

**MINUTES OF THE REGULAR MEETING OF
THE ELOY CITY COUNCIL
CITY OF ELOY
595 NORTH C STREET
AUGUST 9, 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; Paul Anchondo-Community Services Director; Sylvia Payne-HR Director; Christopher Vasquez-Police Chief; David Malewitz-Assistant to the City Manager

I. CALL TO ORDER

Mayor Micah Powell called the meeting to order at approximately 6:11 p.m.

II. ROLL CALL

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

Council Members Absent: Councilmember George Reuter

III. INVOCATION

Pastor Ken Blondeaux gave tonight's invocation.

IV. PLEDGE OF ALLEGIANCE

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

V. PUBLIC APPEARANCES

A. Scheduled

B. Unscheduled

1. Pastor Ken Blondeaux – 1458 N. Fairway Drive, Eloy

Pastor Blondeaux voiced his concern about a flyer he and other residents received in the mail about the city's landfill become a dump site for the entire state. Pastor Blondeaux said he does not necessarily believe everything that is the flyer, but he does not want Eloy to become a "trash town." He said the possibility of the city selling or leasing the landfill might create this. Pastor Blondeaux suggested to the Council that the city close the landfill and use it for other city purposes or renew localized contracts with the smaller communities in the area.

2. J.W. Tidwell – 105 W. LaSiesta Drive, Eloy

Mr. Tidwell conveyed that he also received the flyer and wanted to know why staff is not looking for more input about the landfill. He said as much trash that is generated in the local area, the city should be looking to receive the trash in Eloy instead of hauling it to Florence. Mr. Tidwell said Arizona City hauls its trash to the east side of Mt. Newman. He pointed out that Arizona City used to dump at the landfill and was paying over \$200,000 a year to the city. He wanted to know what would happen if the landfill is open to everyone. Mr. Tidwell said no matter how well the contract is drafted, there will be a loophole that will allow trash from anywhere in Arizona to be dumped at the landfill. The city would lose all control of what comes in to the landfill if this happens. He said the landfill is over 50 years old, and does not believe there is a liner at the bottom of it. What is to prevent trash that shouldn't be dumped at the landfill coming in and contaminating the city's water supply? Mr. Tidwell said he knows the issue at the landfill has been researched, but wanted to know was it done with a positive attitude or was it done with an attitude of just wanting to get rid of the landfill so that it is no longer the city's responsibility.

3. Raymond Lucero – 3440 N. Outer Drive, Eloy

Mr. Lucero expressed his anger with the treatment he received from a police officer who arrested him and transported him to the police station on June 24th. During his 25 minute ride to the police station, Mr. Lucero said the officer was rude to him, failed to seat belt him in and drove at high rates of speed. He asked for a copy of the video, but has yet to receive it. Mr. Lucero claims that he was locked in a cell that the officer was unable to open with a key. He said the officer used a flashlight to bang on the cell to open it. Mr. Lucero asserted that the officer put his life in danger during the transport and had him in a cell for over an hour that would not open with a key. He said he was not allowed to make a phone call and his home was not fully secured. Mr. Lucero said he is very upset about this and wants action taken against the officer.

VI. REPORTS AND ANNOUNCEMENTS

A. Council Members' Announcements

1. Vice Mayor Rodriguez invited the public to attend the Community Visioning Meeting for Main Street on August 12th from 6:00 p.m. to 7:30 p.m., in the community room at city hall. He said staff is requesting individuals to rsvp on the city's website and city Facebook page. Vice Mayor Rodriguez said he hopes the event will be well attended so the staff and the Council can hear input from the citizens about the future of downtown Eloy.

B. Mayor's Announcements

1. Mayor Powell congratulated Vice Mayor Rodriguez on his new position as executive director for the Eloy Chamber of Commerce. Mayor Powell said he presented outgoing executive director, Mark Benner, with a certificate of appreciation at the chamber's annual awards banquet last Friday. He also congratulated Jeff Fairman, the city's economic development specialist, for receiving the P.R.I.D.E. award at banquet.
2. Mayor Powell reminded the public of the increasing number of COVID-19 cases in the state, county and the city. He encouraged everyone to continue to do their part by wearing a mask, social distancing, washing hands and getting vaccinated.
3. Mayor Powell announced that the city in conjunction with Safeway, would be hosting a vaccine and flu clinic on September 16th at city hall from 8:00 a.m. to 10:30 a.m. No appointment is necessary and all insurances will be accepted.
4. Mayor Powell conveyed that all city parks were fogged for mosquitoes last week.
5. Mayor Powell conveyed that city residents received a mailer in the mail over the weekend from an unknown source stating false and misleading information regarding the process of the proposals for the landfill. Mayor Powell proceeded to explained the process taken by staff and the Council about the landfill. He stated the Council approved staff to start negotiations with the proposed winning bidder, which is currently underway. He strongly stated that the city has not entered into any agreement with the company and no decision has been made to sell the landfill. Mayor Powell said to his knowledge, selling the landfill is not an option. He assured the public that staff and the Council would not compromise the integrity of the city by allowing wear and tear on the streets, toxins in the groundwater, or turning the landfill into the largest heap of trash visible from all parts of the city. Mayor Powell conveyed that the Council is only exploring options and will only do what is best for the community. Any decisions made by the Council will be with the public's knowledge and with full transparency. Mayor Powell announced that he has called for a special meeting to be held on August 16th at 6:00 p.m. to hear comments from the public, followed by an executive session.

C. City Manager's Announcements

Mr. Krauss had no announcements.

VII. CONSENT AGENDA

Mayor Powell requested item C removed from the Consent Agenda.

- A. Approval of Minutes: 7/26/2021 (regular)
- B. Appointment of Jerrel "J.W." Tidwell to serve on the Eloy Police Pension Board with a term expiring on August 31, 2025.
- C. ~~Appointment of Jerrel "J.W." Tidwell to replace the expired term of Marlo Schuh on the Board of Adjustment, with the term of appointment expiring on August 1, 2024.~~
(Removed for discussion/action)
- D. Acceptance of a proposal from Motorola Solutions to purchase 10 APX8000 all band portable radios, under Arizona State Contract # CTR046830, at a cost not to exceed \$80,000.00.
- E. Appointment of seven members to the Parks, Recreation and Library Board for three-year terms expiring in August 2024 as authorized with the adoption of Ordinance No. 21-908.
- F. Authorize approval of Contract Amendment No. 1 between the Arizona Department of Corrections, Rehabilitation and Reentry and the City of Eloy (Contract No. 21-010-28) to provide for COVID-19 policies for fully vaccinated City of Eloy employees having contact with inmate workers provided by the ADCRR.
- G. Adoption of Ordinance No. 21-912 amending Chapter 2, Article IV, Division 1 of the Eloy City Code authorizing one (1) Alternate member on the Planning & Zoning Commission to serve as a voting member anytime a regular voting member is absent from a regularly scheduled or special Planning & Zoning Commission meeting.
- H. Authorization to ratify the purchase of an additional new International dump truck from RWC Group for an amount not to exceed \$170,000.

There being no other requests, Mayor Powell called for a motion.

Motion by Vice Mayor Rodriguez, seconded by Councilmember Garcia, to remove Consent Agenda item C for discussion/action, and approve remaining Consent Agenda items as presented, passed unanimously by roll call vote (6-0).

C. APPOINTMENT OF JERREL "J.W." TIDWELL TO REPLACE THE EXPIRED TERM OF MARLO SCHUH ON THE BOARD OF ADJUSTMENT, WITH THE TERM OF APPOINTMENT EXPIRING ON AUGUST 1, 2024.

Staff Cover Sheet Report: *Appointment of Jerrel, "J.W." Tidwell to replace the expired term of Marlo Schuh on the Board of Adjustment, with the term of appointment expiring on August 1, 2024.*

There are two current vacancies on the Board of Adjustment. The appointment of J.W. Tidwell would fill the expired term of Marlo Schuh. There are currently not any applicants for the other Board vacancy. The Board of Adjustment consists of five (5)

members and one (1) ex officio non-voting City Council member. All members are appointed by a majority vote of the City Council, and serve without compensation at the pleasure of the City Council.

The members of the Board of Adjustment serve for three (3) years, with the terms of members typically staggered in a manner that no more than two (2) members shall expire at the same time in any one year. The incumbent member(s) continue to serve after the Board's term of office has expired, or until a successor has been appointed by the City Council.

FISCAL IMPACT: *There is no fiscal impact associated with this appointment.*

Mayor Powell conveyed that he would like it on record that the wording for this item is changed from, "...to replace the expired term of Marlo Schuh on the Board of Adjustment..." to "...to fill an open position on the Board of Adjustment."

There being no comments, Mayor Powell called for a motion.

Motion by Councilmember Garcia, seconded by Councilmember Guanajuato Rodriguez to appoint Jerrel "J.W." Tidwell to **fill an open position** on the Board of Adjustment, with the term of appointment expiring on August 1, 2024, passed unanimously by roll call vote (6-0).

VIII. BUSINESS

- A. APPROVAL OF A FINAL PLAT SUBDIVIDING A 14.03 ACRE PARCEL INTO LOT 1 CONTAINING 2.898 ACRES TO ACCOMMODATE DEVELOPMENT OF A CIRCLE K CONVENIENCE STORE AND LOT 2 CONTAINING 11.134 ACRES FOR FUTURE COMMERCIAL DEVELOPMENT, GENERALLY LOCATED AT THE NORTHWEST CORNER OF FRONTIER STREET AND ELEVEN MILE CORNER ROAD, AND MORE SPECIFICALLY LOCATED IN A PORTION OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 8 SOUTH, RANGE 7 EAST OF THE GILA & SALT RIVER BASE AND MERIDIAN, CITY OF ELOY, PINAL COUNTY, ARIZONA.**

Staff Cover Sheet Report: *Council approve a Final Plat subdividing a 14.03 acre parcel into Lot 1 containing 2.898 acres to accommodate development of a Circle K convenience store and Lot 2 containing 11.134 acres for future commercial development, generally located at the northwest corner of Frontier Street and Eleven Mile Corner Road.*

This is a request made by the property owner of the future Circle K Convenience Store to subdivide a 14.03 acre parcel into two lots- Lot 1, consisting of 2.898 acres

which will accommodate the proposed Circle K convenience store, and Lot 2, consisting of 11.134 acres which is anticipated to accommodate future commercial development in the future. The subject property is located at the northwest corner of Frontier Street and Eleven Mile Corner Road on Pinal County Assessor's Parcel 408-02-005. The property is shaped as a triangle and it is bordered on the north by Battaglia Road, on the east by Eleven Mile Corner Road and on the south by and west of Frontier Street. More precisely, this project is located in a portion of the northeast quarter of Section 1, Township 8 South, Range 7 East of the Gila & Salt River Base & Meridian, City of Eloy, Pinal County, Arizona.

The Eloy General Plan Land Use Plan currently identifies the subject property as Community Commercial. This property is zoned C-2 (Community Commercial), so the future use is consistent with the underlying commercial zoning designation.

Primary vehicular ingress/egress to the proposed Circle K convenience store will occur on the east from Eleven Mile Corner Road and on the south from Frontier Street.

FISCAL IMPACT: *There is not a direct fiscal impact with the approval of this final plat.*

Mr. Vlaming gave a brief overview of the final plat for the proposed new Circle K Store, that will be located at the northwest corner of Frontier Street and Eleven Mile Corner Road. Mr. Vlaming conveyed that Jill Kaiser from Land Development Consultants represents Circle K and is present to answer questions from the Council.

Mayor Powell conveyed that this has been a long time coming and is happy to see the project moving forward.

Mayor Powell asked for comments and questions from the Council and the public.

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

Motion by Vice Mayor Rodriguez, seconded by Councilmember Curtis to approve the final plat subdividing a 14.03 acre parcel into lot 1 containing 2.898 acres to accommodate development of a Circle K convenience store and lot 2 containing 11.134 acres for future commercial development, generally located at the northwest corner of Frontier Street and Eleven Mile Corner Road, and more specifically located in a portion of the northeast quarter of Section 1, Township 8 South, Range 7 East of the Gila & Salt River Base and Meridian, City of Eloy, Pinal County, Arizona, passed unanimously by roll call vote (6-0).

IX. EXECUTIVE SESSION

No executive session requested by the Council or staff.

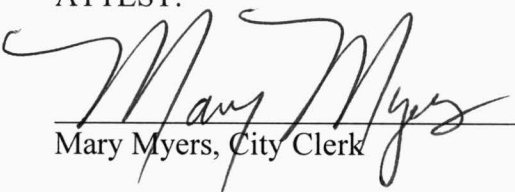
X. ADJOURNMENT

There being no further business, Mayor Powell adjourned the meeting at approximately 6:29 p.m.



Micah Powell, Mayor

ATTEST:



Mary Myers, City Clerk

**MINUTES OF THE SPECIAL MEETING OF
THE ELOY CITY COUNCIL
CITY OF ELOY
595 NORTH C STREET
MONDAY, AUGUST 16, 2021
6:00 P.M.**

Staff Present: Harvey Krauss-City Manager; Mary Myers-City Clerk; David Malewitz-Assistant to the City Manager

I. CALL TO ORDER

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

II. ROLL CALL

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

Council Members Absent: Councilmember George Reuter

III. PLEDGE OF ALLEGIANCE

Vice Mayor Rodriguez led the Council and the public in the Pledge of Allegiance.

IV. PUBLIC APPEARANCES

A. Unscheduled

Mr. Krauss provided the Council and the public with a PowerPoint presentation on the proposed options and possible agreement with a waste company for operating the Eloy landfill.

It was at this time that Mayor Powell allowed comments from the public about the landfill.

NAME	ADDRESS
*Ron Beckerdite	3501 N. Fairway Drive, Eloy
*James Canary	1217 N. Fairway Drive, Eloy
*Harold Smith	1170 N. Fairway Drive, Eloy
*Helen Sutt	1134 N. Fairway Drive, Eloy
*Phil Lemler	3954 W. Mustang Court, Eloy
*Bookie Lemler	3954 W. Mustang Court, Eloy
Michael Reeg	3175 W. Caballero Dr., Eloy
Gloria Noriz	107 W. Hinton Street, Eloy
Gloria Stanley	3950 N. Monarch Dr., Eloy
Gilbert Tarango	3970 W. Giles Street, Eloy

*Reside at the Village at Grande Valley Ranch, located approximately ½ mile north of the city landfill.

Those who gave comments were concerned about:

- Odors generated from more trash dumped at the landfill
- Unsightly appearance (height of mounds)
- Environmental impact to groundwater
- Increased truck traffic, noise (J Brakes)
- Destruction of Toltec Road
- Decreased home value in the area
- City losing control of what is dumped at landfill
- City possibly selling the landfill
- Lack of provisions in the agreement to protect the city
- Lack of public information
- Long term lease agreement

Mayor Powell conveyed that the Council would take the comments heard tonight into consideration. He assured the public that the Council would be transparent with their decision about the landfill.

Mr. Krauss conveyed the city has hired an attorney who has 40 years of experience in environmental law and landfills. The attorney has represented the public sector as well as the private sector. Mr. Krauss said he is confident the attorney is the best legal counselor to represent the city.

VI. EXECUTIVE SESSION

Mayor Powell called for a motion to go into executive session.

Motion by Councilmember Garcia, seconded by Vice Mayor Rodriguez to hold an executive session at approximately 7:02 p.m. for approximately one hour with the City Manager, Assistant to the City Manager and the City Clerk (note taking) for:

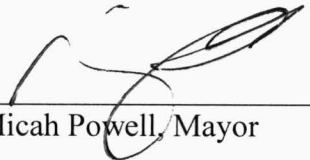
- A. Discussion of legal matters/consultation with the City Attorney, Special Legal Counsel, City Staff and/or the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, pursuant to A.R.S. §38-431.03 (A) (3) and (4).**
- B. Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property, pursuant to A.R.S. §38-431.03 (A) (3), (4) and (7).**

Motion passed unanimously (6-0).

Mayor Powell reconvened the public meeting at approximately 8:08 p.m.

VII. ADJOURNMENT

There being no further business, Mayor Powell adjourned the meeting at approximately 8:08 p.m.



Micah Powell, Mayor

ATTEST:



Mary Myers, City Clerk