

**MAYOR AND COUNCIL PUBLIC MEETING NOTICE
SPECIAL MEETING - MARCH 22, 2023 AT 5:30 PM**



Minutes

The City of Douglas Mayor and Council met in a Special Meeting on Wednesday, March 22, 2023 at 5:30 p.m. at City Hall Council Chamber, 425 10th Street. The Honorable Mayor Donald C. Huish called the meeting to order.

1. **CALL TO ORDER. 5:30 p.m.**
2. **ROLL CALL.**

	PRESENT	ABSENT
MAYOR, DONALD C. HUISH	X	
MAYOR PRO TEMPORE, MARGARET MORALES	X (by phone)	
COUNCILMEMBER, MITCH LINDEMANN	X	
COUNCILMEMBER, DANYA ACOSTA	X	
COUNCILMEMBER, RAY SHELTON	X	
COUNCILMEMBER, MICHAEL BALDENEGRO	X	
COUNCILMEMBER, JOSE GRIJALVA	X	
CITY MANAGER, ANA URQUIJO	X	
CITY ATTORNEY, DENIS FITZGIBBONS	X	
CITY TREASURER, LUIS PEDROZA	X	
CITY CLERK, ALMA ANDRADE	X	

Mayor Huish requested a moment of silence for the passing of former city employee in Public Works Department, Jose Hurtado (served September 4, 1973 to October 11, 1988).

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

Kim Peralta of 2250 14th Street, Douglas, AZ., commented on the following:

- Produce imports at the port of entry

Alfredo Acuña, commented on the following:

- Chino road safety

4. **PRESENTATION OF AWARDS.**

- A. **RECOGNITION to CONSUL of MEXICO, THE HONORABLE RICARDO PINEDA ALBARRÁN.**

Mayor Huish provided background information on Consul Pineda, and presented him a plaque.

Consul Pineda thank Mayor and Council for their support during his time in Douglas and gave some words of thanks to everyone in his professional consul career.

5. **DISCUSSION/DECISION on APPROVALS.**

A. **RESOLUTION NO. 23-1542**, a Resolution of the Mayor and council of the City of Douglas, Cochise County, Arizona, **DESIGNATING** the Finance Director, Alejandro Martinez as the **CITY'S CHIEF FISCAL OFFICER** for purposes of officially submitting the **FISCAL YEAR EXPENDITURE LIMITATION REPORT** to the Arizona Auditor General.

Alejandro Martinez provided background.

Motion by Council Member Lindemann, second by Council Member Baldenegro to approve Resolution No. 23-1542.

Council Member Lindemann thanked Mr. Martinez for his work.

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

B. BID AWARD to LAYNE CHRISTENSEN CO., for continued rehabilitation of **WELL 14** by using the City of Chandler Contract # PW2-936-4357.

Elise Moore provided background on the bid award for arsenic treatment on Well14. Also reported that Layne was the only responsive bidder that submitted a proposal of \$952,921.

Motion by Council Member Shelton, second by Council Member Baldenegro to approve the bid award to Layne Christensen Co., for the rehabilitation of well 14.

Council Member Lindemann asked if the allowable parts per million is now 0.03

Ms. Moore answered that it dropped from 0.5 milligrams per liter to 0.1.

Council Member Lindemann asked if there is a timeline to where effluent water will be used.

Ms. Moore answered in general for sustainability being able to reuse effluent in some way instead of pumping well water for things that do not require treated water is being worked on.

Council Member Acosta commented there is some concerns of the proximity of the slag pile and asked if it is a concern that should be addressed.

Ms. Moore answered that for water in general an eye needs to be kept for any kind of contaminants, they are very small but get monitored very closely and also sending water samples out for testing to make sure that drinking limits are met. Ms. Moore added that they are aware of the slag pile, but it is unknown where contaminants are coming from in general.

Council Member Baldenegro asked what the depth of the well is.

Ms. Moore answered static water level of 237 feet and drilled it down to 500 that is where 800 gallons per minute, at this point it is at 650 gallons per minute.

Council Member Baldenegro asked how long until it is adequate.

Ms. Moore answered that arsenic treatment and Pump House needs to be installed this year.

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

6. PRESENTATION/DISCUSSION.

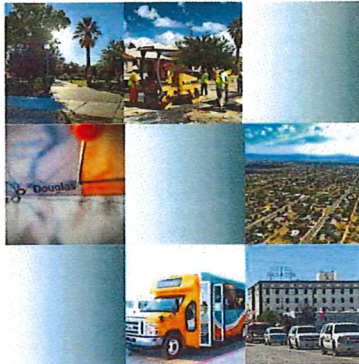
A. PRESENTATION/DISCUSSION on ANNEXATION STRATEGIES.

Xenia Gonzalez reported background and presented a power point.



CITY OF DOUGLAS

STAGGERED ANNEXATION PLAN
March 22, 2023



Why Should the City of Douglas Consider Annexation?

- Simplifies boundaries
- Future development in accordance with the city's standards
- Increases city's assessed valuation
- Increases population, city's share of tax revenues, funds, and grants



Why Should the City of Douglas Consider Annexation?

- Ability to collect property & sales tax from annexed parcels
- Opportunities under infrastructure grants for the next 3 years; not able to request assistance for areas not within our boundaries
- Annexation Policy Res. 19-1357



The Annexation Process

- Blank petition filed at the county recorder's office
- 30-day waiting period
- Communicate with the public and those in the desired annexation area of attempt and required public hearing



The Annexation Process

- Hold public hearing to discuss the annexation proposal
- Successful annexation
 - 50% +1 of property owner's signatures and
 - 50% of the assessed property values
 - 1 year after the waiting period to collect signatures and submit to County



The Annexation Process

- Once petition is complete, file with City Clerk and County Recorder's Office
- A special City Council meeting is then held to adopt the annexation ordinance
- Annexation becomes final 30 days after the adoption of the annexation ordinance



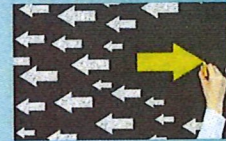
Lessons Learned

- Prep-time and progress tracking is crucial
- Consistent outreach and communication between the city and the people is important
- Misinformation is powerful, and it can spread quickly



Our New Approach

- Preparation phase
- 5 to 10 year infrastructure plan for proposed annexation areas
- Specialized teams to focus on annexation
- Staggered annexation plan.

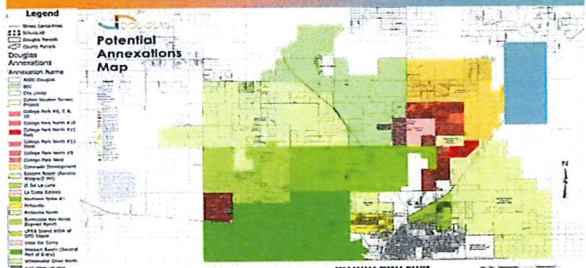


Our New Approach

- Bigger focus on education
- Tracking our progress from the beginning
- Improving outreach and communication between the city and the people
- Annexation Champions



Potential Annexations Map (Future General Plan)



Proposed Staggered Annexations

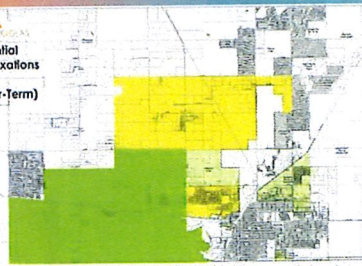
Bay Acres & The Sunnyside Fire District

Westward Reach

Pirtleville & North Pirtleville

Northern Peak

Potential Annexations Map (Near-Term)

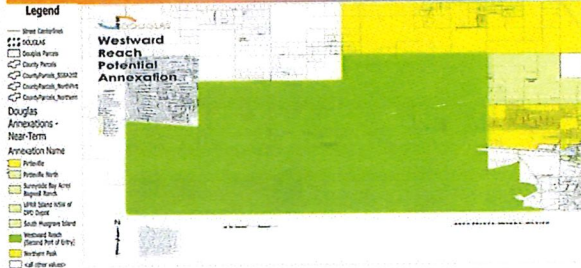


Sunnyside & Bay Acres

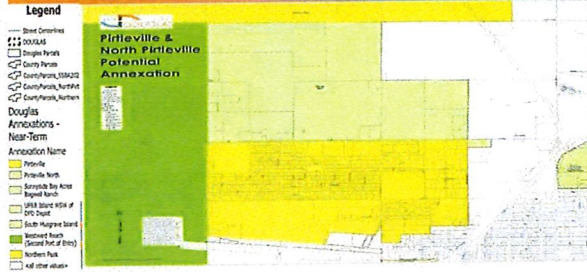
Sunnyside Bagwell Ranch Bay Acres Potential Annexation



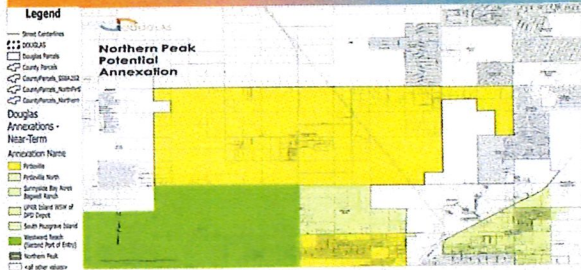
Westward Reach



Pirteville & North Pirteville



Northern Peak



Next Steps

- Resolutions for each of the areas proposed for M&C to authorize annexation attempts
- In what order should they be approached?



Recognition

- Carlos Valdez
- Edith Pulido
- Rocio Garcia-Pedroza
- William Osborne
- City Manager's Office



Council Member Shelton commented the excellent job that was done. He added he would like to see an overall goal in doing the annexation, to unify the city and start looking to the future.

Council Member Baldenegro commented if we have the signatures of people that want become annexed with Douglas he thinks it should be pursued.

Ms. Gonzalez answered state statute establishes annexation area by size and if annexation can be done parcel by parcel it would have started already unfortunately the focus has to be on the entire area and get the signatures and valuation as it states in the statute.

Council Member Baldenegro inquired on where they are with the signatures.

Ms. Gonzalez answered the process has not been started to file the petition and then there is a 30-day waiting period followed by public hearings and then collecting petition signature can begin.

Council Member Acosta asked why the area of Cochise College could not be included.

Ms. Gonzalez answered that it will be an area that will be looked at for annexation in the future, it was not included as part of this planning because if annexation area is widen that means more petition signatures, more evaluation that has to be collected which is why the approach is to do staggered annexations.

Council Member Grijalva quoted "Ronald Reagan once said the scariest words you can hear are from the government and I'm here to help." He added that one of the reasons why the annexation of Bay Acres failed was because for everybody that was involved with the city it was a good idea but there was a level no trust from the residents. The community members and those in the staggered annexations need to establish a relationship for communication, because you can provide all the facts but if they do not trust you and it is going to go in one ear and out the other.

Council Member Morales asked with the signatures that have been obtained already will they have to go back and have those residents sign again.

Ms. Gonzalez answered yes.

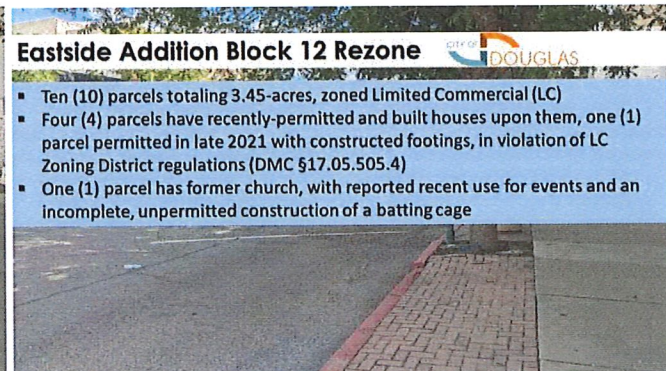
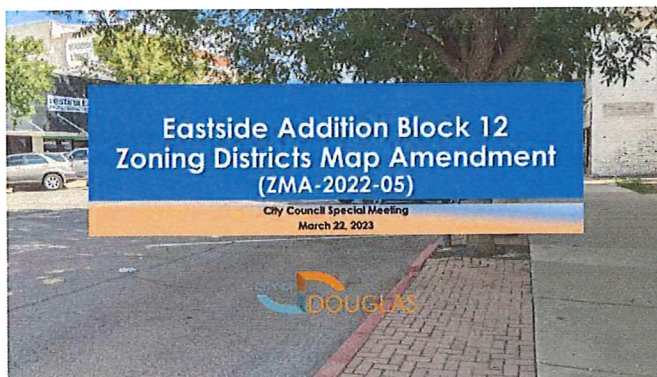
Council Member Morales asked for the time frame of when the signature collection will start.

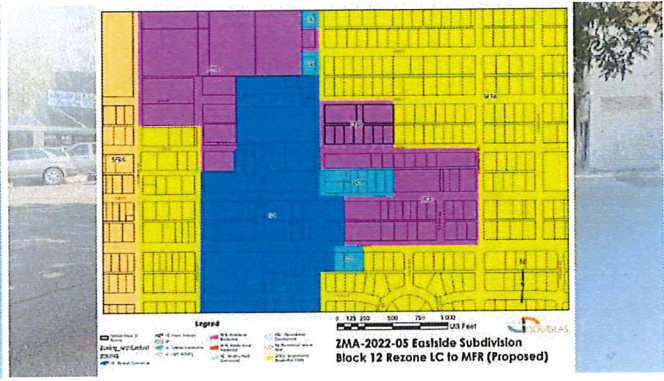
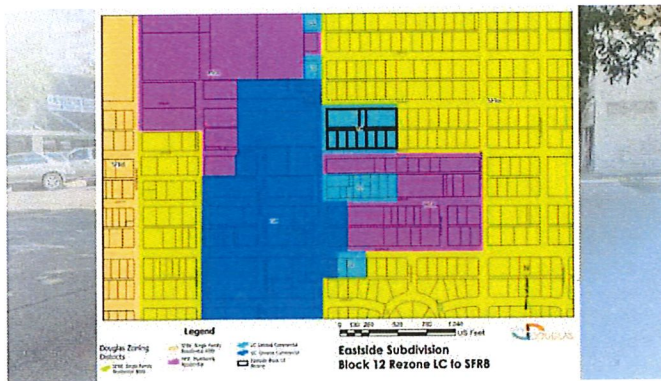
Ms. Gonzalez answered that it will be brought by resolution for approval to Mayor and Council pending direction on which annexation mayor and council would like to start first.

Mayor Huish would like to see realistic cost benefit analysis for each of these areas and would feel more comfortable making decisions with that information at hand and discussion would be knowledgeable.

B. PRESENTATION/DISCUSSION on continuation of the ZONING CODE TEXT and MAP AMENDMENTS.

William Osborne reported background and presented a power point.





ZMA-2022-04 Policy Consideration Highlights:

- ❖ **Growth Areas and Population Element (GAP) GOAL 4:** Promote neighborhood preservation, transportation and infrastructure efficiency, multimodal transportation, commercial revitalization, community service node and infill development within the Mid-City Growth Area in conformance with all other elements of this General Plan.
 - **GAP Policy 4-1a:** Explore opportunities to promote the rehabilitation and revitalization of existing commercial areas experiencing downturn, where feasible, and support development which utilizes these existing facilities while minimizing the need for additional public facilities.
 - **GAP Policy 4-1b:** Promote the strategic location of a Community Service Node, as provided in the Land Use Plan Map included in Appendix B, that reduces automobile use, increases pedestrian/bicycle use, improve delivery of public and private services, establishes appropriate links to adjacent residential neighborhoods, and creates inviting places to live, work, and play.
 - **Land Use Element (LU)-Residential Communities (RC) Policy 2-1a:** Encourage the establishment of regional service corridors, community service nodes, and community commercial service areas in proximity to residential areas in order to support nonresidential activities and minimize auto use and air pollution.

ZMA-2022-04 Policy Consideration Highlights:

- ❖ **Land Use Element (LU) GOAL 5:** Prevent the creation of future incompatible land uses.
 - **LU Objective 5-1:**
 - Locate high-density residential development in suitable areas in which they will not adversely impact lower density developments.
 - **LU Policy 5-1a:** Allow larger densities for residential designations of eight units/acre or greater provided at least four of the following conditions are met:
 1. The site is located adjacent to an arterial roadway and/or major corridor.
 2. The site is within one mile of community-level commercial, community service node, or employment centers.
 3. The site plan proposed for the development provides a well-designed arrangement of on-site structures and includes three or more of the following amenities: established architecture/landscape and flexible features, which reflect the character and heritage of Douglas recreational amenities that substantially exceed City requirements; separation and screening between buildings so that residents enjoy privacy in their living units; preservation of natural environment; and more than 10 percent on-site usable open space, providing trail linkages and connectivity to adjacent neighborhoods.
 4. The site provides a transition between existing or approved lower densities and non-residential uses.
 5. Development of the site will not disrupt or negatively impact adjacent lower density land uses.
 6. The development proposed for the site provides on-site amenities in addition to those required by the City that will improve the livability and function of the development.
 7. The site and proposed development comply with or promote other goals, objectives and policies of the General Plan.

ZMA-2022-04 Policy Consideration Highlights:

- ❖ **Land Use Element (LU) GOAL 6:** Support appropriate locations for commercial and office land uses, including infill development and redevelopment.
 - **LU Objective 6-1:**
 - Support appropriate locations for commercial and office uses, including infill development and redevelopment within the established growth areas that:
 1. Promote use and improvement of existing infrastructure;
 2. Meet residents' needs for goods and services in a cost-effective and equitable manner;
 3. Increase pedestrian activity and;
 4. Attract tourists and visitors.
 - **LU Policy 6-1a:** Support residentially-scaled neighborhood commercial and office uses along collector streets if:
 1. The building is residentially scaled;
 2. The site design is pedestrian-oriented;
 3. The use will not generate significant auto traffic from outside the neighborhood; and
 4. The hours of operation are limited.
 - **LU Policy 6-1b:** Consider the expansion of commercial area into adjoining residential areas when logical boundaries, such as existing streets or drainageways, can be established and adjacent residential property can be appropriately screened and buffered.

ZMA-2022-04 Policy Consideration Highlights:

- ❖ **Land Use Element (LU) – Community Service Nodes (CSN) GOAL 8:** Encourage the establishment of community service nodes that serve residential areas and promote public service, commercial, and office uses while minimizing infrastructure needs and transportation demands.
 - **LU-CSN Objective 8-1:** Determine the appropriate location for the establishment of Community Service Nodes in the future Land Use Map.
 - **LU-CSN Policy 8-1a:** Develop a community service node zoning district consistent with the land use designation framework.
 - **LU-CSN Policy 8-1b:** Support incentives for community service node development in or adjacent to existing regional and community-level activity centers that will:
 1. Integrate residential and non-residential land uses and the mix of private and public land uses, including entertainment, recreation, retail, restaurants, offices, libraries, public meeting facilities, child care, and other community services deemed appropriate;
 2. Reestablish pedestrian connections in the street network, where they have been lost;
 3. Provide alternate modes of transportation;
 4. Provide convenient, comfortable, illuminated, accessible, and attractive pedestrian/bicycle trails that connect to adjacent neighborhoods; and
 5. Promote pedestrian and bicycle use by providing clearly marked pathways for bike routes, public sidewalks, and trails and separating them from vehicular traffic access.

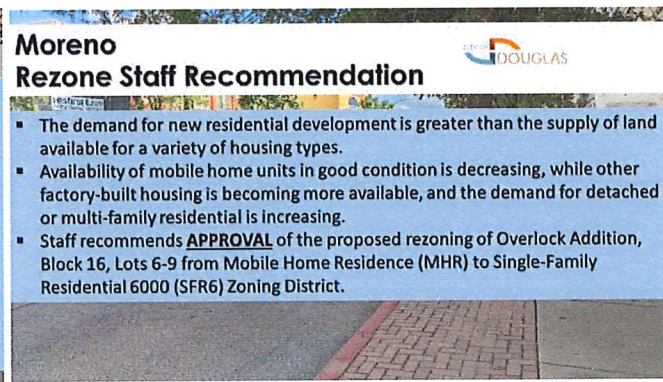
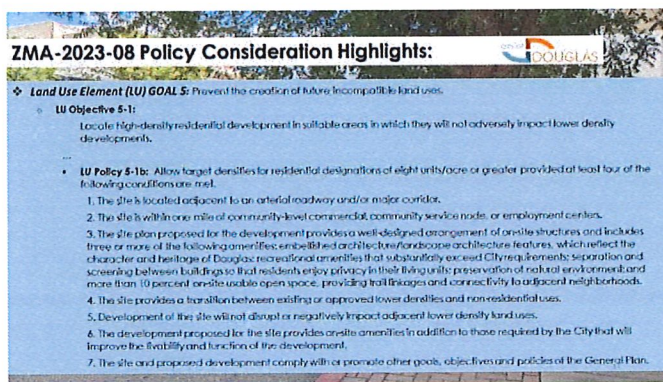
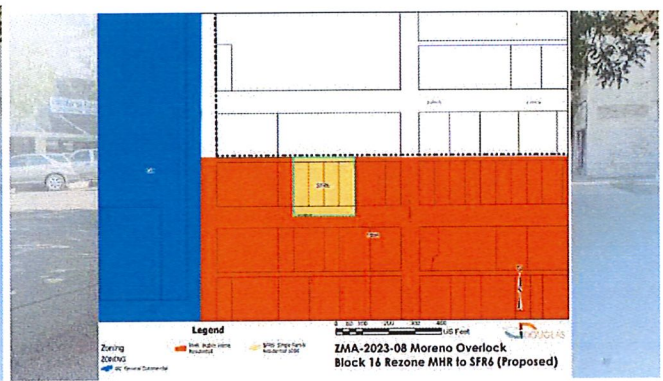
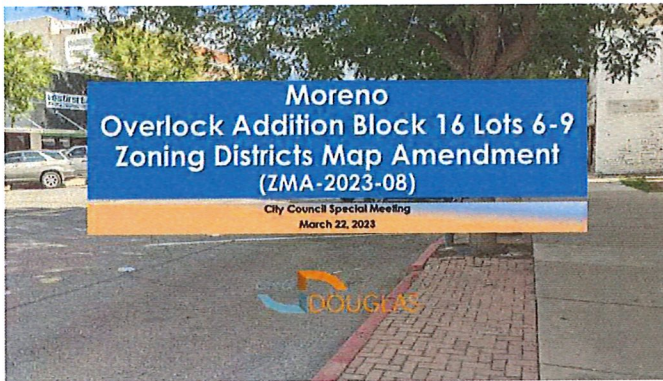
Eastside Addition Block 12 Rezone Staff Recommendation

- The 2002 General Plan-designated Community Services Node covering the area never had fulfillment of Policy LU-CSN 8.1 to have a zoning district created consistent with implementing other Community Services Node policies.
- Such policies included pedestrian-oriented development standards and requirements for exceptional recreational amenities and landscaping.
- Finally, by way of misunderstanding Limited Commercial (LC) regulations, half of the parcels of the Subject Area have been permitted to transform over the last ten years into single family residences.
- LC regulations are for sprawling commercial development, not neighborhood scale.

Eastside Addition Block 12 Rezone Staff Recommendation

- Staff recommends **APPROVAL** of the proposed rezoning of Eastside Addition, Block 12 from Limited Commercial (LC) to Multi-Family Residential (MFR).

No comments or questions were made.



Council Member Grijalva commented housing is desperately needed and if somebody wants to build house it is not going to decrease the property value around them like a mobile home. He also added there is a need to be more open because if it is going to cause headaches and someone wanted to build a home, they are going to say why build it in Douglas if it going to be too difficult, if they have to go through all the stages it has to be business friendly but also friendly to development.

Council Member Acosta respectfully disagreed and stated there is zoning codes for a reason and does not understand why there was a permit issued to a zone that did not allow for such building, and also added she understand there is a need for housing.

Mayor Huish commented that as you drive that area of town there is many single-family homes that are scattered throughout, it is probably why the building department may have been relaxed in the past. He also added that he agrees if it is not what we need out there then change it.

Mr. Osborne commented that there is an item on the agenda to create the overlay zoning district that would if applied on a map provide that flexibility.

Council Member Baldenegro asked what is being done about the vacant mobile home on 21st street.

Mr. Osborne answered there has been a number of questions about derelict structures and dilapidated structures in terms of code compliance but also possibly abatement.

Mayor Huish commented that this is being worked on with legal.

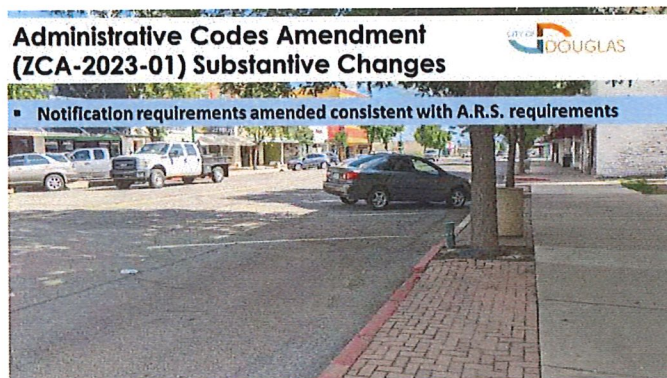
Council Member Acosta commented this is creating a lot of headaches for a lot of people and that the rules are not being followed and now having to go back and expedited the manner to look at these zoning issues.

Mr. Osborne answered regulations are being looked at and where there might have more authority administratively.



Administrative Codes Amendment (ZCA-2023-01) Substantive Changes

- More administrative authority to resolve minor and basic interpretations and decisions on land uses and development standards.
- Minor conditional use permits and minor variances with thresholds for administrative approval process.
- Appeals first to City Manager, then Board of Adjustment, then court.
- Parcel splits, combinations, and lot line adjustments – application requirements, process and approval criteria.
- Home occupations to allow accessory buildings for use, with thresholds.
- City Planner replacing Building Inspector as Zoning Code officer.
- Plan Review process made clear.
- Building Permit and Inspection Fees section re-organized for clarity.



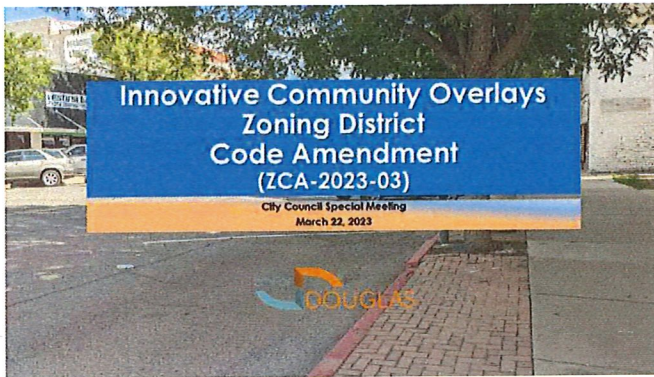
Council Member Grijalva commented he likes the idea of adopting the planning and zoning recommendations not only does it cost cut time but also when people are chosen for a board or commission they are qualified for these situations and are trusted to make decisions.

Council Member Acosta commented seeing the building inspector as zoning code officer.

Mr. Osborne replied it is zoning administrator by statute and there is a section in article 10 in the zoning code.

Council Member Acosta commented there is need for more of the zoning administrative officers to be able to facilitate permits especially if annexation happens, future development and the many applications being submitted. Council Member Acosta furthermore asked if the city manager is approving something that has already gone through zoning administrative officer, what is the liability on city manager if approval is against the zoning codes and policies.

Mr. Fitzgibbons answered that the interpretation the city manager would be consistent with the zoning code policy. The zoning administrator is going to be the person who is going to define the gray areas, this gives people an opportunity to go to the city manager if they disagree with the zoning administrator but if Council gives that authority it is legal.



IC Code (Section 17.05.516) Amendment (ZCA-2023-03) Proposed Changes

- Allow existing residential, commercial, and mixed-use development properties to be considered *legal conforming*.
- Allow variety of new housing types, especially in the IC-Residential Overlay, and some extent in the IC-Mixed-Use Overlay.
- Multiple detached residences and/or limited detached accessory commercial allowed on parcels.
- IC-Residential, IC-Commercial, and IC-Mixed-Use Overlays would allow application for parcel split approvals to create minimum 3,000 square foot lots, with minimum 25 ft. street frontage.
- IC-R setbacks at front and side are 4 ft., but 5 ft. from any other structures on- or off-site.

IC Code (Section 17.05.516) Amendment (ZCA-2023-03)

- IC-C and IC-MU Overlay setbacks are zero ft. from property lines, but 5 ft. from any structures on- or off-site, and rear setback is zero ft. with an alley present, 5 ft. without.
- Off-street parking requirements are relaxed.
- Allow for adaptive re-use in IC-C and IC-MU Overlays.
- International Building Codes, engineering standards, and FEMA regulations and State Health Laws still apply.
- Notification for projects made responsibility of applicants – proof required as part of building permit application submittal.

Mayor Huish commented if there are any other questions to forward them to Ms. Urquijo.

7. ADJOURNMENT.

Motion by Council Member Acosta, second by Council Member Shelton to adjourn the meeting at 6:55 p.m.

Prepared by:

A blue ink signature of Cynthia Acuña Robles.

Cynthia Acuña Robles, Deputy City Clerk