

**MAYOR AND COUNCIL PUBLIC MEETING NOTICE
SPECIAL MEETING - FEBRUARY 22, 2023, AT 5:30 PM**



Minutes

The City of Douglas Mayor and Council met in a Special Meeting on Wednesday, February 22, 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.**

	PRESENT	ABSENT
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.

Ms. Andrade stated no public participation forms were submitted.

4. DISCUSSION/DECISION on APPROVALS.

A. **SECOND READING of ORDINANCE NO. 23-1160**, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **AUTHORIZING** the **SALE** of a **VACANT** parcel of land located on the north side of 11th Street approximately 820 feet west of Pan American Avenue, with Assessor’s parcel number 409-06-020T to **COX COMMUNICATIONS ARIZONA LLC**, pursuant to terms entered into by the parties; establishing severability of components of Ordinance; and establishing an effective date thereof.

Ms. Urquijo provided background information of the sale of the property.

Motion by Council Member Acosta, second by Council Member Shelton to approve the second reading of Ordinance No. 23-1160.

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. **FIRST READING of ORDINANCE NO. 23-1161**, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **AUTHORIZING** the City Manager to **EXECUTE** and **DELIVER** an **INSTALLMENT LOAN AGREEMENT** with **BAYSTONE GOVERNMENT FINANCE**, a division of KS Statebank for purposes of **FINANCING** a **WHEEL LOADER** for the City of Douglas wastewater treatment plant; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this Ordinance; establishing severability of components of Ordinance; and declaring an emergency.

Alejandro Martinez provided background information of the load agreement for a wheel loader for the wastewater treatment plant.

Motion by Council Member Acosta, second by Council Member Baldenegro to approve the placement of Ordinance No. 23-1161 on its first reading by number and title only and declaring an emergency.

Council Member Acosta asked if this piece of equipment is something that is being replaced or something that was in the budget.

Mr. Martinez answered that it is replacing an older non-working wheel loader and it was budgeted in the sewer fund.

Council Member Lindemann inquired if there is a trade-in program for the existing one.

Mr. Pedroza answered the existing wheel loader does not carry that much value we were going to continue using it at other sites instead of trading it in so the city is buying a new piece of equipment.

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.

Motion by Council Member Acosta, second by Council Member Baldenegro to approve the first reading of Ordinance No. 23-1161, and to place it on second reading by number and title only and declaring an emergency.

Council Member Baldenegro asked what the description of a wheel loader is.

Mr. Pedroza answered it is a tractor that has a bucket to move sludge from one section of the wastewater treatment to another and also loading sludge into dump trucks to be able to be taken to the weigh station.

Council Member Baldenegro asked if this is that same type of vehicle financed for \$260,000 last year.

Mr. Pedroza answered that this is a new wheel loader that was bought already and the loan proceeds will reimburse the city. He added that last year a wheel loader was not purchased.

Council Member Baldenegro asked if the old wheel loader be returned or will it stay with the city.

Mr. Pedroza answered it will continue to be utilized at wastewater treatment plant.

Council Member Baldenegro commented that the water department was requesting a backhoe that can reach the depth of a 10 to 12 feet in the alleyways. He added that he didn't know if this is the best thing that can be purchased if there is one at waste water that is doing the job effectively right now, and maybe the city should purchase a large a backhoe that Waste and Wastewater can utilize.

Mr. Pedroza commented that this fiscal year a backhoe was purchased for the water department and they might be in need of another one; and one was purchased for the streets division as well.

Mayor Huish commented that it was part of the budget process and approved and staff is moving forward to purchased. He added that it is his understanding that the old one will use it until it's no longer economically feasible or repairs and such at time the city would probably put up for auction.

Mr. Pedroza added that it is critical to separate the equipment, it cannot be shared because water department needs a clean piece of equipment to handle any lines around potable water versus sewer that handles other lines that are not clean.

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.

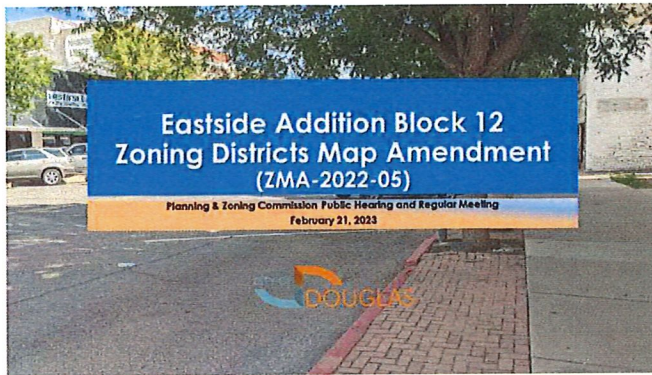
Motion by Council Member Shelton, second by Council Member Acosta to approve the second reading of Ordinance No. 23-1161 by number and title only and declaring an emergency.

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. PRESENTATION/DISCUSSION on ZONING CODE TEXT and MAP AMENDMENTS.

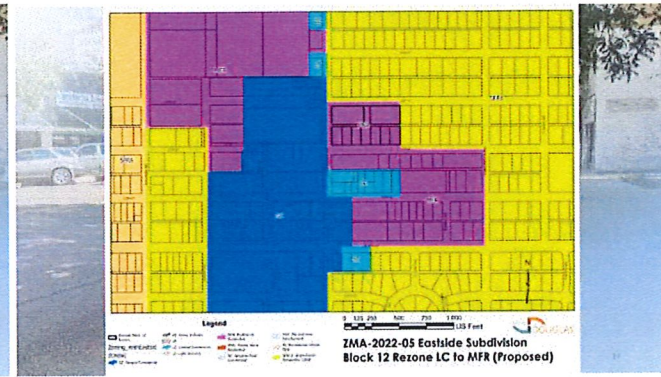
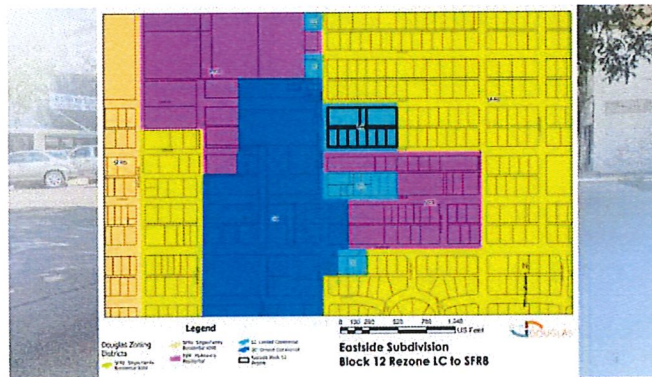
Ms. Urquijo reported background on packets presented to the Planning and Zoning Commission.

Mr. Osborne provided information on Eastside Addition Block 12 Zoning District Map Amendment.



Eastside Addition Block 12 Rezone

- Ten (10) parcels totaling 3.45-acres, zoned Limited Commercial (LC)
- Four (4) parcels have recently-permitted and built houses upon them, one (1) parcel permitted in late 2021 with constructed footings, in violation of LC Zoning District regulations (DMC §17.05.505.4)
- One (1) parcel has former church, with reported recent use for events and an incomplete, unpermitted construction of a batting cage



ZMA-2022-04 Policy Consideration Highlights:

- Growth Areas and Population Element (GAP) GOAL 4:** Promote neighborhood preservation, transportation and infrastructure efficiency, multimodal transportation, commercial revitalization, community service node and infill development within the Mid-City Growth Area in conformance with all other elements of this General Plan.
 - GAP Policy 4-1a:** Explore opportunities to promote the rehabilitation and revitalization of existing commercial areas experiencing downturn, where feasible, and support development which utilizes those existing facilities while minimizing the need for additional public facilities.
 - GAP Policy 4-1c:** Promote the strategic location of a Community Service Node, as provided in the Land Use Plan Map included in Appendix B, that reduces automobile use, increases pedestrian/bicyclist use, improves delivery of public and private services, establishes appropriate links to adjacent residential neighborhoods, and creates inviting places to live, work and play.
 - Land Use Element (LU) - Residential Community (RC) Policy 2-1a:** Encourage the establishment of regional service corridors, community service nodes, and community commercial service areas in proximity to residential areas in order to support nonresidential activities and minimize auto use and air pollution.

ZMA-2022-04 Policy Consideration Highlights:

- Land Use Element (LU) GOAL 5:** Prevent the creation of future incompatible land uses.
 - LU Objective 5-1:** Locate high-density residential development in suitable areas in which they will not adversely impact lower density developments.
 - LU Policy 5-1a:** Allow target densities for residential designations of eight units/acre or greater provided at least four of the following conditions are met:
 - The site is located adjacent to an arterial roadway and/or major corridor.
 - The site is within one mile of community-level commercial, community service nodes, or employment centers.
 - The site plan proposed for the development provides a well-designed arrangement of on-site structures and includes three or more of the following amenities: unimpeded architecture that depicts architecture features, which reflect the character and heritage of Douglas; recreational amenities that substantially exceed City requirements; separation and screening between buildings so that residents enjoy privacy in their living units; preservation of natural environment and more than 10 percent on-site usable open space, providing trail linkages and connectivity to adjacent neighborhoods.
 - The site provides a transition between existing or approved lower densities and non-residential uses.
 - Development of the site will not disrupt or negatively impact adjacent lower density land uses.
 - The development proposed for the site provides on-site amenities in addition to those required by the City that will improve the livability and function of the development.
 - The site and proposed development comply with or promote other goals, objectives and policies of the General Plan.

ZMA-2022-04 Policy Consideration Highlights:

- Land Use Element (LU) GOAL 6:** Support appropriate locations for commercial and office land uses, including infill development and redevelopment.
 - LU Objective 6-1:** Support appropriate locations for commercial and office uses, including infill development and redevelopment within the established growth areas that:
 - Promote use and improvement of existing infrastructure.
 - Meet residents' needs for goods and services in a cost-effective and equitable manner.
 - Increase pedestrian activity and
 - Attract tourists and visitors.
 - LU Policy 6-1a:** Support residentially-scaled neighborhood commercial and office uses along collector streets if:
 - The building is residentially scaled.
 - The site design is pedestrian-oriented.
 - The use will not generate significant auto traffic from outside the neighborhood, and
 - The hours of operation are limited.
 - LU Policy 6-1c:** Consider the expansion of commercial areas into adjoining residential areas when logical boundaries, such as existing streets or boulevards, can be established and adjacent residential property can be appropriately screened and buffered.

ZMA-2022-04 Policy Consideration Highlights:

- Land Use Element (LU) - Community Service Nodes (CSN) GOAL 8:** Encourage the establishment of community service nodes that serve residential areas and promote public service, commercial, and office uses while minimizing infrastructure needs and transportation demands.
 - LU-CSN Objective 8-1:** Determine the appropriate location for the establishment of Community Service Nodes in the Future Land Use Map.
 - LU-CSN Policy 8-1a:** Develop a community service node zoning district consistent with the land use designation framework.
 - LU-CSN Policy 8-1b:** Support incentives for community service node development in or adjacent to existing regional and community-level activity centers that will:
 - Integrate residential and nonresidential land uses and the mix of private and public land uses, including entertainment, recreation, retail, restaurants, offices, fitness, public meeting facilities, child care, and other community services deemed appropriate.
 - Reestablish pedestrian connections in the street network, where they have been lost.
 - Promote alternate modes of transportation.
 - Provide convenient, comfortable, illuminated, accessible, and attractive pedestrian/bicycle trails that connect to adjacent neighborhoods; and
 - Promote pedestrian and bicycle use by providing clearly marked pathways for bike routes, public sidewalks, and trails and separating them from vehicular traffic spaces.

Eastside Addition Block 12 Rezone Staff Recommendation



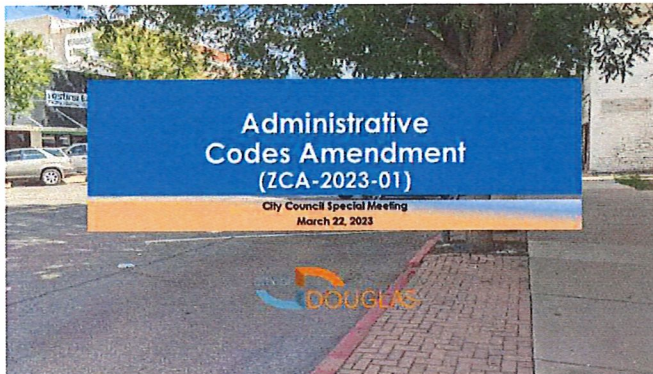
- The 2002 General Plan-designated Community Services Node covering the area never had fulfillment of Policy LU-CSN 8.1 to have a zoning district created consistent with implementing other Community Services Node policies.
- Such policies included pedestrian-oriented development standards and requirements for exceptional recreational amenities and landscaping.
- Finally, by way of misunderstanding Limited Commercial (LC) regulations, half of the parcels of the Subject Area have been permitted to transform over the last ten years into single family residences.
- LC regulations are for sprawling commercial development, not neighborhood scale.

Eastside Addition Block 12 Rezone Staff Recommendation



- Staff recommends **APPROVAL** of the proposed rezoning of Eastside Addition, Block 12 from Limited Commercial (LC) to Multi-Family Residential (MFR).

Mr. Osborne provided information on Administrative Codes Amendment.



Administrative Codes Amendment (ZCA-2023-01) Substantive Changes



- More administrative authority to resolve minor and basic interpretations and decisions on land uses and development standards.
- Minor conditional use permits and minor variances with thresholds for administrative approval process.
- Appeals first to City Manager, then Board of Adjustment, then court.
- Parcel splits, combinations, and lot line adjustments – application requirements, process and approval criteria.
- Home occupations to allow accessory buildings for use, with thresholds.
- City Planner replacing Building Inspector as Zoning Code officer.
- Plan Review process made clear.
- Building Permit and Inspection Fees section re-organized for clarity.

Administrative Codes Amendment (ZCA-2023-01) Substantive Changes



- Notification requirements amended consistent with A.R.S. requirements

Mayor Huish stated that the motivation on these issues have come up and the city is continuing to be business friendly and building friendly and that is the reason that staff is resolving and streamline these things to be able to assist them.

Mr. Osborne stated typically a city planner would have administrative interpretation authority and it could be appealable if a decision of the city planner isn't to the satisfaction. The decision could be appealed and the city manager would be their first documentation and certification of the decision. He added it is all part of the process whether it's the city planner, the city manager, or the Board of Adjustment making those decisions they would be part of a record that could then referenced for future use.

Council Member Lindemann commented that he believes appeals should be taken to city council before going to the courts.

Mr. Osborne stated that there would be issues as a legislative body, and added he would ask city legal counsel to look into it.

Council Member Lindemann commented with his experience on the Board of Adjustments it is very limited on what can be done.

Mayor Huish directed staff to ask legal staff about Council Member Lindemann’s request and if that would be a policy issue whether or not council as a body would want to take that on.

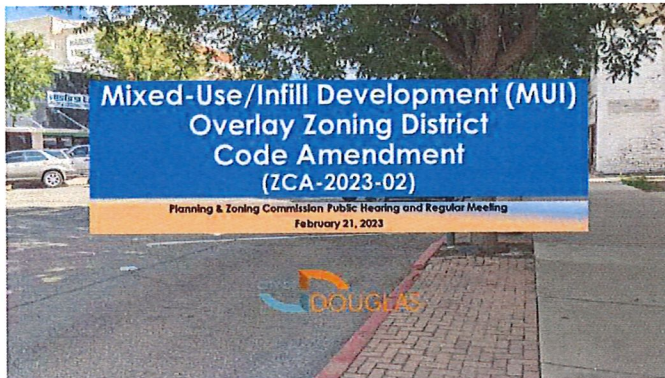
Ms. Urquijo stated that many of these items that Mr. Osborne is presenting are basic housekeeping clarity.

Council Member Lindemann stated that he wants to make sure that the city is not setting up any roadblocks and for the benefit of the property owner or the user.

Council Member Acosta commented that there have been recent issues with some parcels that have been developed and that went back to saying a previous city manager approved, she asked where does that discretion lie and how can the city make sure that everything is transparent and fair and in that there are no personal favors done for one person. Council Member Acosta added that there is proper documentation of a previous city manager allowing something outside of the code.

Mr. Osborne answered that right now there isn’t any process or substantive requirements for decision making. He added there is a process you have to follow, and an application has to be filed because the city needs to have a record with documentation.

Mr. Osborne provided information on Mixed-Use/Infill Development (MUI) Overlay Zoning District Code Amendment.



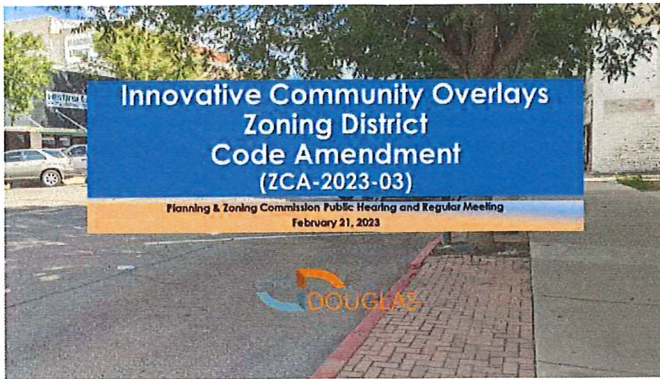
MUI Code (Section 17.05.515) Amendment (ZCA-2023-02) Proposed Changes

- All parcels in the MUI Overlay would qualify for infill development.
- Multiple detached residences and/or limited detached accessory commercial allowed on MUI parcels.
- MUI Overlay would allow application for parcel split approvals to create minimum 3,000 square foot lots, with minimum 25 ft. street frontage.
- Mixed-use allowed in any existing colonia housing corner building in the MUI.
- Triplexes allowed at corner lots.
- Design review amended to focus on a “self-mirror” standard – new buildings or remodeling need to match existing primary building on the application site.
- Notification for projects made responsibility of applicants – proof required as part of building permit application submittal.

MUI Code (Section 17.05.515) Amendment (ZCA-2023-02) Staff Recommendation

- Staff recommends **APPROVAL** of the proposed Zoning Code Text Amendments, with an understanding that Legal Counsel may revise according to Arizona Revised Statutes prior to Mayor & Council approval of any ordinance.

Mr. Osborne provided information on Innovative Community Overlays Zoning District Code Amendment.



IC Code (Section 17.05.516) Amendment (ZCA-2023-03) Proposed Changes

- Allow existing residential, commercial, and mixed-use development properties to be considered *legal conforming*.
- Allow variety of new housing types, especially in the IC-Residential Overlay, and some extent in the IC-Mixed-Use Overlay.
- Multiple detached residences and/or limited detached accessory commercial allowed on parcels.
- IC-Residential, IC-Commercial, and IC-Mixed-Use Overlays would allow application for parcel split approvals to create minimum 3,000 square foot lots, with minimum 25 ft. street frontage.
- IC-R setbacks at front and side are 4 ft., but 5 ft. from any other structures on- or off-site.

IC Code (Section 17.05.516) Amendment (ZCA-2023-03)

- IC-C and IC-MU Overlay setbacks are zero ft. from property lines, but 5 ft. from any structures on- or off-site, and rear setback is zero ft. with an alley present, 5 ft. without.
- Off-street parking requirements are relaxed.
- Allow for adaptive re-use in IC-C and IC-MU Overlays.
- International Building Codes, engineering standards, and FEMA regulations and State Health Laws still apply.
- Notification for projects made responsibility of applicants – proof required as part of building permit application submittal.

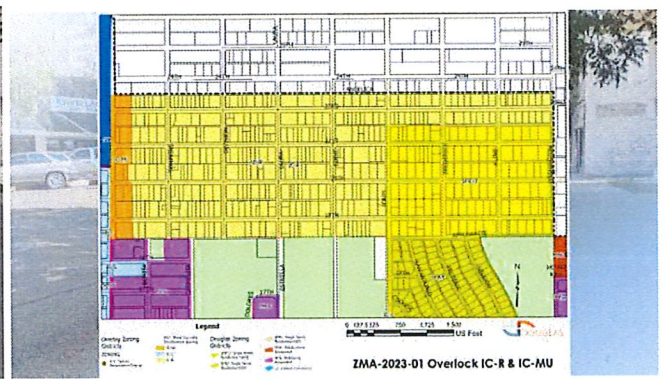
IC Code (Section 17.05.516) Amendment (ZCA-2023-03) Staff Recommendation

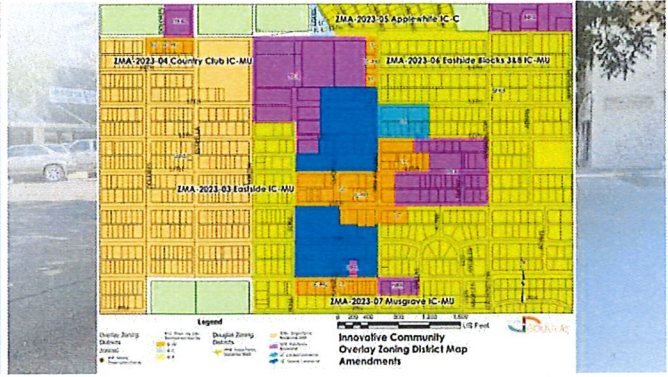
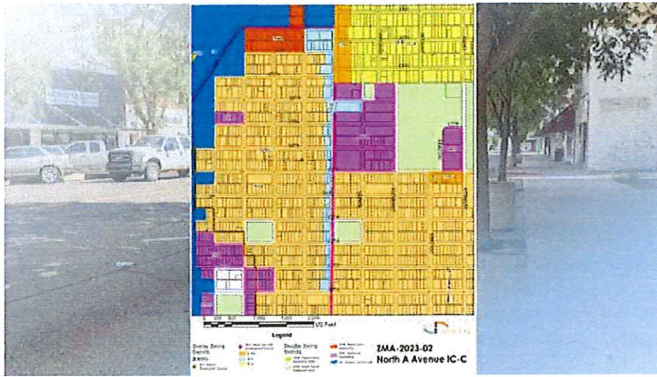
- Staff recommends **APPROVAL** of the proposed Zoning Code Text Amendments, with an understanding that Legal Counsel may revise according to Arizona Revised Statutes prior to Mayor & Council approval of any ordinance.

Council Member Acosta asked if the smaller lots have restrictions or if construction is allowed to build stories to maximize the use.

Mr. Osborne answered the two stories is the limit in the requirement.

Mr. Osborne provided information on City-Proposed Innovative Community Overlays Zoning Districts Map Amendments.





Innovative Community ZMA-2023-01 to 07

- Overlock Addition: 359 parcels, zoned Mobile Home Residence (MHR)
- North A Avenue: 39 parcels, zoned General Commercial (GC)
- Eastside Additions: 36 parcels, zoned GC, Limited Commercial (LC), and MFR
- Country Club Addition, Block 3: 7 parcels, zoned GC
- Applewhite Addition, Block 1: 1 parcel, zoned LC
- Eastside Addition, Blocks 3&8: 3 parcels, zoned LC
- Musgrave Addition, Block 38: 12 parcels, zoned LC

City-Proposed Innovative Community Overlay Zoning Districts Map Amendments (ZMA-2023-01 to 07) Staff Recommendation

- Staff recommends **CONTINUANCE** of the proposed Zoning Districts Map Amendments to allow for Statutory notification of all affected property owners, and meet petitioning requirements for each of the proposed Overlay areas.

Council Member Acosta commented she would like to see the amendment regarding the petitions, if it is not something that is required by Statute it tides up staff to be able to enact zoning code changes.

Council Member Lindemann thanked Mr. Osborne for tackling this project, and stated it was something that was needed to be done all these years and appreciates him doing it.

Mayor Huish stated that if he was asked five years ago where a tiny home can be put in Douglas he would have not known, and this allows to be able to plan for it and be able to allow in certain areas.

5. ADJOURNMENT.

Motion by Council Member Shelton, second by Council Member Morales to adjourn the meeting at 6:33 p.m.

Prepared by:

Cynthia Acuña Robles
Cynthia Acuña Robles, Deputy City Clerk