

AGENDA

AGENDA OF THE WORK SESSION OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, TO BE HELD ON TUESDAY, SEPTEMBER 13, 2016, AT 5:30 PM IN THE BISBEE MUNICIPAL BUILDING, 118 ARIZONA STREET, BISBEE, ARIZONA.

THE MEETING CALLED TO ORDER BY _____ AT _____ PM.

ROLL CALL

COUNCIL

Councilmember Eugene Conners, Ward I
Councilmember Joan Hansen, Ward II
Councilmember Shirley Doughty, Ward III
Mayor Ronald Oertle
Councilmember Anne Cline, Ward III, Mayor Pro Tempore
Councilmember Douglas Dunn, Ward II
Councilmember Serena Sullivan, Ward I

STAFF

Richard Marsh, City Manager
Ashlee Coronado, City Clerk
Albert Echave, Police Chief
Mark Burneleit, Fire Chief
Andy Haratyk, Public Works Director

CITY ATTORNEY

Britt Hanson

COMMENTS FROM THE PUBLIC WILL BE ALLOWED AT THIS MEETING. A SIGNUP SHEET WILL BE AVAILABLE.

THE FOLLOWING ITEM WILL BE DISCUSSED AT THIS MEETING:

1. Discussion of a Resolution Establishing an Entertainment District in Old Bisbee Pursuant to A.R.S. § 4-207.
Britt Hanson, City Attorney
2. Discussion of a City Park Right of Way Use Request from Dan Maldonado, Goar Park Lunches for the Use of Higgins Park Restrooms and Showers for a Period of Six Months.
Andy Haratyk, Public Works Director

ADJOURNMENT

Individuals with hearing disabilities can contact the City Clerk's Office (520) 432-6012 to request an Assisted Listening Device, at least 24 hours before the meeting.

Anyone needing special accommodation to attend this meeting should contact Ashlee Coronado at (520) 432-6012 at least twenty-four hours before the meeting.

Public documents referred to herein may be viewed during regular business hours at the City Clerk's Office at 118 Arizona St., Bisbee.

Pursuant to A.R.S. § 38-431.03(A) (3), the Council may vote to enter executive session at any point during this meeting for discussion or consultation for legal advice with its attorney(s), who may appear telephonically.



MAYOR & COUNCIL WORK SESSION FOR SEPTEMBER 13, 2016

DATE ACTION SUBMITTED: September 8, 2016

DISCUSSION/PRESENTATION ONLY

SUBJECT: DISCUSSION OF A RESOLUTION ESTABLISHING AN ENTERTAINMENT DISTRICT IN OLD BISBEE PURSUANT TO A.R.S. § 4-207

FROM: Britt Hanson

RECOMMENDATION: DISCUSSION ONLY

PROPOSED MOTION: WORK SESSION ONLY

DISCUSSION:

A.R.S. § 4-207 generally prohibits new retail liquor licenses within three hundred (300) feet of a church (or school). Much of the business district in Old Bisbee is within three hundred (300) feet of a church. As a result, although there are many grandfathered liquor establishments in Old Bisbee, a property owner who wanted to open a new retail liquor establishment has been unable to do so.

In 2010, the Legislature amended A.R.S. § 4-207 to allow cities to establish an entertainment district and, within that district, allow property owners to apply for a liquor license even if they are within three hundred (300) feet of a church. The City Council would still be required to review and approve any such application on a case by case basis. In other words, the Council would still retain the authority to approve or deny any liquor license; establishing an entertainment district would simply give the Council the authority to allow someone to apply.

The proposed entertainment district in Old Bisbee stretches along Brewery Gulch up to City Park, and up Tombstone Canyon to just past High Desert Market. A map of the proposed entertainment district is attached to the Resolution.

The relevant subsections of A.R.S. § 4-207 are as follows:

4. The governing body of a city or town, on a case-by-case basis, may approve an exemption from the distance restrictions prescribed in this section for a church or a public or private school that is located in

an area that is designated an entertainment district by the governing body of that city or town.... A city or town with a population of less than two hundred thousand persons may designate no more than one entertainment district within the boundaries of the city or town pursuant to this paragraph.

.....

D. For the purposes of this section:

1. "Church" means a building which is erected or converted for use as a church, where services are regularly convened, that is used primarily for religious worship and schooling and that a reasonable person would conclude is a church by reason of design, signs or architectural or other features.

2. "Entertainment district" means a specific contiguous area that is designated an entertainment district by a resolution adopted by the governing body of a city or town, that consists of no more than one square mile, that is no less than one-eighth of a mile in width and that contains a significant number of entertainment, artistic and cultural venues, including music halls, concert facilities, theaters, arenas, stadiums, museums, studios, galleries, restaurants, bars and other related facilities.

FISCAL IMPACT: NA

DEPARTMENT LINE ITEM ACCOUNT: NA

BALANCE IN LINE ITEM IF APPROVED: NA

Prepared by: 
Britt Hanson,
City Attorney

Reviewed by: 
Richard J. Marsh Jr.,
City Manager

RESOLUTION R-16-08

**A RESOLUTION OF THE MAYOR AND COUNCIL, CITY OF BISBEE,
ESTABLISHING AN ENTERTAINMENT DISTRICT IN OLD BISBEE**

WHEREAS, pursuant to A.R.S. 4-207(A), a new retailer's liquor license cannot be issued for a premises within 300 horizontal feet of a church, which law has had the effect of prohibiting new establishments in significant areas of downtown Old Bisbee;

WHEREAS, pursuant to a law passed by the Arizona legislature in 2010, enacted as subsection C(4) to A.R.S. § 4-207, "[t]he governing body of a city or town, on a case-by-case basis, may approve an exemption from the distance restrictions prescribed in this section for a church or a public or private school that is located in an area that is designated an entertainment district by the governing body of that city or town.... A city or town with a population of less than two hundred thousand persons may designate no more than one entertainment district within the boundaries of the city or town pursuant to this paragraph."; and

WHEREAS, subsection D of A.R.S. § 4-207 defines an "entertainment district" as "a specific contiguous area that is designated an entertainment district by a resolution adopted by the governing body of a city or town, that consists of no more than one square mile, that is no less than one-eighth of a mile in width and that contains a significant number of entertainment, artistic and cultural venues, including music halls, concert facilities, theaters, arenas, stadiums, museums, studios, galleries, restaurants, bars and other related facilities"; and

WHEREAS, the Mayor and City Council seek to promote the City's business community and create an environment where a variety of jobs, services, and uses attract people to downtown Old Bisbee; and

WHEREAS, accordingly, the Mayor and City Council have determined that it would be in the best interests of the City to create an entertainment district encompassing parts of Brewery Gulch, Main Street, Tombstone Canyon, Commerce Street, Subway Street, Howell Avenue, Opera Drive, and other portions of the commercial area of downtown Old Bisbee, as depicted more fully on the map attached hereto as Exhibit A.

NOW, THEREFORE, BE IT NOW RESOLVED, by the Mayor and Council, City of Bisbee, that an entertainment district for downtown Old Bisbee, as depicted on Exhibit A hereto, is hereby established.

PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Bisbee, Arizona, County of Cochise, State of Arizona, this _____ day of _____, 2016.

Ronald Oertle, Mayor

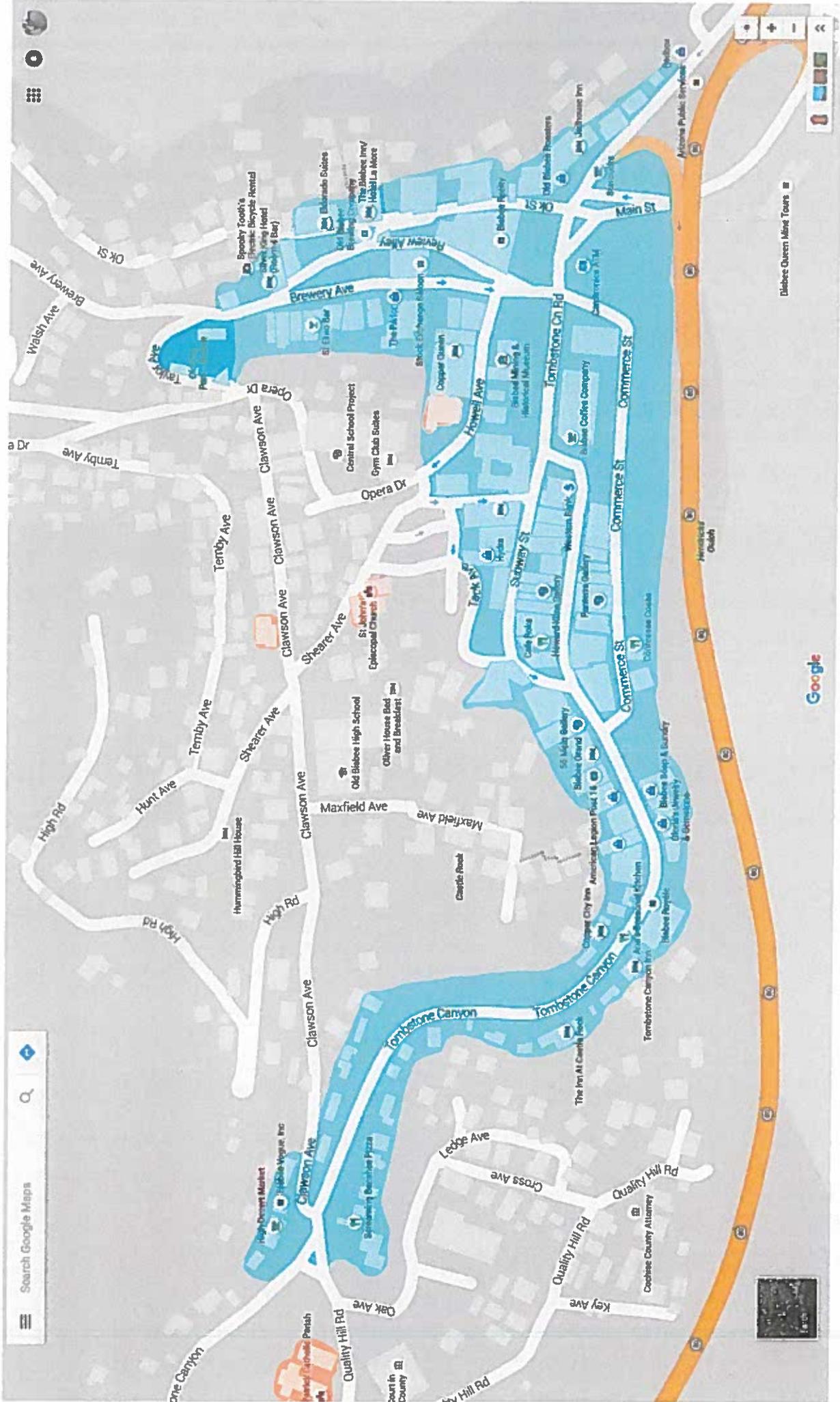
RESOLUTION R- 16-08

ATTEST:

Ashlee Coronado, City Clerk

APPROVED AS TO FORM:

Britt W. Hanson, City Attorney



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MAYOR & COUNCIL WORK SESSION FOR 9/13/16

DATE ACTION SUBMITTED: 9/8/16

DISCUSSION/PRESENTATION ONLY

SUBJECT: DISCUSSION OF A CITY OF BISBEE RIGHT OF-WAY USE REQUEST FROM DAN MALDONADO, GOAR PARK LUNCHESES FOR THE USE OF HIGGINS PARK RESTROOMS AND SHOWERS FOR A PERIOD OF SIX MONTHS.

FROM: Andy Haratyk, Public Works Director

RECOMMENDATION: N/A

PROPOSED MOTION: WORK SESSION ONLY

DISCUSSION:

To discuss the request from Dan Maldonado, Goar Park Lunches, for the use of restrooms and showers at Higgins Park (City Pool). There is a recommendation of a 60 day trial period. The City of Bisbee will be responsible for opening and closing the restrooms. Goar Park Lunches will provide soap, towels and be responsible for cleaning the facilities.

FISCAL IMPACT: NA

DEPARTMENT LINE ITEM ACCOUNT: NA

BALANCE IN LINE ITEM IF APPROVED: NA

Prepared by: Andy Haratyk
Andy Haratyk, Public Works Director

Reviewed by: Richard J. Marsh, Jr.
Richard J. Marsh, Jr., City Manager

ACTION AGENDA

The Parks and Recreation Committee Regular Meeting was held on Tuesday, August 22, 2016 at 6:00 p.m. at City Hall Council Chambers, 118 Arizona St., Bisbee, Arizona.

MEETING CALLED TO ORDER BY KAY LYNN CUMMINS AT 6:00 PM.

ROLL CALL

COMMITTEE MEMBERS:

Kay Lynn Cummins/Chair-PRESENT

Cado Daily-PRESENT

Lawrence Cummins-PRESENT

Audrey "Luche" Giacomino-PRESENT

Carole Beauchamp-PRESENT

COUNCIL LIAISON:

Shirley Doughty-ABSENT

CITY LIASONS:

Lorena Valdez-ABSENT

Andy Haratyk-PRESENT

THE FOLLOWING IS TO BE DISCUSSED, CONSIDERED, AND/OR DECIDED UPON DURING THIS MEETING:

DISCUSSION AND POSSIBLE APPROVAL OF THE MINUTES FROM THE MAY 23, 2016 REGULAR MEETING.

APPROVED

NEW BUSINESS

1. Discussion on Dan Maldonado, Goar Park Lunches, to use the Higgins Park
APPROVED
2. Showers two times per week.
NO ACTION
3. Discussion on Ian Dorofey for use of public bathrooms in Higgins Park.
NO ACTION
4. Discussion and Review of the by-laws-
NO ACTION
5. Discussion and Possible Approval of New Officer Election-
APPROVED

6. Discussion on Report to City Council-
NO ACTION

7. Discussion on Step up Bisbee replacement of the fascia of pool building Grant
for pool improvements and friends of the Bisbee Pool Committee-
NO ACTION

OLD BUSINESS

MEMBER COMMENTS:

STAFF COMMENTS:

ADJOURNMENT: MEETING ADJOURNED BY KAY LYNN CUMMINS AT 7:30
PM.