

**MINUTES OF THE REGULAR MEETING OF
THE ELOY CITY COUNCIL
CITY OF ELOY
595 NORTH C STREET
JANUARY 10, 2022
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; Jon Vlaming-Community Development Director; Christopher Vasquez-Chief of Police; Keith Brown-Public Works Director/City Engineer

***Attended meeting via telephone**

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;** Councilmember Andrew Rodriguez; Mayor Micah Powell; Vice Mayor Dan Snyder; Councilmember Jose Garcia; Councilmember Sylvia Guanajuato Rodriguez

***Attended meeting via telephone**

Council Members Absent: None

III. INVOCATION

Pastor Debbie Miller gave tonight's invocation.

IV. PLEDGE OF ALLEGIANCE

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

V. PUBLIC APPEARANCES

A. Scheduled

B. Unscheduled – Each speaker is given three (3) minutes to speak.

1. Jaime Granado – 603 N. D Street, Eloy (transcribed verbatim)

Hi, my name is Jaime Granado, and you know, three minutes is very, very minimal so, I'll try to make this fast. Basically, we're your neighbors across the street. We own a; used to be 13 units, but now it's an 8 unit commercial building – two commercial buildings. Long story short, my father had an insurance loss; there was a fire. A predatory lender that my father knew bought the notes and then put my father in default. And then he tried have his own construction company do work on our property. So, that's where everything started at and so, he brought illegal day workers and he; the crew basically tore down one of our buildings. They basically took out all of the structure. And then I reported this to Mr. Martinez, and he was doing nothing about it, until I eventually sending him photos that they were actually framing up. And then the next day, the building collapsed due to their incompetent work. And the funny thing is that this guy is a commercial contractor. He actually owns a company named Atlas General. He got a few permits through Mr. Martinez, and you know, he's just corrupt. The level corruption is astounding. How can you; basically, it's public record how people need permits in order to do work. And if you're going to get a permit, you need either the owner's signature, which we're the owners or a licensed contractor needs to do the permit on your behalf. In this case, the permit was given to Atlas Residential. So, this guy owns his own construction company, but yet he didn't even do a permit under his own LLC, which is Atlas General? So, what happened was they did about three fraudulent permits for plumbing and electric. There was no licensed plumber or electrician on that permit. So, the permit was issued to Atlas Residential and they're not even licensed for the work that was outlined in the permit application. So, with that being said, that's fraudulent on behalf of Mr. Martinez to even allow that. And then just the issue regarding the demolition. As a result of the property being torn down. There was a bid, three people bidded to do the work and one of them did a correct bid. They included a neshap. Anytime there's a five; there's five units or more, county regulations require a neshap, a permit to be issued. It's actually expensive because they need to do surveys and stuff. So, what Mr. Martinez did, he said forget that, I'm going to pay the lowest bidder...

Mayor Powell: Thank you. Your time is up. Thank you.

2. Victor Granado – 711 N. Main Street, Eloy (transcribed verbatim)

He forgot to mention the core of his argument. That the city of Eloy committed a crime on our property, and they kept it under wrap. Okay? They kept it to themselves. And I'm going to mention some names here of the people that were involved, that was complicit in this crime committed against us on our property. And I'm talking about the former administration, Joel Belloc; well, we'll start with Mr. Martinez, one. His boss, Mr. Vlaming, the director, then Harvey Krauss, the manager and Joel Belloc. All these four people were complicit in the crime

that was committed on our property because they did not hire a certified cleaning contractor to clean the asbestos on the property. Now, this here confirms air quality control issued a citation city of Eloy eventually paid. A \$3,500 fine, plus they paid about \$11,000 to the company that they hired knowingly, intentionally and deliberately that it was a crime. And in my opinion, that's in appropriation of funds one. Two, so, the city attorney was also involved in this. I don't know how deeply involved he was in it, but he was involved in it. Because he settled the charges with Pinal County. He reached an agreement; a settlement with them. So, when he realized, hey there's a crime here committed by all this staff, why didn't he request an investigation or tell these people, hey, no, I'm not going to pay for that. For the expense of the clean up or the expense for your fine; you know, as I said. And what other crimes did they commit? And by the way, I do want to mention that Mr. Powell, sir, you were also aware of this, but after the fact. But still you didn't do nothing about it. You were aware there was a crime committed and you never took any action. Okay? So, I'm disappointed in you in that respect. Mr. Rodriguez also was aware in a sense. So, all these people were aware we were violated. A federal; I'm not sure if it's federal, but it was a felony. There was a \$10,000 fine and all of these people that I mentioned, were involved in this crime. They were complicit in this crime on my property against me. Okay? And I think this council should take to heart and realize that their responsibility is to protect the citizens of Eloy, take action, have somebody run the investigation.

Mayor Powell: Thank you sir.

VI. REPORTS AND ANNOUNCEMENTS

A. Council Members' Announcements

Councilmember Reuter conveyed the following announcements:

- Requested a retreat to update the Council on the last few months with the premature departure of Mr. Krauss.
- Reminded the Council and public of the world parachuting championship happening this year in Eloy. He suggested a few people from staff and the Council sit on an ad hoc committee with Skydive Arizona and the county.
- Requested a work session to discuss finding a solution on the landfill. Councilmember Reuter stated that Mayor Powell made a statement at a prior meeting that a lease is not an option at this time. He said he wants to take care this matter, since the Council has been talking about it for two or three years.

B. Mayor's Announcements

Mayor Powell conveyed the following announcements:

- Asked the Council if they would like to meet February 5th for four hours or February 7th and 8th for two hours each day for a budget retreat.

After a very brief discussion, it was the consensus of the Council to meet on Saturday, February 5, 2022, from 9:00 a.m. to 2:00 p.m. for the retreat.

Mayor Powell conveyed that at this year's retreat, staff will provide an update on city projects and activities, and give a forecast of the FY2022-23 budget. He said the Council will prioritize projects that have not been done.

- The Council will hold a special meeting, including an executive session on January 31, 2022, at 6:00 p.m. for an update on landfill and sanitation rates. He said the Council will need to decide if the city wants to continue or dissolve contract negotiations.

Councilmember Reuter asked would the meeting be just about the rates or would it include all options for the future of the landfill.

Mayor Powell said yes, options for the landfill would be included.

- The Cemetery Committee met last week to discuss the issue of some visitors driving vehicles on top of graves. He said the committee voted unanimously to close the cemetery gates at sunset and open at sunrise, starting March 1, 2022. He said a more formal announcement of this decision would be forthcoming.
- Announced the recent passing of a Casa Grande police officer from Covid. The officer worked for Casa Grande at the time of his passing, but was from Eloy. Mayor Powell offered the city's condolences to the officer's immediate family and law enforcement family.

C. City Manager's Announcements

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

- The city will have a Covid clinic at city hall on Friday, January 14th from 9:00 a.m. to 3:00 p.m. The clinic is free to the public and no appointment is necessary. Mr. Malewitz said the Pinal Gila Council for Senior Citizens is sponsoring the clinic and would be handing out free Covid home testing kits.
- The Eloy police department is featured in the Ford 2022 calendar for its fleet of Ford police vehicles. A calendar was given to each member of the Council.
- The city received one bid for the Frontier Street landscaping and Shedd Road median project. The bid was rejected due to the bid amount submitted. Mr. Malewitz said the bid amount was more than twice the estimate received from the city's landscape architect. He said staff would go out to bid again for the projects, but would request individual bids for the two projects instead of

combining them Mr. Malewitz said by splitting the projects up, staff hopes this will generate interest from other landscaping companies to submit bids.

VII. CONSENT AGENDA

Mr. Malewitz requested item J withdrawn from the agenda. He stated that the EDSCI organization canceled this year's MLK celebration.

- A. Approval of Minutes: 12/13/21 (regular)
- B. Council declare certain City-owned police vehicles surplus, and authorize Eloy Police Department staff to coordinate with Sierra Auction Management, Inc. to auction or sell as scrap based upon the condition of the vehicle(s).
- C. Appointment of Jeana Capel-Jones as a member of the Revitalization Commission for a one-year term, with her term expiring on January 10, 2023.
- D. Appointment of Ms. George Hargis as a member of the Revitalization Commission for a two-year term, with her term expiring on January 10, 2024.
- E. Approval of the dedication of a Public Right-of-Way by Pilot Xpress Arizona, LLC for a portion of Houser Road extending approximately 827 east of Toltec Road along it's property frontage.
- F. Approval of the dedication of Public Rights-of-Way by Pilot Xpress Arizona, LLC for portions of Outer Drive and Toltec Road located along the Xpress Fuels property frontage
- G. Approval of the dedication of a Public Utility Easement by C.G. Real Estate Investors Limited Partnership, LLC for an approximately 68 feet long, 10 foot wide strip on the north side of Adams Road located approximately 1302 feet east of Sunland Gin Road
- H. Approval to enter into an agreement with Epifini Landscaping Inc. to replace existing turf and irrigation at Main St Park. Total dollar Amount Not to Exceed one hundred thousand dollars (\$100,000.00).
- I. Approval of the 2022 Major General Plan Amendment Schedule for the process of reviewing and amending the Eloy General Plan.
- J. ~~Request from the Eloy Division for Self and Community Improvement (EDSCI) for the City of Eloy to provide in-kind services to support the MLK Day March and Celebration on January 17, 2022, from 9:30 a.m. until 2:00 p.m. (Item withdrawn)~~

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

Motion by Councilmember Garcia, seconded by Vice Mayor Snyder to withdraw agenda item VII-J from the Consent Agenda and approve remaining Consent Agenda items as presented, passed unanimously by roll call vote (7-0).

VIII. BUSINESS

- A. ADOPTION OF ORDINANCE NO. 21-930, AN ORDINANCE INCREASING THE CORPORATE LIMITS OF THE CITY OF ELOY, PINAL COUNTY, STATE OF ARIZONA, PURSUANT TO THE PROVISIONS OF TITLE 9, CHAPTER 4, ARTICLE 7, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO, BY ANNEXING 5.728 ACRES OF LAND, SUBJECT PROPERTY IS LOCATED ALONG THE SOUTHEASTERN BOUNDARY OF THE ELOY MUNICIPAL AIRPORT ON PINAL COUNTY ASSESSOR'S PARCEL NUMBER 402-26-005Y, IN UNINCORPORATED PINAL COUNTY. THE SUBJECT PROPERTY INCLUDES A PORTION OF LAND WITHIN THE SOUTHWEST $\frac{1}{4}$ OF SECTION 13, TOWNSHIP 7 SOUTH, RANGE 7 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA.**

Staff Cover Sheet Report: *Council to adopt Ordinance No. 21-930, annexing 5.728 acres of land. The subject property is located along the southeastern boundary of the Eloy Municipal Airport on Pinal County Assessor's Parcel number 402-26-005Y, in unincorporated Pinal County. The subject property includes a portion of land within the Southwest $\frac{1}{4}$ of Section 13, Township 7 South, Range 7 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona.*

Annexation is the process by which a city may assume jurisdiction of unincorporated territory adjacent to its incorporated boundaries. As such, annexation represents a significant step in the overall growth of a city. In Arizona, annexation requires the consent of the owners of at least one-half of the value of the real and personal property and the consent of more than one-half of the number of property owners in the territory to be annexed as documented by the latest county assessor data. In addition, the consent and action of the City Council are required. This parcel was acquired by the City as part of the Taxiway "A" Relocation and Drainage Improvement project. The subject property lies within Pinal County, but is contiguous to the City's corporate limits. It has been improved to serve as a drainage area for the taxiway improvement project recently completed for the Eloy Municipal Airport. The Eloy General Plan shows Light Industrial land use designation for this property as well as the Airport. The Official Zoning Map identifies this parcel as Light Industrial as well.

The existing Pinal County zoning designation for this parcel is General Rural (GR), which allows one dwelling unit per 1.25 acres of land. If the City Council adopts the annexation ordinance, the County zoning will translate to 5.728 +/- acres of R1-54 (one dwelling unit per 54,450 sq. ft (1.25 acres) in the City of Eloy. The City may rezone the parcel in the future.

The proposed annexation area meets the intent of the Arizona State requirements that govern annexation. The territory to be annexed adjoins the boundary of the City of Eloy for the entirety of its length (more than 300 feet); the size and shape of the parcel to be annexed is not a minimum of 200 feet in width at all points, but it

represents the configuration of the parcel to be annexed; the length is not more than twice the width of the annexed territory, but it represents the configuration of the parcel to be annexed; and the annexation, if adopted, would not result in the creation of a county island.

Before the annexation petition could be circulated, there is a thirty-day waiting period after the blank petition and corresponding map and legal description have been filed with the Pinal County Recorder. Staff filed the initial blank petition on November 19, 2021 (Pinal County Recorder's Fee No.: 2021-132613). The signed petition, dated December 26, 2021 has now been completed pursuant to the waiting period requirement.

The City Council held a public hearing for this annexation on November 8, 2021. No one spoke at that hearing.

FISCAL IMPACT: *The processing of this annexation required the City to pay notice and filing costs totaling less than \$500. It also required staff time to support these efforts. Upon annexation, the City will include this area in their police patrol territory, but it will not incrementally increase labor or operational costs due to the fact that it is, and will remain, undeveloped.*

Mr. Vlaming briefly overviewed the proposed ordinance to increase the city limits approximately 5.7 acres by annexing the southeastern boundary of the Eloy Municipal Airport. He said the property is located in unincorporated Pinal County. Mr. Vlaming stated the city has already acquired the property, and improvements made for the Taxiway "A" Relocation and Drainage Improvement project.

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

Motion by Councilmember Rodriguez, seconded by Vice Mayor Snyder to read Ordinance No. 21-930 by title only, passed unanimously (7-0).

The city clerk read the ordinance title into the record.

Mayor Powell called for a motion to adopt the ordinance.

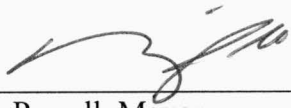
Motion by Vice Mayor Snyder, seconded by Councilmember Garcia to adopt Ordinance No. 21-930 as presented, passed unanimously by roll call vote (7-0).

IX. EXECUTIVE SESSION

No executive session requested by the Council or city staff.

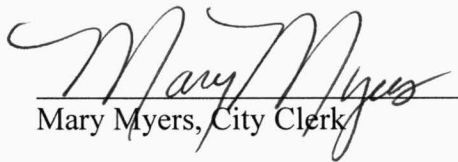
X. **ADJOURNMENT**

There being no further business, Mayor Powell adjourned the meeting at approximately 6:25 p.m.



Micah Powell, Mayor

ATTEST:



Mary Myers, City Clerk