

**MAYOR AND COUNCIL PUBLIC MEETING NOTICE
REGULAR MEETING - MAY 10, 2023 AT 6:00 PM**



Minutes

The City of Douglas Mayor and Council met in a Regular Meeting on Wednesday, May 10, 2023, at 6:00 p.m., at City Hall Council Chamber, 425 10th Street. The Honorable Mayor Donald C. Huish called the meeting to order.

1. **CALL TO ORDER. 6:00 p.m.**
2. **PLEDGE OF ALLEGIANCE. By Council**
3. **INVOCATION. Pastor Pete Cordova, First Assembly of God.**
4. **ROLL CALL.**

	<u>PRESENT</u>	<u>ABSENT</u>
MAYOR, DONALD C. HUISH	X	
MAYOR PRO TEMPORE, MARGARET MORALES	X	
COUNCILMEMBER, MITCH LINDEMANN	X	
COUNCILMEMBER, DANYA ACOSTA		X (excused)
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. **PRESCHOOL BOOKS DONATION** to the **DOUGLAS EDUCATION PARTNERSHIP COUNCIL.**

Mayor Huish presented the books donation to the Douglas Educational Partnership Council and stated he was very grateful for their efforts and diligence in trying to assist in building the community.

Mr. Abe Villarreal on behalf of the Douglas Education Partnership Council thanked the Mayor and Council for the donation.

6. **READING OF PROCLAMATION.**
 - A. **NATIONAL PUBLIC WORKS WEEK.**

Mayor Huish read the National Public Works Week Proclamation and stated that the city would not be the city that we are today without them, and staff really takes care of the city.

- B. **LETTER CARRIERS' Stamp Out Hunger FOOD DRIVE DAY.**

Mayor Huish read the Letter Carriers' Stamp Out Hunger Food Drive Day 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. **EXPENDITURES** for the month of **APRIL 2023**, totaling \$2,074,634.02.
- B. **MEETING MINUTES** for **MARCH 22** and **APRIL 12, 2023.**

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

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

9. DISCUSSION/DECISION on APPROVALS.

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

Ana Urquijo provided background information.

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

Council Member Grijalva thanked the Baez family and Mr. Hurtado because in a one month more information was provided and learned that the area is limited commercial, therefore Mr. Baez could have built a business in the area with no problem. Council Member Grijalva stated that the city gave him a permit to build residential and complaints came in stating there was trash in the ways and added that if a commercial building would be there, there would be more trash, noise and if a gym would be there would be more annoying for people.

Council Member Grijalva expressed that this area is from multi-family to limited commercial and that other residential parcels are zone commercial in the limited commercial, therefore it creates a problem.

Additionally, Council Member Grijalva stated that the individuals that are against this rezoning brought good points and that is the reason council needs more information and suggested for staff that when items similar to this one is taken to the planning and zoning commission to give council a week to get the information to be aware of what is going on.

Lastly, Council Member Grijalva thanked everyone involved.

Council Member Baldenegro asked if the planning and zoning commission met after council's meeting last month.

Mr. Osborne responded that the planning and zoning commission met on March 21, 2023, and made their recommendation after closing the public hearing, and that staff recommendations been presented. Mr. Osborne stated that the planning and zoning commission denied based on the debate.

Council Member Lindemann stated that after doing all the research added that staff recommended approval because it is aligned with the general plan and because it is within the neighborhood character and would like to see anything built within the neighborhood character something like single family.

Council Member Lindemann added that staff are professionals, and they recommend approval and would think that that is the way to do it.

Council Member Morales thanked Mr. Hurtado for meeting with her to provide more information and stated that the staff made a good recommendation and are appreciative of the people that have talked as well.

Council Member Shelton agreed with Council Member Morales regarding the staff's recommendation and appreciated the answers from the public as well.

Mrs. Ballesteros of 1930 12th Street, commented on the following:

- Supportive of the rezoning in the area.

Mario Medina of 1906 12th Street, commented on the following:

- Not aware of the limited commercial area when bought their home three years ago but is supportive of the rezoning in the area.

Arvin Hurtado of 1951 13th Street, commented on the following:

- Thanked the council for meeting with him to provide detailed information regarding his property in the rezoning area and is supportive of the multi-family rezoning.

Claudia Hernandez of 1950 12th Street, commented on the following:

- Has been in the neighborhood for about 24 years and is supportive of multifamily rezone.

Nadia Baez of 2645 11th Street, commented on the following:

- Supportive of her husband's multifamily project for the community.

Nicholas Castillo of 2001 13th Street, commented on the following:

- Not supported of multifamily residential but are supportive of single family residential. Understands something needs to be built in the area.

Council Member Lindemann stated that according to his understanding the rezoning includes single family.

Ms. Osborne responded that each of the parcels taken separately could be developed within their commercial because of the setback requirements and if they were a collaborator or gathered then they could.

Council Member Lindemann additionally commented that staff and Mr. Osborne have done a good job in trying to straighten out the community.

Council Member Shelton inquired if the rezone of multi-family residential would allow for a single-family residence in the area.

Mr. Osborne responded that it would.

Council Member Grijalva commented that if the route would be to go with multi family residential and if it does not pass, the owner can still build a limited commercial and stated that even if the process to zone to single family does not guarantee that the owners would want to build single family residential.

Council Member Baldenegro asked if the owner was to build a multifamily and if the code would change.

Mr. Osborne responded that if the property was rezone, thirty days after, the buyer could file an application for it.

Mr. Daniel Ballesteros of 1930 12th Street, commented on the following:

- There are four houses in the area that the city issued permits and the city needs to fix it.

Jessica Acosta of 1906 12th Street, commented on the following:

- Recently bought a house in the area and permits were made and is supportive of multi-family residential.

Council Member Shelton commented that regardless of council decision, it would be multi-family residential or single family residential.

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

Motion by Council Member Morales, second by Council Member Grijalva to approve the first reading of Ordinance No. 23-1163.

Council Member Shelton inquired if he could make an amendment to switch from multi family residential to single family residential.

Mr. Fitzgibbons responded that it was not possible currently since the application is for multifamily residential and inside the multi family zoning district there could be single family; and if Council Member Shelton's question is to limit the zoning that would go in the property, then it would not be possible.

Mr. Fitzgibbons commented that if the council does not want to have multifamily and want them to come back with a single family, then a new application would need to be file for single family residential.

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

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

Ana Urquijo provided background information on the five vacant parcels of land at Rancho La Perilla Estates.

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

Council Member Baldenegro inquired if service was included in lots.

Ms. Urquijo responded they were semi-improved lots.

Council Member Shelton commented that somebody might know about what is going to happen in Government and are taking advantage of buying property to build.

Mayor Huish inquired if there are any restrictions or time to build on the lots.

Ms. Urquijo responded that it was not part of the sale.

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

C. FIRST READING OF ORDINANCE NO. 23-1168, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **LEVYING UPON the ASSESSED VALUATION of the PROPERTY** within the City of Douglas, subject to taxation, a certain rate upon each one hundred dollars (\$100.00) of VALUATION sufficient to raise the amount estimated to be required in the annual budget, and providing funds for general municipal expenses: all for the fiscal year ending the 30th day of June 2024; establishing severability of components of Ordinance; and establishing an effective date thereof.

Alex Martinez provided background information and added that every year the city is required to adopt its annual property tax levy and submit a certification of the levy to the Cochise County Board of Supervisors no later than the third Monday in August.

Mr. Martinez stated that the primary assessed value for the city is at \$61,168.071; the primary assessed valuation went up to \$1,936,857 or 3% which excluded new construction; \$1,133,659 was added to the tax rolls from new construction; the recommended property tax rate for the year is to lower the city's property tax rate from 1.1591 to 1.1147 which would levy \$681,841; and the levy is an increase from \$669,226 to \$681,841 for a total increase of \$12,615 due to new construction.

Motion by Council Member Morales, second by Council Member Lindemann to approve the placement of Ordinance No. 23-1168.

Council Member Morales inquired if this was based on property owners.

Mr. Martinez responded it was.

Council Member Morales asked how much this would be.

Mr. Martinez stated that the rate per \$100 of valuation would go down to 1.1147 compared to last year, however there was an overall increase in the tax valuation for the city of \$3M, mostly for new construction.

Mayor Huish explained that people may or may or may not see a decrease because if an assessed valuation went up it could be paying a little bit more but it has been policy of council and the administration to lower what its possible as far as taxes, and stated that more than likely property tax might go up but it is not because the city did not make an effort to keep it down and applauded staff and council for setting that priority to be able to make it happen.

Council Member Lindemann commented that taxes are *inaudible* and that DUSD is *inaudible*.

Council Member Grijalva thanked Mr. Martinez because that is good news for the city to start lowering the tax and it is great news because the city is expecting growth.

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

Motion by Council Member Morales, second by Council Member Shelton to approve the first reading of Ordinance No. 23-1168.

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

D. **RESOLUTION NO. 23-1547**, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **APPROVING** the **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN** fiscal year 2023 for the City of Douglas.

Xenia Gonzalez provided background information.

Motion by Council Member Baldenegro, second by Council Member Grijalva to approve Resolution No. 23-1547.

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

E. **RESOLUTION NO. 23-1548**, a Resolution of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **AUTHORIZING** the City Manager to execute a renewal to the **INTERGOVERNMENTAL AGREEMENT** between the City of Douglas and Cochise College to provide **RELIABLE PASSENGER TRANSPORTATION** services to college riders; combining resources to continue to promote educational opportunities and foster economic development in the City of Douglas.

Humberto Rivera provided background information.

Motion by Council Member Baldenegro, second by Council Member Shelton to approve Resolution No. 23-1548.

Council Member Grijalva thanked Cochise College President Dr. JD Rottweiler and Mr. Abe Villarreal because they are looking out for the community, and this incentivizes the constituents to go to a college that gives them transportation and is very appreciative of the partnership.

Council Member Morales thanked them for the \$0.25 cent per ride and stated it was great.

Council Member Baldenegro inquired on the schedule times.

Mr. Rivera stated that he would provide it to the council.

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

10. DISCUSSION/DECISION to call for and conduct an **EXECUTIVE SESSION** under the authority of ARS 38-431.03 (A3), (4), and (7) to consider its position, instruct its representatives and obtain legal advice regarding updates related to the sale of vacant land around the Douglas Municipal Airport.

Motion by Council Member Shelton, second by Council Member Baldenegro to enter into executive session at 7:08 p.m.

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

Motion by Council Member Morales, second by Council Member Shelton to adjourn the executive session at 7:46 p.m.

Motion PASSED unanimously. Voted Against: None.

11. UPDATE regarding Executive Session item #10.

Mayor Huish stated that staff were directed to continue discussions with the current potential buyer that has been approved previously for further discussion and to bring it back at a future meeting.

12. CITY MANAGER REPORTS.

Ms. Urquijo provided the following reports:

- Lifting of title 42
- Mayor Huish's visit with Governor Hobbs in Sierra Vista regarding Title 42
- Downtown Streetscape Survey
- Port of Entry Diplomatic Note project moving forward
- Community Calendar

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

Council Member Grijalva commented on the following:

- Reminded everyone about commodity's day on Monday.
- Thanked the Douglas Educational Council and Cochise College for their participation for Teacher Appreciation Cake to the schools and the city provided coffee. Educators were very appreciated of the generosity but more importantly the charter schools.
- Added that needed to be appreciative of all schools like Omega, CAS, PPEP Tech, and what they do with their students is very impressive.
- Commented that the city should partner more with them to see what can be done.
- Thanked the city for the book donations and thanked everybody that was involved.

Council Member Shelton commented of their upcoming Town Hall meeting that would provide updates on current projects like the port of entry, annexation, Bayless building (ACT), Border Air Museum, downtown revitalization, the sale of La Perilla Apartment, Golf Course, and the Airport Runway.

Mayor Huish reported attending a meeting with both Governors of Arizona and the Governor of Sonora regarding current joint projects in the region and spoke to the second in charge of NADBank. Mayor Huish continued to say that he met with the Governor of Arizona and other community leaders today in Sierra Vista regarding many issues throughout the county, but one of the main topics was Title 42 and that the Governor's staff committed to busing and funding that should be available and looking at other possibilities. Mayor Huish commented that if an emergency arises, then would solicit council's approval to go ahead and use the city buses.

Mayor Huish added that hopefully it won't come to that and that currently it has been orderly and want to assure the community that the city is doing everything within the power and the great relationships with the Border Patrol, Customs, the County Sheriff's Office, and the Douglas Police Department to make sure that the community is safe and everything is orderly and that the Governor made a statement to say that over 90% of those seeking asylum have sufficient funds to get to their next location.

Additionally, Mayor Huish expressed that whether people agree or disagree with the current situation, that the city is here as a community and to let people know to "count on Douglas" because the city is going to do whatever the city can to make it happen.

Mayor Huish provided an update on a meeting held with the Agua Prieta counterparts along with the Consulate of Mexico Consul and the American Consul stationed in Nogales, Sonora, to discussed many wonderful things that are going on, one main point is that the Mexican Federal Governor was in Agua Prieta earlier in the week and it seems that they may start construction on their side of the port of entry as early as next week. They expect a visit from their National President towards the end of the month. Mayor Huish added that the city made GSA aware of the Mexican Government moving quickly so that the government can also move on this project.

Moreover, Mayor Huish stated that the city received word that the State is finally coming to an agreement with a budget and as part of that budget that affects Douglas is \$8.2M dollars for the connector Road from the new port of entry up to Highway 80. The anticipation is that the road cost would be a little more by the time they build, therefore, the city would continue to seek funding for it.

Mayor Huish added that all the positive is due to the community since it has been positive about this and wants to go forward and realize a great benefit that would have in the community.

The council has set up a vision and it's been realized and exciting to see it again.

Mayor Huish added that Douglas Days event is coming, and it was exciting to celebrate.

Furthermore, Mayor Huish commented that State Representatives are cognizant of what is going on due to title 42, Senator Kelly, Congressman Grijalva's Office, Senator Sinema's Office, and other Congressman in the state of Arizona, Gallego and Ciscomani called and offered their support. Mayor Huish added that it is very positive to be able to hear support on the issues and the possibility of declaring an emergency looking at it as a community. Lastly, Mayor Huish stated that Mr. Fitzgibbon, the City Attorney is on making sure that if that occurs then the city is ready to move forward; and that the city released a press release on the topic. Mayor Huish thanked staff for being on top of the situation.

Ms. Andrade commented regarding Council Members Morales and Shelton's Town Hall, that the city clerk's office posted a public notice advising the Town Hall in the event of a council's quorum.

14. ADJOURNMENT.

Motion by Council Member Morales, second by Council Member Shelton to adjourn the meeting at 8:06 p.m.

Prepared by:



Alma Andrade, City Clerk