

**MINUTES OF THE REGULAR MEETING OF
THE ELOY CITY COUNCIL
CITY OF ELOY
595 NORTH C STREET
MAY 9, 2022
6:00 P.M.**

Staff Present: David Malewitz-City Manager; Stephen R. Cooper-City Attorney; Mary Myers-City Clerk; Brian Wright-Finance Director; Christopher Vasquez-Chief of Police; Keith Brown-Public Works Director/City Engineer; Paul Anchondo-Community Services Director; Byron Gwaltney-Police Captain

I. CALL TO ORDER

Vice Mayor Snyder called the meeting to order at approximately 6:00 p.m.

II. ROLL CALL

Council Members Present: Councilmember George Reuter; *Councilmember Sara Curtis (6:06 p.m.); Councilmember Andrew Rodriguez; Mayor Micah Powell; Vice Mayor Dan Snyder; Councilmember Jose Garcia; Councilmember Sylvia Guanajuato Rodriguez
**Attended meeting via telephone conference*

Council Members Absent: Mayor Micah Powell

III. INVOCATION

Pastor Christina Bauta 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

1. Police demonstration of BolaWrap restraint device.

Police Chief Vasquez gave a brief overview of the BolaWrap device. He said use of the non-lethal weapon allows the officer to use the least amount of force to take an individual into custody who does not want to go peacefully. Using the BolaWrap also reduces the amount of injury to the officer and the person being taken into custody.

Captain Gwaltney added that the device deploys a Kevlar tether that safely restrains an individual. He showed how the device worked by demonstrating the weapon using Councilmember Rodriguez as a volunteer.

B. Unscheduled

Sam Grover – 422 S. Penn Street

Mr. Grover conveyed that he has continued to be harassed by city landfill staff since coming before the Council at a past meeting to talk about ADA laws. He claims the city has secret rules; how many times he can go to the landfill; how much he will be charged or maybe profiled. Mr. Grover said signs should be posted so people can read about landfill rules. Mr. Grover also expressed concerns about the lack of sidewalks and crosswalks in the city. He said the city needs to budget for these things to make the city safe for everyone.

Vice Mayor Snyder conveyed that this is Mr. Grover's second time coming before the Council. He asked Mr. Malewitz to meet with Mr. Grover to possibly come to a resolution about his concerns.

Mr. Malewitz said yes; he said he spoke to Mr. Grover last week about his concerns.

VI. REPORTS AND ANNOUNCEMENTS

A. Council Member Announcements

1. Councilmember Guanajuato Rodriguez, who serves as ex-officio on the Eloy Chamber of Commerce announced the following chamber news:

- ✓ Street maps are complete and available to the public at the chamber office;
- ✓ The chamber Cinco de Mayo event was successful. Approximately 10 vendors participated and approximately 300 people attended;
- ✓ A new business was added to the chamber; Adrian Sanchez of Sure Core Security
- ✓ Memorial Day services are scheduled for May 30th, at 9:00 a.m., at Eloy Memorial Park. Food and drinks will be served at the Veterans Garden at 11:00 a.m.
- ✓ The May chamber mixer will be held on May 19th, at 5:30 p.m., at Bridgestone.

Councilmember Guanajuato Rodriguez updated the Council and public on the CAPE training held on April 28th at the police department. She said it was an

informative and fun event. Councilmember Guanajuato Rodriguez said approximately 15 people attended the training.

Councilmember Guanajuato Rodriguez, who serves as ex-officio to the Parks, Recreation and Library Advisory Board, conveyed that the board approved the summer program brochure and is on the city's website. The board plan to discuss increasing building rental fees at a future meeting.

2. Councilmember Reuter conveyed that several people have reached out to him about letters they received from code enforcement about their property. He said citizens want to know who is responsible for cleaning the alleys. Councilmember Reuter said the alleys are full of dirt and debris. He wants to know who can residents call to report dirt and debris in the alleys.

Councilmember Reuter commended the police department on their presentation to the German and Terror Unit when they visited Eloy. He said the unit was very impressed with the facility, the cars, training and equipment.

B. Mayor's Announcements

Vice Mayor Snyder conveyed that Mayor Powell has been very busy this past week. He attended a ribbon cutting event for a solar farm, and the Nikola introduction. Mayor Powell also attended the governor's signing of the I-10 widening project.

C. City Manager's Announcements

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

- The city has been approved to become a Passport Acceptance Facility. Applications would be accepted by the city clerk's department. He said once the city clerk received the kit for processing applications, they can officially start accepting them at city hall.
- Adopt a Street event was held last Saturday and was successful. Approximately 32 groups (256 people) participated and approximately 1.44 tons of trash was picked up. Mr. Malewitz stated that he would research Councilmember Reuter's question about the alleys and get back to the Council with an answer.
- Reminded Council of budget work sessions this week with Councilmembers to review preliminary budget. He said the tentative budget would be presented to the Council and public on May 16th and 17th.

Vice Mayor Snyder wanted to confirm that both days would be work sessions.

Mr. Malewitz said yes. He said if Council and staff is able to get through the entire budget on the 16th, there would not be a meeting on the 17th.

- Annual Memorial Day ceremony will be on May 30th, at Eloy Memorial Park, from 9:00 a.m. to 11:00 a.m. The event is being sponsored by the Eloy Chamber of Commerce. The event is open to the public.
- Introduced Mr. Matt Rencher as the city's new Public Works Operations Manager.

VII. CONSENT AGENDA

A. Approval of Minutes: 4/25/2022 (regular)

Motion by Councilmember Rodriguez, seconded by Councilmember Garcia to approve Consent Agenda item VII-A as presented, passed unanimously by roll call vote (6-0).

VIII. BUSINESS

A. **FORMATION OF A COUNCIL SUBCOMMITTEE FOR THE REVIEW OF APPLICATIONS TO FILL ONE VACANCY ON THE ELOY CEMETERY COMMITTEE.**

Staff Cover Sheet Report: *Staff requests the Council to consider formation of a subcommittee for the review of applicants to fill one vacancy on the Eloy Cemetery Committee.*

The Eloy Cemetery committee is a seven (7) member committee of which three (3) City Council members are appointed to serve on the committee as voting members. The committee reviews and sets policies, rules and regulations necessary for the proper operation, maintenance and upkeep of Eloy Memorial Park. Committee members are appointed by the Mayor and Council and serve three-year terms, unless appointed to fulfill a remaining term. There is currently one vacancy on the Cemetery Committee. Two applications were received for the vacancy: Mr. Jerrel "J.W." Tidwell and Ms. Ana Maria Valadez. Ms. Valadez 's term expired December 2021, but continues to serve on the committee until reappointed or replaced by the Council. Copies of the applications are attached.

FISCAL IMPACT: *There is no fiscal impact.*

Mrs. Myers conveyed the city received two applications for one vacancy on the Eloy Cemetery Committee. The applicants, Mr. J.W. Tidwell and Ms. Ana Maria Valadez both expressed interest in serving on the board. She said it is the practice of the Council to create a subcommittee when there are more applicants than available seats on boards. Mrs. Myers pointed out that Ms. Valadez was appointed last May to fill a vacancy that expired December, 2021; and that she continues to serve on the committee until she is reappointed or replaced by the Council.

Vice Mayor Snyder wanted to know who served on the last subcommittee. He also wanted to know if any of them also served on the Cemetery Committee.

Mrs. Myers said Councilmember Guanajuato Rodriguez and Councilmember Garcia served on the last subcommittee, along with Judge Roger Valdez. She said Councilmember Guanajuato Rodriguez is a current member of the Cemetery Committee.

Councilmember Reuter suggested having other members of the Cemetery Committee serve.

Councilmember Rodriguez stated the he, along with Mayor Powell and Councilmember Guanajuato Rodriguez currently serve on the board. He said in the past, it has been two members of the Council, a committee member and a staff member.

Councilmember Guanajuato Rodriguez recommended rotating the members so that it is not the same ones interviewing the same applicants.

Councilmember Garcia recommended appointing Mayor Powell and Councilmember Rodriguez.

Vice Mayor Snyder asked Mr. Anchondo to find a staff member from his department and a committee member who is not a member of the Council to also serve on the subcommittee.

It was the consensus of the Council to create a four person subcommittee, comprised of Mayor Powell and Councilmember Rodriguez. It was also the consensus of the Council to have Mr. Anchondo select a Cemetery Committee member and a city staff member from his department to also serve on the subcommittee.

Vice Mayor Snyder called for a motion.

Motion by Councilmember Rodriguez, seconded by Councilmember Guanajuato Rodriguez to create a four person subcommittee, comprised of Mayor Powell, Councilmember Rodriguez, a member of the Cemetery Committee and staff person selected by Mr. Anchondo, to review two applications to fill one vacancy on the Eloy Cemetery Committee. Motion passed unanimously (6-0).

Vice Mayor Snyder encouraged the public to become involved with serving on city boards. He stated that openings are posted on the city's website and Facebook page.

B. COUNCIL TO RECEIVE A RECOMMENDATION FROM THE ELOY REVITALIZATION COMMISSION REGARDING THE FUTURE OF THE ELOY DUST BOWL THEATER.

Staff Cover Sheet Report: *Council recommends proceeding with Option 3 from the November 2020 City of Eloy, Arizona Dust Bowl Theater Development Options study to provide for stabilizing the existing structure and installing new roofing & a roof membrane capable of preventing further deterioration of the facility from environmental factors. In the interim, the Council directs city staff to proceed with providing for exterior improvements, such as new paint, to enhance the curb appeal of the building and site.*

In June 2020, the City requested proposals from firms with expertise to evaluate the Dust Bowl Theater building and to determine the costs associated with the implementation of one of the following options:

- Construction and design cost estimate to completely restore the exterior and interior of the building*
- Construction and design cost estimate to renovate the exterior and interior of the building to a "vanilla shell" configuration adaptable to a variety of commercial uses*
- Stabilize the exterior and interior of the building primarily the roof to minimize any further deterioration*
- Demolish the building and foundation, making it suitable for future development*

The firm of Rider, Levett Bucknall was retained by the City and completed a report in November 2020 to address these options as they relate to the Dust Bowl Theater. The final report is attached for review and reference. On December 7, 2020, City Council received a presentation of the report, along with four cost estimates, to be used in the determination of the existing Dust Bowl building. Since the December meeting, there have been numerous discussions related to the project, associated costs, and long-term intentions of the disposition of the Dust Bowl Theater. Most recently, the newly formed Revitalization Commission met on February 23, 2022, and was presented the November 2020 study for review and discussion by the Commission members. During that meeting, no formal actions were taken on how to move forward with the disposition of the Dust Bowl Theater. On April 27, 2022, the Revitalization Commission again reviewed the November 2020 study and voted unanimously to proceed with recommending to City Council Option 3 - Stabilize Facility from the four options listed in the study. Members of the Commission concluded that given current market conditions for vacant property, renewed interest in Eloy, and the uptick of development in the City, stabilization of the building would provide for more adaptive reuse options of the building and site. Additionally, Commission members recommended that City staff initiate an effort to repaint the exterior of the building in order to enhance the curb appeal until a final development plan for the Dust Bowl Theater is determined.

FISCAL IMPACT: *Cost estimates for Option 3 - Stabilize Facility are estimated at \$1,100,00 dollars as of the November 2020 study. It is anticipated that estimates will increase when actual construction bids are received due to current market conditions and the increase in the cost of goods since 2020.*

Vice Mayor Snyder conveyed that Mayor Powell requested this item be tabled until there is a full Council present. He pointed out that this issue has been debated for the past four to five years, and that the mayor is very passionate about making a decision about the theater and moving forward. Vice Mayor Snyder said what he would like to do is have a presentation from Mr. Malewitz on staff's recommendation and have Council discuss the recommendation.

This part of the discussion transcribed verbatim.

Malewitz:

Vice Mayor, members of Council. as Vice Mayor Snyder recently just pointed out, this has been a topic of discussion for several years amongst the Eloy community with mixed feelings on what to do with the Dust Bowl Theater. Back in November of 2020, city council advised staff to present a study with several options on how we could go about disposing of the Dust Bowl Theater. And since then, as mentioned, there's just been a lot of discussion amongst community, commission members, and Council on what to do with it - where to move forward. So, here we are today; it recently went before the newly formed Revitalization Commission at two separate meetings. One meeting was just two weeks ago - to finally come to a resolution on what we should do with that. The Revitalization Commission had a very good discussion, weighing different options that was set forth in the November 2020 study. There was mixed feelings on it - whether it should be just torn down, whether it should be kept for sentimental reasons, whether it should be repurposed for other developmental opportunities as Eloy continues to grow. Ultimately the recommendation from the Revitalization Commission was option three in the report, which is to stabilize the exterior structure, install new roofing and roof membrane capable of preventing future deterioration of the Dust Bowl Theater. Members of the Revitalization Commission unanimously voted to go with this option for the fact that they didn't want to tear down something just to tear it down at this point. Given the renewed interest in revitalization that we are seeing in the City of Eloy, members of the Revitalization Commission thought that it would be best to stabilize it for a future use. There's been some interest in the downtown - working with Councilman Rodriguez and the Chamber of Commerce. Just bringing the Main Street back up to what it was in the past. So, before you in the recommendation, you'll see that there were several areas that need to be addressed. The total cost of option three at 2020, which is underestimated to what it is probably now is \$1.1 million to stabilize. So, that is part of a budgeted item in the CIP plan for FY23-24 where it's \$2.5 million. We have currently earmarked in next fiscal year's CIP, \$200,000 to do something. But, in the interim, they also recommend that at least some type of rejuvenation occur; get in there and power wash it, do some painting, possibly a mural - just clean it up. It sits on a prominent corner entrance to our Main Street downtown off of

Frontier. So, commission members thought that would be prudent of us that we take due diligence in the interim and make sure that it at least looks good – better than it does right now. So, that's where we are today. The recommendation was put forth for Council to consider what has been mentioned by Vice Mayor Snyder, we're going to be tabling that recommendation vote until the May 23rd meeting. So, at this point, it's open for discussion amongst Councilmembers on whether or not that's viable option to move forward with, or whether or not there is a different option that Councilmembers would like to ask staff to investigate at this point.

VM Snyder: I think I'd like to make the recommendation that we focus on what this recommendation is and give some thoughts or guidance to staff from what the Council's (inaudible) are to help prepare them for the 23rd meeting. I prefer not to get into a discussion of all the different options again. Because I'm not sure what we'll really accomplish by doing that. But, at least we have in front of us a recommendation from the Revitalization Commission. And so maybe we can give some thoughts or some comments relative to that recommendation for staff to take under advisement. So, Andrew.

CM Rodriguez: Vice Mayor, can we move the meeting to the first meeting in June? Because myself, the mayor and Guanajuato Rodriguez are going to be at ReCon.

Malewitz: Oh, yes.

CM Rodriguez: Yeah, the 23rd. We won't be in town. So, if we can do it the first meeting in June. Are you going to be here?

CM Reuter: Thank you Vice Mayor, Councilmember Rodriguez. I'm going to be in Florida on the 23rd at my facility there. So, we wouldn't even have a quorum. I would call in, but I'm open to moving.

Malewitz: I'd like to point out and I apologize, Chairwoman Morales is here. She chairs the Revitalization Commission. She's been kind enough to come to tonight's meeting. So, I'm sure she'd be more than welcome to answer any questions that Council may have related to the discussion that was had at the commission meeting.

VM Snyder: Isabel, not to put you on the spot; could maybe you share a little bit what some of the discussions were on the Revitalization Commission and kind of how they arrived at this decision?

Ms. Morales: Hello. Isabel Morales, I'm the chairperson of the Eloy Revitalization Commission. And, we did take a vote at our last meeting. And our approach was that it's time to make a recommendation. And we have four options, and so let's decide – let's do this by process of elimination. Does anybody on the Commission support revitalizing the building into a movie theater? Nobody did. Does anybody support revitalizing into a shell facility for future purchaser and/or development? No support. So, then we

were really down to the two options, which was demo or stabilization. Ultimately, the Commission decided to recommend stabilizing the Dust Bowl because of the increased activity potential. A couple of irons going with individuals, companies, whomever – developers. So, thought it would probably be best to let those options kind of work their way through and leave the possibility available of some sort of revitalization versus just demolishing the building. It was a unanimous vote. The Commission wanted the Council and the public to know that we made that recommendation because we do value the public's input, and the majority of them have some sort of sentimental value of whatever and want to see something happen with the Dust Bowl. And so, that is why the Commission voted to stabilize the facility.

VM Snyder: Okay. Thank you. Maybe I can go back to each Councilmember – just your thoughts. George?

CM Reuter: Thank you Vice Mayor. Well, I'm happy that finally we're going to decide on it which some of us tried years ago. I'm actually happy also to read about stabilization. The only thing I don't really like about it is the money – the price on it. So, a few things because we have to remember we have election year, but I'm not going to be playing politics here. We really have to come down to the money. So, I would like David to check on the price today because two years ago – I see it in my business, everything is more expensive by at least 30% if not more, so I'm counting this will cost probably more than \$1.5 mil. The other thing is, can we put it on the ballot as a secondary property tax? Because as much as I want to have old buildings, in a time where we lost six to ten percent of our population - we lost a lot of money due to the census that didn't come out our way; I think this Council made it a priority to also to make our lives less taxated. We are planning on reducing the restaurant tax; that all a few hundred k – we want to make a better life – we want to bring down the taxes which means we have less money. I just need to know can we put it on the ballot if the majority of the people want to pay for a "pet project" I would call it, event though I like old buildings. I really do – I saved an old building - but, it comes at a time where the money gets scarce. We should focus on putting the money where people need it. Like I said, we talked about making it easier on the landfill – better times, more flexibility. We want to put in the streets – I didn't know anything about the streets, but we want to spend money on what people use every single day. And a pet project like this, that is over a mil is something we should really...either way, put it on the ballot and let people decide, or really go not with our feelings because people voted for us not to be here for our feelings, but to financially responsible and we can't just spend money – I'm not going to call it waste yet, but I don't want to come and spend \$1.5 million for something that might never happen. Because this is just lipstick on a pig – it's an expensive lipstick, so I think we should have a long discussion, but I think we should definitely decide it now. I don't want to play politics and say I want to have it after the election. People should know I'm here to protect their money and their investment and I think we should definitely have a big conversation, not a sentimental conversation. Thank you.

VM Snyder: Sara, are you there?

CM Curtis: Yes.

VM Snyder: What are your thoughts?

CM Curtis: I think the pictures and the presentation were nice – it's a wonderful idea to have an old restored building on Main Street with a nice façade that we could do something with, but the price to me is very prohibited. I don't like the idea of spending a million or even a million and a half – you know, whatever it's going to be on a project that may not yield any results. If we know that there's a business that wants to come in and share the expense with us and we like it, then that's a whole different discussion. But, just laying out a million and a half on a maybe is a difficult amount to swallow. I'd like to learn more about what the prospects and ideas are for businesses to come in because I know that was sort of mentioned that that was maybe the carrot here for us to do this. I also realize that it's important historically to many people who lived in the town a long time, and I really support history when there's something to protect. But, there's not much left of this building to protect. Unfortunately, the insides have already crumbled, the façade is – materials that may have toxic materials, asbestos in them. It's almost like we're completely rebuilding it at this point just to stabilize it for that million to million and a half price. So, I'm having trouble supporting that cost without more information.

VM Snyder: Okay, thank you. Sylvia, you've lived here and you probably remember – your thoughts.

CM Guanajuato

Rodriguez: I agree with both George and Sara. A million - million and a half is too much to spend on trying to save a building that is probably not salvageable anymore. It's really bad in the inside and like Sara mentioned, there could be toxic material in there that, you know could harm people in the future. And being from Eloy – I've mentioned this before that I would love to preserve the history of the building, but at the same time I want to build a future for our youth to remember. I know it's memorable for some that have lived here forever in that era, but I also want to build on – buildings for our children and our youth. That's a lot of money.

VM Snyder: Okay, thank you. Jose?

CM Garcia: Thank you. I understand money being a big deal. One of the things I've seen in our community though is we love knocking down buildings. The building we're sitting in now, this lot was empty for 40 years before a building came in. Some of the parcels on Frontier Street that you see have been empty much longer than that. I don't want to see another empty parcel on Frontier as people are coming in. It's the gateway to our downtown and I think stabilizing it revitalizing it, there's not only going to be something for the citizens to be proud of, but it's going to increase values in that area.

And in the long run, I think it would worth it. The rich history we have is the way our community connects to her citizens. It's part of their life and it's part of anyone who else who comes in here. Regardless of what our age or how long we've been in a community. Those things that we preserve, we all seem to take pride in. So, I think it's important to save some of that pride.

VM Snyder: Okay, thank you. Andrew, I saved you for last because you have a connection with business owners and so forth in town. So, your thoughts.

CM Rodriguez: I'm 100% agree with some of the Councilmembers here about the price tag on it. But, a lot of the members I talked to from the Chamber side of things and also myself from my point of view, is if we spend this money, what's going to happen after the fact? After we fix it up who's going to run it? Who's going to maintain it? Is it the city? You know, we don't work that conversation out, you know we're at the point the last time where we were talking about if we're going to have a theater. Well, we didn't know who was going to run it; who was going to do anything to it – we just want to spend almost \$6.0 million to renovate it – get it up to a theater, but there was no plan afterwards. So, my question is to here, if we're going to spend \$1.1 or close to \$1.5 to stabilize the facility, who's going to run it? Who's going to maintain it? So, we're looking at close to more than \$1.1 or \$1.5 because we're going to have to have staff, we're going to have to have a supervisor, we're going to; chemicals to clean it; everything. So, that's what I want to see. If we choose option three, what's after that? After we spend that much money, what's going to happen afterwards? Is it going to become one of the divisions of the city? Or are we going to, you know, lease it out to somebody? Or is just going to sit there looking a brand new building that nobody's going to open it? So, that's where I want to go with that. You know Eloy's getting busy – you know a lot of talks, a lot of people coming downtown and everything. And yes, it will look nice but, for me, I want to see what's going to happen after the fact, if we spend that much money. What are we going to do? Is there a plan? If there's not a plan, then I'm not going to support that.

VM Snyder: Thank you. I had – well, Isabel, you can kind of see where Council's heading – almost the same direction that your committee was heading. I had a discussion with some people after the committee meeting and sort of put a business hat on. And of course, I wasn't around back then, but some of you who've been in Eloy a long time remember the investment we made into a golf course. And the problems we had getting money back out of the golf course and how much money we put into it. And so, it kind of made me start to think about the whole Dust Bowl lot and from a business perspective. If I owned that lot – and not the city, but if I personally owned that lot and I had the option of spending \$200,000 to vacate the lot, what does the value of the lot do compare to what it is now with the Dust Bowl on it? So, in other words, what's the appraisal value? I'm not sure if we even know what the appraisal value of that lot is today with the Dust Bowl. What's the appraisal value of it with the Dust Bowl demolished – a vacant lot? Because whoever wants to buy that lot is got to make a decision to either tear it down or cost them some money or the city. So,

what's the return on investment for the city? My question is if we stabilize it – put a million and a half dollars into it, would the city ever recover that million and a half dollars from someone who wants to buy it? Because are they going to pay a million and a half more for the lot just because the building's been stabilized? And those are the kinds of things that are in my mind. And I don't know if it's – I guess we have some time. I would like to see the city maybe reach out to an appraiser and just get an idea of what the appraisal value might be for that lot today. And just a pie in the sky and if we would stabilize it, just their thoughts on what affect that my have. There might be some extra input into this decision when we come back on the first of June, if you would. Okay?

I appreciate everybody talking. Like I say, the mayor's not here; I know he wanted to be part of discussion. He's very – what's the word...enthusiastic. I guess frustrated because it's been four or five years since we first started talking about this. And so, rightly or wrongly, we need to make a decision and move forward. And sometimes you have to go forward with your best feeling, your best guts and best information you have. Sometimes it may not work out, but I think you can't sit and not make decisions forever. So, I thank everybody on that.

Verbatim transcription ends

Mr. Cooper reminded Vice Mayor Snyder that a motion is needed to table the matter to the next regular or special meeting.

At this time Vice Mayor Snyder called for a motion to table.

Motion Councilmember Rodriguez, seconded by Councilmember Garcia to table agenda item VIII-B to a later meeting date in June, 2022, passed unanimously by roll call vote (6-0).

IX. EXECUTIVE SESSION

No executive session requested by the Council or staff.

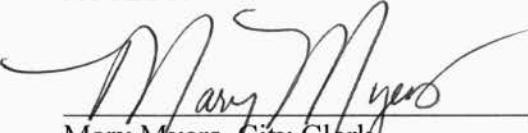
X. ADJOURNMENT

There being no further business, Vice Mayor Snyder adjourned the meeting at approximately 6:56 p.m.



Micah Powell, Mayor

ATTEST:



Mary Myers, City Clerk