

**DOUGLAS CITY COUNCIL
SPECIAL MEETING MINUTES
DECEMBER 9, 2009**

The City of Douglas Mayor and Council met in a Special Meeting on Wednesday, December 9, 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	
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 (excused)
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 MT DEVELOPMENT AND PENDING OR CONTEMPLATED LITIGATION AGAINST THE CITY OF DOUGLAS BY MANUEL TAPIA, BY COCHISE COUNTY FAIR ASSOCIATION AND DONATION OF PROPERTY, BY THE HALPERN AND MARGOLIS FAMILY, LOCATED AT THE ADJACENT NORTHEAST CORNER OF 5TH STREET AND JEFFERSON.

Motion by Council Member Shelton, **second** by Council Member Morales 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 Morales, **second** by Council Member Shelton to adjourn the meeting at 5:20 p.m. unanimously passed.

3. ADJOURNMENT.

Prepared By:

Brenda Aguilar
City Clerk

**DOUGLAS CITY COUNCIL
REGULAR MEETING MINUTES
DECEMBER 9, 2009**

The City of Douglas Mayor and Council met in a Regular Meeting on Wednesday, December 9, 2009, at 6:00 p.m. in the Council Chamber of City Hall – 425 Tenth 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	
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 (excused)
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

Mayor Gomez presented the following awards:

Christmas Light Parade

- 3rd place: Southwest Gas
- 2nd place: Loretto Catholic School
- 1st place: Center for Academic Success

Certificate of Achievement 2007/2008 Financial Report

Curtis Shook commented that the certificate had been issued for excellence in financial reporting for the second year in a row, explained the qualification process, and commended the Finance Department for their work.

Service Awards to City of Douglas Employees

Alberto Melis, Police Chief , two years; Carlos De La Torre, Public Works Director/City Engineer, nine years; Brenda Aguilar, City Clerk, twenty years.

“Douglas – the premier southwestern border community.”

6. DISCUSSION/DECISION ON CONSENT AGENDA ITEMS:

A. EXPENDITURES FOR THE MONTH OF NOVEMBER 2009, TOTALING \$1,594,951.05.

B. MEETING MINUTES FOR NOVEMBER 12, 2009.

Motion by Council Member Morales, **second** by Council Member Huish to approve the consent agenda items, including item – A, expenditures for the month of November totaling \$1,594,951.05.

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

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

Angie Villareal, Jones Real Estate – 948 F Avenue, made the following request:

- Revision to ordinance regarding real estate signs, article 7.

8. RESIGNATIONS AND APPOINTMENTS.

None

9. DISCUSSION/DECISION REGARDING PETITIONS SUBMITTED BY RESIDENTS REQUESTING THE INSTALLATION OF SPEED BUMPS ON 17TH STREET IN THE AREA LOCATED BETWEEN THE PAN AMERICAN AVENUE/SULPHUR SPRINGS JUNCTION AND I AVENUE.

Curtis Shook stated that a petition had been submitted by ten households on 17th Street requesting the installation of speed bumps as traffic control to reduce speeding in residential areas. Mr. Shook further stated that due to speed concerns expressed by residents during ward meetings, speed patrols had been established and a new traffic unit would be introduced in the future.

However, if the council wished to move beyond speed enforcement, staff would recommend a study, would establish design, and would set criteria. Mr. Shook expressed concern regarding the city's liability if speed bumps were randomly installed, and recommended a future presentation of a complete report on everything involved with speed bumps.

Council Member Huish stated that speed bumps were unnecessary.

Motion by Council Member Lindemann, **second** by Council Member Morales to approve direction to staff to research installation of speed bumps, types of traffic calming devices, engineering criteria, and insurance risks associated with placement of speed bumps.

Council Member Shelton inquired if Chief of Police, Alberto Melis, had conducted research on the subject.

Alberto Melis, Chief of Police, responded that he had not.

Carlos De La Torre, Public Works Director/City Engineer, stated that there was criteria that would need to be considered:

- Traffic volume
 - at least 1,000 vehicles per day, but no more than 4,000
- 85% of the traffic must exceed speed limit by at least 7 miles
- Speed humps should not be installed around truck routes or in main emergency response areas.
- Speed humps can be installed in areas with uninterrupted traffic for an extended roadway length.
- 50% or 60% of residents in the area must also approve the placement of speed humps.
 - Traffic should not be rerouted.
- Speed humps cannot be installed where there is two-way traffic; minimum roadway width must be 40 feet or less.
- Staff would have to review physical considerations to develop criteria.

Alberto Melis, Chief of Police, commented on the importance of the process and suggested the inclusion of Fire Chief Novoa in future discussion.

Mayor Gomez inquired what other type of calming devices were available.

Carlos De La Torre explained that a speed hump was not a traffic device, but was considered a traffic calming device, which was not federally approved and it could be enacted by local municipalities. Other options available would be a traffic circle and necking the roadway to change the pattern of the road without installing a speed hump, which would slow down emergency vehicles. Some calming devices are being considered for installation on other city streets.

Mayor Gomez commented on insurance risk for the city.

Council Member Lindemann expressed opposition regarding speed bumps and instead suggested the purchase of radar signage.

Mayor Gomez inquired if photographing equipment had been researched.

Curtis Shook stated that it had been researched, but it was very expensive.

Council Member Morales expressed opposition regarding speed bumps and stated that installation in one location would create requests in other areas, which would be an excessive cost to the city. Council Member Morales supports the radar device and suggested the purchase of additional signs.

Sgt. Carlos Trujillo informed council that there were two radar signs that were normally placed in random areas, within the community, in response to speeding complaints.

Council Member Shelton expressed opposition regarding speed bumps and suggested the installation of traffic circles and radar signs to slow down traffic.

Angie Villareal, local resident, commented on commercial traffic in the area of 18th Street and Sulphur Spring and further stated that speed bumps might not work, but suggested surveillance during evening hours to address speeding traffic along with installation of streetlights.

Roll Call: All members voted in opposition. **MOTION FAILED**

10. DISCUSSION/DECISION ON APPROVAL OF FIRST READING OF ORDINANCE NO. 09-976, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, AMENDING ORDINANCE NO. 574, 577, AND 09-959 AND AMENDING TITLE 5 OF THE DOUGLAS MUNICIPAL CODE RELATING TO BUSINESS LICENSES BY AMENDING SECTIONS 5.02.010, 5.02.020, 5.02.030, 5.02.040, 5.02.070, 5.02.080, 5.02.110, 5.02.120, AND 5.02.150; ESTABLISHING SEVERABILITY OF COMPONENTS OF ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE THEREOF.

Juan Pablo Flores stated that some of the Cochise County Fair Vendors had expressed opposition regarding the collection of business license fees. Mr. Flores explained the recommended modifications for the ordinance.

Motion by Council Member Huish, **second** by Council Member Shelton to approve the placement of Ordinance No. 09-976, on its first reading by number and title only.

Motion by Council Member Lindemann, **second** by Council Member Morales to amend Ordinance No. 09-976 by changing the \$5 per event fee to a \$5 per day fee.

Mayor Gomez inquired if most events operated for four days.

Juan Pablo Flores informed that the Cochise County Fair was a four-day event.

Curtis Shook stated that other events were two or three days.

Council Member Lindemann stated that the fee would be a small fee to pay in exchange for city services.

Mayor Gomez inquired if the city was responsible for clean-up/trash collection.

Curtis Shook stated that the city collected bagged garbage and some of the cleanup was typically conducted prior to the start of the fair , adding that waste management was contracted due to the amount of trash.

Mayor Gomez inquired if city officers provided security.

Curtis Shook agreed.

Council Member Shelton inquired the number of officers assigned to the Cochise County Fair and who paid their salary.

Alberto Melis, Chief of Police, stated that there were approximately ten officers assigned, support was requested through other agencies, and the fair paid officer's salary.

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

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

Motion by Council Member Shelton, **second** by Council Member Huish to approve the first reading of Ordinance No. 09-976, and to place it on second reading by number and title only.

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

Juan Pablo Flores informed council that a processing fee would no longer be charged to vendors, unless the business license fee was over \$20.

11. **DISCUSSION/DECISION ON APPROVAL OF RESOLUTION NO. 09-651, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, ARIZONA, AUTHORIZING THE CITY OF DOUGLAS TO ENTER INTO A GRANT AGREEMENT WITH THE ARIZONA CRIMINAL JUSTICE COMMISSION REGARDING DUI ABATEMENT GRANT PROGRAM IN THE AMOUNT OF \$5,000 FOR PURPOSES OF ENFORCEMENT, PROSECUTORIAL AND ALCOHOL ABUSE TREATMENT TO ABATE DUI OCCURRENCES UNDER THIS STATE FUNDED GRANT PROGRAM.**

Curtis Shook stated that the grant application had been prepared by Sgt. Trujillo to acquire additional DUI funding for DUI patrol.

Carlos Trujillo, Police Sergeant, informed that the funding would be for DUI enforcement specifically to target youth alcohol and DUI abatement for both youth and adult violators entering the country through the port of entry, with concentration on extended patrol effective upon approval through June 2010.

Mayor Gomez inquired if there had been past DUI checkpoints during the holiday season.

Carlos Trujillo stated that checkpoints had been previously conducted through the Southern Arizona DUI Task Force until recently due to a lack of funding and overtime availability.

Mayor Gomez further inquired if DUI checkpoints would be conducted during New Year's Eve.

Carlos Trujillo stated that enhanced patrols would be conducted and the task force would saturate the area with enforcement.

Motion by Council Member Huish, **second** by Council Member Shelton to approve Resolution No. 09-651.

Council Member Morales inquired if a future application submittal would be processed for additional grant funding after the June 30 expiration.

Carlos Trujillo stated that the police department could reapply and further stated that the Southern Arizona DUI Task Force had applied for \$250,000 as additional funds for the entire county.

Council Member Morales requested the amount of funding that the police department might receive.

Carlos Trujillo stated that the most recent submittal had being for \$25,000 and \$5,000 had been awarded.

Council Member Lindemann inquired if the city worked with customs and border patrol at checkpoints.

Carlos Trujillo stated that the city always worked closely with those agencies; however, their checkpoints would be for different reasons and the police department's checkpoints would be for DUI enforcement.

Council Member Lindemann inquired how the funding would assist with the port of entry crossers.

Carlos Trujillo stated that youth alcohol would be targeted with increased enforcement during the weekend.

Alberto Melis, Chief of Police, commended Sgt. Carlos Trujillo for acquiring several grants.

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

12. **DISCUSSION/DECISION ON APPROVAL OF RESOLUTION NUMBER 09-652, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, ARIZONA, AUTHORIZING THE EXECUTION OF THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF DOUGLAS AND COCHISE COUNTY TO PROVIDE CERTAIN ELECTION SUPPLIES AND SERVICES FOR THE CITY'S PRIMARY AND GENERAL ELECTIONS SCHEDULED FOR MARCH 9, 2010, AND MAY 18, 2010.**

Motion by Council Member Huish, **second** by Council Member Shelton to approve Resolution No. 09-652.

Mayor Gomez inquired if the application process was required annually.

Brenda Aguilar, City Clerk, informed council that the intergovernmental agreement was required during the election cycle every two years.

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

13. **DISCUSSION/DECISION ON APPROVAL OF RESOLUTION NUMBER 09-653, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, ARIZONA, AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR STATE HOUSING FUNDS (WHICH MAY INCLUDE FEDERAL FUNDING THROUGH THE HOME INVESTMENT PARTNERSHIP PROGRAM OR STATE HOUSING FUNDS), CERTIFYING THAT SAID APPLICATION MEETS THE COMMUNITY'S HOUSING AND COMMUNITY DEVELOPMENT NEEDS AND THE REQUIREMENTS OF THE STATE HOUSING PROGRAMS, AND AUTHORIZING ALL ACTIONS NECESSARY TO IMPLEMENT AND COMPLETE THE ACTIVITIES IN SAID APPLICATION.**

Curtis Shook explained that improvements had been made throughout the years to over 81 homes, the current application was for \$300,000, which required a 10% in administrative fees, and matching funds were not required.

Mayor Gomez commented that the City of Douglas benefited more than any city or town in S.E.A.G.O.

Curtis Shook agreed.

Mayor Gomez inquired if federal funds could be added in the future.

Curtis Shook stated that there was a pending grant for approximately \$12.5 million in conjunction with S.E.A.G.O and the grant would allow the city to accelerate the rehabilitation and demolition program.

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

ADDENDUM AGENDA

1. DISCUSSION/DECISION ON APPROVAL OF AMENDMENT TO EXISTING CONSTRUCTION CONTRACT WITH SQP CONSTRUCTION IN THE AMOUNT OF \$550,000.

Curtis Shook stated that the application would be to refinance a WIFA loan and explained a portion of a sewer improvement project. Mr. Shook further stated that the contract amendment with the current contractor would allow the city to take advantage of the cost per linear foot and would not have mobilization fees to complete the project faster.

Mayor Gomez inquired if the WIFA loan would be used to pay for the project.

Curtis Shook agreed.

Motion by Council Member Huish, **second** by Council Member Shelton to approve the contract amendment of the existing construction contract with SQP Construction in the amount of \$550,000.

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

14. MAYOR'S REPORT.

- Attended Arizona/Mexico Commission meeting (12/03/09-12/05/09) in Hermosillo, Sonora along with Mayor Pro Tempore Bob Fernandez and Economic Development Director, Victor Gonzalez.

15. COUNCIL MEMBERS' REPORTS.

Council Member Morales:

- Requested follow-up by City Manager, Curtis Shook, on a traffic issue at Pan American Avenue.

Council Member Shelton:

- Suggested that Clubhouse fees should be shared with the concessionaire.
- Expressed concern regarding the lack of maintenance at the Julia Page cemetery and inquired if the city could take over.
- Requested the current status of city wells.
- Requested an update of the city's emergency plan during an executive session.

16. MANAGER'S REPORT.

- Met with Arizona Department of Transportation personnel, Division Engineer and Regional Engineer, along with Mayor Gomez (12/08/09) regarding traffic issues on Pan American Avenue.
 - New checkpoint in Agua Prieta border is creating delays.
 - Chief Melis met with Aduana Agents in Agua Prieta.
 - In 30 – 60 days, the following changes will be implemented: weigh stations, K9 vehicle inspections, and 7 second per vehicle stop.
 - ADOT has accepted temporary suggestions by the City of Douglas for short-term traffic controls, but will look at options for long-term controls.
 - Complaint by UETA due to traffic control.
- City Website updated.
- Surge's Bar and Grill opened on Tuesday, December 1, 2009.

17. CITY ATTORNEY'S REPORT.

None

18. ADJOURNMENT.

Motion by Council Member Morales, **second** by Council Member Shelton to adjourn the meeting at 7:37 p.m. unanimously passed.

Prepared By:

Brenda Aguilar
City Clerk