

## AGENDA

AGENDA OF THE SPECIAL SESSION OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, AND STATE OF ARIZONA, TO BE HELD ON TUESDAY, OCTOBER 30, 2018, AT 6:00 PM IN THE COCHISE COUNTY BOARD OF SUPERVISORS HEARING ROOM 1415 MELDOY LANE, BUILDING G, BISBEE, ARIZONA.

THE MEETING WAS CALLED TO ORDER BY \_\_\_\_\_ AT \_\_\_\_\_.

### ROLL CALL

#### **COUNCIL**

Councilmember Anna Cline, Ward III  
Councilmember Joan Hansen, Ward II  
Councilmember Frank Davis, Ward I  
Mayor David M. Smith  
Councilmember Bill Higgins, Ward I  
Councilmember Douglas Dunn, Ward II, Mayor Pro Tempore  
Councilmember Gabe Lindstrom, Ward III

#### **STAFF**

Robert Smith, City Manager  
Ashlee Coronado, City Clerk  
Keri Bagley, Finance Director  
Daniel Duchon, Personnel Director  
Dwayne Wallace, Operations Manager  
Albert Echave, Police Chief  
George Castillo, Fire Chief

#### **CITY ATTORNEY**

Britt Hanson

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

1. Discussion and Possible Approval of Ordinance O-18-09; Authorizing the sale and transfer of City Property located near 429D Laundry Hill.  
Paul Esparza, Planning Manager

### 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 1415 W. Melody Lane, Bldg. G., 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.



**REQUEST FOR MAYOR & COUNCIL ACTION**

Session of: October 30, 2018

Regular  Special

**DATE ACTION SUBMITTED:** October 23, 2018

**REGULAR**       **CONSENT**

**TYPE OF ACTION:**  
**RESOLUTION**       **ORDINANCE**       **FORMAL ACTION**       **OTHER**

**SUBJECT:** Discussion and possible approval of O-18-09, authorizing the sale and transfer of city property near 429D Laundry Hill.

**FROM:** Paul Esparza, Planning Manager

**RECOMMENDATION:** Approval and adoption of O-18-09 regarding the transfer of city property.

**PROPOSED MOTION:** I move to adopt O-18-09 authorizing the sale and transfer of city property to Jon Sky located near 429D Laundry Hill.

**DISCUSSION:** The applicant Mr. Sky desires to acquire a 330 sq ft portion of city parcel APN 103-61-179A to create a designated parking space for his contiguous parcels APN 103-61-175C and 177A. Mr. Sky is currently constructing a residential structure on the parcels and desires that parking will be available. The requested property size is 15' wide X 22' long.

The Planning and Zoning Commission held a public hearing on September 20, 2018 and recommended approval of the transfer of city property by a vote of three to two with one abstention. The estimated value of the property based on a realtor opinion is \$3/sf.

**FISCAL IMPACT:** \$990.00

**DEPARTMENT LINE ITEM ACCOUNT:**

**BALANCE IN LINE ITEM IF APPROVED:** \$

**Prepared by:** Ina Williams for  
Paul Esparza,  
Planning Manager

**Reviewed by:** Robert Smith  
Robert Smith,  
City Manager



192 HIGHWAY 92 • BISBEE, ARIZONA 85603

(520) 432-4110 • FAX: (520) 432-2594

October 23, 2018

Dear Mayor Smith and City of Bisbee Council Members

This letter is regarding your request to review the fire hydrant location on Laundry Hill. Both Fire Chief Castillo and myself have determined the hydrant is obstructed and would not be accessible in the event of a fire at either structure near the hydrant. This clearly poses a present danger to all residents and structures in the immediate area.

From the fire departments strategic and tactical stand point this hydrant serves no viable resource during fire suppression efforts. Per the 2012 International Fire Code adopted by the City of Bisbee:

**Ch.5. Section 507 Fire Protection Water Supplies 507.5.4 Obstruction**

Unobstructed access to fire hydrants shall be maintained at all times. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

**507.5.5 Clear Space Around Hydrants**

A 3-foot clear space shall be maintained around the circumference of fire hydrants, except as otherwise required or approved.

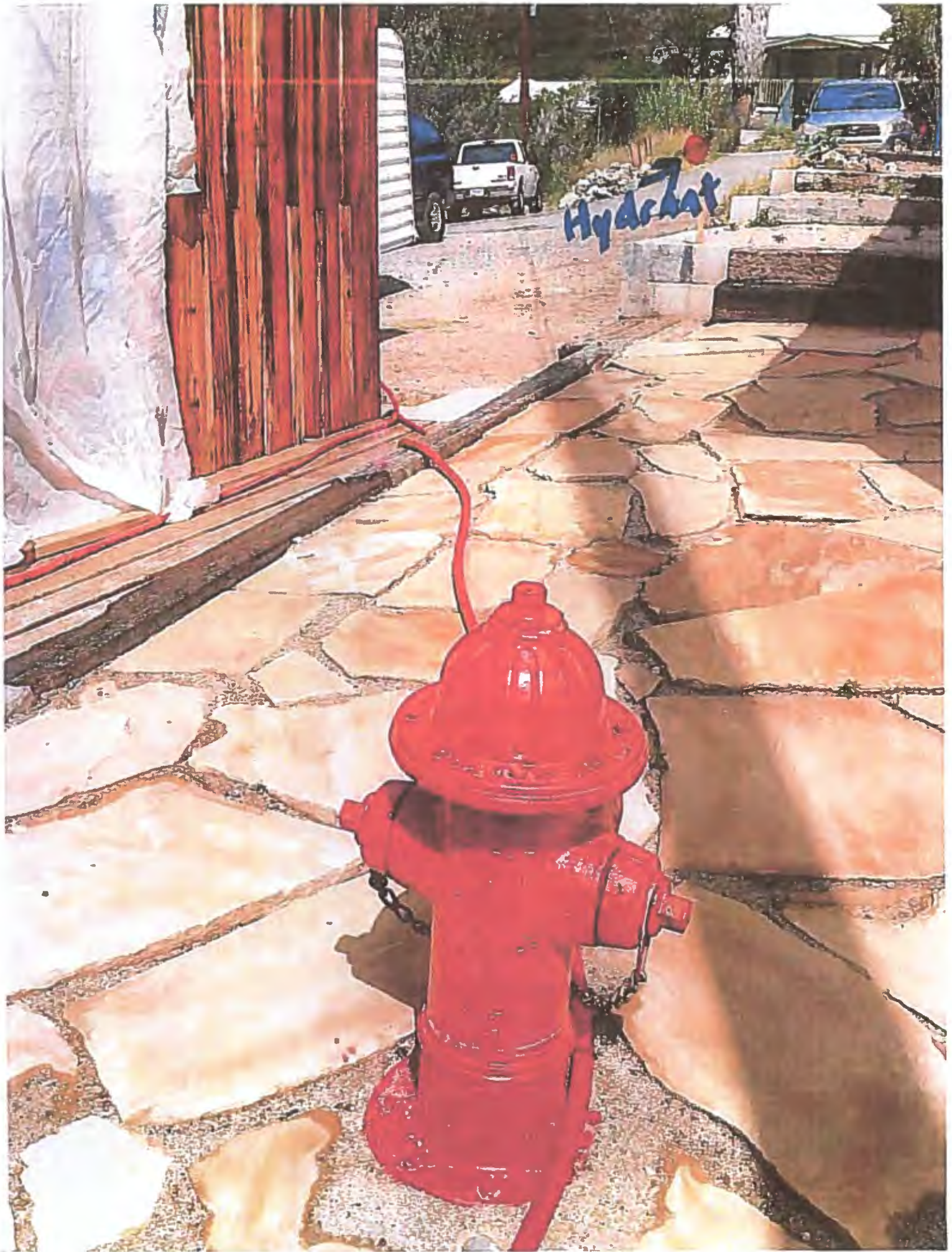
**507.5.6 Physical Protection**

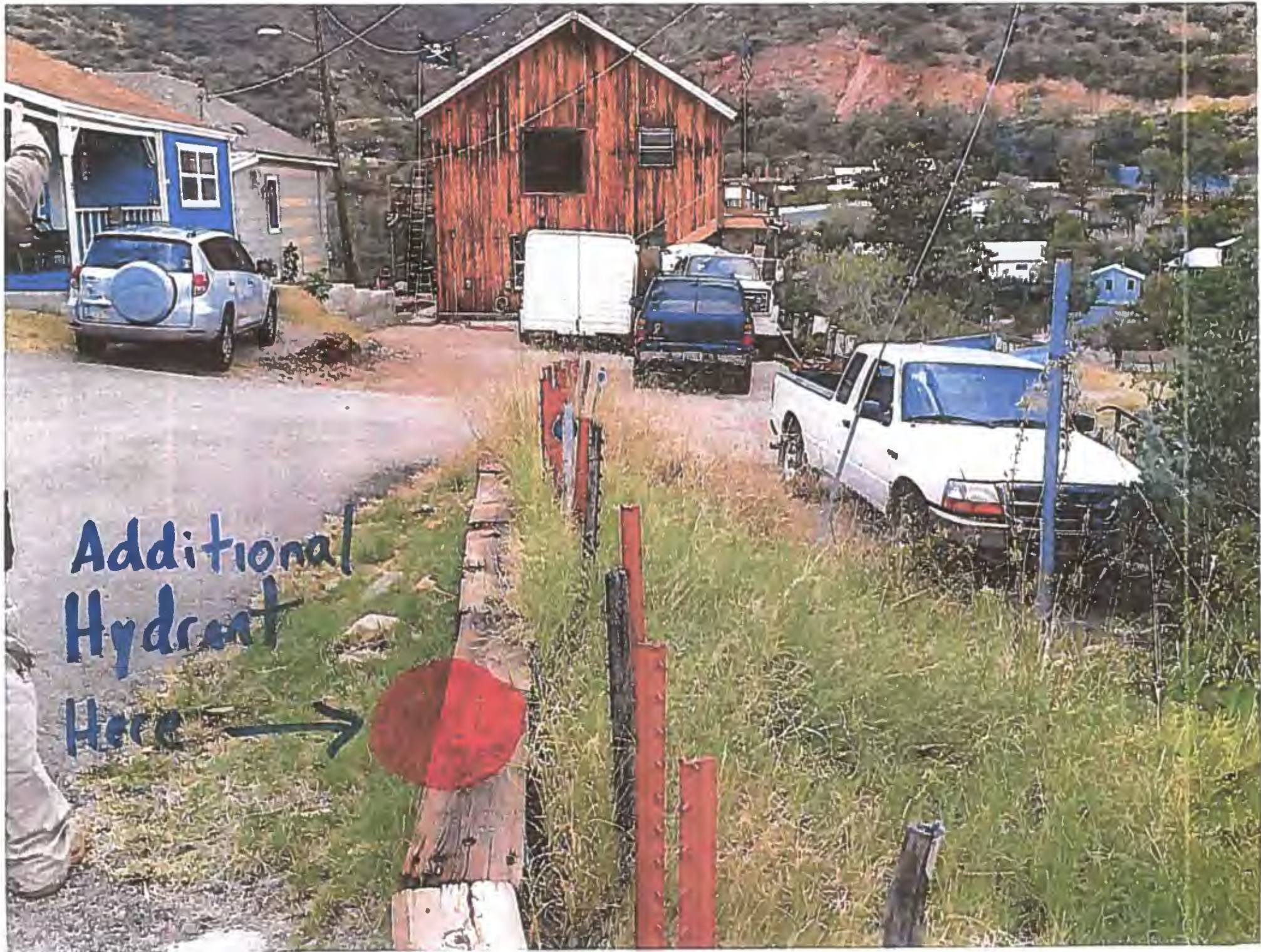
Where fire hydrants are subject to impact by a motor vehicle guard post or other approved means shall comply with **Sec 312 Ch3-Sec 312 Vehicle Impact Protection.**

Due to the close proximity of the structures and their parking spaces it is our opinion based on our observations as well as the International Fire Code that this fire hydrant meets all the criteria to justify the allocation of an additional fire hydrant. Therefore, Chief Castillo and I believe the most appropriate location for this additional hydrant to best serve the needs of the fire department and surrounding residence in order to enhance life safety of our community and firefighters is shown in the photographs provided.

Respectfully,

Jim Richardson  
Lieutenant/Fire Marshall  
Bisbee Fire Department





Additional  
Hydrant  
Here →



## **ORDINANCE O-18-09**

### **AUTHORIZING THE SALE AND TRANSFER OF CERTAIN SURPLUS CITY PROPERTY, BEING APPROXIMATELY 330 SQUARE FEET ADJACENT TO 429D LAUNDRY HILL**

**WHEREAS**, pursuant to section 1.03 of the Charter of the City of Bisbee, the City has the authority to sell such City property as its interests may require; and

**WHEREAS**, Jon Sky, owner of 429D Laundry Hill, Bisbee, Arizona, applied to purchase a parcel owned by the City consisting of approximately 330 square feet adjacent to 429D Laundry Hill (the "Parcel"), and consisting of a portion of parcel APN 103-61-179A, more particularly described on Exhibit A hereto; and

**WHEREAS**, pursuant to Article 2.6.9 of the City Code, the Planning and Zoning Commission considered the Trust's application and recommends approval of the transfer of the Parcel, and further recommends that, because the Parcel has historically been associated with and used in connection with the property at 429D Laundry Hill, that the Parcel be sold to Mr. Jon Sky without public auction or bidding; and

**WHEREAS**, the Council, upon the recommendation of the Zoning Administrator, has determined that a fair price for the parcel is \$3.00/sf, for a total of \$990.00; and

**WHEREAS**, the public notice requirements of Article 2.6.9 of the City Code have been complied with; and

**WHEREAS**, pursuant to Section 7.05(h) of the City Charter, the sale or transfer of City property must be done by ordinance, and this action is in the best interests of the citizens of the City of Bisbee,

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the City of Bisbee, County of Cochise, State of Arizona, as follows:

The sale of that certain property more particularly described in the attached Exhibit A to the Trust for the sum

**Ordinance O-18-09**

of nine hundred and ninety dollars (\$990.00) to be paid in cash prior to the closing of this transaction, is hereby authorized and approved. The Mayor is further authorized to execute a Quit Claim Deed on behalf of the City for the transfer of this property and all additional documents that may be necessary for the completion of this transaction.

**PASSED, APPROVED AND ADOPTED** by the Mayor and Council of the City of Bisbee on this 30<sup>th</sup> day of October 2018.

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David Smith, Mayor

**ATTEST:**

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Ashlee Coronado,  
City Clerk

**APPROVED AS TO FORM:**

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Britt W. Hanson,  
City Attorney

**EXHIBIT A  
LEGAL DESCRIPTION**

A PORTION OF LOT 45, BLOCK 23, BISBEE TOWNSITE, AS RECORDED IN BOOK 1 OF MAPS OF PLATS, PAGES 25-63, RECORDS OF COCHISE COUNTY, ARIZONA, SITUATED IN A PORTION OF SECTION 8, TOWNSHIP 23 SOUTH, RANGE 24 EAST, GILA AND SALT RIVER MERIDIAN, COCHISE COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE MOST SOUTHERLY CORNER OF SAID LOT; THENCE N 61° 46 00" W 10.00 FT ALONG THE LINE OF SAID LOT TO THE POINT OF BEGINNING;

THENCE N 61° 46 00" W 15.00 FEET ALONG THE LINE OF SAID LOT;  
THENCE N 28° 14 00" E 22.00 FEET;  
THENCE S 61° 46 00" E 15.00 FEET;  
THENCE S 28° 14 00" W 22.00 FEET TO THE **POINT OF BEGINNING.**

THE TOTAL AREA CONTAINS 330 SQUARE FEET OR 0.008 ACRES, MORE OR LESS.





## Staff Report

**To:** Mayor and City Council  
**From:** Paul Esparza, Planning Manager  
**Re:** Sky Transfer of City Property Application  
**Date:** October 10, 2018

**Location:** The portion of city property described as APN 103-61-179A is located north of the applicant's parcels at 429D Laundry Hill.

**Zoning:** R-1

**Size of Parcel:** The portion of city parcel requested is approximately 330 square feet or .007 acre. The dimensions are 15' wide X 22' long.

**Reason for Application:** Mr. Sky desires to acquire the portion of city parcel to create a designated parking space for his contiguous parcels APN 103-61-175C and 177A which has a new residential structure currently under construction.

**Staff Analysis:** This application for the transfer of city property was previously before the P&Z Commission on May 17, 2018. The Commission did recommend approval of this request. This application has been referred to the Commission for their reconsideration based on a new finding. The P&Z Commission held a second public hearing on September 20, 2018 and recommended the transfer of city property by a vote of three to two with one abstention.

The recent sale of the home at 19F Laundry Hill would have landlocked the home at 17F Laundry Hill with no direct access to Laundry Hill Street had the entire subject parcel been sold to the applicant. The requested city property is now a smaller portion of APN 103-61-179A which is located immediately north of the applicant's parcels.

This city parcel has been historically used as a parking area. At approximately 480 square feet, it is not likely that this parcel could be developed by the city or used as open space since it is located between two existing parking areas.

Pursuant to Article 2.6.9 of the Bisbee City Code, prior to any sale, exchange, or abandonment of City property, the proposal to transfer the subject property shall be referred to the Planning and Zoning Commission for review and recommendation.



The City of Bisbee Public Works Director reviewed this request and provided an email that would support the transfer of this parcel of city owned property to the adjacent property owner. The sale of this parcel would generate a small increase in city property tax revenue and the proceeds from the sale would be used for capital improvements within the city.

**Public Comments:** A public notice was published in The Bisbee Observer, posted on the subject property and posted on the City's website. Property owners within 300 feet of the subject parcel have been given written notice of the public hearing date for this transfer of city property application.

To date, written comments in opposition to this request have been received from Mr. Brian Laird whose family owns an adjacent home on Laundry Hill.

**Parking Regulations:**

8.1.2 Residential- One (1) parking space for each family dwelling unit less than 1,000 square feet; and a minimum of two (2) spaces per unit for each dwelling unit more than 1,000 square feet.

8.7.1 Notwithstanding any other provision of this Zoning Code, for new residential construction in the Bisbee Historic Preservation Overlay Zone, if onsite parking or offsite parking is not feasible, the parking requirements of Article 8.1 of this Zoning Code shall not be applicable. The determination of feasibility shall be made by the Zoning Inspector. A property owner can appeal the Zoning Inspector's determination of feasibility to the Board of Adjustment.

**Fire Department Input:** The Bisbee Fire Department has been contacted regarding this request and will be present at the City Council meeting to convey their position on this request. The P&Z Commission asked that the Fire Department be present at the City Council meeting.

**Property valuation:** Staff contacted a local realtor and solicited their professional opinion of the square foot price for the city parcel at that location. \$2.5 to \$3 per square foot was verbally stated.

**Staff Recommendation:** The Planning and Zoning Commission has forwarded a favorable recommendation by a vote of three to two with one abstention to the Mayor and City Council for the transfer of a 15' wide X 22' long portion of APN 103-61-179A to the applicant with a minimum bid of \$990 or \$3 per square foot.



# APPLICATION FOR THE TRANSFER OF CITY PROPERTY or RIGHTS OF WAY

COMMUNITY DEVELOPMENT  
PLANNING & ZONING

1. Applicant's name: Jon SKY Cameron
2. Mailing address: [REDACTED]
3. Phone# [REDACTED] Cell Phone [REDACTED]
4. Email Address [REDACTED]
5. Property address: 103-61-179A
6. Parcel number: [REDACTED]

7. Please describe the reason for this request and the relationship of the subject property to any property currently owned by the applicant:

Every House on laundry hill has parkings with there house. 429 d laundry Hill has been using this parking spot for the last 30 years. Just trying to make parkings legal for all on laundry Hill To alleviate any disputes

Applicant's signature: [Signature]

Date

3/12/18

Administrative fee: \$300.00 plus costs.

Contact the Planning and Zoning Department at 432-6269 with any questions.