

**MINUTES OF THE REGULAR MEETING OF
THE ELOY CITY COUNCIL
CITY OF ELOY
595 NORTH C STREET
MARCH 28, 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; Jon Vlaming-Community Development Director; Christopher Vasquez-Chief of Police; Keith Brown-Public Works Director/City Engineer; Sylvia Payne-HR Director

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 conference call

Council Members Absent: None

III. INVOCATION

Pastor Ken Blondeaux 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

Proclamation designating April as Fair Housing Month in the City of Eloy.

Mayor Powell asked the city clerk to read the proclamation into the record.

B. Unscheduled

Sam Grover – 422 S. Penn Street

Mr. Grover conveyed that he is here tonight to complain about no cut outs in the sidewalks at the schools for those with disabilities. He said his son and his wife are both disabled. He pointed out that the four way stop at the school has no ADA accessibility. Mr. Grover said he posted this on Facebook a few times and has made contact with the city. According to Mr. Grover, the city staff has been telling him that someone would get back to him, but it has been three years and no one has yet to contact him. Mr. Grover said he filed a complaint with a civil rights group. He told the Council that it is the city's responsibility to make the curbing ADA assessible.

Mr. Grover also complained about fees at the city landfill. He claims the city is charging him county rates and there is also an employee at the landfill who is double dipping. Mr. Grover said he and others are tired of paying these rates. He is being harassed whenever he goes to the landfill and claims the harassment has increased since complaining to the city about not being ADA compliant. He said we should all be treated the same.

VI. REPORTS AND ANNOUNCEMENTS

A. Council Member Announcements

- Councilmember Rodriguez announced the names of the city employees who were recipients of awards at Saturday's Eloy Chamber of Commerce Annual Dinner and Awards banquet. He said Corporal Martinez was awarded the First Responder's award and former city manager, Harvey Krauss was awarded the P.R.I.D.E. award.
- Councilmember Guanajuato Rodriguez conveyed that she and the police department are working together to create a community engagement program called C.A.P.E (Community and Police Engagement). She said the program will focus on teenagers and new drivers in providing teens and their families with a better understanding of how to navigate through potential police interactions. Councilmember Guanajuato Rodriguez invited anyone who is new to driving or who has a teenager and interested in the training, to please contact the police department on their Facebook page or email Corporal Childress at kchildress@eloyaz.gov to register and for more information. She said the training would take place April 28th at the Eloy police department, from 6:00 p.m. to 8:00 p.m.

Councilmember Guanajuato Rodriguez announced that the Week of the Young Child is April 2-8, 2022. The week will celebrate young children and provide resources and support for early intervention services and education.

- Vice Mayor Snyder gave a brief overview of the Revitalization Commission meeting that was held on March 23rd.

B. Mayor's Announcements

Mayor Powell had the following communications:

- City staff hosted a public hearing on the proposed water and wastewater rates at the Toltec Senior Center last Thursday. He pointed out that only one resident attended. Mayor Powell said there would be another public hearing on the rates on April 5th at 5:30 p.m. at the Eloy Jr. High School gym. There would also be a chance for public comments the April 11th city council meeting. Mayor Powell said the Council would also take formal action at that meeting.
- He, along with Councilmember Garcia and several staff members traveled to Phoenix last week to Diamond Age Construction. He said the company, in conjunction with Century Complete Homes showed them how they would construct home in the Eloy area. Mayor Powell said the company is moving forward with the Esperanza development north of Main Street that has been vacant for many years. He said Diamond Age presented him with a plaque that says "Home of the Nation's First 3D Printing Community." Mayor Powell said the city is excited to be working with Diamond Age on this project.
- The city hosted a visit from Luxembourg Ambassador, HE Nicole Bintner-Bakshian last Friday. Mayor Powell said he along with several members of the Council, staff, County Supervisor, Steve Miller, and County Economic Development Director, James Smith, met with the ambassador. He said the ambassador presented him with a tie from Luxembourg.
- Had a lunch meeting with the new County Economic Development Director, James Smith last week. Mayor Powell gave him a tour of the city.
- Reminded the public that Operation Cleanup is scheduled for Saturday, April 9th, from 7:00 a.m. to 11:00 a.m. Participants will meet at Main Street Park at 7:00 a.m. Mayor Powell said to volunteer, please contact Angel Madrid in community development.

C. City Manager's Announcements

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

- Staff attended the Chamber sponsored vacant building tour last Friday. He said the Chamber will schedule the next tour for some time in the fall.
- The fog seal project on Frontier Street has begun. He said there would be temporary road closures this week and part of next week.
- The city's contractor, Cactus is working on pavement restoration projects throughout the city.

VII. CONSENT AGENDA

- A. Approval of Minutes: 3/14/2022 (regular)

- B. Reappointment of Porfirio Pantoja as a regular member of the Building Code Board of Appeals for a three-year term, with the term of appointment for Mr. Pantoja expiring on January 31, 2025.
- C. Reappointment of Jose Antonio Chacon as a regular member of the Building Code Board of Appeals for a three-year term, with the term of appointment for Mr. Chacon expiring on January 31, 2025.
- D. Adoption of Resolution No. 22-1526, authorizing the submission of an application to apply for funding from Arizona State Parks & Trails for \$678,150.00 for the renovation project "Jones Park Improvements" and certify compliance with agreement terms.
- E. Approve the Consolidation of the original NGC property with an additional parcel for development of the Wallboard Facility as part of the previously approved Third Amendment to the Development Agreement with Gold Bond Building Products, LLC.

Mayor Powell asked Council if there were any items they wished removed from the Consent Agenda for discussion.

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

Motion by Councilmember Garcia, seconded by Councilmember Curtis to approve the Consent Agenda items as presented, passed unanimously by roll call vote (7-0).

VIII. BUSINESS

- A. COUNCIL APPROVE THE COMPROMISE OF CITY ABATEMENT LIEN ON PINAL COUNTY ASSESSOR'S PARCEL #404-09-007 FOR A PAYMENT OF \$45,000 AND TO AUTHORIZE THE ACTING CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO COMPROMISE THE LIEN.**

Staff Cover Sheet Report: *Council approve the compromise of City Abatement Lien on Pinal County Assessor's Parcel 404-09-007 for a payment of \$45,000 and to authorize the City Manager to sign all documents necessary to compromise the lien.*

Aberon Fund I, LLC foreclosed on delinquent real property taxes on real property located at 3410 N. Estrella Road (Pinal County Assessor's Parcel 404-09-007), in the City of Eloy Arizona. Under State law, the foreclosure action did not foreclose and remove two City of Eloy cleanup liens that were recorded on the former mobile home park (which was abandoned by the prior owner, requiring the City to incur costs to remove abandoned mobile homes, abandoned furnishings and other trash and litter on the real property). The City cleanup liens were recorded on the real property in December of 2010 and January of 2011 in the amount of \$147,450.00 as a City Court judgment. A total of \$54,046.86 represented the actual cleanup costs for the City and

the remainder (\$93,403.14) were fines accruing daily for the property owner failing to clean the real property.

The real property has remained vacant for over 12 years and has not generated any real property taxes until a third party purchased the delinquent real property taxes and foreclosed on the real property due to the failure to pay real property taxes. The City previously rejected a settlement offer to release the lien for \$30,000 last year from Aberon Fund I.

The proposed settlement offer is to release the City lien only and there are no other conditions for the compromise of the City lien as it relates to the real property

FISCAL IMPACT: *The City will receive \$45,000 at the close of escrow. The real property, if redeveloped, will eliminate a vacant lot which has existed for the 12 plus years and will, at a minimum, generate additional real property taxes to the City.*

Mayor Powell conveyed that he would be recusing himself from this item. He announced that he would not be part of any discussion or voting on this item because his mother is representing the buyer and his uncle is the buyer of the property. Mayor Powell said there is no financial interest for him, but still want to recuse himself.

It was at this time that Mayor Powell turned control of the meeting over to Vice Mayor Snyder.

Mr. Malewitz gave a brief overview of the property located at Estrella Road and Frontier Street. He stated that Council and city staff discussed the disposition of the property in executive session on September 13, 2021. Mr. Malewitz said staff recommends Council approve the abatement for the property listed for sale so the parties interested can move forward with purchasing the property without any further liens.

Councilmember Guanajuato Rodriguez asked to go into executive session with legal counsel and staff before taking formal action.

Vice Mayor Snyder said this was already discussed in executive session.

Councilmember Guanajuato Rodriguez said she is aware of this, but thought the Council would discuss it again in executive session before taking action.

Vice Mayor Snyder pointed out that in the executive session, Council gave direction to Mr. Cooper on what to negotiate.

Councilmember Guanajuato Rodriguez said it has been a while since this was discussed and would like a refresher.

IX. EXECUTIVE SESSION

Vice Mayor Snyder called for a motion to go into executive session.

Motion by Councilmember Guanajuato Rodriguez, seconded by Councilmember Rodriguez to hold an executive session at approximately 6:23 p.m., for approximately 20 minutes with the City Attorney, Acting City Manager, and City Clerk (note taking) for legal consultation related to agenda item VIII-A, passed 6-1 by the following votes:

Yeas: Councilmember Reuter, Councilmember Curtis, Councilmember Rodriguez, Vice Mayor Snyder, Councilmember Garcia, Councilmember Guanajuato Rodriguez

Abstain: Mayor Powell

Note: Mayor Powell did not attend the executive session due to a conflict of interest as stated in item VIII-A.

Vice Mayor Snyder reconvened the public meeting at approximately 6:35 p.m.

VIII. BUSINESS (continued)

A. COUNCIL APPROVE THE COMPROMISE OF CITY ABATEMENT LIEN ON PINAL COUNTY ASSESSOR'S PARCEL #404-09-007 FOR A PAYMENT OF \$45,000 AND TO AUTHORIZE THE ACTING CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO COMPROMISE THE LIEN.

Vice Mayor Snyder called for a motion.

Motion by Councilmember Curtis, seconded by Councilmember Garcia to approve the compromise of city abatement lien on Pinal County assessors parcel #404-09-007 for payment of \$45,000 and to authorize the Acting City Manager to sign all documents necessary to compromise the lien, passed 6-1, by the following roll call vote:

Yeas: Vice Mayor Snyder, Councilmember Curtis, Councilmember Garcia, Councilmember Guanajuato Rodriguez, Councilmember Reuter, Councilmember Rodriguez

Abstain: Mayor Powell

After voting on this item, Vice Mayor Snyder turned the gavel over to Mayor Powell.

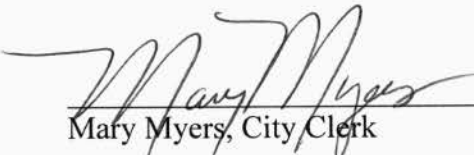
X. ADJOURNMENT

There being no further business, Mayor Powell adjourned the meeting at approximately 6:37 p.m.



Micah Powell, Mayor

ATTEST:



Mary Myers, City Clerk