

Minutes

MAYOR AND COUNCIL

The City of Douglas Mayor and Council met in a **Special Meeting on Wednesday, March 14, 2022 at 5:15 p.m.** at City Hall Council Chambers, 425 10th Street. The Honorable Mayor Pro Tempore Morales called the meeting to order.

1. **CALL TO ORDER.** 5:15 p.m.
2. **PLEDGE OF ALLEGIANCE.** By Council.
3. **ROLL CALL.**

	<u>PRESENT</u>	<u>ABSENT</u>
MAYOR, DONALD C. HUIH		X (excused)
MAYOR PRO TEMPORE, MARGARET MORALES	X	
COUNCILMEMBER, MITCH LINDEMANN	X	
COUNCILMEMBER, DANYA ACOSTA	X	X (excused)
COUNCILMEMBER, RAY SHELTON	X	
COUNCILMEMBER, MICHAEL BALDENEGRO	X	X (excused)
COUNCILMEMBER, JOSE GRIJALVA	X	
CITY MANAGER, ANA URQUIJO	X	
CITY ATTORNEY, NICK COOK	X	
CITY TREASURER, LUIS PEDROZA	X	
CITY CLERK, ALMA ANDRADE	X	

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

None.

5. **PRESENTATION OF AWARDS.**

- A. CERTIFICATE OF APPRECIATION to Mr. Gary Clark for his outstanding dedication to the Douglas community since 1974.

Mr. Gary Clark was not present and will be presented at the next regular council meeting.

6. **DISCUSSION/DECISION on APPROVAs:**

- A. Douglas Community Housing Corporation I Reappointments of Gary Clark, Angelica Garcia, and Ray Anthony Novoa; and Appointments of Belen Durazo, and Daniela Teran, effective March 14, 2022.

Motion by Council Member Lindemann, **second** by Council Member Grijalva to approve item 6A as presented.

Motion PASSED by a vote of 4-0. **Roll call: Voted in Favor:** Mayor Pro Tempore Margaret Morales, Council Members: Mitch Lindemann, Ray Shelton, and Jose Grijalva. **Voted Against:** None.

Mayor Pro Tempore Morales presented the certificates of appointment and reappointment.

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- B. RESOLUTION NO. 22-1489, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, DECLARING and ADOPTING the RESULTS of the PRIMARY MAIL BALLOT ELECTION held on March 8, 2022.

Motion by Council Member Shelton, **second** by Council Member Grijalva to approve Resolution No. 22-1489.

Motion PASSED by a vote of 4-0. **Roll call: Voted in Favor:** Mayor Pro Tempore Margaret Morales, Council Members: Mitch Lindemann, Ray Shelton, and Jose Grijalva. **Voted Against:** None

Certificate of Election was presented by Ms. Andrade to Councilmember Lindemann, Councilmember Shelton and Councilmember Grijalva.

Councilmember Lindemann thanked his supporters that voted for him. He acknowledged that it shows that they have faith in him, and hopes they will continue to.

Councilmember Grijalva thanked his constituents, and added this is going to be his second term it but does not mean he is going to work less hard than his first term, additionally Councilmember Grijalva added he cannot wait to not only represent his ward in the next four years, but also the whole City of Douglas.

Councilmember Shelton reiterated that the best is being done to get things done and established once again, the projects of the downtown, port of entry, RV park and golf course, airports; that council will work on them.

- C. SECOND READING OF ORDINANCE NO. 22-1142, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, to UNDERTAKE a DEPARTMENTAL REORGANIZATION affecting various department and amending Ordinance No. 631, 673, 728, 848, 04-871, 09-954, 13-1027, 18-1086, 19-1103, 19-1108 and 21-1133; establishing severability of components of Ordinance; and establishing an effective date thereof.

Ms. Urquijo provided background information with minor modifications. She added that this reorganization contains many positions and requires existing leaders to wear more hats to become more aware of new initiatives and provide for continuity. Additionally, Ms. Urquijo stated the vision is created by mayor and council, the reorganization will make a stronger team. To remain proactive, to maximize every opportunity for current and future services to the community as chance for the future of Douglas. Further Ms. Urquijo stated, the work is now the future impacts to the community. She added that already there is work with Mexico, GSA, the governor's office, multiple partner agencies and seeking over a dozen grant opportunities to major capital projects that involve major infrastructure, annexations, downtown revitalization, streets and roads, community facilities while running on many opportunities for expanded tourism.

Ms. Garcia-Pedroza reported that a transit planner was included and grant monies have been requested for the position; moreover, Ms. Garcia-Pedroza added some positions were assigned additional functions, and one of them is the Deputy Public Works Director. It will allow to provide a higher rate in the event that the Deputy Public Works Director is a PE. She added they are also including some items on the job descriptions for those positions that work with inmate crews, this will be part of the official job function. The knowledge, skills, abilities, and qualifications are being outlined and job descriptions will include working in a safe manner. Since the City is part of the ADOSH three-year program where it is made certain that employees are working safely.

Motion by Council Member Shelton, **second** by Council Member Lindemann to approve the second reading of Ordinance No. 22-1142.

Councilmember Lindemann congratulated Ms. Urquijo for thoughtfully writing down what is needed as more efficient government services.

Motion PASSED by a vote of 4-0. **Roll call: Voted in Favor:** Mayor Pro Tempore Margaret Morales, Council Members: Mitch Lindemann, Ray Shelton, and Jose Grijalva. **Voted Against:** None.

- D. SECOND READING OF ORDINANCE NO. 22-1143, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, ADOPTING "2022 AMENDMENTS to ARTICLE 5 of the ZONING REGULATIONS" by reference to AMEND SECTION 510.1, SECTION 510.2, SECTION 510.7, SECTION 510.8, AND SECTION 513.1, RENUMBER and AMEND SECTION 513.2, SECTION 513.3, and SECTION 513.4, and ADD SECTION 513.2, PERMITTED USES, and SECTION 513.3, PROPERTY DEVELOPMENT STANDARDS, of the CITY of DOUGLAS ZONING REGULATIONS; Providing for Severability; and establishing an effective date thereof.

Ms. Urquijo reiterated that the item paves the way to some flexibility towards establishing policy direction for the downtown revitalization.

Mr. Osborne reported that the packet included housekeeping corrections and a typo in the text of the ordinance that mentions section 501, it has been amended incorrectly as 510, which is in the heavy industry zoning district. Mr. Osborne added that opportunities are being sought where there are existing properties that need to be adapted to zoning code.

Motion by Council Member Lindemann, **second** by Council Member Shelton to approve the second reading of Ordinance No. 22-1143.

Councilmember Lindemann asked if any information is available for the concerns raised at the previous meeting.

Mr. Osborne reported on the item of apartments above retail. He commented that commercial property cannot be redeveloped as a single-family house or as a mobile unit. The buildings could be redeveloped as restaurants or retail places in the historic preservation district. He added that the fire code question for the 8000 square feet only applies to new construction, 2006 International Fire Code.

Mr. Pedroza reported it also depends on the type of new construction on code requirements depending on its use. If chemicals will be present, or different types of materials can also play a part into where it falls under the category.

Councilmember Lindemann asked if apartments were remodel and if to have fire suppression would have to be installed.

Mr. Osborne answered yes, in some form. He believes if there is some explanation as to how that would work with the historical buildings with an existing home versus new. Fire suppression and emergency escape routes and escape equipment would also be something to be considered.

Mr. Pedroza commented the fire marshal will need to expand that, and it would be at their discretion as well.

- David Studer of 2630 14th Street, Douglas Az., commented on the following:
 - Concerns of fire suppression rules.

Motion by Council Member Shelton, **second** by Council Member Grijalva to TABLE Ordinance No. 22-1143 for the next council meeting.

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Motion PASSED by a vote of 3-1. **Roll call: Voted in Favor:** Mayor Pro Tempore Margaret Morales, Council Members: Ray Shelton, and Jose Grijalva. **Voted Against:** Council Member Mitch Lindemann.

- E. SECOND READING OF ORDINANCE NO. 22-1145, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, REZONING THREE PARCELS of LAND within the NORTHWEST ¼ of SECTION 7, TOWNSHIP 24 SOUTH, RANGE 28 EAST FRONTING ON N. LESLIE CANYON RD, located in DOUGLAS, ARIZONA, from SINGLE-FAMILY RESIDENTIAL 32,000 (SFR32) and GENERAL COMMERCIAL (GC) to HEAVY INDUSTRY (HI) and AMENDING the OFFICIAL ZONING DISTRICT MAP, established by Ordinance 691 and AMENDED by Ordinance 858; establishing severability of components of Ordinance; and establishing an effective date thereof.

Motion by Council Member Lindemann, **second** by Council Member Shelton to approve the second reading of Ordinance No. 22-1145.

Mr. Osborne reported on the 4.39-acre property with some parcels belonging to Borane Trust located on Leslie Canyon Road. He added there is opportunity of access to the State Highway giving access to move goods around, the creation of job and, economic development. All of these reasons are supported in the general plan goals, objectives and policies.

Mr. Osborne commented a contingent recommendation for approval because the zoning code amendment was tabled. He added without changing that code a request will be recommend for approval of a light industrial zone.

Councilmember Grijalva asked if second reading passed, would remain this item be contingent of the approval of Zoning Code ordinance.

Mr. Osborne replied yes, the language that was in the recommendation was that it was going to follow the code amendments have a zoning district that would allow this to be approved. Mr. Osborne suggested the table on the code amendments to also table this one, an ordinance for light industrial zoning regulation will have to be presented.

Ms. Urquijo commented conditional approval is appropriate and possibly discuss a special meeting to catch up the other items on the table.

Mr. Cook commented the ideal situation would be for the previous amendments to be adopted prior to this item final adoption.

Mr. Pedroza ask if this item can be kept in motion so long as they get adopted at the same time and catch up with a special meeting

Mr. Cook answered correct. He added it is not necessary for this item to be tabled because it can still be placed on the next agenda or at the at a subsequent agenda when the previous item would be on for final approval. It is preferred that items be approved at the same meeting because this one will be contingent on the previous one.

- Steven Helffrich of 1303 F. Ave, Douglas Az., commented on the following:
-Concerns with Heavy Industrial zoning.
- Steve Whitton of 1415 9th Street, Douglas Az., commented on the following:
-Gave a brief introduction about himself.

Councilmember Shelton asked what Mr. Whitton was going to do on the property.

Mr. Witton answered replacement parts for four-wheel drive vehicles.

Motion PASSED by a vote of 4-0. **Roll call: Voted in Favor:** Mayor Pro Tempore Margaret Morales, Council Members: Mitch Lindemann, Ray Shelton, and Jose Grijalva. **Voted Against:** None.

- F. FIRST READING OF ORDINANCE NO. 22-1144, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, REZONING FIVE PARCELS of LAND COMPRISING LOTS 14 through 26, THE NORTH-HALF of BLOCK 30 of the FOOTHILLS ADDITION to the CITY of DOUGLAS, NUMBERED 41032119B, 41032120B, 41032120C, 41032120D, 41032121, located to in DOUGLAS, ARIZONA, from SINGLE-FAMILY RESIDENTIAL 8000 (SFR8) to SINGLE-FAMILY RESIDENTIAL 6000 (SFR6) and AMENDING the OFFICIAL ZONING DISTRICT MAP, established by Ordinance 691 and AMENDED by Ordinance 858,; establishing severability of components of Ordinance; and establishing an effective date thereof.

Ms. Urquijo reported background on the item that was removed from the agenda originally in place for first reading on March 10, 2022. A packet was prepared to outline the recommendation and action taken on the side of the Planning and Zoning Commission in line with the recommendation from staff and also to update on the testimony received at Planning and Zoning Commission meeting.

Motion by Council Member Shelton, **second** by Council Member Grijalva to approve the first reading of Ordinance No. 22-1144.

Mr. Osborne reported there was an error in interpretation for previous development of four lots on the west side of the city owned property at the corner of 15th street and Van Buren. The city will be selling the property that is approximately 24,000 square feet in size and could actually meet the development regulations in the single family residential (SFR) 8000 square foot lot. This rezone would enable those particular developments to be conforming with the zoning code as they seek in the future to have a building permit.

Mr. Osborne mentioned that at the Planning and Zoning Commission public hearing individuals spoke about the affordability issue. There is currently apartment buildings and townhomes located right across the street to the north. Those are all part of the general plan goals and policies. He added he has spoken to appraisers and one of the homes was appraised at approximately \$280,000.

Lastly, Mr. Osborne stated If the recommendation was to go from SFR8000 to SFR6000 for all the associated lots with partial numbers comprising lots 14 to 26, it was suggested that lots of the rezoning for the four properties that are developed to SFR6000 while the city's property of 24,000 square feet/SFR8000 and that would allow for those homes to become conforming with our code. He reported the Planning and Zoning Commission recommended a motion to approve it, but it didn't get a second, and after testimony there was a motion to deny. As noted earlier, the City's property can be developed as two lots as it is the city's property, and there wouldn't be any issues with conforming in there except that the property parcels were needed to oriented towards Van Buren in order to meet the minimum frontage of 75 feet.

Councilmember Morales asked if a home is built on Van Buren, what would be the square footage towards the back.

Mr. Osborne answered that the two parcels would be approximately 12,000 square feet in size, which would exceed the minimum lot size of the frontage width on that area.

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Councilmember Lindemann commented council should follow the Planning and Zoning recommendation and deny. If information be brought and would cover all of those eventualities rather than one blanket ordinance which says from 8000 sq ft to 6000 sq ft, Councilmember would not be in favor.

Councilmember Grijalva commented it is going to get done, and going to be on council on how it will look.

Mr. Osborne agreed the development standards should be applied. Those other lots allow for them to become conforming, and that is also part of the equation, which is something we didn't want to forget. It was heard from someone's testimony that it was okay with them to separate those four lots from the city's lot and allow for the rezoning of those lots.

Mr. Pedroza added that the city is currently accepting bids for the property and it extended the due date for at least four weeks since this rezoning is taking place. He added the bid contains language that bidders would need to take into account before they place the bid.

Councilmember Shelton commented his view and would like to see the property go out to bid, not dividing it, and see one house built.

Ms. Urquijo asked staff to clarify how many homes that could be constructed should those zoning remain.

Mr. Osborne answered under the current zoning, two lots facing up Van Buren Ave. with the requirements for setbacks of the House. Under SFR6000 zoning, there could be three lots on the property oriented towards Van Buren.

- Steven Helffrich of 1303 F. Ave, Douglas Az., commented on the following:
 - Spoke of opportunities for the vacant property.
- David Studer of 2630 14th Street, Douglas Az., commented on the following:
 - Concerns property splits.
- Frank Ambriz of 2154 12th Street, Douglas Az., commented on the following:
 - Planning and Zoning commissioner provided feedback.
- Frank Vasquez of 2700 11^h Street, Douglas Az., commented on the following:
 - Concern of rezoning the property.
- Ida Ann Pedrego of 1815 5th Street, Douglas Az., commented on the following:
 - Concern of rezoning the property.

Motion FAILED by a vote of 4-0. **Roll call: Voted in Favor:** None. **Voted Against:** Mayor Pro Tempore Margaret Morales, Council Members: Mitch Lindemann, Ray Shelton, and Jose Grijalva.

- G. Bid Award to Stantec Consulting Services Inc. for the Construction Management and Consulting Services for Well #14.

Mr. Pedroza reported recommendation is made to procure engineering consulting services from Stantec in order to meet water demand for this year. They provide a structured management engineering services as well as installation of architectural treatment facilities that are anticipated to be needed for Well #14. It identified Well #14 as being the quickest solution, as opposed to reactivating other wells or digging a new well. Unfortunately, Well #14 was deactivated due to new standards in arsenic levels at that point. Mr. Pedroza added the well can now be remedied to include treatment facilities. He also added Mayor and Council approved the contract from Lane Christiansen to begin the rehabilitation of the well that is already

underway. Stantec needs to help establish the overall management of that contract, so we wish to award the contract for Stantec consulting services for the rehabilitation of Well #14.

Motion by Council Member Grijalva, **second** by Council Member Shelton to approve the Bid Award to Stantec Consulting Services Inc.

Councilmember Grijalva commended staff for working on this project. Councilmember Grijalva mentioned when water rates were raised citizens were concerned where the money was going to be utilized, therefore with this project it is shown that money is being used to fix wells to have more water.

Councilmember Shelton asked if Well #14 is on the north side of golf course.

Mr. Pedroza answered that it is located on Whitewater Draw.

Motion PASSED by a vote of 4-0. **Roll call: Voted in Favor:** Mayor Pro Tempore Margaret Morales, Council Members: Mitch Lindemann, Ray Shelton, and Jose Grijalva. **Voted Against:** None.

7. **DISCUSSION/DECISION to CALL for and CONDUCT an EXECUTIVE SESSION.**

- A. Under the authority of A.R.S. §38-431.03 (A3), (A4), and (A7) to consider its position, instruct its representatives and obtain legal advice regarding city owned Rancho La Perilla Apartments (Parcel Number 410-09-004), and possible preparation of a Purchase Agreement concerning the potential sale of the Rancho La Perilla Apartments.

Motion by Council Member Shelton, **second** by Council Member Lindemann to enter into executive session at 6:52 p.m.

Motion PASSED by a vote of 4-0. **Roll call: Voted in Favor:** Mayor Pro Tempore Margaret Morales, Council Members: Mitch Lindemann, Ray Shelton, and Jose Grijalva. **Voted Against:** None.

Motion by Council Member Lindemann, **second** by Council Member Shelton to adjourn the executive session at 7:35 p.m.

Motion PASSED by a vote of 4-0. **Roll call: Voted in Favor:** Mayor Pro Tempore Margaret Morales, Council Members: Mitch Lindemann, Ray Shelton, and Jose Grijalva. **Voted Against:** None.

8. **UPDATE/DISCUSSION on Executive Session item regarding Rancho La Perilla Apartments with Parcel Number 410-09-004.**

Mayor Pro Tempore Morales provided update: That due to not coming into an agreement based on the previously accepted bid by Mayor and Council for the sale of La Perilla Apartments, Mayor and Council direct staff to not accept the last offer and to reopen the bid process in conjunction with the Douglas Community Housing Corporation.

9. **ADJOURNMENT.**

Motion by Council Member Shelton, **second** by Council Member Grijalva to adjourn the meeting at 7:36 p.m.

Prepared by:



Cynthia Acuña Robles, Deputy City Clerk