

Minutes

**MAYOR AND COUNCIL
SPECIAL MEETING STUDY SESSION - JULY 29, 2020, AT 5:30 P.M.
CITY HALL - COUNCIL CHAMBER
425 10TH STREET, DOUGLAS, AZ 85607**

1. **CALL TO ORDER:** 5:30 p.m.
2. **PLEDGE OF ALLEGIANCE:** by Council

Mayor Huish requested a moment of silence for the passing of Mr. Larry Blaskey former Douglas Dispatch Editor and Publisher.

3. **ROLL CALL.**

	PRESENT	ABSENT
MAYOR, DONALD C. HUISH	X	
MAYOR PRO TEMPORE, MARGARET MORALES	X	
COUNCILMEMBER, MITCH LINDEMANN	X	
COUNCILMEMBER, DANYA ACOSTA	X (5:36 p.m.)	
COUNCILMEMBER, RAY SHELTON	X (5:44 p.m.)	
COUNCILMEMBER, MICHAEL BALDENEGRO	X	
COUNCILMEMBER, JOSE GRIJALVA	X	
INTERIM CITY MANAGER, DAWN PRINCE	X	
CITY ATTORNEY, JUAN PABLO FLORES	X	
CITY TREASURER, LUIS PEDROZA	X	
ACTING CITY CLERK, ALMA ANDRADE	X	

Item number 6 was presented immediately after roll call.

4. **PRESENTATION/DISCUSSION on SPECIAL EVENT POLICY and REQUESTS for CITY SPONSORSHIP.**

Jennifer Smith provided background information to DMC Title 12 as some of the most recent requests from community organizations asked for the city's assistance in sponsoring requests such as the Douglas Downtown Merchants for a downtown Street Fair, the Douglas Street Rods annual car show, and the Sons of the American Legion Veterans Day parade.

Currently, Title 12.40 of the Douglas Municipal Code does not define a process or procedure for the type of requests nor does it give specific criteria for the types of events the city could sponsor outside of the regular annual community events by the city.

Jennifer Smith provided the following bullet points:

- On average the City of Douglas issues 90 special event permits per year
- Sports & League tournaments (youth and adult)
- Sports clinics
- Parades
- Community events
- Other misc. activities

Council Member Grijalva inquired since the city was a Purple Heart City and if nonprofit veterans apply, he recommended for the city to sponsor them as it was the least the city could do for veterans.

Mayor Huish requested clarification from Council Member Grijalva and if the need to add agencies or certain type of activities to the policy was he referring to.

Council Member Grijalva added that veterans at the American Legion asked the city for parade sponsorship and continued to say that if a non-profit veteran would like to have a parade, then the city could sponsor and fulfill the liability insurance request.

Mayor Huish inquired if the city had an informal policy that people requested.

In response Jennifer Smith stated that Luis Pedroza communicated annually with organizations that requested city assistance and were included in the budget; therefore, provided some consideration & samples for council:

- What type of event should the city sponsor?
- What type of events should the city not sponsor?
- What criteria should be evaluated in order to consider sponsoring an event?
- What process do these requests need to go through?
- Other considerations?

Dawn Prince added that the reason to bring the policy forward was due to some inconsistencies in the way it had been handled as some individuals knew the process and they would go to Finance; and other individuals did not, therefore, they would approach the city manager's office.

Council Member Acosta inquired on clarification for the veteran's day parade and if the fee would be an approximate \$600 dollars for liability insurance and further inquired if the amount would be added to the city's insurance and whether premiums would go up due to certain sponsored events.

Rocio Garcia responded that the liability insurance would go up, and at the end of the year a list of events was provided to them and the more events were listed then it would be a higher cost for the city, especially parades which had the most liabilities to the insurance companies.

Moreover, Rocio Garcia stated that there was an option for "tenant insurance" in which the organizer would approach the insurance directly in order to obtain liability insurance for their events, and that the cost would be an approximate amount of \$75 to \$300 dollars depending on type of events.

Council Member Acosta added it would be something to considered and she would love to support the veteran's parade, however, if the city would add different events then the community would be paying for in the long run.

Mayor Huish commented on the type of items added to the strategic plan and if it was important to move forward, and on certain events the city could support.

Council Member Lindemann commented that the city sponsored events like the Fourth of July, Christmas Events, Douglas Days and believed it was in the budget and it would not be much to include the Veteran's Parade in. Furthermore, Council Member Lindemann suggested to have a committee to look at other events and if the cost was minimal to add a rider to the city's insurance, however, in sponsoring all, the city was not able to do everything.

Mayor Huish requested a list of events the city could be involved in and a policy to handle all other requests.

Mayor Huish stated to focus on the policy and what to include in it.

Council Member Baldenegro inquired on the city's liability for the Fourth of July event.

In response Juan Pablo Flores commented that typically the parade, the city sponsors, and in reference to "fiestas" the city would ask the sponsoring party for liability insurance. Furthermore, Juan Pablo Flores

added Youth programs were linked to Title 12 of the Municipal Code and if the sponsor was doing a cultural or youth event for the community, then they would be exempt from the liability provision.

Jennifer Smith stated that one example was the Fourth of July and it was a city event, and during the budget discussions a list of city events was listed, Trunk or Treat, Douglas Days, Christmas Parade, Tree Lighting Ceremony and were in the budget. Furthermore, Jennifer Smith added that the League's facilities was the other component and the city would partner with them to use the facilities and would pay fees and that all sports leagues and youth had their own liability insurances.

Additionally, Jennifer Smith stated that other organization like Fiestas Patrias, and Downtown Merchants were not necessarily sponsored by the city.

Luis Pedroza added that city sponsor events were controlled by the city, staff would work under city's liability insurance, and on how to address when organizations would ask the city to sponsor, how the city give control to protect the event and the city. In reference to the Park Ramadas, Luis Pedroza added that there were rules of operations when rental was approved.

Dawn Price added that ramadas were under the city's liability insurance due to the fact that the city had insurance for city's facilities, buildings, parks, etc.

Council Member Acosta stated that a strategic focus would encompass all under "what type of events should the city sponsor" and finalizing the strategic plan.

Mayor Huish added on the type of events the city should sponsor and stated all events were good and inquired on the minimum attendance numbers and how would people could use in-kind services from the city. Furthermore, Mayor Huish inquired on the type of events the city could not sponsor.

Additionally, Mayor Huish commented there was a church at Castro Park occasionally on Friday evenings and requested information.

In response Jennifer Smith stated there was one church that applied to use the city facility. Furthermore, commented that churches submit applications for help but the city did not sponsor other than regular help.

Council Member Lindemann commented that things that would benefit the city if they were to bring events that could bring people to the community, for example, the Mexican Baseball Fiesta which brought a lot of people to the community.

Mayor Huish agreed to bring people to the community.

Mayor Huish commented that having a special event committee like they had was great for event recommendations.

Council Member Acosta commented that number three of the sample policy provided was a good example to follow, and inquired on the for-profit organizations like the Downtown Merchants and whether they would fall under the for-profit organizations list and added that the city wanted to help downtown merchants.

In response Mayor Huish commented he was not sure if they were officially organized.

Dawn Prince commented they were organized and were working on it. Furthermore, Dawn Prince added the city would look at events and whether or not could promote, if it was a community event therefore, it would be included in the city's list for consideration to support.

Luis Pedroza commented that when the word sponsorship was to seek the city's help in something they could not accomplished within the existing policy.

Mayor Huish inquired on how the city wanted to proceed with the special event policy.

Jennifer Smith responded that it was a great start and would put together with councils' comments.

Mayor Huish thanked Ms. Smith.

5. PRESENTATION/DISCUSSION on UPDATING VARIOUS JOB DESCRIPTIONS for the City Manager, City Attorney and City Clerk's Offices.

Rocio Garcia provided background information and presented on the following pending areas:

- Administration
- Public Works

Purpose of Job Description:

- Formal document, nature, scope, requirements and responsibilities
- Training and development
- Annual performance evaluations
- Recruitments, promotions and initial hiring
- Should be a living document, reviewed often

Review Process

- Essential functions
- Minimum qualifications
- Special requirements
- Working conditions
- Consider internal structure

Rocio Garcia commented council could send her comments or questions on each job description.

Dawn Prince added she would send council the comparable in order for council to see what cities was the city of Douglas compared to.

Mayor Huish thanked Ms. Garcia.

6. PRESENTATION/DISCUSSION regarding PROPOSED AMENDMENTS to section 8.28 of the DOUGLAS MUNICIPAL CODE related to NOISE.

Chief Fullen provided background information.

Unreasonable noise: any loud, unnecessary, or unusual noise that is excessive, disruptive and/or (1) annoys or disturbs a reasonable person of normal sensitivities; or (2) endangers or injures the safety or health of humans or animals; or (3) endangers or injures personal or real property.

Mayor Huish asked if a construction work site would be necessary due to the work, but for example a boombox could be consider unnecessary.

Chief Fullen responded it was correct, work construction site noise could be necessary, whereas, the loud boombox music would not.

Additionally, Chief Fullen commented on the following:

- Domestic Power Tools. Operating or permitting the operation of any mechanically powered saw, sander, drill, grinder, lawn or garden tool or similar device used outdoors in residential areas between the hours of 10:00 p.m. and 6:00 a.m. the following day so as to cause an unreasonable noise across a residential real property boundary.
- E. Maintaining or operating an outdoor speaker that is affixed to any structure or placed upon any property where: 1. The speaker is audible for a distance of more than fifty (50) feet from the source; or 2. The speaker is two hundred fifty (250) feet or closer to a location that is zoned or developed for residential use. This restriction shall not apply to intercommunication systems that are utilized from 9:00 a.m. to 6:00 p.m. for the sole purpose of conducting the internal business affairs of the establishment.

- Construction, repair, remodeling, demolition, drilling, landscape maintenance, landscaping, lawn or yard work, wood cutting – including crafts and hobbies, or excavation work conducted between 6 a.m. through 8:00 p.m.

Mayor Huish inquired on the allowable construction hours, 8pm vs. 10pm.

Chief Fullen commented that the time was as part of a previous noise ordinance.

Council Member Lindemann questioned if a family was having a birthday party and it went to 9pm or so and does not want to preclude and thought the time was originally from 6am to 10pm.

Chief Fullen added the times were specific to construction and related activities.

Mayor Huish stated his concern was with the 8pm time as some people would get home late and may work until 10pm.

Council Member Acosta mentioned as per personal experience construction work during early evening hours, and also understood not late hours.

Chief Fullen stated that times would be moved to 10pm.

Council Member Grijalva added that it allowed for business friendly.

Council Member Lindemann stated that during AP celebration season, music was very loud during the entire night.

Chief Fullen added in reference to parties and the responsible party would be as followed: 8.28.060 Responsible Party A. The person responsible for an activity that violates this section shall be deemed responsible for the violation. B. If the person responsible for an activity that violates this section cannot be determined, the Formatted: Font: Not Bold 8 - 36 05/01/2003 owner, property manager or agent of the owner, sponsor of the event, lessee or occupant of the property on which the activity is located may be deemed responsible for the violation.

Moreover, Chief Fullen commented that the vilations in 8.20.080 Violation – Penalty A. The penalty for the first violation shall be a mandatory minimum fine of \$100.00. B. The penalty for the second violation shall be a mandatory minimum fine of \$250.00. C. A third or subsequent violation shall constitute a Class 3 misdemeanor to be punishable by a mandatory minimum fine of \$500.00.

Council Member Baldenegro inquired if there was some sort of weekend permit.

Chief Fullen stated there was not unless it would be a special event permitting that the city would authorized or sponsored.

Council Member Baldenegro mentioned the city could have a weekend permit for parties or graduations, etc.

Council Member Lindemann agreed.

Furthermore, Council Member Baldenegro inquired if permitting would be obtained from the police dispatcher for a party.

Council Member Grijalva commented that in the event of a party, the responsible party would get a paper signed by their neighbors to show agreement, and added that the city should accommodate.

Council Member Morales inquired if the police department received a lot of noise complaints from a specific Douglas area.

In response, Chief Fullen stated it was an ongoing complaint and the last he heard was from loud music from vehicles in the early morning hours. Additionally, Chief Fullen commented PD received complaints pertaining to parties at houses.

Furthermore, Chief Fullen added if the city would considered special occasion permitting for parties, then it could present challenges and inquired on the ordinance purpose.

Mayor Huish commented his thoughts were two different components, one partying and one excessive music or noise, and believed that people gathering at midnight was not the case, but loud music would need to lower at 10pm.

Mayor Huish agreed with Council Member Grijalva that the city was welcoming therefore, the responsible party should contact their neighbors and stated they were to have a party, etc.

Furthermore, Mayor Huish commented that noise level would need to come down at 10pm.

Council Member Lindemann asked Chief Fullen on his opinion on the measurable cut off level.

In response Chief Fullen stated the challenge would be with decimal meters to be able to take a reading, whereas restricted to property line as the noise needed to stop at the owner's property line, therefore, noise could not encroach on neighbor's property line.

Council Member Shelton agreed with Mayor Huish thoughts, and commented noise needed to stay at 10pm.

Mayor Huish added that the intent was to discuss the item which would come up at a future council meeting for vote and approval.

Council Member Grijalva commented that at the next meeting they could review the fines.

Mayor Huish inquired on fee comparison to similar cities as Douglas.

In response, Juan Pablo Flores stated that operative number for nuisances was \$50.00, and if council wanted to change it was doable.

Mayor Huish stated he would prefer \$50.00 for any noise violations.

Council Member Acosta commented that officers were going to do what they could to educate first on the matter and if somebody was being persistent with their noise and not listening to warnings, then a citation fee would followed.

Council Member Morales inquired if the adjustment would be \$50.00, then the second violation would be \$250.00, believed that all fines should be adjusted.

Council Member Baldenegro added if a special permit would be allowable then the fines would get eliminated.

Council Member Grijalva inquired if 120 days was standard compared to other cities.

In response Chief Fullen stated it was taken from a previous noise ordinance.

Council Member Shelton inquired on non-compliance payment from the responsible party.

Juan Pablo Flores clarified that fees for other citations would not be less than \$25 for nuisance, which could be low, therefore, there was a charter provision in reference to fees and assessments that had been use in the past when people owe money particularly on garbage, sewer and water, a lien could be place on their homes, but a citation could be given to somebody that was renting, then a lien was not possible.

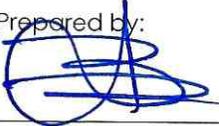
Furthermore, Juan Pablo Flores commented that the lien process would enforcement issue through court consolidation process, and added that somebody's property could not lien a home due to a municipal fine.

Mayor Huish thanked Chief Fullen for his presentation.

7. **ADJOURNMENT:**

Motion by Council Member Shelton, **second** by Council Member Morales to adjourn the meeting at 7:00 p.m.

Prepared by:



Alma Andrade, Acting City Clerk