

Minutes

MAYOR AND COUNCIL
REGULAR MEETING - AUGUST 12, 2020, AT 6:00 P.M.
CITY HALL – COUNCIL CHAMBER
425 10TH STREET, DOUGLAS, AZ 85607

1. CALL TO ORDER: 6:00 p.m.
2. PLEDGE OF ALLEGIANCE: by Council
3. INVOCATION: by Pastor Fernando Betancourt - Ministerios Tierra de Bendicion
4. 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 (excused)
COUNCILMEMBER, RAY SHELTON	X	
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	

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

- Ana Luisa Salcido of 800 Via Ocho Street, Douglas, AZ, commented on the following:
 - Concern with excessive noise in the area by varied vehicles
- Ida Pedrego of 1815 E. 5th Street, Douglas, AZ, commented on the following:
 - Disconnect between city, government and community due to COVID-19; visited G Avenue and to check on work done to the Gadsden Hotel, New Businesses by the Figueroa Family, New Beauty Shop in the Community.

6. PRESENTATION OF AWARDS:

A.

- Pollito Cafe,
- Monreal Tire Shop and Carwash,
- Jeff's Auto Clinic,
- Douglas Realty Group

Council Member Morales presented the above business awards.

7. **DISCUSSION/DECISION on approval of CONSENT AGENDA ITEMS:**

- A. EXPENDITURES for the month of JULY 2020 totaling \$3,450,492.53.
- B. APPROVAL OF MEETING MINUTES for June 15, June 17, and June 22, 2020.
- C. PUBLIC SAFETY RETIREMENT BOARD APPOINTMENT OF THE CITY MANAGER.
- D. FINANCE COMMITTEE APPOINTMENTS OF MR. MICHAEL BALDENEGRO TO SERVE IN CAPACITY OF EX-OFFICIO, AND MR. PETE CORDOVA.

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, Ray Shelton, Michael Baldenegro, and Jose Grijalva. **Voted Against:** None

8. **DISCUSSION/DECISION on APPROVAL of the third 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 and stated that Phase I Study was completed along with the title report and all were favorable.

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

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

9. **DISCUSSION/DECISION on APPROVAL of second 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.

Motion by Council Member Lindemann, **second** by Council Member Morales to approve Ordinance No. 20-1120.

Council Member Lindemann commended Mr. Gardner for an excellent work and inquired on front backs for property owners whom have square lots and have flexibility of where they parked. Moreover, Council Member Lindemann suggested to start measurements from the back of the curve as they would go into the property rather than the property line itself as often times there was a lot of unused space that precluded on what owners wanted to do, but that it should have been simple to only cover where they parked.

In response Peter Gardner commented that it would be taken back to the Planning and Zoning commission to get suggestions from them as there were a couple possibilities on how to do it; once the commission would provide their input, then the recommendation would be given to council for discussion and approval.

Frank Ambriz of 2154 12th Street, Chair of the Planning and Zoning Commission, commented the commission discussed the topic back in March 2020, and suggested to reduce the front which was done in 2014 from 25 to 19 feet.

Moreover, Frank Ambriz stated in reference to an ordinance on triangle lots which stated it was 33 feet from the back of the curve and not the property line.

As a final comment, Frank Ambriz commented that it would be ideal to take it back to Planning and Zoning commission to work on it before council's approval.

Council Member Baldenegro inquired on city property sidewalk which ended at city property and his property began and further inquired on how he could not build a carport.

Frank Ambriz responded that if he was on a corner lot would have to follow the side triangle from the back of the curve from both sides on 15th Street and San Antonio, but it would be taken back to the planning commission for discussion.

Furthermore, Council Member Baldenegro commented that as property owners should be able to build to the property line as long traffic obstruction was prevented and neighbor's safety.

Mayor Huish inquired if the topic was on specific smaller lots.

Peter Gardner responded it was, and discussions took place with the commission to add on all lots, however, the commission felt that the size was not appropriate as bigger size lots had space to build.

Council Member Lindemann wanted to make sure Planning and Zoning included or added some flexibility for property owners to cover where they parked, and it was no encroachment as they parked there already.

Mayor Huish inquired if it was okay to approve the second reading of ordinance since the planning commission would meet later on and then bring the ordinance back.

In response Juan Pablo Flores commented it would be up to council on how they wanted to proceed, however, there was no reason to stop the process at the moment.

Mayor Huish suggested to vote on second reading and then wait for planning and zoning commission before bringing to council.

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

10. **DISCUSSION/DECISION on APPROVAL of first reading of Ordinance No. 20-1121, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, MODIFYING TITLE 8 OF THE DOUGLAS MUNICIPAL CODE relating to HEALTH AND SAFETY by amending Ordinance 616 under chapter 8.28 regulating NOISE, establishing severability of components of Ordinance; and establishing an effective date thereof.**

Chief Fullen provided background information.

Motion by Council Member Morales, **second** by Council Member Shelton to approve the placement of Ordinance No. 20-1121.

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

Motion by Council Member Shelton, **second** by Council Member Lindemann to approve the first reading of Ordinance No. 20-1121.

Council Member Lindemann inquired on the changes made since the first presentation.

In response Chief Fullen stated that it was a single amendment to change the hours for allowable work from 6:00 a.m. to 10: p.m., prohibited from 10:00 p.m. to 6:00 a.m.

Council Member Grijalva inquired about the fines.

Chief Fullen stated that fines would be as proposed:

Starting by attempt to education the person, followed by (if) there was a second complaint-issuance of a civil citation or criminal citation for third or subsequent violations: 1st violation \$100.00 dollars, 2nd violation \$250 dollars, 3rd or subsequent violation class three misdemeanor \$ 500 dollars.

Mayor Huish added that the city attorney did some research to make sure fees were in line to other citations.

Juan Pablo Flores commented that the municipal code fines varied from \$45, and up to \$250 dollars, and other serious offenses included in the Fire prevention code. Furthermore, commented that Chief Fullen proposed fees were in line with the code.

Council Member Lindemann inquired if an individual had a party, they received their first warning, six months after, they had another party, does the police department warn them again or if it would be a fine.

Chief Fullen responded that it would be a warning again as the initial warning was months before.

Council Member Grijalva commented that the starting fine was high, and suggested to leave at \$40 dollars and felt council was not consistent.

Mayor Huish commented that the email the city attorney sent on business licenses started at \$75 ended at \$525, animal related violations started at \$75 ended at \$150 to \$500, solid waste & trash started at \$50 ended up at \$2,500, burning weeds in backyards started at \$50 to \$1,000, and added graffiti started at \$50 and it did go from there. Therefore, Mayor Huish stated that some of the fees were less than \$100 and opened the topic for discussion.

Council Member Shelton stated that if people had neighbors the fine could be \$500 dollars to begin with, and commented he did not agree with the fine and should had been more.

Council Member Baldenegro commented that officer's safety would be more for people to consider as parties dealt with alcohol, and suggested for fines to remain at \$100 dollars.

Council Member Morales inquired how did the police department deal with individuals that were given warnings and if the police department would go back.

Chief Fullen responded that the police department would go back when individuals did not comply.

Roll call. Voted in Favor: Mayor Huish, Mayor Pro Tempore Morales, Council Members: Mitch Lindemann, Ray Shelton, and Michael Baldenegro. **Voted Against:** Council Member Jose Grijalva.

11. **DISCUSSION/DECISION on APPROVAL of Resolution No. 20-1429, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR THE HOUSING CHOICE VOUCHER FY2020 FAMILY SELF SUFFICIENCY (FSS) PROGRAM.**

Xenia Gonzalez provided background information.

Recess taken at 6:49 p.m., reconvened at 6:55 p.m.

Motion by Council Member Morales, **second** by Council Member Baldenegro to approve Resolution No. 20-1429.

Council Member Morales inquired on the number of families HUD could help out.

Xenia Gonzalez responded that for full time positions they needed to have at least twenty-five families enrolled, and currently had twenty-seven. Moreover, Xenia Gonzalez stated that they entered into a five-year contract to meet all their goals and if by the end of the five-year contract they completed their goals, and were employed, then they would get their escrow.

Mayor Huish stated it was fantastic.

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

12. **DISCUSSION/DECISION on APPROVAL of Resolution No. 20-1430, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, UPDATING VARIOUS JOB DESCRIPTIONS for the offices of the City Manager, City Attorney and City Clerks; and adding two essential functions and one knowledge point to all city job descriptions; establishing severability of components.**

Rocio Garcia provided background information, and stated that the following essential functions were added to the job descriptions:

- Maintains the integrity, professionalism, values, and goals of the City by assuring that all policies, rules and regulations are followed and that accountability and public trust are preserved.
- Supports the relationship between the City and the constituent population by demonstrating courteous and cooperative behavior when interacting with residents, visitors and City staff; enthusiastically promotes the City's goals and priorities in compliance with all policies and procedures.

Knowledge point

- Knowledge of OSHA compliance and regulations as they pertain to the functions of this position.

Motion by Council Member Morales, **second** by Council Member Shelton to approve Resolution No. 20-1430.

Council Member Grijalva commented that the essential functions were much needed in order to have transparency and trust rebuilt.

Council Member Shelton thanked for all the hard work.

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

13. **DISCUSSION/DECISION on APPROVAL of Resolution No. 20-1431, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, AUTHORIZING the Execution of a SUBRECIPIENT AGREEMENT between the CITY OF DOUGLAS and UNITED WAY OF SIERRA VISTA and COCHISE COUNTY, Inc., for the purpose of having a non-profit entity distribute the recently allocated portions of the CARES Act HUD CDBG funding for the City of Douglas.**

Xenia Gonzalez provided background information.

Motion by Council Member Shelton, **second** by Council Member Morales to approve Resolution No. 20-1431.

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

14. **DISCUSSION/DECISION on APPROVAL of Resolution No. 20-1432, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, AUTHORIZING the Execution of a SERVICE AGREEMENT RENEWAL between The CITY OF DOUGLAS and the SOUTHEASTERN ARIZONA GOVERNMENTS ORGANIZATION (SEAGO) in the amount of \$40,000 to be used in the TRANSIT PROGRAM to maintain services for the elderly and disabled individuals in the City of Douglas and surrounding community.**

Luis Pedroza provided background information.

Motion by Council Member Lindemann, **second** by Council Member Baldenegro to approve Resolution No. 20-1432.

Council Member Grijalva inquired on the \$40,000 dollars rather than \$45,000 dollars and how would \$5,000 dollars less could affect the program.

In response Luis Pedroza commented that it was a \$500 dollar cut and stated it would be manageable.

Moreover, Luis Pedroza added that the main funding source for the entire transit program was from ADOT FDA grant which allowed to add match funding.

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

15. **DISCUSSION/DECISION on APPROVAL of Resolution No. 20-1433, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, AUTHORIZING the entry into a MASTER LICENSE AGREEMENT with ARIZONA PUBLIC SERVICE COMPANY to allow for CITY WIRELINE COMMUNICATION ATTACHMENTS to APS poles.**

Luis Pedroza provided background information and stated as part of the APS master license agreement that outlined the guidelines to allow fiber to be on their poles and the city would be charged an annual attachment fee per the FCC Cable Rates currently at \$12 dollars per pole, per year, and a one-time engineer analysis fee of \$200 dollars per pole.

Motion by Council Member Baldenegro, **second** by Council Member Grijalva to approve Resolution No. 20-1433.

Mayor Huish inquired if the license agreement was part of the five-year technology plan.

Luis Pedroza agreed.

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

16. CITY MANAGER REPORTS

Interim City Manager, Dawn Prince commented on the AMI electronic meters, and Dave Swietanski – Deputy Public Works Director provided the following information:

- Automated Meter Infrastructure

- History 6,298 meters total (residential and commercial)
- Past production 6,102 meters installed
- Future production 167 meters to be installed, including 1 1/2:" up to 8" meters
- Completion timeline, est. end of September 20220
- Benefits: Streamline billing process, remove field activities, decreases human error factor
- Cost: \$1,605,000

Council Member Lindemann inquired on the life expectancy of a meter.

Dave Swietanski commented it could be ten years.

Mayor Huish commented that the system was to advise on any property leakages and wonder if the city had any.

Dave Swietanski stated he was unaware if they had encountered.

Luis Pedroza added that it was a daily notice of leak alerts and alerted homeowners that had large leaks which saved customers and at the same time city production time.

Dawn Prince commented that the second item was on transit center.

Luis Pedroza provided background information on the following:

Douglas Rides public transportation system open to the general public offering a deviated fixed route bus service Monday through Saturday from 8am to 5pm.

- 7 routes
- Midtown
- Pirtleville/Bay Acres
- Cochise College
- ACT Call Center
- Elfrida
- Dial-a-Ride
- Cochise Connection
- Operates on a 5311 (Rural Area) Formula Grant from FTA passed through ADOT
- Other partnerships include: Cochise College, ACT, Freeport McMoran, SEAGO, Cochise County, City of Bisbee, ADOT, Copper Queen, Sierra Vista
- City has been operating transit since 2012
- Average of 55,00 rides per year
- Currently transit office operating from the Visitor Center
- Bus yard stationed at 1st Street and F Avenue
- Initiatives: Transit Facility Planning Grant, developed a Ridership Tracking App and eliminated paper tracking, applied for a \$35,160 grant from the Legacy Foundation Innovation Grant, Awarded CARES Act funding in the amount of \$767,242 for transit operations only.
- Other initiatives: Marketing, COVID Protocols, and Transit Advisory Committee (TAC)
- Next steps on transit study

Council Member Baldenegro inquired if there was a site in mind already.

In response Luis Pedroza commented that the city had five sites and the goal was to have public accessibility. Furthermore, Luis Pedroza added that one site was in the downtown area, two by the visitor center, and others closer to the border as a lot of riders were close to the border.

Council Member Grijalva clarified that CARES Act was covering fees for transit.

Luis Pedroza agreed.

Council Member Grijalva inquired how many residents knew the information and more people could use it.

Luis Pedroza commented they had done some newspaper ads, and would do more marketing for public awareness.

Council Member Shelton commented the need for a newsletter to inform the public.

Luis Pedroza stated the city would change the billing process as currently did not allow to add informative inserts.

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

Council Member Grijalva commented on: BB professional Uniforms would be opening soon and he met the owners and recommended for all to welcome and support them.

Council Member Shelton added that a friend was disappointed coming into town and noticed people were parking on their yards and inquired if there was something to prohibit parking on yards.

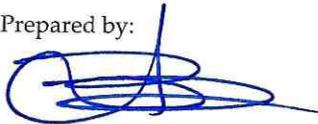
Mayor Huish commented that the November council meeting would fall on veteran's day holiday, therefore, city council meeting would be moved to Thursday, November 12, 2020.

Lastly, Mayor Huish thanked everyone in attendance.

18. ADJOURNMENT:

Motion by Council Member Morales, **second** by Council Member Shelton to adjourn the meeting at 7:36 p.m.

Prepared by:



Alma Andrade, Acting City Clerk