

**MINUTES OF THE REGULAR MEETING OF
THE ELOY CITY COUNCIL
CITY OF ELOY
595 NORTH C STREET
DECEMBER 12, 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; 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 6:00 p.m.

II. ROLL CALL

Council Members Present: Mayor Micah Powell, Vice Mayor Sylvia Guanajuato Rodriguez, Councilmember George Reuter, Councilmember Sara Curtis, Councilmember Dan Snyder, Councilmember Jose Garcia, Councilmember Michelle McKinley-Tarango

Council Members Absent: None

III. INVOCATION

Pastor Debbie Miller 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

1. Presentation by Corazon De Latinos Unidos (CDLU) – 2022 Fiestas Patrias Celebration

Ms. Tonya Cruz, CDLU representative, presented a slide presentation highlighting the success of this year's Fiestas Patrias celebration held in August. Ms. Cruz thanked city staff and the Council for their continued support of the fiestas.

B. Unscheduled

1. J.W. Tidwell – 105 W. LaSiesta Drive, Eloy

- Mr. Tidwell was upset that the city had not installed lights on the flag pole at Main Street Park. Mr. Tidwell who is retired military, pointed out that flag protocol is that if any American flag is flown after dark, the flag will be illuminated. He said he mentioned this a member of the Council and was told that the city manager would be informed of this, but nothing has been done. Mr. Tidwell said as a veteran, proper protocol on the flag is important.
- Mr. Tidwell wanted to know why there was not a color guard at this year's veterans parade. He said the city spends a lot of time and effort on other city events, but the veterans are forgotten.

2. Steve Reeves – Robson Ranch resident, Eloy

- Mr. Reeves expressed some concerns about the proposed credit card policy and travel policy for elected officials that is on tonight's agenda. He said he understands the reason for the mayor to have a credit card, but not other members of the Council.
- Mr. Reeves stated that he has been auditing the Council's travel. He said if an amount is set for each of them, then it should be adhered to. Mr. Reeves said he noticed that a lot of Council travel was to Las Vegas (3 trips this year). He said half of the Council and city staff should not be traveling to Las Vegas when there are webinars available. Mr. Reeves stated that this does not look good from the public's perspective as to how public monies is being expended. He asked the Council to please be cognitive of this in the future.

VI. REPORTS AND ANNOUNCEMENTS

A. Council Member Announcements - None

B. Mayor's Announcements

- Mayor Powell applauded the police department for the excellent work they did in confiscating drugs and arresting a man at the Dollar General Store over the weekend. Mayor Powell said someone called the police department to report a person asleep or slumped over in his vehicle. When police arrived, the man was awakened and upon search of the vehicle, the police found a large stash of fentanyl pills, meth, cash and other drug paraphernalia. Mayor Powell said the apprehension of this person and the drugs saved a lot of lives.

- The city's annual Christmas in Eloy event was a great success. Mayor Powell said he believes this was the largest turnout of people. He thanked city staff for their participation and for putting on another great event showcasing the city.
- Mayor Powell announced that this is the last scheduled meeting of the Council for the rest of the year. He said the city faced some challenging issues with the major power outage and the election debacle, but also came together as a community.

C. City Manager's Announcements

Mr. Malewitz conveyed the following announcements:

- The annual 'Shop with a Cop' event will be held on Wednesday at Walmart. Approximately 40 kids will be participating in the annual event.
- Wreaths Across America, in partnership with the Pinal Hispanic Council, will be laying wreaths at the gravesites of every veteran buried at Eloy Memorial Park. Mr. Malewitz said the ceremony will take place on Saturday, December 17th, 12:00 p.m., at Eloy Memorial Park.
- Informed Mr. Tidwell that staff will look into the lighting issue for the flag.
- City offices will be closed on the following days:
 - December 20th, 12:00 p.m. – 5:00 p.m. for the annual Employee Appreciation Luncheon;
 - December 23rd in observance of Christmas Eve (12/24/22)
 - December 26th in observance of Christmas (12/25/22)
 - January 2nd in observance of New Year's Day (1/1/23)

VII. CONSENT AGENDA

Councilmember Reuter requested item F removed from the Consent Agenda for discussion.

- A. Approval of Minutes: 11/28/2022 (regular) & 12/5/2022 (special)
- B. Adoption of Resolution No. 22-1550 approving Pinal County Assessors' Parcel Number 511-33-016A, located at the northwest corner of West 1st Street and Sunland Gin Road, that has been prior annexed into the City of Eloy, allowing for an annexation request to be considered by the Eloy Fire District for fire response service.
- C. Adoption of Resolution No. 22-1547 approving Pinal County Assessors' Parcel Numbers 408-23-003, 408-23-004, 408-23-022, 408-23-021A, 408-23-008, 408-23-007, 408-23-006, 408-23-005, 408-23-012, 408-23-011, 408-23-010, 408-23-009, 408-23-028, 408-23-030, 408-23-029, 408-23-016, 408-23-015, 408-23-014, 408-23-013, 408-23-020, 408-23-019, 408-23-018, 408-23-017, 408-23-036, 408-23-035, 408-23-034, 408-24-010, 408-24-011, 408-24-012, 408-28-001, 408-28-002, 408-01-031B, 408-01-031C, 408-24-016, 408-24-017, 408-24-018A, 408-28-003, 408-28-004, 408-24-015, 408-24-014, and 408-24-013 located south and west of the intersection of Curry and

- Milligan Roads, that has been prior annexed into the City of Eloy, allowing for an annexation request to be considered by the Eloy Fire District for fire response service.
- D. Consideration of approval to enter into a Service Contract with Arizona Wastewater Industries, Incorporated for the repairs to the City of Eloy Public Works Department Camel(R) Truck for a cost not to exceed \$55,000, plus applicable taxes; and authorizing the Mayor or his designee to sign the appropriate documents
 - E. Consideration of authorization to purchase a new Vermeer HydroVac Excavator for the Public Works Department utilizing Sourcewell Cooperative Purchasing Contract #110421 for an amount not to exceed \$100,000, plus applicable taxes; and authorizing the Mayor to sign the necessary agreements.
 - F. ~~Appointment of a new member to the Municipal Airport Advisory Board (MAAB).~~
(removed for discussion)

Mayor Powell noted for the record that for item F, board appointee, Ms. Michele Peters is in the audience.

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

Motion by Councilmember Snyder, seconded by Vice Mayor G. Rodriguez to remove agenda item VII-F from the Consent Agenda and approve the remaining Consent Agenda items as presented, passed unanimously by roll call vote (7-0).

F. APPOINTMENT OF A NEW MEMBER TO THE MUNICIPAL AIRPORT ADVISORY BOARD (MAAB).

Staff Cover Sheet Report: *The Council's subcommittee for Municipal Airport Advisory Board (MAAB) recommends the City Council appoint Ms. Michele Peters to fill a vacancy on the Municipal Airport Advisory Board for a three-year term, with her appointment expiring on December 31, 2025.*

The Municipal Airport Advisory Board is a five-member board that reviews operational and planning issues relating to the airport. Board members are appointed by the Mayor and Council and serve three-year terms. The term of Allan James expired in December 2021, and this vacant seat on the Board was advertised.

The City received two applications to fill this vacancy - Marty Jones and Michelle Peters. Both of the candidates were interviewed by the MAAB Subcommittee during the recruitment process and were deemed highly qualified. However, the Subcommittee recommended Ms. Michele Peters to fill the vacant seat because of her experience in the ancillary aeronautics field, her desire to serve the community, and as the best-fit candidate.

The members of the Municipal Airport Advisory Board serve three (3) year terms, with the terms of members being staggered in a way that no more than two (2)

members shall expire at the same time in any year. The incumbent member(s) shall continue to serve after the member's term of office has expired, until a successor has been appointed by the City Council.

FISCAL IMPACT: *There is no fiscal impact on an appointment to this Board.*

Councilmember Reuter wanted to know the date of the next airport board meeting since there is now a full board and there are a lot of projects for the board to undertake.

Councilmember Snyder conveyed that he sat on the interview committee and it was brought to the committee's attention that the term of two members would be expiring the end of the month. He recommended staff reach out to the members to have them submit an application if they want to be considered for reappointment to the board.

Mayor Powell asked Ms. Peters if she would like to make a statement.

Ms. Peters conveyed that she is looking forward to serving on the board. She said there are a lot of opportunities and things the board can look at to bring more recognition to the airport.

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

Motion by Councilmember Reuter, seconded by Councilmember Curtis to appoint Ms. Michele Peters to the Municipal Airport Advisory Board, with the term to expire on December 31, 2025, passed unanimously (7-0).

VIII. BUSINESS

A. DISCUSSION AND POSSIBLE ACTION REGARDING DISBURSEMENT OF THE 1% ADDITIONAL EMPLOYEE WAGE INCREASE THAT WAS PART OF THE ADOPTION OF RESOLUTION NO. 22-1530 DATED JUNE 13, 2022, APPROVING THE TENTATIVE BUDGET FOR THE FISCAL YEAR 2022 - 2023 IN THE AMOUNT OF \$51,185,630 WHICH ADDRESSED EMPLOYEE COMPENSATION.

Staff Cover Sheet Report: *City staff recommends that Council approve the disbursement of the 1% increase in salaries and wages as adopted in the FY2022-2023 budget as a one-time expenditure in the form of a bonus check to be distributed to all current full and part-time employees as of December 1, 2022.*

On June 13, 2022, the City Council, as part of the Adoption of Resolution No. 22-1530, adopted the Tentative Budget for the Fiscal Year 2022 - 2023 in the amount of \$51,185,630 which addressed employee compensation. Specifically, the Council

added 1% budget capacity to all Salary and Benefits line items throughout the budget. The overall budget for employee compensation was 5%, of which 4% was a cost-of-living adjustment and the remaining 1% was to be a bonus paid at a later date. The 1% bonus amount is \$101,845.

Upon direction from the Mayor and Vice Mayor, City staff prepared an analysis for the distribution of the 1% increase for employees. Due to administrative constraints of increasing all employee salaries by 1%, City staff is recommending to City Council that the 1% payout be issued in the form of a one-time bonus. The bonus payout will apply to all current City employees as of December 1, 2022. The following information below represents how the bonus payout would occur:

- *\$101,845 = Total amount available for disbursement*
- *115 = Full-Time Employees; (4) Part-Time Employees will receive half of the allocated gross disbursement*
- ***\$725 = gross amount of bonus check***
- *\$145 = additional City funds to pay for an estimated 20% of the City's portion of taxes & retirement*
- ***\$870 = total amount of bonus payout***
- *\$100,050 = total amount of City funds for bonus checks for employees*

\$580* = Estimated employee net bonus check amount

**The net check amount reflects deductions due to an employee's portion of taxes and withholding fees.*

If the City Council approves the recommended 1% one-time bonus payout at the December 12th Regular Meeting, the Finance Department is prepared to have paper checks ready for employee distribution on Friday, December 16th. Checks will be delivered to department directors beginning Monday, December 19th.

***FISCAL IMPACT:** The fiscal impact of the proposed one-time 1% increase is valued at an estimated \$100,050 for current full and part-time employees of the City. The Finance Director has confirmed funds are available for disbursement upon council approval.*

Mr. Malewitz conveyed that during this year's budget discussions, Council included a 5% salary increase for all employees. He said 4% was allocated toward cost of living (COLA) and the remaining 1% would be decided later in the year. Mr. Malewitz said staff is bringing this item to Council to determine how they want the 1% appropriated. He said if the 1% is utilized in the form of a one time bonus check, each employee would gross \$725. He said incorporating the taxes, retirement and fees the city pays, this brings the amount to around \$870 per employee. Mr. Malewitz stated that each employee net pay would be around \$580, based on individual deductions. Mr. Malewitz added that he is requesting that Council

appointed positions (city manager, city clerk, city magistrate) also be included for the one time bonus. He said if approved, checks would be ready for distribution to employees on Monday.

The following councilmembers recused themselves from discussing and voting on this matter due to their spouses employed with the city:

Mayor Powell; Vice Mayor G. Rodriguez; Councilmember Tarango

Mr. Cooper conveyed that in order for this item to pass, the four remaining Councilmembers would all need to vote 'yes.' He recommended to Mayor Powell that he turn this item over to a member of the Council who can vote on this item to call for a roll call vote.

At this time, Mayor Powell turned the meeting over to Councilmember Snyder.

Councilmember Snyder asked Mr. Cooper could the three councilmembers who recused themselves participate in the discussion.

Mr. Cooper conveyed that although the conflict of interest law has softened, he recommends there not be any participation from the three councilmembers.

At the request of Councilmember Curtis, Mr. Malewitz provided a brief overview to the audience as to why the 5% salary increase to employees was brought before the Council last June.

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

Motion by Councilmember Garcia, seconded by Councilmember Curtis to approve the disbursement of the 1% additional employee wage increase that was approved in the tentative budget for FY2022-2023, passed with the following votes:

Yeas: Councilmember Garcia, Councilmember Reuter, Councilmember Curtis, Councilmember Snyder

Nays: None

Abstain: Mayor Powell, Vice Mayor Rodriguez, Councilmember Tarango

Councilmember Snyder turned the meeting back over to Mayor Powell.

B. ADOPTION OF RESOLUTION NO. 22-1548, APPROVING A CITY OF ELOY TRAVEL POLICY FOR ELECTED OFFICIALS THAT

ESTABLISHES BOTH PERMITTED AND RESTRICTED USES ASSOCIATED WITH COUNCIL TRAVEL AND USE OF CITY FUNDS.

Staff Cover Sheet Report: *Mayor and members of council to adopt Resolution No. 22-1548, approving the City of Eloy Travel Policy for Elected Officials that establishes both permitted and restricted uses associated with Council travel and the use of city funds when securing accommodation when traveling for City-related business.*

At the request of the City Council, City staff were directed to investigate policies that could be enacted to guide council members with procedures designed to provide guidelines for the appropriate use of City funds when securing accommodation while traveling for City-related business. On July 25, 2022, City Council held a Work Session to further examine and discuss the draft policies presented by City staff. Upon conclusion of the Work Session, staff took away several comments and suggestions presented by the Mayor and members of the council to be incorporated into a final policy document for approval by the City Council. Resolution No. 22-1548 "CITY OF ELOY TRAVEL POLICY FOR ELECTED OFFICIALS" represents the final policy revision detailing the proper procedure for Council travel intended to establish both permitted and restricted uses associated with Council travel and use of city funds.

FISCAL IMPACT: *No fiscal impact in adopting Resolution No. 22-1548. Fiscal impact would only occur when City funds are expended for the purpose of City-related travel and expenses.*

Mr. Malewitz reviewed the proposed council travel policy that was discussed with members of the Council during this year's budget work session. Mr. Malewitz said the policy will establish and detail proper procedures for Council utilizing city funds for travel.

Mayor Powell told Mr. Reeves, who spoke earlier under Appearances from the Floor, that this policy addresses his concerns with Council travel. He said the policy would redirect the Council on how to move forward when it comes to travel. Mayor Powell stressed the importance of Council attending conferences, such as the ICSC that is held in Las Vegas each year to promote the city for economic development, and the annual League of Arizona Cities and Towns conference to hear the latest legislative updates and network with other elected officials within the state.

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

Motion by Councilmember Garcia, seconded by Councilmember Curtis to read Resolution No. 22-1548 by title only, passed unanimously (7-0).

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 Reuter to adopt Resolution No. 22-1548, passed unanimously by roll call vote (7-0).

C. ADOPTION OF RESOLUTION NO. 22-1549, APPROVING A CITY OF ELOY CREDIT CARD USE POLICY FOR ELECTED OFFICIALS INTENDED TO ESTABLISH A POLICY GOVERNING THE PROPER PROCEDURE AND APPROPRIATE USES OF CITY OF ELOY CREDIT CARDS.

Staff Cover Sheet Report: *Mayor and members of the council adopt Resolution No. 22-1549, approving a City of Eloy Credit Card Use Policy for Elected Officials intended to establish a policy governing the proper procedure and appropriate uses of City of Eloy credit cards.*

At the request of the City Council, City staff were directed to investigate policies that could be enacted to guide council members with procedures designed to provide guidelines for the appropriate use of City designated credit cards for use by elected officials. On July 25, 2022, City Council held a Work Session to further examine and discuss the draft policies presented by City staff. Upon conclusion of the Work Session, staff took away several comments and suggestions presented by the Mayor and members of the council to be incorporated into a final policy document for approval by the City Council. Resolution No. 22-1549 "CITY OF ELOY CREDIT CARD USE POLICY FOR ELECTED OFFICIALS" represents the final policy revision detailing the proper procedure and appropriate uses of City credit cards intended to establish a governing use policy related to the issuance and use of City of Eloy credit cards to an elected official.

FISCAL IMPACT: *No fiscal impact in adopting Resolution No. 22-1549. Fiscal impact would only occur when City funds are expended for the purpose of City-related travel and expenses.*

Mr. Malewitz reviewed the proposed credit card use policy for Council. He conveyed that the proposed policy contains language that would govern how to obtain and properly utilize the credit card should any member of the Council requests one. Mr. Malewitz said currently, the mayor is the only elected official that has a city issued credit card.

Councilmember Snyder pointed out that the policy gives the Councilmember five days to submit receipts. He said this may be a problem if the five days includes a holiday. Councilmember Snyder asked about extending the time to 7 or 10 business days.

Mr. Malewitz said staff recommends keeping the five day provision to ensure the receipts are submitted in a timely manner. However, if a holiday falls within the five day period, Mr. Malewitz said staff will work with the Councilmember.

Councilmember Garcia said when he use his personal credit card for Uber transportation when he travels on behalf of the city, the finance department will not take the receipt from his email. He said he has wait until it is posted to his personal credit card, which is more than five days.

Again, Mr. Malewitz said in circumstances such as this, staff would work with the Councilmember. He said as long as staff is aware of this, the city can work with it.

Councilmember Garcia told Mayor Powell that he believes that no one on the Council should have a credit card except for the mayor. He said he has attended a number of conferences and has never had to use a city credit card. Councilmember Garcia said he is fine using his personal credit card and getting reimbursed by the city.

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

Motion by Councilmember Garcia, seconded by Councilmember Tarango to read Resolution No. 22-1549 by title only, passed unanimously (7-0).

The city clerk read the resolution title into the record.

Mayor Powell called for a motion to adopt.

A motion was made by Councilmember Garcia to adopt Resolution No. 22-1549 with an amendment to authorize only the mayor to possess a city issued credit card.

Mayor Powell asked about issuing a credit card to the vice mayor. He wanted to know how would it worked if he was unavailable and the vice mayor needed a credit card.

Mr. Malewitz explained that if this happened, the vice mayor or any other member of the Council would go to the city clerk to request the city's credit card and sign the card out.

Councilmember Curtis said she would support the recommendation of the city manager.

Councilmember Reuter stated that even though there is no member of the Council who wants to have a credit card now, it should be left open for the future should a member want one.

Mayor Powell noted that there is a motion on the table from Councilmember Garcia to amend the resolution to reflect that the mayor is the only elected member who can have a city issued credit card. Mayor Powell called for a second to Councilmember Garcia's motion.

There was no second made to the motion. Therefore, the motion died.

Mayor Powell called for another motion.

A motion was made by Councilmember Snyder and seconded by Vice Mayor G. Rodriguez to adopt Resolution No. 22-1549 as presented, passed 6-1 by the following roll call vote.

Yeas: Vice Mayor G. Rodriguez, Councilmember Tarango, Mayor Powell, Councilmember Reuter, Councilmember Snyder, Councilmember Curtis

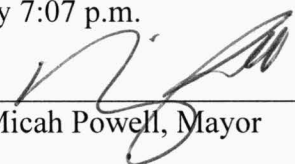
Nays: Councilmember Garcia

IX. EXECUTIVE SESSION

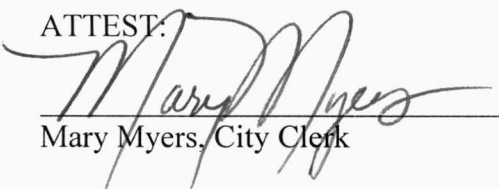
No executive session.

X. ADJOURNMENT

There being no further business, Mayor Powell wished everyone a Merry Christmas and adjourned the meeting at approximately 7:07 p.m.



Micah Powell, Mayor

ATTEST:


Mary Myers, City Clerk