and each of their past, present and future officers, directors, shareholders, employees and agents, and each of their respective successors and assigns (collectively, "Indemnitees"), harmless from and against any and all losses, damages, liabilities, claims, lawsuits, agency orders, attorneys' fees, costs, expenses, fines, penalties or response costs, including any claims asserted under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. § 9601-et seq., and its state and local counterparts, asserted against any Indemnitee by any entity or individual, arising out of or in connection with the use of the Easement Property, or for the breach of any covenant contained in Section 6 of this Agreement. The agreements contained in this Section 6 shall survive the expiration of any portion of this Agreement.

7. Environmental Notification.

Grantee and its employees, agents, representatives, contractors, invitees and other third parties shall promptly notify Grantor upon becoming aware of: (i) any release or threatened release of a Hazardous Substance under, on, from or about the Easement Property; (ii) any proceeding, inquiry or notice from any federal, state or local body, commission, council, board or authority ("Governmental Authority") or others with respect to the use or presence of any Hazardous Substances on the Easement Property, or the migration thereof to or from other property; and (iii) all claims made or threatened by any third party against the Easement Property relating to loss or injury from any Hazardous Substance.

8. Insurance.

Grantee shall obtain and maintain during the term of this Agreement the insurance coverage described on **Exhibit "C"** attached hereto ("Insurance Requirements"), which shall name Grantor as an additional insured by endorsement, which Grantee shall pay for at its sole cost and expense. During the term of this Agreement, Grantor reserves the right to annually evaluate and adjust the Insurance Requirements with at least thirty (30) days prior written notice to Grantee, upon receipt of which Grantee shall obtain within thirty (30) days of receipt of the written notice the newly specified amounts of the Insurance Requirements without further demand, and Grantor may record an amendment to this Agreement setting forth the new Insurance Requirements on a substitute Exhibit "C".

9. Assignment.

Grantee shall have no right to make any assignment of its rights, benefits or obligations hereunder and any such assignment shall be null and void and shall result in the immediate termination of this Agreement unless such assignment is previously approved in writing by Grantor. Any such assignment shall require the assignee to be obligated by the terms and conditions of this Agreement and shall not release Grantee of its liabilities and obligations under this Agreement.

10. Fees and Costs.

If either party to this Agreement shall institute suit against the other to enforce its rights under this Agreement or to seek damages by reason of a breach of this Agreement and obtain a valid judgment against the other, the prevailing party shall be entitled to receive all attorneys' fees, witness fees (including expert witness fees) and other litigation-related expenses incurred, with the attorneys' fees to be fixed by the judge of the court of the applicable jurisdiction, sitting without a jury.

11. Time of Essence.

Time is of the essence of this Agreement.

12. Governing Law.

This Agreement shall be governed by the laws of the State of Arizona. Any action, claim, dispute or litigation arising under this Agreement shall be brought and maintained in the Superior Court of Arizona in and for the County of Cochise.

13. Notices.

Any notice, demand, request, consent, approval or other communication which any party is required to or desires to give or make to the other party shall be in writing and shall be given by delivery in person (including by a nationally recognized overnight courier service (i.e., FEDEX or UPS)) or by postage prepaid, registered or certified mail, return receipt requested, addressed as follows:

If to Grantor: Freeport-McMoRan Corporation
Attn: Land & Water Department
333 North Central Avenue
Phoenix, Arizona 85004

If to Grantee: The City of Bisbee
Attn: City Manager's Office
118 Arizona Street
Bisbee, Arizona 85603

The foregoing notice addresses may be updated from time to time with at least five (5) business days prior written notice to the other party delivered in accordance with this Section 13.

15. Rights Reserved by Grantor.

Grantor and its agents, employees, tenants, contractors, invitees, licensees, and representatives (collectively "Grantor's Permittees") shall have the right to use and occupy the Easement Property for any and all purposes, including, without limitation, ingress and egress, the operation, maintenance, construction, relocation, repair of any other utilities on the Easement Property, and the placement of any structures upon and within the Easement Property, provided that

such other utility easements and structures constructed by Grantor and Grantor's Permittees do not hinder, conflict or cause detriment to Grantee's facilities, create a safety hazard or otherwise unreasonably interfere with Grantee's use of the Easement Property.

Grantor reserves the right to require Grantee to relocate the Easement and/or appurtenant facilities to another area of Grantor's property selected by the mutual agreement of the parties. Grantor shall provide Grantee with thirty (30) days prior written notice of Grantor's desire to exercise this option. Upon completion of the relocation of the Easement and/or appurtenant facilities, Grantor shall reimburse Grantee for Grantee's reasonable costs incurred in relocation of the Easement and appurtenant facility.

16. Termination of Grantor's Liability.

Grantor shall not be liable for any matter occurring or obligation arising hereunder after conveyance and assignment of all its rights, title and interest in and to the Easement Property.

17. Termination of Easement.

If Grantee ceases to use the Easement Property for a period of one (1) year, all rights granted to Grantee hereunder shall automatically terminate without notice. Upon termination of this Agreement, Grantee shall, at Grantor's option, remove or abandon in place any under- and above ground Easement, at Grantee's sole expense, without damage or destruction to the Easement Property, and shall return the Easement Property to substantially the same condition as existed prior to Grantee's entry upon and use of the Easement Property.

18. No Dedication.

Nothing in this Agreement shall be construed to create a public dedication or conveyance to the public or to any governmental agency or to any third party or to give any party other than Grantee and its successors and assigns any rights hereunder.

19. Counterparts.

This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and all of which when taken together shall constitute one instrument.

[SIGNATURE BLOCKS APPEAR ON NEXT PAGE.]

IN WITNESS WHEREOF, the parties hereto have executed this Sewer Pump Station & Sewer Line Easement Agreement the day and year first herein above written.

GRANTOR

Approved as to form: RAE

FREEPORT-MCMORAN CORPORATION,
a New York corporation

By: WR Calk
Its: VICE PRESIDENT

GRANTEE

Agreed & Accepted:

THE CITY OF BISBEE,
an Arizona municipal corporation

By: _____
Its: _____

Approved:

By: _____
City Attorney

Witnessed:

By: _____
City Manager

Attested:

By: _____
City Clerk

STATE OF Arizona }
COUNTY OF Maricopa } ss.

The foregoing instrument was acknowledged before me this 21st day of June, 2011,
by We Cobb, the Vice President of **Freeport-McMoRan Corporation**, a New York corporation, on behalf of the corporation.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Sandra G Skinner
Notary Public

STATE OF _____ }
COUNTY OF _____ } ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 2011,
by _____, the _____ of The City of
Bisbee, an Arizona municipal corporation, on behalf of such municipal corporation.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

EXHIBIT "A"
Easement Pump Station Property

LEGAL DESCRIPTION
(Lot 33)

A parcel of land shown as Lot 33, Tintown Plat, as recorded in Book 13 of Maps and Plats at Page 16, Cochise County Recorder's Office, Cochise County, Arizona. Being more particularly described as follows:

Commencing at a found 1/2" rebar marking ADOT West Right-of-Way of Highway 92 at station 1902+40.25 as shown on Record of Survey Book 31 Page 65;

Thence S 34°35'10" W, along said west Right-of-Way, being the BASIS OF BEARING as established from the Arizona Coordinate System, 1983 (Harn 92), Central Zone, a distance of 1212.73 feet to a found 1/2" rebar at station 1890+50(±) per Record of Survey Book 31 Page 65;

Thence leaving said west Right-of-Way, S 36°57'00" E, a distance of 490.56 feet to the northwesterly corner of said lot 33 and the **TRUE POINT OF BEGINNING**;

Thence S 71°18'40" E, along the north line of lot 33, a distance of 54.83 feet;

Thence S 13°40'43" W, a distance of 54.30 feet;

Thence N 75°14'55" W, a distance of 10.35 feet;

Thence S 16°51'20" W, a distance of 10.36 feet;

Thence N 70°11'34" W, a distance of 20.31 feet;

Thence N 68°08'40" W, a distance of 34.99 feet;

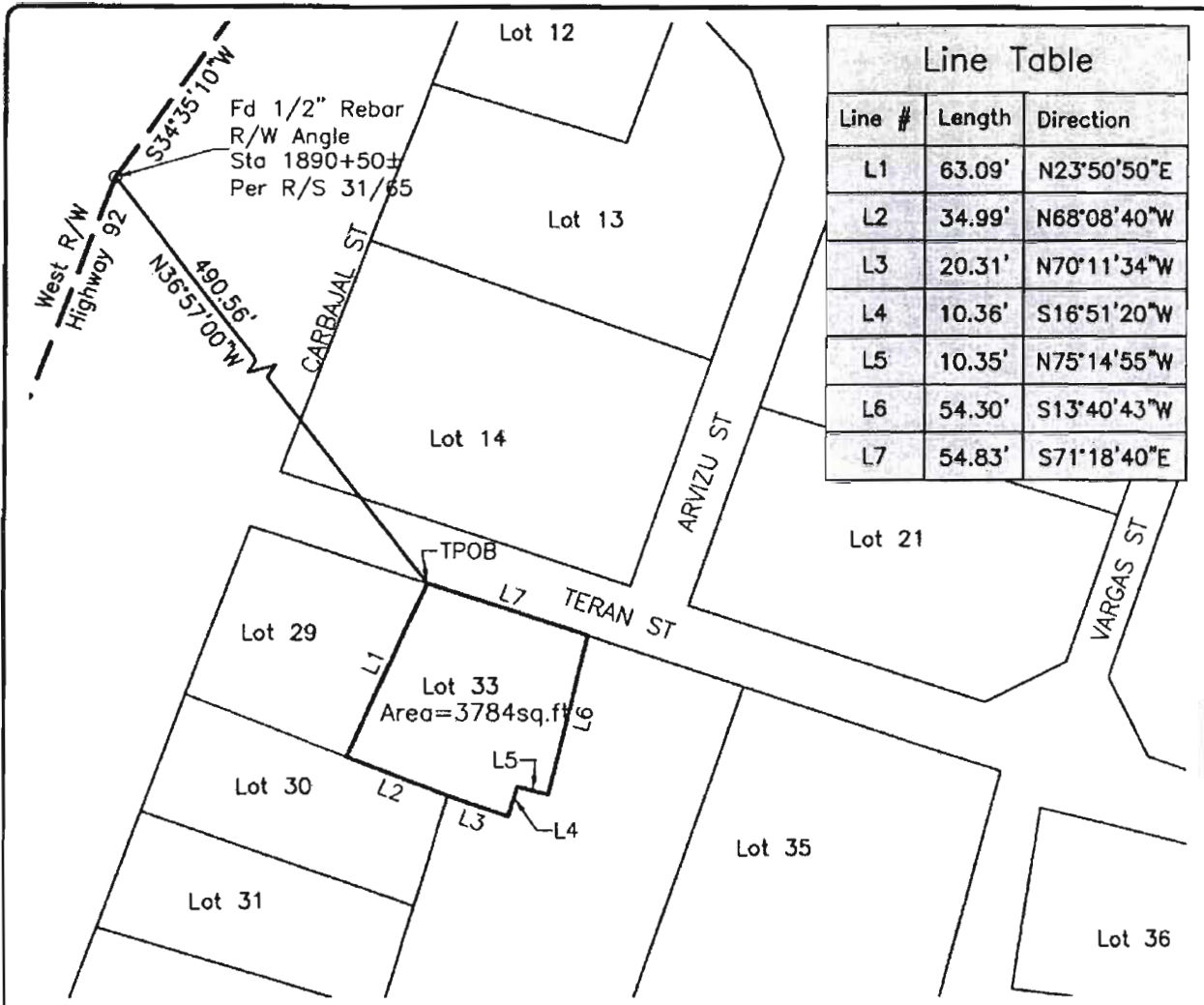
Thence N 23°50'50" E, a distance of 63.09 feet to the **TRUE POINT OF BEGINNING**.



EXPIRES 3-31-14

AMEC Earth & Environmental Inc.
3275 West Ina Road #165
Tucson, Arizona
USA 85741
Tel (520) 219-4998
Fax (520) 219-0499

www.amec.com

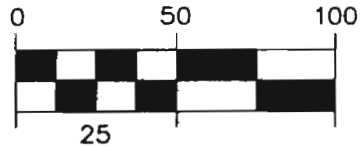


Line Table		
Line #	Length	Direction
L1	63.09'	N23°50'50"E
L2	34.99'	N68°08'40"W
L3	20.31'	N70°11'34"W
L4	10.36'	S16°51'20"W
L5	10.35'	N75°14'55"W
L6	54.30'	S13°40'43"W
L7	54.83'	S71°18'40"E

(R) = TINTOWN PLAT, BOOK 13 M&P AT PAGE 66

BASIS OF BEARING:

THE BEARING OF S34°35'10"W ALONG THE WEST RIGHT OF WAY OF HIGHWAY 92 AS ESTABLISHED FROM THE ARIZONA COORDINATE SYSTEM, 1983(HARN92) CENTRAL ZONE.



SCALE: 1" = 50'

SCALE: 1"=50'
DATE: 05/20/11

DRAWN BY: MEP
CHKD BY: DLG

JOB NO.
15-2010-3005

EXHIBIT MAP
FOR PROPOSED SEWER EASEMENT—LOT 33

A PORTION OF SECTION 22, T23S, R24E, G&SRM, COCHISE COUNTY, ARIZONA

AMEC E & E, Inc.
3275 WEST INA ROAD, SUITE 165
TUCSON, ARIZONA 85741
PHONE (520) 219-4998
FAX (520) 219-0499



EXHIBIT "B"
Easement Sewer Line Property

LEGAL DESCRIPTION
(20 foot Strip)

A strip of land 20 feet wide situate within Section 22, Township 23 South, Range 24 East, Gila and Salt River Meridian, Cochise County, Arizona. Being more particularly described as follows:

Commencing at a found 1/2" rebar marking ADOT West Right-of-Way of Highway 92 at station 1902+40.25 as shown on Record of Survey Book 31 Page 65;

Thence S 34°35'10" W, along said west Right-of-Way, being the BASIS OF BEARING as established from the Arizona Coordinate System, 1983 (Harn 92), Central Zone, a distance of 1212.73 feet to a found 1/2" rebar at station 1890+50(±) per Record of Survey Book 31 Page 65;

Thence S 20°35'14" W, along said west Right-of-Way, a distance of 327.35 feet to the **TRUE POINT OF BEGINNING**;

Thence continue S 20°35'14" W, along said west Right-of-Way, a distance of 20.00 feet;

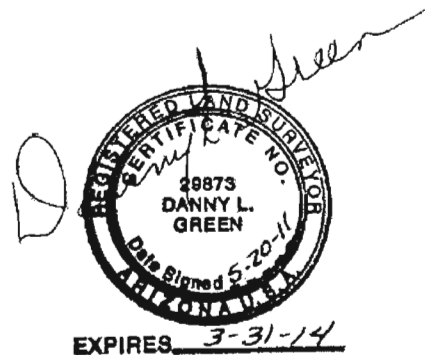
Thence N 68°17'26" W, a distance of 21.65 feet;

Thence S 49°53'33" W, a distance of 123.87 feet;

Thence N 20°57'13" E, a distance of 41.33 feet;

Thence N 49°53'33" E, a distance of 99.67 feet;

Thence S 68°17'26" E, a distance of 33.23 feet to said west Right-of-Way and the **TRUE POINT OF BEGINNING**.



AMEC Earth & Environmental Inc.
3275 West Ina Road #165
Tucson, Arizona
USA 85741
Tel (520) 219-4998
Fax (520) 219-0499

www.amec.com

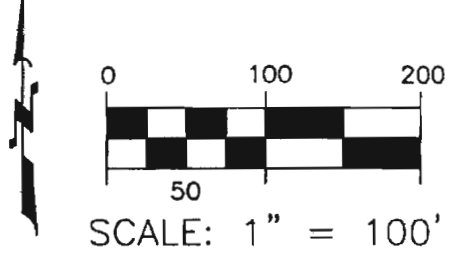
Line Table		
Line #	Length	Direction
L1	33.23'	S68°17'26"E
L2	99.67'	N49°53'33"E
L3	41.33'	N20°57'13"E
L4	123.87'	S49°53'33"W
L5	21.65'	N68°17'26"W
L6	20.00'	S20°35'14"W



(R) = TINTOWN PLAT, BOOK 13 M&P AT PAGE 66

BASIS OF BEARING:

THE BEARING OF S34°35'10"W ALONG THE WEST RIGHT OF WAY OF HIGHWAY 92 AS ESTABLISHED FROM THE ARIZONA COORDINATE SYSTEM, 1983(HARN92) CENTRAL ZONE.



SCALE: 1"=100'
DATE: 05/20/11

DRAWN BY: MEP
CHKD BY: DLG

JOB NO.
15-2010-3005

EXHIBIT MAP
FOR PROPOSED 20' SEWER EASEMENT
A PORTION OF SECTION 22, T23S, R24E, G&SRM, COCHISE COUNTY, ARIZONA

AMEC E & E, Inc.
3275 WEST INA ROAD, SUITE 165
TUCSON, ARIZONA 85741
PHONE (520) 219-4998
FAX (520) 219-0499



Exhibit "C"
(Insurance Requirements)

Grantee shall continuously maintain the following minimum insurance coverage during the term of the Easement Agreement and at any other time that Grantee or its agents, employees and contractors enter, or perform activities on the Easement Property:

1. Commercial general liability insurance coverage, (at least as broad as comprehensive general liability insurance coverage), with a broad form comprehensive general liability endorsement of single limits of no less than \$2,000,000.00 per occurrence, and aggregate limits of no less than \$2,000,000.00, for bodily injury, death, personal liability and property damage liability on a claims-made basis.
2. Automobile and liability insurance covering owned, non-owned, leased and hired vehicles with combined single limits of no less than \$1,000,000.00 per occurrence of bodily injury, death, and property damage liability on a claims-made basis.
3. Worker's compensation insurance in the statutory amounts for the State of Arizona and employer's liability insurance with limits of not less than the applicable State of Arizona statutory minimums or \$100,000/\$100,000/\$500,000, whichever is greater.

The insurance policies shall contain no exclusions or limitations with regard to explosion, collapse or underground hazard coverage. The insurance policies shall name Grantor as an additional insured. The policies shall state that Grantee's coverage is primary and that the inclusion of more than one insured shall not operate to impair the right of one insured against another insured and the coverage afforded shall apply as though separate policies had been issued to each insured. All the insurance policies shall contain an endorsement providing that written notice by certified mail, return receipt requested shall be given by the insurer to Grantor at least thirty days prior to termination, cancellation, non-renewal or modification or reduction of coverage of any policy. The insurance policies shall contain a cross-liability endorsement permitting recovery by one insured as against the other for the negligence of the other. All insurance policies shall contain a contractual liability endorsement covering Grantee's liability under this Agreement and all contracts entered into by Grantee to insure Grantee's indemnity obligations and other insurable provisions of this Agreement. The insurance policies shall contain no co-insurance provisions. Grantee shall require Grantee's insurance carrier to waive its right of subrogation as to Grantor.



AGENDA ITEM NUMBER 8

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: June 28, 2011	TYPE OF ACTION: <input type="checkbox"/> RESOLUTION	SUBJECT: DISCUSSION AND POSSIBLE APPROVAL OF THE FIRST AMENDMENT TO THE SETTLEMENT AGREEMENT AND RELEASE WITH BROWN AND CALDWELL, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE HEREFORD ROAD SEWER PROJECT.
DATE ACTION REQUESTED: July 5, 2011	<input type="checkbox"/> ORDINANCE	
<input checked="" type="checkbox"/> REGULAR <input type="checkbox"/> CONSENT	<input checked="" type="checkbox"/> FORMAL ACTION <input type="checkbox"/> OTHER:	

TO: Mayor and Council

FROM: Thomas J. Klimek, P.E., R.L.S., Public Works Director

RECOMMENDATION: Recommend approval of the First Amendment.

PROPOSED MOTION: I move to approve the First Amendment to the Settlement Agreement and Release with Brown and Caldwell, Inc. for professional engineering services for the Hereford Road Sewer Project.

DISCUSSION: On October 20, 2009, the City of Bisbee entered into a Settlement Agreement and Release with Brown and Caldwell, Inc. (B&C). As part of the settlement, B&C agreed to perform certain professional engineering services for the Hereford Road Sewer Project. It has been determined by both the City and B&C that the Scope of Work should be revised as per the attached B&C letter and Scope of Work, both dated June 10, 2011. This First Amendment is only a modification to the scope of work, deleting and exchanging tasks only. No additional funds are requested and the total amount for the project remains \$115,000.00. The amendment is attached.

FISCAL IMPACT: N/A

DEPARTMENT LINE ITEM ACCOUNT: 57-40-22509

BALANCE IN LINE ITEM IF APPROVED: N/A

Prepared by: Christie M. Jensen
for Thomas J. Klimek, Public Works Director

Reviewed by: Stephen J. Pauken
Stephen J. Pauken, City Manager

FIRST AMENDMENT

SETTLEMENT AGREEMENT AND RELEASE

RECITALS

A. On October 20, 2009, the City of Bisbee, Arizona, a municipal corporation, and Brown and Caldwell, Inc., a California corporation entered into a "Settlement Agreement and Release" for the complete and final settlement of all claims, differences and causes of action that arose, or may have arisen, from the contract between the City of Bisbee and Brown and Caldwell for the planning, engineering and design work necessary for the rehabilitation of the Bisbee wastewater collection system and the construction of a new wastewater treatment plant.

B. As part of this settlement, Brown and Caldwell agreed to provide monetary compensation to the City of Bisbee, the receipt of which is hereby acknowledged, and to perform certain engineering services for the Bisbee Hereford Road Gravity Sewer Tie-In Project, which services have been partially completed.

C. As this project has proceeded, the parties have agreed that it would be appropriate and in the best interests of the City of Bisbee to revise certain of these required engineering services, as specified in Exhibit A, "Design Services, Scope of Work, City of Bisbee Hereford Road Gravity Sewer Tie-In Project Task Order No. 1," as incorporated in this Settlement Agreement and Release, and to substitute other services, most notably the preparation of a Preliminary Engineering Report as required by the USDA Rural Development for potential eligibility for funding from that agency.

D. The parties are in agreement that all other terms and conditions of this "Settlement Agreement and Release" shall remain in full force and effect.

AGREEMENT

NOW, THEREFORE, for and in consideration of the mutual promises, covenants and agreements made in the Settlement Agreement and Release and this First Amendment, and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, the undersigned Parties hereby agree as follows:

1. Section 2.2, Services to Bisbee from Brown and Caldwell, is hereby amended, by the following revisions to Exhibit A, "Design Services, Scope of Work, City of Bisbee, Hereford Road Gravity Sewer Tie-in Project Task Force Order No. 1" :

- a. Tasks No. 500, Bid-Phase Services; No. 600, Construction Management; and No. 700, Record Drawings, are hereby deleted from the Scope of Work.
- b. Task No. 800, Preliminary Engineering Report per USDA Rural Development, as more particularly described in the attached Scope of Work, "City of Bisbee – Hereford Road Gravity Sewer Tie-In Project Preliminary Engineering Report" dated June 10, 2011, and the attached letter dated June 10, 2011, from Mark A. Poppe, P.E., and Larry W. Ayers, P.E., DBIA, Brown and Caldwell, is hereby added as an additional component of the services to be provided to Bisbee by Brown and Caldwell
- c. Task No. 850, Performance Specifications to Abandon Septic Tanks and Install House Connections, as more particularly described in the same attached correspondence, is hereby added as an additional component of the services to be provided by Brown and Caldwell.
- d. The time allowed for the completion of this revised Scope of Work is hereby amended to be one (1) year from the date of approval of this First Amendment. If the work is not completed by this date, through no fault of Brown and Caldwell, all of Brown and Caldwell's obligations for providing services to Bisbee under this Settlement Agreement and Release, as amended, shall be deemed to have been fully satisfied.

2. All other terms and conditions of the Settlement Agreement and Release, as originally approved by the parties, shall remain in full force and effect and shall not be altered by this First Amendment.

IN WITNESS WHEREOF, the Parties hereto have executed this First Amendment to the Settlement Agreement and Release, to be effective on the date on which it is approved by the second party.

CITY OF BISBEE, ARIZONA

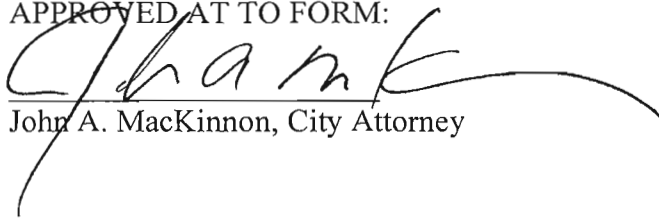
W. J. Porter, Mayor

Dated: _____

ATTEST:


Gloria Gonzalez, City Clerk

APPROVED AT TO FORM:



John A. MacKinnon, City Attorney

BROWN AND CALDWELL, INC.



Larry W. Ayers

Dated : June 24, 2011

Title: Vice President

Scope of Work

City of Bisbee – Hereford Road Gravity Sewer Tie-In Project Preliminary Engineering Report

June 10, 2011

Project Overview

The City of Bisbee (City) replaced a majority of their sanitary sewer collection and conveyance system a couple of years ago. This was accomplished by constructing new interceptors to convey these flows to their new wastewater treatment plant (WWTP) located in the southern part of Bisbee known as San Jose. In San Jose region, there are areas and neighborhoods that are on septic systems. In order to eliminate a number of septic tanks that have historically had issues, the City would like to design and construct gravity sewer infrastructure to accommodate neighborhoods that are served by septic systems. The additional flows from these septic systems can be treated at the WWTP. One area of San Jose that is a good candidate to construct new sanitary sewer infrastructure is the neighborhood with the northern boundary defined by Wolverine Street, western boundary defined by Boras Avenue, southern boundary defined by Hereford Road, and eastern boundary defined by Naco Highway. It is anticipated that this area will require approximately 5,000 linear feet of 8-inch sanitary sewer pipeline, 15 manholes, sewer service laterals, house connections, decommissioning of septic the tanks, and pavement replacement in order to tie-in this neighborhood to an existing 10-inch gravity sewer pipeline located on Hereford Road.

Purpose of Project

The purpose of this project is to develop a Preliminary Engineering Report (PER), to include Alternative Analysis and Cost Estimates for the engineering design of the gravity sewer project as described in the Project Overview. The PER shall be used by the City of Bisbee to apply for funding from USDA Rural Development and therefore shall meet requirements for USDA Rural Development PER (Bulletin 1780-3). Specifically excluded from this proposal are any archeological and environmental surveys that may be required to obtain USDA Rural Development funding.

Scope of Work

Task 100 Project Management

Consultant shall perform project coordination, quality assurance and quality control throughout the course of this project. Consultant shall appoint a Project Manager to accomplish the work and coordinate with City of Bisbee staff. Monthly status reports will be generated for the months that work is performed to keep City of Bisbee staff up to date on work effort, budget and tasks completed. Included in the Project Management Task are one (1) Kickoff Meeting and up to four (4) Progress Meetings. It is anticipated that there will be one (1) progress meetings prior to the 60% submittal and one (1) progress meeting after each of the 60%, 90%, and Final PER submittals.

Deliverables

- Monthly Status Report
- Monthly Invoices
- Kickoff and Progress Meeting Agenda
- Kickoff and Progress Meeting Minutes

Task 200 Development of Preliminary Engineering Report

The Consultant shall prepare a PER with the findings from the feasibility analysis and cost estimates developed in this task. The document must meet the requirements for a USDA Rural Development Preliminary Engineering Report (Bulletin 1780-3). The consultant is required to review the Application Procedure Guidelines, Applications and Manuals on USDA's website in order to assure that project documents will satisfy with projected funding source requirements. Specifically excluded from this proposal are any archeological and environmental surveys that may be required to obtain USDA Rural Development funding.

Consultant shall perform the services required under this scope of work in accordance with standard engineering practices, all applicable local, county, state, and federal codes and regulations, and the procedures outlined in the following tasks. A general outline of the PER to be developed is as follows:

1. GENERAL
2. PROJECT PLANNING AREA
 - a. Location
 - b. Environmental Resources Present*
 - c. Growth Areas and Population Trends
3. EXISTING FACILITIES
 - a. Location Map
 - b. History
 - c. Condition of Facilities
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 - a. Present Worth (Life Cycle) Cost Analysis
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 - a. Project Design
 - i. Collection System Layout
 - b. Total Project Cost Estimate
 - c. Annual Operating Budget**
 - i. Income
 - ii. Operations and Maintenance (O&M) Costs
 - iii. Debt Repayments
 - iv. Reserves
 1. Debt Service Reserve

2. Short-Lived Asset Reserve

8. CONCLUSIONS AND RECOMMENDATIONS

* This proposal specifically excludes any archeological and environmental surveys that may be required to obtain USDA Rural Development funding. It is recommended that the City of Bisbee inquire about this requirement with USDA Rural Development and consult with local firms capable of performing these surveys that are familiar with the project area.

** The City of Bisbee will be required to provide information about the Annual Operating Budget for this portion of the PER.

Deliverables

- DRAFT 60% Preliminary Engineering Report
- DRAFT 90% Preliminary Engineering Report
- FINAL Preliminary Engineering Report

Proposed Schedule

Consultant will meet the following schedule:

60% PER Submittal - seven (7) weeks after notice-to-proceed

60% PER Review and Comment Period - ten (10) days

90% PER Submittal - four (4) weeks after 60% PER review and comment period progress meeting

90% PER Review and Comment Period - ten (10) days

100% PER Submittal - two (2) weeks after 90% PER review and comment period progress meeting

Compensation

Compensation for services stated herein shall be on a lump sum basis (Exhibit B) in the not to exceed amount of \$39,350. The fee presented in this proposal is based on the scope of work described above. The proposal does not include modeling, if required, for the existing 10-inch Hereford Road sewer pipeline as the City has previously stated that this pipeline has enough capacity to handle the new flows that would be introduced from the new collection system constructed from this project.

Bisbee, City of (AZ) -- Hereford Rd Preliminary Engr Report

Item	Phase Description	Equip. (Max. A)	Equip. (Stowable)	Equip. (Other)	Alters. (Lift/W)	Alters. (Truck)	Equip. (Paving)	Equip. (Other)	Material (Lbs)	Total Labor (Hr)	APG	ODG's	Total ODGs	Company Vehicles	Total Unit Pricing Effort	Total Expense Effort	Total Effort
800	Hereford Rd PER	\$129.20 220	\$88.77 4	\$189.18 24	\$237.05 8	\$191.25 2	\$76.02 3	\$90.51 5	266	36,234	2,124	0	0	992	992	3,116	39,350
GRAND TOTAL		220	4	24	8	2	3	5	266	36,234	2,124	0	0	992	992	3,116	39,350

Hours and Dollars are rounded to nearest whole number. To display decimals, change the format of the cells.

333 East Wetmore Road, Suite 165
Tucson, Arizona 85705
Tel: (520) 624-5744
Fax: (520) 791-2738
www.browncaldwell.com

June 10, 2011

Mr. Tom Klimec
Public Works Director
City of Bisbee
118 Arizona Street
Bisbee, AZ 85603

29-138223

Subject: Hereford Road Sewer Project
Proposal to modify Scope of Work in Settlement Agreement dated
October 20, 2009

Dear Mr. Klimec:

Brown and Caldwell is pleased to provide a proposal to modify the Scope of Work defined in the Settlement Agreement between the City of Bisbee and Brown and Caldwell dated October 20, 2009. Due to lack of funding to construct the Hereford Road Sewer Project (Project), the City of Bisbee has asked Brown and Caldwell to consider developing a Preliminary Engineering Report per USDA Rural Development Bulletin 1780-3 in order to allow the City of Bisbee to pursue funding for construction of the Project in exchange for deleting some items from the Scope of Work included in the Settlement Agreement.

The current Scope of Work includes six (6) phases totaling \$115,000 as shown below:

Task	Description	Amount
100	Project Management	\$18,495
200	Coordinate Survey and Geotechnical	\$4,808
300	Pipeline Design	\$42,169
400	Cost Estimating	\$8,367
500	Bid-Phase Services	\$6,225
600	Construction Management	\$27,966
700	Record Drawings	\$6,970
TOTAL		\$115,000

Modification to Scope of Work

In exchange for deleting tasks 500, 600, and 700, Brown and Caldwell proposes to perform tasks 800 and 850 as described below:

Task 800 - Develop Preliminary Engineering Report per USDA Rural Development Bulletin 1780-3

Develop a Preliminary Engineering Report (PER) per USDA Rural Development Bulletin 1780-3 as described in the detailed Scope of Work included as Exhibit A. Please note that development of this PER in no way guarantees approval for funding from USDA

Rural Development. In addition, an environmental and archeological assessment of the project site may be required by USDA Rural Development and included or referenced in the PER. These assessments are specifically excluded from this Scope of Work. The City of Bisbee will be required to hire, if required for the PER, any such surveys in order to meet USDA Rural Development requirements. The City of Bisbee will also be required to provide information required to complete section 7.c. Annual Operating Budget of Bulletin 1780-3.

Task 850 - Develop a Performance Specification to Abandon Septic Tanks and Install House Connections

Develop a performance specification with general requirements on how to abandon septic tanks and install house service connections in order to connect houses within the project area to the new gravity sewer main. This specification will define general requirements to abandon septic tanks per Cochise County Health Department requirements. House service requirements will describe minimum slopes and acceptable materials for service connections but does not include house service routing as this activity will have to be coordinated between the Contractor and the Home Owner during construction.

Time Extension

It is estimated that the amount of time required to complete all tasks in the proposed Scope of Work is one (1) year from approval of this proposal and therefore this time extension shall be part of the amendment to the Settlement Agreement.

Updated Fee Summary for Modification of Scope of Work

The following is the breakdown of the Fee Summary for the proposed Scope of Work Modifications as described above:

Task	Description	Existing Scope of Work Amount	Proposed Scope of Work Amount
100	Project Management	\$18,495	\$18,495
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600	Construction Management	\$27,966	REMOVED FROM SCOPE \$0
700	Record Drawings	\$6,970	REMOVED FROM SCOPE \$0
800	Preliminary Engineering Report per USDA Rural Development	NOT INCLUDED IN SCOPE \$0	ADDED TO SCOPE \$39,350
850	Performance Specification to Abandon Septic Tanks and Install House Connections	NOT INCLUDED IN SCOPE \$0	ADDED TO SCOPE \$1,811
TOTAL		\$115,000	\$115,000

Therefore, we request an amendment to our contract for modifications to the scope of work and for a time extension in order to complete the work. Please note that completion of the proposed scope of work is dependent on the City of Bisbee performing specific duties and providing information as defined in this proposed Scope of Work. In addition, the City of Bisbee will locate and provide survey information of existing house septic tank connections to be used to set the elevation of the gravity sewer main during the design phase of this project. The proposed work will be conducted in lieu of remaining work under the Settlement Agreement dated October 20, 2009. Brown and Caldwell will agree to provide the proposed work upon execution of a mutually agreeable amendment to the settlement. The time allowed for the

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Mr. Tom Klimec
June 8, 2011
Page 3

parties to complete Brown and Caldwell's proposed Scope of Work will be one (1) year from the approval of this amendment. If the work is not completed by this date, through no fault of Brown and Caldwell, all of Brown and Caldwell's obligations under the settlement agreement will be deemed satisfied.


Please call either of the undersigned if you have any questions regarding this proposal.

Very truly yours,

BROWN AND CALDWELL, INC.



Mark A. Poppe, P.E.
Project Manager



Larry W. Ayers, P.E., DBIA
Vice President

MAP:ck

cc: Rob Goodson, Brown and Caldwell



Scope of Work

City of Bisbee – Hereford Road Gravity Sewer Tie-In Project Preliminary Engineering Report

June 10, 2011

Project Overview

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- DRAFT 90% Preliminary Engineering Report
- FINAL Preliminary Engineering Report

Proposed Schedule

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Bisbee, City of (AZ) - Hereford Rd Preliminary Engr Report

Phase	Phase Description	Project Manager	Quality Engineer	Inspector	Asst. Utility	Witness Utility	Genl. Services	Witness Labor	Total Labor Hours	Total Labor Effort	APC	COLL	Total GDCs	Total Unit Pricing Effort	Total Expense Effort	Total Effort	
800	Hereford Rd PER	\$129.20 220	\$88.77 4	\$189.18 24	\$237.05 8	\$191.25 2	\$76.02 3	\$90.51 5	266	38,234	2,124	0	0	992	992	3,116	39,350
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JULY 5, 2011

CITY MANAGER'S REPORT

- CURRENT EVENTS - NO DISCUSSION

