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## MEMORANDUM

TO: Mayor and City Council

FROM: Stephen J. Pauken, City Manager *SJP*

RE: Petition of Peter Von Gundlach & Adrienne Ruiz

DATE: March 31, 2006

The above referenced petition requests that the Mayor and City Council reveal the amount of money budgeted for the "intended paving for this intended paving event as well as the names of the person or persons that ordered and authorized this paving event to occur". The intended paving event refers to the south end of Minder Avenue as it terminates with the city limits. At the March 7, 2006 council meeting, City Council assigned the city manager to look into the matter.

I have received photographs from Mr. Von Gundlach along with his allegations of what took place in November, 2005. Additionally, I asked Mr. Russell McConnell, Director of Public Works, for information regarding money budgeted for the paving of this section of Minder Avenue. And finally, I contacted my professional organization, ICMA, for advice on how to handle revealing the names of the person or persons that ordered the alleged paving event to occur.

While there is no doubt that Public Works crews did work on the south end of Minder Avenue during November of 2005, there is only anecdotal evidence regarding the extent of work to be done there. Public Works crews did, in fact, smooth and grade the south end of Minder Avenue. With regard to money budgeted for this event, "There was no specific budget line item established for the paving of Minder Ave. or any other streets in the FY-06 budget" according to my inquiry to Public Works Director McConnell. Because there was no Work Order written for the paving of this portion of Minder Avenue, the names of the person or persons that "ordered" this alleged paving event can not be determined conclusively. I did question Mr. McConnell as to whether he ordered this section of roadway to be paved, and he responded with an emphatic "NO" ←

The petition also presents the Mayor and Council with a "Possible Solution to Problem" which includes "re-allocation of the above mentioned budgeted funds to be used to reconstruct and repave 12,000 sq ft. of the Minder St. hill, under the supervision of an engineer to ensure compliance with current roadway construction codes and standards". Since funds were never budgeted to pave Minder Avenue, it would require City Council's direction to pave this section of roadway. Whether or not the supervision of an engineer would be required is a judgment call. In a related communication to the city manager, Mr. Von Gundlach cited BNR Paving as a source for estimating the cost of doing this paving project. Upon

investigation, BNR Paving (a paving contractor) was contracted with the city of Bisbee to repave areas that were affected by the sewer project on a "cubic yard of asphalt applied" basis. After a short period of time, this firm pulled out of Bisbee and never returned. Additionally, I would not recommend the costs associated with retaining the services of a professional engineer for a project that includes only 12,000 ft<sup>2</sup> of roadway, as the cost would be prohibitive.

Copies of all pertinent documents are attached to this memo.

City Council has the following options; 1) do nothing, 2) place an asphalt patch on the 12,000 ft<sup>2</sup> of the subject area utilizing city crews with funds from the Highway User Revenue Fund, or 3) hire a paving contractor to patch the subject area (competitive bidding would be recommended in this case, the cost could be as high as \$24,000) with funds from the HURF. I believe the funds are available in the HURF at the present time.

I hope this information will be of assistance in making your response to the subject petition, which is due no later than April 18<sup>th</sup>, 2006. City Staff will respond to your direction at the earliest possible time.

Thank you.