

**DOUGLAS CITY COUNCIL  
SPECIAL MEETING MINUTES  
AUGUST 12, 2009**

The City of Douglas Mayor and Council met in a Special Meeting on Wednesday, August 12, 2009, at 5:00 p.m. in the Council Chamber of City Hall – 425 10<sup>th</sup> Street. The Honorable Mayor Gomez called the meeting to order and proceeded to ask for roll call.

**1. CALL TO ORDER/ROLL CALL**

	<b>PRESENT</b>	<b>ABSENT</b>
<b>MAYOR, DR. MICHAEL GOMEZ</b>	<b>X</b>	
<b>COUNCIL MEMBER MARGARET MORALES-WARD ONE</b>	<b>X</b>	
<b>COUNCIL MEMBER MITCH LINDEMANN-WARD TWO</b>	<b>X</b>	
<b>COUNCIL MEMBER BOB FERNANDEZ - WARD THREE</b>	<b>X</b>	
<b>COUNCIL MEMBER RAY SHELTON – WARD FOUR</b>	<b>X</b>	
<b>COUNCIL MEMBER IVAN HUISH - WARD FIVE</b>	<b>X</b>	
<b>COUNCIL MEMBER LOUIE ACEDO – WARD SIX</b>	<b>X</b>	
<b>CITY MANAGER- CURTIS SHOOK</b>	<b>X</b>	
<b>CITY ATTORNEY-JUAN PABLO FLORES</b>	<b>X</b>	
<b>FINANCE DIRECTOR-JORGE TREVIÑO</b>	<b>X</b>	
<b>CITY CLERK - BRENDA AGUILAR</b>	<b>X</b>	

**2. DISCUSSION/DECISION TO CALL FOR AND CONDUCT AN EXECUTIVE SESSION UNDER THE AUTHORITY OF A.R.S. §38-431.03 (A) (7) TO DISCUSS THE POSSIBLE SALE, PURCHASE, OR LEASE OF PROPERTY RELATING TO THE HIDDEN TREASURES R.V. PARK LOCATED ADJACENT TO THE MUNICIPAL GOLF COURSE AND THE PERILLA ESTATES.**

**Motion** by Council Member Shelton, **second** by Council Member Huish, to enter into executive session.

Roll Call: All members voted in favor. **MOTION PASSED**

*“Douglas – the premier southwestern border community.”*

**3. ADJOURNMENT.**

**Motion** by Council Member Fernandez, **second** by Council Member Shelton to adjourn the meeting at 5:45 p.m. unanimously passed.

**Prepared By:**

---

**Brenda Aguilar**  
**City Clerk**

**DOUGLAS CITY COUNCIL  
REGULAR MEETING MINUTES  
AUGUST 12, 2009**

The City of Douglas Mayor and Council met in a Regular Meeting on Wednesday, August 12, 2009, at 6:00 p.m. in the Council Chamber of City Hall – 425 10<sup>th</sup> Street. The Honorable Mayor Gomez called the meeting to order and Council Member Huish led the invocation after the Pledge of Allegiance. Mayor Gomez proceeded to ask for roll call.

**4. ROLL CALL**

	<b>PRESENT</b>	<b>ABSENT</b>
<b>MAYOR, DR. MICHAEL GOMEZ</b>	<b>X</b>	
<b>COUNCIL MEMBER MARGARET MORALES-WARD ONE</b>	<b>X</b>	
<b>COUNCIL MEMBER MITCH LINDEMANN-WARD TWO</b>	<b>X</b>	
<b>COUNCIL MEMBER BOB FERNANDEZ - WARD THREE</b>	<b>X</b>	
<b>COUNCIL MEMBER RAY SHELTON – WARD FOUR</b>	<b>X</b>	
<b>COUNCIL MEMBER IVAN HUIH - WARD FIVE</b>	<b>X</b>	
<b>COUNCIL MEMBER LOUIE ACEDO – WARD SIX</b>	<b>X</b>	
<b>CITY MANAGER- CURTIS SHOOK</b>	<b>X</b>	
<b>CITY ATTORNEY-JUAN PABLO FLORES</b>	<b>X</b>	
<b>FINANCE DIRECTOR-JORGE TREVIÑO</b>	<b>X</b>	
<b>CITY CLERK - BRENDA AGUILAR</b>	<b>X</b>	

**5. PRESENTATION OF AWARDS**

None

**6. DISCUSSION/DECISION ON CONSENT AGENDA ITEMS:**

- A. EXPENDITURES FOR THE MONTH OF JULY 2009, TOTALING \$2,490,584.88.**
- B. MEETING MINUTES FOR MAY 27, 2009, JUNE 10 AND 19, 2009, AND JULY 8, 2009.**
- C. APPROVAL OF BID PROPOSAL SUBMITTED BY FELIX CONSTRUCTION FOR WELL NO. 16 EQUIPPING PROJECT IN THE AMOUNT OF \$342,455.**

**Motion** by Council Member Morales, **second** by Council Member Fernandez to approve consent agenda items A and B and to exclude item C, Item A includes the expenditures for the month of July totaling \$2,490,584.88.

Roll Call: All members voted in favor. **MOTION PASSED**

*“Douglas – the premier southwestern border community.”*

Mayor Gomez removed item 6C in order to inform the council where the funding would be obtained to cover the expenditure.

Carlos De La Torre, Public Works Director/City Engineer, stated that the funding would be from a WIFA (Water Infrastructure and Finance Authority) loan and provided background information regarding the improvements.

Council Member Lindemann inquired if the needed services would be obtained and if a warranty was included.

Carlos De La Torre stated that the contractor had submitted a proposal that met the specifications issued by the City and would provide a one-year warranty after the City would accept the project.

Council Member Huish inquired if Well 16 was located in the area of Leslie Canyon Road and if APS would be providing power.

Carlos De La Torre stated that the Well was located at that area and further stated that there was a pending agreement with APS to provide the adequate power to the facility.

**Motion** by Council Member Shelton, **second** by Council Member Fernandez to approve item 6C for the construction of Well No. 16 equipping project in the amount of \$342,455 submitted by Felix Construction.

Roll Call: All members voted in favor. **MOTION PASSED**

Items number 9 and 15 were addressed immediately after the consent agenda (6).

**7. DISCUSSION/DECISION REGARDING PETITIONS SUBMITTED BY RESIDENTS ADDRESSING THE DOG ORDINANCE.**

Juan Pablo Flores explained Charter requirements pertaining to petitions and read the argument included on the petitions. Mr. Flores further stated that direction by Council would be required in order for staff to present alternatives for consideration at the following meeting, which would conform with what the public had previously expressed to Council.

Mayor Gomez stated that in order to remain transparent no discussion amongst Council could have taken place until direction was given to staff and an agreement could be reached in the future that would benefit everyone.

Council Member Lindemann stated that several residents had previously contacted him and had made the following comments pertaining to the Dog Ordinance:

- Responsible pet owners should not be punished by limiting the number of pets.
- Enforcement should be addressed.
- Customer service improvements were needed at animal shelter.
- Unacceptable zoning restrictions for kennels.
- Pets will not be licensed since owners will be afraid to lose them and the City will lose revenue.
- A business license, kennel permit, and a veterinary certificate of safety and cleanliness compliance should be required when puppies are sold for profit.

Council Member Lindemann stated that all comments should be considered when formulating the ordinance. However, enforcement was the main issue that should be addressed.

Council Member Fernandez stated that a constituent from Ward 2 had complained to him regarding a dog problem approximately a year ago and the situation had not been addressed even though Mr. Gaytan had complained previously for two years. Additionally, Council Member Fernandez stated that he was not concerned with the number of dogs someone could own as long as the neighbors did not complain. He further expressed concern regarding the on-going problem and further questioned the reasons the matter had not been resolved.

Council Member Shelton stated that enforcement should take place with respect to the pending matter involving Mr. Gaytan. He further stated that responsible pet owners should not be restricted and should be able to have pets as long as they follow the law, adding that he had received numerous calls regarding the issue. Council Member Shelton stated that he was not concerned with the number of dogs that can be owned; however, stated that enforcement needed to be addressed.

Council Member Huish stated that there were people who were responsible with their pets. However, he disagreed with the City Attorney regarding the inability to place people in jail for not paying fines with the rules that were already established, adding that enforcement was the issue and if people did not follow the law, they would have to be held accountable.

Council Member Acedo stated that the reason he had voted for a limit of two dogs was due to the irresponsible individuals that reside in his ward. He further stated that a certain area in Ward 6 had a strong cat odor that had not been addressed.

Mayor Gomez stated that he was not concerned regarding the number of dogs that could be owned as long as the owner was responsible, adding that the problem would be solved by being courteous to each other, by using their intelligence, and by contributing to solving the problem instead of creating one.

Council Member Morales stated that constituents were concerned about enforcement and not regarding the number of dogs that could be owned.

Council Member Fernandez inquired if Mr. Gaytan would have to wait an additional month for the discussion to take place.

Juan Pablo Flores stated that by approving the prior dog ordinance Council had amplified the dog nuisance portion and enforcement could take place.

Council Member Fernandez commented that Mr. Gaytan's issue had not been addressed in two years.

Council Member Shelton inquired if a complaint had been filed.

Juan Pablo Flores stated that the issue would be addressed by administration.

Rodolfo Gaytan of 1517 9<sup>th</sup> Street, complained regarding the barking and bad odor from dogs across the alleyway. Mr. Gaytan stated that the dog problem was on-going and requested resolution.

Colleen Slavin of 1380 10<sup>th</sup> Street commented that her prior concern had been regarding vicious dogs and point of contact. Ms. Slavin expressed support regarding the City Manager, Curtis Shook, and suggested that the issue might not have been address by the prior administration, adding that accountability and enforcement were the issues.

Gwen Doyle of 1160 E Tenth Street stated that enforcement and health issues needed to be addressed.

Council Member Huish requested an explanation of the process to file a dog complaint.

Curtis Shook informed Council that administration had met with Mr. Gaytan and several pet problems were being addressed. He further explained that a dog complaint could be filed by calling the police department at their regular number or 9-1-1 for an emergency, adding that a written complaint could also be filed at the police department.

Council Member Fernandez commented that City Manager, Curtis Shook, informed him that complaints from ward 3 constituents should be forwarded to him (Curtis Shook). Council Member Fernandez further commented that there had been very little response from the City Manager and he had not been informed of the procedure to file a report elsewhere.

Council Member Lindemann disagreed with Council Member Fernandez and further stated that he had been very responsive to his constituents and did not believe that Mr. Gaytan had ever contacted him.

**Motion** by Council Member Shelton, **second** by Council Member Huish to give direction to staff to present alternatives regarding the Dog Ordinance at the next council meeting.

Roll Call: All members voted in favor. **MOTION PASSED**

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

Michael J. Ames, DVM, 908 E Avenue, commented regarding the following:

- Pet over population in Douglas.
- Humane Society of Southern Arizona in Tucson will provide a spay and neuter clinic two days a month at Dr. Ames' hospital facility within a month or two.
- Dr. Carter Neil, Medical Director, of the Humane Society of Southern Arizona and Jackie Degaizer, Clinic Director, met with City Manger, Curtis Shook, to request support regarding animal control and the shelter operation.
- Committed to providing the facility, equipment, and utilities at a low cost to spay and neuter in order to assist with the over population.

Robert D. Romero of 525 5<sup>th</sup> Street, made the following request:

- Consideration from council to remove personal property from a demolition list through an action item at the following council meeting.

**9. DISCUSSION/DECISION ON APPROVAL OF A SPECIAL EVENT LIQUOR LICENSE REQUEST BY THE DOUGLAS FIESTAS COMMITTEE FOR A FUNDRAISING EVENT TO BE HELD AT THE VETERANS MEMORIAL PARK ON SEPTEMBER 11 THROUGH 13, 2009.**

Curtis Shook explained that the request was for an annual event.

**Motion** by Council Member Lindemann, **second** by Council Member Shelton to approve the special liquor license application from the Fiestas Committee for the September Fiestas scheduled on September 18 through 20, 2009.

Howard Henderson explained that due to an internal conflict the date for the event would have to be changed to September 18 through 20, 2009.

Council Member Huish inquired if there would be a substantial fence installed east of the pool to separate the beer booth area.

Howard Henderson explained that an orange plastic barrier would be set-up, which was approximately three or four feet high, adding that it would be a small area closely monitored.

Roll Call: All members voted in favor. **MOTION PASSED**

**10. DISCUSSION/DECISION ON APPROVAL OF SECOND READING OF ORDINANCE NO. 09-969, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, ESTABLISHING USER FEES FOR THE DOUGLAS PARKING LOT AT 1<sup>ST</sup> STREET AND CUSTOMS AVENUE; AND ESTABLISHING AN EFFECTIVE DATE THEREOF.**

Curtis Shook explained the administrative establishment of the current fee schedule, the Charter requirement of ordinance approval, and suggested the restructuring of fees. Additionally, the research of a parking revenue system would require council's direction to staff since it would be an expenditure.

**Motion** by Council Member Huish, **second** by Council Member Lindemann to approve the second reading of Ordinance No. 09-969 and to place it on third reading by number and title only.

Council Member Shelton requested the number of people from the maquiladoras that currently use the Douglas Parking Lot.

Victor Gonzalez, Economic Development Director, responded that approximately 85% of vehicles parked hourly with 10% weekly from people working at the maquiladora and for commuting. A public notice was posted at the parking lot and surveys were issued to obtain opinions on the proposed rate increase. There were concerns expressed specifically on the proposed weekly rate.

Council Member Shelton inquired if the monthly pass would be eliminated.

Victor Gonzalez stated that the monthly pass would be eliminated due to vehicles that were found to be a nuisance or were subject to vandalism, adding that the long-term usage was minimal and the weekly pass would serve as a substitute.

Council Member Shelton expressed concern regarding the proposed rate increase.

Council Member Acedo inquired if vehicles pending importation into Mexico could be legally towed.

Victor Gonzalez stated that people in the business of importing/exporting vehicles were regulars and it was rarely an issue. However, on occasion vehicles were parked for a longer period and were towed due to no contact with the responsible party.

Council Member Fernandez expressed concern regarding the rate increase, suggested the installation of an automatic parking system, and camera installation to eliminate vandalism. Council Member Fernandez further requested the number of parking lot employees and if the revenue generated was sufficient to pay for salaries.

Victor Gonzalez replied that there were four employees, the revenue generated in fiscal year 2009 was over \$54,000, and after meeting liabilities, the net proceeds or revenue generated was over \$8,000.

Council Member Shelton commented that some of the revenue might be lost due to the fee increases and people might find free parking at other locations.

Council Member Huish suggested that people might choose to park at the maquiladoras.

Mayor Gomez stated that the City could not operate the parking lot if it would lose revenue, debt coverage was a requirement.

Victor Gonzalez stated that in the City of Nogales the daily parking fee was between \$5 to \$8.

Council Member Morales requested the number of employees and hours of operation for the parking lot.

Victor Gonzalez stated that there were four employees and the hours of operation were from 7:30 a.m. to 8:00 p.m. from Sunday through Saturday.

Council Member Morales requested information regarding vehicles left at the parking lot after 8:00 p.m. and commented that signage needed to be changed due to the small letters. Victor Gonzalez agreed.

Curtis Shook stated that hours were posted, rules should be followed, and signage was under review.

Larry Blasky, Daily Dispatch Editor, requested the actual number of cars parked on a weekly basis.

Victor Gonzalez stated that it would be forty to fifty vehicles parked daily.

Mayor Gomez commented that the parking lot could not be subsidized by the general fund.

Roll Call: All members, except Council Members: Ray Shelton and Louie Acedo, voted in favor. **MOTION PASSED**

11. **DISCUSSION/DECISION ON APPROVAL OF SECOND READING OF ORDINANCE NO. 09-970, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, AUTHORIZING THE CITY TO ACCEPT A DONATION OF REAL PROPERTY FROM THE HALPERN AND MARGOLIS FAMILY OF UNIMPROVED REAL PROPERTY, IDENTIFIED AS LOTS 6, 7, 8 AND 9 BLOCK “D” DOUGLAS TERRACE SUBDIVISION IN THE CITY OF DOUGLAS, ARIZONA ACCORDING TO THE MAP OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF COCHISE COUNTY ARIZONA, IN BOOK 3 OF MAPS, AT PAGE 173.**

Juan Pablo Flores provided information regarding the land donation by the Halpern and Margolis family. Mr. Flores in conjunction with a Bisbee Attorney learned that the families had only donated half of their interest. The attorneys are currently attempting to determine if it will be possible to obtain the gift deed or donation from the second part of the family, which is located back East, one is believed to be deceased and the other has heirs. However, if Mr. Flores is notified that the family does not want to gift the remainder of the property or if the family asks for cash in exchange, the City would have the option to decline at the next council meeting due to the cost involved. At that point, the City’s investment would have been \$1,500, for service fees acquired from the Bisbee Attorney.

Council Member Shelton requested the property location.

Juan Pablo Flores informed that the property was located between 4<sup>th</sup> and 5<sup>th</sup> Street at approximately Van Buren Avenue.

**Motion** by Council Member Lindemann, **second** by Council Member Morales to approve the second reading of Ordinance No. 09-970 and to place it on third reading by number and title only.

Roll Call: All members voted in favor. **MOTION PASSED**

12. **DISCUSSION/DECISION ON APPROVAL OF FIRST READING OF ORDINANCE NO. 09-971, 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 30<sup>TH</sup> DAY OF JUNE 2010, AND DECLARING AN EMERGENCY.**

Curtis Shook informed that Arizona Revised Statutes required the setting of the primary tax rate as part of the budget process on an annual basis and explained the reason for the emergency measure.

Jorge Treviño explained that Arizona Revised Statutes Section 42-304 B required taxing units to levy taxes through ordinance adoption for the fiscal year. The net assessed value for the year would be \$544,511 and if multiplied by \$100 would result in the total value subject to levy of \$54 million. The proposed property tax rate for the year would be \$0.9970 per \$100 of value and the rate would generate a tax levy of approximately \$542,877. Mr. Treviño recommended assessing the levy through ordinance in the amount of 542,877 with a tax rate of \$0.9970 per \$100 of value.

Mayor Gomez requested the rate for the prior year.

Jorge Treviño stated that it in the prior year it had been \$1.0201 per \$100 valuation; rate decreased to \$0.9970 (FY 2009/2010).

**Motion** by Council Member Shelton, **second** by Council Member Morales to approve the placement of Ordinance No. 09-971 on its first reading by number and title only and declaring an emergency.

Roll Call: All members voted in favor. **MOTION PASSED**

**Motion** by Council Member Shelton, **second** by Council Member Morales to approve the first reading of Ordinance No. 09-971 and to place it on second reading by number and title only and declaring an emergency.

Roll Call: All members voted in favor. **MOTION PASSED**

**Motion** by Council Member Shelton, **second** by Council Member Morales to approve the second reading of Ordinance No. 09-971 and to place it on third reading by number and title only and declaring an emergency.

Roll Call: All members voted in favor. **MOTION PASSED**

**Motion** by Council Member Shelton, **second** by Council Member Morales to approve the third reading of Ordinance No. 09-971 by number and title only and declaring an emergency.

Mayor Gomez congratulated the Finance Committee and Finance Department for the formulation of a sustainable budget.

Roll Call: All members voted in favor. **MOTION PASSED**

**13. DISCUSSION/DECISION ON APPROVAL OF RESOLUTION NO. 09-636, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, ARIZONA, AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONTRACT BETWEEN THE CITY OF DOUGLAS AND HAT “S” ENTERPRISES FOR THE TOMBSTONE BILLBOARD DISPLAY FOR THE NEXT THREE YEARS.**

Curtis Shook stated that the Industrial Development Authority (IDA) had initially undertaken the Tombstone billboard display and a renewal was necessary for the period of 2009/2010. IDA recommended continued use of the billboard with two different displays and they are willing to pay for half of the cost, which would be \$9,475. The City had previously paid half of the cost and this item would be an extension of what had been previously done.

**Motion** by Council Member Huish, **second** by Council Member Shelton to approve Resolution No. 09-636.

Council Member Morales inquired if the City would be paying the same cost as in prior years.

Curtis Shook stated that there would be no increase.

Mayor Gomez inquired what the City cost would be and who would pay the remaining amount.

Curtis Shook stated that the City would pay for half, which would be \$9,450, and the IDA would pay the other half.

Council Member Lindemann commented that there was heavy traffic from the Sierra Vista Highway to I-10 and suggested future advertisement in the area if it was not currently being conducted.

Curtis Shook stated that there could be follow up conducted and information could be presented to council in the future, adding that the IDA and Douglas had advertised for approximately three to five years.

Victor Gonzalez stated that Douglas had been advertised for approximately three years and the contract would now have to be renewed.

Mayor Gomez commented that the tourist trail was from Tombstone and Bisbee and did not think tourists stopped at the caverns.

Council Member Acedo suggested Benson as an advertising location.

Roll Call: All members voted in favor. **MOTION PASSED**

**14. DISCUSSION/DECISION ON APPROVAL OF RESOLUTION NO. 09-637, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, ARIZONA, PROVIDING SUPPORT FOR PARTICIPATION IN THE FEDERAL GOVERNMENT'S TIGER GRANT PROGRAM AS A CONSORTIUM OF BORDER REGION LOCAL GOVERNMENT AGENCIES.**

Curtis Shook explained that a transportation enhancement program was being put forward through the American Reinvestment and Recovery Act (ARRA) funds and the city would be part of a consortium of cities, towns, and counties. A consortium grant application would be submitted for up to \$100 million for transportation improvements funds and the portion for the City of Douglas would be approximately \$10 million to be used for various projects. Mr. Shook recommended resolution approval.

**Motion** by Council Member Huish, **second** by Council Member Shelton to approve Resolution No. 09-637.

Mayor Gomez inquired if priority would be set because it was of most importance to obtain funds for 191 and inquired if Highway 80 would be connected to the International Border.

Carlos De La Torre stated that that the item would be presented in a way to establish a roadway network that was currently non existent or inadequate to provide international commerce to and from the port of entry as well as enhancing the City Street infrastructure within network through the city within and outside of the city limits to get commerce and traffic throughout the community and to provide for additional facilities for future use. In terms of priority, for Chino Road, the City would make sure to obtain the funding from the port of entry to SR80 and 191 and it would encompass the roadway extension, payment preservation, and realignment. The improvements would provide connectivity from the cattle pens, improve access from the cattle pens to the airport, and improve International Street.

Other proposals would be to extend Washington Avenue from International Street to Sixth Street to provide connectivity and to enhance Washington Avenue from Sixth Street to the highway. Additionally, at 15<sup>th</sup> Street from G. Avenue to Airport Road emphasis would be placed not just on road infrastructure within cities, but to provide connectivity from one city to another thus enhancing the roadway to connect each and everyone of those cities and to facilitate traffic for international commerce, national security, and to be able to provide green components such as adding bike lanes and bus stops.

Mayor Gomez inquired if funding from Homeland Security would be available for International Street.

Carlos De La Torre was uncertain because the application targeted ports of entry and roadway infrastructure and there was a small component on dealing with national security for securing ports and roadways.

Mayor Gomez inquired if the application would be delegated through S.E.A.G.O.

Carlos De La Torre explained that it would be going from the Federal Highway Administration down to the State level – State DOT and that would be where the consortium of entities would be developed and those involved would have to sign an intergovernmental agreement to identify each component such as how much funding would be received and how it would be administered. S.E.A.G.O was not being bypassed, but the program would not be fully utilized by some other facilities because they did not address border issues or international commerce. In using the border regions, a roadway network would be created for a good application.

Mayor Gomez inquired if the \$10 million would be guaranteed or if trips would have to be made to ADOT to insure the issuance of the \$10 million.

Carlos De La Torre explained that there were many unanswered questions. However, the rules of engagement were as long as the City setup some sort of consortium against the benefiting communities, an agreement could be executed and finalized with the State, and the State would oversee the program.

Council Member Acedo inquired if there would be improvements made to Geronimo Trail Road due to illegal activity in the area, adding that it would improve tourism.

Carlos De La Torre stated that the County was working on including the road as part of their application packet.

Roll Call: All members voted in favor. **MOTION PASSED**

**15. DISCUSSION/DECISION ON APPROVAL OF RESOLUTION NO. 09-638, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, ARIZONA, AUTHORIZING THE CITY OF DOUGLAS FIRE DEPARTMENT TO ACCEPT A STIPEND SAFETY ENHANCEMENT STIPEND FROM THE 100 CLUB OF ARIZONA'S SAFETY ENCHANCEMENT STIPEND AWARD.**

Curtis Shook stated that the 100 Club Organization was a nonprofit and it provided support and benefits to public safety personnel.

Mario Novoa, Fire Chief, explained that the award would be to purchase ballistic panel carriers.

Mayor Gomez inquired the reason that the award could not exceed \$2,547.99.

Chief Novoa explained that the amount was based on the highest bid selected from three bids that were reviewed.

Council Member Shelton inquired where the ballistic panel carriers would be stored.

Chief Novoa explained that the carriers would be stored in the vehicles assigned to on-duty personnel.

Council Member Huish expressed concern regarding the need for EMS personnel to wear ballistic vests.

Chief Novoa explained that EMS personnel covered approximately 1,500 square miles and the protective gear was needed.

Council Member Acedo agreed with comments made by Council Member Huish.

**Motion** by Council Member Shelton, **second** by Council Member Huish to approve Resolution No. 09-638.

Roll Call: All members voted in favor. **MOTION PASSED**

**16. DISCUSSION/DECISION ON APPROVAL OF RESOLUTION NO. 09-639, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, ARIZONA, ADOPTING A NOTICE OF INTENTION TO INCREASE WASTEWATER RATES OR RATE COMPONENTS, FEES OR SERVICE CHARGES, AND SETTING A PUBLIC HEARING DATE ON SEPTEMBER 9, 2009 AT 5:30 P.M.**

Curtis Shook provided information regarding statutory requirements that would need to be followed in consideration of the rate increases.

Juan Pablo Flores informed that in the prior month Mayor and Council had approved an identical resolution; however, the publication requirement had not been met and the public report had been revised. Therefore, a revised public report and a resolution of intent to consider the sewer rate increase were before Council for consideration. If Council approved the sewer rate increase, it would go into effect until January 2010.

**Motion** by Council Member Huish, **second** by Council Member Lindemann to approve Resolution No. 09-639.

Mayor Gomez suggested the scheduling of a Finance Committee Meeting to inform the committee of the rate increase and to have them make a recommendation.

Council Member Lindemann stated that the Finance Committee had previously discussed the item during a budget hearing, but the committee could review the information and provide a recommendation.

Mayor Gomez commented that he was comfortable with the way the Finance Committee had somehow or another been able to take it to the public eye and it would provide the committee with an update.

Celia Salazar, local resident, expressed objection to the rate increase due to residents that are low income and physically unable to work.

Roll Call: All members voted in favor. **MOTION PASSED**

**17. DISCUSSION/DECISION ON APPROVAL OF RESOLUTION NO. 09-640, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, ARIZONA, AUTHORIZING THE EXECUTION OF CONTRACT BETWEEN THE CITY OF DOUGLAS AND VORNE D.B.A. AMBISERV FOR AMBULANCE BILLING SERVICES FOR TRANSPORT SERVICES PROVIDED BY THE DOUGLAS FIRE DEPARTMENT.**

Curtis Shook informed Council that due to the retirement of the Ambulance Billing Clerk, AmBiServ, an outside collection company had been previously hired for a period of 3 to 4 months. During that time collections increased approximately 200%. Proposals were later requested and Intermedix would be contracted effective August 1 (2009). Additionally, Intermedix was willing to accept back billings processed by AmBiServ at a cost of \$10 per account, but it would be more cost effective for the City to have AmBiServ finalize bills. The contract extension would be up to six months or until accounts receivables lapsed (inaudible).

Mayor Gomez inquired if it was 7% (of all net cash collected by AmBiServ).

Jorge Treviño confirmed that it was 7% and further stated that a major factor was the \$10 per account for the conversion. AmBiServ's fee was 7% and Intermedix would be charging 5.5%, adding that it would be beneficial to keep AmBiServ to address over 600 accounts.

Mayor Gomez expressed concern regarding individuals that were unable to pay or regarding individuals that would simply refuse to pay.

Jorge Treviño stated that the majority of accounts were covered by AHCCS or Medicare, and AmBiServ would do a good job due to the increase in the rate of collections. However, if the City was not satisfied with the new company, after one year proposals could be requested.

Mayor Gomez inquired if not paying a person for making the collections was also factored-in when referencing the increase in revenues.

Curtis Shook agreed and further stated that the fire and ambulance services calls increased approximately 20 percent per year and it was time to reconsider the way the City was conducting business. The alternative of obtaining collection and billing services were attractive as far as a cost benefit and the right decision had been made. Mr. Shook recommended staying with AmBiServ since it would be cost effective.

**Motion** by Council Member Huish, **second** by Council Member Shelton to approve Resolution No. 09-640.

Council Member Lindemann inquired the reason there would be a change in companies.

Curtis Shook replied that it was due to the difference in the bids of approximately \$60,000 to \$70,000.

Jorge Treviño stated that AmBiServ was the highest bidder.

Council Member Morales inquired if Intermedix was currently being used by other cities.

Jorge Treviño stated that they were operating in most parts of the country. The office taking care of the City's account was out of Oakland, California, but there were offices located at other cities. The City of Douglas would be the first entity in the State of Arizona that Intermedix would serve.

Roll Call: All members voted in favor. **MOTION PASSED**

18. **DISCUSSION/DECISION ON APPROVAL OF RESOLUTION NO. 09-641  
A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY  
OF DOUGLAS, ARIZONA, AUTHORIZING THE EXECUTION OF  
A CONTRACT AMENDMENT BETWEEN THE CITY OF  
DOUGLAS AND ENVIRONMENTAL UTILITIES SERVICES INC.,  
(EUSI) FOR PROGRAM MANAGEMENT AND MISCELLANEOUS  
PROFESSIONAL SERVICES FOR THE CITY'S WATER AND  
WASTEWATER CAPITAL IMPROVEMENT PROJECTS.**

Curtis Shook stated that the City had previously worked with EUSI regarding several contracts. The contract amendment was for program management and professional services for the City's water and wastewater capital improvements projects to assist in design and to following-up on the actual construction.

**Motion** by Council Member Huish, **second** by Council Member Lindemann to approve Resolution No. 09-641.

Mayor Gomez inquired if it was unexpected or if there was a contract and someone else had to be contracted to oversee the contract.

Carlos De La Torre stated that it was not the case and further explained that there was an existing contract that had expired or would soon expire and the amendment would extend the contract for two additional years. The contract would coincide with the timeframe the City had to execute the improvements at the wastewater treatment plant. Mr. De La Torre provided additional information regarding the contract.

Council Member Acedo inquired if services were included in the amount of the contract.

Carlos De La Torre replied that it was a fixed time and fee for the two years, adding that there would have to be savings from the total of \$4 million in order to offset the cost.

Roll Call: All members voted in favor. **MOTION PASSED**

**19. RESIGNATIONS AND APPOINTMENTS.**

None

**20. MAYOR'S REPORT.**

- E-mailed John Ballard regarding port of entry update.
- Contacted Congressman Pastor's Representative in Phoenix regarding a packet and requested support for Congresswoman Giffords reference the port of entry.
- Attended S.E.A.G.O. meeting regarding consortium agreement, which received unanimous approval.

## 21. COUNCIL MEMBERS' REPORTS.

### Council Member Morales:

- Requested the clean up of a lot located at A Avenue between 1<sup>st</sup> Street and 3<sup>rd</sup> Street.
- Light installation in the alleyway between 4<sup>th</sup> Street and 5<sup>th</sup> Street and between F and G Avenue.
- Thanked Police Chief Melis for his assistance with a service call.

### Council Member Fernandez:

- Thanked Larry Blasky for writing a good article the prior week and inquired if the Daily Dispatch needed assistance from the City to write articles.
- Suggested the appointment of two employees along with him for the development of a City bulletin.
- Inquired the employment status of the sales tax collection person or company.
  - Jorge Trevino stated that information was being gathered and within two weeks some businesses would be addressed as part of an audit program.

### Council Member Shelton:

- Commended Curtis Shook for doing a good job.
- Suggested professional conduct amongst the Mayor and Council.

### Council Member Huish:

- Thanked City staff for road improvements at 15<sup>th</sup> Street and A Avenue.
- Commented that people interested in being informed could attend meetings, but understands that not everyone might be able to.
- Agreed with Council Member Fernandez' philosophy that everyone should work as a unit rather than going their separate ways.

### Council Member Acedo:

- Inquired if there was City Ordinance that restricted the number of vehicles inside properties or that required vehicles to be covered.

**22. CITY MANAGER’S REPORT.**

- City Hall improvements for the second floor are on schedule.
- Design and use of Phelps Dodge building proposal will be provided to council within 7 to 10 days for their review.
- Revenue collections declined at end of July.
- Local sales tax increased by approximately 6%.
- Ward 4 meeting scheduled for August 25, 2009.
- Random speed control is being addressed due to complaints voiced at different ward meetings.
- Proud of City of Douglas staff for their committed to the City.
  - Responsible for any shortcomings.

**23. CITY ATTORNEY’S REPORT.**

None

**24. ADJOURNMENT.**

**Motion** by Council Member Shelton, **second** by Council Member Morales to adjourn the meeting at 8:36 p.m. unanimously passed.

**Prepared By:**

---

**Brenda Aguilar**  
City Clerk