

**MINUTES OF THE REGULAR MEETING OF
THE ELOY CITY COUNCIL
CITY OF ELOY
595 NORTH C STREET
APRIL 25, 2022
6:00 P.M.**

Staff Present: David Malewitz-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; Paul Anchondo-Community Services 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

Council Members Absent: None

III. INVOCATION

Mr. Bob Skier 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

VI. REPORTS AND ANNOUNCEMENTS

A. Council Member Announcements

1. Councilmember Guanajuato Rodriguez reminded the Council and the public of the Community and Police Engagement (CAPE) training on Thursday, April 28th at 6:00 p.m., at the Eloy police department. She said if anyone is interested in attending, please call the police department or message them through their Facebook page.
2. Councilmember Garcia conveyed that he and Councilmember Rodriguez attended a NALEO emergency training policy institute in Chicago last week. There was discussion on the importance of elected officials taking care of themselves while taking care of their communities. There was also discussion on cyber security and the importance of having an emergency response plan. He said that NALEO absorbed most of the cost associated with the trip.

B. Mayor's Announcements

Mayor Powell had no announcements.

C. City Manager's Announcements

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

- Eloy Chamber of Commerce monthly mixer will be held on Wednesday, April 27th, at Eva's Mexican Restaurant in Casa Grande.
- Approximately seven youths have signed up for the CAPE program. The police are encouraging parents to attend as well.
- Adopt a Street cleanup event will be on Saturday, April 30th. Volunteers will meet at Shumway Park at 7:00 a.m., and cleanup will last from 7:00 a.m. to 10:00 a.m. Mr. Malewitz said if anyone is interested in participating to please contact Community Development department staff.
- An email was sent to members of the Council regarding the city's support for an I-10 mega grant application that is being submitted by the Arizona Department of Transportation (ADOT) to the U.S. Department of Transportation. He said ADOT is looking for letters of support to seek the \$300 million in funding to complete the widening of I-10 between Casa Grande and Chandler. There is also \$400 million in state funding (Senate Bill 1239) awaiting budget approval that ADOT needs to apply for the grant. Mr. Malewitz said a letter of support has been drafted by staff for Mayor Powell's signature. He said if there are no objections from the Council, staff will forward the letter to ADOT as soon as possible.

Vice Mayor Snyder conveyed that he and other members of the Council received an email about a five-year plan from the county for road improvements. He said he did not see anything in the plan that would impact Eloy. He asked Mr.

Malewitz to take a look at the plan to determine if something should be added to plan for Eloy and make our voices heard at the county.

Mr. Malewitz said he would definitely look into this.

VII. CONSENT AGENDA

- A. Approval of Minutes: 4/11/2022 (regular)
- B. Authorization to award contract to American Ramp Company to install new skate park equipment at Jones Park.
- C. Approval an expenditure to Central Arizona Irrigation and Drainage District for maintenance and repair work to City of Eloy Well #5 equipment for an amount not to exceed \$59,000.

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

VIII. BUSINESS

A. DISCUSSION AND DECISION REGARDING FUNDING AMOUNTS FOR OUTSIDE AGENCIES AND ORGANIZATIONS FOR FISCAL YEAR 2022-2023.

Mayor Powell asked Mr. Cooper if it is possible for Council to go into executive session prior to taking action on this item.

Mr. Cooper conveyed that on the agenda there is a reserved to right for an executive session. He said he would like to give the Council an overview of conflicts of interest law. Mr. Cooper said his preference is to give advice in executive session because of attorney/client privilege. He said he can give a quick dissertation in about 20 minutes.

Councilmember Rodriguez declared that the Eloy Chamber of Commerce is his employer and therefore, would not be present or participate in any discussions in executive session pertaining to his employer.

Councilmember Guanajuato Rodriguez declared that she would not be present or participate in any discussions related to TAZ Boxing Club because she is a board member and her relationship.

Mr. Cooper clarified that the purpose of the executive session is to give a general overview with conflicts of interest laws. He said during executive session, should a Councilmember serve on a board, commission or a salaried officer, they can ask a legal question with regard to their role and what that goes to. But, as far as discussion about funding a specific entity, if a member of the Council feels uncomfortable with it, the city clerk can state in the executive session notes that the Councilmember excused themselves from certain discussion items.

IX. EXECUTIVE SESSION

Mayor Powell called for a motion to into executive session.

Motion by Councilmember Rodriguez, seconded by Vice Mayor Snyder to hold an executive session at 6:10 p.m., for approximately 20 minutes with the city attorney, city manager, and city clerk (transcription) for legal advice related to agenda item VIII-A, passed unanimously by roll call vote (7-0).

Mayor Powell reconvened the public meeting at approximately 6:33 p.m.

Mayor Powell asked for direction from the Council.

A motion was made by Councilmember Curtis and seconded by Vice Mayor Snyder, to go back into executive session at approximately 6:34 p.m., for approximately 45 minutes with the city attorney, city manager, finance director and city clerk (transcription), to discuss contracts relating to agenda VIII-A.

Motion passed unanimously (7-0).

Mayor Powell reconvened the public meeting at approximately 7:24 p.m.

VIII. BUSINESS (continued)

A. DISCUSSION AND DECISION REGARDING FUNDING AMOUNTS FOR OUTSIDE AGENCIES AND ORGANIZATIONS FOR FISCAL YEAR 2022-2023.

Staff Cover Sheet Report: *Mayor and City Council to discuss and provide funding amounts for outside agencies and organizations for Fiscal Year 2022-2023.*

At the April 18, 2022 budget meeting, City Council heard presentations from seven outside agencies and organizations requesting funding for Fiscal Year 2022-2023. The total funding request from all outside agencies and organizations is \$124,050 for Fiscal Year 2022-2023. In the Fiscal Year 2021-2022 budget, the total from all outside agencies and organizations was \$86,500.

Staff is requesting a total funding amount for all outside agencies and organizations so figures can be included in the Fiscal Year 2022-2023 budget and a balanced budget can be presented to the Council.

FISCAL IMPACT: *To be determined by a final decision of the City Council on the allocation of funding amounts.*

1. Eloy Chamber of Commerce – Amount Requested: \$46,000

Councilmember Rodriguez recused himself from voting or discussion on this item. He declared a conflict of interest; he is employed by the Eloy Chamber of Commerce. Councilmember Rodriguez stepped down from the dais.

Vice Mayor Snyder announced that he serves as a board member on the Eloy Chamber of Commerce, but do not receive any compensation or benefits from the organization.

Councilmember Guanajuato Rodriguez recused herself from voting or discussion on this item. She declared a conflict of interest; she is related to Councilmember Rodriguez (brother-in-law) who is employed by the Chamber. She also declared that she serves as ex-officio on the board, however does not receive any benefits or compensation from the organization. Councilmember Guanajuato Rodriguez stepped down from the dais.

Mayor Powell asked the Council for direction.

Councilmember Reuter conveyed that the Chamber has done amazing work over the past year and recommended that their funding request for \$46,000 be approved.

Motion by Councilmember Reuter, seconded by Councilmember Curtis to approve funding for the Eloy Chamber of Commerce in the amount of \$46,000 for FY22-23, passed 5-0 by roll call vote.

Councilmembers Rodriguez and Guanajuato Rodriguez did not participate in any discussion or voting.

2. TAZ Boxing Club – Amount Requested: \$10,000

Mayor Powell announced that Councilmembers Rodriguez and Guanajuato Rodriguez have also recused themselves from discussion and voting on this item. He asked Mr. Cooper would they need to announce their conflict again.

Mr. Cooper said he would declare their conflict for the record. Mr. Cooper conveyed that Councilmember Guanajuato Rodriguez is a member of the board, but is not compensated. However, there is another entity which is the business itself and because of this, she is declaring a conflict of interest.

Mr. Cooper conveyed the Councilmember Rodriguez is also a member, in addition to being related to Councilmember Guanajuato Rodriguez (sister-in-law) and his brother who also serves on the board. He said Councilmember Rodriguez would recuse himself from discussion and voting on this item.

Mayor Powell asked for direction from the Council.

Vice Mayor Snyder conveyed that since this is the first time the organization is requesting funds, he recommends the Council approve funding in the amount of \$5,000. He further recommended that the \$5,000 be earmarked for the organization's boxing event.

Councilmember Reuter proposed that in the future, the Council cap the funding amount at \$5,000 for organizations requesting funding from the city for the first time. He also proposed that the Council come to a consensus about how much (suggested 10%) per year Council would fund new requestors to keep them all the same. Councilmember Reuter said doing this will make it easier for the Council.

Councilmember Garcia agreed with Councilmember Reuter about capping the amount for first time requestors. However, starting at \$5,000 is excessive and believes it would set the standard for future agencies to come forward. Councilmember Garcia suggested the maximum amount for first year funding be at \$1,000.

Councilmember Curtis also supported the cap, however, did not agree with the amount Councilmember Garcia suggested. She said the boxing club has a huge history with the work they do in the community and will support funding at \$5,000.

There being no further discussion, Mayor Powell called for direction.

Motion by Vice Mayor Snyder, seconded by Councilmember Curtis to approve funding for TAZ Boxing Club for FY22-23 in the amount of \$5,000 to be used toward the club's boxing event, passed 4-1 by the following roll call vote:

Yeas: Mayor Powell, Vice Mayor Snyder, Councilmember Curtis,
Councilmember Reuter

Nays: Councilmember Garcia

Councilmembers Rodriguez and Guanajuato Rodriguez did not participate in any discussion or voting.

It was at this time that Councilmembers Rodriguez and Guanajuato Rodriguez returned to their seat on the dais.

3. Corazon De Latinos Unidos (CDLU) – Amount Requested: \$10,000 + In-Kind Services

Councilmember Garcia announced that he is board member, however does not receive any compensation or benefits from the organization.

Councilmember Rodriguez announced that he is the president of the organization and does not received any compensation or benefits.

Councilmember Guanajuato Rodriguez announced that she is a member of the organization and do not receive any compensation or benefits.

Councilmember Rodriguez conveyed that CDLU is also requesting in-kind services from the parks and recreation staff. He said the organization would take care of the security.

Mayor Powell asked for direction from the Council.

A motion was made by Councilmember Reuter to approve funding for CDLU for FY22-23 in the amount of \$10,000.

Mayor Powell said he liked that Council earmarked last year's funding toward entertainment purposes.

Councilmember Reuter said he would like to amend his motion to earmark the \$10,000 toward entertainment. Councilmember Garcia seconded the motion.

The city clerk asked Councilmember Reuter if he wanted to include in-kind services in his motion.

Councilmember Reuter killed his amended motion and made a new motion.

A motion was made by Councilmember Reuter and seconded by Councilmember Garcia to approve funding for CDLU for FY22-23 in the amount of \$10,000 to be

used for entertainment purposes and provide in-kind services, passed unanimously by roll call vote (7-0).

4. Pinal Alliance for Economic Growth – Amount Requested: \$10,000

Vice Mayor Snyder announced that he is a member of the board as representative for the city and do not receive any compensation or benefits from the organization.

Mayor Powell asked for direction from the Council.

Motion by Councilmember Garcia, seconded by Councilmember Curtis to approve funding for Pinal Alliance for Economic Growth for FY22-23 in the amount of \$10,000, passed unanimously by roll call vote (7-0).

5. Sunland Visitor Center – Amount Requested: \$20,000

Councilmember Curtis announced that she is a board member and receive no form of compensation or benefits from the organization.

Councilmember Rodriguez announced that he is also a board member and receive no form of compensation or benefits from the organization.

Mayor Powell asked Council for direction.

Councilmember Reuter conveyed that three new organizations submitted requests for funding this year. He suggested there not be any increase funding for organizations; keep funding levels the same as last year.

Councilmember Garcia said he does not have an issue funding the Sunland Visitor Center once Council is made aware of the direction of the visitor center after Cindy Yates retires. He said Council may have to come back to review this.

Vice Mayor Snyder agreed with Councilmember Garcia. He said with the uncertainty of the center, it make sense to continue to fund the visitor center at last year's level of \$18,000. However, before increasing or making any major decision, Council should wait until future direction of the visitor center is made.

Councilmember Curtis proposed adding 10% to last year's amount of \$18,000, making the funding request \$19,800. She said the visitor center has been in Eloy for a long period of time, and there is a plan in the works for succession that she believes will be very successful, if approved by the board.

Mayor Powell conveyed that Council would vote on the first motion made by Councilmember Reuter. He said if the motion fails, Council can then vote on Councilmember Curtis' motion.

Mr. Cooper added that if the motion fails, Council can have another motion which could be at a lesser, greater or same amount.

Motion by Councilmember Reuter, seconded by Vice Mayor Snyder to approve funding for Sunland Visitors Center for FY22-23 in the amount of \$18,000 failed 4-3 by the following roll call vote:

Yeas: Vice Mayor Snyder, Councilmember Garcia, Councilmember Reuter

Nays: Councilmember Curtis, Councilmember Guanajuato Rodriguez,
Councilmember Rodriguez, Mayor Powell

Mayor Powell asked Council for direction.

A motion was made by Councilmember Curtis, seconded by Councilmember Guanajuato Rodriguez to approve funding for Sunland Visitor Center for FY22-23 in the amount of \$19,800, passed 5-2 by the following roll call vote:

Yeas: Councilmember Curtis, Mayor Powell, Councilmember Reuter,
Councilmember Rodriguez, Councilmember Guanajuato Rodriguez

Nays: Councilmember Garcia, Vice Mayor Snyder

6. The Hope Coalition – Amount Requested: \$19,550

Mayor Powell asked for direction from the Council.

Councilmember Curtis conveyed that Pastor Brown gave a great presentation and have plans to do great things, but being this is the first time the organization is asking for money, she proposed funding in the amount of \$5,000 which is similar to what was awarded to the boxing club.

Vice Mayor Snyder agreed with Councilmember Curtis' proposal.

Councilmember Garcia asked would the money be earmarked for a specific project.

Mayor Powell said no, the money would be spent on whatever program Pastor Brown wanted to spend it on.

Councilmember Garcia made a motion to approve funding in the amount of \$5,000 to be earmarked for GED and drug classes.

Councilmember Curtis conveyed that it is not necessary to earmark the funds for a specific project because the Council is giving this money in good faith to see what Pastor Brown can do. She said he provided the Council with programs that he

believe are important in the community. Councilmember Curtis conveyed the reason why Pastor Brown requested \$19,550 is because he received grant funding in this amount and requested the city to match it. She said Pastor Brown has proven to other entities that what he is doing in these areas is worthwhile and needed in the community.

Councilmember Rodriguez conveyed that there are other entities that provide some of the same assistance Pastor Brown does, but some of them just provide the service once a month. He said Pastor Brown's doors are always open for anyone who needs food and other services. Councilmember Rodriguez said the money the Council is giving to his organization should not be earmarked for a specific program. He said the Council can always have Pastor Brown come back to give an update.

At this time, Mayor Powell called for a second to Councilmember Garcia's motion.

There being no second to Councilmember Garcia's motion, the motion died.

Mayor Powell called for a new motion.

Motion by Councilmember Rodriguez, seconded by Councilmember Guanajuato Rodriguez to approve funding for The Hope Coalition for FY22-23 in the amount of \$5,000, and provide an update to the Council within six (6) months after receipt of the funds, passed unanimously by roll call vote (7-0).

7. Pinal Hispanic Council/Eloy Veterans Center – Amount Requested: \$2,500

Councilmember Garcia announced that prior to the pandemic, he served as a board member for the Veterans Center and received no compensation or benefits. However, the board have not met since and is unsure if he is still a board member.

Mayor Powell asked for Council direction.

Vice Mayor Snyder conveyed that he, Mayor Powell and Councilmember Garcia, participated in the Wreaths Across America event last year. He said it is great program and well deserved use of city funds.

Mayor Powell called for a motion.

Motion by Vice Mayor Snyder, seconded by Councilmember Garcia to approve funding for the Pinal Hispanic Council/Veterans Center for FY22-23 in the amount of \$2,500, passed unanimously by roll call vote (7-0).

8. Community Action Human Resources Agency (CAHRA) – Amount Requested; \$6,000

Councilmember Garcia announced that he is a board member however, does not receive any compensation or benefits. He recused himself from participating in any discussion or voting on this item because no one from CAHRA showed up at the last meeting to give a presentation, and did not want to influence the vote. Councilmember Garcia stepped down from the dais.

Mayor Powell pointed out to Councilmember Garcia that he does not receive compensation from CAHRA so it would not be an issue for him to participate in the discussion and voting. Mayor Powell asked Mr. Cooper for his legal opinion.

Mr. Cooper conveyed that Councilmember Garcia's decision not to participate because he is a board member, should not be a problem. However, believes that if he decided to stay on the dais and decide not to vote, rules of procedure would require that it be a vote.

Mayor Powell told Councilmember Garcia that he is confused as to why he did not recuse himself from other boards that he serves on.

Councilmember Garcia said he recused himself from this request because no one from CAHRA showed up to give a presentation and believes he should not participate in discussion or influence the voting.

Again, Mayor Powell said he did not see any problem with him participating. He accepted Councilmember Garcia's decision to not participate.

Mayor Powell asked for direction from the Council.

Councilmember Rodriguez conveyed that in prior years, the Council would not fund organizations who did not show to give presentations. He said CAHRA is a large organization; someone else could have given the presentation last week or tonight. Councilmember Rodriguez stated that because they were a no show, there should be no funding.

Councilmember Curtis conveyed that Council could possibly set a precedence for organizations to plan ahead or make it a rule next year. She said CAHRA has been in the community for a long time, and Council have set a precedence of awarding \$5,000 to two new organizations. Councilmember Curtis pointed out that CAHRA provided specifics in their application that they wanted to use the funds for their A/C repair program. In addition, Ms. Rosales contacted Mr. Malewitz to let him know that she could not attend last week due to illness and could not attend tonight's meeting because of her ongoing illness. Councilmember Curtis said Council should approve funding for \$5,000 which is the same amount awarded to the boxing club and Hope Coalition.

Councilmember Reuter agreed with Councilmember Curtis, but would like to earmark the funds for A/C repair assistance.

Mayor Powell agreed with Councilmember Rodriguez. The Council has already set the precedence of not funding organizations who do not show for presentations. He said presentations give the Council the opportunity to ask questions about the organization.

Councilmember Guanajuato Rodriguez also agreed with Councilmember Rodriguez and Mayor Powell.

Councilmember Rodriguez pointed out that in the application guidelines it states that applicants have to come before the Council to present their proposals.

Mayor Powell asked for direction from the Council.

Motion by Councilmember Reuter, seconded by Vice Mayor Snyder to approve funding for CAHRA for FY22-23 in the amount of \$5,000 for A/C repair assistance, failed 3-3 by the following roll call vote:

Yeas: Vice Mayor Snyder, Councilmember Curtis, Councilmember Reuter

Nays: Mayor Powell, Councilmember Guanajuato Rodriguez, Councilmember Rodriguez

Councilmember Garcia did not participate in any discussion or voting.

It was at this time that Councilmember Garcia returned to his seat on the dais.

Vice Mayor Snyder strongly recommended that Council and staff have a work session in the near future to review guidelines for non-profits so this does not happen again.

Mayor Powell asked for the total funding amount.

Mr. Malewitz conveyed that the total funding amount for FY22-23 is \$98,300.

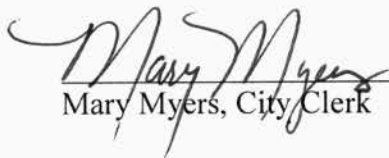
X. ADJOURNMENT

There being no further business, Mayor Powell adjourned the meeting at approximately 8:06 p.m.



Micah Powell, Mayor
for Micah Powell

ATTEST:



Mary Myers, City Clerk