

**MINUTES OF THE REGULAR MEETING OF  
THE ELOY CITY COUNCIL  
CITY OF ELOY  
595 NORTH C STREET  
JULY 11, 2022  
6:00 P.M.**

**Staff Present:** David Malewitz-City Manager; Stephen R. Cooper-City Attorney; Mary Myers-City Clerk; Brian Wright-Finance Director; Brian Jerome-Police Captain; Jon Vlaming-Community Development Director; Paul Anchondo-Community Services Director; Matt Rencher-Public Works Director/City Engineer

**I. CALL TO ORDER**

Mayor 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**

Pastor Edward Brown gave tonight's invocation.

**IV. PLEDGE OF ALLEGIANCE**

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

**V. PUBLIC APPEARANCES**

**A. Scheduled - None**

**B. Unscheduled**

1. Mr. J.W. Tidwell – 105 W. La Siesta Dr., Eloy

Mr. Tidwell thanked the police staff that volunteered to help put up the flags along Main Street on July 4<sup>th</sup>. He also thanked the supervisor who helped him retire and store the flags.

2. Michelle Tarango – 409 N. Santa Cruz Avenue, Eloy

Mrs. Tarango strongly expressed her concerns about the lack of animal control in the city since outsourcing the service to Pinal County Animal Control. She wanted to know how many animals are not being saved since contracting with Pinal County. Mrs. Tarango said dogs are running loose, are being tethered and some going without food, water and proper shelter because the city does not have an animal control officer in the city. She said Pinal County is supposed to hold animal clinics twice a year in Eloy, which is not happening. Mrs. Tarango alleged that Pinal County has been so unresponsive that city employees are dumping dogs in the desert. She pointed out that the city basically has no animal control, and it is unfortunate that because of personality conflicts the city's animal control division is gone. Mrs. Tarango stated the city citizens of Eloy deserves so much more.

**VI. REPORTS AND ANNOUNCEMENTS**

**A. Council Member Announcements**

1. Councilmember Reuter conveyed the following comments:

- Very upset about the ballot error caused by Pinal County elections for the upcoming primary elections;
- Notice homemade signs on Battaglia Road asking drivers to slow down. He wanted to know about the city placing rumble strips, speed bumps or stop signs in the area. Councilmember Reuter said he would also like to see a 4-way stop on Battaglia and Main and Battaglia and Eleven Mile Corner Road.
- He talked to Mr. Cooper about activities at the Sky Rider Inn that is now a halfway house/rehab center; and violations against every condition in their permit. He asked Mr. Cooper what the city can do to cease the activities at the facility.
- Would like an update on animal control activities in the city. Councilmember Reuter said the contract with the county is great, but apparently there is a lack of personnel. He said he agreed with Mrs. Tarango's comments; that the idea was to make it better for the animals and ensure that city law is enforced.

2. Councilmember Guanajuato Rodriguez conveyed that she asked Mr. Malewitz and Chief Vasquez to provide Council with an update on animal control activities as well.

**B. Mayor's Announcements**

Mayor Powell announced the following communications to the public:

- Thanked the community services staff for doing an outstanding job during the city's 4<sup>th</sup> of July bash.
- Expressed his concerns to the Pinal County deputy county manager and the city's board of supervisor about the ballot error issue that left the names of local candidates running for office off the August 2<sup>nd</sup> ballots. Mayor Powell said the Pinal County Board of Supervisors have scheduled a special meeting tomorrow, at 2:00 p.m., to discuss the matter and go into executive session. He said he and the city clerk will be attending the meeting. Mayor Powell said candidates put a lot of hard work and money into their campaigns and to have this happen is a disappointment.
- Congratulated Mr. Rencher on he promotion as Public Works Director/City Engineer.

**C. City Manager's Announcements**

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

- June Check Register – there were no questions or comments from the Council;
- The FY2022-2023 budget has been approved;
- No Planning and Zoning Commission meeting this month;
- The police department will be hosting a citizens police academy every Wednesday and Thursday, 6:00 p.m. to 9:00 p.m., starting July 19, 2022 through August 18, 2022.
- A Council work session is scheduled for Monday, July 18, 2022 at 6:00 p.m. to discuss councilmembers and discretionary funding under the Council budget.

Mr. Cooper gave a brief report of a conference call he and attorneys from Casa Grande, Coolidge, and Maricopa had with the county attorney this afternoon regarding the ballot error issue. Mr. Cooper pointed out that in addition to representing Eloy, he also represents Mammoth, and Superior who were also affected by the ballot error. He said they discussed how to work together to get the issue resolved.

**VII. CONSENT AGENDA**

A. Approval of Minutes: 6/27/2022 (regular) & 6/30/2022 (special)

There being no requests from the Council to remove any item(s) from the Consent Agenda, Mayor Powell called for a motion.

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

## VIII. BUSINESS

- A. ADOPTION OF ORDINANCE NO.: 22-933, LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY OF ELOY, SUBJECT TO TAXATION A CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS (\$100) OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUIRED IN THE ANNUAL BUDGET, LESS THE AMOUNT ESTIMATED TO BE RECEIVED FROM OTHER SOURCES OF REVENUE; PROVIDING FUNDS FOR VARIOUS BOND REDEMPTIONS, FOR THE PURPOSE OF PAYING INTEREST UPON BONDED INDEBTEDNESS AND PROVIDING FOR FUNDS FOR GENERAL MUNICIPAL EXPENSES; ALL FOR FISCAL YEAR ENDING THE 30TH DAY OF JUNE, 2023.**

**Staff Cover Sheet Report:** *This is the final step in the fiscal year 2022-2023 budget process. On June 30, 2022, a public hearing was held on the property tax levy. No comments were made at this public hearing. Upon approval of Ordinance 22-933, staff will send the Ordinance to the Pinal County Board of Supervisors for their approval. The estimated tax levy is \$1.0894 per \$100 primary assessed valuation and will generate \$1,319,925 annually.*

**FISCAL IMPACT:** *The total amount generated from a primary tax rate of \$1.0894 will be \$1,319,925 annually.*

Mr. Wright gave a brief overview of the proposed property tax ordinance.

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

Motion by Councilmember Rodriguez, seconded by Councilmember Guanajuato Rodriguez to Ordinance No. 22-933 by title only, passed unanimously (7-0).

The city read the ordinance title into the record.

After reading the title, the city clerk noted that the fiscal year ending date in the title of the ordinance should read, "...the 30<sup>th</sup> day of June, **2023**."

Mayor Powell called for a motion to adopt with the correction as noted by the city clerk.

Motion by Councilmember Reuter, seconded by Councilmember Curtis to adopt Ordinance No. 22-933, with the correction as noted by the city clerk, passed 6-1 by the following roll call votes:

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

Nays: Councilmember Garcia

**B. COUNCIL TO APPROVE A RIGHT-OF-WAY USE AGREEMENT SUBMITTED BY BRIGHTMARK CABALLERO RNG LLC TO USE PUBLIC HIGHWAYS, ROADWAYS, STREETS, EASEMENTS, OR OTHER RIGHTS-OF-WAY ON HOTTS RD., S. TOLTEC RD., LEWIS RD. AND PRETZER RD. IN THE CITY OF ELOY FOR THE INSTALLATION AND OPERATION OF A RENEWABLE NATURAL GAS PIPELINE AND RELATED SUPPORT EQUIPMENT.**

**Staff Cover Sheet Report:** *Council to approve a Right-of-Way Use Agreement submitted by Brightmark Caballero RNG LLC to use public highways, roadways, streets, easements, or other rights-of-way on Hotts Rd., S. Toltec Rd., Lewis Rd. and Pretzer Rd. in the City of Eloy for the installation and operation of a renewable natural gas pipeline and related support equipment.*

*Brightmark is the project developer for the new anaerobic digester located at Caballero Dairy (2943 W Harmon Rd.) and the natural gas pipeline. The Brightmark Caballero Renewable Natural Gas (RNG) project captures fugitive methane emissions from local dairy farms, upgrades the captured methane, and produces pipeline-quality natural gas for United States energy needs. This natural gas will be transported approximately three miles, through a new 2-inch diameter steel pipeline to an interconnect location with the existing El Paso Natural Gas Pipeline, located southwest of the dairy.*

*The digester will process cow manure from the Caballero Dairy into Renewable Natural Gas, producing energy from an otherwise wasted product. The project is expected to provide more than 200 MMBTUs of natural gas every day. The City of Eloy and Pinal County permits are essential for the project's supply of natural gas to a nearby interstate pipeline. Construction of the pipeline is anticipated to start at the end of July 2022 with a completion date sometime in September 2022.*

**FISCAL IMPACT:** *Brightmark Caballero RNG, LCC. will be charged an annual Use of Right-of-Way fee in the amount of \$2500.00, and an additional fee of \$0.89 per linear foot will be charged for the 12,050 linear feet of pipeline located within the City rights-of-way. Total first-year revenue will be \$13,224.50. All fixed dollar amounts stated in the agreement shall be automatically adjusted upward annually on July 1. The adjustment shall be made on the basis of changes in the United States Consumer Price Index for all Urban Consumers (CPI U).*

Mr. Malewitz gave an overview of the proposed right-of-way agreement with Brightmark Caballero RNG LLG, that would give the company authorization to use public rights-of-way for the installation and operation of a renewable natural gas pipeline. Mr. Malewitz stated that representatives from the company is present to answer questions or comments from the Council about the project and the agreement.

Right-of-way and environmental consultant for Brightmark, Mr. Dave Hennen(sp?) from ProSource Technologies, and Ms. Emily Tarrien(sp?), construction manager for Brightmark, gave brief overview of the proposed project.

Mayor Powell pointed out that the project would be located in the county, and the pipeline would be the only part of the project in the city limits.

Mr. Hennen told Mayor Powell that this is correct.

Vice Mayor Snyder wanted to know what happens to the manure after the process.

Ms. Tarrien gave a technical explanation of the cleansing process of the manure.

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

Motion by Councilmember Garcia, seconded by Vice Mayor Snyder to approve a Right-of-Way Use Agreement with Brightmark Caballero RNG LLC, passed unanimously by roll call vote (7-0).

## **IX. EXECUTIVE SESSION**

Mayor Powell called for Council to go into executive session with the following staff members: Mr. Cooper, Mr. Malewitz, Captain Jerome and Mary Myers.

Motion by Councilmember Rodriguez, seconded by Councilmember Curtis to hold an executive session at approximately 6:33 p.m., for approximately one (1) hour with the city attorney, city manager, police captain and city clerk (transcribing) for:

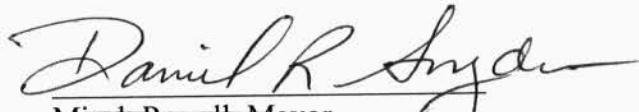
*Discussion or consultation with City Manager, City Staff, City Attorney of the public body in order to consider its position and instruct its Staff and attorneys regarding the public body's position regarding discussions conducted on contracts and agreements in order to avoid or resolve litigation and legal advice, pursuant to A.R.S. § 38-431.03 (A) (3), and (4).*

Motion passed unanimously (7-0).

Mayor Powell reconvened the public meeting at approximately 7:31 p.m.

X. **ADJOURNMENT**

There being no further business, Mayor Powell adjourned the meeting at approximately 7:31 p.m.

  
Micah Powell, Mayor  
Daniel Snyder, Vice-Mayor

ATTEST:

  
Mary Myers, City Clerk

**MINUTES OF THE EMERGENCY MEETING OF  
THE ELOY CITY COUNCIL  
CITY OF ELOY  
630 NORTH MAIN STREET  
ELOY POLICE DEPARTMENT  
JULY 18, 2022  
2:00 P.M.**

**Staff Present:** David Malewitz-City Manager; Mary Myers-City Clerk

**I. CALL TO ORDER**

Mayor Powell called the meeting to order at approximately 2:04 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. BUSINESS**

**A. DECLARATION OF LOCAL EMERGENCY BY MAYOR**

Mayor Powell conveyed that due to the existing major power outage in the community from heavy rains and winds that occurred on July 17, 2022, he is declaring an emergency in the City of Eloy. He said under the declaration, the city may be eligible for reimbursement from federal and state agencies for city expenditures related to the power outage.

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

Motion by Vice Mayor Snyder, seconded by Councilmember Rodriguez to read Emergency Declaration No. 2022.01 by title only, passed unanimously by roll call vote (7-0).

The city clerk read the emergency declaration into the record.

Mayor Powell called for a motion to adopt.

Motion by Councilmember Rodriguez, seconded by Councilmember Reuter to declare and adopt Emergency Declaration No. 2022.01 as presented, passed unanimously by roll call vote (7-0).

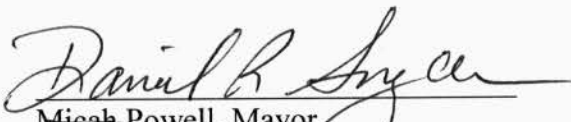
**B. RATIFICATION OF DECLARATION OF LOCAL EMERGENCY BY THE CITY COUNCIL**

Mayor Powell called for a motion.

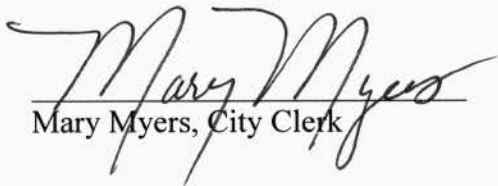
Motion by Councilmember Curtis, seconded by Councilmember Guanajuato Rodriguez to approve the ratification of declaration of local emergency by the City Council, passed unanimously (7-0).

**IV. ADJOURNMENT**

There being no further business, Mayor Powell adjourned the emergency meeting at approximately 2:07 p.m.

  
Micah Powell, Mayor  
Daniel Snyder, Vice-Mayor

ATTEST:

  
Mary Myers, City Clerk