

**MINUTES OF THE REGULAR MEETING OF
THE ELOY CITY COUNCIL
CITY OF ELOY
595 NORTH C STREET
MONDAY, SEPTEMBER 28, 2020
6:00 P.M.**

Staff Present: Harvey Krauss-City Manager; Stephen R. Cooper-City Attorney; Mary Myers-City Clerk; Jillian Childress-Management Assistant; Christopher Vasquez-Police Chief; Jon Vlaming-Community Development Director (telephone); Keith Brown-Public Works Director/City Engineer; Roger Valdez-City Magistrate; Brian Wright-Finance Director; Steve Burger-Building & Code Compliance Manager

I. CALL TO ORDER

Mayor Joel Belloc called the meeting to order at approximately 6:00 p.m.

II. INVOCATION

Mr. Bob Skier gave the invocation.

III. PLEDGE OF ALLEGIANCE

Councilmember George Reuter led the Council and the public in the Pledge of Allegiance.

IV. ROLL CALL

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

Council Members Absent: None

V. COMMUNICATIONS

1. Councilmember Rodriguez asked the Council to consider adopting a resolution supporting the high school bond at the Council next meeting. He also requested each member of the Council to voice his support for the bond individually.

Councilmember Rodriguez expressed concern about the low turnout for the census event held at Trekell Park over the weekend. He said the city spent over \$1200 for the event; however, he understands that less than five people registered for the census. Councilmember Rodriguez wanted to know what type of promotion the census committee did to encourage residents to show up. He said the Council was told of the event, but was not given a date until a week before. Councilmember Rodriguez said Eloy has a 56% response rate to the census, and the deadline for completing the census is the 30th, unless the court extends the deadline a month. Councilmember Rodriguez conveyed to Mr. Krauss that he would like an update from the census committee on their efforts to increase turnout.

Mayor Belloc asked Mr. Krauss if he could provide the information Councilmember Rodriguez is requesting at the next meeting. He also directed Mr. Krauss to place on the next Council agenda, a resolution supporting the high school override.

Mayor Belloc conveyed to Councilmember Rodriguez that if the city was able to register five people for the census, that means the city would receive \$15,000 per year for the next 10 years for the five individuals who completed the census.

2. Councilmember Tidwell wanted to know if the city plan to implement any guidelines for door-to-door trick or treating for Halloween. He also wanted to know where the monument of the Ten Commandments is that was in front of the old finance building. He said it was his understanding after discussing where to relocate it with several staff members that the best location would be at the Eloy Memorial Park.

Mr. Krauss told Councilmember Tidwell that there would be no restrictions on trick or treating, unless you live in a neighborhood with an HOA and they have restrictions.

Mr. Krauss conveyed that the monument was moved to the cemetery.

Councilmember Tidwell said he was at the cemetery on the 9th of this month and did not see it.

Mr. Krauss said he has not visited the cemetery in a while and would follow up with Mr. Anchondo about it.

3. Vice Mayor Powell conveyed that the Toltec school district is also having an override election and asked the Council to support their efforts as well.

Vice Mayor Powell stressed the importance of staff informing the Council of events such as the census, to help in getting the information out to the residents. He said there was an event at the IGA that was unknown to him and others that he was not aware of until after the event.

4. Proclamation of the Mayor and the City of Eloy recognizing September 15, 2020 through October 15, 2020 as Hispanic Heritage Month.

Mayor Belloc read a proclamation into the record, declaring September 15, 2020 through October 15, 2020 as Hispanic Heritage Month in Eloy.

5. Mr. Krauss conveyed to the Council and the public that the Pinal County Voter Outreach van will be at the Main Street Park on October 21st, from 10am to 1pm for residents who wish to vote early or drop off voted ballots.

VI. APPEARANCES FROM THE FLOOR

None.

VII. EXECUTIVE SESSION

No executive session requested by the Council or staff.

VIII. CONSENT AGENDA

- A. Approval of Minutes: 9/14/2020 (regular)
- B. Approval of the Annual Development Impact Fee Report for the City of Eloy ending June 30, 2020, as required by ARS 9-463.05
- C. Authorization for the sale of service weapon Remington Magnum Wingmaster, Model 870 Shotgun SN# V474881M for \$1 to retiring Animal Control Supervisor, Rick Crandall, in accordance with Department tradition.
- D. Approval of the dedication of Public Rights-of-Way, Public Utility Easement, and Temporary Drainage Easement for Outer Drive east of Toltec Rd.
- E. Approve a contract with Rummel Construction Inc. for \$112,922 and an owner's allowance of \$6,000 to construct pavement and tie downs for additional airplane parking at the Eloy Airport.
- F. Approval of a contract in the amount of \$12,980 to retain Neill + Young, Associates, LLC to prepare a survey and landscape and irrigation plans for the Frontier Street Community Tree Project, located on the south side of Frontier Street, between Myers Boulevard and Stuart Boulevard

Motion by Councilmember Garcia, seconded by Councilmember Reuter to approve the Consent Agenda items as presented, passed unanimously by roll call vote.

IX. BUSINESS

A. ADOPTION OF RESOLUTION NO. 20-1481 APPROVING A REVISED BUSINESS LICENSE FEE SCHEDULE EFFECTIVE JANUARY 1, 2021.

Staff Cover Sheet Report: *Council adopt Resolution No. 20-1481 approving a revised Business License Fee Schedule with an effective date of January 1, 2021.*

In June, the Mayor and City Council approved the Ordinance No. 20-895 to revise Chapter 12 of the City Code Business Regulations. Among the approved revisions included the approval to remove the Business License Fee Schedule from Article I in Chapter 12 of the City Code. Staff recommends that the amended Business License Fee Schedule be adopted by resolution in place of having it in the City Code. Also, it is recommended that all business license user fees be consolidated into one schedule for the convenience of communicating this information to the public.

The fees for business licenses were last reviewed and approved by the Mayor and City Council in 2015. The changes in 2015 provided that an annual fee of \$75.00 be assessed for all business licenses rather than charging a \$150 fee for businesses.

Based upon Council discussion at the August 24, 2020 meeting, staff has simplified the business license fee schedule. The revised fee schedule provides for an annual license fee of \$75.00 for the majority of businesses. Different fees for barber and beauty shops, pawnbrokers, mobile vendors, hotels, and rental units were deleted. Individual owners of these businesses would be required to obtain a license, and the annual fee would be \$75.00.

FISCAL IMPACT: *The revised business license fee schedule will result in an estimated reduction in revenues from \$43,500 to \$23,000.*

Mr. Krauss reviewed the changes to the proposed fee schedule that staff presented to the Council at the August 24 meeting.

There being no questions or comments from the Council, Mayor Belloc called for a motion to read by title only.

Motion by Vice Mayor Powell, seconded by Councilmember Rodriguez to read Resolution No. 20-1481, by title only, passed unanimously.

The city clerk read the resolution title into the record.

Mayor Belloc asked for a motion to approve the resolution.

Motion by Vice Mayor Powell, seconded by Councilmember Garcia to adopt Resolution No. 20-1481, passed unanimously by roll call vote.

B. AUTHORIZE THE CITY TO ENTER INTO A BUSINESS HANGAR LEASE AGREEMENT AT THE ELOY MUNICIPAL AIRPORT WITH SUN PATH PRODUCTS, INC. OF RAEFORD, NORTH CAROLINA EFFECTIVE OCTOBER 1, 2020 TO CONDUCT PARACHUTE MANUFACTURING AND RIGGER TRAINING.

Cover Sheet Staff Report: *Council authorize the City to enter into a Business Hangar Lease Agreement at the Eloy Municipal Airport with Sun Path Products, Inc. of Raeford, North Carolina effective October 1, 2020 to conduct parachute manufacturing and rigger training.*

Sandy Reid of Rigging Innovations, Inc. has informed staff that he has sold his parachute manufacturing business to Sun Path Products, Inc. of Raeford, North Carolina. Sandy Reid will continue to operate the parachute manufacturing facility for three years at the Eloy Municipal Airport. Rigging Innovations, Inc. has a lease agreement with the City for its operations in Business Hangar # 1 at 4910 N. Lear Drive until November 30, 2023. The existing lease is not assumable by Sun Path Products. Therefore, a new lease agreement is required between the City and Sun Path Products, Inc. Staff is proposing that the new lease agreement, which would be effective on October 1, 2020, be under the same terms and conditions.

FISCAL IMPACT: *The monthly rent for Hangar # 1 is \$2,389 plus applicable sales tax. On July 1st of each year the rental fee is increased by 3 per cent.*

Mr. Krauss gave an overview of the proposed hangar lease agreement. He stated that Mr. Sandy Reid, owner of Rigging Innovations, Inc., sold his business to Sun Path Products, Inc. Because of this, Mr. Krauss said the city would need to enter into a new hangar lease agreement with the new owner.

Vice Mayor Powell noted that at the bottom of the agreement, it says, "Updated 11/28/18." He asked should it be amended to reflect today's date.

Mr. Krauss said yes. He said the date could be crossed out and the new date written on the agreement.

Mayor Belloc asked Mr. Reid if he supported the agreement.

Mr. Reid came forward to give an overview of his company and why he decided to sell the business to Sun Path Products.

Councilmember Reuter conveyed that he is a competitor of Mr. Reid. He thanked Mr. Reid for welcoming him and helping him to stay in Eloy.

There being no further questions from the Council, Mayor Belloc called for a motion to approve.

Motion by Councilmember Reuter, seconded by Vice Mayor Powell, to authorize the city to enter into a Business Hangar Lease Agreement at the Eloy Municipal Airport with Sun Path Products, Inc. of Raeford, North Carolina effective October 1, 2020 to conduct parachute manufacturing and rigger training, passed unanimously.

C. AUTHORIZATION FOR THE CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT (IGA) WITH PINAL COUNTY FOR DETENTION OF MUNICIPAL-CHARGE INMATES.

Cover Sheet Staff Report: Council authorize the City to enter into Intergovernmental Agreement (IGA) with Pinal County for the Detention of Municipal-Charge Inmates.

The Eloy Police Department requests the Council authorize entering into an Intergovernmental Agreement (IGA) with Pinal County for Detention of Municipal-Charge Detention. The Eloy Police Department currently has an agreement with Pinal County to house in its jail any adults arrested, charged or sentenced under the authority of the City. The contract will remain in effect for five (5) years unless otherwise terminated or renewed as provided in the IGA. The IGA provides that Pinal County will increase its detention costs over four phases in order to better reflect actual costs.

The increased incarceration rates were based upon a cost study performed by MGT of America Consulting, LLC. The objective of the study was to determine average per diem costs incurred to house adult inmates in the County facility based upon FY 2018-2019 expenditures.

Since CoreCivic currently houses inmates for the City of Mesa, staff has reached out to them to determine if CoreCivic can provide the City of Eloy with inmate incarceration services at more cost-effective rates. They indicate that they would evaluate it, but no proposal has been forthcoming as of this date.

FISCAL IMPACT: *The fiscal impact will include the following:*

Prior to Phase 1 start date (prior to January 1, 2021) the City will pay the fee of \$72.33 per inmate per day.

For any daily inmate detention costs incurred on or after January 1, 2021 (Phase 1 start date) the City will pay the fee of \$103.00 per inmate per day.

For any detention costs incurred on or after July 1, 2021 (Phase 2 start date), the City will pay the fee of \$123.00 per inmate per day.

For any booking/intake costs incurred prior to January 1, 2022 (Phase 3 start date), pay the fee of \$193.86 per event.

For any booking/intake costs incurred on or after January 1, 2022, the City will pay the fee of \$275.00 per event.

For any booking/intake costs incurred on or after July, 1 2022 (Phase 4 start date), the City will pay the fee of \$357.00 per event.

Mr. Krauss gave an overview on the proposed IGA with Pinal County for detention services.

Councilmember Rodriguez wanted to know how much notice the city would have to give the county if the city decides to terminate the agreement.

Mr. Cooper said the city would have to give a 30-day written notice per the agreement.

Councilmember Rodriguez wanted to know could the person going to jail absorb some of the cost.

Judge Valdez explained that anytime someone is taken into custody, city ordinance allows the judge to charge the defendant for any fees that are incurred. He said the court imposes the initial intake fee of \$194, and an additional \$73 for each additional day the defendant is in custody. This is added to the court case as an additional fee.

Councilmember Snyder wanted to clarify that the fees are only for one year and the city could be facing an increase from the county after a year.

Mr. Krauss conveyed that the IGA is for five years and the fees are phased in over four years. He said he would hope that the county would stand by the fees in the IGA and not increase them.

Mayor Belloc asked Mr. Krauss if housing defendants at CoreCivic off the table.

Mr. Krauss said no. He said town managers and police chiefs are still talking to CoreCivic. He does not know what the rates would be; they are still working out the logistics. Mr. Krauss cautioned the Council not to be too optimistic with CoreCivic because he is not sure if an agreement could be worked out.

Mayor Belloc asked Mr. Cooper could the city could enter into the IGA with the county for one year, and then extend it if needed.

Mr. Cooper conveyed that the IGA before the Council tonight is a standard IGA that was sent to all the cities. However, the IGA gives the city a 30 day out. He said the city could sign the IGA; and beyond the first year, if there is a better cost effective agreement with CoreCivic, the Council could revisit the IGA. In addition, the judge could do based on some rules issued by the Arizona Supreme Court because of COVID-19 some things. He said the court could allow some type of in-home detention. Instead of the city incurring jail costs, courts can go to another party that oversee the ankle bracelet monitoring and the defendant would be responsible for the payment. Mr. Cooper said Chief Vasquez and Judge Valdez would judicially use the discretion of the officers to release individuals to reduce costs. He said if there is a way to release someone who is not a danger to the public, the police and the court would consider this option.

Mayor Belloc wanted to know what would be the conditions the city would have to meet if the Council decides to terminate the IGA.

Mr. Cooper said paragraph 3 in the IGA allows either party to terminate the IGA with or without cause by providing 30 days advance written notice to the other party. He said both parties (city and county) have an IGA for five years, but in reality, it is a 30-day contract. Mr. Cooper felt confident the county would honor the fees. He said the county would cause quite an uproar with cities if the county tried to impose additional charges.

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

Motion by Vice Mayor Powell, seconded by Councilmember Garcia to authorize the city to enter into and Intergovernmental Agreement (IGA) with Pinal County for detention of Municipal-charge inmates, passed unanimously.

X. INFORMATIONAL ITEMS

A. August Financial Report – Mr. Wright provided the Council and the public with a PowerPoint presentation of the city's financial status for the month of August.

Mr. Wright conveyed that he and Mr. Krauss talked about possibly moving the financial updates back to quarterly status. He said he would like to do one more monthly update next month and after that have the next report in January 2021. Mr. Wright asked the Council for direction on how to proceed with the reporting.

Councilmember Snyder supported Mr. Wright's suggestion.

Mr. Wright told the Council that if there were any concerns between the quarterly updates, he would inform Mr. Krauss so he could include the information in his weekly updates to the Council.

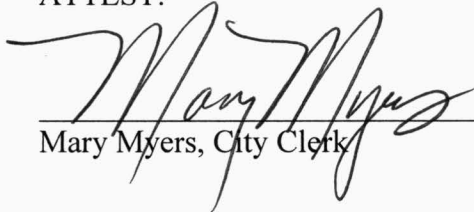
XI. ADJOURNMENT

There being no further business, Mayor Belloc adjourned the meeting at approximately 6:53 p.m.



Joel G. Belloc, Mayor

ATTEST:



Mary Myers, City Clerk