

**MINUTES OF THE REGULAR MEETING OF
THE ELOY CITY COUNCIL
CITY OF ELOY
595 NORTH C STREET
MONDAY, JUNE 22, 2020
6:00 P.M.**

Staff Present: Harvey Krauss-City Manager; Elizabeth Reuter-City Attorney; Mary Myers-City Clerk; Jillian Childress-Management Assistant; Keith Brown-Public Works Director/City Engineer; Christopher Vasquez-Police Chief; Jeff Fairman- Economic Development Specialist; Brian Wright-Finance Director; Roger Valdez-City Magistrate

I. CALL TO ORDER

Vice Mayor Micah Powell called the meeting to order at approximately 6:00 p.m.

II. INVOCATION

Pastor Ken Blondeaux gave the invocation.

III. PLEDGE OF ALLEGIANCE

Councilmember Andrew Rodriguez led the Council and the public in the Pledge of Allegiance.

IV. ROLL CALL

Council Members Present: Mayor Joel Belloc (telephone); Vice Mayor Micah Powell; Councilmember Andrew Rodriguez; Councilmember Dan Snyder; Councilmember Jose Garcia; Councilmember J.W. Tidwell; Councilmember George Reuter

Council Members Absent: None

V. COMMUNICATIONS

- Councilmember Reuter thanked Mr. Krauss and Vice Mayor Powell for looking into the possibility of moving the city's animal control services to the county. He

hopes doing this will mean the animals in the city will be taken care of in a humane way.

- Vice Mayor Powell attended a SCMPO meeting last week for Mayor Belloc. The next meeting will take place in Eloy on July 14th, starting at 10:00 a.m.

Vice Mayor Powell also attended a CAG meeting a couple of weeks ago. Mr. Andy Smith, general manager for the Pinal RTA, resigned from his position. The board is currently looking to appoint an interim at this time.

- Mr. Krauss conveyed the following communications:
 - Met with CoreCivic representatives today about the steps they are taking to curb the spread of the COVID-19 at the detention facilities. They are following CDC guidelines and applying best practices in the industry. Immigration (ICE) is also monitoring the prisons to ensure that procedures are conducted correctly. Mr. Krauss said he will have weekly calls with CoreCivic to receive updates and will report to the Council.
 - There will be a special council meeting on Monday, June 29th for public hearings on the property tax levy and the budget. There will also be some items on the agenda related to COVID-19.

VI. APPEARANCES FROM THE FLOOR

None.

VII. EXECUTIVE SESSION

There were no requests for an Executive Session from the Council or staff.

VIII. CONSENT AGENDA

Vice Mayor Powell conveyed Councilmember Tidwell requested item E removed from the Consent Agenda.

- A. Approval of Minutes: 6/8/2020 (regular)
- B. Authorization for the Mayor to sign the acceptance letter from the Arizona Criminal Justice Commission for FY2020 Arizona Coronavirus Emergency Supplemental Fund Program for \$132,825 for the period of 1/20/20-1/20/22.
- C. Award of contract to JC Tarasco Construction & Painting in the amount of \$148,700.00 to complete the Eloy Main Street Renovation Project (CDD-2020-001).

- D. Approval of a Pipeline Encroachment Agreement between El Paso Natural Gas Company and the City of Eloy for construction and maintenance of electrical facilities within an existing gas line easement at the Eloy Municipal Airport.
- E. ~~Approval of a Telecommunication License and Right-of-Way Use Agreement between the City of Eloy and Gila Local Exchange Carrier, Inc. dba Alluvion Communications to use City rights-of-way for the installation and maintenance of telecommunication facilities. (removed for discussion)~~

Motion by Councilmember Garcia, seconded by Councilmember Rodriguez to remove agenda item VIII-E from the Consent Agenda and to approve remaining Consent Agenda items as presented, passed unanimously by roll call vote.

E. APPROVAL OF A TELECOMMUNICATION LICENSE AND RIGHT-OF-WAY USE AGREEMENT BETWEEN THE CITY OF ELOY AND GILA LOCAL EXCHANGE CARRIER, INC. DBA ALLUVION COMMUNICATIONS TO USE CITY RIGHTS-OF-WAY FOR THE INSTALLATION AND MAINTENANCE OF TELECOMMUNICATION FACILITIES.

Staff Cover Sheet Report: *Council approve a Telecommunication License and Right-of-Way Use Agreement between the City of Eloy and Gila Local Exchange Carrier, Inc. dba Alluvion Communications to use City rights-of-way for the installation and maintenance of telecommunication facilities.*

Gila Local Exchange Carrier, Inc. (GLEC) is proposing to extend a fiber optic line between the cities of Casa Grande and Coolidge. The alignment of their fiber extends through Eloy on Selma Highway from Toltec Buttes Road to Signal Peak Road, and just west of Tweedy Road along Selma Highway. The right-of-way use through the City of Eloy is less than 1.5 miles. This is an overhead fiber line with no service to Eloy properties, and minimal impact to the City's rights-of-way. However, any use of the City's rights-of-way by a private telecommunications company requires a license agreement.

The initial license term is for five years with the option for two additional five year terms. The City has the right to terminate this license prior to the expiration of the initial or renewal term with advance written notice. This license agreement cannot be assigned to another party without the written consent of the City.

A per linear foot fee of \$1.81 will be imposed on facilities that are considered "interstate", as per State law. The GLEC facilities proposed in the City rights-of-way are not subject to a fee at this time. An application fee of \$2,500 is being accessed to cover the City's administrative costs for processing this license agreement. GLEC is also required to obtain right-of-way permits from Public Works for installation of its facilities, and pay any applicable permit fees.

FISCAL IMPACT: *There is a one time application of \$2,500 for processing the License Agreement, and a fee of \$1.81 per linear foot for any facility classified as interstate or dark fiber. GLEC will pay fees for any permits required for installation of their facilities.*

Councilmember Tidwell wanted to know how many linear feet is GLEC requesting.

Mr. Krauss conveyed that it would be approximately 8,000 linear feet.

Councilmember Tidwell wanted to know why the company is not paying an access fee if the property belongs to the city. He said companies are required to pay to use the city's right-of-ways.

Mr. Krauss agreed with Councilmember Tidwell, however, pointed out that state statute exempts GLEC because they would not be providing any direct service to Eloy residents or any property. The company would be extending fiber optic from Casa Grande to Coolidge along some existing power lines.

There being no further questions, Vice Mayor Powell called for a motion.

Motion by Councilmember Rodriguez, seconded by Councilmember Snyder to approve a Telecommunication License and Right-of-Way Use Agreement between the City of Eloy and Gila Local Exchange Carrier, Inc., dba Alluvion Communications to use city rights-of-way for the installation and maintenance of telecommunication facilities, passed 6-1 by the following votes:

Ayes: Councilmember Snyder; Councilmember Reuter; Councilmember Garcia; Councilmember Rodriguez; Vice Mayor Powell; Mayor Belloc

Nays: Councilmember Tidwell

IX. BUSINESS

- A. ADOPTION OF RESOLUTION NO. 20-1470 DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT ENTITLED "CITY OF ELOY BUSINESS REGULATIONS CHAPTER 12" AND COPIES SHALL REMAIN ON FILE IN THE OFFICE OF THE CITY CLERK OF THE CITY OF ELOY FOR EXAMINATION BY THE PUBLIC.**

Staff Cover Sheet Report: *Council to adopt Resolution Number 20-1470 declaring as a public record that certain document entitled "City of Eloy Business Regulations Chapter 12" and three (3) copies shall remain on file in the office of the City Clerk of the City of Eloy for examination by the public.*

Staff has completed a review of the City Code regulations relating to the issuance and administration of business licenses. The ordinance amending the City Code is lengthy and it would be costly to publish in the newspaper. In lieu of publishing the ordinance, adoption of Resolution No. 20-1470 declares the ordinance amendments as a "public record" (City of Eloy Business Regulations) and copies of which will be filed in the City Clerk's office for public review

FISCAL IMPACT: *By adopting by this Resolution, the City will save on newspaper publication costs.*

Ms. Childress explained to the Council that the purpose of the resolution is to publish the resolution in the newspaper in lieu of the business license ordinance to reduce publication cost for the city. Ms. Childress conveyed the business license ordinance is approximately 45 pages in length and would prove to be extremely costly to publish in the newspaper.

Motion by Mayor Belloc, seconded by Councilmember Garcia to read Resolution No. 20-1470 by title only, passed unanimously.

The city clerk read the resolution title into the record.

There being no questions, Vice Mayor Powell called for a motion.

Motion by Councilmember Garcia, seconded by Mayor Belloc to adopt Resolution No. 20-1470, passed unanimously by roll call vote.

B. ADOPTION OF ORDINANCE NO. 20-895 APPROVING VARIOUS AMENDMENTS TO CHAPTER 12 (BUSINESS REGULATIONS) OF THE CITY OF ELOY CODE OF ORDINANCES PROVIDING FOR UPDATED AND STREAMLINED PROCESSES AND PROCEDURES IN THE ADMINISTRATION OF BUSINESS LICENSES

Staff Cover Sheet Report: *Council adopt Ordinance No. 20-895 approving various amendments to Chapter 12 (Business Regulations) of the City of Eloy Code of Ordinances providing for updated and streamlined processes and procedures in the administration of Business Licenses.*

The Council will be presented with proposed amendments to City Code Business Regulations, Chapter 12, to streamline processes and reflect more business-friendly practices in the administration of business licenses. Business licenses serve several purposes for a city. First, it provides a mechanism to track the number and types of businesses within the community. This information is useful for economic development purposes. In addition, tracking the ownership and local contact information on businesses provides the City with a responsible party to contact in case of an emergency.

Business licenses also enable the City a way to monitor changes in occupancy for zoning and building regulatory compliance, and ensure the business has met applicable health and safety requirements. Further, these requirements will allow the City to check on the status of sales tax licenses and other state permitting requirements. Lastly, business licenses can serve as a revenue source; however, the City is only providing nominal fees to cover administrative costs.

The Finance Department is responsible for issuing business licenses for the City of Eloy, and administering these regulations. The Community Development Department also plays an important role in enforcing the business regulations through zoning and building code enforcement.

The business license regulations within the City Code have not been reviewed and updated since 2015 when the Finance Department began issuing business licenses. Staff has reviewed the business licensing requirements in other cities and towns in Arizona to ensure Eloy is following best industry practices, and that the City is not imposing burdensome regulations on existing businesses as well as businesses wishing to locate in the community

Specifically, staff is proposing a consolidation and streamlining of Articles 1 through 8 of Chapter 12 into Articles 1 through 5 which will result in a more simplified permitting process for business licenses. The amendments address the following businesses: pawnbrokers, secondhand dealers, junk dealers and collectors; mobile vending; adult-oriented businesses; as well as licensing of medical marijuana-related facilities.

Removing City Code Chapter twelve (12) articles one (1) through eight (8).

Business License Generally

Peddlers, Canvassers, Solicitors & Transient Merchants

Yard Sales

Pawnbrokers, Secondhand Dealers, Junk Dealers & Collectors

Swamp Meet Operations

Mobile Vending

Adult Oriented Business

Licensing of Medical Marijuana Related Facilities

Replacing with new City Code Chapter twelve (12) articles one (1) through five (5).

Business Licenses

Pawnbrokers, Secondhand Dealers, Junk Dealers & Collectors

Mobile Vending

Adult Oriented Businesses

Licensing of Medical Marijuana Related Facilities

Also, the ordinance removes three articles which will eliminate the permitting processes for peddlers, canvassers, solicitors and transient merchants; yard sales;

and swamp meet operations. With approval of these code amendments, permits for the above-referenced uses will no longer be needed given current community and business practices. The other major changes include requiring business licenses for only businesses with a fixed location, and eliminating the requirement for licensing for businesses providing services to the City of Eloy.

FISCAL IMPACT: *Annual revenue is projected to decline from \$43,500 to \$23,000.*

Ms. Childress presented the Council and the public with a PowerPoint presentation on the proposed changes to the city's business license regulations for the city.

After her presentation, Ms. Childress and other city staff fielded questions from the Council about:

- Mobile vendors
- Contractors and sub-contractors

Motion by Councilmember Garcia, seconded by Councilmember Snyder to read Ordinance No. 20-895 by title only, passed unanimously.

The city clerk read the ordinance title into the record.

There being no further questions, Vice Mayor Powell called for a motion.

Motion by Councilmember Garcia, seconded by Councilmember Snyder to adopt Ordinance No. 20-895, passed unanimously by roll call vote.

C. APPOINTMENT OF FRANK FRASSETTO JR. TO THE MUNICIPAL AIRPORT ADVISORY BOARD FOR A TERM OF APPOINTMENT EXPIRING ON DECEMBER 31, 2023, OR UNTIL A SUCCESSOR HAS BEEN APPOINTED BY THE CITY COUNCIL.

Staff Cover Sheet Report: *Council appoint Frank Frassetto Jr. as a regular member of the Municipal Airport Advisory Board for a term of appointment expiring on December 31, 2023, or until a successor has been appointed by the City Council.*

A vacancy occurred on the Municipal Airport Advisory Board on December 31, 2019 when John Peterson's term expired, and he did not wish to be reappointed. The City received four applications to fill this vacancy. The City Council formed a committee to screen and interview the candidates at its May 26, 2020 meeting. The committee included: two (2) municipal airport advisory board members, two (2) City Council members, and the City Manager.

On June 12, 2020, the committee, which was composed of Council Members Reuter and Garcia, Airport Board Members Toni Lorona-Carlson and Dina Decker, and City Manager Krauss, conducted interviews of three (3) applicants to fill the vacancy. One applicant dropped out of consideration. All candidates expressed their interest in serving on the board. Frank Frassetto Jr was unanimously selected by the committee as the recommendation to City Council for appointment to the Board.

The Municipal Airport Advisory Board consists of six (6) members (5 voting members and 1 Ex-Officio nonvoting member). All voting members shall be appointed by a majority vote of the City Council, and serve without compensation at the pleasure of the City Council.

The term of office of the members of the Municipal Airport Advisory Board shall be three (3) years, with the intent to stagger the terms in a manner that no more than two (2) members shall expire on the same month in any one year. The incumbent member(s) shall continue to serve after the member's term of office has expired, or until a successor has been appointed by the City Council.

FISCAL IMPACT: *There is no direct fiscal impact with appointments to the Municipal Airport Advisory Board.*

Mr. Krauss conveyed that the city was very fortunate to have three excellent candidates for the one board seat. He said he hopes the city would continue using this process when there are multiple candidates for board vacancies on boards and commissions.

Councilmember Reuter conveyed that the interview committee voted unanimously for Mr. Frassetto because of his degree in airport and aviation management and the fact that he comes from another state. Councilmember Reuter believes it is beneficial to the city to have individuals on the board that can assist the city in steering the future of Eloy in the right direction. He said Mr. Frassetto would be an asset to the airport.

Councilmember Snyder conveyed that since the board had more than one excellent candidate, he suggested that Council might want to consider having an alternate for the board in case another board member resigns in the future. He pointed out that the alternate could take part in the discussions, but would not have any voting rights.

At the request of Vice Mayor Powell, Mr. Frassetto came forward to give a brief overview of his experience and knowledge in airport operations.

There being no further questions, Vice Mayor Powell called for a motion.

Motion by Councilmember Reuter, seconded by Councilmember Tidwell to appoint Frank Frassetto, Jr. to the Municipal Airport Advisory Board for a term of appointment expiring on December 31, 2023, or until a successor has been appointed by the City Council, passed unanimously.

D. ISSUANCE OF A UNIFORM VIDEO SERVICE LICENSE AGREEMENT TO FIF AIREBEAM, LLC D/B/A AIREBEAM, A PINAL COUNTY LIMITED LIABILITY COMPANY, TO USE CITY RIGHTS-OF-WAY FOR INSTALLATION OF INFRASTRUCTURE FOR OFFERING VIDEO SERVICES TO ELOY RESIDENTS AND BUSINESSES.

Staff Cover Sheet Report: *Council approve the issuance of a Uniform Video Service License Agreement to FIF AireBeam, LLC d/b/a AireBeam, a Pinal County Limited Liability Company, to use City rights-of-way for installation of infrastructure for offering video services to Eloy residents and businesses.*

Gregory Friedman, Managing Owner of FibAire Communications, LLC dba AireBeam has made application for a Uniform Video Service License to serve City of Eloy residents and businesses with video services through their fiber optic lines. The proposed service area, which is shown in their application as Exhibit A, is generally bounded on the north by Battaglia Road and West 14th Street, Eleven Mile Corner Road on the west, Hinton Street, Beech Street, E. Fir Street and Highway 84 on the south, and Sunshine Boulevard on the east. Video or cable television services are regulated by the Cable Communications Policy Act of 1984, as amended, Chapter 5A of the Eloy City Code, and State Statutes. The license agreement would permit AireBeam to use City rights-of-way (above ground and underground) for the purpose of offering cable services through their existing and future fiber optic lines. AireBeam would be required to obtain permits from Public Works to install any new lines within City rights-of-way, and make any required repairs to the rights-of-way due to their construction activity.

In consideration for the use of City rights-of-way, AireBeam would compensate the City five (5%) of the gross revenues received from the cable services. The term of the license is 10 years. AireBeam is required to provide cable service to at least one subscriber within 24 months after issuance of the license. If they fail to meet that standard, the license will be revoked. The license cannot be assigned to another company without the consent of the Mayor and Council.

FISCAL IMPACT: *The City will receive 5% of the gross revenues received by AireBeam from the subscribers to cable services. AireBeam is also responsible for paying any permit fees to the City.*

Mr. Krauss presented Council with an overview of a proposed request from Mr. Friedman (AireBeam) to add additional fiber optic to his existing fiber optic in a specified area of the city.

Mr. Krauss pointed out that this a non-exclusive license. This means the city can provide licenses to other cable companies who may want to come in and provide cable services to the community.

Councilmember Reuter asked Mr. Krauss if Mr. Friedman said anything about including Toltec in his plans for fiber optic.

Mr. Krauss said Mr. Friedman only discussed the video licensing for the area discussed tonight.

Councilmember Snyder wanted to know would sales tax be included on monthly billings to subscribers.

Mr. Krauss said yes. In addition to Mr. Friedman's requirement to pay the city five percent (5%) of his gross revenues, sales tax would be included in monthly billings to subscribers.

Vice Mayor Powell asked would AireBeam be required to obtain Council approval for access to city rights-of-way.

Mr. Krauss said AireBeam would not have to go before Council, but the company would be required to obtain a permit from the Public Works department. Mr. Friedman would have to submit plans and obtain approval from the public works director for using the rights-of-way.

There being no further questions, Vice Mayor Powell called for a motion.

Motion by Councilmember Tidwell, seconded by Councilmember Reuter to approve the issuance of a Uniform Video Service License Agreement to FIF AireBeam, LLC d/b/a AireBeam, a Pinal County Limited Liability Company, to use city rights-of-way for installation of infrastructure for offering video services to Eloy residents and businesses, passed unanimously.

E. AUTHORIZATION TO ISSUE A PROCLAMATION FOR MANDATING THE WEARING OF FACE COVERINGS IN PUBLIC FOR THE PURPOSE OF MITIGATING THE SPREAD OF COVID-19.

Staff Cover Sheet Report: *Council authorize the Mayor to issue a Proclamation providing for a policy mandating the wearing of face coverings in public for the purpose of mitigating the spread of COVID-19.*

Due to the recent increase of COVID-19 cases within the State of Arizona, Governor Ducey issued Executive Order 2020-40 on June 17, 2020 allowing cities and towns in Arizona to adopt a policy mandating the wearing of face coverings in public for the purpose of mitigating the spread of COVID-19. Eloy and Pinal County is

currently facing a significant increase in positive cases, and this increase justifies that additional preventive measures be taken at this time to contain the spread of COVID-19. Face coverings are a proven way to prevent the transmission of COVID-19, and the Centers for Disease Control and Prevention (CDC) recommends that face coverings be utilized in accordance with its policies.

Enforcement of this proclamation shall first focus on education and providing guidance to the public as recommended by the Arizona Department of Health Services. The public will be given an opportunity to comply with this proclamation before any enforcement action will be taken.

In order to promote the health and safety of Eloy residents as well as contain the spread of COVID-19, the adoption of a proclamation providing for a policy to mandate face coverings in public is being recommended.

FISCAL IMPACT: N/A

Mr. Krauss gave an overview of the proposed proclamation for mandating the wearing of face coverings in public places within the city. He gave examples of when face coverings would not be required and how the mandate would initially be enforced through education. Mr. Krauss strongly encouraged the passage of this proclamation because of the increased number of cases in the state and the county. He pointed out that there would be people who will not want to comply. The city will do everything it can to get compliance within reasonable means. Mr. Krauss said if the city achieves 98% compliance and save some lives, it is well worth it to require face coverings. He requested the proclamation become effective immediately upon passage with no termination date.

Mr. Krauss said staff also plans to bring an item before Council for approval to enter into a contract with Banner Occupational to bring a mobile van down to city hall for COVID-19 testing for employees. If it is the desire of the Council, Mr. Krauss said staff could also arrange to offer the testing to the public as well.

Mr. Krauss and the Council discussed the details of the proclamation including:

- The city providing signage to businesses in the community
- Having the public to consider optional face coverings
- Encouraging local businesses to support the city proclamation – provide face coverings to patrons who enter their business
- How much responsibility would businesses have to require patrons to leave their business if not wearing a face covering?
- Getting the information out to the community by providing copies of the proclamation (English & Spanish) to the elementary and high school districts to hand out with their food program.

- Working closely with businesses along I-10 to provide support and assist with educating travelers about the mandate

Mayor Belloc strongly encouraged educating residents and businesses about the proclamation. He said he has received numerous emails from residents inquiring about the virus. He said we might not be able to reach 100% compliance, but it should always be the city's goal.

At this time, Vice Mayor Powell opened the floor for public comments.

The following members of the public supported the implementation of the proclamation:

- Ms. Bridget Garcia – 321 W. 1st Street, Eloy
- Ms. George Hargis - 4900 N. Taylor Street, Eloy

Vice Mayor Powell agreed with Mayor Belloc that educating the public is important, but also stressed the importance of not pushing fear on the residents. He said the public is hearing about the number of positive cases in the county and the number of deaths, but not the number of people who have recovered from the virus. Vice Mayor Powell conveyed that the safety, security and health of the residents is the most important thing.

Mayor Belloc wanted to know would the proclamation apply to CoreCivic.

Mr. Krauss said no. The proclamation pertains to public places; CoreCivic is a private entity. He pointed out that CoreCivic require their employees to wear face coverings; however, it is optional for the detainees.

There being no further questions or comments, Vice Mayor Powell called for a motion.

Motion by Mayor Belloc, seconded by Councilmember Garcia to authorize issuing a proclamation for mandating the wearing of face coverings in public for the purpose of mitigating the spread of COVID-19, passed unanimously by roll call vote.

X. INFORMATIONAL ITEMS

A. May Financial Report

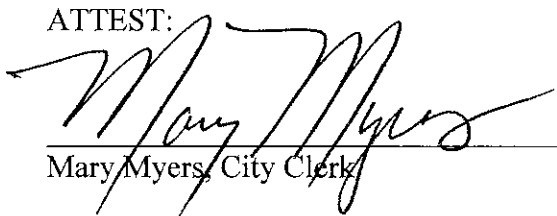
Mr. Wright reviewed the city's financial report for the month of May with the Council.

XI. ADJOURNMENT

There being no further business, Vice Mayor Powell adjourned the meeting at approximately 7:32 p.m.



Joel G. Belloc, Mayor

ATTEST:


Mary Myers, City Clerk