

**MINUTES OF THE REGULAR MEETING OF
THE ELOY CITY COUNCIL
CITY OF ELOY
595 NORTH C STREET
APRIL 12, 2021
6:00 P.M.**

Staff Present: Harvey Krauss-City Manager; Stephen R. Cooper-City Attorney; Mary Myers-City Clerk; Jon Vlaming-Community Development Director; Brian Wright-Finance Director; Roger Valdez-City Magistrate; Keith Brown-Public Works Director/City Engineer; Christopher Vasquez-Police Chief

I. CALL TO ORDER

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

II. ROLL CALL

Council Members Present: Councilmember George Reuter; Councilmember Sara Curtis; Vice Mayor Andrew Rodriguez; Mayor Micah Powell; Councilmember Dan Snyder; Councilmember Jose Garcia; Councilmember Sylvia Guanajuato Rodriguez

Council Members Absent: None

III. INVOCATION

Pastor Debbie Miller gave the invocation.

IV. PLEDGE OF ALLEGIANCE

Councilmember Curtis led the Council and the public in the Pledge of Allegiance.

V. PUBLIC APPEARANCES

A. Scheduled

B. Unscheduled

Mayor Powell introduced Pinal County Board of Supervisor, Kevin Cavanaugh who attended tonight's meeting.

Mr. Cavanaugh conveyed that he is the new district supervisor for District 1 and wanted to introduce himself to the council and community. Mr. Cavanaugh said he looks forward to Pinal County and the city working together.

VI. REPORTS AND ANNOUNCEMENTS

A. Council Members' Announcements

1. Councilmember Snyder conveyed that he expected to see an item for boards and commissions on tonight's agenda. He said in February, the Council tabled approving some of the board vacancies until staff could solicit more interest from the public. Councilmember Snyder said people have applied, however nothing has come before the Council. Councilmember Snyder asked Mr. Krauss to please bring the item to the Council next meeting.

Mr. Krauss said he would.

B. Mayor's Announcements

1. Mayor Powell provided the Council and public with the latest COVID-19 data:

Number of cases reported in Pinal County	50,209
Number of deaths reported in Pinal County	859
Number of cases reported in Eloy	3,731
Number of deaths reported in Eloy	42

2. Mayor Powell said he and Vice Mayor Rodriguez were invited by Congressman Tom O'Halleran to attend an open house on April 7th. The open house was hosted by the Pinal Gila Council for Senior Citizens. He said the agency converted an old Wendy's into a kitchen where food for the Meals on Wheels program is prepared for distribution to seniors in Pinal County. Mayor Powell said he and Vice Mayor Rodriguez distributed some of the meals to Eloy senior citizens.
3. Mayor Powell announced the passing of Mr. Dick Myers on April 1, 2021. Mr. Myers loved the Eloy community and was an Eloy historian. Mayor Powell said Mr. Myers will be sorely missed by everyone in the community.
4. Mayor Powell issued an apology to the family of Caesar Chavez. At the March 22, 2021 Council meeting, Mayor Powell issued a proclamation declaring March 31, 2021 as Caesar Chavez Day to honor the legacy of his life and service in leading the nation in recognizing the dignity of work for farm workers. Mayor Powell explained that prior to the reading of the proclamation, he read some

information about Mr. Chavez that was deemed inappropriate which he deeply regrets. He said his intent was never to disrespect Mr. Chavez, his family or his memory, and he assumes full responsibility for what he read. Mayor Powell contacted Mr. Alejandro Chavez, the grandson of Caesar Chavez, to personally apologize to him and his family for the unfortunate words. Mayor Powell said the city would continue to honor the legacy of Cesar Chavez on March 31 each year and stand for the principles of non-violence and service to community.

5. **Proclamation declaring April 10-16, 2021 as the Week of the Young Child in Eloy**

The city clerk read the proclamation into the record.

6. **Proclamation designating April 2021 as Fair Housing Month within the City of Eloy**

The city clerk read the proclamation into the record.

C. City Manager's Announcements

1. The spring Adopt A Street cleanup will be held on Saturday, April 17, 2021. Volunteers will meet at Shumway Park at 7:00 a.m.
2. A budget work session is scheduled for Monday, April 19, at 6:00 p.m. Mr. Krauss said outside agencies and organizations would be making presentations to the Council for funding next fiscal year.

VII. CONSENT AGENDA

Councilmember Reuter requested item H removed from the Consent Agenda.

- A. Approval of Minutes: 3/22/2021 (regular)
- B. Acceptance of Southwest Border (SWB) Rural and Tribal Assistance Program grant funds in the amount of \$112,551.77 for Cellebrite cell phone downloading equipment and software, TruNarc handheld narcotics analyzers, and Panasonic Toughbook computers.
- C. Reappointment of Judge Roger Valdez as City Magistrate to a two-year term effective April 12, 2021, and set the annual salary of the City Magistrate at \$91,025 per year plus vehicle and communication stipends for the term of office.
- D. Authorization for the City to exercise its option for a one year renewal of the Solid Waste Services Agreement between the City of Eloy and Right of Way Disposal, LLC dated May 26, 2015, under the same Agreement terms and conditions.
- E. Approval of a contract in the amount of \$50,000 with Rounds Consulting Group, Inc. to prepare a market analysis and vision plan for downtown as a component of the Downtown Master Plan.
- F. Authorize the purchase of two (2) PowerEdge R7525 servers from Dell Technologies utilizing the state contract ADSPO16-098163 for an amount not to exceed \$56,000.

- G. Ratification for the additional expenditure of \$19,289.30 to perform drainage and repair work at the intersection of Sunshine and Battaglia Road as part of the Battaglia Road Reconstruction Project.
- H. ~~Approval of Amendment No. 2 to the Airport Engineering Design and Construction Management Consulting Services Agreement dated April 10, 2017 with Dibble Engineering for a one year renewal of the Consulting Services Agreement expiring on April 13, 2022. (removed for discussion)~~

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

H. APPROVAL OF AMENDMENT NO. 2 TO THE AIRPORT ENGINEERING DESIGN AND CONSTRUCTION MANAGEMENT CONSULTING SERVICES AGREEMENT DATED APRIL 10, 2017 WITH DIBBLE ENGINEERING FOR A ONE YEAR RENEWAL OF THE CONSULTING SERVICES AGREEMENT EXPIRING ON APRIL 13, 2022.

Staff Cover Sheet Report: *Council approve Amendment No. 2 to the Airport Engineering Design and Construction Management Consulting Services Agreement dated April 10, 2017 with Dibble Engineering for a one year renewal of the Consulting Services Agreement expiring on April 13, 2022.*

The City entered into an airport consulting services agreement with Dibble Engineering on April 10, 2017 for three years. This consulting services agreement provides for general airport engineering, design and construction management services. Specific improvement projects, such as the relocation of Taxiway A and Drainage Improvements, requires a separate agreement. Section 1.7 of the Agreement allows for a maximum of two (2) one year contract extensions under the same terms and conditions of the initial Agreement. Council approved a one year extension of this Agreement on April 13, 2021. Amendment No. 2 would extend the consulting services agreement under the same terms and conditions as the original agreement. Per FAA policy, the maximum allowable contract duration is 5 years. In 2022, the City will be required to release a Request for Proposals (RFP) to solicit engineering consulting services.

FISCAL IMPACT: *Any consulting services under this Agreement must be authorized prior to the commencement of any work, and consulting services are provided on an as-needed basis. The FAA and ADOT fund the majority of consulting fees for airport projects authorized by their respective agencies.*

Councilmember Reuter conveyed that he understands that this is a one year extension of the agreement. He wanted to know if the city have a projection of how many projects Dibble Engineering would be actively working in that year. Councilmember

Reuter said the firm's pricing is very high. He wanted to know if the airport master plan is included in the agreement.

Mr. Krauss conveyed that the rates for the one year extension are the same rates Dibble had last year. He said today was the city's final walk through inspection and acceptance of the runway project. He said the city does not have any FAA projects planned for next year; and the FAA does not have the funding for the city's master plan which will be deferred another year. Mr. Krauss pointed out that projects funded through the FAA and ADOT are 90% funded by them, and the city only pays 10% of those fees. He said when there is a project, Dibble gives the city a fee proposal. The proposal is submitted to a third party for review and approval before going to the FAA. Mr. Krauss stated that the agreement with Dibble Engineering will expire in 2022 at which time staff will solicit proposals for another airport engineer at that time.

Motion by Councilmember Reuter, seconded by Councilmember Curtis to approve Amendment No. 2 to the Airport Engineering Design and Construction Management Consulting Services Agreement dated April 10, 2017 with Dibble Engineering for a one year renewal of the Consulting Services Agreement expiring on April 13, 2022, passed unanimously by roll call vote.

VIII. BUSINESS

A. AUTHORIZATION TO ISSUE A SOLICITATION FOR A REQUEST FOR PROPOSALS TO CONSIDER PRIVATIZATION OF THE CITY OF ELOY LANDFILL.

Staff Cover Sheet Report: *Council authorize staff to issue a Solicitation for a Request for Proposals (RFP) to privatize the City of Eloy Landfill.*

The City of Eloy Landfill has been in operation since the late 1940's, making it one of the oldest operating landfills in Arizona. Operating activities have varied throughout the life of the landfill. Currently the landfill serves the citizens of Eloy, surrounding County residents, and limited commercial waste. The landfill currently receives approximately 5,800 tons of waste annually, which is a relatively small amount compared to other landfills throughout Arizona that typically handle well over 100 tons annually.

On April 22, 2019 City staff and Alta Arizona (contractor) presented to Council a report prepared by Alta Arizona regarding the current use and operation of the landfill. The report evaluated many factors including equipment operation and maintenance costs, the volume of solid waste disposed at the landfill, current fees for residents and non-residents, and other factors related to this landfill and surrounding landfills. The report concluded that the rates and fees funding the

landfill are not adequate to support the operation costs, future expansion costs, and ultimate closure costs of the landfill.

The report identified several operational options for the City to consider.

- *Fill and Close*
- *Mothball and Transfer Station*
- *Expand the Landfill*
- *Partner with a private organization*

City staff has further reviewed these options and recommends that the City advertise a Request for Proposal (RFP) for a private company to take over the operations of the City landfill and to assume responsibility for all costs associated with further operations, expansion, permitting and closure of the landfill.

Several considerations to privatizing the landfill include, but not limited to, the following:

- *The operator will assume all costs associated with the future operations of the landfill including permitting, monitoring, reporting, environmental issues, expansions, security, staffing, equipment purchases and maintenance, landfill closing costs, costs to monitor and maintain the landfill after the closure date, and any other costs and responsibilities associated with the landfill after closure.*
- *The operator will present a plan to provide the current landfill staff (3 persons) opportunities to remain working at the landfill. The current landfill staff will also have the option to transfer to another position within the City.*
- *The RFP will evaluate the proposers based on their past experience with operating and maintaining landfills, as well as their proposed plan to operate Eloy's landfill to ensure a competent company is selected.*
- *The operator should provide special consideration to the City of Eloy and its residents on the use of the landfill.*
- *The amount of projected revenue the City of Eloy can anticipate with privatizing the landfill operations.*

Staff determined that there are State Statute limitations for cities and towns to dispose of real property, which may affect the City's decision on the selling of real property. Two Arizona statutes that apply to the sale of real property by a city are as follows:

1. *A.R.S. § 9-402 allows cities to sell real property after an invitation for bids is published and notice has been posted.*
2. *A.R.S. § 9-403 applies to real property with a value that exceeds \$1,500,000. Such real property cannot be sold unless the sale is authorized by a special election. If*

a majority of the ballots cast are in favor of selling, the property may be sold at a public auction after notice.

An appraisal of the landfill would be needed in order to determine its value if Council wishes to consider the sale of the property rather than enter into a long-term lease arrangement. After an evaluation of the proposals, a determination on the viability of selling the landfill can be made.

Staff recommends proceeding with the RFP to privatize the City of Eloy Landfill. The acceptance of proposals does not commit the Council to proceed with privatization.

FISCAL IMPACT: *This item is only for approval to solicit the RFP and has no fiscal impact.*

Mr. Brown gave an overview of staff's request to solicit proposals for lease of the Eloy landfill. He recommended the city proceed with soliciting requests for proposals (RFP) for a private company to take over all operations and responsibilities of the landfill. Mr. Brown conveyed that if Council approves the authorization to proceed, the RFP would be published in the newspaper starting April 20, 2021, a pre-proposal conference on May 11, 2021, with an RFP due date of June 22, 2021. He said there would be a selection process after the RFPs are submitted that would include interviews and negotiations with the selected company. Mr. Brown said staff would bring a recommendation to the Council for consideration in August or September. He pointed out that the city would have to comply with state statutes regarding the sale of real property. He assured the Council that soliciting and accepting of proposals would not commit or obligate the city to take any action.

After his presentation, Mr. Brown answered questions from the Council about:

- Landfill acreage and possible landfill expansion.
- Including a provision in the agreement for a special rate structure for Eloy residents and the city for five years.
- Leasing vs purchase of landfill (advantages and disadvantages)
- Negative feedback from residents about privatizing the landfill
- Continued employment of current landfill staff

Mayor Powell conveyed that some residents are concerned about the city outsourcing a number of city services. He stressed the importance of staff educating residents on why the city is considering privatizing the landfill.

Mr. Brown said he could put together an informational sheet for the public and post on the city's website.

Vice Mayor Rodriguez liked Mr. Brown's idea and suggested that he or Mr. Krauss also meet with the newspaper reporter, Maria Vasquez, to explain what it costs for the city to operate the landfill and why the city is considering privatization.

Councilmember Curtis agreed with Vice Mayor Rodriguez's suggestion.

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

Motion by Councilmember Reuter, seconded by Councilmember Guanajuato Rodriguez to approve the authorization to issue a solicitation for a Request for Proposals to consider privatization of the City of Eloy landfill, passed unanimously by roll call vote.

B. AUTHORIZATION FOR THE CITY TO ENTER INTO AN AGREEMENT WITH THE HOPE COALITION DBA THE ELOY FOOD BANK FOR CARES FUNDING TO SUPPORT PROGRAMS AND SERVICES RELATED TO THE IMPACTS OF COVID-19 WITHIN THE CITY OF ELOY.

Staff Cover Sheet Report: *Council authorize the City to enter into an Agreement with The Hope Coalition dba the Eloy Food Bank for CARES funding to support programs and services related to the impacts of COVID-19 within the City of Eloy.*

In August 2020 the City entered into an Agreement with the Community Action Human Resource Agency (CAHRA) for CARES funding to support programs and services to Eloy households impacted by the COVID-19 pandemic. The Mayor and Council authorized \$60,000 for rental and utility assistance, \$10,000 for purchase of a freezer, and \$30,000 for the Santa Cruz Food Pantry. To date, the City has reimbursed CAHRA approximately \$26,000.

In addition, the City Council authorized a similar Agreement with the Pinal-Gila Council for Senior Citizens (PGCSC) to provide up to \$36,000 of CARES funding for the preparation of meals for home delivery as well as congregate meals to Eloy senior citizens. To date, the City has reimbursed PGCSC approximately \$27,000 of CARES funding.

Eloy households continue to be experiencing financial hardships due to the pandemic, which has caused a reduction and/or loss of income, and health and safety concerns. To extend the outreach of assistance to Eloy residents, The Hope Coalition dba the Eloy Food Bank (formerly the First United Methodist Food Bank-Eloy) proposes to use up to \$40,000 of the City's CARES funding allocation for food box distribution, and rent and utility assistance to eligible Eloy households. The Eloy Food Bank, which is a 501(C)3 organization, has been serving the families of Eloy for 16 years, and is totally funded by donations and grants. Households seeking assistance must demonstrate eligibility, and assistance would be provided on a first come, first serve basis.

The Eloy Food Bank proposes food box assistance to a minimum of 50 Eloy households per month at \$20,000, and The Hope Coalition would provide monthly rent and utility assistance to approximately 15 Eloy households at \$20,000.

The Agreement with The Hope Coalition/Eloy Food Bank is structured in a similar manner as the Agreements with CAHRA and PGCSC. The term of the Agreement would be from May 1, 2021 to December 31, 2021.

FISCAL IMPACT: *The Hope Coalition dba the Eloy Food Bank would be eligible for CARES funding of up to \$40,000 from May 1, 2021 through December 31, 2021.*

Mr. Krauss gave an overview of the proposed agreement with the Hope Coalition dba the Eloy Food Bank. The food bank would distribute food boxes, provide rent assistance and utility assistance to eligible Eloy residents using up to \$40,000 of the city's CARES funds. He said Alice Brown reached out to him to let him know that there is still a need in the community for assistance. Mr. Krauss said the food bank would expend the funds then submit monthly reimbursements to the city. Assistance would be on a first come first serve basis based on applicants meeting the criteria for eligibility. Mr. Krauss said the city would not be part of the screening process. He stated that Mrs. Brown was on the phone and her husband, Ed Brown is present to answer questions from the Council.

Councilmember Snyder asked Mr. Brown if they have been effective in providing assistance to those who are really affected by the pandemic due to job loss or illness.

Mr. Brown conveyed that he cannot tell the Council anything pre-COVID, and can only provide information on what they are currently doing. He said all of the food bank's funding comes from grants and private donations. Mr. Brown stated they do not limit how many times a household is given a food box. The Eloy Food Bank distributes twice a month and if families are in need twice a month, they give it to them. They also have a lunch program for children in the summer through funding from St. Mary's food bank.

Mrs. Brown said she would like to explain how they screen for the CARES packages. She said there is a form that goes in the food boxes that has to be filled out and return to the food bank the first part of May. Based on the information received, individuals or families would be able to pick up a CARES box.

Councilmember Snyder said he is more concerned about the screening process for rental and utility assistance.

Mrs. Brown said the form includes a list of what the applicant is required to provide to receive help with rent and utilities. Applicants have to show proof of residency, proof of unemployment or income reduction due to the pandemic. Mrs. Brown said checks would be made payable directly to landlords and utility companies.

Mayor Powell wanted to know how would the food bank determine who receives rent and utility assistance.

Mrs. Brown conveyed that applications would be date stamped upon receipt.

Councilmember Garcia asked Mr. Brown if food banks have a way of keeping track of people who go to various food banks for assistance.

Mr. Brown said yes; anyone who receives food thorough United Food Bank, their name is enter into a database that tracks which food banks those individuals visited.

Mrs. Brown said United Food Bank do not allow food banks to turn applicants away. If someone goes to the Casa Grande food bank and the Santa Cruz food bank and then come to them, they have to provide them with a food box.

Councilmember Curtis thanked Mr. and Mrs. Brown and the volunteers for providing this service to the community.

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

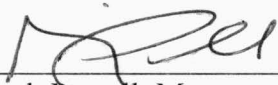
Motion by Councilmember Snyder, seconded by Councilmember Garcia to authorize the city to enter into an agreement with the Hope Coalition dba the Eloy Food Bank for CARES funding to support programs and services related to the impacts of COVID-19 within the City of Eloy, passed unanimously by roll call vote.

IX. EXECUTIVE SESSION

No executive session requested by the Council or city staff.

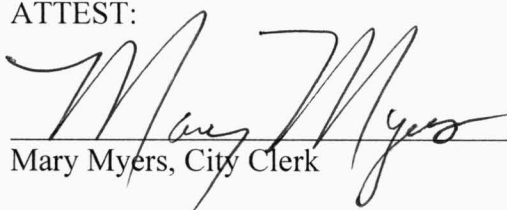
X. ADJOURNMENT

There being no further business, Mayor Powell adjourned the meeting at approximately 7:04 p.m.



Micah Powell, Mayor

ATTEST:



Mary Myers, City Clerk