

**MINUTES OF THE REGULAR MEETING OF
THE ELOY CITY COUNCIL
CITY OF ELOY
595 NORTH C STREET
AUGUST 8, 2022
6:00 P.M.**

Staff Present: David Malewitz-City Manager; Stephen R. Cooper-City Attorney; Mary Myers-City Clerk; Brian Wright-Finance Director; Byron Gwaltney-Police Captain; Paul Anchondo-Community Services Director; Matt Rencher-Public Works Director/City Engineer; Sylvia Payne-HR Director

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; 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: None

III. INVOCATION

Pastor Debbie Miller gave tonight's invocation.

IV. PLEDGE OF ALLEGIANCE

Councilmember Curtis led the Council and the public in the Pledge of Allegiance.

V. PUBLIC APPEARANCES

A. Scheduled - None

B. Unscheduled

1. Mr. Ralph Atchue – Eloy resident

Mr. Atchue wanted to clarify for the public that errors that occurred at the Pinal County level for municipal primary elections were not based on fraudulent activity, but gross incompetence by county election staff. He pointed out that the Pinal County Board of Supervisors, County Attorney, and County Recorder agreed to a remedy for the original error which dealt with misprinted early ballots. Mr. Atchue conveyed that every candidate received the same fair treatment, and the outcome of the city's election is legitimate. He pointed out that the city is not involved in the vote counting and is bound by the county's numbers. Any decision to de-certify the numbers must be made at the judicial level, and must be based on specific and irrefutable evidence of fraud or direct impact on a particular candidate sufficient to change the outcome of the election.

2. Mr. Tom Kamoske – Eloy resident

Mr. Kamoske conveyed that this is not profiles in courage, but common sense. He wanted to know why it took so long to count votes; it should not have taken this long. He told the Council to use common sense.

Vice Mayor Snyder announced that the Council has not taken any action on the voting. He said he is aware of discussions, but nothing is happening within the city or on Council at this time.

3. Mr. Dal Harris-Eloy resident

Mr. Harris conveyed that he served as a poll worker inspector at polling precinct 083, in north Casa Grande. He has heard complaints about the election disadvantaging one political party over the other which is not true. Mr. Harris said his precinct ran out of Democratic ballots before running out of Republican ballots. He said he promised each voter that could not vote because of this that he would have a ballot for them before the end of the day to best of his ability. He said additional ballots sent over by the county were not enough and they ran out again. However, he made sure that everyone who wanted to vote was going to have a chance to vote that day. Mr. Harris said by the end of the day, board workers were using the express vote machines to allow anyone who was in line when the polls closed to vote. While he agrees that there were some massive problems with the planning and execution of the election, none of it was done with any sense of intentionality of prejudicing anybody.

VI. REPORTS AND ANNOUNCEMENTS

A. Council Member Announcements

1. Councilmember Rodriguez made the following announcements:

- Based on discussions from last Monday's work session, he turned in his city-issued credit card to the city clerk who turned it in to Mr. Wright.
 - He has been invited to attend the Arizona Governance of Policy Academy at ASU, at no cost to the city.
2. Councilmember Garcia conveyed that after last week's work session, he found out that Councilmember Rodriguez expended funds from two travel budgets. While serving as vice mayor, part of that budget was used to pay for the last two classes of his certified public management certificate. Councilmember Garcia said he has some questions regarding public funds being used for personal gain. He wants to know how this happened, who authorized it and are all employees eligible to take advantage of the program. Councilmember Garcia said he would like to have a meeting to address some of these concerns.
 3. Councilmember Guanajuato Rodriguez conveyed that he met a gentleman by the name of Peter Olschulk ^(sp) the other day who had some questions for her about putting together a veterans organization in Arizona City. Mr. Olschulk and Bill Bailing are working together to start a program to help disabled veterans with yard work. Councilmember Guanajuato Rodriguez said Mr. Olschulk wanted to know if the city could provide a discount to veterans who dump at the landfill. She wanted to know if the city would explore doing this for all veterans and military families.

Mr. Malewitz said the city would not be able to accommodate Mr. Olschulk's request at this time. He said city staff will be reviewing city fees and fines during upcoming budget discussions. At that time, Council will review all fees which could change based on Council's decision as a whole.

4. Vice Mayor Snyder gave highlights of the Revitalization Commission meeting held last week. The Commissioners talked about ways to make downtown more active and appealing to draw visitors. Some suggestions were adding more color and signs to the buildings. Vice Mayor Snyder said the Commission is making an effort to organize civic groups to get involved, and model the program after the police department's citizen academy.

B. Mayor's Announcements

Mayor Powell conveyed that during the city-wide power outage last month, APS compiled a list of stories related to the storm. According to APS, there were 92 stories about the storm and the outage in Eloy. Mayor Powell said most of the stories were balanced or positive. He said this shows what Eloy did as a community. He thanked city staff, APS, organizations, agencies, businesses and volunteers who all stepped up to help the citizens.

C. City Manager's Announcements

Mr. Malewitz conveyed that the streets division continues to work diligently on maintaining roadways to ensure that culverts and drainage ditches are clear and sandbags available for the public in case of another storm coming through.

VII. CONSENT AGENDA

Vice Mayor Snyder conveyed that staff requested item B on the Consent Agenda be withdrawn at this time.

- A. Approval of Minutes: 7/11/2022 (regular) & 7/18/2022 (emergency)
- B. ~~Third Party Building inspection services agreement specific to the Gold Bond/National Gypsum project~~ (*Withdrawn*)
- C. Appointment of Joe Garner to fill the existing vacancy on the Board of Adjustment, with the term of appointment expiring on August 8, 2025.
- D. Approval to enter into an agreement with Epifini Landscaping Inc. for the installation of irrigation and turf at Eloy Memorial Park. Total dollar Amount Not to Exceed one hundred ten thousand dollars (\$110,000.00).

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

Motion by Councilmember Garcia, seconded by Councilmember Guanajuato Rodriguez to withdraw agenda item VII-B and to approve the remaining Consent Agenda items as presented, passed unanimously by roll call vote (7-0).

VIII. BUSINESS

A. **FORMATION OF A COUNCIL SUBCOMMITTEE FOR THE REVIEW OF APPLICATIONS TO FILL THE VACANCY FOR THE ALTERNATE MEMBER ON THE ELOY PLANNING & ZONING COMMISSION.**

Staff Cover Sheet Report: *Council consider formation of a subcommittee for the review of applicants to fill the alternate member vacancy on the Eloy Planning & Zoning Commission.*

The Eloy Planning & Zoning Commission is a five-member body, and an alternate member. The Commission currently has five members and an Ex-Officio (City Council) member, but the alternate position is currently vacant. The Commission makes a survey of the City and prepares and presents to the Council a general plan to guide development and a zoning ordinance and official zoning map of all incorporated land within the City. The Commission's duties also include reviewing proposed plans and rezonings within the City to be consistent with the Constitution and the laws of the State and City.

The five (5) Commission members, and the one (1) alternate member, are appointed by the Mayor and Council and serve staggered, three-year terms. The City received four applications to fill the alternate member vacancy - Marlo Schuh, Jeffrey Saforek, Kathy Meyers, and Wendy Ayala. Copies of their applications are attached to this report.

FISCAL IMPACT: *There is no fiscal impact associated with this decision.*

Mr. Malewitz conveyed that the city received four applications for one alternate member vacancy on the Planning and Zoning Commission (P&Z). He stated that a Council appointed subcommittee needs to be created to review the applications and make a recommendation to the Council for appointment to fill the vacancy seat.

After a brief discussion among the Council about who to recommend to serve on the subcommittee, it was the consensus of the Council to appoint Councilmember Reuter, the P&Z Chairperson, one P&Z board member (selected by the P&Z Chair), Councilmember Curtis (P&Z ex-officio) and one city staff member.

Councilmember Reuter wanted to know when the subcommittee plan to meet because he will be in Europe for two weeks starting tomorrow.

Mr. Malewitz said he does not believe the subcommittee will be meeting over the next two weeks. He said Mr. Vlaming will lead the efforts in scheduling a time for the subcommittee to meet.

Mayor Powell stated that he would serve as Councilmember Reuter's alternate if he is not available.

There being no further questions or comments, Vice Mayor Snyder called for a motion to approve.

Motion by Mayor Powell, seconded by Councilmember Curtis to approve the formation of a subcommittee for the review of applications to fill the vacancy for the alternate member on the Eloy Planning & Zoning Commission. Said subcommittee to be comprised of Councilmember Reuter, Councilmember Curtis (ex-officio), P&Z Chairperson, one P&Z member (selected by the P&Z Chairperson), and one city staff member with Mayor Powell serving as an alternate for Councilmember Reuter.

Motion by unanimously (7-0).

- B. CONSIDER APPROVAL OF ACCEPTING CHANGE ORDER #1 TO THE CONTRACT WITH SUNRISE ENGINEERING TO INCREASE THE CONTRACT AMOUNT BY AN AMOUNT NOT TO EXCEED \$45,000 TO ALLOW SUNRISE ENGINEERING TO ASSIST WITH THE SOIL SAMPLING AS REQUIRED BY THE ARIZONA DEPARTMENT OF**

ENVIRONMENTAL QUALITY (ADEQ) TO RESOLVE THE NOTICE OF VIOLATION ISSUED BY ADEQ ON SEPTEMBER 29, 2021; AND AUTHORIZING THE MAYOR TO SIGN THE NECESSARY DOCUMENTS.

Staff Cover Sheet Report: *Staff Recommends that Council approve the Change Order #1 for the Contract with Sunrise Engineering to increase the contract amount by an amount not to exceed \$45,000 to allow Sunrise Engineering to assist with the soil sampling as required by the Arizona Department of Environmental Quality (ADEQ) to resolve the Notice of Violation issued by ADEQ on September 29, 2021 and authorize the Mayor to sign the necessary documents.*

On September 22, 2021 the Arizona Department of Environmental Quality performed an inspection at the City of Eloy wastewater treatment plant. During the course of this inspection, several deficiencies were found and noted in the inspection report. These deficiencies led to a Notice of Violation (NOV) issued by ADEQ on September 29, 2021. Current and former Staff have resolved all but one of the Violations outlined in the NOV. The final Violation in the NOV relates to the state of disrepair of the liner in the sludge holding pond.

It would have cost less to completely remove the liner and decommission the sludge holding pond than to repair the liner. Since the sludge holding pond in question is no longer necessary for the treatment capacity, and does not necessarily need to remain in service, Staff made the decision to amend the Aquifer Protection Permit (APP) and close the sludge holding pond at the recommendation of the Consultant, Sunrise Engineering.

As part of the closure ADEQ will require soil sampling to ensure that the groundwater or soil under the holding pond has not be contaminated by sludge that was previously stored in the sludge holding pond. The soil sampling was not part of the original contract with Sunrise Engineering.

FISCAL IMPACT: *Not to Exceed \$45,000 from the Wastewater Contingency Budget.*

Mr. Rencher conveyed that the city was issued a Notice of Violation from ADEQ last September, for eight (8) deficiencies to the wastewater treatment plant. Mr. Rencher noted that all but one deficiency has been addressed by the city and the city's consultant, Sunrise Engineering. The last violation that is outstanding is a clean closure plan, which pertains to a tear in the liner in the sludge holding pond. Mr. Rencher said based on the analysis on the cost to repair the liner, Sunrise Engineering determined that it would be less costly to remove the liner and decommission the sludge storage pond. He pointed out that the pond is not needed for the operation and maintenance of the wastewater treatment plant. Mr. Rencher voiced that Sunrise Engineering is required to provide a sampling plan to ADEQ to show that the soil underneath the pond has not been contaminated by the sludge. He stated that this was

not in the original scope of work with the consultant and was not budgeted in the CIP. Mr. Rencher said the city is applying for WIFA funding for upgrades to the wastewater treatment plant and this is one of the criteria WIFA looks at as to whether the system is in compliance. Mr. Rencher said the change order should not exceed \$45,000.

Vice Mayor Snyder opened the floor for questions and comments from the Council.

Councilmember Curtis thanked Mr. Rencher for taking care of the violations. She said it is important that the city stays on top these issues and resolve them as quickly as possible.

There being no further comments or questions, Vice Mayor Snyder called for a motion.

Motion by Councilmember Reuter, seconded by Councilmember Garcia to approve accepting Change Order #1 to the contract with Sunrise Engineering to increase the contract amount by an amount not to exceed \$45,000 to allow Sunrise Engineering to assist with the soil sampling as required by the Arizona Department of Environmental Quality (ADEQ) to resolve the Notice of Violation issued by ADEQ on September 29, 2021; and authorizing the Mayor to sign the necessary documents, passed unanimously by roll call vote (7-0).

Note: Mayor Powell designated Vice Mayor Snyder as being authorized to sign the necessary contractual documents for this item in his absence (comment made under item VIII-C).

C. CONSIDER APPROVAL TO ACCEPT THE PROPOSAL FROM PHOENIX PROCESS EQUIPMENT COMPANY IN THE AMOUNT OF \$367,600.00 FOR THE PURCHASE OF SLUDGE DEWATERING EQUIPMENT FOR THE WASTEWATER TREATMENT PLANT; AND AUTHORIZING THE MAYOR TO SIGN THE NECESSARY CONTRACT DOCUMENTS

Staff Cover Sheet Report: *Staff recommends that Council accept the proposal from Phoenix Process Equipment Company in the amount of \$367,600.00 for the purchase of sludge dewatering equipment for the wastewater treatment plant and authorize the Mayor to sign the necessary contract agreements.*

The City of Eloy Wastewater Treatment Facility currently uses geo tubes (sludge bags) to dispose of the treated sludge from the wastewater treatment facility. In the Capital Improvement Plan for Fiscal Year 2022-2023 that was approved by Council, the Public Works Department has proposed the purchase and installation of a belt press to replace the sludge bags. Mechanical dewatering equipment such as belt presses, screw presses, and centrifuges are more efficient methods of dewatering the treated sludge.

In February 2022 Council approved the Contract for Sunrise Engineering, Incorporated to assist the City with the preparation of the Bid Documents and to advertise the Request For Proposals for sludge dewatering equipment. Furthermore, the dewatering equipment was included in the Capital Improvement Plan for the 2022-2023 fiscal year. Bids were solicited for the dewatering equipment through a Request for Proposals that closed on July 15, 2022. A total of 6 bids were received: two for a screw press; three for a belt press; and one for a volute press, which is similar to a screw press. The bids received were as follows:

COMPANY	EQUIPMENT TYPE	BID RESPONSE
<i>Andritz Separation Technologies</i>	<i>Andritz C10050 Screw Press</i>	<i>\$408,851.00</i>
<i>Andritz Separation Technologies</i>	<i>Andritz 1.5M SMX-58 Belt Filter Press</i>	<i>\$392,027.00</i>
<i>Phoenix Process Equipment Company</i>	<i>Phoenix Model WX-1.78W Belt Filter Press</i>	<i>\$367,600.00</i>
<i>Huber Technology Wastewater Systems</i>	<i>Huber Q-Press 800 2 Screw Press</i>	<i>\$378,499.50</i>
<i>Komline-Sanderson</i>	<i>K-S Kompress® Belt Filter Press Model G-GRSL-1 Series 111</i>	<i>\$36,010.00</i>
<i>PWTech</i>	<i>PWTech Volute Dewatering Press Model ES-354[3]</i>	<i>\$472,500.00</i>

The Komline-Sanderson proposal was the lowest cost for the press. However, they did not include the cost of installing an incline on the press to elevate the machinery to accommodate a truck or garbage disposal container. The incline is estimated at \$58,000 based on other proposals that added a dollar value to elevate the equipment. The proposal from Phoenix Process Equipment did include the incline in the initial response at no additional charge.

Public Works included a Capital Improvement Project for the Purchase of Sludge Dewatering Equipment in the amount of \$380,000 for the 2022-2023 fiscal year. Bids were reviewed by the City of Eloy Public Works Department and by Sunrise Engineering, and both agree that the Proposal submitted by Phoenix Process Equipment Company is the best bid and came in within the approved Capital Improvement Project budget for this particular Capital Improvement Project.

FISCAL IMPACT: \$367,600 from Budget 49-457-5083

Mr. Rencher conveyed that this is part of the improvements for the wastewater treatment plant. He gave a brief overview of the mechanical dewatering equipment he is requesting to purchase. Mr. Rencher said the cost of this project was budgeted in this years' CIP plan.

Vice Mayor Snyder opened the floor for questions or comments from the Council.

Mayor Powell noticed that staff is requesting the mayor to sign all necessary contract documents. He gave Vice Mayor Snyder authorization to sign the documents in his absence for items VIII-B & C.

Mr. Cooper conveyed that the motion would be to approve the item, authorizing the Vice Mayor to sign the necessary contractual documents.

There being no further questions or comments from the Council, Vice Mayor Snyder called for a motion.

A motion was made by Councilmember Curtis and seconded by Councilmember Reuter to approve accepting the proposal from Phoenix Process Equipment Company in the amount of \$367,600.00 for the purchase of sludge dewatering equipment for the wastewater treatment plant and authorizing the Vice Mayor to sign the necessary contractual documents, passed unanimously by roll call vote (7-0).

IX. EXECUTIVE SESSION

Vice Mayor Snyder called for a motion for Council to go into executive session with the city attorney, city manager and city clerk.

Motion by Councilmember Garcia, seconded by Councilmember Curtis to hold an executive session at approximately 6:33 p.m., for approximately forty-five (45) minutes with the city attorney, city manager, and city clerk (transcribing) for:

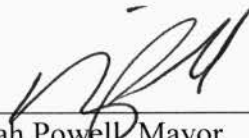
- A. Discussion of legal matters/consultation with the City Attorney, City Staff and/or the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding ELOY HOUSING AUTHORITY including contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation. pursuant to A.R.S. § 38-431.03 (A) (3) and (4).*
- B. Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale, or lease of real property pursuant to A.R.S. § 38-431.03 (A) (3), (4) and (7).*

Motion passed unanimously (7-0).

Vice Mayor Snyder reconvened the public meeting at approximately 7:07 p.m.

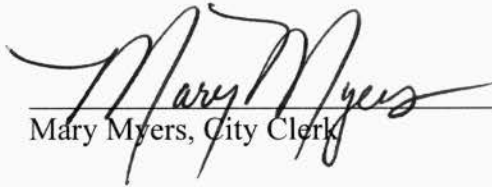
X. ADJOURNMENT

There being no further business, Vice Mayor Snyder adjourned the meeting at approximately 7:07 p.m.



Micah Powell, Mayor

ATTEST:



Mary Myers, City Clerk