

**DOUGLAS CITY COUNCIL  
SPECIAL MEETING MINUTES  
MARCH 29, 2010**

The City of Douglas Mayor and Council met in a Special Meeting on Monday, March 29, 2010, at 4:00 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**

	<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 (excused)</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 ON APPROVAL OF RESOLUTION NUMBER 10-772, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, DECLARING AND ADOPTING THE RESULTS OF THE COURT-ORDERED RECOUNT OF THE WARD TWO PRIMARY ELECTION HELD ON MARCH 9, 2010.**

**Motion** by Council Member Shelton, **second** by Council Member Huish, to approve Resolution No. 10-772.

Mayor Gomez inquired if there was information on the item for the council.

Juan Pablo Flores stated that pursuant to a court order, a recount had been conducted, but there had been no change to the election results and the results were being canvassed as required by city charter.

Council Member Huish inquired if the process was being ratified.

Curtis Shook agreed.

Council Member Shelton clarified that the council was not voting, but was declaring and adopting the results from the court order or the election.

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

Juan Pablo Flores stated that the process was a ministerial duty by the city in relation to the election and it was pursuant to Arizona Law and City Charter.

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

Results were read into the record by Brenda Aguilar, City Clerk.

**RESOLUTION NO. 10-772**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, DECLARING AND ADOPTING THE RESULTS OF THE COURT-ORDERED RECOUNT OF THE WARD 2 PRIMARY ELECTION HELD ON MARCH 9, 2010.**

**WHEREAS**, the City of Douglas, Cochise County, Arizona held a primary election on the 9<sup>th</sup> day of March, 2010; and

**WHEREAS**, the election returns have been canvassed by the Cochise County Elections/Special Districts Office and the Certification of Canvass has been presented to the Mayor and Council of the City of Douglas; and

**WHEREAS**, the results of the canvass in Ward 2 showed that the margin between the two candidates did not exceed ten votes; and

**WHEREAS**, based upon the Charter of the City of Douglas, Arizona, Article IX, Section 2 adopting State election laws, the City filed in the Superior Court of Cochise County Case No. CV201000231 seeking a court-ordered recount of the results of the Ward 2 primary election; and

**WHEREAS**, on March 19, 2010, the Honorable Judge Stephen M. Desens ordered a recount of the votes cast for candidates Mitch Lindemann and Richard C. Lopez in the March 9, 2010, primary election Ward 2 council race; and

**WHEREAS**, the results of the recount were certified to the Superior Court by the County Elections Officer on March 23, 2010, as follows:

Mitch Lindemann	69
Richard C. Lopez	68

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the City of Douglas, Cochise County, Arizona, as follows:

**Section 1.** The votes cast for the candidates for councilmember of Ward 2 recount are as follows:

Ward 2	Mitch Lindemann	69
	Richard C. Lopez	68

**Section 2.** It is hereby found, determined and declared of record, that the following candidate did receive more than one-half of the total number of valid votes cast and is hereby issued a certificate of election:

Mitch Lindemann

**PASSED AND ADOPTED** this 29<sup>th</sup> day of March 2010, by the City of Douglas Mayor and Council.

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Dr. Michael Gomez, Mayor

Attest:

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Brenda Aguilar, City Clerk

Approved as to Form:

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Juan Pablo Flores, City Attorney

**3. DISCUSSION/DECISION ON APPROVAL OF RESOLUTION NUMBER 10-773, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, AUTHORIZING THE CITY OF DOUGLAS TO SUBMIT A GRANT APPLICATION TO THE GOVERNOR’S OFFICE OF HIGHWAY SAFETY FOR A GRANT IN THE AMOUNT OF \$35,311.51 FOR DUI ENFORCEMENT OVERTIME AND THE PURCHASE OF SEVEN RADAR UNITS FOR LOCAL SPEED AND TRAFFIC CONTROL.**

Curtis Shook provided background information.

Mayor Gomez inquired what the difference was between RICO and grant funds.

Alberto Melis, Police Chief, explained that RICO Funds were Racketeer Influenced and Corrupt Organization funds that were seized by the police department or awarded by the court with restrictions on how the funds were spent. Chief Melis further explained that the Governor’s office issued grants for a specific purpose and the police department generally pursued no-matching grants.

Council Member Lindemann inquired if it was an application process.

Curtis Shook agreed.

Council Member Shelton inquired if the grant had been received in the prior year.

Curtis Shook stated that the prior amount had been approximately \$10,000.

**Motion** by Council Member Huish, **second** by Council Member Morales, to approve Resolution No. 10-773.

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

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

None

**5. ADJOURNMENT.**

**Motion** by Council Member Shelton, **second** by Council Member Morales to adjourn the meeting at 4:09 p.m. unanimously passed.

**Prepared By:**

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

