

Minutes

The City of Douglas Mayor and Council met in a Regular Meeting on Wednesday, March 13, 2024, 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 Rev. Abraham Guerrero, Santa Monica Parish

Mayor Huish requested a moment of silence due to the unfortunate deaths in employees families, Ernie Romero in Public Works Fleet Supervisor lost his mother, Officer Vanessa Romero lost her grandmother, Eddie Gonzalez in Public Works Environmental Specialist lost his mother, Isidro Pelayo – Street Maintenance Technician lost a niece, Gilbert Escalante – Public Works Street Supervisor lost his grandmother by marriage, and Council Member Jose Grijalva lost his grandmother recently.

Mayor Huish thanked everyone for the moment of silence and commented "God bless them and comfort them."

4. ROLL CALL.

	PRESENT	ABSENT
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. READING OF PROCLAMATION.

A. ANTI-HUMAN TRAFFICKING MONTH PROCLAMATION.

Mayor Huish proceeded to read the Anti-Human Trafficking month proclamation.

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

Diana LaMar of 1303 F Avenue, commented on the following:

- February 9 IDA meeting bond financing.
- Possible open meeting law violations.

Steven Helffrich of 1303 F Avenue, commented on the following:

- New York Times Newspaper Article featuring Agua Prieta
- Thanked Council Member Jose Grijalva for repairing the sidewalks in downtown
- His vision for the Douglas community.

Kathleen Gomez of 2350 12th Street, commented on the following:

- IDA bond to Riverview
- Riverview project 85% complete



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

- A. **EXPENDITURES** for the month of **FEBRUARY 2024** totaling \$4,147,594.93.
- B. MEETING MINUTES for FEBRUARY 14 & 28, 2024.

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

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

8. DISCUSSION/DECISION on APPROVALS.

A. **FIRST READING OF ORDINANCE NO. 24-1176,** an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **AMENDING TITLE 3, REVENUE AND FINANCE,** Chapter 3.11, Public Records, Documents and Media Fees, Section 3.11.010, Public Records, Documents and Media, of the City of Douglas Municipal Code to **ADD** a **NEW FEE FOR BODY CAMERA VIDEO REVIEW AND REDACTION**; establishing severability of components of ordinance; and establishing an effective date thereof.

Lieutenant Rose provided background information and explained that SB1148 was signed by Governor Hobbs on June 20, 2023, and became effective on October 30, 2023. The provisions of SB1148, as codified in Arizona Revised Statute § 39-129, authorize counties, cities, towns, or any political subdivision of the state to establish a one-time fee, not exceeding \$46 per video-hour reviewed, for individuals submitting public records requests to a local law enforcement agency for a copy of a video recording. When determining this fee, the county, city, town, or political subdivision may consider the reasonable costs associated with reviewing, transmitting, making copies of, and, if necessary, redacting the video recording. Additionally, Arizona Revised Statute § 39-127 provides an exemption from the one-time fee per copy for victims of the criminal offense depicted in the recording, their attorneys acting on their behalf, or immediate family members if the victim is deceased or incapacitated.

Motion by Council Member Lindemann, second by Council Member Acosta to approve the placement of Ordinance No. 24-1176.

Council Member Lindemann asked if there has been any type of these requests before.

Lt. Rose responded there have been.

Council Member Lindemann asked about the previous charge.

Lt. Rose stated there was no charge.

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 Lindemann, second by Council Member Acosta to approve the first reading of Ordinance No. 24-1176.

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 suggested that due to the group of ordinances concerning the new and innovative zoning changes, he proposed allowing a presentation covering all ordinances from items B through M. This presentation by Mr. Osborne would provide an overview of what the districts entail, followed by a review of each ordinance.



B. FIRST READING OF ORDINANCE NO. 24-1177, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona REZONING THIRTY-NINE PARCELS of land located within the DOUGLAS ORIGINAL TOWNSITE, NORTH DOUGLAS, LONE STAR, and MEGUIRE ADDITIONS from GENERAL COMMERCIAL (GC) to INNOVATIVE COMMUNITY-COMMERCIAL (IC-C) and INNOVATIVE COMMUNITY-MIXED-USE (IC-MU) in the City of Douglas, Arizona; and amending the Official Zoning District Map, establishing severability of components of Ordinance; and establishing an effective date thereof.

William Osborne provided background information of the innovative community overlay zoning districts, which encompass three types: innovative community residential, innovative community commercial, and innovative community mixed-use. He explained that these zoning map amendments target areas of the city where properties are currently non-conforming with their underlying zoning or where the city consistently receives proposals that conflict with existing suburban-style zoning regulations.

For innovative community residential areas, typically zoned as mobile home residences, the amendments would allow only mobile home residences to be placed on these properties. This adjustment aims to accommodate the city's numerous requests for single-family residential site construction by providing opportunities in areas currently zoned as mobile home residences.

In areas proposed for innovative community commercial overlays, staff is focusing on locations with existing commercial use but outdated zoning regulations from 1966, which impose significant setback distance requirements that many properties cannot meet. These amendments would allow existing uses to expand, with reduced setbacks, acknowledging limitations on available parking.

As for properties designated for innovative community mixed-use overlays, existing uses often conflict with current zoning regulations. For example, there are limited commercial and general commercial zones in downtown and other parts of the city where residential uses have persisted since the 1950s. These properties are zoned as commercial but do not comply with zoning regulations. The innovative community mixed-use overlays would allow both residential and commercial uses to expand, enabling property owners to adapt their properties for commercial or mixed-use purposes without facing impossible setback requirements.

Mayor Huish inquired about the city's progression regarding the commission's involvement in this matter.

Mr. Osborne explained that staff prepared for the public hearing of the planning and zoning commission on February 13, presenting all amendments and outlining the intent behind each one. After reviewing each zoning map amendment, the planning and zoning commission unanimously recommended approval for all. Questions arose regarding setback requirements and whether property owners would be obligated to adopt the overlays. It was clarified that property owners are not required to adopt the overlays; however, if they seek building permits from the city, they may need to apply the overlays. This approach streamlines the process, eliminating the need for individual variance requests or conditional use permits. The planning and zoning commission endorsed all recommendations unanimously.

Mayor Huish inquired if every property owner within the designated areas had been notified.

Mr. Osborne affirmed that every property owner within the designated areas had been sent first-class mail, as required by the city code and state statute. Approximately 1,200 pieces of mail were dispatched on two occasions in January and February to ensure notification. Staff fielded numerous phone calls, with Mr. Osborne personally addressing inquiries and providing information.

Additionally, Mr. Osborne mentioned that around 16 individuals attended the public hearing held by the planning and zoning commission, and all expressed gratitude for the opportunity to make use of their properties.

Council Member Lindemann *inaudible* remark, expressing his appreciation for the flexibility provided by the ordinance. He emphasized the importance of being adaptable in dealing with unforeseen circumstances.

Council Member Acosta made an inaudible comment.

Council Member Acosta added further comments which was inaudible.



Mr. Osborne elaborated that the ordinance primarily pertains to properties along North A Avenue, where most parcels are designated as commercial. Recognizing that the current general commercial zoning hampers redevelopment or infill of existing parcels, the ordinance aims to alleviate this burden. For the extended state Douglas property, the ordinance allows for mixed-use development, acknowledging the quasi-residential use of the property while permitting proposals for commercial use as well.

Motion by Council Member Acosta, second by Council Member Shelton to approve the placement of Ordinance No. 24-1177.

Mayor Huish inquired about the gap in the IC-MU near 18th Street and questioned the reason behind its existence.

Mr. Osborne explained that the gap pertains to a multifamily residential property adjacent to Coronado Courts, across the street from the Mana restaurant.

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. 24-1177.

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

C. FIRST READING OF ORDINANCE NO. 24-1178, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, REZONING THIRTY-SIX PARCELS of land located within the EASTSIDE, FOOTHILLS, FRONTIER VILLAGE and MCCULLAR'S ADDITIONS from GENERAL COMMERCIAL (GC), LIMITED COMMERCIAL (LC), and MULTI-FAMILY RESIDENTIAL (MFR) TO INNOVATIVE COMMUNITY-MIXED-USE (IC-MU) in the City of Douglas, Arizona; and amending the Official Zoning District Map, establishing severability of components of Ordinance; and establishing an effective date thereof.

Mr. Osborne provided background information highlighting that the key aspect of this area is the presence of discrepancies alongside opportunities for infill development. He emphasized a notable discrepancy concerning the Alco Theater, which is currently zoned as multifamily residential. This zoning classification would permit the restoration of the theater and the potential inclusion of residential units as part of its redevelopment.

Motion by Council Member Acosta, second by Council Member Baldenegro to approve the placement of Ordinance No. 24-1178.

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. 24-1178.

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. 24-1179, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, REZONING SEVEN PARCELS of land located within the COUNTRY CLUB ADDITION from GENERAL COMMERCIAL (GC) to INNOVATIVE COMMUNITY-MIXED-USE (IC-MU) in the City of Douglas, Arizona; and amending the Official Zoning District Map, establishing severability of components of Ordinance; and establishing an effective date thereof.

Mr. Osborne provided background information indicating that the property in question holds a zoning classification of General Commercial. He noted that most of these properties have remained vacant or have been utilized for storage purposes. Notably, they are situated directly across from an apartment building or complex. The proposal aims to enable a blend of uses in proximity to areas where educators may reside, as well as the high school, thus prompting its formulation in this manner.



Motion by Council Member Shelton, second by Council Member Lindemann to approve the placement of Ordinance No. 24-1179.

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 Lindemann to approve the first reading of Ordinance No. 24-1179.

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. 24-1180, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, REZONING SEVEN PARCELS of land located within the APPLEWHITE ADDITION from LIMITED COMMERCIAL (LC) to INNOVATIVE COMMUNITY-COMMERCIAL (IC-C) in the City of Douglas, Arizona; and amending the Official Zoning District Map, establishing severability of components of Ordinance; and establishing an effective date thereof.

Mr. Osborne provided background information and corrected an error in the packet. He clarified that the attachment for the ordinance should accurately indicate that the Applewhite addition pertains to block one, lot eight, a triangular property situated near 15th Street. This specific parcel, zoned as Limited Commercial, faces setbacks that hinder any potential development. Hence, the proposal suggests applying the innovative community commercial overlay to alleviate setback constraints. This proposal pertains solely to a single parcel identified by Parcel number 41020008.

Motion by Council Member Shelton, second by Council Member Baldenegro to approve the placement of Ordinance No. 24-1180.

Council Member Lindemann inquired whether this parcel had been donated to the city a few years back.

Mr. Osborne agreed.

Council Member Lindemann recalled that there were limitations on what could be accomplished in this area.

Council Member Shelton sought clarification on whether modifications to the ordinance were necessary. Mr. Fitzgibbons indicated that any required corrections could be addressed for the ordinance's second reading.

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. 24-1180.

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. 24-1181, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, REZONING THREE PARCELS of land located within the EASTSIDE ADDITION from LIMITED COMMERCIAL (LC) AND MULTI-FAMILY RESIDENTIAL (MFR) TO INNOVATIVE COMMUNITY-MIXED-USE (IC-MU) in the City of Douglas, Arizona; and amending the Official Zoning District Map; establishing severability of components of Ordinance; and establishing an effective date thereof.

Mr. Osborne provided background information and stated that proposals are where there is a mismatch between use and zoning. Multifamily, residential, exist on a limited commercial parcel and there is some commercial use on a multifamily parcel, and this would recognize both.

Motion by Council Member Lindemann, second by Council Member Shelton to approve the placement of Ordinance No. 24-1181.



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 Lindemann, second by Council Member Shelton to approve the first reading of Ordinance No. 24-1181.

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

G. FIRST READING OF ORDINANCE NO. 24-1182, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, REZONING TWELVE PARCELS of land located within the MUSGRAVE ADDITION from LIMITED COMMERCIAL (LC) to INNOVATIVE COMMUNITY-MIXED-USE (IC-MU) in the City of Douglas, Arizona; and amending the Official Zoning District Map, establishing severability of components of Ordinance; and establishing an effective date thereof.

Mr. Osborne provided background information and added that this proposal takes properties that are in residential use and always have been but were zoned commercial and allows them to be either, with reduced setback requirements.

Motion by Council Member Acosta, second by Council Member Baldenegro to approve the placement of Ordinance No. 24-1182.

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. 24-1182.

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. FIRST READING OF ORDINANCE NO. 24-1183, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, REZONING ONE HUNDRED THIRTY PARCELS of land located within the DOUGLAS ORIGINAL TOWNSITE from GENERAL COMMERCIAL (GC) and LIMITED COMMERCIAL (LC) to INNOVATIVE COMMUNITY-MIXED-USE (IC-MU) in the City of Douglas, Arizona; and amending the Official Zoning District Map, establishing severability of components of Ordinance; and establishing an effective date thereof.

Mr. Osborne provided background information and further elaborated that the proposal encompasses both portions of G and F Avenues, which are zoned as commercial. These areas feature residential utilization, although with some commercial usage. The proposal seeks to facilitate more intensive redevelopment or infill development while acknowledging the potential for enhancing existing structures. It aims to transform the southern end of downtown into a more efficiently mixed-use area.

Motion by Council Member Baldenegro, second by Council Member Lindemann to approve the placement of Ordinance No. 24-1183.

Council Member Baldenegro inquired about the maximum allowable height for a wall facing residential properties within the mixed residential and commercial use area.

Mr. Osborne clarified that typically, fencing in such areas has a maximum height of six feet. However, in zones solely designated for commercial use, there is typically a minimum height requirement. In mixed-use areas, there is a possibility of a six-foot maximum, but this may vary depending on the existing use and regulations.

Council Member Lindemann inaudible.

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. 24-1183.

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. FIRST READING OF ORDINANCE NO. 24-1184, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, REZONING ONE HUNDRED ONE PARCELS of land located within the RAILROAD ADDITION from SINGLE-FAMILY RESIDENTIAL 6000 (SFR6), MOBILE HOME RESIDENCE (MHR), and LIMITED COMMERCIAL (LC) to INNOVATIVE COMMUNITY-RESIDENTIAL (IC-R) in the City of Douglas, Arizona; and amending the Official Zoning District Map, establishing severability of components of Ordinance; and establishing an effective date thereof.

Mr. Osborne provided background information and stated that this is an area of the city that has a bit of nonconformity. Properties that have been split to smaller than 6000ft², despite the zoning. Properties that are zoned mobile home residents that have not been developed for mobile home residents. There is also a significant amount of the area that is designated in the FEMA floodplain. This overlay would allow for the opportunity of smaller scale development and for splitting of property to less than 6000 square feet, which might help these properties to be improved, whereas currently they are, challenged to be done or to be improved as they are.

Motion by Council Member Shelton, second by Council Member Baldenegro to approve the placement of Ordinance No. 24-1184.

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. 24-1184.

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. FIRST READING OF ORDINANCE NO. 24-1185, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, REZONING EIGHTY PARCELS of land located within the SUNSPOT SOUTH MOBILE HOME SUBDIVISION from MOBILE HOME RESIDENCE (MHR) to INNOVATIVE COMMUNITY-RESIDENTIAL (IC-R) in the City of Douglas, Arizona; and amending the Official Zoning District Map, establishing severability of components of Ordinance; and establishing an effective date thereof.

Mr. Osborne provided background information and supplemented that the proposed zoning map amendment focuses on an area currently zoned as mobile home residence. Many properties within this subdivision are smaller than the minimum lot size stipulated by the mobile home residence zoning. This presents challenges for individuals seeking to relocate within this area due to existing zoning regulations. The city's proposal aims to address these challenges by permitting various types of housing development, such as single-family residential and tiny homes, while also ensuring that properties smaller than 6000 square feet are considered conforming.

Motion by Council Member Acosta, second by Council Member Baldenegro to approve the placement of Ordinance No. 24-1185.

Council Member Acosta inquired about the presence of abandoned trailers and highlighted recurring fires in the area, prompting a query about properties requiring abatement.

Mr. Osborne concurred with the concerns raised.

Council Member Acosta sought clarification on the number of properties necessitating abatement.

Mr. Osborne estimated 5 or 6 instances over the past two years involving derelict, vacant, or burned-out structures. He noted the challenge posed by a specific property owner who owns around 20 parcels, with uncertain ownership status due to their absence. These properties are identified as problematic.



Council Member Acosta suggested directing staff to investigate the matter further.

Mayor Huish supported the suggestion and instructed staff to address the issue.

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. 24-1185.

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

K. FIRST READING OF ORDINANCE NO. 24-1186, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, REZONING FOURTEEN PARCELS of land located within APPLEWHITE DRIVE along both sides of ROGERS AVENUE, from MOBILE HOME RESIDENCE (MHR) and GENERAL COMMERCIAL (GC) to INNOVATIVE COMMUNITY-RESIDENTIAL (IC-R) and INNOVATIVE COMMUNITY-MIXED-USE (IC-MU) in the City of Douglas, Arizona; and amending the Official Zoning District Map; establishing severability of components of Ordinance; and establishing an effective date thereof.

Mr. Osborne provided background information and explained that the proposed zoning map amendment focuses on properties situated along Rogers Avenue north of Applewhite. This includes a recently rezoned General Commercial property and the animal shelter property, which currently falls under mobile home residential zoning, incompatible with its intended use. The proposed amendment aims to designate this area as an innovative community mixed use, allowing for both existing uses to conform and accommodating potential mixed-use developments. Additionally, there is considerable interest from the public in developing single-family residential properties in this area, which is currently zoned for mobile home residents. This amendment would enable such developments until the city modifies the overlay.

Motion by Council Member Shelton, second by Council Member Baldenegro to approve the placement of Ordinance No. 24-1186.

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 Acosta to approve the first reading of Ordinance No. 24-1186.

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

L. FIRST READING OF ORDINANCE NO. 24-1187, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, REZONING THIRTY PARCELS of land located within the NORTH DOUGLAS ADDITION from MOBILE HOME RESIDENCE (MHR) and GENERAL COMMERCIAL (GC) to INNOVATIVE COMMUNITY-RESIDENTIAL (IC-R) and INNOVATIVE COMMUNITY-MIXED-USE (IC-MU) in the City of Douglas, Arizona; and amending the Official Zoning District Map, establishing severability of components of Ordinance; and establishing an effective date thereof.

Mr. Osborne provided background information highlighting the North Douglas zoning map amendment, which encompasses a mix of residential uses including mobile homes and single-family residences. The proposed amendment aims to designate these blocks for innovative community residential zoning, enabling these uses to conform to the zoning code with relaxed setback requirements. Additionally, the amendment would address properties in the northern part of the proposal, currently zoned general commercial but containing a mobile home park. This adjustment would ensure conformity while allowing for potential general commercial or other commercial uses of the property.



Motion by Council Member Acosta, second by Council Member Lindemann to approve the placement of Ordinance No. 24-1187.

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. 24-1187.

Council Member Baldenegro inquired about the owner of the property on 21st on A Avenue, particularly the abandoned mobile home park.

Mr. Osborne clarified that while the location falls outside the scope of the current proposal on residential properties, it includes an ADOT facility in the area. He further explained that staff are examining a property where there is interest in maintaining mobile home use despite its general commercial zoning. The proposed amendment would allow for a mix of uses or changes without necessitating a rezone proposal, variance, or conditional use permit.

Mayor Huish suggested that Ms. Urquijo could provide an update to Council Member Baldenegro regarding the specific question raised.

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

M. FIRST READING OF ORDINANCE NO. 24-1188, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, REZONING THREE HUNDRED FIFTY-NINE PARCELS of land located within the OVERLOCK, STETLER'S, KLINE-EWELL SUBDIVISION of STETLER'S and SUNNYSIDE ADDITIONS from MOBILE HOME RESIDENCE (MHR) to INNOVATIVE COMMUNITY-RESIDENTIAL (IC-R) OVERLAY ZONING DISTRICT and INNOVATIVE COMMUNITY-MIXED-USE (IC-MU) OVERLAY ZONING DISTRICT in the City of Douglas, Arizona; and amending the Official Zoning District Map, establishing severability of components of Ordinance; and establishing an effective date thereof.

Mr. Osborne provided background information and highlighted the significance of this area, which is zoned for mobile home residence but also characterized by noncompliance with zoning regulations. Many older single-family residences and newer homes do not align with zoning requirements. The proposed innovative community residential zone would enable various residential developments, including tiny homes, while ensuring compliance. Along A Avenue, there are commercial businesses situated within the mobile home residence zone. The proposal for innovative community mixed use along A Avenue would permit the continuation of these commercial uses or facilitate conversion and infill projects for these properties.

Motion by Council Member Shelton, second by Council Member Baldenegro to approve the placement of Ordinance No. 24-1188.

Council Member Shelton expressed gratitude to Mr. Osborne for his efforts in managing all the rezoning ordinances and acknowledged the presence of individuals in the audience. He noted that during his 13-year tenure on the council, there have been ongoing discussions about rezoning that should have been addressed years ago.

Ms. Urquijo extended her appreciation to Mr. Osborne, recalling their initial meeting in late 2021 when she was also new to her role. She mentioned their first retreat, where flexible zoning was discussed as part of the Mayor and Council's vision. Ms. Urquijo thanked Mr. Osborne for his dedication to advancing various projects, including the general plan. She mentioned that Mr. Osborne would not be present for the second reading of these important zoning overlays as he is moving on to his next career opportunity, and he will be missed.

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

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Motion by Council Member Baldenegro, second by Council Member Shelton to approve the first reading of Ordinance No. 24-1188.

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

N. RESOLUTION NO. 24-1593, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, AMENDING Resolution No. 03-319 and the Public Works Policy Numbers 6.04 and 6.05; and AUTHORIZING the city to RENEW the CITIZEN PAY PROGRAM allowing the city to form PROPERTY OWNER AGREEMENTS per the adopted policy for SIDEWALK, CURB and GUTTER INSTALLATION.

Elise Moore provided background information noting that in 2003, the City of Douglas implemented a program allowing residents to pay for materials while city crews handled the actual labor for curb gutters, sidewalks, and driveways. However, the policy was later discontinued due to resource constraints. There is currently a request to reinstate the policy, with some modifications made by staff to address contemporary needs. The aim is to gauge the City Council's interest in renewing the program.

Motion by Council Member Baldenegro, second by Council Member Acosta to approve Resolution No. 24-1593.

Council Member Grijalva raised concerns regarding the reinstatement of the program, highlighting the economic shift since its inception in 2003. He emphasized that constituents, particularly those on fixed incomes, may face undue financial burden and safety risks by being required to fund public infrastructure like sidewalks and curbs. He advocated for a more modern approach, suggesting that with the city's current budget surplus and access to grants, such services should be provided by the city as a public service.

Council Member Lindemann shared his past positive experience with the program, noting that it offered a timely solution for those unwilling to wait for city services.

Ms. Urquijo clarified that the program's revival was primarily to accommodate commercial businesses' participation, which was not previously included. She emphasized that the program remains optional and aims to fill gaps in service provision, potentially assisting those in need, such as the elderly or disabled.

Council Member Acosta inquired about the impact of the program on the allocation of Community Development Block Grant (CDBG) funds, particularly in low-income areas or those qualifying for assistance.

Ms. Urquijo reassured that the program's implementation would not affect the city's strategy for Community Development Block Grant (CDBG) utilization. She emphasized the city's ongoing efforts to establish connections between schools and parks, particularly in low-income areas. If a project overlaps with an existing CDBG initiative, applicants would be informed and exempted from participating. Currently, the city awaits modified maps from the CDBG program to potentially extend projects along 15th Street to the Airport Park area and around the Sunspot area, aligning with new zoning overlays.

Council Member Acosta sought confirmation that the city would not initiate construction without the applicant's consent. Ms. Urquijo affirmed that applications are voluntary.

Council Member Baldenegro recalled his positive experience with the program and its potential benefits. He inquired about the involvement of construction companies in CDBG-funded projects.

Ms. Urquijo clarified that all CDBG projects thus far have been managed internally due to budget constraints.

Council Member Grijalva raised concerns about the city's obligation to provide services to annexed areas versus existing residents.

Mayor Huish clarified that promises of services were not made during annexation discussions.

Ms. Urquijo noted the ten-year period for infrastructure development following annexation attempts and expressed readiness for future annexation endeavors.



Mr. Pedroza suggested further investigation into annexation obligations, including sidewalk surveys, to provide clarity to the council.

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.

O. ACKNOWLEDGMENT of CITIZEN'S PETITION/DISCUSSION with POSSIBLE DECISION regarding the COMMUNITY CENTER.

Ms. Urquijo provided background information stating that on February 14, 2024, a petition was presented to Mayor and Council by Jose Grijalva, which is attached to the item. The petition, containing 581 signatures, advocates for repurposing the current call center into a Boys and Girls Club/community center. As per charter requirements, this matter is returned to council for acceptance of the petition and subsequent action. Ms. Urquijo recommended council acceptance of the petition and instructed staff to explore the Boys and Girls Club/community center concept, developing preliminary concepts for the call center's transformation. She expressed enthusiasm for the idea and proposed engaging architectural services to design potential concepts aligning with community needs.

Mayor Huish emphasized the inclusion of "accepting the petition" in the motion.

Ms. Urguijo confirmed the inclusion of "accept the petition" before directing the city manager.

Motion by Council Member Baldenegro, second by Council Member Acosta to acknowledge and accept the citizen's petition and direct the City Manager to include the Boys and Girls Club/Community Center among the concepts being developed for Mayor and Council consideration for the call center facility.

Council Member Shelton shared his experiences with Boys and Girls Clubs in various cities, highlighting their exceptional impact. He mentioned visiting clubs in Santa Fe, Calgary, and Espanola, underscoring the benefits of such facilities for communities. Regarding the call center as a potential location, Council Member Shelton acknowledged the significant investment required but suggested exploring grant opportunities and corporate sponsorships, such as from Walmart, to support the project.

Mayor Huish apologized for interrupting Council Member Shelton and suggested deferring further discussion to a later meeting.

Council Member Lindemann expressed agreement with the concept of a Boys and Girls Club and emphasized the importance of considering revenue streams and protocols during the concept discussions.

Ms. Urquijo stated that funding models would be part of the discussion, including potential partnerships with Sierra Vista, known for their successful grant funding approaches.

Council Member Grijalva stressed the urgent need for such a facility and suggested integrating services for youth, teens, adults, and the elderly. He encouraged exploring funding avenues, citing the city's budget surplus, reserves, and access to CDBG grants. Council Member Grijalva suggested leveraging partnerships with Sierra Vista and private schools for funding support, expressing confidence in the feasibility of the project.

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

P. INFORMATION regarding the GOLF COURSE CAPITAL IMPROVEMENTS.

Ms. Urquijo presented an update on the capital needs at the golf course, following the council's request. She noted that the city recently finalized the sale of apartments, resulting in net proceeds of \$1.35 million, of which \$801,554.35 has been received by the city, with the remainder held by the Community Housing Corporation. These funds are earmarked for golf course improvements, as approved in the current fiscal year budget.

Initially, staff estimated capital needs at \$540,000 based on preliminary assessments. However, further evaluations conducted by the golf course superintendent and external entities revealed that the actual needs exceed this REGULAR MEETING MINUTES | MARCH 13, 2024 | Page 11 of 15



amount. Staff are currently updating the list of needs, which include restoring the back nine to an operable level, refurbishing restroom facilities, resurfacing the bar area, and addressing miscellaneous items such as painting equipment.

To expedite improvements, the city has already purchased a used greens mower and heavy-duty utility cart. Additionally, staff recommends hiring a golf architect to develop a master plan for both short- and long-term recommendations. Preliminary discussions suggest that bringing the back nine to an ideal level could cost approximately \$750,000, including the construction of a new equipment facility.

Ms. Urquijo emphasized that the city's reserves can significantly enhance the golf course's condition, with potential future phases focusing on addressing front-line needs. These discussions will also explore options for reducing turf footprint and incorporating desert landscaping to achieve cost savings.

In the current fiscal year budget, \$1 million has been allocated for the golf course, with \$900,000 designated for golf course improvements and \$100,000 for RV park upgrades, including electrical enhancements. Additionally, the golf course received a \$30,000 sustainability award for irrigation improvements, which will contribute to optimizing water usage.

In response to Council Member Acosta's inquiry about the importance of redesigning the golf course, Ms. Urquijo acknowledged her limited expertise in golf but highlighted the superintendent's emphasis on the front nine's need for redesign. The study will focus on optimizing existing layouts and addressing any deficiencies identified by golfers and experts alike, with updates provided throughout the process.

Council Member Acosta raised concerns regarding the cost estimates for the golf course's construction/redesign, particularly the significant jump from \$750,000 to \$3.5 million. She questioned whether such a substantial investment was necessary, especially considering the golf course's historical deficit. Council Member Acosta emphasized her preference for maximizing updates with existing resources, highlighting the importance of prioritizing essential upgrades, particularly at the RV park.

Ms. Urquijo acknowledged the uncertainties surrounding the cost estimates and explained that the high-level range was provided due to the lack of comparative data. She assured that once the architect completes the master plan, the council would be presented with various options, along with their pros and cons, to facilitate informed decision-making.

In response to Council Member Acosta's inquiry about outsourcing golf course management, Ms. Urquijo mentioned the city's engagement with a consulting firm to conduct a site audit. However, due to the course's deficit, the firm expressed disinterest in managing it under the current revenue stream. Ms. Urquijo expressed hope that capital infusion and improvements at the RV park would strengthen the management model's viability in the future.

Council Member Baldenegro suggested exploring solar energy options for the RV park and the back nine. Ms. Urquijo confirmed the possibility and highlighted ongoing efforts to address wiring issues at the back nine. Additionally, she mentioned plans to implement solar shade parking in the area to offset electricity costs.

Regarding timelines for updates to the back nine, Ms. Urquijo explained that specific timelines would depend on the completion of design concepts. However, efforts are underway to highlight sample sections of the plan by the Labor Day tournament in September.

Council Member Shelton emphasized the economic benefits of the golf course, particularly in attracting visitors to Douglas. He advocated for maximizing improvements while minimizing costs to enhance community amenities and attract more visitors to the area.

Council Member Grijalva echoed Council Member Acosta's concerns about the master plan's costs and emphasized the importance of prioritizing essential upgrades, such as restoring the event hall. He also suggested leveraging the expertise of the golf course supervisor to implement cost-effective improvements.



Council Member Lindemann expressed his long-standing aspiration to improve amenities, including exploring water conservation measures for the golf course. Ms. Urquijo noted the city's award for a feasibility study related to water conservation, which requires a matching contribution from the city.

Q. BID AWARD to USA MANAGEMENT for the DOUGLAS MUNICIPAL POOL REMODEL.

Jennifer Smith provided background information and explained that the city issued a request for proposal (RFP) to seek qualified vendors for renovating the Douglas Municipal Pool. Two bids were received: one from USA Construction totaling \$695,876.50, and another from PMA Pool Plastering, LLC, totaling \$1,174,360. Last summer, the City of Douglas announced the closure of the Douglas Municipal Pool due to concerns about its deteriorating condition and safety. In fall 2023, USA Management was hired as a consultant to assess the pool's condition. The resulting report identified several areas requiring attention, including mechanical system repairs, pool shell and deck repair or replacement, dressing and sanitation facility renovations, ADA compliance, regulatory compliance, and safety signage and equipment installation.

The report presented three concepts for addressing these issues: Concept One involved repairing the existing pool structure and deck, replacing mechanical equipment, and resurfacing the pool. Concept Two proposed constructing a new lap pool basin within the existing structure, repairing the wading pool, and replacing mechanical systems. Concept Three suggested replacing both pools with a combined pool featuring zero-depth entry, a splash pad, slides, gathering areas, lap swim areas, and open water recreation areas.

Following the report, city officials determined that Concept One was feasible, and it could potentially be implemented in phases to allow for the pool's reopening by summer. An RFP was issued accordingly. Additionally, a pressure test conducted in February revealed leaks in the main pool areas, which could mostly be addressed through Concept One's proposed resurfacing. Any additional leaks requiring repair would be addressed during the renovation process.

Ms. Smith recommended awarding the renovation contract to USA Construction LLC and negotiating a phased approach to opening the pool to the public this summer, with the remaining phases completed over the next fiscal year. Depending on future opportunities, staff may propose further improvements to the city's outdoor pool and aquatic facilities. The recommended funding strategy included allocating \$300,000 from the Parks Master Plan recommendations, \$260,810 from Vision 2032 projects, and \$128,067 from the current fiscal year 2023 surplus. Additionally, the Parks and Aquatics budget contained funds to cover a 50% contingency for pressure tests and leak repairs.

Motion by Council Member Baldenegro, second by Council Member Acosta to approve the bid award to USA Management for the Douglas Municipal Pool Remodel using surplus funds.

Ms. Urquijo clarified that following the preparation of the memo outlining a potential phased approach, staff reached out to vendors to understand if they could implement a phased approach to meet the summer deadline. There was some confusion regarding what was included in Concept One and how it would be executed, but it was determined that the vendor could proceed with Concept One. However, there was an oversight in not modifying the discussion item accordingly. Ms. Urquijo recommended completing Concept One without separating any additional resurfacing or addressing plumbing leaks that emerged after the proposal was submitted due to a pressure test. She emphasized the importance of pursuing Concept One while leaving room for future discussions on larger-scale improvements, such as adding water park features or converting the wading pool.

Regarding the cost differences between the three concepts, Ms. Urquijo explained that Concept One was estimated at \$700,000, Concept Two ranged from \$1.2 million to \$2.5 million, and Concept Three, which involved a larger water park vision, could cost up to \$3 million. She noted that Concept Two could potentially be revised to reduce costs by building a smaller pool within the existing pool footprint.

Council Member Grijalva proposed using reserve funds to finance the project, considering the surplus available. Ms. Urquijo highlighted the option of utilizing available funds from current budgeted line items before tapping into the surplus. Mr. Pedroza provided clarification on the city's reserve levels and recommended using budgeted funds



to avoid affecting other projects. Mayor Huish suggested using surplus funds only after exhausting the budgeted amount, which both Council Members Acosta and Baldenegro agreed to incorporate into the original motion.

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

R. SETTLEMENT and RELEASE AGREEMENT between the City of Douglas and HARRELL COOLEY, LLC and AUTHORIZING the City Manager to execute all necessary documents under the terms of the agreement.

Mr. Fitzgibbons provided background information explaining that the settlement release agreement concerning the Rivera building is pending council approval. Once approved and executed, the city will regain ownership of the Rivera building, which was initially sold in September 2021. The LLC purchased the building for approximately \$33,000 and included a mural.

Under the settlement agreement, there are outstanding property taxes amounting to approximately \$3,700. Upon payment of these unpaid taxes and the transfer of ownership back to the city, the LLC will be refunded \$25,000 of the original \$33,000 purchase price. These conditions must be met before the city issues the refund.

Motion by Council Member Baldenegro, second by Council Member Acosta to approve the Settlement and Release Agreement between the City of Douglas and HARRELL COOLEY, LLC and authorize the City Manager to execute all necessary documents under the terms of the agreement and accept any changes to the agreement providing they are substantially consistent with the agreement.

Mayor Huish clarified that the LLC, which acquired the property, failed to fulfill the specified conditions, prompting the city to reclaim the building. Once the process is completed, the city will have a surplus of \$6,500. This means there will be no cost to the city, and there will also be a mural for those who appreciate it.

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.

9. CITY MANAGER REPORTS.

Ms. Urquijo provided the following report:

- The community calendar updated with: Open swim hours for spring break at the Aquatic Centre are from Monday to Friday, 4:00 p.m. to 7:00 p.m., Saturday 1:00 p.m. to 4:00 p.m., and Sunday 1:00 p.m. to 5:00 p.m.
- On Saturday, March 17th, there will be a drive-in movie event featuring Spider-Man across the Spider-Verse.
- Save the date for Douglas Day, which is from May 17th to 18th.
- Dhill run April 6th and are seeking sponsors. Interested parties can contact the Douglas Rotary Club or the Recreation Center.
- An art workshop series is planned for March 25th at Castro Park from 6:00 p.m. to 8:00 p.m.
- The library offers various programs, including the Steam club, preschool Storytime, Chess Club, and math and science tutoring.
- Pickleball lessons will begin on April 13th at Veterans Memorial Park from 10:00 a.m. to 12:00 p.m.
- The Planning and Zoning Commission meeting will be held on March 19th at 5:30 p.m. in the council chamber.
- The animal shelter is undergoing changes and is being operated with the assistance of the Cochise County Sheriff's Office and the Humane Society of Southern Arizona.
- Community-directed spending funds have been awarded for the Downtown Streetscape Project in the amount of \$2.9 million and \$455,000 for historical upgrades to the police station.
- The Migrant Welcoming Center will be impacted by the loss of transportation at the end of the month. Plans are underway to transition it into an information center and possibly a transportation hub. Staff is working on bringing Transportes Tarahumara not the community at least three days a week for a pilot program.
- The Parks division will start planting rose bushes on the south side of City Hall next week.

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

Council Member Grijalva expressed his congratulations to Tilted Luck on their new location at the former Marlins building. Additionally, he extended his gratitude to Mayor Huish and his wife, Ms. Urquijo, Mr. & Mrs. Pedroza, Ms. Andrade, Ms. Cynthia Robles, and Ms. Pedrego for attending his grandmother's funeral.

Council Member Lindemann provided the following statement: "This evening, I would like to announce that an opportunity has arisen for me to expand my scope of service to our greater community. And so, I am announcing my candidacy for the seat of Cochise County Supervisor representing District 2; and because of Arizona's resign to run law, I am required to step away from my current seat on this Council before I file further paperwork with the County. Thus, I will be stepping down effective with this evenings' meeting adjournment.

It has been my honor and privilege to have served the City of Dougals beginning with my appointment to the Planning and Zoning Commission in 1984 serving until 2005 when I was elected to the Council. I have served Ward 2 for nearly 4 terms. I am humbled to have served as Mayor Pro Tempore 3 times, Finance Committee Chairman, SEAG representative and Charter Review committee member. I have had the privilege to have worked with 5 Mayors, 7 City Managers and 3 City Clerks. Our community is blessed with having highly competent, dedicated, and professional Administration, Staff, and Employees who work each day for the benefit of our city!

I am saddened to have to leave city government just as we are on the cusp of an amazing future with all of our pending projects soon to be reality! It is my hope that I will still be an active participant in the future of Dougals and Cochise County!

I would like to thank Mayor Huish, my fellow Councilmembers, administration and staff for their dedication and hard work on behalf the city of Douglas! And I ask for everyone's support as I pursue this next chapter. Thank you."

Mayor Huish expressed gratitude to Council Member Lindemann and acknowledged his future departure, noting his valued service to the community, which will be greatly missed.

Council Member Acosta took a moment to recognize the achievements of Ms. Alma Andrade, an employee who recently completed the Master Municipal Clerk program, an advanced professional designation granted by the International Institute of Municipal Clerks, and at the same time graduated with a bachelor's degree from GCU. Council Member Acosta congratulated Ms. Andrade on this remarkable accomplishment and expressed sincere appreciation for her dedication and hard work. She acknowledged the challenges of balancing work and education and commended Ms. Andrade for her commitment.

Mayor Huish agreed with Council Member Acosta's opinions and extended thanks to Ms. Andrade.

Mayor Huish provided updates on transportation funding and the migrant crisis, highlighting efforts by Senators Kelly and Sinema, as well as Congressman Grijalva and colleagues, to secure funding for the SSP (Service, Shelter, and Services) program. He expressed hope that the funding would arrive promptly to address ongoing challenges. Mayor Huish concluded by thanking everyone for their patience during the meeting.

11. ADJOURNMENT.

Motion by Council Member Shelton, second by Council Member Acosta to adjourn the meeting at 8:30 p.m.

Prepared by

Alma Andrade, City Clerk