

**DOUGLAS CITY COUNCIL
SPECIAL MEETING MINUTES
FEBRUARY 10, 2010**

The City of Douglas Mayor and Council met in a Special Meeting on Wednesday, February 10, 2010, 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 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	
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 FOR LEGAL ADVICE REGARDING PENDING OR CONTEMPLATED LITIGATION CONCERNING CARLOS “YOGI” ORTIZ, AN ASSESSMENT LIEN FORECLOSURE AGAINST THE HARTMAN PROPERTY LOCATED AT 201 16TH STREET, AND A CIVIL RIGHTS CLAIM AGAINST CITY OF DOUGLAS POLICE DEPARTMENT PERSONNEL AND UNDER THE AUTHORITY OF A.R.S. § 38-431.03 (A) (4) TO CONSULT WITH THE CITY ATTORNEY REGARDING DONATION OF PROPERTY, BY THE HALPERN AND MARGOLIS FAMILY, LOCATED AT THE ADJACENT NORTHEAST CORNER OF 5TH STREET AND JEFFERSON AVENUE.

Motion by Council Member Morales, **second** by Council Member Shelton 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 Lindemann to adjourn the meeting at 5:13 p.m. unanimously passed.

Prepared By:

Brenda Aguilar
City Clerk

**DOUGLAS CITY COUNCIL
REGULAR MEETING MINUTES
FEBRUARY 10, 2010**

The City of Douglas Mayor and Council met in a Regular Meeting on Wednesday, February 10, 2010, 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 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	
CITY CLERK - BRENDA AGUILAR	X	

5. PRESENTATION OF AWARDS

None

6. DISCUSSION/DECISION ON CONSENT AGENDA ITEMS:

- A. EXPENDITURES FOR THE MONTH OF JANUARY 2010, TOTALING \$1,961,835.61.**

- B. MEETING MINUTES FOR JANUARY 13, 2010.**

- C. APPROVAL OF BID PROPOSAL SUBMITTED BY AECOM DESIGN & PLANNING FOR THE PHELPS DODGE MERCANTILE DOWNTOWN STRATEGIC PLAN IN THE AMOUNT OF \$55,943.**

Motion by Council Member Morales, **second** by Council Member Shelton to approve the consent agenda items, including item – A, expenditures for the month of January totaling \$1,961,835.61.

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

“Douglas – the premier southwestern border community.”

7. RESIGNATIONS AND APPOINTMENTS.

Motion by Council Member Shelton, **second** by Council Member Huish to approve the appointment of Lawana Diffie to the Library Committee.

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

Motion by Council Member Shelton, **second** by Council Member Huish to approve the appointment of Felix Soto to La Perilla Board.

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

8. PRESENTATION/DISCUSSION BY DEPUTY WARDEN ANTONIO BACA AND WARDEN R. ALLEN BOCK PERTAINING TO INMATE WORK CREWS.

A DVD presentation was given by Deputy Warden Antonio Baca and Warden R. Allen Bock pertaining to inmate work crews.

Mayor Gomez requested the number of crews working in Douglas.

Curtis Shook stated that there were approximately 8 or 9 crews.

Inaudible

Council Member Huish commented that the inmate work program helped build self-esteem for the inmates involved. Council Member Huish further inquired if there was a study on how (inmate) lives are affected due to program participation.

Warden Bock stated that there were many studies, but the current program instilled values to the inmates, which are minimum custody inmates. Prison terms are usually four years and the average stay in Douglas is approximately twenty-two months. Depending on some studies, the inmate might be more mature and not willing to return to prison at age 40. Additionally, the inmates are also willing to learn skills.

Council Member Huish commented that inmates were quite capable and the freedom they enjoyed while participating in the work program, might encourage them not to return to prison.

Council Member Shelton commented that the inmates displayed good conduct and commended D.O.C. for their work program.

Council Member Acedo inquired if grants were available to pay for inmate salaries instead of the City of Douglas.

Warden Bock stated that grants were not acquired for the work program to pay for the salaries, but instead the inmates worked by way of intergovernmental contracts, through the Arizona Correctional Industries, or Community Betterment Crews.

Council Members unanimously commended Department of Corrections for their inmate work program.

9. DISCUSSION/DECISION ON APPROVAL OF PETITIONS TO RENAME THE LITTLE LEAGUE FIELD ON 15TH STREET AND ESTRELLA AVENUE.

Curtis Shook explained that there was no established criteria and it was a policy decision for the council to make.

Council Member Morales stated that council should look into policy development and further suggested the development of a monument instead of naming different buildings or fields in the community.

Council Member Lindemann suggested following the staff's recommendation and to develop policy.

Council Member Fernandez agreed with Council Members Margaret Morales and Mitch Lindemann and suggested follow-up through a future agenda.

Council Member Shelton stated that Monchi Gonzales deserved the honor and suggested policy development for future consideration.

Council Member Huish inquired if information was available on the school district policy and suggested follow-up for future consideration, adding that Monchi Gonzales had done a great job in the community.

Council Member Acedo agreed with Council Members Bob Fernandez and Ray Shelton to discuss the issue again in the future, adding that the schools should report to council since most of the property belonged to the city.

Council Member Shelton commented that possibly through an informal process two parks had been previously named approximately 15 years ago.

Council Member Fernandez suggesting setting a date in order to accomplish the task as soon as possible.

Curtis Shook stated that criteria could be developed by which council could create a policy for the naming of a facility.

Motion by Council Member Lindemann, **second** by Council Member Shelton to postpone/table the agenda item for further consideration and to direct city staff to return with criteria to further consider a policy.

Mayor Gomez suggested that a monument could be used for recognition.

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

Richard Lopez, 1605 9th Street, addressed the council during call to the public:

- Expressed support regarding the facility-naming request and suggested that Monchi Gonzales deserved the recognition since he gave over 30 years of community service. Mr. Lopez further questioned the need for procedure approval.

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

Alice Novoa, 832 2nd Street, addressed the council regarding the following:

- Challenged the citizenship status of City Magistrate, Alma Vildosola, and provided documentation to support the claim.
- Provided background information pertaining to the Justice of the Peace Election process in 1994, 1998, 2000, and 2006.
- May be contacted for a future meeting to discuss the matter further pertaining to City Magistrate, Alma Vildosola.
- Suggested the resignation of Council Member Fernandez with either the City of Douglas or the City of Agua Prieta as an elected official due to conflict of interest.
- Commended City of Douglas Cemetery Staff for maintaining a clean area.

Oscar Valente, local resident, addressed the council regarding the following:

- Inquired what the council would like to do (politically) and commented that he could be of service.

11. PRESENTATION/DISCUSSION BY FIRE CHIEF, MARIO NOVOA, REGARDING EMERGENCY MEDICAL SERVICES/AMBULANCE RATE INCREASE.

Mario Novoa, Fire Chief, gave a presentation regarding emergency medical services/ambulance rate increase.

Mayor Gomez inquired if there was a problem with the travel to Rodeo and finding someone else had already responded.

Chief Novoa stated that through the certificate of necessity the City of Douglas Fire Department was responsible for the area up to the New Mexico line to include Portal, Chiricahua, and Cave Creek areas, adding that a Portal Rescue Squad was available, but was not licensed by the State and were only able to conduct first-aid treatments. Several years ago, an EMT class was provided to Portal residents; however, they continue to be a volunteer organization and the City of Douglas Fire Department is responsible for the area.

Council Member Morales requested the number of annual transports and further inquired the number of transports from clinics.

Chief Novoa replied that it was between 2,600 and 2,700 for EMS transports and it was undetermined how many were from clinics.

Council Member Shelton inquired if it was mostly the rural areas (rate sheet presented by Chief Novoa) and further stated that the increase was needed.

Chief Novoa stated that it was the whole State of Arizona, adding that the City of Douglas was the third lowest in the State.

Council Member Huish commented that some fees were over-charged by some agencies in order to collect the sought amount and further inquired if the City of Douglas was moving towards a similar process. Council Member Huish requested the collection status due to patients with financial restrictions.

Chief Novoa stated that the state prohibits fee collection from patients covered by State AHCCCS and the city takes a loss on the uncovered amount, adding that Medicare patients are responsible for a certain amount and currently Medicare pays at a rate between 54% and 60% in revenue, adding that the city would never be in the black and the general fund usage could not be justified since the service was subsidized from \$1 million to \$1.5 million annually.

Council Member Huish inquired if there would be difficulty with the collection process if approval was given for the increase.

Chief Novoa stated that based on 3,000 medical annual calls at a rate of \$1,000 rate per call for a \$3 million collection there would be a 50 percent reimbursement rate and the cost to run the annual fire department was \$2 million.

Council Member Huish inquired what the collection percent rate was.

Chief Novoa stated that it was 50 to 60 percent annually, adding that a collection agency could possibly be in place in the future. Chief Novoa further stated that payments were sometimes not made by insurance companies because they felt the transport was not warranted; however, state law prohibits declining transportation because the patient might not pay and legal action could be sought against the City of Douglas.

Council Member Huish inquired explanation of the collection process.

Chief Novoa stated that Intermedix, billing company, billed the insurance company and/or the patient directly.

Council Member Huish inquired if the billing company received a percentage of the collection.

Chief Novoa stated that the company did receive a percent of the collection and they were the lowest rate, which had been reviewed in the previous year.

Mayor Gomez inquired what the collection rate was prior to achieving the 50 percent.

Chief Novoa stated that the collection rate for 2009 was at 65 percent; however, a high rate was paid at the end and the collection had been pertaining to aging and pending accounts.

12. DISCUSSION/DECISION ON APPROVAL OF RESOLUTION NO. 10-659, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, AUTHORIZING THE CITY OF DOUGLAS TO ENTER INTO AN AGREEMENT WITH THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY (GOHS) TO PARTICIPATE AS PROGRAM ADMINISTRATOR IN THE CHILDREN ARE PRICELESS PASSENGERS (CAPP) PROGRAM.

Curtis Shook explained that the program would provide safety classes in English and Spanish and would be run for two years, adding that it was a grant renewal and had been successful in the past.

Motion by Council Member Huish, **second** by Council Member Morales to approve Resolution No. 10-659.

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

13. DISCUSSION/DECISION ON APPROVAL OF RESOLUTION NO. 10-660, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, ARIZONA, AUTHORIZING THE CITY OF DOUGLAS TO ENTER INTO AN AGREEMENT WITH FEMA FOR A REIMBURSABLE GRANT TO BE UTILIZED FOR THE PURCHASE OF FIREFIGHTERS PERSONAL PROTECTIVE EQUIPMENT TO FIGHT WILD-LAND FIRES.

Curtis Shook provided information regarding the FEMA grant, which would be for the purchase of fire equipment to fight wild-land fires.

Council Member Huish inquired if there was contact with the Forrest Fire staff.

Chief Novoa stated that the Arizona Fire Forrest Service office was available in the city. However, there were primitive areas in Douglas and the fire department did not have the appropriate equipment and was unable to afford it through departmental budget.

Council Member Shelton inquired if the fire department assisted in other areas and if there was federal government reimbursement available.

Chief Novoa stated that there was no staffing available.

Mayor Gomez inquired if it was a matching grant.

Curtis Shook stated that it was a reimbursable grant.

Motion by Council Member Shelton, **second** by Council Member Huish to approve Resolution No. 10-660.

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

14. PRESENTATION/DISCUSSION BY PUBLIC WORKS DIRECTOR/CITY ENGINEER, CARLOS DE LA TORRE, REGARDING THE CITY'S POTABLE WATER STORAGE FACILITIES.

Carlos De La Torre, Public Works Director/City Engineer, gave a PowerPoint presentation.

Council Member Huish inquired if the lining contained lead.

Carlos De La Torre stated that there was some content.

Council Member Huish stated that there was coating available to protect the tanks.

Council Member Acedo inquired what the cost would be to replace the tanks.

Carlos De La Torre stated that for the above ground reservoir, it would cost approximately \$7 to \$10 per gallon.

Council Member Acedo inquired what the type of material was.

Carlos De La Torre stated that it was steel.

Council Member Huish inquired if there was a cost difference.

Carlos De La Torre stated that the cost would be two to three times more.

Council Member Shelton inquired what the difference would be in comparison to other tanks.

Carlos De La Torre stated that the city tanks have legs.

Council Member Shelton further inquired if there were state inspections conducted.

Carlos De La Torre stated that they were on an annual basis.

15. PRESENTATION/DISCUSSION BY PUBLIC WORKS DIRECTOR/CITY ENGINEER, CARLOS DE LA TORRE, REGARDING THE FEMA EMERGENCY MANAGEMENT ADMINISTRATION (FEMA) PROVISIONAL ACCREDITED LEVEE (PAL) AGREEMENT IN ORDER TO COMPLY WITH THE NATIONAL FLOOD INSURANCE PROGRAM.

Carlos De La Torre, Public Works Director/City Engineer, gave a PowerPoint presentation.

Curtis Shook explained that there was a focus on policy question and that in 2008 the city had committed to provide a map update. The engineering work would cost approximately \$80,000 and the money would have to be expended from surplus if not FEMA would construct its own map and property owners would have to purchase flood insurance.

Council Member Morales inquired if the residents would be required to purchase flood insurance.

Carlos De La Torre stated that the flood insurance would have to be purchased if mortgage was being paid or if the mortgage company mandated the purchase based on inclusion in the loan documents.

Council Member Lindemann suggested spending the money in order to protect the homeowners.

Council Member Shelton inquired if it would be more costly if the city did not comply.

Carlos De La Torre stated that requirement might change due to developments in the area.

Council Member Huish expressed dissatisfaction with the mandates from the federal agencies.

Carlos De La Torre agreed.

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

Carlos De La Torre stated that a flood study had been conducted in the late 1960s and changes had occurred since.

Council Member Acedo inquired if there was an issue with the drainage at Louis Avenue and 23rd Street.

Carlos De La Torre stated that it was the same drainage and explained further.

16. DISCUSSION/DECISION ON APPROVAL OF THIRD 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, City Attorney, explained that the modifications had been initiated due to required vendors fees for the Cochise County Fair and swap meet had also been added to the ordinance along with alarm businesses. Additionally, an applicant must be up to date with all past and current financial obligations due directly to the city in order to be issued a business license.

Motion by Council Member Huish, **second** by Council Member Morales to approve the third reading of Ordinance No. 09-976, with modifications as presented, by number and title only.

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

17. DISCUSSION/DECISION ON APPROVAL OF FIRST READING OF ORDINANCE NO. 10-977, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, AMENDING CHAPTER 8.04 RELATING TO ALARM SYSTEMS, LICENSES AND PERMITS; ESTABLISHING SEVERABILITY OF COMPONENTS OF ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE THEREOF.

Curtis Shook stated that under the finance committee and council's direction, administration staff was looking at business practices and the item was meant to address user fees for alarm systems, fingerprinting, and VIN checks and vehicle impounding would be addressed on a separate section. The services provided are currently free of charge.

Motion by Council Member Shelton, **second** by Council Member Huish to approve the placement of Ordinance No. 10-977, on its first reading by number and title only.

Juan Pablo Flores stated that false alarm fees, permits, and penalties were administered by the police department. The police department conducted a study, which reflected the time and effort to answer false alarms and the time and effort for record keeping. Mr. Flores explained the recommended fees.

Council Member Morales commented that commercial fees should be increased to \$50 and inquired if a false alarm would be considered when an alarm was set-off due to power outage.

Juan Pablo Flores replied that he was unaware a power outage would cause a false alarm.

Council Members Margaret Morales and Ray Shelton agreed that a power outage would cause a false alarm.

Juan Pablo Flores stated that note would be taken for possible modification at the next reading unless there was a motion made beforehand.

Alberto Melis, Police Chief, explained that provisions were made for appeal and certain situations were taken into account whenever possible.

Council Member Lindemann inquired if residences with an alarm would need a permit to have an alarm system installed.

Juan Pablo Flores agreed and further stated that the alarm installation could also be reported within ten days.

Council Member Lindemann expressed opposition regarding residential permit fees and further stated that the provision should be excluded, adding that the City of Douglas should not be known for the land of 10,000 fees even though the city was attempting to update its code.

Juan Pablo Flores further explained that the yearly fee had been in place since 1981 for \$10 and was being modified.

Alberto Melis stated that there should be some uniformity.

Council Member Lindemann stated that as a homeowner he did not want an additional fee for a needed necessity to protect his property, adding that he would agree to the false alarm structure and power outage provision.

Council Member Fernandez suggested studying the matter further and expressed opposition regarding police personnel responding to all alarms.

Alberto Melis explained that there was an option called verified response, which meant fire or police would not respond until verification was conducted by telephone or other means. However, the city would need further preparation before being able to use the verified response.

Council Member Shelton inquired if fees had been collected to date.

Juan Pablo Flores stated that the police department had been actively trying to collect the fees.

Council Member Shelton requested the number of weekly alarms or any other time and the number of legitimate alarms.

Alberto Melis stated that he did not have the information readily available, but that it was a very low number.

Council Member Shelton stated that he agreed with Council Member Lindemann and was uncertain on establishing additional fees, but would agree to the false alarm fee.

Council Member Huish agreed with Council Members Mitch Lindemann and Ray Shelton and further inquired if the alarm company verified first if there was an actual problem prior to contacting the police department.

Juan Pablo Flores stated that according to a report issued by the police department, the alarm company attempts to contact the victim and automatically sends a call to the police department.

Alberto Melis stated that alarm systems varied.

Council Member Acedo agreed with Council Member Lindemann.

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. 10-977, and to place it on second reading by number and title only.

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

18. DISCUSSION/DECISION ON APPROVAL OF FIRST READING OF ORDINANCE NO. 10-978, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, ESTABLISHING USER FEES FOR FINGERPRINTING SERVICES TO BE PERFORMED BY THE DOUGLAS POLICE DEPARTMENT; ESTABLISHING SEVERABILITY OF COMPONENTS OF ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE THEREOF.

Curtis Shook explained that it was part of police services that were being provided and department was the only law enforcement agency that was not charging in Cochise County.

Motion by Council Member Shelton, **second** by Council Member Huish to approve the placement of Ordinance No. 10-978, on its first reading by number and title only.

Juan Pablo Flores stated that fingerprinting was currently offered free of charge and although it was a good benefit for the community, there was a high number of out of town individuals taking advantage. Additionally, there is a considerable amount of staffing time involved in providing the service and the department needs to be more fiscally sound. Mr. Flores explained the recommended fees.

Mayor Gomez commented that approval of fees for more than four years might not be acceptable to a new council and they (new council) should determine future fees.

Council Member Morales requested the number of monthly fingerprint cards and how much revenue would be generated.

Curtis Shook stated that it was not a revenue generator, but instead it was to cover the cost of supplies.

Alberto Melis, Police Chief, stated that the average weekly number of fingerprints were 20 to 30, adding that on one occasion 70 fingerprint cards had been processed.

Council Member Morales inquired if the city paid for the fingerprint cards.

Curtis Shook stated that the city did pay for the fingerprint cards along with the ink.

Council Members Mitch Lindemann and Bob Fernandez expressed support regarding the fingerprint fee.

Council Member Shelton agreed with the fees and also with Mayor Gomez, additionally suggested a \$6 fingerprint fee and removing the rest of the yearly increases.

Council Member Acedo expressed support regarding the \$5 fingerprinting fee.

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. 10-978, and to place it on second reading by number and title only.

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

19. DISCUSSION/DECISION ON APPROVAL OF FIRST READING OF ORDINANCE NO. 10-979, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, INSTITUTING VEHICLE IMPOUND FEES AS PART OF CHAPTER 10 OF THE MUNICIPAL CODE ESTABLISHING SEVERABILITY OF COMPONENTS OF ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE THEREOF.

Curtis Shook explained the State of Arizona requirements pertaining to impounding vehicles. The City of Douglas does not currently charge a fee.

Motion by Council Member Shelton, **second** by Council Member Huish to approve the placement of Ordinance No. 10-979, on its first reading by number and title only.

Juan Pablo Flores explained the different types of impound fees, adding that there was a \$50 administrative fee allowed by statute for driving on a suspended license or dui., which needed to be codified.

Carlos Trujillo, Police Sergeant, stated that currently during a hearing required by law it was determined if a vehicle would be released before a mandatory 30 days. The current fee is \$50 by statute and the highest amount that can be charged is \$150, adding that two days of the workweek are designated for the hearings.

Mayor Gomez requested clarification on how the fees would be charged.

Juan Pablo Flores responded that \$150 was the maximum (impound fee), there would also be a storage fee and towing fee.

Carlos Trujillo stated that the storage fee could not be more than \$15 daily and a determination could be made during a hearing for an early release. The statute was to circumvent people from becoming chronic offenders.

Mayor Gomez inquired if some of the fees would apply to a vehicle with illegal aliens.

Juan Pablo Flores stated that the scenario provided would be covered under the \$50 fee.

Carlos Trujillo agreed.

Council Member Shelton requested fee clarification and the information was provided by Juan Pablo Flores.

Council Member Shelton inquired the number of cases handled by Sgt. Carlos Trujillo weekly.

Carlos Trujillo stated that there were approximately 8 cases per week.

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. 10-979, and to place it on second reading by number and title only.

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

20. DISCUSSION/DECISION ON APPROVAL OF RESOLUTION NO. 10-661, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, ARIZONA, AUTHORIZING THE EXECUTION OF AN EMPLOYMENT CONTRACT EXTENSION BETWEEN THE CITY OF DOUGLAS AND CITY ATTORNEY, JUAN PABLO FLORES.

Juan Pablo Flores stated that it was a pleasure working for the City of Douglas and would like to continue to do so.

Council Member Morales stated that a correction would be needed in the contract on page 2, section 4 item (b), suggested the addition of the term “dues”. Council Member Morales inquired if there was an expenditure limit for continuing education requirements.

Juan Pablo Flores stated that since 2008 (when hired by the city) all continuing education had been conducted in state and he was obligated to attain it as inexpensive as possible.

Council Member Morales stated that it was a pleasure working with Juan Pablo Flores and further suggested an in-service annual training for the council pertaining to the City Charter and open meeting law, adding that the in-service training or orientation had not been previously given.

Council Member Lindemann stated that he concurred with Council Member Morales in that it was a pleasure working with Juan Pablo Flores.

Council Member Fernandez inquired if the contract had been written by a lawyer.

Juan Pablo Flores agreed.

Council Member Fernandez further stated that there were pending legal issues that he would like to see resolved within the year and expressed agreement with comments made by Council Members Margaret Morales and Mitch Lindemann. Council Member Fernandez further stated that he was in agreement of the three-year extension.

Mayor Gomez commented that Juan Pablo Flores had been employed for almost two years and although his contract allowed for a five percent salary increase after six months, Mr. Flores had rescinded the increase due to the tough economic times. Additionally, the new contract did not include an increase.

Council Member Shelton stated that he appreciated Mr. Flores' professionalism and was in agreement with the three-year extension.

Council Member Huish commented that Juan Pablo Flores had done a good to date and was in agreement of the contract extension.

Council Member Acedo expressed appreciation for Juan Pablo Flores and commented that the extra time Mr. Flores works was of benefit to the city.

Motion by Council Member Huish, **second** by Council Member Lindemann to approve Resolution No. 10-661.

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

21. **DISCUSSION/DECISION ON APPROVAL OF RESOLUTION NO. 10-662, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, ARIZONA, AUTHORIZING THE CITY OF DOUGLAS TO APPLY FOR GRANT FUNDING AND ENTER INTO AN AGREEMENT WITH THE STATE OF ARIZONA DEPARTMENT OF HOMELAND SECURITY FOR A REIMBURSABLE GRANT FUND ALLOCATION IN AN AMOUNT NOT YET DETERMINED FOR OVERTIME, MILEAGE, AND EQUIPMENT UNDER OPERATION STONEGARDEN GRANT PROGRAM.**

Curtis Shook explained that the grant was reimbursable and it was an extension of the current stone garden program and recommended the extension.

Motion by Council Member Morales, **second** by Council Member Fernandez to approve Resolution No. 10-662.

Mayor Gomez inquired what the previous amount was that the city had received.

Alberto Melis, Police Chief, replied that it was approximately \$350,000, but due to performance, it was increased to \$500,000 plus radios and reimbursement for gas and mileage, adding that it was used to address narcotic matters.

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

22. DISCUSSION/DECISION ON APPROVAL TO ACKNOWLEDGE RECEIPT OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR 2008/2009.

Curtis Shook stated that in the last two years the certificate of excellence had been received by the City of Douglas, adding that an unqualified or clean opinion had also been received.

Jorge Treviño, Finance Director, stated that the Comprehensive Annual Financial Report (CAFR) had 123 pages and further summarized the information on pages 36 and 46. Mr. Treviño further made reference to the Certificate of Award from the prior year on page 7. Regarding the financial statements, a clean opinion or the highest level of opinion was received.

Council Member Lindemann commended Jorge Treviño and the finance department for an outstanding job and stated that the Finance Committee had voted unanimously on the action for the city to pursue the collection of revenue due to the city in order to increase revenue.

Council Member Shelton stated that the City of Douglas was becoming fiscally sound and staff had done an excellent job in guiding the council.

Council Member Huish commended Council Member Lindemann and the Finance Committee along with Jorge Treviño and further commented that attempting to become fiscally sound was not an easy task.

Council member Acedo inquired the financial status in the new fiscal year.

Jorge Treviño stated that it would be very challenging since there was approximately a gap of \$1 million dollars less revenue expected from the general fund, but several options would be presented for the consideration of the finance committee and the council in order to address the gap.

Motion by Council Member Morales, **second** by Council Member Shelton to acknowledge receipt of the comprehensive annual financial report for fiscal year 2008/2009.

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

Council Member Fernandez thanked Jorge Treviño for an excellent job and Council Member Shelton agreed.

23. MAYOR'S REPORT.

- Reported having zero expenditure (for travel).

24. COUNCIL MEMBERS' REPORTS.

Council Member Morales:

- Thanked city staff, Curtis Shook, City Manager; Lauren Ortega, Engineering Associate; and Carlos De La Torre, Public Works Director, for addressing issues presented at the prior council meeting and thanked Jorge Treviño for doing an excellent job.

Council Member Lindemann:

- Pet owners in Fargo, North Dakota who do not control or register their pets are facing a \$500 annual fee and are obligated to provide \$300,000 in insurance; the City of Douglas had a good common sense solution to resolve the problems.

Council Member Fernandez:

- The city manager did not include information on paperwork issued to council regarding an interview pertaining to the company that will be beautifying (Downtown Revitalization Project) the City of Douglas.
- Suggested teamwork in an effort to accomplish what is needed.
- Would accept jobs in any area if paid.
- Thanked the city manager for his support.

Council Member Acedo:

- Thanked Curtis Shook, City Manager, and Carlos De La Torre, Public Works Director, for their assistance with the 21st Street project issue.
- Suggested the clean up of the area west of Douglas near the D.W.I. center by the Department of Corrections Inmate Crew.

25. CITY MANAGER’S REPORT.

- AECOM was selected for the development of the Downtown Strategic Plan.
- Credited Council Member Fernandez for the idea to address the downtown needs.
- Memorandum of Understanding will be negotiated during the week with AECOM.
- A public schedule will be developed for public meetings.
- The whole AECOM team will be in Douglas to conduct interviews of all stakeholders and will produce a report with their findings.
- Public process.
- 3-inch pipe on 21st Street had been in the ground for an undetermined number of years and was replaced.
- 21st Street will be paved this year and when HURF funding is available, the general fund will be reimbursed.

26. CITY ATTORNEY’S REPORT.

- Thanked council for their decision to renew his contract.
- Thanked administration personnel, police department personnel, public works personnel, city clerk, executive administrative assistant, finance director, human resources director, and his family for their support.

27. ADJOURNMENT:

Motion by Council Member Shelton, **second** by Council Member Morales to adjourn the meeting at 9:09 p.m. unanimously passed.

Prepared By:

Brenda Aguilar
City Clerk