

**MINUTES OF THE REGULAR MEETING OF
THE ELOY CITY COUNCIL
CITY OF ELOY
595 NORTH C STREET
SEPTEMBER 26, 2022
6:00 P.M.**

Staff Present: David Malewitz-City Manager; Kazi Haque-Assistant City Manager; Stephen R. Cooper-City Attorney; Mary Myers-City Clerk; Brian Wright-Finance Director; Christopher Vasquez-Police Chief; Paul Anchondo-Community Services Director; Matt Rencher-Public Works Director/City Engineer; Sylvia Payne-HR Director; Jon Vlaming-Community Development Director

I. CALL TO ORDER

Mayor Powell called the meeting to order at approximately 6:06 p.m.

II. ROLL CALL

Council Members Present: Mayor Micah Powell, Councilmember George Reuter, Councilmember Sara Curtis, Andrew Rodriguez, Councilmember Jose Garcia, Councilmember Sylvia Guanajuato Rodriguez

Council Members Absent: Vice Mayor Dan Snyder

III. INVOCATION

Iman Taha Hussin gave tonight's invocation.

IV. PLEDGE OF ALLEGIANCE

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

V. PUBLIC APPEARANCES

A. Scheduled

B. Unscheduled

Teresa Martinez- Casa Grande

Ms. Martinez introduced herself as state representative for Eloy. She gave a brief legislative update on several bills that passed during the last legislative session. Ms. Martinez said she met with Mayor Powell recently to discuss priorities for the city. She told the Council that she is so very proud to be associated with Eloy and wants to be a strong advocate for the city. Ms. Martinez gave Council her cell number and encouraged them to contact her. She said she would like to talk to each member of Council about their priorities for the city.

VI. REPORTS AND ANNOUNCEMENTS

A. Council Member Announcements

Councilmember Garcia conveyed the following announcements:

- The police and fire departments held a lock down drill at the school on September 15th. He said it went well, however, there were some issues identified that the school needs to change. He said there will be another drill in the future, but there will be no forewarning from the agencies.
- This year's fiestas was a great success. He said more people attended this year and the entertainment was great. He commended the committee (CDLU) for all their hard work in making it a great event.

B. Mayor's Announcements

Mayor Powell announced the following communications:

- He also commended CDLU for doing a great job hosting the fiestas. He said the event was well attended and everyone had a great time. Mayor Powell said he is looking forward to next year's fiestas.
- He along with Mr. Malewitz, Mr. Haque and Mr. Rencher attended the Arizona Rural Transportation Summit in Maricopa last week.
- He, Vice Mayor Snyder and several staff members attend the Pinal Partnership monthly breakfast last Friday. Topic of discussion was roads and Proposition 469, which is up for voter approval at the November 8th general election.

C. City Manager's Announcements

Mr. Malewitz announced the following communications:

- Received a letter from USDA and (inaudible) awarding the city a housing grant agreement for housing preservation in the amount of \$100,000.
- There will be an open house for public comments on October 5th at city hall, from 5:00 p.m. – 6:00 p.m. The purpose of the open housing is to hear comments from the public regarding two proposed general plan amendments.
- The G.A.I.N. event sponsored by the Eloy police department will be held on Thursday, October 6th at Main Street Park, from 5:00 p.m. – 8:30 p.m. There will be various Pinal County agencies, community educators and business

leaders participating to provide information to residents about resources that are available to them.

- Heroes Against Hunger 5k will take place on Sunday, October 9th from 6:00 a.m. – 11:30 a.m. at Main Street Park. The run will start at the park to Frontier, to Battaglia and finish back at the park.
- The community Adopt a Street event will be held on Saturday, October 28th, at Shumway Park, from 7:00 a.m. – 10:00 a.m. To register, please contact Lydia Powell, code compliance officer, or stop by the community development department to sign up.
- Operation Eloy Clean Up will happen on Saturday, November 5th, from 7:00 a.m. – 11:00 a.m. Everyone will meet at Main Street Park before going out to clean properties.

VII. CONSENT AGENDA

A. Approval of Minutes: 9/12/2022 (regular)

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

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

VIII. BUSINESS

A. ADOPTION OF RESOLUTION NO. 22-1539 ADOPTING THE 2022 PINAL COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

Staff Cover Sheet Report: *The Disaster Mitigation Act of 2000 requires all local, county, tribal, and state governments to develop a multi-hazard mitigation plan for their respective jurisdiction in order to be eligible to receive certain hazard mitigation and public assistance funds to reduce long-term risk to life and property. The plan is required to be updated every five years in order to accurately reflect changes in the environment and planning processes to handle mitigation efforts.*

The City of Eloy participated in several meetings organized by the Pinal County Office of Emergency Management and the AZ Department of Emergency and Military Affairs (DEMA). These meetings were held beginning in August 2021 and concluded in April 2022 when the draft plan was finalized and submitted to the Federal Emergency Management Agency (FEMA) for review and approval. The complete, 248-page, draft plan is available on both the County and City's websites for public

review and comment to FEMA. The resolution presented before City Council provides for formal adoption of the updated plan on behalf of the City of Eloy to be included alongside the ten other jurisdictions within Pinal County.

This Plan was prepared to guide hazard mitigation to better protect the people, property, community assets, and land from the effects of hazards. This Plan demonstrates the participants' commitment to reducing risks from hazards and serves as a tool to help decision-makers direct mitigation activities and resources. This Plan was also developed to make the participants eligible for certain types of Federal disaster assistance and hazard mitigation grant funding.

The purpose of mitigation planning is to identify policies and actions that can be implemented over the long term to reduce risk and future losses. Mitigation Plans form the foundation for a community's long-term strategy to reduce disaster losses and break the cycle of disaster damage, reconstruction, and repeated damage. The planning process is as important as the plan itself. It creates a framework for risk-based decision-making to reduce damage to lives, property, and the economy from future disasters.

Each community benefits from mitigation planning by:

- Identifying cost-effective actions for risk reduction that are agreed upon by stakeholders and the public*
- Focusing resources on the greatest risks and vulnerabilities*
- Building partnerships by involving people, organizations, and businesses*
- Increasing education and awareness of hazards and risk*
- Communicating priorities to state and federal officials*
- Aligning risk reduction with other community objectives*

FISCAL IMPACT: *None at this time. Future project identification related to the plan may require City matching funds or fully funding projects through the City's general fund and/or capital improvement plan.*

Mr. Malewitz conveyed that this item is more of a housekeeping matter. He stated that last fall, the city initiated a joint effort with Pinal County and other jurisdictions within the county to update the five year hazard mitigation plan. He said city staff met with various partnerships to update the plan to ensure the city is prepared in case of a natural disaster (i.e. flooding, fissures, etc.). Mr. Malewitz said the plan is updated every five years with the county. He added that updating the plan also allows the city to apply for disaster relief grants should the need arise.

Mayor Powell asked would this plan apply to power outages in the city.

Mr. Malewitz said no; it only applies to natural disasters.

There being no further questions, Mayor Powell called for a motion to read the resolution by title only.

Motion by Councilmember Garcia, seconded by Councilmember Rodriguez to read Resolution No. 22-1539 by title only, passed unanimously (6-0).

The city clerk read the resolution title into the record.

Mayor Powell called for a motion to adopt.

Motion by Councilmember Curtis, seconded by Councilmember Reuter to adopt Resolution No. 22-1539 as presented, passed unanimously by roll call vote (6-0).

B. ADOPTION OF RESOLUTION NO.: 22-1538 AMENDING RESOLUTION NO. 22-1532 AUTHORIZING THE APPLICATION FOR A CLEAN WATER STATE REVOLVING FUND (CWSRF) LOAN FROM THE WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA (WIFA) FOR WASTEWATER ENERGY SAVINGS PROJECTS BY INCREASING THE CWSRF LOAN AMOUNT BY \$449,189 FOR THE REPLACEMENT OF THREE ADDITIONAL BLOWERS AND THE BIOLAC CONTROL PANEL FOR WASTEWATER MANAGEMENT OPERATIONS.

Staff Cover Sheet Report: *Adopt Resolution No.: 22-15 Amending Resolution No. 22-1532 authorizing the application for a Clean Water State Revolving Fund (CWSRF) Loan from the Water Infrastructure Finance Authority of Arizona (WIFA) for Wastewater Energy Savings Projects by increasing the CWSRF Loan Amount by \$449,189.*

On June 27, 2002, Council approved a Resolution authorizing Staff to apply for a Clean Water State Revolving Fund (CWSRF) Loan from the Water Infrastructure Finance Authority (WIFA) for energy improvements and upgrades at the wastewater treatment plant.

The plant was constructed in 1999 and had five 40 hp blowers located in covered, unconditioned blower building. Due to operating blowers producing heat, the interior of the blower reaches between 115 deg and 125 deg F on hot summer days. Four of the five blowers have failed and the lone, original blowers is currently being operated and may fail within a few years. One failed blower (that is out of service) has not been replaced.

The original Wastewater Energy Savings Project application to WIFA was not to exceed \$2,900,000 to address some operational and energy-efficiency issues at the Wastewater Treatment Plant. One of these items to be addressed was the replacing one of the original blowers and one of the blowers that has failed with high-speed,

energy-efficient Turbo blowers rated to operate at temperatures up to 130 degrees Fahrenheit.

Staff and the energy consultants from Veregy, Incorporated looked at the age and condition of the remaining blowers and decided it would make sense to replace all the blowers at the same time with the new high-speed, energy-efficient blowers. The remaining blowers not originally considered in the initial WIFA application were placed into service in the late 2000s. By replacing the remaining three blowers, City Staff will be able to stagger the operation of the blowers which will extend the life of all of the blowers since the new blowers can be run on alternating schedules and reduce wear and tear on the blowers.

FISCAL IMPACT: *At this time, the estimated annual debt payment for principal and interest for wastewater improvements will be between \$185,000 to \$225,000 annually. The Wastewater Fund will pay for the debt payment through energy and operational savings, as well as through a partial contribution from the enacted increase in water and wastewater rates effective in November 2022.*

Mr. Wright gave a brief overview of the proposed resolution that if approved would allow city staff to amend Resolution No. 22-1532 and apply for additional funds through WIFA to replace five blowers at the wastewater treatment plant. Mr. Wright said Resolution No. 22-1532 which was approved by Council last June, allowed for replacing three of the five blowers. However, based on the age and condition of the two remaining blowers, it is the recommendation of the city's energy consultants, Veregy, to replace all five blowers. Mr. Wright said this would increase the loan application amount by \$449,189, which would exceed the \$2.9 million amount staff requested to apply for in Resolution No. 22-1532. He said staff is requesting Council to approve increasing the application limit to \$3.5 million to cover the blowers for the treatment plant.

There being questions or comments from the Council, Mayor Powell called for motion to read the resolution by title only.

Motion by Council Garcia, seconded by Councilmember Guanajuato Rodriguez to read Resolution No. 22-1538 by title only, passed unanimously (6-0).

The city clerk read the resolution title into the record.

Mayor Powell called for a motion to adopt.

Motion by Councilmember Garcia, seconded by Councilmember Curtis to adopt Resolution No. 22-1538 as presented, passed unanimously by roll call vote (6-0).

C. DISCUSSION AND OR DIRECTION TO THE CITY CLERK TO DECLARE A COUNCILMEMBER VACANCY EFFECTIVE AFTER THE GENERAL

ELECTION ON NOVEMBER 8, 2022, DUE TO COUNCILMEMBER ANDREW RODRIGUEZ'S AUGUST 26, 2022 ANNOUNCEMENT OF HIS DECLINING TO ACCEPT AND SERVE AS A NEWLY ELECTED COUNCILMEMBER. DIRECTING THE SETTING OF A SPECIAL MEETING FOR MONDAY, OCTOBER 3, 2022, TO DISCUSS AND DETERMINE HOW THE VACANCY OF THE COUNCIL MEMBER'S SEAT WILL BE FILLED BY THE CITY COUNCIL.

Staff Cover Sheet Report: *The City Attorney recommends the City Council direct the City Clerk to declare a vacancy on the City Council, effective after the General Election on November 8, 2022, due to Councilmember Andrew Rodriguez's August 26, 2022 announcement of his declining to accept and serve as newly elected Councilmember. Direct staff to schedule a special meeting on October 3, 2022 to determine how the vacancy will be filled.*

Per A.R.S. §9-235.A, The Council shall fill a vacancy that may occur by appointment until the next regularly scheduled council election if the vacancy occurs more than thirty days before the nomination petition deadline.

Procedure for filling Council Vacancies from the City Code:

2-7: FILLING VACANCIES IN OFFICES:

The Council shall fill vacancies by appointment in any City office as provided by State law. (Ord. 11-803, 10-24-2011)

ARIZONA REVISED STATUTES:

9-235. Vacancies in council

A. The council shall fill a vacancy that may occur by appointment until the next regularly scheduled council election if the vacancy occurs more than thirty days before the nomination petition deadline. Otherwise, the appointment is for the unexpired term. This subsection does not apply to a charter city.

B. The member appointed shall meet the qualifications established in section 9-232.

SECRETARY OF STATE ELECTION MANUAL:

FILLING A COUNCIL VACANCY

If a vacancy occurs on your city or town council and the incumbent has more than 2 years remaining on his or her term, you are required to put the remainder of the term on your next council election ballot. This only applies if you have 4-year terms and does not affect charter cities. The law provides that if a vacancy occurs more than 30 days before nomination petitions are due for your regular election, then the vacancy is filled by election for the remainder of the unexpired term. A separate nomination petition must be prepared for a 2-year term in addition to the regular petitions for the 4-year terms. To distinguish the petitions, the clerk should print a 2-year term on the top of the petition for those wishing to fill the vacancy. On the ballot, there must be a separate section for the 2-year term listing those candidates who filed 2-year term

nomination petitions. Consult with your attorney to determine when a candidate who is elected to fill a vacant position is seated.

Once a resignation occurs, the seat is filled by a person who has to run at the next general election (2 years later) to serve the balance of the four-year term of office.

FISCAL IMPACT: *There is no fiscal impact.*

Mr. Cooper conveyed that Councilmember Rodriguez announced last month that he would decline to accept and serve as a newly elected councilmember. He said generally, when a councilmember wishes to step down, a resignation is offered and accepted by the Council. However, in this case, the situation is unique because this would be a future council seat that Councilmember Rodriguez has not been sworn in to. So, technically he cannot resign. Mr. Cooper suggested Council take the following three actions tonight:

1. Accept Councilmember Rodriguez's declination to accept and serve as a newly elected councilmember;
2. Have the city clerk declare a vacancy on the council, effective after November 8, 2022; and
3. Direct city staff to schedule a meeting October 3, 2022, at 6:00 p.m., to discuss how the Council would consider filling the vacancy.

Mr. Cooper explained that the reason to declare the vacancy after November 8, 2022, is because in the primary election, three council seats were filled. He said state law allows the city to swear in a new council immediately after the November 8, 2022 general election, which in this case would be November 14, 2022.

Councilmember Rodriguez wanted to clarify that the letter that is part of tonight's agenda item is not the correct letter. He pointed out that he amended his letter to state that would not seek his third elected term on the council. Councilmember Rodriguez said the original letter and the amended letter was submitted the same day along with a press release which was published in the newspaper. Councilmember Rodriguez said he just wanted to clarify this.

There being no further questions or comments from the Council, Mayor Powell asked Mr. Cooper for clarification on the motions.

Mr. Cooper explained the three motions he recommended Council take action on tonight.

Councilmember Curtis thanked Councilmember Rodriguez for his service.

Mayor Powell called for a motion to accept Councilmember Rodriguez's declination to serve as newly elected councilmember.

Motion by Councilmember Curtis, seconded by Councilmember Garcia to accept the declination from Councilmember Andrew Rodriguez to serve as a newly elected councilmember, effective November 14, 2022, passed unanimously by roll call vote (6-0).

Mayor Powell called for a motion to direct the city clerk to declare a councilmember vacancy effective after the general election on November 8, 2022.

Motion by Councilmember Curtis seconded by Councilmember Guanajuato Rodriguez to direct the city clerk to declare a councilmember vacancy, effective after the general election on November 8, 2022, passed unanimously by roll call vote (6-0).

Mayor Powell called for a motion to schedule a special meeting on October 3, 2022, at 6:00 p.m., to discuss how the vacancy would be filled.

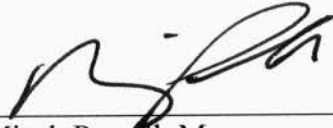
Motion by Councilmember Garcia, seconded by Councilmember Guanajuato Rodriguez to schedule a special meeting on October 3, 2022, at 6:00 p.m. to discuss how the vacancy will be filled by the Council, passed unanimously by roll call vote (6-0).

IX. EXECUTIVE SESSION

There were no requests from Council or city staff to hold an executive session.

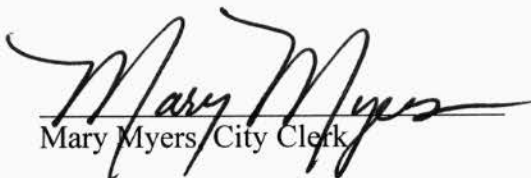
X. ADJOURNMENT

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



Micah Powell, Mayor

ATTEST:



Mary Myers, City Clerk