

Minutes

**MAYOR AND COUNCIL  
REGULAR MEETING - JULY 8, 2020, AT 6:00 P.M.  
CITY HALL – COUNCIL CHAMBER  
425 10<sup>TH</sup> STREET, DOUGLAS, AZ 85607**

1. **CALL TO ORDER:** 6:00 p.m.
2. **PLEDGE OF ALLEGIANCE:** by Council
3. **INVOCATION by:** Father Marco Antonio Basulto – Immaculate Conception Church

4. Mayor Huish requested a moment of silence to all of the individuals that were lost  
**ROLL CALL.**

	<u>PRESENT</u>	<u>ABSENT</u>
MAYOR, DONALD C. HUISH	X	
MAYOR PRO TEMPORE, MARGARET MORALES	X	
COUNCILMEMBER, MITCH LINDEMANN	X	
COUNCILMEMBER, DANYA ACOSTA	X	
COUNCILMEMBER, RAY SHELTON	X	
COUNCILMEMBER, MICHAEL BALDENEGRO	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.**

Alma Andrade stated no public participation forms were submitted.

6. **DISCUSSION/DECISION on approval of CONSENT AGENDA items:**
  - A. **Expenditures for the month of June 2020, totaling \$2,933,555.50.**
  - B. **Meeting Minutes for May 26 and June 10, 2020.**
  - C. **PERSONNEL APPEALS BOARD REAPPOINTMENT of Lawana Diffie, effective July 1, 2020.**
  - D. **FINANCE COMMITTEE REAPPOINTMENT of Council Member Jose Grijalva, effective July 1, 2020.**

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

**Roll call: Voted in Favor:** Mayor Huish, Mayor Pro Tempore Morales, Council Members: Mitch Lindemann, Danya Acosta, Ray Shelton, Michael Baldenegro, and Jose Grijalva. **Voted Against:** None.

7. **PRESENTATION/DISCUSSION/DIRECTION on proposed use of CDBG-CV (CARES Act) funds.**

Xenia Gonzalez provided background information and provided the following on CARES Act Funding proposal:

- Corona Virus Aid, Relief, and Economic Security Act (CARES Act)

- The federal CARES Act, passed by Congress on March 27, 2020, makes \$5 billion in supplemental CDBG funding grants to states and local governments to prevent, prepare for, and respond to the coronavirus (CDBG-CV grants)
- The City's CDBG-CV allocation was announced to be \$101,580
- The normal 15% cap on the amount of grant funds that can be used for public services is eliminated
- Eligible costs paid by the City are reimbursable
- Deadline for use of CDBG-CV funds is December 31, 2020
- Staff will prepare substantial amendment to PY 19 Annual Action Plan for consideration at your August 12, 2020, meeting

- **STAFF DIRECTION: (proposed use of funds by staff)**

Internal team meetings established our funding focus to be earmarked for grants to be used as **public service grants to non-profit agencies (through a sub-recipient, who will administer the grant)** which can be used to assist community members impacted by COVID-19:

- Area non-profits will be able to access funds to assist community members in dire straits. Funds can be earmarked for specific non-profits, if desired. (e.g. **Meals on Wheels Program** for DARC; **rental & mortgage assistance** via St. Vincent De Paul; **food/commodities distribution** from Douglas Area Food Bank, **utilities payment assistance** from St. Vincent de Paul; **Covid-19 testing assistance** from CCHCI/CQCH)
- Subrecipient Contract will specify federal requirements, schedule, scope of services, and budget
- **What we need from Mayor and Council:**

**Option A:**

Direction to move forward with proposed use of funds as presented

**Option B:**

Modify staff's use of funds (state modifications)

**Staff next steps:**

1. Establish amounts for funding priorities and allocations for eligible programs/services
2. Draft sub-recipient contract(s)
3. Draft amendment to 2019 AAP to include COVID-19 funds
4. Draft amendment to citizen participation
5. Hold public hearing on amendments after five-day comment period – August 12 (or after by special meeting)

Dawn Prince added they needed direction from council on how to utilized funds and bring back to council for the August 2020 meeting.

Council Member Shelton inquired on what plan would help Douglas the most.

Xenia Gonzalez responded that in speaking with non-profits there was a need in all the proposed areas, and that was the main reason to bring to council for direction. Furthermore, Xenia Gonzalez commented there was a need for the Wheels on Meals Program which were delivering about six hundred meals weekly, and the Food Bank was delivering food for about two hundred to two hundred thirty families, rental, mortgages and utilities assistant as St. Vincent De Paul was assisting residents, Chiricahua and Copper queen Clinics ran out of funding for the Blitz Testing.

Council Member Lindemann commended staff for doing all the work, and commented that council should go with staff's recommendation of Option A.

Council Member Grijalva inquired on advertising the non-profits eligibilities and a contact number for citizens to be aware.

Xenia Gonzalez responded staff would contact the non-profit agencies to obtain the application and process.

Mayor Huish added he wanted to thanked staff and also that he appreciated staff for wanting to assist other agencies that much needed the help.

Juan Pablo Flores added that in the event that Council Member Acosta wanted to join the discussion since there was no conflict of interest due to Council Member Acosta being employed by one of the agencies, and that sometimes a conflict of interest arises when there would be substantial interest, contract direct or indirect, but as the city attorney did not find conflict of interest and noted that the item was important to the community and that Council Members Acosta and Morales should be able to participate in discussions of COVID19 funding.

Council Member Morales commented she was in support of Option A, and that it was beneficial in order to conduct more COVID testing.

Council Member Acosta thanked staff for the hard work and commented there was a huge need for citizens to be tested.

Mayor Huish commented that council agreed for staff to proceed with Option A.

**8. DISCUSSION/DECISION on approval of the second reading of Ordinance No. 20-1119, an ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, authorizing the acceptance of donated unimproved real property from ROGER W. LEINENWEVER AND CONNIE LEINENWEVER, IDENTIFIED AS COCHISE COUNTY PARCEL NUMBER 407-57-009E.**

Juan Pablo Flores provided background information.

**Motion** by Council Member Shelton, **second** by Council Member Baldenegro to approve second reading of Ordinance No. 20-1119.

Council Member Acosta commented that a constituent was concerned regarding property taxes and inquired if the city would be liable for it.

Juan Pablo Flores responded that city acquired property, taxes would be paid and would be in the city's name.

**Roll call: Voted in Favor:** Mayor Huish, Mayor Pro Tempore Morales, Council Members: Mitch Lindemann, Danya Acosta, Ray Shelton, Michael Baldenegro, and Jose Grijalva. **Voted Against:** None.

**9. DISCUSSION/DECISION on approval of first reading of Ordinance No. 20-1120, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, AMENDING ARTICLE 5 OF THE ZONING REGULATIONS, SECTION 501.7 Property Development Standards and SECTION 501.8 CORNER LOT, all pertaining to CARPORTS; establishing severability of components of Ordinance; and establishing an effective date thereof.**

Peter Gardner provided background information and commented that:

Carports on small and corner lots

1. Recommendations from the Planning & Zoning Commission
2. Carports are open on at least two sides
3. Small lots – 6,000 and 8,000 minimums only
4. Front Setbacks unchanged – 6-foot infringement permitted

Council Member Baldenegro inquired if there would be drainage problems.

Peter Gardner responded that water drainage would stay on the property owners.

Peter Gardner additionally stated the following information pertaining to corner lots:

1. Recommendations from the Planning & Zoning Commission

2. Carports are open on at least two sides
3. Corner lots – follow normal side setback rather than front setback
4. Front Setbacks unchanged – 6-foot infringement permitted

Council Member Lindemann thanked staff for doing all the work and inquired on side corner lots and that the way it was written added that the supporting policy could be on the property line, as many corner lots curved and that the side line would not interfere.

Peter Gardner responded that the Planning Commission did talk about adding all carports within the zero-lot line and the commission went back and forth, unanimously decided they only wanted on the smaller lots as there was a concern on larger lots.

Additionally, Peter Gardner stated that regardless of corner or not, and if property owners would go all the way to property lines, it could be inappropriate in the larger lot neighborhoods and would create house separation expected in the sixty thousand to thirty-two thousand square foot lots.

Furthermore, Council Member Lindemann added he was not the only one dealing with the issue and that the city could not come up with a one size fits all. Additionally, Council Member Lindemann stated there could have been some building flexibility to accommodate others, therefore, an amendment for a zero-lot line on corner lots provided no causes on fire damage or hazard, and did not interfere with the side line, and water from gutters stays on owner's property.

Moreover, Council Member Lindemann commented that since he parked there already, he should be able to cover his car.

Peter Gardner clarified there was a relieve valve of the Board of Adjustments to check on variances of zoning regulations based on particular layouts on lots and could encourage to go to the Board of Adjustments for larger lots.

Council Member Lindemann stated it was limited what Board of Adjustment could do and nothing could pass and preferred not to go the route.

Council Member Morales inquired on how does building a carport affect neighbors that homes were very close to each other or if they asked for the neighbor's permission to build.

Peter Gardner responded they were not required to get the neighbor's permission.

Mayor Huish added that as part of the review process to make sure that the property line and water drainage would not end up on somebody's property before the final approval.

**Motion** by Council Member Lindemann, **second** by Council Member Morales to approve the placement of Ordinance No. 20-1120 on its first reading.

**Roll call: Voted in Favor:** Mayor Huish, Mayor Pro Tempore Morales, Council Members: Mitch Lindemann, Danya Acosta, Ray Shelton, Michael Baldenegro, and Jose Grijalva. **Voted Against:** None.

**Motion** by Council Member Lindemann, **second** by Council Member Morales to approve the first reading of Ordinance No. 20-1120 and to place it on second reading.

**Roll call: Voted in Favor:** Mayor Huish, Mayor Pro Tempore Morales, Council Members: Mitch Lindemann, Danya Acosta, Ray Shelton, Michael Baldenegro, and Jose Grijalva. **Voted Against:** None.

10. **DISCUSSION/DECISION on approval of Resolution No. 20-1423, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, ESTABLISHING A FORMAL PROPERTY ABATEMENT POLICY to more efficiently carry out the precepts of Chapter 8.32 of the Douglas Municipal Code for the City of Douglas.**

Peter Gardner provided background information and presented on the following:

#### Abatement and Demolition

1. Section 8.32 of the City Code defines Nuisances and grants the City the right to abate them. 2. The definition includes unsafe structures and fire hazards.

#### 3. Criteria

#### 4. Process

- Reuse – Encourage cleaning and reuse of structurally sound properties
- Secure – If reuse is not immediate, secure through boarding and/or fencing
- Remove – If structurally unsound, remove.

Council Member Lindemann thanked staff for the hard work and commented it had been a problem for the longest time and was glad the city was doing something about its abatements.

**Motion** by Council Member Shelton, **second** by Council Member Lindemann to approve Resolution No. 20-1423.

Council Member Grijalva thanked staff for the information and added that abatements were to beautify the community and to prevent negativity or hazards.

Council Member Baldenegro inquired if the type of work would require city employees or if the city would contract out.

Peter Gardner responded that the one presented employee would take care of and that the budget included and reflected the dumping of materials and liens.

Mayor Huish commented that staff would look at each individual situation and if they felt they could do it, then they would or if there was a need to contact out as well to include the cost.

**Roll call: Voted in Favor:** Mayor Huish, Mayor Pro Tempore Morales, Council Members: Mitch Lindemann, Danya Acosta, Ray Shelton, Michael Baldenegro, and Jose Grijalva. **Voted Against:** None.

11. **DISCUSSION/DECISION on approval of Resolution No. 20-1424, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, AUTHORIZING THE EXECUTION OF A CONTRACT between the CITY OF DOUGLAS and NEXXUS CONSULTING LLC., A BI-PARTISAN FEDERAL GOVERNMENT RELATIONS FIRM providing PROFESSIONAL SERVICES, for the CITY OF DOUGLAS.**

Jerene Watson provided background information.

Bob Holmes and Ana Ma from Nexxus Consulting presented on the following:

**Nexxus Consulting background includes representing more than 18 governmental entities in the State of Arizona over the last 20 years.**

- A proud bi-partisan firm, with over 50 years of combined experience in government and public affairs.
- Together, we are addressing some of the most pressing needs for the City.

#### **Upcoming Congressional Action**

- Additional coronavirus resources for States and Local Governments (Douglas received nearly \$1.9 million in CARES Act funds) and businesses.
- 12 Appropriation Bills for FY 2021 budget.
- Transportation Reauthorization legislation.

#### **Douglas Port of Entry (POE)**

- Full speed ahead in pursuing congressional funding for FY 2021.
- Continued engagement and education of Members of the Arizona Congressional delegation and staff, Homeland Security officials and GSA about the need for funding.
- Work with City and POE Advisor in securing letters of support from community organizations, local, regional and state stakeholders as well as statewide leaders to continue building momentum for the project.

**Economic Development Administration grant**

- Follow up and continue to advocate for the city's application for a technical assistance grant for POE.
- Obtain delegation support, including Senators, for the application.

**Community Center Proposal**

- Start re-engaging leadership at the Air National Guard to move this proposal forward.
- Work with the State of Arizona Army Air National Guard to sign a joint-use agreement with the City for use of the armory.
- Engage the Arizona congressional delegation to help secure this agreement.

**Flood Control**

- Nexus has extensive history in working with Arizona communities to secure Army Corps of Engineers funding for flood control projects.
- Secured \$52 million in February 2020 for the Rio de Flag flood control project in Flagstaff from the Army Corps of Engineers to complete the project.
- Currently working on Tres Rio del Norte and Lower Santa Cruz River watershed projects in Arizona.

**Advocacy work with Congressional Delegation**

- Assistance and staffing while in Washington, DC.
- Relationship building with Arizona congressional delegation, staff and Administration officials at various agencies.

Council Member Baldenegro inquired if Douglas were to get the new port of entry if it would connect to the Nogales corridor or strictly to Hwy 191.

Bob Holmes responded what they were doing in Nogales was called High11, and it was a long discussion, but the proposed High11 took several roads and created an interstate. Also commented that Phoenix and Vegas were the largest cities in the United States that were close to each other and were not connected by a major intercity.

Furthermore, Bob Holmes commented for Douglas with a new port of entry and with the economic development along with congress, it could become a commerce center which could include more roads, an interstate, and there was potential for Douglas.

Council Member Grijalva commented that especially with COVID the government had a lot of money and were distributing, and added for public awareness that the city did not have presence in Washington DC. Furthermore, Council Member Grijalva stated that if the city did not have somebody to advocate for the city in Washington DC, then a lot of the government money would go somewhere else.

**Motion** by Council Member Morales, **second** by Council Member Baldenegro to approve Resolution No. 20-1424.

Council Member Grijalva stated that every city Nexus Consulting represented had been successful and was looking for Douglas.

Bob Holmes added that it was an honor to be in Douglas and was excited about the project.

Council Member Lindemann inquired on the chances to change the General Services Administration (GSA) recommendations to change the port of entry project funding to 2021.

Bob Holmes responded that GSA was working on the expectations for ports of entry funding and thought they were only to fund three to five ports per budget year, and Douglas was on the priority list, however, GSA funded all seventeen ports, and credit goes to Congresswoman Kirkpatrick and her staff as they pushed to obtain a letter of all seventeen congress individuals to sign for funding request.

Additionally, Council Member Lindemann inquired on the construction of the new port of entry and if foreseeing funding to move forward.

Mayor Huish stated that the item was specifically for the hire of Nexus Consulting and not to address any port of entry constructions question at the moment, however, any member of the council could contact them directly if needed.

Council Member Shelton commented for public awareness that Nexxus consulting had been informing council on several projects without being compensated and was trying to get the best for the community.

Council Member Acosta thanked Nexxus Consulting for their work and stated some of the constituents were skeptical about the port of entry project as the project had been ongoing for many years.

Ana Ma responded they understood and individuals needed to give them an opportunity.

Mayor Huish added they would find out soon if the proposal was working and wholeheartedly believed it was needed in order to happen smoothly and in order.

Council Member Grijalva commented that constituents should be excited as Bob Holmes mentioned a community center, flood control, and it saves constituents money when someone advocates for the city and ways to pay for different projects.

Council Member Baldenegro thanked Nexxus Consulting group for the long-traveled hours to be in Douglas.

**Roll call: Voted in Favor:** Mayor Huish, Mayor Pro Tempore Morales, Council Members: Mitch Lindemann, Danya Acosta, Ray Shelton, Michael Baldenegro, and Jose Grijalva. **Voted Against:** None.

12. **DISCUSSION/DECISION on approval of Resolution No. 20-1425, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, AUTHORIZING THE ACCEPTANCE OF FEDERAL FINANCIAL ASSISTANCE FROM THE U.S. DEPARTMENT OF THE TREASURY'S CORONAVIRUS RELIEF FUND (CRF), Catalog of Federal Domestic Assistance (CFDA) Number 21.019, as part of the Coronavirus Aid, Relief, and Economic Security (CARES) Act.**

Luis Pedroza provided background information.

**Motion** by Council Member Shelton, **second** by Council Member Baldenegro to approve Resolution No. 20-1425.

**Roll call: Voted in Favor:** Mayor Huish, Mayor Pro Tempore Morales, Council Members: Mitch Lindemann, Danya Acosta, Ray Shelton, Michael Baldenegro, and Jose Grijalva. **Voted Against:** None.

13. **DISCUSSION/DECISION on approval of Resolution No. 20-1426, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, AUTHORIZING THE SUBMISSION OF A FISCAL YEAR 2020 PUBLIC WORKS AND ECONOMIC ADJUSTMENT ASSISTANCE GRANT APPLICATION from the U.S. Economic Development Administration Coronavirus Aid, Relief, and Economic Security (CARES) Act Recovery Assistance.**

Luis Pedroza provided background information.

**Motion** by Council Member Morales, **second** by Council Member Baldenegro to approve Resolution No. 20-1426.

**Roll call: Voted in Favor:** Mayor Huish, Mayor Pro Tempore Morales, Council Members: Mitch Lindemann, Danya Acosta, Ray Shelton, Michael Baldenegro, and Jose Grijalva. **Voted Against:** None.

14. **DISCUSSION/DECISION on approval of a PUBLIC SURPLUS ONLINE AUCTION SERVICE.**

Luis Pedroza provided background information.

**Motion** by Council Member Morales, **second** by Council Member Shelton to authorize staff to post items determined by the City Manager as obsolete, unusable or surplus items.

Council Member Baldenegro inquired who would be accountable for surplus items for sale and revenue.

Luis Pedroza responded that each department would go through the Purchasing Agent, would determine if items were old or unused, and not needed, and if there would be a value to such items, would bring forward to the city manager for approval.

Council Member Shelton commented that at one time confiscated cars would get auction and inquired if the city continued with the process.

Luis Pedroza responded it was different and regarding the confiscation, laws changed and attorneys advised it was not the way to go to seized vehicles, therefore auctions were on hold.

Council Member Grijalva inquired on the top of items that would qualify for the surplus auction.

Luis Pedroza provided some examples to be old computer equipment, unused car seats, unused and outdated equipment that had been replaced.

**Roll call: Voted in Favor:** Mayor Huish, Mayor Pro Tempore Morales, Council Members: Mitch Lindemann, Danya Acosta, Ray Shelton, Michael Baldenegro, and Jose Grijalva. **Voted Against:** None.

**15. INFORMATIONAL ITEMS AND REPORTS FROM COUNCIL, CITY MANAGER, AND FUTURE AGENDA ITEM REQUESTS.**

Council Member Morales commented she would like to go back and recognized businesses in the community. Additionally, Council Member Morales stated due to the passing of Former Council Member Ivan Huish, she had the privilege to serve on the council with him and he was a great leader, very well respected and wealth of information, that he would be greatly missed.

Council Member Lindemann commented he also had the pleasure of working with Former Council Member Ivan Huish and it was always a great experience as he was quite a person.

Council Member Shelton stated he also served with Former Council Member Ivan Huish and were to referee football and basketball games and he was always a real gentleman, great sense of humor, history of Douglas and Phelps Dodge, Sonora and he would be missed.

Council Member Acosta thanked the Recreation Dept, Public Safety, Fire, and Police Department for the Freedom Parade as she heard nothing but positiveness regarding the parade.

Council Member Grijalva gave his condolences to the Huish family and he did not serve with Former Council Member Huish but had the privilege to meet him, and he was very kind. Moreover, Council Member Grijalva stated he heard positive comments regarding the Freedom parade as well.

Council Member Baldenegro also mentioned he would missed Former Council Member Ivan Huish (7<sup>th</sup> Street Clubber-inaudible) as they played together.

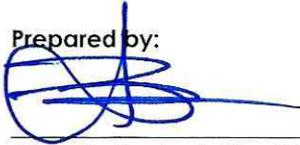
Mayor Huish commented he was a new grandfather for the seventeenth time and received both news of the newborn grandchild and the passing of his uncle. Additionally, Mayor Huish expressed his gratitude for each and everyone in the room and community members that worked and fight hard for Douglas, and it was what kept everyone going and truly appreciated.

Furthermore, Mayor Huish added that the following Wednesday the city was approving the final budget adoption and a public hearing scheduled at 5:30 p.m., additionally, Mayor Huish stated that council would implement study sessions with the first one schedule for July 29<sup>th</sup> for any agenda items needed more discussion to do in a more unpressured atmosphere.

16. **ADJOURNMENT:**

**Motion** by Council Member Morales, **second** by Council Member Acosta to adjourn the meeting at 7:43 p.m.

Prepared by:



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Alma Andrade, Acting City Clerk