

**MAYOR AND COUNCIL PUBLIC MEETING NOTICE  
REGULAR MEETING - SEPTEMBER 13, 2023 AT 6:00 PM**



**Minutes**

The City of Douglas Mayor and Council met in a Regular Meeting on Wednesday, September 13, 2023, at 6:00 p.m., at City Hall Council Chamber, 425 10<sup>th</sup> 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.** Council Member Grijalva
4. **ROLL CALL.**

	<u>PRESENT</u>	<u>ABSENT</u>
MAYOR, DONALD C. HUISH	X	
MAYOR PRO TEMPORE, MARGARET MORALES		X (excused)
COUNCILMEMBER, MITCH LINDEMANN	X	
COUNCILMEMBER, DANYA ACOSTA	X (telephonically)	
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. **PRESENTATION of AWARDS.**

- A. **LEAGUE of ARIZONA CITIES and TOWNS CERTIFICATE of RECOGNITION to COUNCIL MEMBER RAY SHELTON for TWELVE YEARS of SERVICE and DEDICATION to effective LOCAL GOVERNMENT in ARIZONA.**

Mayor Huish provided the League of Arizona Cities and Towns Certificate of Recognition to Council Member Ray Shelton for Twelve Years of Service and Dedication to effective local government in Arizona.

6. **READING OF PROCLAMATION.**

- A. **HISPANIC HERITAGE MONTH PROCLAMATION.**

Mayor Huish read the proclamation.

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

Ms. Andrade stated no public participation forms were submitted.

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

- A. **EXPENSE REPORT** for the month of **AUGUST 2023**, totaling **\$1,937,933.33**
- B. **MEETING MINUTES** for **AUGUST 9 & AUGUST 22, 2023.**

**Motion by Council Member Grijalva, 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.**

## 9. DISCUSSION/DECISION on APPROVALS.

A. **SECOND READING OF ORDINANCE NO. 23-1169**, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **REZONING ASSESOR'S PARCEL NUMBER 41021002B** located along the northern extent of ROGERS AVENUE from **MOBILE HOME RESIDENTIAL (MHR)** to **GENERAL COMMERCIAL (GC)**; and **AMENDING the OFFICIAL ZONING DISTRICT MAP**; establishing severability of components of Ordinance; and establishing an effective date thereof.

William Osborne provided background information on the rezoning of such parcel.

**Motion by Council Member Lindemann, second by Council Member Shelton to approve the second reading of Ordinance No. 23-1169.**

Council Member Grijalva raised a question about the nature of this item being categorized as a rezone, given that it was previously associated with various overlays, as mentioned by Mr. Osborne.

In response, Mr. Osborne clarified that this item pertains to a private request for the property's rezoning, initiated by the property owner and a representative intending to acquire it. The previous discussions on overlays presented an opportunity to address areas currently zoned as mobile home residential, particularly those situated north of 20th Street along A Avenue. The objective is to enable the infill development of single-family residences, including the possibility of tiny homes. It's crucial to note that this development still maintains a public process, ensuring that neighbors are informed about proposed developments and introducing greater flexibility into the zoning regulations.

Furthermore, Mr. Osborne indicated that this proposal is centered on a private initiative to rezone the area for general commercial use. However, he also suggested that in the future, it might be conceivable to consider the implementation of an innovative community overlay in the same vicinity.

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

B. **SECOND READING OF ORDINANCE NO. 23-1170**, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **REZONING ASSESOR'S PARCEL NUMBER 40825084A** located on North J AVENUE one parcel North of HIGHWAY 80/EAST 16TH STREET from **SINGLE FAMILY RESIDENTIAL 6000 (SFR6)** to **GENERAL COMMERCIAL (GC)**; and **AMENDING the OFFICIAL ZONING DISTRICT MAP**; establishing severability of components of Ordinance; and establishing an effective date thereof.

William Osborne provided background information on increasing the display area to have this rezone approved.

**Motion by Council Member Shelton, second by Council Member Baldenegro to approve the second reading of Ordinance No. 23-1170.**

Council Member Grijalva mentioned that the last time, Council Member Acosta inquired on the possibility of this area becoming a junkyard and stated that if this rezone passes the code enforcement policy needs to be ready.

Additionally, Council Member Grijalva stated that staff need to be careful about allowing people to make junkyards and having that out there.

Mr. Osborne added that the heavy industry zone is the only zoning district that would allow outright like junkyards use and therefore general commercial zoning does allow auto retailing use and that has been explained on the uses, but if there are any complaints about the quality of the property and if upkeep that would be a code enforcement issue.

Council Member Shelton expressed the idea of tabling the item for discussion, as they are concerned about the prospect of a junkyard being established in the town and noted that enforcement measures, while sometimes effective, may not consistently address this issue.



Mr. Osborne further explained that if someone operates an automotive retail business and significant issues arise, the city's staff is prepared to respond when reports are received. However, it's important to note that, as a historical practice, automotive sales have been permissible within the city's general commercial zoning since the inception of zoning regulations in 1966. It's worth mentioning that there have been no reported issues concerning this specific property currently.

Mr. Osborne continued to say that if there are concerns about a junkyard forming that's something that staff can respond to when complaints are made.

Ms. Urquijo stated that this is not heavy industry zoning, and it would prohibit it. Additionally, Ms. Urquijo commented that the property owner is looking to expand an existing business and there is no indication from his business operation that there would be any problems.

**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. **RESOLUTION NO. 23-1561**, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **AUTHORIZING** the entry into a **TECHNICAL ASSISTANCE AGREEMENT** with the **NORTH AMERICAN DEVELOPMENT BANK (NADB)** for the **ENVIRONMENTAL INFORMATION DOCUMENT** for the **DRINKING WATER** and **WASTEWATER COLLECTION WEST EXPANSION** in the City of Douglas and the surrounding community in the amount of \$79,879.46.

Ms. Elise Moore provided background information.

**Motion by Council Member Lindemann, second by Council Member Baldenegro to approve Resolution No. 23-1561.**

Council Member Lindemann said that this was another domino in the progress the city is making and is pleased to see it.

**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. **RESOLUTION NO. 23-1562**, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **APPROVING** and **AUTHORIZING** the **SUBMISSION** to HUD of the **CITY of DOUGLAS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CONSOLIDATED ANNUAL PERFORMANCE** and **EVALUATION REPORT FOR FY 2022**.

Ms. Xenia Gonzalez provided background information.

**Motion by Council Member Baldenegro, second by Council Member Shelton to approve Resolution No. 23-1562.**

**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. **RESOLUTION NO. 23-1563**, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **AUTHORIZING** to **ADOPT** and **ALLOCATE FUNDS** for an **OUTDOOR FITNESS COURT** as part of the 2024 **NATIONAL FITNESS CAMPAIGN**.

Ms. Daritza Villalobos provided background information and a video to show what an outdoor fitness court would entail.

**Motion by Council Member Grijalva, second by Council Member Shelton to approve Resolution No. 23-1563.**

Council Member Baldenegro thanked Ms. Villalobos for the opportunity to get this outdoor fitness court and asked about the location.

Ms. Villalobos mentioned that the exact location is still pending determination, primarily because of the strong demand for practice space by both youth and adult leagues. Consequently, the staff is actively working to identify the most suitable location that doesn't affect existing practice areas.

Furthermore, Ms. Villalobos noted that potential areas under consideration include Veterans Park and Joe Causey Park.

Council Member Shelton conveyed enthusiasm for the project and inquired about its financial aspects.

In response, Ms. Villalobos explained that a grant application had been submitted and successfully secured \$30,000 from NFC (New Foundation for Community) and that another grant application had been made to the Legacy Foundation for a potential grant of up to \$100,000. Ms. Villalobos further stated that the city is currently in the project's second phase. The city has already received an acceptance letter of interest, and they plan to submit the formal application by the end of October. If the application is approved, notifications will be issued in November.

Council Member Shelton suggested that having a project like this could be instrumental in attracting Border Patrol and Customs agents, potentially endearing them to the charms of Douglas.

Council Member Shelton expressed their enthusiasm for the project.

Council Member Lindemann also expressed excitement about this opportunity and emphasized the need for stations around Veterans Park for walkers, extending gratitude to the staff for their efforts.

Council Member Grijalva acknowledged the value of obtaining grants for the project but underscored the importance of maintaining the community's fitness options and mentioned that the community also needs indoor activities during extreme weather conditions like monsoon seasons or extreme temperatures.

Additionally, Council Member Grijalva expressed the hope that this project wouldn't diminish the significance of a community center and believe that something like the outdoor gym has the potential to attract people from outside and enhance the city's beauty.

Ms. Villalobos added that a community center is indeed in the city's plans, but it's a more expensive undertaking compared to the outdoor gym.

**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. RESOLUTION NO. 23-1564**, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **APPROVING** the **ACCEPTANCE** of a \$3,800 grant from the **ARIZONA COMMUNITY FOUNDATION OF COCHISE** to **PURCHASE STRING LIGHTS** for the **BEAUTIFICATION** of **DOWNTOWN**.

Daritz Villalobos provided background information.

**Motion by Council Member Shelton, second by Council Member Baldenegro to approve Resolution No. 23-1564.**

Council Member Shelton extended gratitude to Ms. Villalobos and conveyed enthusiasm about having a grant writer on board.

Council Member Acosta highlighted the significance of any kind of victory, whether large or small and acknowledged the considerable work needed for the downtown area's revitalization and emphasized that this project, though small, would contribute to enhancing the architectural beauty of the downtown area.



**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. **RESOLUTION NO. 23-1565**, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **AUTHORIZING** the City of Douglas to enter into an **INTERGOVERNMENTAL AGREEMENT** with the **CITY of PHOENIX POLICE DEPARTMENT** for continued participation in the **ARIZONA INTERNET CRIMES AGAINST CHILDREN TASK FORCE**.

Chief Fullen provided background information.

**Motion by Council Member Lindemann, second by Council Member Baldenegro to approve Resolution No. 23-1565.**

Council Member Lindemann expressed appreciation to Chief Fullen for raising this concern, emphasizing the city's need to address it promptly and underscored the potential for the situation to worsen if left unattended and stressed the community's need for all available assistance.

Council Member Acosta inquired about the availability of high-level statistics or any relevant information that could be shared with both the council and the public concerning collaborative efforts between the Douglas Police Department and other agencies regarding crimes against children.

In response, Chief Fullen explained that while he didn't have specific statistics readily available, he mentioned that his department has worked on numerous cases in collaboration with the Internet Crimes Against Children (ICAC) task force and partnered with multiple agencies to investigate cases, regardless of whether they originated within the city or elsewhere, with the Douglas Police Department playing a vital role in these investigations.

Council Member Acosta expressed gratitude to Chief Fullen for the information, acknowledging the sensitive nature of these investigations and the constraints on sharing certain details. They further commended everyone involved for their diligent efforts and cooperation with other agencies in combating these heinous crimes.

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

H. **RESOLUTION NO. 23-1566**, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **APPROVING** the **AMENDED** and **RESTATED ARTICLES** of **INCORPORATION** of the **INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF DOUGLAS**.

Denis Fitzgibbons provided background information.

**Motion by Council Member Shelton, second by Council Member Baldenegro to approve Resolution No. 23-1566.**

Council Member Grijalva extended congratulations to the IDA and noted the presence of an IDA member and remarked on the IDA's improved organization and increased community involvement.

Additionally, Council Member Grijalva mentioned the IDA's website and availability for community assistance, expressing admiration for their proactive efforts in this regard.

**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. **AUTHORIZING** the **APPROVAL** of a proposal by **McKINSTRY ESSENTION LLC** for a City Hall **AIR-COOLED CHILLER RETROFIT REPLACEMENT** by using the City of Tucson cooperative contract in the amount of \$601,946.24.

Ms. Elise Moore provided background information.

**Motion by Council Member Shelton, second by Council Member Lindemann to approve a proposal by McKinstry Essention LLC for a city hall air-cooled chiller retrofit replacement by using the City of Tucson cooperative contract in the amount of \$601,946.24.**

Council Member Lindemann inquired about the typical lifespan of a chiller like the one in question.

In response, Mr. Davis Kreischer explained that the general lifespan or life expectancy of this type of equipment typically ranges from 15 to 25 years. He noted that, in the State of Arizona's climate, these systems tend to last on the higher end of that range.

Council Member Lindemann observed that the city's 27-year-old chiller had indeed reached its expected lifespan.

Mr. Kreischer agreed and commended the staff for effectively maintaining it.

Council Member Lindemann also sought information on the anticipated cost savings for maintenance.

Mr. Kreischer confirmed that there are expected savings from two angles: 1) an estimated 10% improvement in overall efficiency compared to the existing system and 2) reduced maintenance due to no longer requiring water for the cooling tower. Part of the solution's design aims to simplify and minimize potential failure points, which would reduce the maintenance workload for the staff.

Council Member Baldenegro asked whether a city employee would be trained to handle the equipment's maintenance or if it would be managed by the company.

Mr. Kreischer explained that the scope of work includes providing training for the staff post-installation. Additionally, they would ensure that the equipment's commissioning aligns with the design specifications to meet the efficiency and operation expectations outlined in the scope of work.

Council Member Baldenegro inquired about the type of warranty included.

Mr. Kreischer stated that there is a manufacturer's warranty for the equipment, covering approximately 10 years for the materials. They would collaborate with the city staff to address any issues that may arise during the equipment's operation, and McKinstry would be available to assist Ms. Moore and the staff as needed.

Council Member Lindemann asked about the installation timeline for this equipment.

Mr. Kreischer mentioned that, upon approval, the lead time for this equipment would be approximately two to three months, and the installation itself would be relatively quick, with a projected timeline of four months from the equipment order.

Mr. Pedroza added that the city's timing is critical, especially considering the installation during the winter months in line with McKinstry's timeline. He noted that the city had been working closely with McKinstry, conducting a comprehensive analysis of the entire building and its mechanical components to enhance efficiency. McKinstry identified the air conditioning system as the most significant area for improvement, developed drawings and schematics, and put in substantial effort to reach this point.

Mr. Kreischer further emphasized that the decision was aimed at keeping upfront costs as low as possible to prevent operational cost increases. McKinstry secured the design and equipment promptly within the two-to-three-month timeframe, considering the ongoing supply chain challenges of recent years.

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

## **10. CITY MANAGER REPORTS.**

Ms. Ana Urquijo shared the following updates:



- The Douglas PD will host their third annual National Night Out on Friday, September 29, from 4 to 8 pm at Raul Castro Park.
- The Energize Douglas event on downtown G Avenue will take place from 6 to 9 pm, with street closures from 9th to 10th Street on G Avenue.
- The Douglas Chinas Poblanas will be hosting the Douglas Fiestas at Raul Castro Park this upcoming weekend.
- The Recreation Division is organizing the 1st Art Workshop series to be held on September 20th at Raul Castro Park.
- The Douglas Public Library initiated Hispanic Heritage Month with activities, including making your own Frida Kahlo portrait and information about the life of Frida Kahlo.
- The Border Air Museum is now open to visitors from Wednesday to Friday, operating from 12 to 4 pm.
- The city, in partnership with SBDC, is hosting a seminar on "How to Start Your Business in Arizona in 10 Steps" on September 25th at noon in the City Council Chamber. More seminars are scheduled for October, November, and December.
- In collaboration with Arizona at Work, the city will host a job fair on September 29 at the Douglas Visitor Center from 10 am to 2 pm.
- The 99th Annual Cochise County Fair is scheduled for September 21 through 24.
- The 5th Street paving and utility work has been completed, with some minor repairs to curbing and sidewalks planned. Lane shifting is expected, but no businesses will be impacted. The contractor will return in 30 days to finish the reflective striping.
- The Douglas Municipal Airport runway project continues with paving, experiencing slight delays due to recent rain. Milling and removal of existing surface was performed in the first week, followed by crack sealing in the second week. The reflective striping will also be added 30 days later.
- The Planning and Zoning Commission meeting will be held on September 26 at 5:30 pm.
- The Design Review Board Meeting is scheduled for September 28 at 5:30 pm.
- The GSA will hold a public open house at the Visitor Center on September 27 from 4 to 6 pm, discussing the new commercial port of entry and the Raul Castro environmental impact statement. GSA will present three alternatives for the construction of the new commercial port of entry and the expansion of the existing port of entry.
- Grant activities are progressing successfully, with the announcement of a Save America's Treasures grant of \$750,000 for ongoing improvements to the airport's runway. The grant comes with a matching requirement, which may be met through the current ADOT grant or sale proceeds to add an additional \$750,000 to these projects.
- The Arizona Office of Tourism has awarded \$30,000 for irrigation and water conservation for the golf course, a recommendation made by Council Member Acosta several months ago.

#### **11. INFORMATIONAL ITEMS AND REPORTS FROM COUNCIL AND FUTURE AGENDA ITEM REQUESTS.**

Council Member Grijalva provided the following updates:

- He reminded everyone about Commodity's Day scheduled for the upcoming Monday.
- There are plans to organize a block party in Ward six for the fall.
- The wrestling event is set to return during the wintertime, potentially in December.

Council Member Grijalva expressed gratitude to the Douglas Police and Fire Departments for their swift response to a recent community accident. He also conveyed appreciation for the dedication of the city's men and women who care for and ensure the safety of the community.

Council Member Lindemann reported on various activities:

- He attended the 911 ceremony at the Fire Department and thanked Chief Lomeli for organizing a wonderful ceremony.
- Participated in the Ray Rios Memorial Ceremony and expressed gratitude to Chief Fullen for the invitation.

- He attended two Douglas Business Network functions hosted by Ralph Robles and commended him for his excellent work.

Council Member Lindemann expressed thanks to city staff for their efforts at the Purple Heart City booth during the Arizona League of Cities Event. He offered a special thank you to Ginny Jordan for providing some artifacts from the Museum of War Veterans.

Council Member Shelton congratulated the grant writer for securing \$30,000 for the golf course.

Mayor Huish addressed recent news reports concerning the Border Patrol conducting street releases of migrants who have gone through the system. He shared that the city is aware of this situation and has engaged in discussions with Chief Fullen, the City Manager, and the Acting Chief Agent in Charge in Douglas to express the city's cooperation and concerns. The work on temporary shelter solutions is outgoing and ensuring humane treatment of individuals released in the community. The city is actively seeking ways to minimize the impact on its citizens while maintaining a humane approach. Mayor Huish emphasized that the city values its relationship with the Consulate office, counterparts in Mexico, and law enforcement agencies, all of whom are working together on this issue.

Mayor Huish concluded by expressing his gratitude for the wonderful people in the Douglas community and the privilege of serving them. He highlighted the city's commitment to addressing the ongoing situation and its dedication to its citizens.

## **12. ADJOURNMENT.**

**Motion by Council Member Lindemann, second by Council Member Grijalva to adjourn the meeting at 7:04 p.m.**

**Prepared by:**



**Alma Andrade, City Clerk**