

**Minutes
MAYOR AND COUNCIL
REGULAR MEETING - APRIL 8, 2020, AT 6:00 P.M.**

The City of Douglas Mayor and Council met in a Regular Meeting on Wednesday, April 8, 2020, at 6:00 p.m. in the Council Chamber of City Hall, 425 Tenth Street. The Honorable Mayor Uribe called the meeting to order and Council Member Grijalva led the invocation after the Pledge of Allegiance.

4. ROLL CALL.

	<u>PRESENT</u>	<u>ABSENT</u>
MAYOR, ROBERT URIBE	X	
COUNCILMEMBER, MARGARET MORALES	X	
COUNCILMEMBER, MITCH LINDEMANN	X	
COUNCILMEMBER, DONALD HUIH	X	
COUNCILMEMBER, RAY SHELTON	X	
COUNCILMEMBER, CESAR SOTO	X	
COUNCILMEMBER, JOSE GRIJALVA	X	
CITY MANAGER, JERENE WATSON	X	
CITY ATTORNEY, JUAN PABLO FLORES	X	
CITY TREASURER, LUIS PEDROZA	X	
ACTING CITY CLERK, ALMA ANDRADE	X	

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

No public participation to addressed the council on any item not on the agenda.

6. READING OF FAIR HOUSING MONTH PROCLAMATION BY MAYOR ROBERT URIBE.

Mayor Uribe read the following Proclamation:

FAIR HOUSING MONTH

WHEREAS, the Civil Rights Act of 1968, (commonly known as the Federal Fair Housing Act), and the Fair Housing Amendments Act of 1988, prohibits discrimination in the sale, rental, leasing and financing of housing, or land to be used for the construction of housing or in the provision of brokerage services on the basis of race, color, religion, sex, disability, familial status or national origin; and

WHEREAS, the policy of the United States is to provide, within constitutional limitations, fair housing throughout the United States through the 1968 and 1988 Federal Fair Housing Acts which declare that it is national policy to ensure equal opportunities in housing; and

WHEREAS, April has traditionally been designated as Fair Housing Month in the United States;

NOW, THEREFORE, LET IT BE KNOWN that I, Robert Uribe, Mayor, and on behalf of the City of Douglas, Arizona, do hereby proclaim the month of April as **“Fair Housing Month”** in the City of Douglas, and urge all citizens of this community to comply with and lend their support to not just the letter of the law, but to the spirit of Fair Housing and opportunity for all.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Douglas to be affixed this 8th day of April, 2020.

Robert Uribe, Mayor

7. **DISCUSSION/DECISION on approval of consent agenda items:**
A. **Approval of the monthly expenditures for March 2020, totaling \$2,699,950.04.**
B. **Approval of Meeting Minutes for March 11 and March 16, 2020.**

MOTION by Council Member Morales, **SECOND** by Council Member Grijalva, to approve the consent agenda items.

MOTION PASSED by a vote of 7-0. **VOTED IN FAVOR:** Mayor Uribe, Council Members: Margaret Morales, Mitch Lindemann, Donald Huish, Ray Shelton, Cesar Soto, and Jose Grijalva. **VOTED AGAINST:** None.

8. **DISCUSSION/DECISION on approval of second reading of Ordinance No. 20-1116, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY within the City of Douglas, subject to taxation, a certain rate upon each one hundred dollars (\$100.00) of valuation sufficient to raise the amount estimated to be required in the annual budget, and providing funds for general municipal expenses: all for the fiscal year ending the 30th day of June 2021, 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 Morales, to approve the second reading of Ordinance No. 20-1116 and to place it on third reading by number and title only.

MOTION PASSED by a vote of 7-0. **VOTED IN FAVOR:** Mayor Uribe, Council Members: Margaret Morales, Mitch Lindemann, Donald Huish, Ray Shelton, Cesar Soto, and Jose Grijalva. **VOTED AGAINST:** None.

9. **DISCUSSION/DECISION on approval of second reading of Ordinance No. 20-1117, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, DEFINING MISCELLANEOUS TITLE 13 FEES FOR UTILITY USERS, and ESTABLISHING MONTHLY SEWER SERVICE FEES for users of the USDA Bay Acres Sewer Project and amending Ordinances No. 602, 755, 794, 06-904, and 09-973.** Luis Pedroza provided background information.

MOTION by Council Member Huish, **SECOND** by Council Member Shelton, to approve the second reading of Ordinance No. 20-1117 and to place it on third reading by number and title only.

Council Member Grijalva stated that there was some concern in the community that the city would raise rates, but that there was some miscommunication and the city was not to raise rates. Additionally, Council Member Grijalva commented that it was only to execute the contract and layout the fees.

Council Member Huish inquired about clarification from Mr. Pedroza that he mentioned at the last council meeting that the fees were lower due to the grant and agreement the city had to receive grant funds.

Luis Pedroza responded that it was correct, it was a lower fee than the usual out of city limits fee charged to other homes. Moreover, Luis Pedroza added that the city charged \$40 dollars for dwelling out of city limit fee, and \$25 dollars for in city limit fee charged, and the recommended fee of \$32.02 dollars was in the middle of both previous fees.

Council Member Huish inquired on a project progress update from staff.

Council Member Shelton commented that the people from Bay Acres area were getting a good deal.

Mayor Uribe commented that he would prefer to have public participation in the near future pertaining to the topic as he did not feel comfortable of voting in favor since city hall doors were not open to the public for public participation or comment on the subject.

Luis Pedroza commented that the city was adopting basic information that Bay Acres individuals signed contracts already and council was adopting the same information to incorporate into the city's code. Moreover, Luis Pedroza

added that the city was fee structure for Bay Acres community and clarifying language on turn off fees was a city-wide user and it was not directed to Bay Acres community.

Jerene Watson commented that at a future time when Bay Acres residents would come to the city, they would be at a lower rate than what they started at.

Council Member Grijalva stated that the Bay Acres individuals that were confused were the ones that have not signed the contracts, and suggested to invite Bay Acres residents to the next council meeting. Moreover, Council Member Grijalva inquired if the city would hold the item for another month if there was any deprecations to the residents of Bay Acres.

Luis Pedroza stated that the project was ongoing and that the city was three months into the project and was looking to get ADEQ permitting, and once the city obtained the permit, then the city would start charging fees. Additionally, Luis Pedroza commented that he would recommend to have the fees ahead of time in order to be able to charge once the system was in place.

Council Member Grijalva directed staff to put out a press release with the information that Luis Pedroza and Jerene Watson commented regarding the Bay Acres fees in order for resident awareness.

Council Member Soto commented that it was the ordinance second reading and expressed why table the item, if the city could do what Council Member Grijalva suggested to inform the residents or if it was a short period of time.

Mayor Uribe commented that he would not like to rush the item without public participation and without Bay Acres individuals not being at city hall learning the information that Luis Pedroza explained.

Juan Pablo Flores added that per City Manager Watson he was instructed to point out one of the whereas in the ordinance which noted that a public hearing was held on October 2016, Neighborhood meetings held on November 2018 and January 2020 at the Sunnyside Fire Department, and additionally the project had been talked about and was part of the preliminary report produced in 2016 and had been available to the public since March and April 2016. Furthermore, Juan Pablo Flores commented that all the fees that were going into effect would only go into effect to customer that had already signed an agreement for the mentioned fees. Lastly, Juan Pablo Flores added that if council wanted to table item for a month that was also possible.

Council Member Lindemann stated that government needed to move forward.

MOTION PASSED by a vote of 6-1. **VOTED IN FAVOR:** Council Members: Margaret Morales, Mitch Lindemann, Donald Huish, Ray Shelton, Cesar Soto, and Jose Grijalva. **VOTED AGAINST:** Mayor Uribe.

10. **DISCUSSION/DECISION on approval of second reading Ordinance No. 20-1118, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, authorizing THE PARTIAL ABANDONMENT OF THE SOUTHERN PORTION OF THAT CERTAIN RIGHT OF WAY (ROW) located ADJACENT TO THE PORT OF ENTRY ON 1st. STREET IN DOUGLAS, ARIZONA, TO THE UNITED STATES CUSTOMS AND BORDER PROTECTION AND GOVERNMENT SERVICES ADMINISTRATION; ESTABLISHING SEVERABILITY OF COMPONENTS OF ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE THEREOF.**

Juan Pablo Flores provided background information.

MOTION by Council Member Huish, **SECOND** by Council Member Lindemann, to approve the second reading of Ordinance No. 20-1118 and to place it on third reading by number and title only.

MOTION PASSED by a vote of 7-0. **VOTED IN FAVOR:** Mayor Uribe, Council Members: Margaret Morales, Mitch Lindemann, Donald Huish, Ray Shelton, Cesar Soto, and Jose Grijalva. **VOTED AGAINST:** None.

11. **DISCUSSION/DECISION on approval of Resolution No. 20-1404, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, ADOPTING THE CITY OF DOUGLAS PUBLIC HOUSING AUTHORITY'S (THE "PHA") 5-YEAR PLAN and ADMINISTRATIVE PLAN for fiscal year 2020.**

Xenia Gonzalez provided background information.

MOTION by Council Member Huish, **SECOND** by Council Member Morales, to approve Resolution No. 20-1404.

MOTION PASSED by a vote of 7-0. **VOTED IN FAVOR:** Mayor Uribe, Council Members: Margaret Morales, Mitch Lindemann, Donald Huish, Ray Shelton, Cesar Soto, and Jose Grijalva. **VOTED AGAINST:** None.

12. **DISCUSSION/DECISION on approval of Resolution No. 20-1405, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, AUTHORIZING the City of Douglas Police Department to accept grant funding and ENTER INTO an AGREEMENT with the State of ARIZONA GOVERNOR'S OFFICE OF HIGHWAY SAFETY for a reimbursable grant in the amount of \$18,638 to pay for equipment necessary for connectivity to AZTRACS under this state funded grant program.**

Chief Fullen provided background information.

MOTION by Council Member Huish, **SECOND** by Council Member Soto, to approve Resolution No. 20-1405.

MOTION PASSED by a vote of 7-0. **VOTED IN FAVOR:** Mayor Uribe, Council Members: Margaret Morales, Mitch Lindemann, Donald Huish, Ray Shelton, Cesar Soto, and Jose Grijalva. **VOTED AGAINST:** None.

13. **DISCUSSION/DECISION on approval of Resolution No. 20-1406, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, RATIFYING and APPROVING THE PROCLAMATION OF EMERGENCY for the City of Douglas and surrounding community.**

Mayor Uribe provided background information and proceeded to read the Proclamation of Emergency ratification.

"PROCLAMATION OF EMERGENCY

BY THE AUTHORITY VESTED in me, I, Robert Uribe, as Mayor of the City of Douglas, do hereby proclaim a state of local emergency as follows:

WHEREAS, Article VII, Section 2(e) of the Douglas City Charter and the City of Douglas that empowers the Mayor to declare an emergency by proclamation when an extraordinary local emergency threatens to cause or jeopardizes loss of life or property; and,

WHEREAS, pursuant to Arizona Revised Statutes (A.R.S.) §26-311, the undersigned Mayor of the City of Douglas has the authority to determine that a local emergency exists within the City limits of the City of Douglas due to natural or man-made calamity or disaster or by reason of threats or occurrences of riots, routs, affrays or other acts of civil disobedience which endanger life or property within the City of Douglas; and,

WHEREAS, the undersigned Mayor of the City of Douglas has determined that in December 2019, a novel coronavirus known as SARS-CoV-2 was first detected in Wuhan, Hubei Province, People's Republic of China, causing outbreaks of the coronavirus disease COVID-19 that has spread globally; and,

WHEREAS, on January 30, 2020, the World Health Organization declared a Public Health Emergency followed by a declaration of pandemic due to COVID-19 on March 11, 2020; and,

WHEREAS, the Centers on Disease Control and Prevention ("CDC") recommends an "All of Community" approach focused on slowing the transmission of COVID-19 through social distancing to reduce illness and death, while minimizing social and economic impacts; and

WHEREAS, beginning on March 11, 2020, the Honorable Douglas A. Ducey, Governor of the State of Arizona, declared a state of emergency due to COVID-19; and,

WHEREAS, as of April 1, 2020, there are 211,698 reported cases in the United States of people having become infected with the virus that causes COVID-19, the President of the United States, Donald J. Trump, declared the COVID-19 outbreak a state of national emergency that began March 1, 2020; and,

WHEREAS, on March 30, 2020, the Honorable Douglas A. Ducey, Governor of the State of Arizona, announced the extension of closure of all schools in Arizona through the remainder of the school year due to COVID-19; and,

WHEREAS, to date there are no known cases of COVID 19 within the City of Douglas, but as Mayor of this City, I find it necessary and prudent to prepare for that eventual worse case scenarios, to take every lawful precaution available in order to protect the health, safety and welfare of Douglas Citizens, to work constructively and cooperatively with Cochise County, the surrounding cities, the State of Arizona, the United States of America, and all branches of government, as we prepare diligently for the worst in order to prevent the worst from ever happening; and,

WHEREAS, the City Council for the City of Douglas calls for strict public adherence to Governor Ducey's Stay Home, Stay Healthy, and Stay Connected Executive Order dated March 30, 2020 as well as the Cochise County Health Department's recommendation to follow social distancing protocols attached to this Executive Order, including cancelling, postponing, or not attending events or community gatherings with more than 10 people. In addition, the Cochise County Health Department urges individuals who are at the highest risk from COVID-19, as determined and defined by the CDC, to not attend and to avoid community gatherings or events that will have or will likely have 10 or more people in a single room or other single confined or enclosed space, such as an auditorium, theatre, stadium (indoor or outdoor), parks, arena or event center, meeting hall, conference center, large cafeteria, restaurant, or nightclub/bar, or any other confined indoor or confined outdoor space.

WHEREAS, the undersigned Mayor has determined the crisis and threat of injury, damage and suffering to persons or property constitutes an emergency within the meaning of Article VII, Section 2(e) of the Douglas City Charter and a local emergency within the meaning of A.R.S. §26- 311; and directing and permitting the City's Administrative Department to effect closure of City offices and facilities as may be deemed appropriate under the developing circumstances.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Douglas to be affixed this 3rd day of April, 2020.

Robert Uribe, Mayor"

MOTION by Council Member Grijalva, **SECOND** by Council Member Soto, to approve Resolution No. 20-1406.

- Danny DJ Morales of 757 3rd Street commented on the following:
 - Supports Emergency Proclamation, closure of parks, public meetings and interventions. Necessity of public Health interventions concerning COVID19.

Council Member Grijalva commented that Governor Ducey issued an order for parks to remain open, not the amenities, but parks to be open. Moreover, Council Member Grijalva shared numbers from a city council report (CCR) on possibilities if the city would go against Governor's order to state withhold funds. State shared funds \$137,171, State shared income taxes \$172,182, vehicle license \$76,415, respectively per month, and for the general fund, the city could risk to lose \$385,768 per month, not counting HURF \$127,382 per month as well.

Council Member Morales stated that the city needed to follow Governor's orders and that guidelines needed to be followed. Additionally, Council Member Morales stated that if parks staff would see large gatherings that they

needed to break them up or to call the police department. Moreover, Council Member Morales added that residents can still go out, but they needed to practice social distancing, wash hands, not touch their faces and use masks to protect each other.

Lastly, Council Member Morales commented that the medication had not been tested and that it could take about a year to eighteen months to come up with a vaccine.

Council Member Huish stated that citizens had done a great job by staying home and encouraged them not to have the traditional family gatherings for Easter Sunday.

Mayor Uribe commented that he had several conference calls with CDC members, Doctors, Senator Sinema, and with Senator McSally, along with Governor Ducey, and stated that the fact of the matter was that the city did not have luxuries like other big cities in terms of testing kits; therefore, the City of Douglas did well with following CDC guidelines, and commented that he was very worried since Easter Sunday was approaching to have large gatherings with more than 10 people. Moreover, Mayor Uribe stated he worried more about safety than the economy as people's lives were at risk, and added that peaked numbers would be in the next couple of weeks.

Furthermore, Mayor Uribe stated he spoke to people and that they would like for parks to be closed.

Council Member Grijalva commented that since parks closed people were going to meet at their houses and stated that by informing citizens could stop them gathering at their homes.

Jennifer Smith commented that parks were open but closed all amenities and signage were up to let citizens know. Additionally, Jennifer Smith stated that they were following guidelines in order to keep the community safe.

Council Member Huish expressed concerned regarding restroom usage at parks by homeless individuals and other crews that were in town and used facilities.

Council Member Grijalva inquired if the state could withhold funds if city would not follow the Governor's orders. Luis Pedroza responded that 27% of revenue could be gone and it could affect operation services and employees.

Council Member Grijalva commented that if the city did not have funds available then the city would go with a tax increase.

Juan Pablo Flores intervened to state that it would not be prudent to talk about budget, and clarified on what the proclamation would allowed: conforms with executive order by the Governor and it was an understating that the Governor did not want organized sports at parks, children's playgrounds amenities, workout stations open, but at the same time Governor made it clear that open spaces to remain available to the public as long as there was no congregation of 10 people or more.

Furthermore, Juan Pablo Flores commented that Administration implemented rules that complied with what the Governor. No playground, no amenities, no restrooms, no workouts to implement at parks. Additionally, Juan Pablo Flores stated that parks would be patrolled by law enforcement.

Lastly, Juan Pablo Flores stated that it was administration's understating and intent that executive order would enforced and complied with what Governor would like for cities to do.

MOTION PASSED by a vote of 7-0. **VOTED IN FAVOR:** Mayor Uribe, Council Members: Margaret Morales, Mitch Lindemann, Donald Huish, Ray Shelton, Cesar Soto, and Jose Grijalva. **VOTED AGAINST:** None.

14. **DISCUSSION/DECISION on approval of Resolution No. 20-1407, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, AUTHORIZING THE CITY MANAGER TO EXECUTE A TWENTY-YEAR LEASE AGREEMENT RENEWAL between the CITY OF DOUGLAS and AMERICAN TOWERS, LLC., for purposes of maintaining a TELECOMMUNICATIONS TOWER on a**

portion of Parcel No. 408-21-002B on the northeast corner of the city-owned ten-acre facility on Sulphur Springs Road.

Luis Pedroza provided background information.

MOTION by Council Member Huish, **SECOND** by Council Member Morales, to approve Resolution No. 20-1407.

Council Member Huish stated that the city started with a \$75,000 lease down payment and currently was at \$60,000, and stated that increases were favorable, but wanted to know when the city could see an increase.

Luis Pedroza responded that the city would see an increase in April of 2026, when rent would go up from \$500 to \$600 monthly. Additionally, Luis Pedroza commented that in April of 2021 to \$1,500, April of 2026 to \$1,800 dollars monthly.

Council Member Huish expressed that taken \$15,000 dollars upfront when could the city make up the \$15,000 dollars.

Luis Pedroza stated that the reason for the reduction was that they offered more on a monthly basis with the extension, therefore, instead of offering 20% increased out of \$500 dollars, they were offering \$1500 starting point at 2031 and that the increased would be about \$1,000. Luis Pedroza added that if you annual the prepayment amount would be at \$167 a month in addition to \$1500 dollars.

Council Member Huish inquired on why the city was pursuing the increase and was not going to see it in ten years. Luis Pedroza agreed.

Council Member Huish further asked on why the city was doing it that way.

Luis Pedroza responded that certainly what the city tried to do was for them to pay \$75,000 dollars, but they would only pay up to \$60,000 dollars as it was what they offered with the additional of a higher increase in year 2031. Furthermore, Luis Pedroza explained that it was a tradeoff to obtain cash nowadays, and what they wanted was a lease extension.

Council Member Huish expressed that if they wanted a longer lease that they should have paid upfront for it.

Luis Pedroza stated that the city did not need to renew the lease currently which was not up for renewal until 2031; therefore, it was a cash infusion for the city and thought could use it.

Council Member Grijalva inquired if the city knew that type of improvements they would make.

Luis Pedroza responded that the lease did not mention any type of improvements, and that it was basically to grant space for tower placements of their equipment.

Mayor Uribe stated that due to the economy's impact, that the city could move forward in order to obtain some funds.

MOTION PASSED by a vote of 7-0. **VOTED IN FAVOR:** Mayor Uribe, Council Members: Margaret Morales, Mitch Lindemann, Donald Huish, Ray Shelton, Cesar Soto, and Jose Grijalva. **VOTED AGAINST:** None.

15. INFORMATIONAL ITEMS AND REPORTS FROM COUNCIL AND FUTURE AGENDA ITEM REQUESTS.

Council Member Grijalva commented that there was a concern regarding the Bay Acres Annexation, since residents were not in favor of it, and wanted to bring to a future council meeting for consideration.

Council Member Soto expressed for everyone to be safe.

Council Member Shelton stated for everyone to be safe and healthy.

Council Member Huish thanked the citizens of Douglas for being strong and expressed that he saw them very positive in the community, and appreciated all citizens to follow guidelines to be safe. Additionally, Council Member Huish thanked the staff for applauding through the situation forwarding loans and classes for people to obtain. Furthermore, Council Member Huish stated that he wanted to highlight and help small businesses that are still open and to add them to the city's webpage. Moreover, Council Member Huish commented that the city could highlight businesses that are doing business online as well, like Son Paises and others. Lastly, Council Member Huish sent Prayers for everyone in the entire community, Elfrida, and to the city's neighbors as well.

Council Member Lindemann commented that he wanted to echo what everyone said and that all were in the same situation together and that everyone was doing the best they could.

Council Member Morales stated that if some people knew how to sew and if they could donate some masks for healthcare workers, that they would greatly appreciate and that it was difficult to get personal protected equipment. Additionally, Council Member Morales expressed for everyone to stay safe.

Mayor Uribe commented that council did a great job to convey that everyone was in the same situation together, that staff did an extraordinary job in being proactive, and that he was incredible proud of the team. Mayor Uribe additionally expressed for citizens to support small businesses in town as much as possible.

Furthermore, Mayor Uribe blessed the city, state, and country.

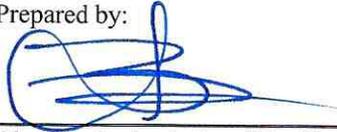
Council Member Grijalva congratulated Jose Duarte on his retirement from DPD.

Council Member Huish congratulated Ray Luzania on his retirement from DFD.

16. **ADJOURNMENT:**

MOTION by Council Member Morales, **SECOND** by Council Member Shelton to adjourn the meeting at 7:21 p.m.

Prepared by:



Alma Andrade, Acting City Clerk