

**MAYOR AND COUNCIL PUBLIC MEETING
REGULAR MEETING - APRIL 12, 2023 AT 6:00 PM**



Minutes

The City of Douglas Mayor and Council met in a Regular Meeting on Wednesday, April 12, 2023, at 6:00 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.** 6:10 p.m.
2. **PLEDGE OF ALLEGIANCE.** By Council
3. **INVOCATION.** Pastor Francisco Cordova, Iglesia del Nazareno.
4. **ROLL CALL.**

	<u>PRESENT</u>	<u>ABSENT</u>
MAYOR, DONALD C. HUISH	X	
MAYOR PRO TEMPORE, MARGARET MORALES		X (excused)
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	

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

Ms. Andrade stated no public participations forms were submitted.

6. **READING** of the following **PROCLAMATIONS**:

- A. NATIONAL CHILD ABUSE PREVENTION MONTH.
- B. FAIR HOUSING MONTH.
- C. AUTISM AWARENESS MONTH.

Mayor Huish read the proclamations listed.

Council Member Shelton commented that children are very important and if anybody witnesses any abuse but not only to children, to report it. Council Member Shelton also stated that sometimes people do not report it and the person being abuse is severely injured.

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

- A. **EXPENDITURES** for the month of **MARCH 2023**, totaling \$2,616,590.31.
- B. **MEETING MINUTES** for **FEBRUARY 22** and **MARCH 8, 2023**.
- C. **FINANCE COMMITTEE CHAIRPERSON APPOINTMENT**.

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

Council Member Lindemann thanked Mayor Huish for the appointment and stated it has been his pleasure to serve constituents and the Administration in any capacity that he has been needed and that he will do his best.

Mayor Huish thanked Council Member Grijalva who served in the capacity for the past two years and who recently received the honor to being selected to serve on the Arizona League of Cities and Towns Budget Finance and Economic Development Policy Committee, and that he will be representing the city in his stellar representation that he always has on behalf and represent the city well. Mayor Huish commented that both council members are appreciated for dedicating extra time for these types of services.

Council Member Grijalva expressed that personally he did not agree to resign or to be replaced as Finance Committee Chair. For transparency purposes Council Member Grijalva stated he has not been getting along with City Hall and the City Manager's office for the past few months since he had been lectured on what his role is by subordinate and has been told that he should not be going to businesses and asking how he could be helping them, and dealing with what he considers favoritism as council projects and events have been subject to approval now from the Mayor that goes against the city charter manager council form of government. If the Mayor is controlling administrative actions, then why the need to have a city manager. Council Member Grijalva stated that this is intimidation for any opposition to city hall agenda and he would like to remind city hall that he does not represent or work for city hall and stated he works solely to the residents of Douglas.

Mayor Huish apologized for the misunderstanding and stated he would be willing to talk to Council Member Grijalva anytime.

Roll call: Voted in Favor: Mayor Donald Huish, Council Members: Mitch Lindemann, Danya Acosta, Ray Shelton, and Michael Baldenegro. Voted Against: Council Member Jose Grijalva.

8. DISCUSSION/DECISION on APPROVALS.

A. **FIRST READING OF ORDINANCE NO. 23-1162**, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **REZONING FOUR PARCELS** of land within the overlock addition, block 16, lots 6 through 9, from **MOBILE HOME RESIDENCE (MHR) TO SINGLE-FAMILY RESIDENTIAL 6000 (SFR6)**; and **AMENDING the OFFICIAL ZONING DISTRICT MAP**; establishing severability of components of Ordinance; and establishing an effective date thereof.

Ms. Urquijo stated that Mr. Osborne is connected virtually to address all the zoning items.

William Osborne provided background information and stated that the lots 6 through 9 of the overlock addition of block 16 have been designated as mobile home residential since they were annexed into the City of Douglas; and those parcels have not developed as mobile home and there are other parcels within the area that have not located mobile homes onto them.

Mr. Osborne stated that it was presented to the Planning and Zoning Commission the proposal to possibly change the zoning for the entire area and staff has been looking at a number of parcels that have been increasingly looked at for development of single family residential and in order to facilitate the applicant Mr. Michael Moreno proposed to rezone to single family residential a six thousand square foot minimum lot size which is consistent with the mobile home residence parcel size as an individual lot.

Mr. Osborne mentioned that it was the staff's recommendation for approval along with the Planning and Zoning Commission's approval.

Motion by Council Member Baldenegro, second by Council Member Grijalva to approve the placement of Ordinance No. 23-1162.

Council Member Lindemann inquired if there were any mobile homes in the 23rd Street area.

Mr. Osborne responded there is.

Council Member Lindemann further asked if the zoning were to change if it would affect those people that are already there.

Mr. Osborne responded that it would not since the rezoning is only for the four lots owned by Mr. Moreno and his mother.

Council Member Grijalva commented that he recalls seeing Mr. Moreno for the first time and Mr. Moreno expressed the opinion that the city could not do it. Thereafter, nine months passed, and the comment was that Mr. Moreno could not do it, and that it was a long permitting process.

Council Member Grijalva expressed that the city owes Mr. Moreno an apology since nobody should wait nine months for a rezone. Council Member Grijalva further stated that at the very least, the city should have said it could not be done due to a rezoning, the city to work on the process, have the city manager talk to council, once that would have happened and council was in agreement, then offering Mr. Moreno a permit to build, instead of losing time and money, and making the city look bad, not business or housing friendly. Council Member Grijalva apologized to Mr. Moreno for the lengthy process.

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

Motion by Council Member Acosta, second by Council Member Shelton to approve the first reading of Ordinance No. 23-1162.

Council Member Acosta mentioned that the city needs to work on revising the processes and is not in agreement with holdup to one person but there needs to be a process to verify permits that are being given. Council Member Acosta stated that there is some rectification but ensuring that there is no need to clean up zoning issues in the future. Council Member Acosta added to have accountability from staff as to why these have happened in the past and prevent them from happening in the future.

Council Member Grijalva agreed with Council Member Acosta and stated that if it was in the private sector, someone would be held responsible. Council Member Grijalva further apologized for anyone going through a rezoning process.

Council Member Baldenegro commented that unfortunately the council is the one that suffers the consequences from previous councils on this matter. Council Member Baldenegro added that this should have been taken care of since the 2100 and 3100 blocks on 15th Street, and that there are other lots appropriate for construction, there are lots that should be approved for residential and others for commercial. Council Member Baldenegro stated that Mr. Osborne and the city are moving in the right direction.

Council Member Shelton added that the city is trying to do everything the way is supposed to and trying to get everything corrected.

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

B. FIRST READING OF ORDINANCE NO. 23-1163, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, REZONING TEN PARCELS of LAND WITHIN THE EASTSIDE ADDITION BLOCK 12 FROM LIMITED COMMERCIAL (LC) to MULTI-FAMILY RESIDENTIAL (MFR); and AMENDING the OFFICIAL ZONING DISTRICT MAP; establishing severability of components of Ordinance; and establishing an effective date thereof.

Ana Urquijo provided background information and stated that the commentary received during the public hearing has gone through the Planning and Zoning as well.

William Osborne stated that the proposal is consistent with the general plan as it was adopted in 2002 and would remain and stated that the area is designated as a community services node, goals and policies were cited in the staff report provided to the Planning and Zoning Commission. Mr. Osborne continued to say that it cites numerous

opportunities for where the city would want to locate residential and commercial development in proximity to areas that are already designated for commercial, and this is a proposal supported by staff that holds true to the general plan.

Motion by Council Member Acosta, second by Council Member Shelton to approve the placement of Ordinance No. 23-1163.

Council Member Acosta stated for verification purposes that the ordinance was placed in its reading for council to discuss.

Council Member Acosta commented that in hearing both side arguments and understands both aspects of it, and stated there is zero accountability or supervision on what was being done and permits were given initially for single family residences on a limited commercial and it changed. Council Member Acosta added that the city needs to be very careful and not continue the same patterns, and if multifamily residential zoning is needed but when it affects people living there that is hard to argue with that when investors are buying these plots for residences or multi family residents when its limited commercial and hard to appease everybody, it's a difficult situation.

Council Member Acosta apologized to all the parties involved.

Council Member Shelton commented that this item is in his ward, and he was contacted by several people and twelve people signed the petition and would need to deny it, voting no. Council Member Shelton continued to say that there are about 100-135 houses for sale and currently there are 35-40 for sale. People also expressed the need for a grocery store and Council Member Shelton stated that the city is doing its best to bring a supermarket to the city.

Further, Council Member Shelton added that the city is going to discuss the airport item and that would bring money and housing to Douglas, the city is also working on the downtown revitalization and working on the port of entry. Council Member Shelton continued to say that there is a need for housing in Douglas. Council Member Shelton also commented that 12 to 15 families that have come to Douglas are retired or have good jobs. Lastly, Council Member Shelton added that together they stand and divided they could fail.

Council Member Baldenegro asked Mr. Baez on his plans to build on the lot.

Mr. Encarnacion Baez presented images on his plans and provided a brief explanation on the multifamily residential he would like to build.

Council Member Baldenegro asked Mr. Baez on the number of lots he has in the area.

Mr. Baez responded it was a total of 300 sqft. and that if he were to do single family residential, he could build 4 houses.

Council Member Baldenegro asked on the square footage for residential and size for home.

Mr. Baez stated it was 1600 sqft.

Mr. Baez added that regarding the limited commercial side, he could build a drive through coffee shop.

Council Member Grijalva commented to the petition signers that if the Ordinance were to pass, there is another reading and if it does, he would like to talk to them, to the people that is being affected by this process. Council Member Grijalva added that council does not get invited to the Planning and Zoning meetings and would have been nice to see it from both perspectives.

An area resident approached the podium to say that if it is limited commercial and they are able to build, that the only thing that would make sense and not much mess would be the 4 apartments. One side of residents is saying that they don't want mess or traffic. Kids walk home after school, the smart thing to do for children would be not have much busy businesses in the area. If multi businesses are developed, it would affect children

walking from school to their homes and it would also affect the side that does not want multi housing, any business would bring more traffic compared to apartments.

Mr. Castillo of 2001 E 13th Street, commented on the following:

- Planning and Zoning recommendation denial regarding the item and most residents in the area petitioned against the proposal.

Mayor Huish asked Mr. Osborne regarding the Planning and Zoning recommendation.

Mr. Osborne responded that the Planning and Zoning Commission voted to deny the request.

Council Member Shelton stated that he would not be able to go against the Planning and Zoning Commission recommendation.

Mr. Castillo addressed the council and stated that the owner paid approximately \$70,000 dollars and suggested for the city to buy it at the original price and resell it at a profit.

Council Member Grijalva asked for clarification if the area is limited to commercial, that cannot be taken away from Mr. Baez.

Mayor Huish asked the city attorney to clarify if there would be anything that would prohibit Mr. Baez from building anything there on a limited commercial.

Denis Fitzgibbons stated that if Mr. Baez property is zoned as limited commercial, he could proceed if it is within the zoning code.

Mayor Huish reaffirmed that Mr. Baez can build anything commercial in the area if it is within the code.

Mr. Fitzgibbons referred to Mr. Osborne for any specifics on what can be built in the area.

Mr. Osborne stated if the city were to receive a proposal for a limited commercial zoning district development and as long as it is compliant with the development standards of the zoning district, it would be an administrative decision and only if there were an exceedance of the acreage then there would be a planned area development process that would need to be engaged but if Mr. Baez would like to seek something smaller as long as he meets development standards for setbacks for on-site parking, landscaping, the city would need to entertain and use the proposal.

Council Member Grijalva inquired if the residents would have a decision on Mr. Baez' request to either commercial or residential, and emphasized on Mr. Baez' comment, if zoning is an issue, then he would proceed to build commercial.

Council Member Grijalva would like to table the item and for staff to follow up with the residents to see what they would want because it seems that the residents are unaware that something is going to be build there.

Motion to amend motion by Council Member Grijalva, second by Council Member Baldenegro to continue the matter of Ordinance No. 23-1163 until next meeting.

Mr. Fitzgibbons suggested to continue it to a date certain to prevent giving out more notices since this is a zoning matter and suggested for Council Member Grijalva to amend his motion to continue the matter for the first meeting in May to prevent publishing more notices.

Roll call: Voted in Favor: Mayor Donald Huish, Council Members: Danya Acosta, Michael Baldenegro and Jose Grijalva. Voted Against: Council Members: Mitch Lindemann and Ray Shelton.

Mr. Fitzgibbons requested clarification if council is requesting to notice the neighbors that are supposed to get noticed under the code or if council was asking for something more.

Council Member Grijalva mentioned that it would be on the information given regarding the two possibilities and stated that in his opinion there was no need to notify them since the parties that are present understand the situation and can inform the other parties.

Mayor Huish directed staff to notify people that the item would be continued.

Mayor Huish asked if there was a need to notify them of the options available.

Mr. Fitzgibbons responded that the property is zoned commercial, staff is aware who the owner is, and he has sought to have an amendment from multi family and notice was given before and stated that the landowner could go forward with the zoning he currently has.

Mr. Osborne explained that if the need to mail to all neighbors within 300 foot radius at over \$4.00 per person to bail out to them knowing that seven of those respondents have signed the petition against the proposal and the cost of doing the mailings with certified mail, staff would do the continuance as just having another meeting and believed staff is not required to re-notice in the newspaper.

Mr. Fitzgibbons stated that continuing the matter would give people notice that it will be reheard in May to prevent more publications.

Council Member Acosta requested staff to check on what setbacks would be on the lots and measurements, the parking requirements, if it's feasible for limited commercial since it seems there might be residences between the lots.

Mr. Osborne responded that a thumbnail analyze could be provided with the setback requirements of the limited commercial zone which to be fair are significant and it is something that staff discussed with the Planning and Zoning Commission on another proposed set of overly zoning districts which would come to council at another item. Basically, it would be a 40-foot setback from streets and the parking requirements would be based on the use. Mr. Osborne stated that it would probably be a thumbnail assumption as to what the uses are, and Mr. Baez has not provided that since it was not requested for him to do it. Mr. Osborne stated that that would be one of the questions that would need to be resolved before the meeting as to what the proposed use would be for limited commercial development.

Mayor Huish stated that in his opinion it was not fair for Mr. Baez to pin him down, but to have the general information at the next meeting.

Council Member Acosta added that she would like to know about buildable space.

Council Member Shelton once again commented that the Planning and Zoning Commission met and denied the item.

C. FIRST READING of ORDINANCE NO. 23-1164, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **AUTHORIZING the SALE of VACANT land** of sections **around the Douglas Municipal Airport** with Assessor's parcel number 410-01-005 to JW RESOURCES, LLC, pursuant to terms entered into by the parties; establishing severability of components of Ordinance; and establishing an effective date thereof.

Ms. Urquijo provided background information and stated that several months ago staff was directed to negotiate terms of a land sale around the airport with JW Resources who submitted a bid of \$2.096 million for the purchase of the properties surrounding the airport. Ms. Urquijo stated that prior to that the city had gone to the public for input regarding the sale of the airport and feedback from people was to keep the municipal airport as a public airport and do everything the city could to preserve as a historical element within the community. Ms. Urquijo stated that the surveys are available on the website if anyone needs the background.

Ms. Urquijo continued to say that after negotiations were able to arrive with terms for the sale of the vacant land around the airport and the major terms are submitted summarized to the sale price \$2.096 million which is a cash offer no carry. The land around the airport would be revised and reduced in terms of what is referred to as an airport layout plan that it reduces the size of what is currently known as the airport layer under the airport master plan and revisions that need to be done to resurvey the area to accommodate the acreage that is being sought to be purchase.

Additionally, Ms. Urquijo stated that the property would then be zoned after purchase consistent with a buyer's proposal that includes industrial and Hangars or commercial retail on the east side of the municipal airport. The contract retains the airport operations and the municipal airport as the City of Douglas run airport and it would allow the city to move forward with the historic preservation of the airport. It also contributes from the buyer half a million dollars towards the rehabilitation of the runway in addition to the sale price.

Moreover, Ms. Urquijo added that the city recently received a grant award from the State of Arizona Aeronautics division for \$1.5 million dollars for the Runway Rehabilitation with no match required. The city has an estimated repair of the runway at \$1.824 million dollars and the \$500,000 or half a million contribution towards the rehabilitation is an excess of the projections to rehabilitate.

Ms. Urquijo stated that the city is underway with engineering reviews to begin the rehabilitation and could be completed by early Fall. The buyer would also be paying portions of depreciated amounts of any prior fencing grants that have been given to the city by the State Aeronautics Division, a fencing grant received of \$108,000 and \$180,000 in 2016 and 2018 which once depreciated to the current time would have to be repaid back. The buyer agreed to reimburse the State of Arizona. The buyer would be expected to begin construction of the industrial area within 18 months of the close of escrow and the seller agreed to cooperate on easements following FAA regulations and responsible for construction and permit fees.

Furthermore, Ms. Urquijo commented that the buyer agreed to provide as a revenue source to the City of Douglas' 7% of net revenues of any parcels sold for the development until the city has received an additional half a million dollars from the buyer in land sales to other investors, and there is also a reversion clause that would allow the city to take back the property if anything under the clauses are not completed.

Lastly, Ms. Urquijo stated that the city may be able to see direct thriving of the airport early as the Fall since the city was able to petition for NPIAS, the federal designation for the airport to receive entitlement funds in the future from the federal government.

Motion by Council Member Shelton, second by Council Member Baldenegro to approve the placement of Ordinance No. 23-1164.

Council Member Grijalva emphasized that the city is not selling the airport and that the city is selling the land around the airport.

Council Member Acosta suggested having the Airport Authority meet on this item for them to become aware on what is going on as well and to happen before the second reading.

Council Member Shelton stated that this was one of the areas he was pointing out that the city is in the process of doing and that this would mean a lot to Douglas, especially when housing comes in.

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

Motion by Council Member Shelton, second by Council Member Baldenegro to approve the first reading of Ordinance No. 23-1164.

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

D. **FIRST READING OF ORDINANCE NO. 23-1165**, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **AUTHORIZING the SALE of 5** vacant parcels of land on Block 2 of **Rancho La Perilla Estates**, with Assessor's parcel number 410-08-13505, 410-08-15204, 410-08-15101, 410-08-07803, and 410-08-14504 to **SATOW, LLC**, pursuant to terms entered into by the parties; establishing severability of components of Ordinance; and establishing an effective date thereof.

Ms. Urquijo provided background information and stated that the council approved the one bid for the purchase of five vacant lots at block two of Rancho La Perilla Estates, the five lots are semi-improved lots with all utilities available. Ms. Urquijo added that the five lots were donated last year by Richard and Deborah Holman who are no longer interested in developing the lots. Ms. Urquijo stated that the total sales price is \$5,000 dollars per lot with a total of \$25,000 dollars for all 5 lots.

Motion by Council Member Baldenegro, second by Council Member Shelton to approve the placement of Ordinance No. 23-1165.

Council Member Shelton asked if the buyer is a building contractor.

Luis Pedroza responded that it is a contractor that is building homes in the city.

Council Member Shelton inquired where the buyer is from.

Mr. Pedroza stated that the contractor has a residence in the Phoenix area, and they have local ties as well, and employ local people from Douglas.

Further, Council Member Shelton asked if there was a time limit on when they would start construction.

In response, Mr. Pedroza stated that the contract does not contain any stipulations about when they should build. The contractor is currently building in block 2 in other parcels in the same vicinity and expressed urgency to get these purchased and start developing.

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

Motion by Council Member Baldenegro, second by Council Member Shelton to approve the first reading of Ordinance No. 23-1165.

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

E. **FIRST READING OF ORDINANCE NO. 23-1166**, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **ADOPTING "2023 AMENDMENTS to the DOUGLAS ZONING CODE and chapter 2.32"** by reference to amend certain provisions to the update of rules and regulations to zoning within the City of Douglas and amending certain provisions of Articles 1, 2, 3, 4, 5, 10, 11, 12, 13, and 14 of Title 17, of the Douglas Zoning Code, and amending chapter 2.32 of the Douglas Municipal Code relating to the Planning and Zoning Commission; establishing severability of components of Ordinance; and establishing an effective date thereof.

Ms. Urquijo provided a brief explanation about the item and that some of the items presented at tonight's meeting were a result of zoning compliance errors or changes.

Mr. Osborne stated that the city has regulations that are not clear and have been very difficult for staff to read and interpret. The city did not have anything until this proposal to provide clarity about the interpretation and if there are opportunities for appeals of such interpretations or of any other decision. Mr. Osborne stated that also placing those items that are process are in article 3 of the zoning code where there are general provisions where the processes are listed and removing from the board of adjustments to keep all things that relate to the board of adjustments membership where those belong, but variances go in the general provisions.

Motion by Council Member Baldenegro, second by Council Member Acosta to approve the placement of Ordinance No. 23-1166.

Council Member Lindemann commended Mr. Osborne for going through this and starting the process and it is quite involved and proposed to have another study session to fully understand and to know what the Planning and Zoning be on each of the items.

Council Member Acosta agreed with Council Member Lindemann, and there are a lot of changes, and the city is trying to be efficient in the changes but at the same time there is a need to understand the changes. Council Member Acosta added that the need for changes but also more staff to address the permitting process since it is very slow, and if the intent is to attract investors and people that want to build in Douglas. Having a plan to know how to address upcoming requests for building permits and the expected growth that staff talked about. Moreover, Council Member Acosta would like to see a plan on how that is going to be staff and how efficient staff is going to be with it.

Council Member Shelton agreed with the Council Members to be able to sit down but that the city is running into a lot of situations lately that have never come about, and the ordinance might have been 1984, and the need for council to sit down and go over and in hopes that the Planning and Zoning Committee could be there together to what their recommendations are.

Mayor Huish asked Mr. Osborne if the Planning and Zoning Commission has been through the changes.

Mr. Osborne responded that the Planning and Zoning Commission unanimously recommended approval of the amendments presented to the council and of any of the ordinances that related to ZCA-2023-01. Mr. Osborne stated that the process for permitting has not been clearly in the code and these amendments include how those sections are clear about the expectations for permitting and are working to incorporate as soon as possible to increase efficiency and provide clarity for applicants for them to understand what is expected of them.

Mr. Humberto Otero addressed the council and commented on the following:

- Moreno property and that he has been allowed to build a home there already. He had a few pads to build homes and wondered if the city allowed permits.
- Baez property on San Antonio and pads.
- City issues permits not knowing zoning.
- Same issue on Airport Road and 15th Street, permits were given to three houses to be built on two lots.
- Not supportive on the Overlay project
- Code Enforcement

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

Motion by Council Member Baldenegro, second by Council Member Acosta to approve the first reading of Ordinance No. 23-1166.

Council Member Lindemann inquired if the work session could be possible.

Mayor Huish responded that it would be scheduled.

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

F. FIRST READING OF ORDINANCE NO. 23-1167, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **ADOPTING "2023 AMENDMENTS to Title 15"** by reference to amend certain provisions of Chapter 15.08 of the Douglas Municipal Code relating to building permits and inspection; establishing severability of components of Ordinance; and establishing an effective date thereof.

Ana Urquijo provided a brief explanation pertaining to the building and construction code in Chapter 15.08.

Mr. Osborne stated it was a sideboard to the ZCA2023-01 and it is taking items that belong in the zoning code out of the building code and adding those to the zoning code into the building code section when it comes to fees and the calculation evaluation. Making things easier for readers but also for the staff to be able to properly apply the code.

Motion by Council Member Baldenegro, second by Council Member Shelton to approve the placement of Ordinance No. 23-1167.

Council Member Lindemann would like to refer the item to the work session since numbers are way out of line in the example of a storage shed \$23.30 per square foot.

Mr. Osborne explained that the calculation evaluation is drawn from the International Building Code, the 2006 family of codes what the city adopted. Mr. Osborne stated that other jurisdictions that have adopted or gone along with adjustments to the original code are significantly more expensive in terms of calculation per square foot for those items including for residential development. Mr. Osborne added that the city was the least expensive in terms of calculation for valuation of any jurisdiction in the state.

Moreover, Mr. Osborne stated that the building fees and plan review fees are calculated from those valuations, but they are significantly less than that.

Lastly, Mr. Osborne added that the city is not adding additional charges.

Council Member Lindemann expressed the need to discuss the items and see if it could fit in the community.

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

Motion by Council Member Acosta, second by Council Member Baldenegro to approve the first reading of Ordinance No. 23-1167.

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

Mayor Huish took a five-minute break at 7:50 p.m. and reconvened the meeting at 8:00 p.m.

G. **RESOLUTION NO. 23-1543**, 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 \$41,800 for **OVERTIME, TRAVEL/TRAINING and INVESTIGATIVE SUPPLIES** under the **HIGH INTENSITY DRUG TRAFFICKING AREA ENFORCEMENT PROGRAM**.

Chief Fullen provided background information and stated this is an annual grant program requiring approval for each funding cycle. Chief Fullen added that this is the 10th renewal, and the grant period is from January 1, 2023 through December 31, 2024, and the Arizona Major Investigative Team or SAMIT has allocated \$41,800 dollars to the Douglas Police Department and \$30,000 dollars is for overtime, \$2,000 to attend an annual training conference, \$1,800 dollars for computers peripherals and printers and \$8,000 dollars for associated software license.

Motion by Council Member Baldenegro, second by Council Member Grijalva to approve Resolution No. 23-1543.

Council Member Shelton thanked the department for writing the grant.

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

H. **RESOLUTION NO. 23-1544**, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, declaring as a public record that certain document filed with the City Clerk and entitled "**2023 amendments to the Douglas Zoning Code and Chapter 2.32**" relating to the update of rules and regulations relating to zoning within the City of Douglas and amending certain provisions of Articles 1, 2, 3, 4, 5, 10, 11, 12, 13, and 14 of Title 17, the Douglas Zoning Code, and amending Chapter 2.32 of the Douglas Municipal Code relating to the Planning and Zoning Commission.

Ms. Urquijo provided background information regarding declaring as a public record of Ord. 23-1166.

Motion by Council Member Shelton, second by Council Member Baldenegro to approve Resolution No. 23-1544.

Mayor Huish asked if the Resolution gets tied to the Ordinance and if the Ordinance were to not pass, how does the Resolution resist.

Mr. Fitzgibbons responded that the State of Arizona allows when dealing with a lengthy code provision to put everybody on notice that zoning changes would be available to them and advise them where to find the Resolution. Mr. Fitzgibbons added that items H & I are Resolutions reflecting public record to give the citizens an opportunity to view them, but if for some reason the zoning ordinance does not pass, then the Resolution would go away.

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

I. **RESOLUTION NO. 23-1545**, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **DECLARING** as a public record that certain document filed with the City Clerk and entitled "2023 Amendments to Title 15" relating to building permits and inspection fees and amending certain provisions of chapter 15.08 of the Douglas Municipal Code.

Ms. Urquijo provided background information regarding as a public record of Ord. 23-1167.

Motion by Council Member Baldenegro, second by Council Member Shelton to approve Resolution No. 23-1545.

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

PER ADDENDUM AGENDA SENT ON MONDAY, APRIL 10, 2023:

1. DISCUSSION/DECISION on APPROVAL.

A. **RESOLUTION NO. 23-1546**, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **AUTHORIZING** the execution of a **REVISED INTERGOVERNMENTAL AGREEMENT** between the City of Douglas and Cochise County for the joint exercise of their powers in providing **WATER SERVICES** at the Bisbee-Douglas International Airport in Cochise County, Arizona.

Elise Moore provided background information and stated that the IGA would allow the city to increase fees to cover costs and it also clarifies job duties. The city helps Cochise County with the Certified Water Technician for the Bisbee-Douglas International Airport well area plus services to the prison.

Motion by Council Member Baldenegro, second by Council Member Acosta to approve Resolution No. 23-1546.

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

J. APPROVAL of an ADDENDUM to EXISTING INSPECTION SERVICES AGREEMENT between Cochise County and the Arizona Department of Housing in support of the local jurisdiction, identified as the City of Douglas, to **ENFORCE INSTALLATION STANDARDS.**

Xenia Gonzalez provided background information and stated that Cochise County is the local enforcement authority with the Arizona Department of Housing to enforce installation standards of quality and safety for manufactured homes factory-built buildings and mobile homes. Cochise County has been conducting inspections in our jurisdiction and county wide for decades.

Motion by Council Member Baldenegro, second by Council Member Acosta to approve the addendum to existing inspection services agreement to enforce installation standards for manufactured homes, factory-built buildings and mobile homes.

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

9. CITY MANAGER REPORTS.

Ms. Urquijo provided the following reports:

- Launched Downtown Streetscape survey for the community on the website.
- Launched a new landing page on the website www.engage.douglas.gov
- Congratulated the City of Douglas team for taking first place at the flying colors 5K run event, six teams participated, thanked everyone who participated including Council Member Acosta.
- April 15-16 the Cochise County Fair is having their annual horse races at the Fairgrounds.
- April 22, the Binational Art Walk at Raul Castro Park
- April 22, Chiricahua Community Health Centers are hosting autism awareness walk at Raul Castro Park
- April 22, National Prescription Drug Take back event.
- April 29, Dia de los Niños, free food, games, and music.
- Water Department Update, the department will be taking phone payments, interactive voice response payments. The number to call remains the same, 520-417-7334.
- A month from today the Douglas Days celebration will take place, May 12-13, opening with a ceremony, followed by live performances, musical entertainment, jumping castles, and more. Saturday with the Douglas Days Parade, several contests and Sonora Dinamita performance of the night.
- The city is hosting a family reunion of the Douglas Family that is from the original founding father James Douglas.
- CDBG draft action plan available on the city's website for comments through May 10.
- The Grants Coordinator and staff continue to be very busy seeking many grants.
- The city was recently awarded a thriving community grant, a commitment to provide technical assistance for larger grants.

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

Council Member Grijalva reminded everyone about commodity's day, the third Monday of the month. Council Member Grijalva stated that he will be representing the city at the Arizona League of Cities Policy Commission for Budget, Finance and Economic Development committee and added that the five committees that bring policies to the state level and Douglas was not represented in any. Council Member Grijalva commented that the city needs to be represented. Council Member Grijalva thanked the fire department for turning out the fire on 18th Street and added that for a year has been aggressive asking at securing abandoned buildings especially in his ward because abandoned buildings enable drug use and possible fire like the one that happened.

Council Member Grijalva stated that he gets the same response that staff is working with the attorneys and council need an update on the process and that all need to be proud of the community.

Council Member Grijalva mentioned that the council should have a report on code enforcement reports on what they see out in the streets, there are cars parked on front lawns and sidewalks when they are not supposed to be. Council Member Grijalva said that sometimes he walks out on the street and stated that he can do it, but not someone that is in a wheelchair and that's a possible liability and danger.

Council Member Grijalva requested Mr. Moreno's Ordinance item on the study session and requested it by emergency so that he can start working on it.

Council Member Shelton commented that a divided council would fall, having a teamwork would be successful in many of the areas. Additionally, Council Member Shelton stated that the staff, the mayor, and the Council have been working toward a new grocery store, on the airport with the runway, the museum, and selling acreages for people to come in and build housing that Douglas can be proud of. Moreover, Council Member Shelton added that the plan is also to update the museum, downtown revitalization, working on the port of entry, trying to annex more areas, the golf course, and the RV park. Lastly, Council Member Shelton expressed that once the Bayless building contract expires, there will be a task to bring more people in the building to make it viable.

Council Member Acosta thanked everyone involved in the first Energize Douglas event that was in collaboration with a lot of community members in getting the downtown area the much-needed energy. Council Member Acosta also mentioned that the next event is scheduled for April 28, and thanked Freeport McMoRan who responded to the letter request for sponsorship and have been the only ones that responded to date, other than APS. Council Member Acosta announced that if anyone is interested in sponsoring to contact the city clerk. Lastly, Council Member Acosta thanked Council Member Baldenegro for attending the first event and would like to see the rest of the council through the remaining events.

11. ADJOURNMENT.

Motion by Council Member Shelton, second by Council Member Acosta to adjourn the meeting at 8:22 p.m.

Prepared by:



Alma Andrade, City Clerk