



Minutes

The Mayor and Council met in a Regular Meeting on Wednesday, May 11, 2022, at 6:00 p.m., at City Hall, Council Chamber, 425 10th 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.** by Pastor Francisco Córdova, Iglesia del Nazareno.
4. **ROLL CALL.**

	PRESENT	ABSENT
MAYOR, DONALD C. HUISH	X	
MAYOR PRO TEMPORE, MARGARET MORALES	X	
COUNCILMEMBER, MITCH LINDEMANN	X	
COUNCILMEMBER, DANYA ACOSTA	X	
COUNCILMEMBER, RAY SHELTON	X	
COUNCILMEMBER, MICHAEL BALDENEGRO	X	
COUNCILMEMBER, JOSE GRIJALVA	X	
CITY MANAGER, 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.

- Michael Saremi of 1433 N G Avenue sent a statement in regard to Supersonic Flight Training in 5 wing Goose Bay Air Range Noise Levels.
- Nathan Darus on behalf of Ralph Robles from the Douglas Community Coalition commented on budget request for community youth teen nights.
- Diana Lamar of 1303 F Avenue, commented on the 2017 charter term limits, voter turnout numbers and options to encourage voters.
- Mayor Huish read National Food Drive Day Proclamation.

6. DISCUSSION/DECISION on APPROVAL of CONSENT AGENDA ITEMS:

- A. **EXPENDITURES** for the month of **APRIL, 2022**, totaling \$2,076,039.34.
- B. **MEETING MINUTES** for March 10, 2022.

Motion by Council Member Acosta, second by Council Member Morales to approve consent agenda items 6A and 6B as presented.

Motion PASSED by a vote of 7-0. 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.

- C. **CONTRACT AWARD to STANTEC CONSULTING SERVICES Inc.** for the Design and Construction Management Services for **WELL #18.**

Ana Urquijo provided background information and expressed that the city needs more potable water production, and therefore a new well site is needed to meet existing and future demands. Additionally, Ms. Urquijo stated that the proposed contract with Stantec would take care of the design, installation, testing, reporting and project management for a new city well #18 to be constructed on A Avenue and 25th Street.

Motion by Council Member Morales, second by Council Member Shelton to approve consent agenda item 6C as presented.

Motion PASSED by a vote of 7-0. 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.

D. BID AWARD to BYRD'S CONSTRUCTION for the Purchase of CITY OWNED REAL PROPERTY with Parcel Number 410-32-121.

Ana Urquijo provided background information and added that on February 23, 2022, staff prepared a bid packet for the sale of city owned vacant real property with Assessed Parcel Number 410-32-121 located on the southwest corner of 15th Street and Van Buren Avenue. Ms. Urquijo stated that bids were advertised according to charter regulations, and two bids were received with Byrd's Construction having the most favorable bidding price.

Motion by Council Member Morales, second by Council Member Grijalva to approve consent agenda item 6D as presented.

Motion PASSED by a vote of 7-0. 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.

7. DISCUSSION/DECISION on APPROVALS.

A. SECOND READING OF ORDINANCE NO. 22-1146, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY** within the City of Douglas, subject to taxation, a certain rate upon each One Hundred Dollars (\$100.00) of valuation sufficient to raise the amount estimated to be required in the annual budget, and providing funds for General Municipal Expenses; all for the fiscal year ending the 30th day of June, 2023, establishing severability of components of Ordinance; and establishing an effective date thereof.

Luis Pedroza provided background information and shared the following information:

- The primary assessed value for the City this year is \$58,097,555
- Primary assessed valuation went up \$237,740 or 0.4% (excluding new construction)
- \$1,193,037 was added to the tax rolls from new construction
- The recommended property tax rate for this year is to keep the City's property tax rate at 1.1519 which would levy \$669,226.
- The levy is an increase from \$656,825 to \$669,226 for a total increase of \$12,401, due to new construction and slight increase in valuation.

Motion by Council Member Lindemann, second by Council Member Acosta to approve the second reading of Ordinance No. 22-1146.

Motion PASSED by a vote of 7-0. 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. FIRST READING OF ORDINANCE NO. 22-1147, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **AUTHORIZING the ACCEPTANCE of DONATED VACANT semi improved REAL PROPERTY from RICHARD & DEBRA HOLMAN** consisting of 5 Lots in Block 2 of the La Perilla Estates in the City of Douglas, establishing severability of components of Ordinance; and establishing an effective date thereof.

Luis Pedroza provided background information and stated that Richard and Debra Holman approached the City of Douglas to donate real property vacant lots located on Block 2 of Rancho La Perilla Estates. Moreover, Mr. Pedroza added that they are looking to retire their investment in Douglas and will seek a tax donation credit for the five parcels. Further, Mr. Pedroza stated the five parcels are improved having all utility services available and the Holman's agreed to pay all property taxes owned up to date of the property transfer.

Motion by Council Member Shelton, second by Council Member Acosta to approve the placement of Ordinance No. 22-1147.

Motion PASSED by a vote of 7-0. 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.

Motion by Council Member Shelton, second by Council Member Acosta to approve the first reading of Ordinance No. 22-1147.

Motion PASSED by a vote of 7-0. 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.

C. FIRST READING OF ORDINANCE NO. 22-1148, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **AUTHORIZING the LEASE AGREEMENT and MEMORANDUM OF AGREEMENT for SUN STATE TOWERS** to establish a communications facility on a portion of parcel # 409-13-19008 located at 1st Street and E Avenue, Douglas, Arizona, and authorizing the City Manager to execute all necessary documents; establishing severability of components of Ordinances; and establishing an effective date thereof.

Xenia Gonzalez provided background information and stated Sun State Towers is seeking to install a communications tower and the initial lease is for ten years with option to renew four successive periods of ten years each with a potential fifty-year lease. Moreover, Ms. Gonzalez stated Sun State Towers would pay the city a monthly fee with an increase of two percent in year two and every year thereafter including any renewal terms exercised.

Motion by Council Member Morales, second by Council Member Lindemann to approve the placement of Ordinance No. 22-1148.

Council Member Acosta inquired for clarification purposes if this was a wireless provider service to come into the community.

Ms. Gonzalez responded it was to install a tower and grant access to multiple providers.

Motion PASSED by a vote of 7-0. 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.

Motion by Council Member Morales, second by Council Member Lindemann to approve the first reading of Ordinance No. 22-1148.

Motion PASSED by a vote of 7-0. 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.

D. **RESOLUTION NO. 22-1494**, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **ESTABLISHING** the **CREATION** of **BRYAN'S WAY**, a network of street intersections with artistically-treated crosswalks connecting the border pedestrian crossing with Ray Borane Middle School, all within the City of Douglas.

Ana Urquijo briefly explained the concept for establishing the creation of Bryan's Way for street intersections with artistic crosswalks.

William Osborne provided background information and stated an artist approached the city in the month of March 2022 about locating a crosswalk for a possible painting location which was at 10th Street and F Avenue and inspired staff during the recent events for action to improve pedestrian way for children and for bicycles.

Motion by Council Member Acosta, second by Council Member Shelton to approve Resolution No. 22-1494.

Mayor Huish inquired on the initial number of crosswalks.

Mr. Osborne responded it would be an approximate fourteen.

Ms. Diana Lamar expressed support towards the idea and inquired if it would be a bike path.

Mr. Osborne stated the proposal would entail intersections for crosswalks to draw attention to them and paint them to connect crosswalks.

Mayor Huish confirmed no bike paths as of right now.

Mayor Huish stated that the background information reflected no cost and requested confirmation.

In response, Mr. Osborne stated the city was looking into grants and also at sponsorships for intersections.

Mayor Huish expressed this was a great opportunity for the community.

Motion PASSED by a vote of 7-0. 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.

E. **RESOLUTION NO. 22-1495**, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **AUTHORIZING** the City of Douglas to **ENTER INTO a REIMBURSEABLE GRANT AGREEMENT** with the Arizona Department of Transportation in the amount of \$400,000 for Phase Three for the Installation of **Security Perimeter Fencing at the DOUGLAS MUNICIPAL AIRPORT** as part of the ADOT'S Airport Development Program.

Luis Pedroza provided background information and stated that the City of Douglas applied for its annual 5-year ADOT Aeronautics Capital Improvement Plan for the final Phase III of the security fencing project at the Douglas Municipal Airport. Mr. Pedroza commented that on February 1, 2022, ADOT announced that the City would be awarded the reimbursable grant of \$400,000 for the project

Moreover, Mr. Pedroza added that the City installed part of the eastern portion of security fencing, and in 2018 it installed Phase II of fencing that included finishing the east side and the south side. Further, Mr. Pedroza stated that ADOT is awarding the final phase to complete the perimeter fencing project at the Airport that would fully enclose the west and north sides. Mr. Pedroza continued to say that security fencing would help in securing the Airport and thwart Border Patrol chases of undocumented individuals to occur inside the Airport; and to prevent unauthorized people from entering the Airport, thus securing the runway and equipment in the Airport.

Lastly, Mr. Pedroza added that the grant is reimbursable and contains a 10% match which equates to the City paying \$40,000, which is budgeted in the FY 21/22 budget. The grant agreement is for 20 years that would obligate the city to retain the installed assets for that period. If the City were to give up the property through a sale, the grant amount would need to be paid back to the State at an amortized rate.

Motion by Council Member Acosta, second by Council Member Morales to approve Resolution No. 22-1495.

Council Member Acosta commented this was a start and was aware that the airport needs a lot.

Council Member Shelton asked if twenty years down the road, the city were to sell the airport, and if the city would need to pay some of the monies back.

Mr. Pedroza agreed.

Motion PASSED by a vote of 6-1. Roll call: Voted in Favor: Mayor Donald Huish, Council Members: Margaret Morales, Mitch Lindemann, Danya Acosta, Michael Baldenegro, and Jose Grijalva. Voted Against: Council Member Ray Shelton.

F. **RESOLUTION NO. 22-1496**, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona **AUTHORIZING the Approval** of the application for **DESIGN/CONSTRUCTION** of a new groundwater well drinking water state revolving fund loan from the Water Infrastructure Finance Authority of Arizona.

Ana Urquijo provided a brief background explanation.

Luis Pedroza stated that staff was looking for debt authorization in order for the city to apply for a \$2.1M loan for the design/construction of new groundwater well. Mr. Pedroza continued to say that three wells are aged and not producing as much as they used to and one of the wells is currently out of production due to contaminates found and is not yet cleared to be placed back into production; and the city is currently in the process of reactivating Well #14 to get it back to production.

Mr. Pedroza mentioned that the debt authorization would be an approximate amount of \$2.1M with lower than market rates with sometimes up to 50% forgivable principal.

Mr. Pedroza added that this was to seek authorization from council to submit a finance application to WIFA for the project.

Motion by Council Member Lindemann, second by Council Member Shelton to approve Resolution No. 22-1496.

Council Member Acosta inquired on the rate increase from a couple of months back and to her understanding was for rehabilitation or build new Well and asked how the rate increase was being applied.

In response Mr. Pedroza stated the rate increase would serve to payoff debt that the city would observe and to rehabilitate Well 14 which would also be an approximate amount of \$1.2M, and the city would pursue a grant for it. Further, Mr. Pedroza stated the city was looking at options but also needed to use its funds for the type of infrastructure improvements.

Council Member Morales inquired when the application is approved, how long would it take to fix the Well and capacity.

Mr. Pedroza responded it would take about a year timeframe to construct Well and as far as production would be determined once the study is finalized.

Council Member Grijalva thanked Mr. Pedroza for being transparent and advising the public on where their monies are being used. Council Member Grijalva was very appreciative of the item that has to do with grants and asked if the grant writer could be at next meetings to introduce her to the public.

Motion PASSED by a vote of 7-0. 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.

G. **RESOLUTION NO. 22-1497**, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, declaring, for purposes of section 1.150-2 of the **FEDERAL TREASURY REGULATIONS**, official intent to be **REIMBURSED** in connection with certain capital expenditures.

Mr. Pedroza provided background information and stated this item was attached to the previous item; and this resolution was to show the city's intent to borrow federal money and to establish reimbursement.

Motion by Council Member Morales, second by Council Member Baldenegro to approve Resolution No. 22-1497.

Motion PASSED by a vote of 7-0. 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.

H. **RESOLUTION NO. 22-1498**, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **APPROVING** the execution of an **AMENDMENT** to the **INTERGOVERNMENTAL AGREEMENT** between the City of Douglas and Cochise County for **ANIMAL SHELTER** in the City of Douglas, Arizona.

Chief Fullen provided background information and stated this was the first amendment to the intergovernmental agreement. Chief Fullen added that the agreement established an annual rate of \$60,126.34 for fiscal year 2023 based on assumptions that county originated animals comprised of 30% of the total animal population at the shelter. Moreover, Chief Fullen stated that fluctuations of 10%, plus or minus, within the County-originated population for two successive quarters will result in an amendment to the annual compensation paid by the County. Lastly, Chief Fullen added that the agreement included annual increases of 3% starting in FY2024 and automatically would renew for three successive fiscal years.

Motion by Council Member Shelton, second by Council Member Baldenegro to approve Resolution No. 22-1498.

Motion PASSED by a vote of 7-0. 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.

I. **RESOLUTION NO. 22-1499**, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **ESTABLISHING** the Creation of an **ENTERTAINMENT DISTRICT**, per Arizona Revised Statute §4-207(C)(4) geographically coterminous with the existing **HISTORIC PRESERVATION (H-P) OVERLAY ZONING DISTRICT** of the City of Douglas.

Ana Urquijo provided background information and stated this was the next step in the downtown revitalization.

William Osborne provided further information and stated by statute would allow for council discretion on liquor licenses within the area. Additionally, Mr. Osborne stated that outside of the area, the liquor board would require by statute within three hundred feet of an existing church or school, but that the entertainment district by resolution council would have discretion to review applications for liquor licenses.

Council Member Acosta inquired if council discretion would allow to take those back or how would that work.

Mr. Osborne responded he was not aware but thought it was only for the issuance.

Council Member Acosta further inquired that since there was some restrictions to schools or churches, and if there was a problem with an application granting within the proximity, and what remedies exist if that would be the case.

Ana Urquijo asked the city attorney on what would happen on post issuance issues.

Denis Fitzgibbons responded that code enforcement was in place and if council wanted to approve a liquor license in the area, there are ways to still enforce issues.

Ms. Urquijo clarified if needed that code enforcement could take over to still address issues.

Mr. Fitzgibbons stated that restrictions could be added before liquor license approval.

Mayor Huish mentioned that public comment could be allow when liquor licenses get approved.

Mr. Fitzgibbons agreed and stated that council could address it at the time.

Mr. Pedroza added that liquor requirements would still be followed, and liquor licenses are posted twenty days in general areas, and this would only be for council to approve the entertainment district, but the overall process would continue as is.

Council Member Grijalva expressed that the way it was explained and to let G avenue grow organically and still have control of the situation would allow for the to be business friendly.

Council Member Lindemann inquired on the entertainment district boundaries.

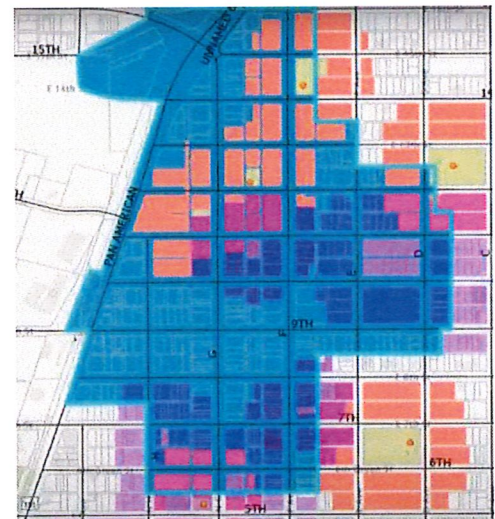
Mr. Osborne responded it would be the Historic Preservation Overlay Zoning District.

Council Member Lindemann further inquired on the areas or if it was only on G Avenue.

Mr. Osborne responded it would be by 10th Street Park towards E Avenue, around to Pan American Avenue to cover YMCA building. Without the entertainment district part, a significant area would be unavailable for businesses.

Mayor Huish requested a break at 7:15 p.m. and reconvened at 7:22 p.m.

Mr. Osborne presented the entertainment district map in blue as follows:



Council Member Lindemann thanked Mr. Osborne for the provided area specifics.

Motion by Council Member Acosta, second by Council Member Morales to approve Resolution No. 22-1499.

Motion PASSED by a vote of 7-0. 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.

J. **RESOLUTION NO. 22-1500**, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **AUTHORIZING** the City Manager to execute a renewal to the **INTERGOVERNMENTAL AGREEMENT** between the City of Douglas and Cochise College to provide **RELIABLE PASSENGER TRANSPORTATION** services to college riders; combining resources to continue to promote educational opportunities and foster economic development in the City of Douglas.

Ana Urquijo provided background information and stated it was a contract renewal with Cochise College to extend transportation service.

Humberto Rivera added that Douglas Rides and Cochise College wish to renew the IGA that transports students from Douglas and Bisbee to the Douglas Cochise College campus. The College wishes to continue to subsidize the cost of all college riders, whether it's going to the Douglas or Sierra Vista Campus.

Mr. Rivera continued to say that the total contract price that will be paid by the college for FY 22/23 is \$25,000 (an increase of \$1,000 from the previous IGA, due to increased operational and fuel costs).

Moreover, Mr. Rivera explain that College riders would pay the same fare to cover the cost to ride the bus as follows: Douglas or Bisbee riders going to Douglas Campus: \$0.25 per ride; Riders going to or from Sierra Vista Campus: \$0.50 per ride; and/ or Douglas or Bisbee riders going to Douglas Campus Semester Pass: \$20.00; Riders going to or from Sierra Vista Campus Semester Pass: \$40.00.

Further, Mr. Rivera stated that the calendar year in 2021, Douglas Rides transported 8,684 college riders to the Douglas campus and Cochise Connection transported 1,216 riders stopping at the Sierra Vista Cochise College campus, and 7,468 riders at Douglas Cochise College campus.

Council Member Grijalva thanked Cochise College for their partnership with the city.

Motion by Council Member Acosta, second by Council Member Shelton to approve Resolution No. 22-1500.

Motion PASSED by a vote of 7-0. 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.

K. **ACKNOWLEDGMENT** of **CITIZEN PETITION** related to Naming City Facility after Sgt. Frank G. Vejar.

Ana Urquijo provided background information and added Mr. Leslie Pollard submitted a citizens request to name a city facility after US Army SGT Frank G. Vejar. Ms. Urquijo stated Mr. Pollard's request has been reviewed by staff and met the Naming Facilities Guidelines.

Motion by Council Member Acosta, second by Council Member Morales to accept the citizen petition.

Motion PASSED by a vote of 7-0. 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.

8. CITY MANAGER REPORTS.

Ana Urquijo provided the following reports:

- Town Hall as an informational session for the City of Douglas Charter Special Election.
- Douglas Days Celebration Event at Raul Castro Park.

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

Council Member Grijalva thanked Mr. Richard Rosales from APS for coming down to the Douglas community and for looking at opportunities to partner with the city; APS donated Diamondbacks tickets for the Douglas Amateur Softball to raffle them for an opportunity to go to the World Series to represent Douglas.

Council Member Grijalva congratulated Jose Medina, City of Douglas staff member for his University of Arizona graduation.

Council Member Grijalva commented on the reorganization done by the City Manager and expressed that city hall is always very busy and has been run efficiently.

Lastly, Council Member Grijalva invited all to attend the Douglas Days parade on Saturday.

Council Member Acosta also encouraged everybody to attend the Douglas Days Parade. Additionally, Council Member Acosta mentioned that the Douglas Community Coalition was doing great work for our community's youth.

10. ADJOURNMENT.

Motion by Council Member Morales, second by Council Member Acosta to adjourn the meeting at 7:38 p.m.

Prepared by:



Alma Andrade, City Clerk