

**DOUGLAS CITY COUNCIL  
SPECIAL MEETING MINUTES  
JULY 6, 2010**

The City of Douglas Mayor and Council met in a Special Meeting on Tuesday, July 6, 2010, at 5:30 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**

	<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 (excused)</b>
<b>COUNCIL MEMBER RUDY QUIÑONEZ – WARD SIX</b>	<b>X</b>	
<b>CITY MANAGER- CURTIS SHOOK</b>	<b>X</b>	
<b>CITY ATTORNEY-JUAN PABLO FLORES</b>	<b>X</b>	
<b>FINANCE DIRECTOR-JORGE TREVIÑO</b>	<b>X</b>	
<b>CITY CLERK - BRENDA AGUILAR</b>		<b>X (excused)</b>

Mayor Gomez stated that when he took the oath of office, he swore he was going to protect everybody from foreign or domestic enemies, and that this was not for award for a city, for a community, or for Arizona, but for all of the United States of America and its constituents.

Mayor Gomez offered comments pertaining to a Fourth of July event in Washington, D.C., in which a veteran that was present had lost a limb in order to bring freedom of speech, freedom of religion, and to live without fear.

Mayor Gomez stated that the Tucson sector was becoming the most violent in the United States and steps had to be taken to maintain the quality of life. Additionally, Mayor Gomez expressed concern pertaining to all of Southern Arizona being in a red zone, which restricted visits to the mountains and the parks.

Mayor Gomez stated that some of the people present at the meeting might represent Human Rights, but a newspaper article indicated Sonora had become a violent state and he predicted that violence would spill over to our state.

Mayor Gomez stated that he had formulated the resolution for submittal to the Arizona League of Cities and Towns, adding that since it was such a well-written paper he had received calls from the following cities: Yuma, Flagstaff, Kingman, Thatcher, Willcox, Benson, and Sierra Vista.

Mayor Gomez stated that he considers the Sierra Vista council, an intelligent council, and they had immediately stated, “We want to co-sponsor your resolution to the League of Cities.”

**2. DISCUSSION/DECISION ON APPROVAL OF RESOLUTION NO. 10-793, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, URGING AND VOICING BORDER SECURITY CONCERNS TO THE VARIOUS UNITED STATES AND STATE OF ARIZONA AGENCIES TASKED WITH BORDER AND HOMELAND SECURITY AND TO REQUEST ADDITIONAL PHYSICAL AND HUMAN RESOURCES AS REQUIRED TO SECURE ARIZONA’S BORDERS AND PROTECT ITS PUBLIC SAFETY PERSONNEL AND CITIZENS FROM CRIMINAL ACTIVITIES.**

Council Member Quiñonez asked Juan Pablo Flores for clarification on the reconsideration procedure since proper procedure might not have been followed given that the resolution had been previously defeated.

Juan Pablo Flores stated that the identical resolution had been previously defeated by Mayor and Council and explained that the City of Douglas had never adopted a formal procedure for public meetings. However, Robert’s Rules of Order were used as a guide for protocol and the appropriate way to have dealt with this item would have been by way of reconsideration.

Juan Pablo Flores provided a legal opinion at the time the question was addressed in accordance to a provision in the City Charter by which the Mayor can call a special meeting and it also allows three members of the council to call a special meeting; the Mayor had called for a special meeting pertaining to the resolution. Mr. Flores stated that research had been conducted on the issue and he had concluded that the matter could be presented again, without change, by following the ordinance requirement the Mayor had called the meeting.

Mr. Flores’s final comment was that he had made a legal decision and his conclusion was that the Mayor could call for a special meeting to have the matter heard.

Furthermore, Mr. Quiñonez expressed concern regarding the possible adoption or the failure of the resolution since it could be repeatedly reconsidered in the future.

Mr. Flores stated that it was a possibility and although his preference would have been by reconsideration, the mayor had elected to follow a different option.

**Motion** by Council Member Ray Shelton, second by Mayor Michael Gomez.

Council Members Margaret Morales read the following statement: “My biggest fear is this resolution will be used to further leverage an extremist view about the immigration debate. This resolution has no answers to solve the real problems of immigration and border violence. Drugs flow north because drug users pay good money for the drugs, guns and cash, then flow south. We need to place blame and focus on our elected officials in Washington, who have far too long avoided the issue. Plain and simple, this has turn into a political fiasco, and the politicians use border security to instill fear on the basis to get elected.”

“In the meantime our community will be trampled with negative publicity with headlines used daily on the news, such as border war zone, border crisis, border alert with exaggerated comments to scare residents, and visitors with distorted truths about our safety here in Douglas. This is a Federal government issue and the one good thing that has occurred while attention has been given to the issue. One reason we are talking about border security is that the Governor has created a wedge issue to get re-elected. After trailing in the poles and needed an issue to appeal to the extremist rights views. These views don’t represent Douglas, and they don’t represent the Arizona that we know. As a lifetime resident on the border, I know how interconnected our two countries are, our economies, our people, and the issues of cross border traffic, etc., interdependent.”

“We feel safe in Douglas, the media attention has turned the Douglas area border into a media frenzy with vectoring, and half truths about what really is occurring here in our town. We don’t have the crime, and actually our crime rate is lower than most communities in the county. We have no invasions, murders or rapes, as they have in the Tucson, Phoenix area. The council has taken action on this resolution and voted against it, let’s leave well enough alone.”

“This resolution, which the council members had no input in its design, is dividing not only our council, but also the residents who have lived here, and enjoyed what I feel is a very safe community. The resolution brings more of a negative image of our community, and it needs to stop. The County Board of Supervisors adopted a resolution, and that resolution has been forwarded to the State and Federal government, and doesn’t the county represent, not only Douglas, but also all the cities in Cochise County? The resolution offers no solution, what is the solution to the border issue, what is it that you want to strengthen the border, a bigger fence with razor wire, a thousand armed men? How are you going to stop illegal trafficking from coming through? Mr. Fernandez stated at the last meeting that as long as there is a demand for drugs, and people willing to pay the high price to obtain these drugs, drugs will continue to come through our port of entry.”

“ I am in the health care industry and our organization has tried unsuccessfully to recruit physicians to our community and most recently two positions declined, because when they Googled Douglas on the internet, they were bombarded with negativity and fields Arizona is not safe. Is this the kind of image we want people wanting to relocate to Arizona? Do we not want Arizona and our cities to continue to grow and prosper? Let’s stop this negativity now.”

Council Member Lindemann read the following statement: “When this resolution 10-793 was first introduced, it was done so without my consultation or input, and therefore, it was produced without the benefit of my constituents having it voiced, and been fairly represented. This is not transparency in government. I believe the crafting of any resolution representing the city, must have include the views of all its residents, and cannot be written in a vacuum, especially one that has complicated, sensitive, emotional, and potentially divisive, as this topic is.”

“Only with everyone’s input, can any resolution could truly reflect the wishes of the community. Previously, I stated that I was concerned over the wording of resolution 10-793, and the possibility of a militarization of the border, such open-ended wording might convey. I further stated that I believed, most everyone will agree the need for border security is great and the current situation has become intolerable.”

“More law enforcement professionals are needed and as such would be welcome. I believe a strong resolution statement from our community is needed, but it must come from all community members to truly reflect our views and wishes. I would like to see this council facilitate discussions and conduct study sessions to ensure all views are included. I also believe we must make our views strongly known at all levels of government. Once again, you cannot do this in a vacuum, without including discussion from everyone. Thank you.”

Council Member Fernandez stated that his constituents were his first concern and ninety nine percent of those that had called him advised him to vote in opposition of the resolution. Additionally, the constituents voiced the same concern as Council Member Fernandez, which is the resolution would not fix anything.

Council Member Fernandez also stated that the main problem was to change the immigration law in a fair and even way and the resolution did not consider the many debts a few miles from Douglas and neither had the council; the human beings, mostly men, women, and children. The people that cannot wait ten years in line nor do they have the money to pay lawyers to fill out applications.

Council Member Fernandez commented that the drug problem had no solution and one pound of drugs had a value of \$45,360 dollars and as long as the high price was being paid, it would continue to be brought regardless of law enforcement. Additionally, until immigration laws are fixed, not by resolution, but by the people in Washington nothing would stop.

In closing, Council Member Fernandez stated that demands should be made to the people in Phoenix for a change, not by making more resolutions, but by making demands. With the placement of the well-trained military, shootouts might occur from both sides and he does not want anyone to get hurt. The officials are elected by the people and in good conscience, Council Member Fernandez stated that he could not vote for something that would not fix anything, adding that in a conversation with Mayor Gomez it had been discussed that everyone was together in this, but he could not do it.

Council Member Shelton read the following statement: “In the name of our great nation, we have had to make decisions that are critical for the well-being of our country. We are all gathered here today to discuss and vote on a resolution to help secure our borders. This resolution is very simple.” The resolution is to be sent to the League of Arizona Cities and Towns and then to Washington, D.C.

“Towns and regions of southeast Arizona are being affected; we have security problems in our area. There has been a steady decrease in Border Patrol agents over the past several years. Border security is the key to economic growth. It recognizes that the government does not have the needed air surveillance system intact to pick up on what’s going on. It brings out the fact that these areas have very poor radio and cell phone services. Thus, the governmental agencies cannot respond immediately to injuries or Federal border situations. As a result, of these circumstances, the health, the safety, and the welfare of citizens in the border regions should be a priority for our State and Federal Government.”

Council Member Shelton also explained that the document should encompass New Mexico, and not just Arizona, and the communities being affected.

“On two occasions I have personally witnessed at least 21 drug runners with backpacks and semiautomatic weapons on the United States soil.”

Council Member Shelton’s father fought in World War I in France to protect our country and to protect democracy, adding that two of his brothers fought in World War II.

Council Member Shelton stated that the city needed to do something, the document did not mention anything about troops, and as a country, state, county and city; welcome tourists, shoppers, and businesses from around the world, especially those from Mexico.

Council Member Shelton hopes that all citizens are welcome in our city, especially those from Mexico. He further stated that all of the understanding citizens of both sides of the border depend on each other, economically, culturally, and in many cases socially. Council Member Shelton added that during three summers he and his wife traveled to Hermosillo with the High School boys/girls for tennis tournaments and had been treated with respect and dignity.

Council Member Shelton stated that it was common knowledge that the United States was preparing to improve security and the document before them was a generic statement reaffirming that the people wanted to be heard in Washington, D.C. as part of a representative government.

The passage of the resolution might help in the security of the farmers, ranchers, and people with other hobbies in the surrounding communities, adding that Washington needed to know about it.

Council Member Quiñonez questioned the reason the resolution was being considered again. Council Member Quiñonez agreed with Mayor Gomez's comment pertaining to the Tucson paper, the Sunday paper stated different issues on the border, border issue no longer bribe political divider. Council member Quiñonez commented that during the election process the candidates were contacted by many and once the election was over they were no longer contacted.

Council Member Quiñonez expressed concern regarding the legal procedure for consideration of the same resolution. Some constituents called Council Member Quiñonez to express their opposition to the resolution, adding that during the election process the constituents elect the official and the council needed to make a decision.

In closing, Council Member Quiñonez stated that the resolution was dividing the City of Douglas and expressed concern regarding shootings in Mexico, but clarified that it was occurring in Mexico and not in Douglas. Council Member Quiñonez noted that he was raised in El Paso, Texas, by Juarez, and has lived on the border all his life and disagrees that it is as bad as noted in the newspaper.

Mayor Gomez commented that there would be many diverse opinions. However, if there was an accusation of not been transparent, the resolutions had been presented to Council five days before consideration and could have been amended. The first resolution was unanimously and without debate approved by S.E.A.G.O. in order to secure the border in Southeastern Arizona.

Mayor Gomez pointed out that the League of Cities and Towns required a different format, which was incorporated into the resolution and thereafter introduced to the council. The resolution was also available in the office, in the booklet, and amendments could have been made to it, also it was in the council's packets for anybody in the public to review.

Mayor Gomez spoke about his intent to present the resolution to the League of Cities and Towns and further stated that it had been expressed that Cochise County had taken action on behalf of the city. Furthermore, Mayor Gomez stated that if the Cochise County Resolution was read, it followed the city's format, adding that the Board of Supervisors were smart Supervisors - Pat Call, Richard Searle, and Ann English. The Board of Supervisors had seen that there was a need to support the community and Cochise County.

Mayor Gomez stated that by taking the resolution to the League of Cities and Towns and if the resolution would pass, it would involve Arizona State Congressional Representatives, adding that our senators could not do it by themselves. Mayor Gomez expressed that the step would work and he had been in the League of Cities and Towns hearings since 2004, when he was a council member.

Michael Nava of 2120 10<sup>th</sup> Street, Douglas, AZ, commented on the following:

- Ward 3 constituent; did not urge Council Member Fernandez to vote in opposition (of the resolution).
- Community focus on crime prevention.
- Necessity of border security resolution.
- Criminal gang violence.
- Border security and criminal activity.
- Immigration reform.
- Condemned Senate Bill 1070.
- Urged council to support the proposed border security resolution.

Jaime Farrant, Border Action Network Policy Director, of P.O. Box. 384, Tucson, AZ 85702, commented regarding the following:

- Border Action Network - Human Rights Organization.
- Opposition of resolution 10-793.
- Enforcement.
- Reduced border violence.
- Investigation of the Robert Krentz murder.
- Division of community.
- Senate Bill 1070.
- Border violence.
- Requested rejection of the resolution by council.

Fred Davis of 4156 Davis Ranch Road, P.O. Box. 62, Tombstone, AZ 85638, commented regarding the following:

- Family background.
- Pleased with council's consideration of resolution.
- Border Patrol's commitment.
- Message to Washington.
- Urged council to approve the resolution.

Del Cabarga of 1214 11<sup>th</sup> Street, Douglas, AZ, made the following comments:

- Submittal of signature collection.
- Opposition of resolution.

Karen KayHuston of 8989 E. Bosse Ranch Road, Mile Post 390, Highway 80 East., Douglas, AZ, commented regarding the following:

- Victim of shooting incident.
- Safety issue.
- Former Mexico resident.
- Tourists.
- Military.
- Border Patrol.

Kathleen Gomez of 1046 G. Avenue, Douglas, AZ, commented regarding the following:

- 9/11 in New York.
- Tucson sector statistics.
- Border security.

William Mercer of 1159 7<sup>th</sup> Street, Douglas, AZ, commented regarding the following:

- Requested resolution support from Council member Lindemann.
- Illegal immigrants.
- Resolution for security.

Ginny Jordan of 3983 N. Plantation Rd, Douglas, AZ, commented regarding the following:

- Previous input pertaining to resolution.
- Support by other communities.
- Lack of support by council.
- Community fear.
- Discrimination.
- Community input.

Mayor Gomez expressed disagreement with Ms. Jordan's statement and further stated that he had supported it publicly, this was the best council in Cochise County, and stood behind his council; the best council.

Don W. Kimble of Skeleton Canyon Road, (P.O. Box. 1117), Douglas, AZ, commented regarding the following:

- Opinion of the ranching community.
- Safety issue.
- Robert Krentz.
- Urged council to approve the resolution.
- Conference calls to Congresswoman Giffords and Senator McCain.
- Border security.
- Immigration reform.
- Requested resolution approval by council.

Alison McCloud of 939 Border Road, Douglas, AZ, commented regarding the following:

- Safety issue.
- Illegal immigrants.
- Border wall.
- Drug cartels.
- Eastern Island

Jeannie Weachter of 1712 E. 21<sup>st</sup> Street, Douglas, AZ, commented regarding the following:

- Border Patrol enforcement.
- Gunfire.
- Safety issue.
- Immigration bill.
- Federal government.

Ben La Forge of 2907 Cortez, Douglas, AZ , commented regarding the following:

- Protection of Civil Rights.
- Military opposition and Human Rights belief by Council Member Fernandez.
- Commended Council Member Fernandez.
- Agua Prieta and Douglas - an undivided community.
- Mayor's decision to place the item on the agenda for discussion.

Mayor Gomez invited Mr. La Forge into his chamber to give him details in regards to the resolution process.

Frank A. Dorame of 1430 8<sup>th</sup> Street, Douglas, AZ, commented regarding the following:

- Emotion and enforcement.

Bill McDonald of P.O. Box. 3596, Douglas, AZ, commented regarding the following:

- Washington trip.
- Safety issue.
- Referenced comments by Council Member Shelton, Mike Nava, and Ginny Jordan.
- Reelection concerns.
- Senate Bill 1070.
- Time constraint for submittal to the League of Cities and Towns..

Richard C. Lopez of 1605 9<sup>th</sup> Street, Douglas, AZ , commented regarding the following:

- Questioned Council Member Lindemann's decision to vote in opposition.
- Resolution.
- Border security.
- Saluted Council Member Ray Shelton and Mayor Gomez.

Lee Johnson of 1556 Frederic Drive, Douglas, AZ, commented regarding the following:

- Border security.
- Civil Rights.
- Urged council approval of the resolution.

Peggy Davis of 4156 East Davis Ranch Rd, Douglas, AZ, commented regarding the following:

- Resolution submittal to the League of Cities and Towns.
- Referenced comment by Don Kimble.
- Rural area issues.
- Urged Mayor and Council to approve the resolution.
- Open borders
- Strategy development.
- Safety issue.

Tim Miller of 1553 9<sup>th</sup> Street, Douglas, AZ, commented regarding the following:

- Undocumented aliens.
- Safety issue.
- Border.
- Immigration.

Mayor Gomez stated that he received an email from Ruth Evelyn Cowan requesting resolution support from the Mayor and Council and it was read by a member of the public.

Ron Bemis of 4584 W. Downs Rd, McNeal, AZ 85617, commented regarding the following:

- Safety/health issue.
- Resolution support.

Bill Mason of 2801 Barcelona, Douglas, AZ, commented regarding the following:

- Requested consideration of the situation.
- Resolution for community security.

James R. Cooper of 1536 Frederic, Douglas, AZ, commented regarding the following:

- United States Supreme Court Law.
- Illegal entry.
- Implication from resolution failure.

Lynn Kartchner of 1300 9<sup>th</sup> Street, Douglas, AZ, commented regarding the following:

- Increase of undocumented aliens.
- Border security.
- Resolution approval.

Eliza Wicks-Ashack of 1510 9<sup>th</sup> Street, Tucson, AZ, commented regarding the following:

- Border Action Network Intern.
- Comprehensive Immigration Reform.

Wendy Glenn of Malpai Ranch Geronimo Trail, Douglas, AZ 85608, commented regarding the following:

- Border security.

Larry Vance of 2890 W. Calumet Rd, Douglas, AZ, commented regarding the following:

- Border security.
- Urged support of the resolution.
- Safety issue.

Susan Krentz of 9795 N. Tux Canyon Rd, P.O. Box. 3592, Douglas, AZ , commented regarding the following:

- Robert Krentz murder.
- Security.

Bill McDonald of P.O. Box 3596, Douglas, AZ, commented regarding the following:

- Comprehensive reform.
- Border security.

Council Member Lindemann thanked the audience and stated that the issue was divisive. He further reiterated that council members were not against securing the border, or law enforcement, but he represented one part of the community and the majority of his constituents communicated opposition to the resolution.

Council Member Lindemann expressed disagreement with the Mayor's comment, as council members were not given time to explore and discuss the resolution.

Council Member Bob Fernandez commented that he is not ashamed to live in Douglas and does not see the need to apologize. Council Member Fernandez stated that he was unaware of some of the problems since the residents did not attend meetings to express their problems.

Council Member Fernandez stated that Border Patrol and Police officers cannot cross the forest because it was Federal land and requested verification before moving forward. Council Member Fernandez wishes to secure the border in an appropriate way.

Explanation by unidentified citizen: Border Patrol has access by foot or horse into the San Bernardino. The only stipulation is that they keep their vehicles on the road, and they notify the Fish and Wildlife Service. The U.S. Forest Land through Rucker Canyon, Border Patrol patrols the area. It is not true that they cannot patrol Federal land.

Council Member Fernandez expressed his condolences to Mrs. Susan Krentz.

Mrs. Susan Krentz stated that on their forestland there was a warning sign, stating that it was dangerous to be there because of the high drug and undocumented alien traffic, adding that there was never malice on the Krentz ranch boundaries. Additionally, the area was not being policed, but unknown people were not welcomed to their area. They honor the law.

Council Member Shelton expressed that he realized there was a problem and action needed to be taken. Militarization was not a part of the resolution and Council Member Shelton made the following comment: United we stand, divided we fall.

Council Member Quiñonez stated that Border Patrol needed to be by the border in order to secure it and commented hearing about troops that would be sent to the border. Although Council Member Quiñonez wants to secure the border, he does not believe the resolution will do anything regardless of the vote there would be constituents against it.

Mayor Gomez expressed that the resolution was not about human rights, immigration reform, or any other agendas, but that it was a matter of making the border secure and for the people to live in peace. The resolution was for border security and it would be sent to Washington, D.C., with the support of the League of Cities and Towns. Mayor Gomez added that people who are apprehended are criminals and any other people that are arrested were sent back to Mexico due to no criminal record on file.

Mayor Gomez commented on immigration reform and provided information regarding the process.

In closing Mayor Gomez stated that the resolution did not violate human rights, but it did request border security, adding that a border presentation made by Senators Mc Cain and Kyl mentioned that Southern Arizona was in a red zone and people were asked not to go there because it was dangerous.

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

Not addressed.

**4. ADJOURNMENT.**

**Motion** by Council Member Morales, **second** by Council Member Lindemann to adjourn the meeting at 7:46 p.m. unanimously passed.

**Prepared By:**

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