

**DOUGLAS CITY COUNCIL
REGULAR MEETING MINUTES
JANUARY 23, 2019**

The City of Douglas Mayor and Council met in a Regular Meeting on Wednesday, January 23, 2019, at 6:00 p.m., rescheduled from January 9, 2019, in the Council Chamber of City Hall, 425 Tenth Street. The Honorable Mayor Uribe called the meeting to order and Council Member Huish led the invocation after the Pledge of Allegiance.

4. ROLL CALL.

| | PRESENT | ABSENT |
|--|----------------|---------------|
| MAYOR, ROBERT URIBE | X | |
| COUNCIL MEMBER MARGARET MORALES – WARD ONE | X | |
| COUNCIL MEMBER MITCH LINDEMANN – WARD TWO | X | |
| COUNCIL MEMBER DONALD HUISH - WARD THREE | X | |
| COUNCIL MEMBER RAY SHELTON - WARD FOUR | X | |
| COUNCIL MEMBER CESAR SOTO - WARD FIVE | X | |
| COUNCIL MEMBER JOSE GRIJALVA – WARD SIX | X | |
| CITY ATTORNEY - JUAN PABLO FLORES | X | |
| CITY TREASURER - LUIS PEDROZA | X | |
| CITY CLERK - BRENDA AGUILAR | X | |

ADDENDUM AGENDA

1. DISCUSSION/DECISION ON APPROVAL TO ENGAGE INTERIM PUBLIC MANAGEMENT LLC. FOR THE APPOINTMENT OF JERENE WATSON AS INTERIM CITY MANAGER AND CONTRACT APPROVAL.

Motion by Council Member Lindemann, **second** by Council Member Grijalva to approve the engagement with Interim Public Management LLC. for the appointment of Jerene Watson as interim city manager and contract approval.

Council Member Huish asked if the City had available funding and would be able to afford it.

Juan Pablo Flores stated staff had looked into the funding issue and Luis Pedroza was prepared to address it.

“Embracing our Heritage – Advancing our Future”

Luis Pedroza explained that the salary savings amounts budgeted for the city manager within the administration budget, had a balance of sixty thousand five hundred ten dollars (\$60,510) to assign for the interim city manager. It was further explained that based on the contract costs it would take the City eighty five thousand six hundred and ninety dollars (\$85,690) to execute the contract beginning on January 28, 2019, through June 29, 2019, with an additional cost of approximately seven thousand seven hundred dollars (\$7,700 for lodging/mileage). The total cost to the City would be ninety three thousand three hundred ninety dollars (\$93,390), with a shortfall of thirty two thousand dollars and eight hundred seventy nine dollars and forty four cents (\$32,879.44).

Several alternatives were reviewed in order to allocate the shortfall, but the entire general fund budget would need to be considered. As of December 31, 2018, the general fund budget was in a deficit of two hundred and sixty one thousand dollars (\$261,000) and with the additional thirty two thousand dollars shortfall it would increase to approximately two hundred ninety three thousand dollars (\$293,000).

The following alternatives were presented for consideration:

- Reduction of City Services
- Hiring Freeze
- Spending Freeze
- No overtime (only critical and essential)
- Review Critical and Essential OT
- Review all Department Services
- Create New Revenue

Council Member Morales asked why she, as the Finance Committee Chair, had not been approached in order to have met with the committee members to discuss the issue.

Luis Pedroza requested clarification.

Council Member Morales clarified that she was referring to the contract and again asked why she had not been approached in order to have scheduled a meeting to determine funding allocation in order to cover the expense.

Luis Pedroza stated that with Council Member Morales' direction it could be addressed; however, the way the meeting had come about had been sudden.

Council Member Huish stated that according to the proposal, three resumes should have been provided, but only one was before the council.

Mayor Uribe explained that the company had been endorsed through the League of Cities, the City's current climate was understood, and the person had been highly recommended for review. Furthermore, clarification was requested concerning the City's liability in relation to a six- month contract if less time was actually needed.

Juan Pablo Flores explained that in accordance to the contract if the interim person was only needed for a three-month timeframe, appropriate notice could be given and the City would be responsible for fifty percent of the pending salary for the remainder of the six-month period.

Council Member Huish inquired how the procurement process, laws, and issues had been addressed based on the amount of money.

Juan Pablo Flores stated the City's obligation would be to meet the requirements and a clause in the contract indicated the City would not be responsible for any amounts over and above what has already been budgeted for the particular item. A legal argument could be made that the City would only be responsible for the balance in the particular line item.

Council Member Huish further asked what the procurement thresholds were due to the amount being over one hundred thousand dollars (\$100,000).

Juan Pablo Flores explained that contracts for personal service did not need to be procured as there was no mandate for that particular issue, only for material goods.

Council Member Huish stated it was new information to him and would request any reference to that fact for his personal edification.

Council Member Huish further inquired if there was a reason someone on staff was not being seriously considered, as the City had great employees and it would be a cost savings due to the City's current financial situation. Furthermore, concern was expressed regarding financial and procurement issues.

Mayor Uribe agreed the City had outstanding employees. However, his main concern was due to the current momentum as he along with council had interacted with many people who were in contact with people wanting to invest in Douglas. Yet, projects like the master plan was pending revision, the port of entry project was a major focus, and investors were asking legitimate questions. There was no question concerning outstanding representation within government; however, currently someone was needed to help heal and unite the community in order to move the City of Douglas forward as that had been each council member's responsibility.

It was great to see the employee vision, but at the particular moment there were people asking for a memorandum of understanding along with the master plan in order to invest in Douglas, but Mayor Uribe had not been able to reply

Council Member Lindemann pointed out that earlier in the year he had shared some ideas on how to trim the budget and although they were not considered, they could still be viable in order to find the funding needed to cover the shortfall.

Dr. Gomez 2350 12th Street, commented on the following:

- Criticism of Mayor Uribe.

Council Member Morales explained that her vote was based on what her constituents wanted and what she knew the citizens of Douglas wanted.

Council Member Shelton explained that although he would be voting no, he would support the person hired.

Roll call: Voted in Favor: Mayor Uribe, Council Members: Mitch Lindemann, Cesar Soto, and Jose Grijalva. Voted Against: Council Members: Margaret Morales, Donald Huish, and Ray Shelton. **MOTION PASSED.**

5. PERSONS WISHING TO ADDRESS THE COUNCIL IN WRITING OR VERBALLY ON ANY ITEM NOT ON THE AGENDA.

Karla Campillo-Soto of 2550 E. 15 Street commented on the following:

- Civility.

Donnie Huish Jr. of 1643 E. 17th Street commented on the following:

- Charter provisions concerning city manager appointment/removal.

Shelley Vega of P.O. Box 839 commented on the following:

- Personal issue concerning Council Member Grijalva.

Alex Espinosa of 711 12th Street commented on the following:

- Community involvement in the hiring of the new city manager.

Nubia Romo of 551 10th Street commented on the following:

- Criticism of Mayor Uribe.

Olga Robles 809 8th Street commented on the following:

- Charter provision concerning city manager removal.
- Criticism of council members and staff.

6. DISCUSSION/DECISION ON CONSENT AGENDA ITEMS:

- A. EXPENDITURES FOR THE MONTH OF DECEMBER 2018, TOTALING \$1,741,976.66.
- B. APPROVAL OF MEETING MINUTES FOR NOVEMBER 14 AND DECEMBER 12, 2018.
- C. PROPERTY AND LIABILITY INSURANCE BROKER SERVICE WITH CREST INSURANCE GROUP CHANGING THE EFFECTIVE DATE FROM JANUARY 1, 2019 TO JULY 1, 2019.

Motion by Council Member Shelton, **second** by Council Member Lindemann, to approve the consent agenda items.

Roll call: All members voted in favor. **MOTION PASSED**

7. DISCUSSION/DECISION ON APPROVAL OF THIRD READING OF ORDINANCE NO. 18-1097, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, AMENDING ORDINANCE NO. 18-1086 READJUSTING FEES FOR THE DOUGLAS FIRE DEPARTMENT EMERGENCY MEDICAL SERVICES (EMS) AND APPLY FOR AUTOMATIC RATE ADJUSTMENTS PER A.R.S. 36-2234(E), ESTABLISHING SEVERABILITY OF COMPONENTS OF ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE THEREOF.

Brenda Aguilar provided background information.

Motion by Council Member Huish, **second** by Council Member Morales to approve the third reading of Ordinance No. 18-1097 by number and title only.

Roll call: All members voted in favor. **MOTION PASSED.**

8. DISCUSSION/DECISION ON APPROVAL OF SECOND READING OF ORDINANCE NO. 18-1099, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, REPEALING ORDINANCE NO. 09-969 AND ORDINANCE NO. 10-992 RELATING TO PARKING LOT FEES AS REFERENCED IN TITLE 3 OF THE DOUGLAS MUNICIPAL CODE, AND RESERVING CHAPTER 3.14 FOR OTHER REVENUE RELATED ORDINANCES; ESTABLISHING SEVERABILITY OF COMPONENTS OF ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE THEREOF.

Brenda Aguilar provided background information.

Motion by Council Member Huish, **second** by Council Member Shelton to approve the second reading of Ordinance No. 18-1099 and to place it on third reading by number and title only.

Roll call: All members voted in favor. **MOTION PASSED**

9. **DISCUSSION/DECISION ON APPROVAL OF SECOND READING OF ORDINANCE NO. 18-1100, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, AUTHORIZING THE CITY TO ACCEPT A DONATION OF REAL PROPERTY FROM THE EVERETT JR., AND JOAN M. JONES REVOCABLE LIVING TRUST OF IMPROVED REAL PROPERTY, IDENTIFIED AS COCHISE COUNTY PARCEL NUMBER 410-06-013.**

Brenda Aguilar provided background information.

Motion by Council Member Huish, **second** by Council Member Morales to approve the second reading of Ordinance No. 18-1100 and to place it on third reading by number and title only.

Council Member Huish inquired if the City should seek the property north of the school and if there could be any ramifications for not having the property near the golf course.

Lynn Kartchner, City Engineer, inaudible...the-right-of way narrows to the north and it would not be a problem.

Roll call: All members voted in favor. **MOTION PASSED.**

10. **DISCUSSION/DECISION ON APPROVAL OF FIRST READING OF ORDINANCE NO. 19-1101, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, PARTIALLY MODIFYING THE STRUCTURE OF THE PUBLIC WORKS DEPARTMENT BY ADDING A CONSTRUCTION INSPECTOR FOR THE BAY ACRES SEWER PROJECT AT A RANGE 20; ESTABLISHING SEVERABILITY OF COMPONENTS OF ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE THEREOF.**

Luis Pedroza provided background information.

Motion by Council Member Huish, **second** by Council Member Lindemann to approve the placement of Ordinance No. 19-1101 on first reading by number and title only.

Council Member Huish asked what type of individual the City would expect to find and if it would be an easy process to find the person versus having a contracted individual not employed by the City, but that would carry out the duties of the position. Furthermore, an explanation was requested concerning the thought process in relation to this matter.

Luis Pedroza explained that as part of the grant requirement the position was set at forty hours, provided position qualifications as well as reassurance that hiring a qualified individual should not be a problem, and also explained position responsibilities.

Council Member Huish pointed out that based on the education requirement, a range 20 appeared to be high.

Luis Pedroza explained that the job description development had been based on the USDA/EJDC contract with very specific guidelines outlining the position requirements. Human Resources had conducted an analysis and had determined the appropriate salary range.

Council Member Huish stated the temporary position could potentially create more administrative work and noted that as the reason for preferring a contracted employee that would have full responsibility for meeting all work requirements.

Luis Pedroza clarified that the position was very unique and City staff would not have oversight of the position as the contract engineer would provide direction to the employee. The City would simply serve similar to an employment agency in order for the contractor to avoid the expenditure with the position being independent from the City in order to address safety issues among other duties.

Council Member Huish thanked staff for thinking things through in trying to reduce cost to the minimum.

Council Member Grijalva asked if Bay Acres could be represented in some way as they may not have been represented in an ongoing project within the area.

Luis Pedroza explained there had been representation through the Steering Committee for the Bay Acres project, two public sessions had been well attended, and City staff was going door to door in order to educate residents on the current project.

Juan Pablo Flores pointed out that Bay Acres had not been annexed, but the federally funded project was a partnership with the County in order to provide sewer services to the Bay Acres Colonia and it was federally funded. The public hearings had been in conjunction with City and County officials and the City was expanding the sewer plant in order to provide the services.

Council Member Grijalva requested an invitation to future meetings.

Roll call: All members voted in favor. **MOTION PASSED.**

Motion by Council Member Huish, **second** by Council Member Shelton to approve the first reading of Ordinance No. 19-1101 and to place it on second reading by number and title only.

Roll call: All members voted in favor. **MOTION PASSED.**

11. **DISCUSSION/DECISION ON APPROVAL OF FIRST READING OF ORDINANCE NO. 19-1102, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, AUTHORIZING THE SALE OF A SEMI-IMPROVED PARCEL OF LAND DESCRIBED AS THE EASTERLY 150 FEET OF PARCEL 409-17-049A TO SOUTHWEST GAS CORPORATION AND LOCATED ADJACENT TO THEIR LOCAL FACILITY, PURSUANT TO TERMS ENTERED INTO BY THE PARTIES; ESTABLISHING SEVERABILITY OF COMPONENTS OF ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE THEREOF.**

Brenda Aguilar provided background information.

Motion by Council Member Huish, **second** by Council Member Shelton to approve the placement of Ordinance No. 19-1102 on its first reading by number and title only.

Roll call: All members voted in favor. **MOTION PASSED.**

Motion by Council Member Huish, **second** by Council Member Shelton to approve the first reading of Ordinance No. 19-1102 and to place it on second reading by number and title only.

Council Member Huish thanked Ray Novoa for providing a broker's opinion.

Roll call: All members voted in favor. **MOTION PASSED.**

12. **DISCUSSION/DECISION ON APPROVAL OF RESOLUTION NO. 19-1318, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, APPROVING THE ACCEPTANCE OF A SUB-GRANT FOR THE LIBRARY IN THE AMOUNT OF \$4,000 FROM THE ARIZONA STATE LIBRARY AND PUBLIC RECORDS TO PARTICIPATE IN THE MOBILE HOTSPOT LENDING PROGRAM FOR THE BENEFIT OF THE COMMUNITY.**

Brenda Aguilar provided background information.

Motion by Council Member Huish, **second** by Council Member Shelton to approve Resolution No. 19-1318.

Roll call: All members voted in favor. **MOTION PASSED.**

13. DISCUSSION/DECISION ON APPROVAL OF RESOLUTION NO. 19-1319, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, AUTHORIZING THE ACCEPTANCE OF GRANT FUNDING IN THE AMOUNT OF \$50,000 FROM COCHISE COUNTY FLOOD CONTROL FOR THE CONSTRUCTION OF A RETENTION POND AT THE NORTHWEST CORNER OF WASHINGTON AVENUE AND GOLF COURSE ROAD IN THE CITY OF DOUGLAS.

Juan Pablo Flores provided background information.

Motion by Council Member Lindemann, **second** by Council Member Soto to approve Resolution No. 19-1319.

Council Member Huish requested additional information, would like to visit the site, and would also like to learn about staff's vision for the area before voting on the issue. It was asked if a past legal situation had been resolved.

In response, Juan Pablo Flores explained that a claimant had been involved in litigation approximately two years prior, but had been settled and there were no other pending claims. The City now owned the parcel in question and there were plans to improve the flood control capability in the area.

Lynn Kartchner, City Engineer, stated he had the developed plans for a modern retention basin and explained the project development requirements.

Council Member Huish asked Mr. Kartchner if he was confident the flood district would be able to provide future funding.

Lynn Kartchner stated he was.


Council Member Grijalva encouraged council to seek grants in order to reduce the burden on the public works department.

Roll call: All members voted in favor. **MOTION PASSED.**

14. ADJOURNMENT.

Motion by Council Member Morales, **second** by Council Member Shelton to adjourn the meeting at 7:14 p.m. unanimously passed.

Prepared by:


Brenda Aguilar, City Clerk