

**DOUGLAS CITY COUNCIL
SPECIAL MEETING MINUTES
OCTOBER 14, 2009**

The City of Douglas Mayor and Council met in a Special Meeting on Wednesday, October 14, 2009, at 4:30 p.m. in the Council Chamber of City Hall – 425 Tenth Street. The Honorable Mayor Gomez called the meeting to order and proceeded to ask for roll call.

1. CALL TO ORDER/ROLL CALL

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

2. DISCUSSION/DECISION TO CALL FOR AND CONDUCT AN EXECUTIVE SESSION UNDER THE AUTHORITY OF A.R.S. §38-431.03 (A) (4) TO CONSULT WITH THE CITY ATTORNEY REGARDING PENDING OR CONTEMPLATED LITIGATION AGAINST THE CITY OF DOUGLAS BY SAM NIEBLAS, BY ABBOT REALTY, AND BY NEW CENTURY INC. AND UNDER THE AUTHORITY OF A.R.S. §38-431.03 (A) (7) TO DISCUSS THE POSSIBLE SALE, PURCHASE, OR LEASE OF PROPERTY LOCATED AT 1112 23RD STREET (APN 410-16-099, APN 410-16-100; LOT 5, 6, 7, 8, 9 OF BLOCK 16), CITY OF DOUGLAS PUBLIC HOUSING AUTHORITY OFFICES LOCATED AT 1815 9TH STREET, 357 TENTH STREET, 5TH STREET AND CHIRICAHUA AVENUE, AND 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 Shelton, **second** by Council Member Lindemann to adjourn the meeting at 5:58 p.m. unanimously passed.

Prepared By:

Brenda Aguilar
City Clerk

**DOUGLAS CITY COUNCIL
REGULAR MEETING MINUTES
OCTOBER 14, 2009**

The City of Douglas Mayor and Council met in a Regular Meeting on Wednesday, October 14, 2009, at 6:00 p.m. in the Council Chamber of City Hall – 425 10th 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

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

5. PRESENTATION OF AWARDS

None

6. DISCUSSION/DECISION ON CONSENT AGENDA ITEMS:

- A. EXPENDITURES FOR THE MONTH OF SEPTEMBER 2009, TOTALING \$1,904,130.96.**
- B. MEETING MINUTES FOR SEPTEMBER 9 AND 21, 2009.**
- C. APPROVAL OF BID PROPOSAL SUBMITTED BY SPIRE ENGINEERING FOR THE BONITA AVENUE SEWER INTERCEPTOR PROJECT IN THE AMOUNT OF \$385,109.53.**

Motion by Council Member Lindemann, **second** by Council Member Huish to approve consent agenda items A and B and to exclude item C, Item A includes the expenditures for the month of September totaling \$1,904,130.96.

“Douglas – the premier southwestern border community.”

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

Mayor Gomez requested the removal of item (c) due to discrepancies in the bid amounts and inquired if a quality contractor was being recommended.

Curtis Shook stated that a quality contractor had been recommended and there had been sixteen bids submitted out of twenty-five contractors that had attended the pre-bid conference. The low bid amount was possibly due to the economy.

Carlos De La Torre, Public Works Director/City Engineer, explained the disparity between the engineer's estimate and the bid amounts that were submitted. Mr. De La Torre further explained the bid process and stated that there was no reason the city would have to pursue a different bidder.

Motion by Council Member Lindemann, **second** by Council Member Shelton to approve item 6C, bid proposal submitted by Spire Engineering for the Bonita Avenue Sewer Interceptor project in the amount of \$385,109.53.

Council Member Huish inquired if the written specifications would hold the contractor responsible.

Carlos De La Torre agreed.

Council Member Shelton inquired if project references were checked for Spire Engineering within the last three years.

Carlos De La Torre stated that project references had been contacted and most were happy; however, City of Safford was unhappy since the project had not been completed within budget or within schedule.

Council Member Shelton inquired if the City of Safford project had been similar to the City of Douglas project and if the contracting company was financially sound.

Carlos De La Torre replied that it was not similar, it had been a landscaping project and the issue was due to their subcontractor. However, for the City of Douglas project the contractor would be self-performing. Mr. De La Torre further stated that the city did not have a way to check the contractor's financial statements, but the contractor was licensed, bonded, and had submitted a bid bond. Additionally, if they could execute the contract, a performance bond along with a labor and material bond would be required and that would show their financial capacity to take the project.

Council Member Shelton inquired if the contractor had prior experience with a similar project.

Carlos De La Torre stated that they had with a similar value or more.

Council Member Lindemann inquired if there was a procedure or process that would protect the city from cost over-runs.

Carlos De La Torre stated that the plan specifications were used as a guide along with the general project conditions and the city's legal interpretations of what the documents would say. Although there was always an attempt to anticipate by having safe mechanism in place to protect the city, it would be difficult to prevent any occurrences from happening.

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

7. PRESENTATION/DISCUSSION BY CHIRICAHUA COMMUNITY HEALTH CENTERS, INC. PERSONNEL REGARDING THEIR PEDIATRIC CENTER OF EXCELLENCE.

A presentation was given by Dr. Jonathan Lee-Melk, Chiricahua Community Health Centers, Inc., regarding their Pediatric Center of Excellence.

The following topics were discussed:

- National Center for Medical Home Implementation
- Desirable Characteristics of a Medical Home
- Staffing Proposal
- \$1.2 million Federal Dollars

Mayor Gomez requested business hours and inquired if service would be 24/7.

Dr. Lee-Melk informed that the hours planned for the building would be Monday – Thursday from 8:00 a.m. to 7:00 p.m., Friday from 9:00 a.m. to 5:00 p.m., and Saturday from 9:00 a.m. to 3:00 p.m., adding that it would be a center and not a hospital.

Mayor Gomez commented that in his vision for Douglas, the only way to have economic development would be by having a hospital and further inquired if Dr. Lee-Melk collaborated with the hospital. Mayor Gomez asked if the grant required 24/7 service.

Dr. Lee-Melk stated that he collaborated with the hospital almost daily and the grant did not require 24/7 service.

Mayor Gomez explained that his concern was the project had been initiated in Elfrida in order to support low-income individuals who did not have transportation. However, patients were being sent to Sierra Vista when the clinic was closed and the local hospital was not being utilized. Mayor Gomez expressed concern regarding a lack of collaboration with the local hospital since the city would not have a viable economic development as in his vision for the City of Douglas.

Dr. Lee-Melk agreed that the hospital was extremely important in Douglas and informed that there were a large proportion of families unable to travel and some families had difficulty in getting to the Douglas hospital. Dr. Lee-Melk stated that in the pediatric practice he was at almost 90% Medicaid, which meant 9 out of 10 children were below the poverty level. Dr. Lee-Melk is in contact with emergency room personnel at least two to three times per week. Additionally, he would like to see children hospitalized in Douglas, but the current setup does not accommodate. On rare occasion, his patients go to Sierra Vista unless there is an overflow some have to go to the Bisbee hospital.

Council Member Lindemann supports the project. Council Member Lindemann inquired if the center would be for children only and requested the age group.

Dr. Lee-Melk stated that the building would be exclusively for children and the age group would be from zero to twenty-one.

Council Member Lindemann inquired if the plan was to recruit specialists.

Dr. Lee-Melk stated that specialists required quality workspace, translational services, and a high show rate, adding that all three could be provided.

Council Member Lindemann asked if the Cochise County Nursing program would be contacted.

Dr. Lee-Melk responded that the nursing students had previously rotated through and would be included.

Council Member Fernandez agreed with Council Member Lindemann regarding support of the project and congratulated the physician, adding that he was a board member for the Chiricahua Council and had voted in favor of the project.

Council Member Shelton requested the number of additional new jobs the project would create.

Dr. Lee-Melk informed that there was one pediatrician at Chiricahua and an additional pediatrician had been recently hired. As the primary pediatric provider, Dr. Lee-Melk treated 4,200 patients at the Chiricahua clinic in the prior year and an additional 2,000 patients in Douglas. The new clinic would have 9 exam rooms plus an additional 2 exam rooms for specialists. There was an estimate of 26,000 encounters in one year with 5 providers and 30 full time employees mostly of which would be new hires.

Council Member Shelton inquired if the City of Sierra Vista offered a similar service and expressed support regarding the project.

Dr. Lee-Melk responded that they did not, adding that the service would be very unique.

Council Member Huish congratulated the physician and expressed support regarding the project. Council Member Huish stated that the \$1.2 million that would be used to renovate the building would be beneficial to the local contractors and further stated that in a prior discussion Dr. Lee-Melk had commented that he felt comfortable in using local contractors for the renovation work.

Dr. Lee-Melk stated that the leadership at Chiricahua has said on multiple occasions that the goal would be for the money to remain in Douglas whenever possible.

Council Member Acedo expressed support regarding the project.

Dr. Lee-Melk commented that the goal was to build a critical mass of providers in order to meet the needs of families.

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

Sister Elizabeth Adams, Domestic Violence Prevention Services Director for Catholic Community Services in Southeastern Arizona, made the following comments:

- Thanked council for their approval, in the prior month, of the proclamation in support of Domestic Violence Awareness Month for the month of October.
- City of Douglas and citizens of the community have been strong supporters and collaborators with Catholic Community Services for many years.
- Shelter opened in 1996, 631 women and 1,223 children have sought safety and shelter at the House of Hope; an additional 200 to 250 victims have received out of shelter services.

- Five years ago, Catholic Community Services began exploring the development and construction of a new shelter, the plans included conversations with city leaders who in recognition of the need for services to the community offered their support and assistance in moving forward with the plan.
- Construction was initiated in the summer of 2009 for the new shelter, but was stopped due to the cost of impact fees.
- Requested assistance with the \$28,000 cost in impact fees for the construction of the new shelter.
 - The amount was not planned or raised.
- Met with city manager and based on the use of existing pipes a fee reduction was offered to \$24,000.
- Cochise Catholic Community Services must raise \$300,000 on an annual basis to support the services offered through the House of Hope; a \$55,000 deficit is expected in the current year.
- Unable to raise the additional funds without the community's support; would like to resume construction.
- The current building is inadequate for the type of service they would like to offer.
- Requested the community and city's support.
- Annual candle light walk on October 15, 2009, at 6:00 p.m. starting at City Hall and finishing at the Castro Park.

Kathleen Gomez of 1046 G. Avenue made the following comments:

- Bryan Bickel, SEAMC CEO, expressed support regarding the Pediatric Center of Excellence during the Talk of the Town radio show.
- Farmers Market scheduled for October 17 and 18.
- Last Farmers Market scheduled for October 25.
- Chamber of Commerce Banquet scheduled for Friday, November 6.
 - Man of the Year - Edward Page
 - Woman of the Year - Cathy Keiser
 - New Business of the Year 2009 – ACT Call Center
 - Large Business of the Year 2009 – Chiricahua Community Health Center
 - Small Business of the Year 2009 – Roy Clark, Baxter Plumbing
 - Guest of Honor 2009 – Terry Goddard, Arizona Attorney General
- Chamber of Commerce breakfast fundraiser on behalf of Douglas High School scheduled for October 21, 2009, \$10 per ticket.

9. DISCUSSION/DIRECTION PERTAINING TO BUSINESS LICENSE FEES AT THE COCHISE COUNTY FAIRGROUNDS.

Curtis Shook explained the collection process of business license fees from vendors at the recent Cochise County Fair. Mr. Shook further explained that staff would need direction from council on the agenda item, adding that it was not a revenue making operation for the city, but a protection for the consumer for the city to know who was operating and selling products.

Mayor Gomez commented that actions taken at the fair were due to requirements from an ordinance that had been in place for some time and not from a new action due to the annexation. Mayor Gomez inquired if a licensed mobile vendor could use the same license at the fair grounds.

Curtis Shook stated that the mobile vendor license should be applicable; however, follow-up would be conducted. Mr. Shook further stated that there were two concerns: 1. Knowing who was operating a business. 2. No sales tax payment for special events from out of town vendors.

Mayor Gomez inquired if the daily business license charge would be a supposition that it was a part of the sales tax for doing the business.

Curtis Shook stated that the assumption was that someone with a permanent business license also had a state transaction privilege tax (TPT) number and that they were making the required state and local sales tax payments, adding that very few out of town vendors attending special events paid the required taxes.

Council Member Lindemann requested an explanation of the Cochise County Fair's involvement since they charge vendors' fees and with the city's charges, it would be a double fee.

Curtis Shook stated that it might be perceived as such; however, the city did not have an option and council would need to discuss the issue.

Council Member Lindemann stated that the city needed some type of control and the collection component would also have to be addressed. Council Member Lindemann inquired if the Cochise County Fair Association would be responsible for the collection and submittal to the city.

Curtis Shook stated that the Cochise County Fair Board was not an entity of Cochise County Government, but was an independent county fair board with executive decision-making. Mr. Shook further suggested the possibility of working with the fair board at some type of cosponsor event, to protect the city's interests, and not to have a deleterious effect on the fair.

Council Member Lindemann inquired who was responsible for payment of liability insurance.

Karen Strongin, General Manager - Cochise County Fair Grounds, explained that the Cochise County Fair Association was a nonprofit and privately owned association, which paid approximately \$36,000 annually for its liability insurance. Additionally, every vendor at special events is required to provide liability insurance for \$1 million and to name the fair association as an additional insured.

Karen Strongin suggested that an annual business license be paid by the Cochise County Fair Association that would also allow all vendors to operate under the same license, similar to a process followed by the City of Yuma. The fair association could ensure that every vendor had some type of a business license and copies could be provided to the city. Ms. Strongin stated that vendors paid state taxes and the state made the collection for the different cities.

Additionally, Ms. Strongin stated that vendors had difficulty absorbing the licensing fees without prior knowledge. The pre-annexation agreement between the city and the fair grounds association assured that the fair grounds would continue to operate in the same way in perpetuity. Fair operations depend on vendors and some expressed dissatisfaction with the fees and might consider not returning.

Council Member Lindemann inquired if fundraising or nonprofit groups were charged for space (by the fair association).

Karen Strongin replied that it depended on the event, but the liability insurance was always required, adding that nonprofits were charged for the space.

Council Member Fernandez stated that vendor identification was a concern; however, the effort was being duplicated and the fees should be assessed once. He suggested the development of a resolution plan that would satisfy everyone.

Council Member Shelton expressed concern regarding the issue; however, stated that the fair was well-attended, possible record attendance, and although vendors were initially upset, they were happy towards the end of the event. Council Member Shelton suggested the issuance of a refund if possible, expressed dissatisfaction regarding the fee collection, and supports the idea of charging an annual fee to the fair association and possibly a \$5 vendor fee.

Karen Strongin clarified that record attendance was recorded in the prior three years. Ms. Strongin further stated that State Law required submission of the vendors' list to the Arizona Department of Revenue and to Cochise County Health Department. The City of Douglas can also be issued the same list.

Council Member Shelton suggested the issuance of a letter through either the Cochise County Fair Association or the City of Douglas to the vendors once a decision is made on the course of action.

Council Member Huish expressed support regarding the proposal to charge an annual license to the Cochise County Fair Association and to have vendors covered under the same license, similar to the City of Yuma. Furthermore, Council Member Huish stated that a reimbursement should only be considered if there had been any wrongdoing.

Council Member Acedo agreed with comments made by Council Member Huish and stated that the City of Douglas should support the vendors due to the fees charged by the fair association and suggested dust control.

Mayor Gomez commented that the issue could be worked out and expressed concern regarding an upcoming gun show.

Lynn Kartchner, audience member, informed that it was scheduled for October 31 and November 1, 2009.

Mayor Gomez inquired how the gun show would be addressed.

Curtis Shook stated that by putting the item on the agenda, he could not violate an ordinance, but felt he had the authority as long as council was going to hear the issue and give direction to fix the item. Mr. Shook informed Karen Strongin and the fair board that he would postpone the payment of any vendor fees for the gun show and other events if the council directed staff to make a change to the ordinance. Mr. Shook further stated that, he believed, he had the authority to take that action, which was supported by the City Attorney, Juan Pablo Flores.

Motion by Council Member Huish, **second** by Council Member Shelton to direct staff to amend current Municipal Code to reflect policy changes and fees at the County Fairgrounds.

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

10. **APPROVAL OF RESOLUTION NO. 09-643, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, ARIZONA, AUTHORIZING THE EXECUTION OF AN ASSISTANCE TO FIREFIGHTERS GRANT FROM THE ARIZONA DEPARTMENT OF HOMELAND SECURITY IN THE AMOUNT OF \$15,810 FOR THE PURCHASE OF RADIATION DETECTING EQUIPMENT TO BE USED BY THE CITY OF DOUGLAS FIRE DEPARTMENT, BORDER REGION, AND COCHISE COUNTY.**

Curtis Shook provided the grant information.

Motion by Council Member Shelton, **second** by Council Member Huish to approve Resolution No. 09-643.

Council Member Huish commented that in the Douglas area there was no nuclear radiation and requested additional information.

Mario Novoa, Fire Chief, recognized Matt King, Fire Lieutenant, for writing the grant.

Matt King, Fire Lieutenant, explained that radiation did not necessarily mean nuclear, but common items used radiation such as medical equipment and equipment used to check wells. The radiation detecting equipment would also be used to check for illicit or illegal items that might have crossed through the port of entry for possible terrorism in other areas.

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

11. DISCUSSION/DECISION ON APPROVAL OF RESOLUTION NO. 09-644, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, ARIZONA, AUTHORIZING THE EXECUTION OF PREFERRED PROVIDER AGREEMENT/FIRST CALL AGREEMENT BETWEEN THE CITY OF DOUGLAS AND MED-TRANS CORPORATION D.B.A. ARIZONA LIFELINE HELICOPTER MEDICAL TRANSPORTATION SERVICES FOR THE DOUGLAS FIRE DEPARTMENT.

Curtis Shook stated that the fire department initiative was meant to provide a quick and effective service to patients, adding that Tucson Medical was in support of the preferred provider agreement.

Motion by Council Member Huish, **second** by Council Member Shelton to approve Resolution No. 09-644.

Council Member Shelton requested an explanation regarding the difference between the new agreement and old agreements.

Mario Novoa, Fire Chief, replied that there were no old agreements.

Mayor Gomez commented that it appeared Lifeline had been doing well in Douglas.

Mario Novoa, Fire Chief, agreed with Mayor Gomez and further stated that in December of 2003 he had met the Marketing Support Director, Marty Arkus. At that time, Douglas did not have an onsite helicopter and the waiting time for patient transports was a minimum of 45 minutes. Lifeline was established in Douglas in April 2005 with the support from the fire department. Chief Novoa expressed satisfaction with Lifeline's level of service and outstanding staff, adding that their speedy service had been recently recognized by a physician from St. Joseph's hospital in Tucson.

Mayor Gomez requested the number of monthly usage.

Marty Arkus, stated that on average there were 25 monthly (transports), adding that there were 15 to 17 missions in the Bisbee service area.

Council Member Huish thanked Lifeline for their service.

Council Member Shelton inquired why the agreement had been presented now instead of in the past since Lifeline had already been in Douglas for quite some time.

Marty Arkus, stated that it was a part of solidifying their business due to ongoing changes.

Mayor Gomez inquired if there was an authorization process for a direct request for transport from an injured party.

Mario Novoa, Fire Chief, stated that the party could go directly (to Life Line).

Marty Arkus, explained that it was their responsibility as an air service provider that most activations would occur from fire, police, or E.M.S. directly prior to transportation in order to follow State E.M.S. rules and regulations.

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

12. DISCUSSION/DECISION ON APPROVAL OF FIRST AND SECOND READING OF ORDINANCE NO. 09-972, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, AMENDING TITLE 6 OF THE DOUGLAS MUNICIPAL CODE RELATING TO ANIMALS BY AMENDING ORDINANCES 787 AND 09-963 PERTAINING TO CHAPTER 6.04 AND ESTABLISHING ADDITIONAL REGULATIONS ON DOG MAINTENANCE; ESTABLISHING SEVERABILITY OF COMPONENTS OF ORDINANCE.

Juan Pablo Flores stated that amendments to the ordinance had been made based on direction previously given by council and explained the modifications.

Motion by Council Member Shelton, **second** by Council Member Huish to approve the first reading of Ordinance No. 09-972, and to place it on second reading by number and title only.

Council Member Lindemann thanked the City Attorney for his work on the ordinance.

Mayor Gomez inquired if citations had been issued based on the old ordinance.

Juan Pablo Flores stated that citations had been issued in relation to the dog nuisance.

Council Member Shelton thanked the City Attorney for his work and expressed support regarding the revised ordinance.

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

Council Member Acedo also agreed.

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

Motion by Council Member Shelton, **second** by Council Member Huish to approve the second reading of Ordinance No. 09-972, with modifications as presented, and to place it on third reading by number and title only.

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

13. DISCUSSION/DECISION ON APPROVAL OF FIRST AND SECOND READING OF ORDINANCE NO. 09-973, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, ESTABLISHING A NEW RATE SCHEDULE FOR WASTEWATER SERVICES AND FEES, AND REPEALING ALL USER FEE SCHEDULES IN ORDINANCES NO. 602, 755, 794 AND 06-904, EFFECTIVE JANUARY 1, 2010.

Curtis Shook stated the rate increase would be effective January 1, 2010, in accordance with ordinance schedules, adding that the Finance Committee had recommended to council the rate increase since some debt obligations would not be covered with the current rates and would have to be paid from the reserves.

Motion by Council Member Huish, **second** by Council Member Shelton to approve the first reading of Ordinance No. 09-973, and to place it on second reading by number and title only.

Council Member Lindemann stated that the Finance Committee had conducted research, looked at various options, and had voted unanimously to recommend the schedule, as presented, as the best option.

Council Member Shelton suggested the dissemination of the information to the public.

Council Member Huish stated that the public needed to be informed, adding that the general fund should be used to cover some of the expenditures.

Mayor Gomez inquired if Turning Point had been informed.

Curtis Shook replied that the information had not been mentioned to Turning Point, but would be relayed during the Talk of the Town radio show.

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

Motion by Council Member Huish, **second** by Council Member Shelton to approve the second reading of Ordinance No. 09-973, with modifications as presented, and to place it on third reading by number and title only.

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

14. DISCUSSION/DECISION ON APPROVAL OF FIRST READING OF ORDINANCE NO. 09-975, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, AMENDING SECTION 12.16.050 SUBSECTION B OF THE DOUGLAS MUNICIPAL CODE TO SUSPEND THE TWENTY (20) DOLLAR PROCESSING FEE; AND DECLARING AN EMERGENCY.

Curtis Shook stated that the item was an extension of a previously approved ordinance by the council that would allow sidewalk fees to be suspended from October 14 through December 31 (2009) in an effort to promote downtown shopping during the Christmas season.

Motion by Council Member Shelton, **second** by Council Member Fernandez to approve the placement of Ordinance No. 09-975, 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 Fernandez to approve the first reading of Ordinance No. 09-975, 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 Fernandez to approve the second reading of Ordinance No. 09-975, 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 Fernandez to approve the third reading of Ordinance No. 09-975, by number and title only and declaring an emergency.

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

15. DISCUSSION/DECISION ON APPROVAL OF CONSTRUCTION FOR WATER DISTRIBUTION SYSTEMS IMPROVEMENTS ALONG 20TH & 21ST STREETS FROM A AVENUE TO WASHINGTON AVENUE.

Curtis Shook stated that the city had received a CDBG grant for approximately \$320,000 to be used for curb and gutter work in the area of Sunnyside and the area of 20th and 21st Streets would also be having curb and gutter work along with improvements to steel pipe with leakage problems. Mr. Shook recommended approximately \$120,000 to be expended from the water and sewer reserves for the construction and installation of approximately 8,700 linear feet of 6” PVC water line, installation of 15 valves, installation of 12 fire hydrants, and reconnection of 165 existing services.

Motion by Council Member Shelton, **second** by Council Member Acedo to authorize staff to construct water distribution system improvements along 20th & 21st Streets from A Avenue to Washington Avenue in conjunction with the curbing and road improvements in this area and to fund these water improvements out of the Water & Sewer Capital Reserves.

Mayor Gomez inquired what the financial impact would be.

Curtis Shook stated that water fund reserves could be used based on the critical and essential nature of the improvements for an amount up to \$120,000.

Mayor Gomez inquired if in-house- labor would be used.

Curtis Shook agreed.

Council Member Acedo inquired if there would be residential water pressure issues.

Carlos De La Torre, Public Works Director/City Engineer, stated that there would not be any water pressure issues.

Council Member Acedo inquired if the line replacement would be up to the meter.

Carlos De La Torre, stated that (inaudible) new lines would be replaced beyond the meter.

Council Member Shelton requested the approximate account balance for reserves.

Carlos De La Torre stated that capital and reserves balance was approximately \$2.4 million.

Council Member Shelton requested the project cost.

Carlos De La Torre stated that it would be \$120,000.

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

16. DISCUSSION/DECISION ON APPROVAL FOR A DISABLED PARKING REQUEST BY MANUEL YANEZ OF 650 13TH STREET.

Curtis Shook explained that based on Ordinance through a section of the Douglas Municipal Code residents had the ability through the manager's office to apply for a disabled space in front of a home, adding that certain criteria had to be met and staff was recommending the placement of the disabled parking.

Motion by Council Member Huish, **second** by Council Member Shelton to approve the installation of one physically disabled parking space in the vicinity of 650 13th Street and a fee waiver due to financial hardship.

Mayor Gomez inquired if there was a driveway at the residence.

Carlos De La Torre stated that there was no driveway and no alternate access to the site.

Mayor Gomez inquired if ramp improvements were required.

Carlos De La Torre stated that the ramp improvements were required.

Council Member Huish inquired if the disabled parking would be available for parking to someone else with the disabled parking permit.

Carlos De La Torre stated that it would not be in a private parking space and it would be available to individuals with a disabled parking permit.

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

17. DISCUSSION/DECISION ON APPROVAL OF VEHICLE AUCTION LISTS AND AUCTION DATES OF NOVEMBER 14 AND DECEMBER 12, 2009, SUBMITTED BY THE DOUGLAS POLICE DEPARTMENT.

Curtis Shook explained the vehicle auction process and stated that council approval was necessary.

Motion by Council Member Huish, **second** by Council Member Fernandez to approve the lists of vehicle and authorize staff to proceed with the scheduled auctions for November 14, 2009 and December 12, 2009.

Mayor Gomez inquired if office fixtures would be included.

Curtis Shook stated that only vehicles would be sold.

Mayor Gomez inquired if the City had any use for any of the vehicles.

Curtis Shook replied that generally the better vehicles were issued to public safety or if city departments were in need of a specialized vehicle that was on a list it would be issued to that department.

Council Member Acedo inquired if City employees or Council Members were allowed to bid on vehicles.

Juan Pablo Flores stated that they were not.

Council Member Huish inquired if an inspection day would be available prior to the auction.

Alberto Melis, Police Chief, stated that the vehicles could be inspected prior to the auction and that staff would also be available on auction day, adding that there were approximately 200 vehicles that would need to be moved.

Council Member Shelton inquired the length of time it had taken the police department to acquire all the vehicles and if they were sold as is.

Alberto Melis, Police Chief, stated that the vehicles had been there for some time pending a legal decision from the Cochise County Attorney's office and were sold as is.

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

18. MAYOR'S REPORT.

- Attended binational meeting (Arizona – Sonora Border Liaison Mechanism) on September 29 (2009).
 - Great interest in the Douglas Port of Entry discussion.
 - Appreciated the presence of many government officials.
 - Mexico did not make a commitment.
 - An October meeting will be scheduled to resolve differences. (Jonathan) Ballard (GSA – Senior Asset Manager) informed during the meeting that if no commitment was made by December 31, there would be a one-year delay.
- Expressed concern regarding the size of political signs and the lack of control regarding mobile signs.

19. COUNCIL MEMBERS' REPORTS.

Council Member Fernandez:

- Attended meeting in Mexico City as a follow-up to a meeting in Phoenix, a November meeting will be scheduled.

Council Member Shelton:

- Expressed satisfaction with road improvements on 10th Street.
- Complaints regarding high gas prices.

Council Member Huish:

- Expressed satisfaction with road improvements on 10th Street.

Council Member Acedo:

- Thanked the City Manager regarding code enforcement.
- Reported vandalized homes and illegal activity, suggested boarding the entryways if it was legal.

20. CITY MANAGER'S REPORT.

None

21. CITY ATTORNEY’S REPORT.

None

22. ADJOURNMENT.

Motion by Council Member Huish, **second** by Council Member Shelton to adjourn the meeting at 8:10 p.m. unanimously passed.

Prepared By:

Brenda Aguilar
City Clerk