

**MAYOR AND COUNCIL PUBLIC MEETING AGENDA  
REGULAR MEETING - JANUARY 11, 2023 AT 6:00 PM**



**Minutes**

The City of Douglas Mayor and Council met in a Regular Meeting on Wednesday, January 11, 2023, at 6:00 p.m., at City Hall Council Chamber, 425 10<sup>th</sup> Street. The Honorable Mayor Huish called the meeting to order.

1. **CALL TO ORDER. 6:00 p.m.**
2. **PLEDGE OF ALLEGIANCE. By Council**
3. **INVOCATION. Rev Marco Basulto, Immaculate Conception Parish**
4. **ROLL CALL.**

	<b>PRESENT</b>	<b>ABSENT</b>
MAYOR, DONALD C. HUISH	X	
MAYOR PRO TEMPORE, MARGARET MORALES	X (by phone)	
COUNCILMEMBER, MITCH LINDEMANN	X	
COUNCILMEMBER, DANYA ACOSTA		X (Excused)
COUNCILMEMBER, RAY SHELTON	X	
COUNCILMEMBER, MICHAEL BALDENEGRO	X (by phone at 6:06 p.m.) Unable to vote due to technical difficulties.	
COUNCILMEMBER, JOSE GRIJALVA	X	
CITY MANAGER, ANA URQUIJO	X	
CITY ATTORNEY, DENIS FITZGIBBONS	X	
CITY TREASURER, LUIS PEDROZA	X	
CITY CLERK, ALMA ANDRADE	X	

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

Ms. Andrade stated no public participation forms were submitted.

6. **DISCUSSION/DECISION on APPROVAL of CONSENT AGENDA ITEMS:**
  - A. **EXPENDITURES** for the month of **DECEMBER 2022**, totaling \$4,230,086.06
  - B. **MEETING MINUTES** for **NOVEMBER 16** and **DECEMBER 14, 2022**.

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

**Roll call: Voted in Favor: Mayor Donald Huish, Council Members: Margaret Morales, Mitch Lindemann, Ray Shelton, and Jose Grijalva. Voted Against: None.**

7. **DISCUSSION/DECISION on APPROVALS.**
  - A. **SECOND READING of ORDINANCE NO. 22-1154**, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **DISSOLVING** the City of Douglas **PUBLIC HOUSING AUTHORITY**; Undertaking a Departmental Reorganization by **ELIMINATING** the Housing Department; establishing severability of components of Ordinance; and establishing an effective date thereof.

Ana Urquijo provided background information and stated it had been a yearlong process to transition the function of housing to Cochise County and have worked to do so in a seamless manner. Ms. Urquijo stated that staff met with Cochise County, and they left with three car loads of files, papers, boxes, and transition is now in effect. Additionally, Ms. Urquijo stated that the county would provide office hours in Douglas at the Government Center and stated that Wednesdays would be the designated day.

**Motion by Council Member Shelton, second by Council Member Grijalva to approve the second reading of Ordinance No. 22-1154.**

**Roll call: Voted in Favor: Mayor Donald Huish, Council Members: Margaret Morales, Mitch Lindemann, Ray Shelton, and Jose Grijalva. Voted Against: None.**

- B. **SECOND READING of ORDINANCE NO. 22-1155**, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **AMENDING the CITY PERSONNEL RULES AND REGULATIONS** adopted pursuant to ordinance 684, and amended by ordinances 97-712, 99-749, 00-786, 03-846, 07-909, 08-944, 14-1045, 17-1079 and 19-1365; establishing severability of components of Ordinance; and establishing an effective date thereof.

Ms. Urquijo provided background information. Ms. Urquijo stated that the only difference from the first to the second reading was the feedback regarding emphasis on employee compensation efforts before enhancing any other benefits like holidays, especially since the number of holidays received are not deficient and compared average research throughout the state, therefore staff removed the additional holiday which was in the original packet.

**Motion by Council Member Lindemann, second by Council Member Shelton to approve the second reading of Ordinance No. 22-1155.**

Council Member Grijalva inquired on the change for relatives in the police force to prevent conflict of interest, not overseeing each other or in the same department.

Ms. Urquijo agreed and added that nepotism requirements are to ensure there is no direct report with any relative according to state guideline.

Council Member Grijalva expressed there is a need for police and fire fighters and that is before the port of entry. Moreover, Council Member Grijalva stated it would be a bandage for a bigger problem and suggested that salary increases for the next budget year for those positions to be competitive.

**Roll call: Voted in Favor: Mayor Donald Huish, Council Members: Margaret Morales, Mitch Lindemann, Ray Shelton, and Jose Grijalva. Voted Against: None.**

- C. **FIRST READING of ORDINANCE NO. 23-1157**, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **AMENDING Title 6 of the ANIMAL CODE**, relating to the regulation of **ANIMALS; AMENDING VIOLATIONS AND PENALTIES; ESTABLISHING AUTHORITY FOR REMOVAL OF NUISANCE ANIMALS AND ORDERS TO SHOW CAUSE**; establishing severability of components of ordinance; and establishing an effective date thereof.

Chief Fullen provided background information and stated that staff identified and seek to remedy conflicting provisions within Article 8.28.020 and Title 6 of the Douglas Municipal Code related to animals and that Title 6 amendments were needed as housekeeping items to keep efficiency and effectiveness in addressing repetitive complaints and violations involving nuisance animals.

Additionally, Chief Fullen stated as it stands a public nuisance cat or dog includes the provision that an animal be the subject of adjudication three or more times for any violation within a six month period, therefore in order to improve efficiency and effectiveness in addressing repetitive complaints involving nuisance animals, staff recommends that the definition of public nuisance cat or dog be amended to public nuisance animal and reduce to a period of ninety days.

Moreover, Chief Fullen added that staff was requesting to amend sections 6.04.035 for violations to reflect the ninety-day period for the first, second and third violation with a reduced fine for each of the offenses. Chief Fullen stated that the Magistrate has discretion to suspend the fines for first and second violations but not the third violation which carries a fine of not less than \$150 or more than \$500.

Further, Chief Fullen added that the addition of 6.04.035 Impoundment and Orders to Show Cause to ensure process for the offending animal and/or animal's custodian which is currently absent from the existence ordinance. The magistrate would have final authority based on the preponderance of evidence to determine whether to release

the animal back to the owner/custodian or to have the animal surrender to the Douglas Animal Shelter for disposition through adoption or humane euthanasia, with adoption being priority.

Lastly, Chief Fullen commented that the need to switch provisions under sections 6.04.345 and 6.04.350 was as a housekeeping.

**Motion by Council Member Shelton, second by Council Member Lindemann to approve the placement of Ordinance No. 23-1157.**

**Roll call: Voted in Favor: Mayor Donald Huish, Council Members: Margaret Morales, Mitch Lindemann, Ray Shelton, and Jose Grijalva. Voted Against: None.**

**Motion by Council Member Shelton, second by Council Member Lindemann to approve the first reading of Ordinance No. 23-1157.**

Council Member Lindemann inquired on the process in dealing with feral cats.

Chief Fullen responded that at the present time, cat traps are available to residents upon request, staff would assign them to requestor, and they would be responsible for traps while in their custody, animal control officers would show them how to bait, once the cat is captured, a call to the animal shelter is done for staff to pick up.

Council Member Lindemann commented that he would not know if it's owned or feral.

Chief Fullen added that majority of cats caught are feral, but if cats have collars, staff makes attempt to hold the cat for a period of time to see if the owner reclaims or if the cat is suitable for adoption, then would work with rescues to get them ship out for adoption.

Council Member Shelton commented that by his area, he had seen two mountain lions and hasn't seen any feral cats. Additionally, Council Member Shelton stated there is nothing worse than trying to sleep at night and have a barking dog disrupt.

**Roll call: Voted in Favor: Mayor Donald Huish, Council Members: Margaret Morales, Mitch Lindemann, Ray Shelton, and Jose Grijalva. Voted Against: None.**

- D. **FIRST READING of ORDINANCE NO. 23-1158**, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **AMENDING** Article 8.28 of the **HEALTH AND SAFETY CODE**, relating to the regulation of **NOISE**; establishing severability of components of ordinance; and establishing an effective date thereof.

Chief Fullen provided background information and added it was a way to remedy conflicts between the two ordinances by removing the provision that speaks to a nuisance animal under the noise ordinance as already exist by amended and to avoid conflict between the two ordinances; therefore staff recommends that Article 8.28.020 paragraph D be stricken in its entirety and the provisions incorporated into titles 6 as noted in the ordinance.

**Motion by Council Member Lindemann, second by Council Member Grijalva to approve the placement of Ordinance No. 23-1158.**

**Roll call: Voted in Favor: Mayor Donald Huish, Council Members: Margaret Morales, Mitch Lindemann, Ray Shelton, and Jose Grijalva. Voted Against: None.**

**Motion by Council Member Lindemann, second by Council Member Grijalva to approve the first reading of Ordinance No. 23-1158.**

**Roll call: Voted in Favor: Mayor Donald Huish, Council Members: Margaret Morales, Mitch Lindemann, Ray Shelton, and Jose Grijalva. Voted Against: None.**

- E. **RESOLUTION NO. 23-1533**, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **AUTHORIZING** the City of Douglas to **ACCEPT GRANT FUNDING** and enter into an **AGREEMENT** with the **SOUTHEAST ARIZONA MAJOR INVESTIGATIVE TEAM (SAMIT) GRANT** as administered by the **CITY OF TUCSON POLICE DEPARTMENT** as fiduciary, for a reimbursable grant in the amount of \$40,000 for **OVERTIME, TRAVEL/TRAINING and INVESTIGATIVE SUPPLIES** under the **HIGH INTENSITY DRUG TRAFFICKING AREA ENFORCEMENT PROGRAM**.

Chief Fullen provided background information and added that the Southeastern Arizona Major Investigative Team allocated \$40,000 for the Douglas police department to use on HIDTA related investigations. The grant cycle includes: • \$30,000 for overtime • \$1,000 for annual training conference • \$1,000 for technical investigative equipment - visual • \$8,000 for software license.

**Motion by Council Member Shelton, second by Council Member Grijalva to approve Resolution No. 23-1533.**

**Roll call: Voted in Favor: Mayor Donald Huish, Council Members: Margaret Morales, Mitch Lindemann, Ray Shelton, and Jose Grijalva. Voted Against: None.**

- F. **RESOLUTION NO. 23-1536**, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **ADOPTING** the City of Douglas 2023 **PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM PENSION FUNDING POLICY**.

Luis Pedroza provided background information and stated that ARS 38-863.01 requires each governing body with Public Safety Personnel Retirement System plans to annually adopt a pension funding policy and formally accept the employer's share of the assets and liabilities under the system based on the system's actuarial valuation report. Additionally, Mr. Pedroza commented that on October 13, 2021, Mayor and Council passed a Pension Funding Policy for the City's Public Safety Personnel Retirement System. Subsequent policy adoptions are required to update actuarial status.

Moreover, Mr. Pedroza added that as required by ARS 38-863.01, the intent of the policy is to clearly communicate the Council's pension funding objectives that address the following: (a) How to maintain stability of the governing body's contributions to the system. (b) How and when the governing body's funding requirements of the system will be met. (c) Defining the governing body's funded ratio target under the system and the timeline for reaching the targeted funded ratio.

Further, Mr. Pedroza continued to say that the policy depicts the employer's share of the assets and liabilities under the system based on the system's latest actuarial valuation report and after adoption, staff is required to post the pension funding policy on the website and transmit the pension funding policy to the board.

Lastly, Mr. Pedroza commented that through the policy, Council agrees to continue to pay the annual required contribution (ACR) percentages set by PSPRS. The City's issuance of Taxable Pledged Revenue Obligations (PROs) to fund the plans at or close to 100% and the establishment of a Contingency Reserve Fund (CFR) to provide additional contributions when the plans fall below 100% funding achieved its goal of being 100% funded with the plans. Based on this, Council expects the PSPRS June 30, 2023, Actuarial Valuation reports to continue to be at or near 100% funding for the plans.

**Motion by Council Member Grijalva, second by Council Member Shelton to approve Resolution No. 23-1536.**

Council Member Lindemann asked since the city already went through the payment plans and bonds, and if Mr. Pedroza could speculate if that would change in the future.

In response, Mr. Pedroza stated that the purpose of the policy is to have it plan in the event things would change, if the percentage decreases than to have a contingency fund that would get the city up to 100% funded, certainly the policy is for council to be aware of the pension and the volatility involved and how pension systems for some cities are in the break of bankruptcy.

Council Member Shelton thanked Mr. Pedroza for keeping on top of things and the city's business.

**Roll call: Voted in Favor: Mayor Donald Huish, Council Members: Margaret Morales, Mitch Lindemann, Ray Shelton, and Jose Grijalva. Voted Against: None.**

- G. **RESOLUTION NO. 23-1537**, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, authorizing the **ACCEPTANCE** of a **GRANT AGREEMENT** with the **STATE OF ARIZONA THE OFFICE OF THE GOVERNOR**, for **FUNDS** from the American Rescue Plan Act (ARPA) to support **COVID-19** activities expenditure categories, specifically for **WATER** and **SEWER FACILITIES** to service the new **DOUGLAS COMMERCIAL PORT OF ENTRY**.

Ana Urquijo provided background information and stated this was a great partnership the city has with the Governor's Office along with many other partnerships for the port of entry project. Additionally, Ms. Urquijo stated that this would cover the \$27 million projected costs for infrastructure towards the port of entry, however, it doesn't mean that all is secured but staff has plans for all of it.

**Motion by Council Member Grijalva, second by Council Member Lindemann to approve Resolution No. 23-1537.**

Council Member Lindemann asked if there was a timeline to start.

Mr. Pedroza responded that there was a timeline to service the port of entry before 2028 when the port of entry is scheduled to be constructed. Additionally, Mr. Pedroza stated that the city had an 18-month timeline to serve the port of entry construction with temporary water and that staff is working with both timeframes. Further, Mr. Pedroza added that the city is trying to service the port with permanent water source in four years.

Council Member Lindemann further inquired if construction was before 2028 because completion is scheduled for 2028.

Ms. Urquijo agreed. Ms. Urquijo added that the 18 month is when the groundbreaking could be done.

Council Member Lindemann expressed that those were good news and thanked staff.

Mayor Huish added that the environmental studies were currently happening and that the city was doing its part to be ready and able to hit the ground running as soon as reports are done.

Mayor Huish commented that this was a major impact for the city and it's one of the things that people feel blessed or lucky, and the city was working on and able to come through with significant amount of money for the benefit of the community which will not put any burden on local taxpayers.

**Roll call: Voted in Favor: Mayor Donald Huish, Council Members: Margaret Morales, Mitch Lindemann, Ray Shelton, and Jose Grijalva. Voted Against: None.**

8. **DISCUSSION/DECISION** to call for and conduct an **EXECUTIVE SESSION** under the authority of ARS 38-431.03 (A3), (4), and (7) to consider its position, instruct its representatives and obtain legal advice regarding updates related to the consideration of real estate purchase and/or acquisition.

**Motion by Council Member Lindemann, second by Council Member Shelton to enter into executive session at 6:41 p.m.**

**Roll call: Voted in Favor: Mayor Donald Huish, Council Members: Margaret Morales, Mitch Lindemann, Ray Shelton, and Jose Grijalva. Voted Against: None.**

**Motion by Council Member Grijalva, second by Council Member Shelton to adjourn the executive session at 7:15 p.m.**

**Motion PASSED unanimously. Voted Against: None.**

9. **UPDATE** and possible **DIRECTION** on item # 8 on the consideration of real estate purchase and/or acquisition.

Mayor Huish provided update after receiving information from the city attorney and staff, Mayor and Council directed staff to continue with the purchase of the Food City building and prepare the necessary documents for improvements at the building to take place once the city takes ownership of the property.

## 10. CITY MANAGER REPORTS.

Ana Urquijo provided the following reports:

- ARPA funds through Governor's office.
- Community spending request to congressional office also known as earmarks for fiscal year 2023, on the appropriations bill, the city is due to receive \$2.175 million for water and sewer for the port of entry project; \$3 million for Chino Road Expansion and Realignment Phase II, and \$833,285 for new SCADA system for water distribution system.
- Making great strides with funding opportunities and things falling into place, many more grants in progress and will be starting progress pages on the website for public awareness and hopefully other great news on major projects coming up.
- Save the Date for upcoming Douglas Days for May 12-13, 2023, for founder's days' celebrations which will be dedicated to the James Douglas family. Very thrilled to have received word from Stewart Douglas that will be bringing 85 plus members, planning their family reunion in Douglas during the Douglas Days' weekend.
- NPIAS request sent to Arizona Aviation Division to expect them sponsor special consideration package the city has been working on for over a year to FAA recognized as NPIAS airport and be eligible for future federal funding for more improvements at the Douglas Municipal Airport.
- Reminded everyone of the community calendar on the website and that the rest of the month included Douglas Market and Bazar every weekend, Teen Movies and Story Times, Stem clubs, and other activities at the Library.
- Register at Notify Me.

Mayor Huish added that also in the community Chiricahua Community Health Center was awarded \$800,000 plus for equipment at their facilities, and that more dollars are coming into Douglas.

Ms. Urquijo added that not official, but the city was notified that the Arizona State Airport Engineers reached out and mentioned the city is to receive an award of \$1.5 million with no match for runway repairs, and that the city was ready to spend money and get things going.

Mayor Huish commented that it was great news, and it showed the investment opportunities that are within Douglas and confident people gain in the community to be able to invest and realize that this is a place worthy of it because of the great people.

## 11. INFORMATIONAL ITEMS AND REPORTS FROM COUNCIL AND FUTURE AGENDA ITEM REQUESTS.

Council Member Grijalva thanked the Coronado Courts residents for the meet and greet meeting held in the past month, and that a lot of people showed up. Some residents expressed concerns and asked if police could pass by the east side of 17<sup>th</sup> and 18<sup>th</sup> streets, but other than that, everything was positive feedback. Council Member Grijalva stated he made them aware of the transportation programs. Additionally, Council Member Grijalva thanked Ms. Tanya Duarte for the Gadsden Hotel's tour who also mentioned some improvements that needed to be done at the hotel, and Café 333 menu has been updated. The whole atmosphere is different, a great place to be amongst friends.

Council Member Shelton commented that if the community only knew of the many things that could be accomplished on the way by 2024, there should be excitement. Council Member Shelton stated that he approached a major contractor on the possibility of buying to invest and build houses in the community and expressed his excitement in the future of Douglas.

Council Member Lindemann asked on an overview timeline of G Avenue revitalization and when are those happening.

Ms. Urquijo responded that an update would be provided.

Mayor Huish commented he was able to attend the Governor's Inauguration, the Attorney General, the Treasurer, the Secretary of State, and the Superintendent of Public Instruction, and added he felt a lot of energy and hopefully would carry through to be able to spread throughout the state to continue to maintain relationships developed and excited to see it.

Additionally, Mayor Huish stated that he had an opportunity to briefly meet with the Governor of Sonora and that the Sonoran government is excited about the port of entry project. Mayor Huish invited the Governor of Sonora to Douglas the next time he would visit Agua Prieta as well to continue and mature relationships.

Lastly, Mayor Huish added that staff was able to meet with a Brophy family member regarding the Brophy building and established contacts with future possibilities of hosting their reunion. Positive nature that starts with council and spreads throughout the community.

Mayor Huish thanked everyone for the positiveness in the community.

## **12. ADJOURNMENT.**

**Motion by Council Member Grijalva, second by Council Member Shelton to adjourn the meeting at 7:27 p.m.**

**Prepared by:**



**Alma Andrade, City Clerk**