

**MINUTES OF THE SPECIAL MEETING OF
THE ELOY CITY COUNCIL
CITY OF ELOY
595 NORTH C STREET
MONDAY, NOVEMBER 15, 2021
6:00 P.M.**

Staff Present: David Malewitz-Assistant City Manager; Myers-City Clerk; Sylvia Payne-HR Director

I. CALL TO ORDER

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

II. PLEDGE OF ALLEGIANCE

Mayor Powell led the Council and the public in the Pledge of Allegiance.

III. ROLL CALL

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

Council Members Absent: None

IV. EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.03 (A) (1), (3) and (4):

- A. Possible discussion and/or consideration of appointment and negotiation of the salary of a public officer - Interim City Manager, including legal advice.
- B. Discussion of the process for the recruitment, screening of applicants, and selection of a City Manager, including salary and benefits, and timeframes for recruitment and selection of a public officer, City Manager, including legal advice.

Vice Mayor Rodriguez requested item V-A be moved to executive session for discussion.

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

Motion by Vice Mayor Rodriguez, seconded by Councilmember Garcia, to hold an executive session at approximately 6:03 p.m. for about two hours with the Mr. Malewitz, Mrs. Myers (note taking) and, Mrs. Payne, for discussions related to items IV-A, IV-B and V-A, passed unanimously by roll call vote (7-0).

Mayor Powell reconvened the public meeting at approximately 7:41 p.m.

V. REGULAR BUSINESS

A. CONSIDERATION OF ACCEPTANCE OF THE RESIGNATION OF A PUBLIC OFFICER - CITY MANAGER.

Mayor Powell called for a motion.

Motion by Councilmember Snyder, seconded by Councilmember Garcia to accept the resignation of Harvey Krauss as City Manager, effective January 17, 2022, passed unanimously by roll call vote (7-0).

B. DISCUSSION AND CONSIDERATION OF APPOINTMENT OF AN INTERIM CITY MANAGER, INCLUDING SETTING THE SALARY FOR THE INTERIM CITY MANAGER.

Mayor Powell called for a motion.

Motion by Councilmember Snyder, seconded by Vice Mayor Rodriguez to appoint Assistant City Manager, David Malewitz, as Interim (Acting) City Manager and setting the annual salary at \$118,263, effective immediately, passed unanimously by roll call vote. (7-0).

C. DISCUSSION AND CONSIDERATION OF DIRECTING STAFF TO:

Mayor Powell called for a motion.

1. Begin advertising for the recruitment and screening process to select a new City Manager, including potential timeframes for the recruitment and selection process.

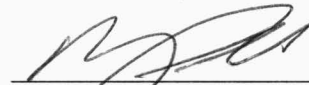
No action taken on this item.

2. Possible decision by the Council to take no action on the City Manager recruitment and selection process at this time.

Motion by Vice Mayor Rodriguez, seconded by Councilmember Guanajuato Rodriguez to take no action at this time on the recruitment and selection of a City Manager, passed unanimously by roll call vote (7-0).

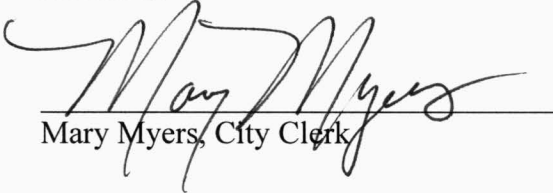
VI. ADJOURNMENT

There being no further business, Mayor Powell adjourned the meeting at approximately 7:46 p.m.



Mical Powell, Mayor

ATTEST:



Mary Myers, City Clerk

**MINUTES OF THE REGULAR MEETING OF
THE ELOY CITY COUNCIL
CITY OF ELOY
595 NORTH C STREET
NOVEMBER 22, 2021
6:00 P.M.**

Staff Present: David Malewitz-Acting City Manager; Stephen R. Cooper-City Attorney; Mary Myers-City Clerk; Brian Wright-Finance Director; Paul Anchondo-Community Services Director; Sylvia Payne-HR Director; Jon Vlaming-Community Development Director; Christopher Vasquez-Chief of Police; Jeff Fairman-Economic Development Specialist

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 Ken Blondeaux gave tonight's invocation.

IV. PLEDGE OF ALLEGIANCE

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

V. PUBLIC APPEARANCES

A. Scheduled
None.

B. Unscheduled

Mayor Powell read the following statement to the public:

“Over the past few months, the City of Eloy has received considerable interest from the public on the future of Eloy’s landfill. In 2019, city staff began the process of evaluating landfill operations and the options for how the City could improve its financial position with the landfill, while concurrently maintaining the same level of services to the citizens and businesses of Eloy.

There are numerous issues to owning and operating a landfill. There are no easy, simple solutions. Based upon this recent evaluation of the landfill operations and finances, and the most recent information that was presented to council, staff consulted with Republic Services. I then had a conversation with Republic Services regarding moving forward. Republic Services, city staff and I have asked that additional study and more information is necessary. Therefore, we will not be making any decisions on the disposition of the landfill in the near future, and we are not setting a deadline or timeframe for when a decision might be made. I want to assure you that there is no sense of urgency for making a decision.

In the months and year ahead, we will continue to gather information on the various options, and seek to find a solution which is in the long-term best interests of the Eloy community. We appreciate the recent input provided by residents on the landfill options, and I want to assure you that your feedback will be taken into consideration as we further evaluate the landfill operations.”

Mayor Powell assured the public that if there are any discussions or actions taken on the landfill, the public would know ahead of time. He reiterated that as of now, the city has no plans to move forward with Republic Services.

The following individuals voiced their opposition to the Council’s possible consideration of leasing/selling the operations of the city’s landfill to a private company who would increase the volume of trash dumped at the landfill from the Tucson and Phoenix areas.

- | | |
|-------------------------|---------------------------|
| 1. Mr. Dwayne Peterson | 1451 N. Fairway Dr., Eloy |
| 2. Mr. James Canary | 1217 N. Fairway Dr., Eloy |
| 3. Pastor Ken Blondeaux | 1458 N. Fairway Dr., Eloy |

VI. REPORTS AND ANNOUNCEMENTS

A. Council Members’ Announcements

1. Councilmember Reuter conveyed that he hopes at some point that the Council can have a meeting to give their opinion and respond to comments from residents about the landfill. He stated that residents have the wrong impression of the

Council's intention about the landfill. Councilmember Reuter said at some point, he would like to meet with residents to share his opinion on the landfill. He said is tired of being attacked on a daily basis when people do not know him or his story.

2. Vice Mayor Rodriguez conveyed that tonight is his last meeting as vice mayor. The Council will appoint a new vice mayor who will serve for one year. Vice Mayor Rodriguez thanked the Council and the public for their support of him as vice mayor. He said the city accomplished a lot of things over the past year.

B. Mayor's Announcements

1. Mayor Powell conveyed that he attended the transportation Sun Corridor Metropolitan Organization (SCMPO) meeting last week, and where he was appointed chairman of the organization for 2022.
2. Mayor Powell announced that construction of a new Circle K is underway at the corner of Eleven Mile Corner Road and Frontier Road. He said improvements would also be made to the Circle K Store located on Toltec Road. He attributed this to he and several members of the Council attending the ICSC convention a few years ago, where they were able to talk to the regional manager from Circle K about building a new store.
3. Mayor Powell announced that he, along with Vice Mayor Rodriguez, and Councilmembers Guanajuato Rodriguez and Garcia would be attending the ICSC convention again, December 5-8, 2021, to promote Eloy.
4. Mayor Powell said the city was awarded a marketing grant from APS which allowed the city to make videos, and create brochures to promote the city. The city was awarded another \$2,000 grant for marketing.
5. Mayor Powell announced that Harvey Krauss is no longer with the city and that Mr. Malewitz was recently appointed to serve as acting city manager until a new city manager is hired.
6. Mayor Powell said he and several staff members had a lunch meeting with the corporate executive team from National Gypsum last week. He said the meeting was very positive. Mayor Powell said National Gypsum is a \$4.0 million project that will bring about 200 jobs to Eloy.

C. City Manager's Announcements

Mr. Malewitz provided the following communications to the Council and public:

1. October Check Register – No questions or comments from the Council.
2. A new traffic light is being installed at Sunland Gin Road and Jimmie Kerr Blvd. Anticipated date of completion is late fall.
3. Approximately 74% of city employees have been vaccinated. Mr. Malewitz said 90 out of 122 employees are fully vaccinated or have received at least one shot. He said employees have until December 10th to submit their vaccination card to receive the incentive pay.

4. Owens Corning held a job fair at city hall recently where 30 applicants were interviewed for positions in the company.
5. The Eloy Chamber of Commerce mixer is scheduled for December 2nd at La Paloma Restaurant.
6. A mobile coffee truck will be at Main Street park November 23rd, from 7am to 9am.
7. City offices will be closed November 25th and 26th in observance of the Thanksgiving holiday.

VII. CONSENT AGENDA

Councilmember Guanajuato Rodriguez requested item D removed from the Consent Agenda.

- A. Approval of Minutes: 11/22/2021 (regular)
- B. Appointment of Allen Crawford as a regular member of the Planning and Zoning Commission for a three-year term, with his term expiring on November 22, 2024.
- C. Appointment of Edward Saucedo as the alternate member of the Planning and Zoning Commission for a three-year term, with his term expiring on November 22, 2024.
- D. ~~Adoption of Resolution No.: 21-1517 authorizing the submittal of a grant application in the amount of \$385,000 to the Arizona Department of Housing (ADOH) for FY2021 State Housing Trust Funds (HOME), committing \$55,000 as leverage, and authorizing the City Manager to sign all documentation necessary to utilize these grant fund.~~ *(Removed for discussion)*
- E. Acceptance of a proposal from Motorola Solutions, Inc. for digital mobile radios for patrol and administrative vehicles, MCC7500E Dispatch Center Radio Consoles, other radio equipment infrastructure, and installation and system implementation services to connect to the Pinal Regional Communications Consortium (PRCC), using American Rescue funds not to exceed \$266,000.00, and authorize the City to enter into a five year lease-purchase agreement with Motorola Solutions Credit Company in the amount of \$561,032.05 in principle and interest for the balance of the purchase.

Mayor Powell asked the Council if there were any additional items to remove from the Consent Agenda for separate discussion.

There being no further requests, Mayor Powell called for a motion to approve.

Motion by Councilmember Garcia, seconded by Reuter to remove agenda item VII-D from the Consent Agenda and approve remaining Consent Agenda items as presented, passed unanimously by roll call vote (7-0).

D. ADOPTION OF RESOLUTION NO.: 21-1517 AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION IN THE AMOUNT OF \$385,000

TO THE ARIZONA DEPARTMENT OF HOUSING (ADOH) FOR FY2021 STATE HOUSING TRUST FUNDS (HOME), COMMITTING \$55,000 AS LEVERAGE, AND AUTHORIZING THE CITY MANAGER TO SIGN ALL DOCUMENTATION NECESSARY TO UTILIZE THESE GRANT FUNDS

Staff Cover Sheet Report: *Staff recommends the City adopt Resolution No. 21-1517 authorizing the submittal of a grant application in the amount of \$385,000 to the Arizona Department of Housing (ADOH) for FY2021 State Housing Trust Funds (HOME), committing \$55,000 as leverage, and authorizing the City Manager to sign all documentation necessary to utilize these grant funds.*

The City proposes to submit an application for HOME funding in the amount of \$350,000 with an additional 10% (\$35,000) in general administrative funding through the Housing Trust Fund for a total maximum funding of \$385,000. This a competitive grant program with approximately \$3.5 million available to eligible applicants for owner-occupied housing rehabilitation activities.

The objective for this grant is to preserve and improve the long term life of existing affordable owner-occupied housing stock. Therefore, if the grant is fully funded, it would be utilized for the continuum of Eloy's Owner-Occupied Housing Rehabilitation Program.

The Owner-Occupied Housing Rehabilitation Program focuses on serving low income persons who are at or below 80% of the area median income. If the City is approved for this grant, a minimum of three houses can be rehabilitated. There are approximately 21 applicants on the City's waiting list for rehabilitation services. However, applicants on this list would need to pre-qualify for this program if the grant funds are secured. For this grant funding cycle, the City is required to qualify applicants that are low income; for best scoring, the City will primarily focus on applicants at or below 50% of the area median income.

This is a highly competitive round of federal funds and the availability of leverage will increase the City's ranking criteria. Staff is recommending that the City commit to leveraging \$55,000 in City funds to make this application more competitive.

FISCAL IMPACT: *Anticipated revenue if funded by ADOH is a maximum of \$385,000. The City would leverage \$55,000 from the General Fund to make this Housing Rehabilitation application more competitive.*

Councilmember Guanajuato Rodriguez conveyed that the resolution authorizes Mr. Krauss to sign applications and contracts for the grant. Since Mr. Krauss is no longer with the city, she recommended that his name be omitted and the words "city manager" inserted.

Mayor Powell asked Mr. Cooper for his legal opinion.

Mr. Cooper conveyed that Council could table the item or can approve the resolution as amended. If Council wants to approve the resolution as amended, the motion would be to approve the resolution by deleting the provision where it references Mr. Krauss to City Manager.

Mayor Powell called for a motion to read the resolution by title only.

Motion by Councilmember Garcia, seconded by Councilmember Snyder to read Resolution No. 21-1517 by title only, passed unanimously.

The city clerk read the resolution title into the record.

Mayor Powell called for a motion to adopt.

Motion by Councilmember Guanajuato Rodriguez, seconded by Councilmember Garcia to approve Resolution No. 21-1517 as amended to reference city manager only, passed unanimously by roll call vote (7-0).

VIII. BUSINESS

A. PUBLIC HEARING FOR CONSIDERATION OF A MAJOR AMENDMENT TO THE ELOY GENERAL PLAN FOR CALENDAR YEAR 2021 BY ADDING AGGREGATES (SAND AND GRAVEL RESOURCES) SOURCES, AND POLICIES TO THE LAND USE ELEMENT (CASE NO.: GPA 2021-015).

Staff Cover Sheet Report: *Council to conduct a public hearing to consider a Major Amendment to the Eloy General Plan for Calendar Year 2021 by adding Aggregates to the Land Use Element.*

The Eloy General Plan was readopted by the City Council in May 2020. Arizona Revised Statutes (ARS) §9-461.06 allows for major amendments to a City's general plan to occur on an annual basis, with the requirements and schedule determined by the City. The City accepted the only major amendment (submitted by Staff and is focused on the provision of aggregates (sand and gravel) at the end of this past June and initiated the mandatory 60-day public review period at the end of July). At the August meeting, the Planning & Zoning Commission heard the item and took public comment (there were no verbal comments submitted), and took no action at that time. On September 27, 2021 the mandatory 60 day review closed and no written comments were submitted to City Staff. On October 6, a public open house will be held at the City Hall Community Room from 5 to 6 pm. There were not any attendees at the open house. A public hearing and action is required by State Statute to hear this item for Planning & Zoning Commission review and consideration at this, October 20, 2021 meeting. If this major amendment is recommended for approval, the City Council will review this item at its November 22, 2021 regularly scheduled meeting.

A major amendment, as defined by the Eloy General Plan, is triggered by any one of the following conditions:

- 1. A change in Residential land use designation that exceeds 320 acres.*
- 2. A land use designation change from residential to non-residential of 40 acres or more.*
- 3. A change in any commercial or employment land use designations (e.g. neighborhood commercial, community commercial, light industrial, general industrial) exceeding 40 acres for commercial and 80 acres for industrial or employment uses.*

This major amendment is to bring the document in conformance with State Statute 9-461.05, which identifies that the Land Use Element of the General Plan should include information pertaining to:

- 1. The sources of aggregates from maps from state agencies*
- 2. Consideration of existing mining operations and suitable geologic resources*
- 3. Policies to preserve currently identified aggregates sufficient for future development*
- 4. Policies to avoid incompatible land uses*

FISCAL IMPACT: *There is not a fiscal impact associated with this item.*

Mayor Powell declared a public hearing open on the major general plan amendment.

Mr. Vlaming provided the Council and the public with an overview of the staff initiated general plan amendment for 2021.

Mayor Powell opened for floor for comments and questions from the Council and the public.

Councilmember Snyder asked if the city has any active sand and gravel in the planning area.

Mr. Vlaming said there are currently four areas that have been verified through a secondary source mapping. The area north of Robson Ranch; the barrow pit located on the east side of SR87 and a couple other locations. He said the statutes identifies the communities already using the Arizona geological survey information which staff utilize as a secondary source information. Mr. Vlaming said those locations are identified in the map and the coac as the city's existing land use map.

There being no further questions, Mayor Powell closed the public hearing.

B. ADOPTION OF RESOLUTION NO.: 21-1518 APPROVING A MAJOR AMENDMENT TO THE ELOY GENERAL PLAN FOR CALENDAR YEAR

2021 BY ADDING AGGREGATES (SAND AND GRAVEL RESOURCES) SOURCES, OBJECTIVES AND POLICIES TO THE LAND USE ELEMENT (CASE NO.: GPA2021-015)

Staff Cover Sheet Report: *Council adopt Resolution No.: 21-1518 approving the Major Amendment to the Eloy General Plan for Calendar Year 2021 by adding Aggregates (sand and gravel resources) to the Land Use Element text and mapping.*

Formal consideration and adoption of Resolution No. 21-1518 to comply with Arizona Revised Statutes regarding the approval of this major amendment of the Eloy General Plan for Calendar Year 2021 to include aggregate resources information.

FISCAL IMPACT: *There is not a direct financial impact associated with adding information on aggregates (sand and gravel resources) to the Land Use Element of the Eloy General Plan.*

Mayor Powell called for a motion to read by title only.

Motion by Vice Mayor Rodriguez, seconded by Councilmember Snyder to read Resolution No. 21-1518 by title only, passed unanimously.

The city clerk read the resolution title into the record.

Mayor Powell called for a motion to adopt the resolution.

Motion by Councilmember Garcia, seconded by Councilmember Reuter to adopt Resolution No. 21-1518, passed unanimously by roll call vote (7-0).

C. STAFF TO PROVIDE A STATUS UPDATE ON THE DECORATION OF MASONRY COLUMNS AND EXISTING BUILDING WALLS ON MAIN STREET BUILDINGS, BETWEEN FRONTIER STREET AND 6TH STREET, FOR COUNCIL REVIEW AND DISCUSSION AND POSSIBLE DIRECTION.

Staff Cover Sheet Report: *Item for information and discussion and possible Council direction.*

On January 27, 2020, the City Council approved the renovation of the facades and overhangs on both sides of Main Street from Frontier Street to 6th Street including murals, and decorative painting of the masonry columns. The approved budget was \$250,000. Staff retained the contractor (J.C. Tarrasco) to complete the building improvements, which were finished by early Fall 2020. Staff also provided information to the community to retain local and regional muralists/painters to see if a local person(s) could be retained for this work. Staff's outreach did not result in any response by the local community.

Now, the staff is prepared to update the City Council on several remaining issues related to the work accomplished in 2020 and inquire as to their specific thoughts and guidance at this point in time. As a component of the downtown revitalization project, there were unspent funds that were intended to accommodate the community's desire for masonry column and wall art in front of existing building faces and on building walls. Efforts have been made to find local artists through efforts to message them via the Eloy City website and advertising in both the Casa Grande Dispatch and the Eloy Enterprise. These outreach efforts did not result in any local interest at that time. Additional inquiries made by Staff of artists outside of Pinal County did not produce what would appear to be viable alternatives in terms of cost, final product and schedule. At the same time, COVID hit, as well as a substantial increase in responding to many inquiries from industrial prospects, homebuilders and investors. These responses and follow up continue to be the primary activity of the Economic Development staff since that time.

FISCAL IMPACT: *None at this time. Because the original Main Street Arcade project budget has been closed out, next steps would be to confirm Councils' direction and preparing a request for qualifications, proposed budgets and presenting a recommendation and contract to the City Council for their consideration. The source of funds to complete the column and wall murals would be from the Economic and Community Development Fund.*

Mr. Fairman provided the Council and the public with an update on the artwork project for the columns and buildings along Main Street, that has been put on hold due to the pandemic.

Councilmember Guanajuato Rodriguez thanked Mr. Fairman for the update. She pointed out that the artwork is part of the beautification process for downtown, and strongly believes this will bring visitors into the community who will in turn, patron some of the city's businesses.

Mayor Powell asked Mr. Fairman if he reached out to the high school or the community college to see if they would be interested in do the artwork as a school project.

Mr. Fairman said the school and the college were not meeting because of Covid. He said he did speak to Councilmember Snyder about the art group at Robson Ranch. He said he would make contact with the group after the first of the year. Mr. Fairman said the artwork project is on hold for now, but it is not forgotten or gone.

Councilmember Reuter asked Mr. Fairman if he ever reached out to the local artist that was featured in Pinal Central.

Mr. Fairman said he did visit the artist and looked at some of his work. He said it is something that staff would have brought forward, but at that time there were some

significant changes going on with the Downtown Advisory Commission. Mr. Fairman told the Council that the challenge is going to be finding art that meets everyone's requirements. The artwork has to be multi-dimensional and represent all the different facets of Eloy.

Councilmember Reuter asked is staff still considering retro artwork on the building walls that would also display business names.

Mr. Fairman said all of those conversations would start up again.

Mayor Powell wanted to know would the city need permission from the property owners to do the artwork on their building.

Mr. Fairman said yes, a release will be obtained from the property owners as a standard procedure.

D. APPOINTMENT OF A VICE MAYOR TO SERVE A ONE-YEAR TERM IN ACCORDANCE WITH THE CITY COUNCIL RULES AND REGULATIONS AS ADOPTED ON NOVEMBER 23, 2020.

Staff Cover Sheet Report: *Council designate a Council member to serve as Vice Mayor for a one-year term effective on December 1, 2021.*

Councilmember Andrew Rodriguez was appointed by the Council on November 23, 2020 to serve a one-year term as Vice Mayor in accordance to the City Council Rules and Procedures adopted on November 23, 2020.

Section 2-11.2 of the Eloy City Code of Ordinances provides that the Council designate one of its members as Vice Mayor who shall serve in such capacity at the pleasure of the Council. The Vice Mayor performs the duties and responsibilities of the Mayor during the Mayor's absence or disability.

The Council Rules and Procedures provide for a one-year term beginning December 1, 2021 for Vice Mayor.

FISCAL IMPACT: *N/A*

Mr. Malewitz conveyed a policy was adopted by the Council last year that would allow the Council to appoint a member of the Council serve as vice mayor for a period of one year. He said the term of the new vice mayor would be begin on December 1, 2021.

Mayor Powell open the floor for nominations from the Council.

Vice Mayor Rodriguez and Councilmembers Guanajuato Rodriguez and Curtis nominated Councilmember Snyder to serve as vice mayor for one year.

Hearing no additional nominations, Mayor Powell closed the nominations.

Mayor Powell called for a motion.

Motion by Vice Mayor Rodriguez, seconded by Councilmember Guanajuato Rodriguez to appoint Councilmember Snyder as vice mayor for a period of one year, effective December 1, 2021, passed 6-1 by the following roll call votes:

Ayes: Mayor Powell, Councilmember Reuter, Councilmember Garcia, Vice Mayor Rodriguez, Councilmember Guanajuato Rodriguez, Councilmember Curtis

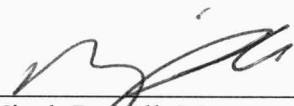
Abstain: Councilmember Snyder

IX. EXECUTIVE SESSION

No executive session requested by the Council or city staff.

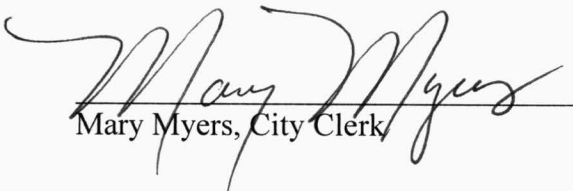
X. ADJOURNMENT

Mayor Powell wish everyone a safe and happy Thanksgiving holiday. There being no further business, Mayor Powell adjourned the meeting at approximately 6:49 p.m.



Micah Powell, Mayor

ATTEST:



Mary Myers, City Clerk