

**DOUGLAS CITY COUNCIL  
REGULAR MEETING MINUTES  
NOVEMBER 9, 2011**

The City of Douglas Mayor and Council met in a Regular Meeting on Wednesday, November 9, 2011, 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 American Legion Representatives led the invocation after the Pledge of Allegiance. Mayor Gomez proceeded to ask for roll call.

**1. CALL TO ORDER/ROLL CALL.**

	<b>PRESENT</b>	<b>ABSENT</b>
MAYOR, DR. MICHAEL GOMEZ	X	
COUNCIL MEMBER MARGARET MORALES-WARD ONE	X	
COUNCIL MEMBER MITCH LINDEMANN-WARD TWO	X	
COUNCIL MEMBER BEN LA FORGE - WARD THREE	X	
COUNCIL MEMBER RAY SHELTON – WARD FOUR	X	
COUNCIL MEMBER IVAN HUIH - WARD FIVE	X	
COUNCIL MEMBER RUDY QUIÑONEZ – WARD SIX	X	
CITY MANAGER - CURTIS SHOOK	X	
CITY ATTORNEY- JUAN PABLO FLORES	X	
CITY CLERK - BRENDA AGUILAR	X	

**5. DISCUSSION/DECISION ON CONSENT AGENDA ITEMS:**

- A. EXPENDITURES FOR THE MONTH OF OCTOBER 2011, TOTALING \$1,433,914.72.**
- B. MEETING MINUTES FOR OCTOBER 12, 2011.**

Council Member Lindemann requested removal of consent agenda item (b) for separate discussion.

**Motion** by Council Member Morales, **second** by Council Member Shelton to approve the consent agenda items and including expenditures for the month of October 2011, totaling \$1,433,914.72.

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

Council Member Lindemann stated that the Mayor’s absence from the October 12, 2011, council meeting had been reported to be due to Mayor Gomez receiving an award from the American College of Dentists. Council Member Lindemann congratulated Mayor Gomez.

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

Furthermore, Council Member Lindemann pointed out that in 1997 as the recipient of the Alumni Award from Northern Arizona University, he received notification a month in advance and would assume the American College of Dentists was as organized.

Council Member Lindemann inquired the reason Mayor Gomez had contacted the City Clerk at 3:52 p.m. on the meeting date and had indicated that due to an emergency he would be unable to be present. Furthermore, since Mayor Gomez had three items placed on the agenda it had been an indication of his intent to be present.

Council Member Lindemann stated the explanations given for the Mayor's absence were not credible. He further expressed concern regarding possible misrepresentation of the Mayor's absence and a false claim of an emergency. Such action showed contempt for the important function of City government and an abdication of his responsibility to that function.

**Motion** by Council Member Lindemann, **second** by Council Member La Forge to approve the minutes with an amendment to change the Mayor's absence from excused to unexcused.

Mayor Gomez explained there had been two meetings scheduled between Monday and Tuesday with the invocation and the grand finale on Tuesday evening. He had intended to return in time for the six o'clock meeting. However, due to important issues and availability of a free health screening, Mayor Gomez decided to stay and called the City Clerk. Furthermore, Mayor Gomez stated he could present the health screening documentation.

Council Member Lindemann thanked the Mayor and stated that he was not a mean person, but had simply wanted a clear explanation. He, again, thanked Mayor Gomez and stated the explanation was believable and he appreciated it. Moreover, Council Member Lindemann stated he wished there could be communication that is more open. "And instead of saying an hour before the meeting, I am not going to be there it's an emergency. Which was clearly not the truth."

Council Member Lindemann stated that if there could be more open communication, most of many things could be solved, and Council had tried this throughout the Mayor's tenure. Council Member Lindemann withdrew his motion and Council Member La Forge withdrew his second to approve the minutes with an amendment to change the Mayor's absence from excused to unexcused.

**Motion** by Council Member Lindemann, **second** by Council Member La Forge to approve the minutes with the Mayor's absence as excused.

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

6. **PRESENTATION/DISCUSSION BY CITY ATTORNEY, JUAN PABLO FLORES, CONCERNING FUTURE WARD REDISTRICTING IN THE CITY OF DOUGLAS.**

Juan Pablo Flores gave a PowerPoint presentation concerning future ward redistricting in the City of Douglas.

The following topics were discussed:

- Realignment of Ward Boundaries
- 2010 Ward Population (including/excluding prison population)
- 2010 Mean, Variance, High, Low (including/excluding prison population)
- 2012 Proposed Ward Reconfiguration
- Current City of Douglas Map
- Proposed City of Douglas Map

Council Member Quiñonez inquired if the area near Pizza Hut and west of the underpass would be added to ward 5 and Mr. Flores agreed. However, Council Member Quiñonez stated the particular area might not have seventy residents as noted on the documents.

Juan Pablo Flores further explained some of the map modifications. He also pointed out the City would be accepting precinct modifications made by the County and community citizens would be informed through a campaign process. Furthermore, Mr. Flores stated ordinance language would make the redistricting effective until the election after the general election in 2012.

Council Member Huish expressed disagreement concerning the County making decisions on behalf of the City unless required by law, adding the City should be able to make its own decisions.

Council Member Shelton agreed with Council Member Huish and further inquired when the matter would be considered.

Juan Pablo Flores stated it would be in the month of December.

Council Member La Forge also agreed with comments made by Council Member Huish and further commented on the map's non-parallel boundary lines. He further stated the onus should be on the Cochise County Recorder's to be responsible for the notification process concerning the ward changes office since they have the registered voters' information.

Juan Pablo Flores pointed out the City should also be responsible for the notification process since it was an important matter occurring every ten years. Furthermore, the City's population reflected an increase in growth by approximately 1,000.

Council Member Lindemann expressed satisfaction with the proposed changes to the ward lines and expressed appreciation for the hard work involved in the preparation of the information. He further suggested a study of all-mail only voting, which could save the City money and possibly increase voter participation as it has occurred in Tucson, AZ.

Council Member Morales liked the proposed changes that would affect ward 1 and ward 2.

Juan Pablo Flores pointed out Cochise County had agreed to a modification of five polling locations during a recent meeting.

Council Member Quiñonez inquired if council members could attend future County meetings.

Juan Pablo Flores indicated most of the meetings were administrative; however, the Cochise County Board of Supervisors would be formally considering the reconfiguration of the polling locations in the following month and Council could attend the meeting in order to provide an opinion.

Council Member Quiñonez commented Council might be interested in attending in order to ask questions and/or express concerns.

**7. DISCUSSION/DECISION ON APPROVAL OF THE CITY OF DOUGLAS POLICE DEPARTMENT VEHICLE LIST AND AN AUCTION DATE OF DECEMBER 3, 2011, AND WITH A BACKUP DATE OF JANUARY 7, 2012.**

Curtis Shook explained that once vehicle titles had been cleared by Motor Vehicle Division and there were enough vehicles, the City of Douglas Police Department would prepare for the auction process. Furthermore, Mr. Shook requested approval of an auction date of December 3, 2011, and with a backup date of January 7, 2012.

**Motion** by Council Member Shelton, **second** by Council Member Quiñonez to approve the vehicle list and the auction date of December 3, 2011, and with a backup date of January 7, 2012.

Council Member La Forge suggested some of the newer model auction vehicles could be exchanged for older City fleet vehicles.

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

**8. DISCUSSION/DECISION ON APPROVAL OF SECOND READING OF ORDINANCE NO. 11-1003, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, AMENDING TITLE 3 OF THE CITY OF DOUGLAS MUNICIPAL CODE RELATING TO MUNICIPAL CEMETERY AND BY AMENDING SECTIONS 3.12.010 THROUGH 3.12.100, ESTABLISHING SEVERABILITY OF COMPONENTS OF ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE THEREOF.**

Juan Pablo Flores explained some of the ordinance modifications as the City of Douglas owns and operates the Calvary Cemetery.

**Motion** by Council Member Shelton, **second** by Council Member Quiñonez to approve the second reading of Ordinance No. 11-1003, with modifications as presented, and to place it on third reading by number and title only.

Council Member Lindemann pointed out he was uncomfortable with ordinance inclusion of Burial Rules, section 3.12.070 (E): burial attendees must disperse thirty (30) to forty-five (45) minutes after casket has been lowered. He further indicated the City should not impose such a restriction to grieving parties since 30 minutes was not enough time. Although, City staff had a job to perform a reasonable timeframe should be allowed.

Council Member Morales agreed with comments made by Council Member Lindemann and further stated a grieving family should be allowed to spend as much time as they wished.

Council Member La Forge pointed out the issue might not present a problem during the week; however, on weekends employees would be paid overtime. Thus, enforcement could be on weekends only.

Juan Pablo Flores indicated the time restriction had been recommended by cemetery staff due to time delays after the casket is lowered.

Council Member Huish commented concerning citizen complaints on quick removal of flowers from a gravesite by City staff.

As a point of information, Juan Pablo Flores stated the ordinance included a new concept to allow removal of funeral decorations fourteen days after the service. In addition, floral displays could be removed when they became faded and unsightly or as needed to facilitate cemetery operations.

Council Member La Forge suggested more vigilance from law enforcement in order to prevent criminal activity at the cemetery.

Mayor Gomez stated that if management and council could find twenty to thirty thousand dollars (\$20,000 to \$30,000) to investigate an elected official, he would vote against the matter. Mayor Gomez further stated that effective January 1, new burial rate increase would take effect and he would not vote to approve the increases, adding that since the City had money to investigate elected officials, but the City did not have money to provide burial savings to its citizens.

Juan Pablo Flores clarified that the ordinance did not include increases as they had been previously approved in 2008.

Mayor Gomez indicated he understood and further stated the ordinance included revisions.

Once again, Juan Pablo Flores stated the base figures had not changed.

Mayor Gomez stated some fees were included on the resolution, such as granite on page 3.

Council Member Quiñonez pointed out Ordinance 08-941 had become effective on August 13, 2008, and it included automatic increases through calendar year 2013. Furthermore, he indicated the Council would not be voting on that particular ordinance (08-941), but Council would vote on changes such as the thirty percent veterans' discount.

Council Member Quiñonez stated he had previously expressed concern regarding high increases, but approval had been made in 2008. Furthermore, he had suggested the veterans' discount and stated he opposes fee increases, as does the Mayor.

Mayor Gomez indicated he opposed additional charges, as noted on page 3, concerning granite which had not been included in the original resolution.

Juan Pablo Flores explained there were no base increases and further explained price reductions applicable to granite headstones based on size. Mr. Flores stated there were some new fees, but the opening and closing price along with the plot price had not increased.

Mayor Gomez indicated he might have misworded, but there were some fee changes.

Juan Pablo Flores agreed that there were changes to some of the fees.

Mayor Gomez expressed opposition concerning the fee changes.

Council Member Shelton pointed out the fee reduction.

Mayor Gomez stated it would be a matter of choice.

**Motion** by Council Member Lindemann, **second** by Council Member Shelton to approve an amendment to section 3.12.070 (E) requiring burial attendees to disperse 60 minutes after casket has been lowered.

Roll Call: All members, except Mayor Gomez and Council Member Quiñonez, voted in favor. **MOTION to AMEND PASSED**

Roll Call: All members, except Mayor Gomez, voted in favor. **MOTION PASSED**

9. **DISCUSSION/DECISION ON APPROVAL OF FIRST READING OF ORDINANCE NO. 11-1004, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, AUTHORIZING THE EXECUTION OF A COMMERCIAL PROPERTY LEASE AGREEMENT BETWEEN THE CITY OF DOUGLAS AND CORAZÓN BEHAVIORAL HEALTH SERVICES AT 1815 E. 9<sup>TH</sup> STREET IN THE CITY OF DOUGLAS, ARIZONA; ESTABLISHING SEVERABILITY OF COMPONENTS OF ORDINANCE AND ESTABLISHING AN EFFECTIVE DATE THEREOF.**

Curtis Shook explained that in the previous year, during the reorganization process, the Housing Authority had changed to Housing, Neighborhoods, and Grants and as part of community development had been moved to City Hall. Thereafter, the 9<sup>th</sup> Street building had been renovated and had been leased to Cenpatico for behavioral health services. A lease renewal request by Cenpatico was for a three-year period at a market rate, which would provide revenue for the City.

**Motion** by Council Member Huish, **second** by Council Member Quiñonez to approve the placement of Ordinance No. 11-1004 on its first reading by number and title only.

Council Member Quiñonez expressed support concerning the lease renewal.

Council Member La Forge requested the monthly lease amount.

Curtis Shook stated the amount would be \$1,500 monthly and \$18,000 annually.

Council Member La Forge inquired if Cenpatico had been offered the opportunity to purchase the building and if that was their desire.

Curtis Shook indicated it would not be at this time since it was initially undetermined what the length of the contract would be with the State concerning behavioral services. Mr. Shook further stated it could be a future consideration.

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

**Motion** by Council Member Huish, **second** by Council Member Quiñonez to approve the first reading of Ordinance No. 11-1004 by number and title only and to place it on second reading by number and title only.

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

**10. DISCUSSION/DECISION ON APPROVAL OF FIRST READING OF ORDINANCE NO. 11-1005, 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; ESTABLISHING SEVERABILITY OF COMPONENTS OF ORDINANCE; AND DECLARING AN EMERGENCY.**

Curtis Shook stated the item was an extension of action taken in the last three years as former Council Member Fernandez had worked with the downtown merchants concerning holiday sales. The current request was made by downtown merchants for a fee waiver from November 9, 2011, through December 31, 2011.

**Motion** by Council Member Shelton, **second** by Council Member Huish to approve the placement of Ordinance No. 11-1005 by number and title only and declaring an emergency.

Council Member Shelton commented it was a good idea and a way for the City to help the merchants during difficult times.

Council Member Morales commented that it was a good idea and Douglas High School would be getting involved in painting the windows for the Christmas holiday.

Council Member La Forge stated the suspension date should be excluded in order to provide a permanent fee suspension.

Juan Pablo Flores indicated the ordinance would waive the sidewalk display permit and twenty-dollar-processing fee from November 9, 2011, through December 31, 2011.

Council Member La Forge stated the date should be excluded in order for the item not to be considered once again in the following year for the good of the merchants.

Juan Pablo Flores explained the City did not waive fees on a yearly basis due to liability issues and the fee waiver would benefit the licensed and insured downtown merchants. Mr. Flores further explained the process followed in the previous year and suggested consideration of fee waiver only during the holiday season.

Curtis Shook agreed with comments made by the City Attorney, Juan Pablo Flores.

Council Member La Forge stated the merchants were encountering hardships due to the lack of adequate bus service for the people from Mexico, whom the City derived most of the sales taxes from, and the City should provide support, but would follow the City Attorney's suggestion and would disregard on an amendment.

Juan Pablo Flores indicated it would be Council Member La Forge's preference or choice to suspend the sidewalk permit fee and permit application indefinitely. However, it was important to have a control measure in place.

Council Member La Forge indicated he would not consider further based on information provided by the City Attorney.

Juan Pablo Flores suggested an amendment could be made to have an effect in the following year during the holiday season.

Council Member Quiñonez suggested not making any changes and having a future Council consider future modifications.

Mayor Gomez agreed with comments made by Council Member Quiñonez.

Roll Call: All members, except Council Member La Forge, voted in favor.  
**MOTION PASSED**

**Motion** by Council Member Shelton **second** by Council Member Huish to approve the first reading of Ordinance No. 11-1005, and to place it on second reading by number and title only and declaring an emergency.

Roll Call: All members, except Council Member La Forge, voted in favor.  
**MOTION PASSED**

**Motion** by Council Member Shelton **second** by Council Member Huish to approve the second reading of Ordinance No. 11-1005, and to place it on third reading by number and title only and declaring an emergency.

Prior to voting, Council Member La Forge indicated the Council would not be encumbering the next Mayor and Council in the future and it would be better for the merchants if the schedule would be set on a yearly basis from November 9 through December 31, each and every year.

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

**Motion** by Council Member Shelton **second** by Council Member Huish to approve the third reading of Ordinance No. 11-1005, by number and title only and declaring an emergency.

Roll Call: All members, except Council Member La Forge, voted in favor.  
**MOTION PASSED**

**11. DISCUSSION/DECISION ON APPROVAL OF RESOLUTION NO. 11-862, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, AMENDING RESOLUTION NO. 703, 723 AND 96-115, AND CLARIFYING MEMBERSHIP, APPOINTMENT TERMS, DUTIES AND PURPOSE OF THE FINANCE COMMITTEE.**

Juan Pablo Flores explained that during the early stages of budget consideration the Finance Committee had been operating astray of the 1996 resolution. Instead of having a 5-member committee, there were 7-members, which included a liaison and the committee had not met regularly as required. Mayor and Council were informed of the concerns along with citizen concerns when the budget was approved. The previous resolution had been difficult to follow due to various reason; however, the new resolution had been approved in large part by the Finance Committee.

Juan Pablo Flores explained the modifications in the revised resolution.

**Motion** by Council Member Morales, **second** by Council Member La Forge to approve Resolution No. 11-862.

Council Member Lindemann read a prepared statement indicating the City had transitioned to an era of professionally managed government and the Finance Department under the policies of the Council and of the City Manager, had produced yearly surplus budgets. The City had received yearly awards along with an A rating, and had received clean third-party audits. In addition, there had been no furloughs or terminations as a result of the recession.

Furthermore, Council Member Lindemann stated that City Attorney, Juan Pablo Flores, had done an admirable job in capturing in the resolution how the Finance Committee had been successfully operating. The resolution had been written clearly and concisely and it retained the public input without cumbersome and needless rules, regulations, or restrictions, which would be adverse in maintaining professionally managed government. It was the recommendation of the Finance Committee and of Council Member Lindemann that the resolution be accepted as written. As a point of reference, Council Member Lindemann stated the City of Nogales did not have a finance committee.

Council Member La Forge expressed agreement concerning the resolution. He further commented the City of San Luis derived almost eight million dollars due to a four (4) percent sales tax in comparison to the City of Douglas of two-point-eight (2.8) percent, adding the City of San Luis reviewed its budget annually and the City of Douglas was moving in the right direction.

Mayor Gomez indicated that according to the City Charter the finance committee was a standing committee and the previous administration had approved a good resolution that was now being considered as stringent. Mayor Gomez further stated, “this takes the teeth out of the finance department, they don’t want anybody to look over their shoulders...what is wrong with having a finance committee that monitors and makes recommendations?” “They are an advisory committee, but they can be the watch dogs because we don’t see the budget and what’s happening every single month.” “There is nothing wrong, these people are willing to monitor and say, wait a minute, something is wrong here...we advice you to look into this thing.” “No more monitoring.” “This resolution says that they will meet twice, formulating the budget and then they’re gone, they are completely gone, no monitoring or nothing.”

Mayor Gomez, once again, indicated the current resolution was good and “why do we have to change it and take the public out of, you’ve got to be translucent with the people.”

In closing, Mayor Gomez expressed concern regarding the changes.

Council Member Shelton stated he liked the idea of having the committee monitoring the budget at least once a year. He further inquired if there would be a review or monitoring of the budget at least once per year.

Juan Pablo Flores indicated the term “monitoring” had been removed and it would be replaced by the terms “study and review”. Additionally, Mr. Flores explained the committee was advisory and would meet at least twice per year and more frequently as needed to be determined by the City Manager, Finance Committee Chairperson, and Finance Director. The budget would be studied and reviewed with recommendations being made to Mayor and Council.

Council Member Shelton inquired if that would signify monitoring.

In response, Juan Pablo Flores stated that it would depend on how deeply the budget would be reviewed and how deeply it would be studied.

Council Member Shelton inquired how deeply the budget would be studied.

Council Member Lindemann indicated it would be a similar process; however, Council Member Shelton inquired if it would be a mix within the process.

Council Member Lindemann stated what they had done, and what the City Attorney had written for them, was exactly what they had been doing. Mr. Flores had simply transferred the information into resolution format.

Council Member Quiñonez inquired if anyone had spoken to the five-committee members concerning the resolution changes.

Juan Pablo Flores stated there had been a meeting in the previous month and the changes had been approved by the committee majority.

Council Member Quiñonez inquired if the committee had agreed to two meetings per year instead of four meetings per year.

Juan Pablo Flores indicated the committee had agreed to two meetings and had approved the recommendations by a majority of the members present.

Council Member Quiñonez suggested four quarterly meetings instead of two annual meetings, but later indicated he would prefer four meetings per year. He further expressed disagreement concerning the exclusion of monitor.

Council Member Lindemann pointed out the resolution required two meetings; however, the flexibility had been built-in to have as many meetings as necessary without limit. Their intent was to avoid a cumbersome document. Furthermore, they had been highly successful with its current operation.

Mayor Gomez stated that if the Finance Committee Chairperson did not wish to call a meeting, he would have the authority to make that decision.

Council Member Lindemann pointed out comments by Mayor Gomez were untrue because a collaboration existed between the Finance Committee Chairperson, the City Manager, and the Finance Director/City Treasurer.

Council Member La Forge commented on a previous experience concerning unsuccessful budget monitoring during his tenure as Public Works Director. He further stated the committee had voted for the resolution and the Council did not know more than the committee did.

Mayor Gomez stated there had only been three members present to vote out of the five-committee members and two had decided to present it to Council. Mayor Gomez further inquired if the action had been legal.

Juan Pablo Flores explained that a majority of the members would have to be present for a quorum in order for action to be taken and a majority would be three.

Mayor Gomez stated he understood the majority of three members showing-up. He further questioned the issue of two members sending the item to Council and not making the item available to all five members, since there was at least one member out of town.

Juan Pablo Flores stated that at times, different representatives had different things to do and could not make it to all meetings.

Mayor Gomez stated he just wanted to make it easy for all five committee members to attend for such an important issue.

Mike Nava, Finance Committee Member, 2120 10<sup>th</sup> Street, Douglas, AZ commented on the following:

- Years of service as a finance committee member.
- Meeting requirements for the finance committee.
- Recommendation from a legal quorum.
- Unapproved amendment requiring Chairperson to consult with the City Manager and City Finance Director/Treasurer in setting the agenda.
- Suggested a no vote concerning the item.

Mayor Gomez stated the committee members would donate a high amount of time and the public would no longer have input concerning the budget formulation. Furthermore, Mayor Gomez stated that some of the cities without a finance committee had the council involved in the budget process. Further concern was expressed concerning the issue.

**Motion** by Council Member Morales, **second** by Council Member Shelton to approve an amendment, under meetings, to change from meeting twice a year to four times a year.

Mayor Gomez confirmed the motion with Council Member Morales and she agreed it would be to meet four times a year.

Roll Call: All members, except Council Member Mitch Lindemann, voted in favor.  
**MOTION TO AMEND PASSED**

Prior to voting on the original motion Council Member Quiñonez inquired if there would be monitoring and Mayor Gomez stated that if the committee would be meeting four times a year that would signify monitoring.

Roll Call: All members, except Mayor Gomez and Council Member Quiñonez, voted in favor. **MOTION PASSED**

Council Member Shelton was excused from the meeting by Mayor Gomez at 7:35 p.m. and returned to the meeting at 7:36 p.m.

**12. DISCUSSION/DECISION ON APPROVAL OF RESOLUTION NO. 11-863, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF DOUGLAS AND THE STATE OF ARIZONA ACTING BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION FOR SAFE ROUTES TO SCHOOL GRANT FUNDING FOR OFF-SITE INFRASTRUCTURE IMPROVEMENTS NEAR JOE CARLSON ELEMENTARY SCHOOL TO BE PERFORMED WITHIN THE NOTED AREAS OF THE CITY DESIGNED TO SAFE WALKING AND BIKING ROUTES ALONG ROADWAYS NEAR JOE CARLSON SCHOOL IN DOUGLAS, ARIZONA.**

Curtis Shook explained the grant details and requested approval of the item.

**Motion** by Council Member La Forge, **second** by Council Member Quiñonez to approve Resolution No. 11-863.

Council Member La Forge suggested an extension of various walkways, pathways, bicycle ways, such as the area of Geronimo Trail towards D Hill.

Council Member Huish inquired if any students were attending Joe Carlson School.

Curtis Shook stated students might still attend and Council Member Shelton clarified that all students were attending the new Joe Carlson School.

Council Member Huish commented the Joe Carlson School would only be an administrative staff building.

Council Member Shelton pointed out the item was in relation to the new Joe Carlson School and Curtis Shook agreed.

Council Member Huish understood the clarification as he noted Joe Carlson School was located next to Douglas High School.

Council Member Quiñonez stated that although Council had voted for improvements in that area approximately two years prior, he had not seen any of the improvements.

Curtis Shook indicated Council Member Quiñonez would be provided with documentation concerning the improvements.

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

**13. DISCUSSION/DECISION ON APPROVAL OF RESOLUTION NO. 11-864, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, SUPPORTING THE ADMINISTRATION AND OPERATION OF THE DOUGLAS RIDES TRANSIT PROGRAM AND AN APPLICATION TO THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR SECTION 5311 AND 5317 RURAL PUBLIC TRANSPORTATION PROGRAM FUNDS TO PROVIDE PUBLIC TRANSPORTATION SERVICES VIA THE DOUGLAS RIDES PROGRAM.**

Curtis Shook provided grant application information and reminded Council that in the month of September staff had made a presentation concerning current operating of Douglas Rides and Catholic Community Services was experiencing a deficit budget. Furthermore, the City of Douglas had been working with them in a partnership and requested authorization for grant application submittal to Arizona Department of Transportation for 5311 funding for fiscal year 2012-2013.

**Motion** by Council Member Shelton, **second** by Council Member Morales to approve Resolution No. 11-864.

Council Member Shelton stated the grant was needed in transportation and the City needed to move forward.

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

**14. DISCUSSION/DECISION ON APPROVAL OF RESOLUTION NO. 11-865, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, ADOPTING THE CITY OF DOUGLAS TRANSIT PROGRAM POLICIES.**

Curtis Shook explained that it was a grant requirement for the City to adopt the Douglas Transit Program Policies and provided details.

**Motion** by Council Member Shelton, **second** by Council Member Morales to approve Resolution No. 11-864.

Mayor Gomez inquired if the City previously had grants under 5311 and Curtis Shook agreed and provided details.

Mayor Gomez inquired if funding previously taken from Douglas and issued to Willcox had been returned to the City of Douglas due to an unsuccessful rides program in Willcox.

Curtis Shook stated the money had been returned to the City of Douglas.

Council Member La Forge stated he did not oppose any of the resolutions and requested for the City Manager to guarantee monitoring of the traffic routes since sales tax money was derived from the Mexican shoppers. He further stated it would be a disservice if the shoppers were excluded from the traffic routes.

Mayor Gomez stated that one complaint was the lack of schedule.

Curtis Shook indicated staff had been informed anecdotally and staff was also aware of cuts that had being made to the routes, to include less personnel operating the transit system. The City does not schedule the routes since an external contract had been awarded. A meeting with Catholic Community Services was scheduled for November 22, 2011, and routes would be a topic of discussion.

**Motion** by Council Member Shelton, **second** by Council Member Morales to approve Resolution No. 11-865.

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

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

Council Members Morales and La Forge were excused from the meeting by Mayor Gomez at 7:49 p.m. and returned at approximately 7:51 p.m.

Lynn Kartchner of 1300 9<sup>th</sup> Street commented on the following:

- Mayor Gomez' investigation.

Kathleen Gomez of 1046 G Avenue commented on the following:

- Mayor Gomez' investigation.
- Douglas Rides Program.

Richard Lopez of 1605 9<sup>th</sup> Street commented on the following:

- Halloween party.
- Mayor Gomez' investigation.
- Activities concerning Council Members Mitch Lindemann, Ben La Forge and Rudy Quiñonez.

Gene Trujillo of 2105 7<sup>th</sup> Street commented on the following:

- Expressed appreciation to Council for the opportunity to participate in Council proceedings.
- Fireworks display.
- Veterans.

Olga Robles of 809 8<sup>th</sup> Street commented on the following:

- Investigation of Mayor Gomez.

Louie Acedo of 1384 20<sup>th</sup> Street commented on the following:

- Pending street paving projects.

Danny Morales of 3200 N. Camino Perilla commented on the following:

- Light the Fire Foundation.
- My Douglas.
- Recording of Council Meetings.
- Gifts of Agency.

Blanca Patricia Gomez of 1285 F. Avenue commented on the following:

- Legal matters.

Jesus Obregon of 2425 13<sup>th</sup> Street commented on the following:

- High volume of vehicle traffic in the area of 15<sup>th</sup> Street and San Antonio.
- Council forum with each ward.

Council Member Morales commented in relation to an engagement letter concerning the investigation of Mayor Gomez. She stated that she was not in support of a continuing investigation and having the taxpayers be responsible for the \$20,000 to \$30,000 to hire independent council.

Council Member Morales further stated, “I know the truth about what happened, the Mayor knows the truth about what happened and he has not been forthright about this issue.” “If this investigation could continue without having to pay, then yes, I would definitely support it.” “But in the end is this what is in the best interest of the City of Douglas?” “And I want you to know that I am willing to move forward.”

“Thank you.”

Council Member Ben La Forge stated the decisions made concerning the investigations were in the best interest of the community as a whole. It was not in any way a form of a witch-hunt nor a vendetta of any kind, but were acting with jurisprudence and it was morally and ethically the right thing to do. He asked why anyone would allow the Mayor to mislead them, why they would think there was no truth concerning the phone call the Mayor made to Mr. Dickson, the highest-ranking official for Copper Queen Medical Associates. Council Member Ben La Forge further asked why Mr. Dickson would put his credibility on the line and further cause concern for one of his employees, Council Member Morales.

The Mayor’s denial of the allegations, have caused consternation and grief for the well-respected lady (Council Member Morales) in the community. “Who was responsible for this investigation?” “It’s the Mayor and why won’t he own up to this mistake?” “It isn’t the Council that has become disillusioned and if you are so concerned about this money being spent and if we have three months as you proclaim in the paper for a primary election, well maybe he should resign.” “And maybe you should read the facts and maybe you are partially disillusioned by the Mayor’s prominence, illicit prominence.”

“Thank you.”

**16. MAYOR'S REPORT.**

- PowerPoint presentation concerning redistricting/legislative and congressional maps.
  - Information concerning hearing in Sierra Vista concerning redistricting.
  - Explanation of maps was provided.
- Will acknowledge receipt of engagement letter dated October 25, 2011, issued by McNamara, Goldsmith & Macdonald, P.C.
  - Suggested the use of funds for City improvements instead of to pay for the cost of the investigation.

**17. COUNCIL MEMBERS' REPORTS.**

**Mitch Lindemann:**

- Merits of call to the public.  
No report.

**Ben La Forge:**

- Perspective concerning a future community center in the City of Douglas.
  - Little or no adequate facilities, suggested liquidation of surplus City properties along with future planning and inception.

**Rudy Quiñonez:**

- Remarks concerning the expenditure in relation to the Mayor Gomez investigation.
  - Expressed concern regarding the expenditure to pay for the Mayor's investigation.

**18. CITY MANAGER'S REPORT.**

Item skipped by Mayor Gomez.

- 3<sup>rd</sup> Street construction update.
- Phelps Dodge Mercantile construction update.
- Finance Director/City Treasurer recruitment schedule.

**19. CITY ATTORNEY'S REPORT.**

None

**20. ADJOURNMENT.**

**Motion** by Council Member Shelton, **second** by Council Member Morales to adjourn the meeting at 8:47 p.m. unanimously passed.

**Prepared By:**

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