

**MAYOR AND COUNCIL PUBLIC MEETING
SPECIAL MEETING - APRIL 26, 2023 AT 5:30 PM**



Minutes

The City of Douglas Mayor and Council met in a Special Meeting on Wednesday, April 26, 2023 at 5:30 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. 5:30 p.m.

2. 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	
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	

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

Ida Ann Pedrego of 1815 5th Street, Douglas, AZ., commented on the following:

- Council meeting agenda notifications to citizens and the length of ordinance and resolution approvals.

4. READING OF PROCLAMATION.

A. Professional Municipal Clerks Week

Mayor Huish read the proclamation and acknowledge Alma Andrade, City Clerk and Cynthia Robles, Deputy City Clerk.

5. DISCUSSION/DECISION on APPROVALS.

- A. **SECOND READING OF ORDINANCE NO. 23-1162**, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **REZONING FOUR PARCELS** of land within the overlook addition, block 16, lots 6 through 9, from **MOBILE HOME RESIDENCE (MHR) TO SINGLE-FAMILY RESIDENTIAL 6000 (SFR6)**; and **AMENDING the OFFICIAL ZONING DISTRICT MAP**; establishing severability of components of Ordinance; and establishing an effective date thereof.

Mr. Osborne provided background on the rezoning.

Motion by Council Member Baldenegro, second by Council Member Acosta to approve the second reading of Ordinance No. 23-1162.

Council Member Lindemann asked if the existing mobile homes will be unaffected.

Mr. Osborne answered there are no mobile homes located on this parcel so they will not be affected.

Mayor Huish explained the need the item is coming back at this special meeting.

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

- B. **PURCHASE AGREEMENT APPROVAL** between the City of Douglas and Southeastern Arizona Governments Organization (SEAGO) FTA Access & Mobility Grant for the **COCHISE CONNECTION**.

Ms. Gonzalez presented background information on the agreement with SEAGO's FTA Access & Mobility Grant.

Council Member Grijalva asked if the House of Hope was part of the agreement.

Ms. Gonzalez answered that this agreement was brought about with Chiricahua Community Hospitals and additional vouchers will be issued by the transit division.

Motion by Council Member Shelton, second by Council Member Baldenegro to approve the Purchase Agreement with SEAGO for the Voucher Purchases.

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

- C. **PURCHASE AGREEMENT APPROVAL** between the City of Douglas and Southeastern Arizona Governments Organization (SEAGO) FTA Access & Mobility Grant for the **DOUGLAS RIDES TRANSIT PROGRAM**

Ms. Gonzalez presented background information on the agreement with SEAGO's FTA Access & Mobility Grant.

Motion by Council Member Morales, second by Council Member Acosta to approve the Purchase Agreement with SEAGO for the Voucher Purchases.

Council Member Lindemann asked how the vouchers will work.

Ms. Gonzalez answered that SEAGO has pre-printed the vouchers that will be available at the transit office for riders that cannot afford the bus fares.

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

- D. **INFORMATION/DISCUSSION** regarding the **ADOPTION** of the **"2023 AMENDMENTS to the DOUGLAS ZONING CODE and chapter 2.32"** to amend certain provisions to the update of rules and regulations to zoning within the City of Douglas and amending certain provisions of Articles 1, 2, 3, 4, 5, 10, 11, 12, 13, and 14 of Title 17, of the Douglas Zoning Code, and amending chapter 2.32 of the Douglas Municipal Code relating to the Planning and Zoning Commission.

Mr. Osborne presented background information on item and provided a handout with information of changes.

Council Member Lindemann thanked Mr. Osborne for meeting with him and Council Member Shelton and reviewing the information.

Mr. Osborne reported on Article 1, Title 17.01.

Council Member Grijalva asked if there is a protest would it be by percentage or does it only take one person to protest and then bring it to council for the public hearing.

Mr. Osborne answered by Statute that's correct.

Mayor Huish asked if that would not prohibit council to hear more they could still do that.

Mr. Osborne agreed and state that a public hearing could be scheduled as normally done but it wouldn't be a requirement.

Council Member Lindemann commented his major concern for the existing homeowner wanting to improve their house or property and he was assured the changes in the code would not prevent them from improvements.

Mr. Osborne reported on article 17.02 the establishments of zoning districts map, processing rezone requests and updating zoning districts.

Council Member Shelton asked when the zoning code was passed originally.

Mr. Osborne answered the zoning code was adopted originally in October 12, 1966.

Council Member Lindemann thanked Mr. Fitzgibbons for providing him with the ARS regulation and was glad to see that there is going to be flexibility with the Board of Adjustments.

Mr. Osborne commented that there will be opportunities for administrative review but when appeals come to question or even by staff's interpretation it may be that the Board of Adjustment be involved.

Council Member Lindemann commented flexibility is the key because a decision cannot be made today of what might come up in 20 years.

Mr. Osborne reported on Article 17.3 revisions.

Council Member Lindemann commented that Tucson is moving to Casitas in the backyard for their infill and questioned if the city will also by code.

Mr. Osborne answered that they are looking at that as part of the Innovative Community overlays. He added that the accessory dwelling units those are currently allowed within a conditional use permit.

Council Member Baldenegro asked if the casitas have to follow fire code.

Mr. Osborne answered International Codes Council, Building Code, Residential Code, Electrical Code and all those other codes and other regulations of the state and the federal government apply.

Mayor Huish asked if that also would include the regulation of the amount of square footage on the lot.

Mr. Osborne responded there is a height limit for each zoning district as far as accessory structures.

Mr. Osborne proceeded with reporting Article 17.03.

Mr. Osborne reported on Section 513, Historic Preservation Overlay Zoning District.

Mayor Huish asked if the city gets designated as a Certified Local Government will the section need to be revisited.

Mr. Osborne answered he did not think it would. He added the city having a historic preservation overlay district which stands in the city's favor.

Ms. Urquijo commented that Council will need to consider on modifying or expanding the role of the design review board.

Council Member Grijalva commented that an investor on G Avenue wanting to fix windows that were broken and code says that they are required to submit development plans.

Mr. Osborne answered they are looking for documentation.

Council Member Grijalva commented that he disagrees with City Hall being closed on the weekends, the customer will have to wait until Monday to then show staff the plans and then a number of them don't get approved by staff; and that has to go to design review board to schedule a meeting. He added if it can be fixed to the same standard then there is no need for it.

Ms. Urquijo commented that herself and Mr. Pedroza have started the conversation on making sure that the city is compliant with the items and the opportunity for the exceptions especially in areas as a council member described so that the city can make sure that those types of emergency situations can be addressed.

Mayor Huish agreed with Council Member Grijalva common sense says that somebody breaks a window on Friday night you get it replaced as soon as possible.

Mr. Osborne proceeded with reporting Article 17.03.

Council Member Lindemann commented that fixing the code would not be necessary to fix the glass.

Council Member Morales commented there is only one glass business, plywood would have to be put up in the meantime.

Council Member Acosta commented that the work to be done is with the intent purpose of the historical preservation district no further review or approval. Following Council Member Acosta asked on the reason an approval be needed if it is already keeping with an intent and purpose.

Mr. Osborne answered it comes down to documentation.

Council Member Acosta commented documentation could be provided by stating that the owner must submit notice to city planner and building inspector but not necessarily need to get an approval.

Mr. Osborne expressed that the historic preservation overlay district guidelines, design guidelines may have something to say about these issues.

Council Member Acosta commented that these concerns are being raised due to hearing about the backlog in permits and people waiting for permits for an extended amount of times.

Council Member Baldenegro asked where is the overlay for the historian district.

Mr. Osborne answered historic overlay historic preservation overlay District extends from the intersection of G avenue and Pan Am come together and south reaching across the avenue hotel block, then it begins to work its way towards Castro Park in a zig and zag, down south to 5th Street over to Pan American Avenue.

Ms. Urquijo commented the need to looked at from the lens of the program that they foresee coming and maybe these things look from a lens of reducing red tape when it's not necessary because all of this documentation may be conditional upon a business owner entering into preservation easement or grant opportunities that the city is able to provide them.

Mr. Osborne commented that these proposed changes to the code are intended to provide the flexibility that currently is not included in the code.

Council Member Acosta commented on the design review requirements and procedures are getting even more strict on requiring permits for cleaning, fees for any painting cleaning, masonry repeating and kind material replacement it is not looking very business friendly.

Mayor Huish directed Ms. Urquijo to look into the section on the historic preservation.

Mayor Huish called for a 5 minute break at 6:48 p.m.

Mayor Huish called the meeting back to order at 6:52 p.m. and paused Mr. Osborne's presentation

- E. **INFORMATION/DISCUSSION** regarding the **ADOPTION** of the “**2023 AMENDMENTS to Title 15**” to amend certain provisions of Chapter 15.08 of the Douglas Municipal Code relating to building permits and inspection.

To be continued at a special meeting in May.

6. **DISCUSSION/DECISION** to call for and conduct an **EXECUTIVE SESSION** under the authority of ARS 38-431 (A3), (4), and (7) to consider its position, instruct its representatives and obtain legal advice regarding the following:

A. Property sale or lease of a city owned parcel section located on the northeast corner of 14th Street and Pan American Avenue.

B. Consideration of a property exchange with the Douglas Unified School District consisting of city owned property located on parcel number 410-14-001K2.

C. Consideration of a property acquisition or lease within the City of Douglas limits.

Motion by Council Member Shelton, second by Council Member Morales to enter into executive session at 6:53 p.m.

Motion PASSED unanimously. Voted Against: None.

Motion by Council Member Acosta, second by Council Member Morales to adjourn the executive session at 7:51 p.m.

Motion PASSED unanimously. Voted Against: None.

7. **UPDATE** regarding the following items:

A. Property sale or lease located on the northeast corner of 14th Street and Pan American Avenue.

Mayor Huish reported council has instructed staff to continue with a conceptual design on how that would best benefit the community.

B. Consideration of a property exchange of city owned property located on parcel number 410-14-001K2.

Mayor Huish reported council instructed staff to research the options further for the use of that property.

C. Consideration of property acquisition or lease within the City of Douglas limits.

Mayor Huish reported council instructed staff to come back with some further research to be able to see the community need that would best serve the city.

8. **ADJOURNMENT.**

Motion by Council Member Morales, second by Council Member Shelton to adjourn the meeting at 7:54 p.m.

Prepared by:



Cynthia Acuña Robles, Deputy City Clerk