

**MINUTES OF THE REGULAR MEETING OF
THE ELOY CITY COUNCIL
CITY OF ELOY
595 NORTH C STREET
APRIL 24, 2023
6:00 P.M.**

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

I. CALL TO ORDER

Mayor Micah 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 Sara Curtis, Councilmember Dan Snyder, Councilmember Jose Garcia, Councilmember Michelle McKinley-Tarango

Council Members Absent: Councilmember George Reuter

III. INVOCATION

Mr. Bob Skier 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 - None

B. Unscheduled - None

VI. REPORTS AND ANNOUNCEMENTS

A. Council Member Announcements

Councilmember Snyder made the following announcements:

- Provided a brief report on the Urban Land Institute (ULI) meeting he attended last at city hall. He said ULI was invited by the City in 2015 to tour downtown and provide staff with recommendations and input for improving the image of the area. From their input, the city formed the Downtown Revitalization Commission and created a five-year economic development program. Councilmember Snyder said city staff invited ULI back, seven years later to offer updated comments. He said ULI will present Council with their report at a future Council meeting.
- Attended Electrical District 2 (ED2) 100 year anniversary celebration luncheon last week at Robson Ranch.
- Attended the monthly Pinal Partnership breakfast last Friday. Water resources was the topic of discussion.

B. Mayor Announcements

Mayor Powell made the following announcements:

- Attended CoreCivic's quarterly community relations luncheon last week.
- Gave a brief welcome at the ULI meeting. He said he is looking forward to hearing their report.
- Attended ED2's celebration luncheon last week at Robson Ranch.

C. City Manager Announcements

Mr. Malewitz conveyed the following announcements:

- April 25th is the deadline for comments on the proposed city rate fee increases. Mr. Malewitz said the new increases would become effective July 1, 2023.
- Budget meetings are scheduled starting next week with Council to review department budgets.
- Requested meetings scheduled for May (outside regular Council meetings) to start at 5:00 p.m. Mr. Malewitz announced the meetings for May.

Councilmember Snyder stated that he would be out of town May 15th & 16th and would not be able to attend the budget meetings on those dates.

It was the consensus of the Council to start the meetings at 5:00 p.m., with the exception of the regular Council meetings.

- A special meeting is scheduled May 1st for a public hearing on the restaurant and bar sales tax reduction. He said the meeting was advertised for 6:00 p.m., however according to the Mr. Cooper and Mrs. Myers, the meeting can be moved to 5:00 p.m. Mr. Malewitz said staff would update the website with the new time.

Councilmember Garcia asked staff to notify the businesses of the new time.

Mr. Malewitz stated the city does not have an email listing for the businesses. However, suggested having Andrew Rodriguez from the Chamber forward the update to the local businesses.

Mr. Rodriguez who was in the audience, agreed to do this.

- A Planning and Zoning Commission meeting is scheduled May 3rd at 6:00 p.m.

VII. CONSENT AGENDA

- A. Approval of Minutes: 4/10/2023 (regular) & 4/14/2023 (special)
- B. Consider the acceptance of Federal Fiscal Year (FFY) 2022 Operation Stone Garden grants for police officer overtime, vehicle, and equipment expenses from the Arizona Department of Homeland Security in amounts of \$163,055 and \$5,300, respectively.
- C. Consideration of accepting the proposal from the Central Arizona Irrigation and Drainage District (CAIDD) at a cost of not to exceed \$25,000, plus applicable taxes and authorizing CAIDD to complete the needed repairs and repairs to water well #3
- D. Reappointment of Judge Roger Valdez as City Magistrate to a two-year term effective April 24, 2023, and set the annual salary of the City Magistrate at \$ 96,486.50 per year plus vehicle and communication stipends for the term of office.
- E. Appointment of Anita Hunt as a regular member of the Parks, Recreation and Library board for a three-year term, with her term expiring on April 24, 2026

Mayor Powell asked Council if there were any corrections or item(s) to remove from the Consent Agenda.

With there being none, Mayor Powell called for a motion.

Motion by Councilmember Garcia, seconded by Councilmember Tarango to approve the Consent Agenda items as presented, passed unanimously by roll call vote (6-0).

VIII. BUSINESS

- A. APPROVAL OF A CONTRACT WITH EPIFINI LANDSCAPING, INC. IN THE AMOUNT OF \$181,532 TO IMPLEMENT THE CONSTRUCTION DOCUMENTS FOR THE PROVISION OF LANDSCAPING AND IRRIGATION IMPROVEMENTS FOR THE FRONTIER STREET COMMUNITY TREE PROJECT, LOCATED ON THE SOUTH SIDE OF FRONTIER STREET BETWEEN MYERS BOULEVARD AND STUART BOULEVARD.**

Staff Cover Sheet Report: *Council approve the contract with Epifani Landscaping, Inc. to construct the Frontier Street Community Tree Project in accordance with the previously prepared construction documents.*

This project was initially identified by a City resident and supported by one of our council members. It is identified as a project within the City's current FY2022/2023 Capital Improvement Program. The project envisions the placement of trees along the south side of Frontier Street (within the City's right-of-way) in the Downtown Area to achieve the following objectives:

- *Improve air quality through carbon capture*
- *Reduce stormwater runoff through increased infiltration*
- *Reduce the urban heat island effect*
- *Enhance the aesthetic and natural environment*
- *Provide a welcoming gateway to assist with economic development efforts*

City staff had previously obtained Council approval for the solicitation of landscape architectural services to design a street tree theme for the south side of Frontier Street (between Myers and Stuart Boulevards) and prepare the landscape plan and irrigation plan and construction documents. This project would implement the initial phase of the City's Community Street Tree Program envisioned for the south side, center median, and north side of Frontier Street through Downtown Eloy. The anticipated construction process is anticipated to require approximately 50 work days from notice to proceed.

FISCAL IMPACT: *The funds (\$181,532) to complete the construction of the Frontier Street Community Tree Program are general funds and this project is an identified Capital Improvement Project for FY22/23.*

Mr. Vlaming gave a brief overview of the Epifani Landscaping construction documents for the Frontier Street Community Tree program. Mr. Vlaming stated that the project cost is \$181,532.

Councilmember Snyder wanted know would there be a problem with the crosswalk.

Mr. Vlaming said he spoke to Mr. Rencher about this and it should not be an issue.

Councilmember Garcia asked if there is a difference in the contract amount that Epifani submitted last year for the project.

Mr. Vlaming said no, this is the original bid amount Epifani submitted when the project was put out to bid last December. He said the contractor voluntarily honored the amount after the specified 60 day time period had expired.

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

Motion by Councilmember Snyder, seconded by Councilmember Garcia to approve a contract with Epifani Landscaping, Inc. in the amount of \$181,532 to implement the Construction Documents for the provision of landscaping and irrigation improvements for the Frontier Street Community Tree Project, located on the south side of Frontier Street between Myers Blvd. and Stuart Blvd., passed unanimously by roll call vote (6-0).

B. DISCUSSION AND DECISION ON THE CHAMBER OF COMMERCE APPLICATION FOR THE COMMUNITY OUTREACH PROGRAM FOR FISCAL YEAR 2023-2024.

Staff Cover Sheet Report: *Staff is seeking the funding amount from the Mayor and City Council for the Chamber of Commerce application for the Community Outreach Program for Fiscal Year 2023-2024.*

The Mayor and City Council fund the Community Outreach Program on an annual basis. Each year, the applicant will present to the Mayor and City Council why their organization/agencies should receive funding from the City. For Fiscal Year 2023-2024, eight (8) organizations/agencies submitted applications for \$106,000. At the April 17th meeting, the Mayor and City Council asked that the formal decision on each applicant's funding requests be moved to the April 24th regular meeting. This would allow the Mayor and City Council to approve each application individually.

Based on the Mayor and City Council's direction, the Chamber of Commerce application request for the Community Outreach Program for Fiscal Year 2023-2024 is \$46,000 with \$0 in-kind services. Staff is seeking the funding level for this applicant.

<u>Contact Name</u>	<u>Agency/Organization</u>	<u>Event/Function</u>	<u>Funding Request</u>	<u>In-Kind Services Requested</u>
Andrew Rodriguez	City Chamber of Commerce	Operating	\$46,000	\$0

FISCAL IMPACT: *For FY 23-24 \$46,000 and \$0 In-Kind Services*

Mayor Powell asked if any member of the Council had a conflict interest with this item.

Vice Mayor G. Rodriguez declared a conflict of interest. She stated for the record that the executive director, Andrew Rodriguez is her brother-in-law. Vice Mayor G. Rodriguez said she would not participate in the discussion or voting of this item.

Councilmember Snyder announced that he serves on the board, however does not receive any financial compensation or benefits.

Mr. Wright gave a very brief overview of each organization/agency funding request for FY23-24.

Mayor Powell asked the Council if there were any questions or comments.

With there being none, Mayor Powell called for a motion.

Motion by Councilmember Curtis, seconded by Councilmember Snyder to approve a funding request in the amount of \$46,000 and \$0 in-kind services for the Eloy Chamber of Commerce for FY23-24, passed with five (5) Yeas and one (1) Abstention, per the following roll call vote:

Yeas: Councilmember Snyder, Councilmember Tarango, Councilmember Garcia, Councilmember Curtis, Mayor Powell

Nays: None

Abstain: Vice Mayor G. Rodriguez

C. DISCUSSION AND DECISION ON THE SUNLAND VISITOR CENTER APPLICATION FOR THE COMMUNITY OUTREACH PROGRAM FOR FISCAL YEAR 2023-2024.

Staff Cover Sheet Report: *Staff is seeking the funding amount from the Mayor and City Council for the Sunland Visitor Center application for the Community Outreach Program for Fiscal Year 2023-2024.*

The Mayor and City Council fund the Community Outreach Program on an annual basis. Each year, the applicant will present to the Mayor and City Council why their organization/agencies should receive funding from the City. For Fiscal Year 2023-2024, eight (8) organizations/agencies submitted applications for \$106,000. At the April 17th meeting, the Mayor and City Council asked that the formal decision on each applicant's funding requests be moved to the April 24th regular meeting. This would allow the Mayor and City Council to approve each application individually.

Based on the Mayor and City Council's direction, the Sunland Visitor Center application request for the Community Outreach Program for Fiscal Year 2023-2024 is \$19,800 with \$0 in-kind services. Staff is seeking the funding level for this applicant.

<u>Contact Name</u>	<u>Agency/Organization</u>	<u>Event/Function</u>	<u>Funding Request</u>	<u>In-Kind Services Requested</u>
Andrew Rodriguez	Sunland Visitor Center	Operating and Advertising	\$19,800	\$0

FISCAL IMPACT: FY 23-24 is \$19,800 and \$0 In-Kind Services

Mayor Powell asked if any member of the Council had a conflict of interest with this item.

Vice Mayor G. Rodriguez declared a conflict of interest. She stated for the record that the chamber executive director, Andrew Rodriguez, is her brother-in-law. Vice Mayor G. Rodriguez said she would not participate in the discussion or voting of this item.

Mayor Powell asked the Council if there were any questions or comments.

Councilmember Garcia conveyed that he does not have a problem with the budget request, however has concerns with comments made at the last meeting. He said the chamber board approved the chamber executive director and office manager to “double dip” while much of the work is being done during a regular work day. Councilmember Garcia said he would support the Chamber hiring an additional person to do the work and possibly adding more funds.

Councilmember Curtis said it would be nice to hire an extra person to do the work, but doubt if the Chamber could find someone to work for the small amount of money that is available. She said she does not have an issue with chamber staff getting paid to do work for the visitor center.

Mayor Powell pointed out that it is the Chamber board who approves this. The city just provides the funding. He told Councilmember Garcia that this is something he could address to the chamber board.

With there being no further comments or questions, Mayor Powell called for a motion.

Motion by Councilmember Snyder, seconded by Councilmember Curtis to approve a funding request in the amount of \$19,800 and \$0 in-kind services for the Sunland Visitor Center for FY23-24, passed with five (5) Yeas and one (1) Abstention, per the following roll call vote:

Yeas: Mayor Powell, Councilmember Tarango, Councilmember Curtis,
Councilmember Snyder, Councilmember Garcia

Nays: None

Abstain: Vice Mayor G. Rodriguez

D. DISCUSSION AND DECISION ON THE CORAZON DE LATINOS UNIDOS APPLICATION FOR THE COMMUNITY OUTREACH PROGRAM FOR FISCAL YEAR 2023-2024.

Staff Cover Sheet Report: *Staff is seeking the funding amount from the Mayor and City Council for the Corazon De Latinos Unidos application for the Community Outreach Program for Fiscal Year 2023-2024.*

The Mayor and City Council fund the Community Outreach Program on an annual basis. Each year, the applicant will present to the Mayor and City Council why their organization/agencies should receive funding from the City. For Fiscal Year 2023-2024, eight (8) organizations/agencies submitted applications for \$106,000. At the April 17th meeting, the Mayor and City Council asked that the formal decision on each applicant's funding requests be moved to the April 24th regular meeting. This would allow the Mayor and City Council to approve each application individually.

Based on the Mayor and City Council's direction, the Corazon De Latinos Unidos application request for the Community Outreach Program for Fiscal Year 2023-2024 is \$10,000 with \$4,742.40 in-kind services. Staff is seeking the funding level for this applicant.

<u>Contact Name</u>	<u>Agency/Organization</u>	<u>Event/Function</u>	<u>Funding Request</u>	<u>In-Kind Services Requested</u>
Gracey Lopez	Corazon De Latinos Unidos	Fiestas Patrias Event	\$10,000	\$4,742.40

FISCAL IMPACT: *FY 23-24 is \$10,000 and \$4,742.40 In-Kind Services*

Mayor Powell asked if any member of the Council had a conflict interest with this item.

Councilmember Garcia announced that he serves on the board, however does not receive any financial compensation or benefits.

Councilmember Tarango announced that she is a member, however does not receive any financial compensation or benefits.

Mayor Powell clarified that the money is earmarked for entertainment purposes only.

Mr. Wright concurred with the Mayor.

Mayor Powell asked the Council if there were any further questions or comments.

With there being none, Mayor Powell called for a motion.

Motion by Councilmember Snyder, seconded by Vice Mayor G. Rodriguez to approve a funding request in the amount of \$10,000 and \$4,742.40 in-kind services for the Corazon De Latinos Unidos for FY23-24, passed unanimously by roll call vote (6-0).

E. DISCUSSION AND DECISION ON THE PINAL HISPANIC COUNCIL/VETERANS CENTER APPLICATION FOR THE COMMUNITY OUTREACH PROGRAM FOR FISCAL YEAR 2023-2024.

Staff Cover Sheet Report: *Staff is seeking the funding amount from the Mayor and City Council for the Pinal Hispanic Council/Veterans Center application for the Community Outreach Program for Fiscal Year 2023-2024.*

The Mayor and City Council fund the Community Outreach Program on an annual basis. Each year, the applicant will present to the Mayor and City Council why their organization/agencies should receive funding from the City. For Fiscal Year 2023-2024, eight (8) organizations/agencies submitted applications for \$106,000. At the April 17th meeting, the Mayor and City Council asked that the formal decision on each applicant's funding requests be moved to the April 24th regular meeting. This would allow the Mayor and City Council to approve each application individually.

Based on the Mayor and City Council's direction, the Pinal Hispanic Council/Veterans Center application request for the Community Outreach Program for Fiscal Year 2023-2024 is \$2,700 with \$1,072.04 in-kind services. Staff is seeking the funding level for this applicant.

<u>Contact Name</u>	<u>Agency/Organization</u>	<u>Event/Function</u>	<u>Funding Request</u>	<u>In-Kind Services Requested</u>
Ralph Varela	Pinal Hispanic Council/Veteran Center	Wreath Across America & Veterans Day	\$2,700	\$1,072.04

FISCAL IMPACT: *FY 23-24 is \$2,700 and \$1,072.04 In-Kind Services*

Mayor Powell asked if any member of the Council had a conflict of interest with this item.

Councilmember Garcia announced that he serves on the veterans center board, however does not receive any financial compensation or benefits.

Mayor Powell asked the Council if there were any questions or comments.

With there being none, Mayor Powell called for a motion.

Motion by Councilmember Curtis, seconded by Vice Mayor G. Rodriguez to approve a funding request in the amount of \$2,700 and \$1,072.04 in-kind services for the

Pinal Hispanic Council/Veteran Center for FY23-24, passed unanimously by roll call vote (6-0).

F. DISCUSSION AND DECISION ON THE HOPE COALITION APPLICATION FOR THE COMMUNITY OUTREACH PROGRAM FOR FISCAL YEAR 2023-2024.

Staff Cover Sheet Report: *Staff is seeking the funding amount from the Mayor and City Council for the Hope Coalition application for the Community Outreach Program for Fiscal Year 2023-2024.*

The Mayor and City Council fund the Community Outreach Program on an annual basis. Each year, the applicant will present to the Mayor and City Council why their organization/agencies should receive funding from the City. For Fiscal Year 2023-2024, eight (8) organizations/agencies submitted applications for \$106,000. At the April 17th meeting, the Mayor and City Council asked that the formal decision on each applicant's funding requests be moved to the April 24th regular meeting. This would allow the Mayor and City Council to approve each application individually.

Based on the Mayor and City Council's direction, the Hope Coalition application request for the Community Outreach Program for Fiscal Year 2023-2024 is \$5,500 with \$0 in-kind services. Staff is seeking the funding level for this applicant.

<u>Contact Name</u>	<u>Agency/Organization</u>	<u>Event/Function</u>	<u>Funding Request</u>	<u>In-Kind Services Requested</u>
Ed Brown	The Hope Coalition	Education, Food & Assistance	\$5,500	\$0

FISCAL IMPACT: *FY 23-24 is \$5,500 and \$0 In-Kind Services*

Mayor Powell asked if any member of the Council had a conflict of interest with this item.

With there being none, Mayor Powell asked the Council if there were any questions or comments.

With there being none, Mayor Powell called for a motion.

Motion by Councilmember Tarango, seconded by Councilmember Garcia to approve a funding request in the amount of \$5,500 and \$0 in-kind services for the Hope Coalition for FY23-24, passed unanimously by roll call vote (6-0).

G. DISCUSSION AND DECISION ON THE COMMUNITY ACTION HUMAN RESOURCES (CAHRA) APPLICATION FOR THE COMMUNITY OUTREACH PROGRAM FOR FISCAL YEAR 2023-2024.

Staff Cover Sheet Report: *Staff is seeking the funding amount from the Mayor and City Council for the Community Action Human Resources (CAHRA) application for the Community Outreach Program for Fiscal Year 2023-2024.*

The Mayor and City Council fund the Community Outreach Program on an annual basis. Each year, the applicant will present to the Mayor and City Council why their organization/agencies should receive funding from the City. For Fiscal Year 2023-2024, eight (8) organizations/agencies submitted applications for \$106,000. At the April 17th meeting, the Mayor and City Council asked that the formal decision on each applicant's funding requests be moved to the April 24th regular meeting. This would allow the Mayor and City Council to approve each application individually.

Based on the Mayor and City Council's direction, the Community Action Human Resource Agency (CAHRA) application request for the Community Outreach Program for Fiscal Year 2023-2024 is \$10,000 with \$0 in-kind services. Staff is seeking the funding level for this applicant.

<u>Contact Name</u>	<u>Agency/Organization</u>	<u>Event/Function</u>	<u>Funding Request</u>	<u>In-Kind Services Requested</u>
Mary Lou Rosales	Community Action Human Resource Agency-CAHRA	Utility Assistance	\$10,000	\$0

FISCAL IMPACT: *FY 23-24 is \$10,000 and \$0 In-Kind Services*

Mayor Powell asked if any member of the Council had a conflict of interest with this item.

Councilmember Garcia announced that he serves on the board of directors, however does not receive any financial compensation or benefits.

Mayor Powell asked the Council if there were any questions or comments.

With there being none, Mayor Powell called for a motion.

Motion by Councilmember Tarango, seconded by Councilmember Curtis to approve a funding request in the amount of \$10,000 and \$0 in-kind services for the Community Action Human Resources Agency (CAHRA) for FY23-24, passed unanimously by roll call vote (6-0).

H. DISCUSSION AND DECISION ON THE SPARROW CAMPAIGN APPLICATION FOR THE COMMUNITY OUTREACH PROGRAM FOR FISCAL YEAR 2023-2024.

Staff Cover Sheet Report: *Staff is seeking the funding amount from the Mayor and City Council for the Sparrow Campaign application for the Community Outreach Program for Fiscal Year 2023-2024.*

The Mayor and City Council fund the Community Outreach Program on an annual basis. Each year, the applicant will present to the Mayor and City Council why their organization/agencies should receive funding from the City. For Fiscal Year 2023-2024, eight (8) organizations/agencies submitted applications for \$106,000. At the April 17th meeting, the Mayor and City Council asked that the formal decision on each applicant's funding requests be moved to the April 24th regular meeting. This would allow the Mayor and City Council to approve each application individually.

Based on the Mayor and City Council's direction, the Sparrow Campaign application request for the Community Outreach Program for Fiscal Year 2023-2024 is \$2,000 with \$1,199.04 in-kind services. Staff is seeking the funding level for this applicant.

<u>Contact Name</u>	<u>Agency/Organization</u>	<u>Event/Function</u>	<u>Funding Request</u>	<u>In-Kind Services Requested</u>
Violet Maestas	The Sparrow Campaign	Walk & 5K Run/Walk	\$2,000	\$1,199.04

FISCAL IMPACT: *FY 23-24 is \$2,000 and \$1,199.04 In-Kind Services*

Mayor Powell asked if any member of the Council had a conflict of interest with this item.

Councilmember Garcia announced that he serves on the board, however does not received any financial compensation or benefits.

Mayor Powell asked the Council if there were any questions or comments.

With there being none, Mayor Powell called for a motion.

Motion by Vice Mayor G. Rodriguez, seconded by Councilmember Tarango to approve a funding request in the amount of \$2,000 and \$1,199.04 in-kind services for the Sparrow Campaign for FY23-24, passed unanimously by roll call vote (6-0).

I. DISCUSSION AND DECISION ON THE PINAL ALLIANCE FOR ECONOMIC GROWTH APPLICATION FOR THE COMMUNITY OUTREACH PROGRAM FOR FISCAL YEAR 2023-2024.

Staff Cover Sheet Report: *Staff is seeking the funding amount from the Mayor and City Council for the Pinal Alliance for Economic Growth application for the Community Outreach Program for Fiscal Year 2023-2024.*

The Mayor and City Council fund the Community Outreach Program on an annual basis. Each year, the applicant will present to the Mayor and City Council why their organization/agencies should receive funding from the City. For Fiscal Year 2023-2024, eight (8) organizations/agencies submitted applications for \$106,000. At the April 17th meeting, the Mayor and City Council asked that the formal decision on each applicant's funding requests be moved to the April 24th regular meeting. This would allow the Mayor and City Council to approve each application individually.

Based on the Mayor and City Council's direction, the Pinal Alliance for Economic Growth application request for the Community Outreach Program for Fiscal Year 2023-2024 is \$10,000 with \$0 in-kind services. Staff is seeking the funding level for this applicant.

<u>Contact Name</u>	<u>Agency/Organization</u>	<u>Event/Function</u>	<u>Funding Request</u>	<u>In-Kind Services Requested</u>
Patty King	Pinal Alliance for Economic Growth	Regional Economic Development	\$10,000	\$0

FISCAL IMPACT: FY 23-24 is \$10,000 and \$0 In-Kind Services

Mayor Powell asked if any member of the Council had a conflict of interest with this item.

Councilmember Snyder announced that he serves on the board of directors, however does not receive any financial compensation or benefits.

Mayor Powell asked the Council if there were any questions or comments.

With there being none, Mayor Powell called for a motion.

Motion by Councilmember Garcia, seconded by Councilmember Curtis to approve a funding request for \$10,000 and \$0 in-kind services for the Pinal Alliance for Economic Growth for FY23-24, passed unanimously (6-0).

J. DISCUSSION AND POSSIBLE ACTION TO CHOOSE ONE OF THE THREE (3) PROPOSED ALTERNATIVES TO PROVIDE ANIMAL CARE AND CONTROL SERVICES WITHIN THE CORPORATE LIMITS OF ELOY.

Staff Cover Sheet Report: *The City Council is to consider and choose one of the three (3) proposed alternatives to provide animal care and control services within the corporate limits of Eloy and give direction to staff on funding allocation.*

On March 20th City Council Work Session on Animal Care and Control, staff presented three (3) alternatives to address the management and operations of animal care and control in Eloy. Staff was directed to evaluate the alternatives and the costs

for City Council review and consideration. The three alternatives are presented below:

Alternative 1

- *Utilize City-employed Animal Control Officers and operate a City-owned Animal Shelter*
- *Provides full-time, city-employed staff for animal control enforcement and animal shelter services.*

City-owned and controlled animal operations and shelter facilities would cost approximately \$1.4 – 1.5 million dollars. This will require a new animal shelter facility to be built to meet national standards. The fiscal impact is significant for a newly constructed animal shelter large enough to adopt a no-kill policy. It would require the hiring of five to six full-time employees to provide full services at the facility, including an in-house vet, and a minimum of two trucks used by animal control officers. The trucks will also require to be fitted with special equipment for carrying animals. Operation costs will include but are not limited to, office supplies, uniforms, animal containment fees, animal medical fees, telecommunications costs, gas, maintenance of vehicles, etc.

Alternative 2

- *Utilize City-employed Animal Control Officers (ACOs) and Contract for Shelter Services with Pinal County Animal Care and Control*
- *Provides full-time, city-employed animal control officers for field services and gives local control to scheduling, enforcement priorities, resource allocation, etc. while utilizing Pinal County Animal Care and Control's no-kill shelter for a fee.*

This is a mixed approach in that the city-employed animal control officers and enforcement bring services in-house and contract with Pinal County Animal Care and Control (PCACC) for animal shelter services. Given the general workload, the city will need to hire two animal control officers, with one of those officers in a supervisory role. The fiscal impact is approximately \$320,774 (1st year); \$138,000 for personnel, \$38,253 for the operations budget, and \$19,780 for shelter contract fees. For comparison, in the fiscal year 2020 -2021, the city budgeted \$198,920 for animal control.

Under Alternative 2, PCACC will not be able to provide after-hours access/ or services to Eloy animal control officers and intends to cap total impounds to 30 stray animals if we hire our own ACOs. Any animals after that pre-allotted number will be subject to increased impound costs.

Alternative 3

- *Status Quo – continue the contract with Pinal County Animal Care and Control, or renegotiate the existing contract to provide increased services (e.g. two additional animal control officers)*
- *Maintains and continues existing services, with the option to negotiate additional services for additional costs.*

Currently, the City of Eloy has an Intergovernmental Agreement (IGA) with Pinal County Animal Care and Control (PCACC), to provide animal care and control services within the corporate limits of Eloy. The IGA will expire on June 30, 2023.

- *If the City of Eloy wants to hire officers from the County that are solely dedicated to the City of Eloy and do not run traffic outside of Eloy, the cost would be approximately \$75,000 per officer per year. This flat rate does include the use of county vehicles and gas.*
- *However, PCACC mentioned, it is not equitable or feasible to require two officers to work evenings and weekends.*
- *\$75,000 / yr. for the IGA with PCAC provides one (1) full-time animal control officer dedicated to providing service within the City limits of Eloy.*
- *PCACC also mentioned that County shelter services will see an increase in fees and will be included in the IGA if renewed.*
- *PCACC employees will also receive a raise effective in two weeks.*

OUTREACH

Public outreach and educational efforts must be an integral part of animal care and control policy. Animal control is a people problem and not animals. PSAs through social media and information on the City's website must be made available continuously. Along with public outreach, prevention, and enforcement must also be carried out to the extent permissible by law to hold offenders accountable, levy fines, microchip, spay, and neuter animals to control and reduce stray animals. The City will also continue to partner with PCACC to help fund additional spay/neuter vouchers for distribution in Eloy, mobile clinic visits to Eloy, and other outreach efforts identified with the help of PCACC.

FISCAL IMPACT: *Fiscal impact is dependent on the selected alternative voted on by a majority of the council. The Police Department budget, through the use of funds within the General Fund, will continue to support animal control efforts in Eloy.*

Mr. Haque presented the Council and the public with a PowerPoint presentation for animal control services in the city. Mr. Haque presented three (3) alternatives with cost estimates for the Council to consider.

Mr. Haque, Mr. Malewitz and Captain Brian Jerome, fielded the following questions and comments from the Council about the three alternatives:

- Hourly rate for the two officers who would be dedicated to the city;
- If additional funding is provided to PCACC for two officers, would the city have input in how the officers' hours are utilized (staggered schedules, weekends, after hours);
- Where would officers be housed;
- Maximum number of animals the city could impound at the PCACC per month;
- Annual cost to the city after the first year if Alternative 1 is selected;
- Concerns with transferring the animal control problem from the county to the city, when the city does not have the resources nor the ability to provide the service;
- Would the county consider providing after hours and weekend coverage;
- Future expansion of the PCACC facility (approximately 2,000 sq. feet);
- Concerned unbudgeted costs could take away from other committed city projects;
- Possible difficulty hiring and retaining officer(s)

Mayor Powell said he supports Alternative 2 and 3, however is concerned about the ongoing costs.

Councilmember Curtis said Council can revisit this after a year to assess how it is working for the community.

Councilmember Tarango wanted it known that there are other cities in Pinal County that provides animal control services in their communities and are facing just as many problems that Eloy is dealing with. She said it was her impression from listening to the director (Audra) and her direct report at the work session that hours would be from 8am to 5pm, Monday through Friday, and no evening or weekend hours (with the exception of emergency call outs). Councilmember Tarango said Alternative 1 is her preference, however, she would support Alternative 2.

Captain Jerome conveyed that if Council choose Alternative 3, there is the chance the contract can be rewritten to have the two officers strictly dedicated to Eloy. Once the people are identified and in place, he said there could be an employee who prefers to work evening and weekends. Captain Jerome said staff could have a discussion with Audra and the director about this, depending on who the employees are and when they are in place.

Councilmember Curtis asked Captain Jerome if the Council choose Alternative 2, as written, would it provide the city with evening and weekend coverage.

Captain Jerome stated that under Alternative 2, Chief Vasquez would control the scheduling, however, attracting and retaining employees would probably be an issue.

He said the city overall and the county are experiencing the same challenges in finding people to hire.

Councilmember Curtis asked Captain Jerome for the police department's recommendation.

Captain Jerome conveyed that at this point and from his discussions with Chief Vasquez, he believes Alternative 3 would be the consensus of the department, with the understanding that the department would be working actively with Pinal County to improve the existing services and to work towards better access to modified hours.

Mayor Powell said the city could put money aside to possibly fund Alternative 2 in two to three years.

Vice Mayor G. Rodriguez wanted to clarify that Alternative 2 has a cap of 30 animals per month and Alternative 3 has no cap.

Mayor Powell said this is correct.

Captain Jerome said it was his understanding that the cap would be for Eloy and any other city that contracted or hired its own animal control officers. But, if contracting with Pinal County, there would not be a cap, unless the facility is almost at capacity, at which time their enforcement priorities would probably go in affect (i.e., impounding a vicious dog versus a stray dog).

Vice Mayor G. Rodriguez stressed the importance of having evening and weekend coverage.

Captain Jerome stated that he understands the Council's concerns, but wanted to let them know that even with the city hiring two officers, there are going to be times when there is no animal control. The department cannot staff 24 hours a day, seven days a week. He said this is just the reality of having only two employees working 160 hours a week between the two of them, even if the shifts are staggered.

Mr. Malewitz conveyed that at the beginning of Mr. Haque's presentation he mentioned the city has a people problem; people who don't take care of their animals. He said with any one of the alternatives, the city would be working more closely with county animal control to step up efforts for community education and community involvement. Mr. Malewitz said there are numerous avenues the city can take to do better in-house and working with PCACC to help residents do better and be better neighbors to help take care of the animals running around and getting them back to their respective owners.

Councilmember Tarango wanted to know if the Council selects Alternative 3, who would be the contact person at the city if the city expends money on providing more

vouchers for spay/neuter and fencing program. Councilmember Tarango said she would like citations to be written to city court to have more control. She said it is important to have a contact person who will work with the community on vouchers and the fencing program.

Mr. Haque said the first step is for Council to decide which alternative they want. He said everything that staff has heard from Council tonight will take time. Mr. Haque suggested forming a small ad-hoc group who would take responsibility to address some of issues. He said it could take up to 6 months before staff gets the public service announcements (PSA) going, changing court venue, etc. Mr. Haque conveyed that if this is the direction of the Council, staff can do this, but resources are needed.

Councilmember Tarango said the city code needs to be stricter/strengthened, and animal control needs to make sure they are enforcing the code. She said if someone is going to own an animal, they must be a responsible owner or risk receiving a citation.

Councilmember Garcia inquired about funds to pay for the services. He suggested using the proposed 1% reduction in restaurant and bar sales tax that is up for discussion on Monday for animal control. He also suggested creating a pet owner responsibility school, which is similar to driving school for repeat offenders. He said New Mexico has this program. Councilmember Garcia said the money received from the school can go to animal control. He pointed out that the city cannot keep revisiting this issue every time the contract is due to expire and have the same conversation.

Councilmember Snyder said Alternative 3 is the most logical option at this time. He said the city is not financially prepared at this time to choose Alternative 1 or 2. Councilmember Snyder also pointed out that the existing contract with PCACC expires in June, so there is a time component to this.

Mayor Powell stated that Alternative 3 can be a temporary fix to give the city time to put aside money for Alternative 1 or 2 in a few years.

Mr. Haque asked the Council about funding resources since this is an unbudgeted item.

Mr. Malewitz conveyed that staff will find the funding source.

With there being no further questions or comments, Mayor Powell called for direction from the Council.

Motion by Councilmember Curtis, seconded by Councilmember Snyder to select Alternate 3; add two officers; and work toward the concerns outlined by Councilmember Tarango, passed 5-1 by the following roll call vote:

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

Nays: Councilmember Tarango

Mayor Powell conveyed that Council can bring this matter back for discussion in a year.

K. DIRECTION FROM CITY COUNCIL TO CITY STAFF ON HOW THE VACANCY OF COUNCILMEMBER GEORGES REUTER'S SEAT WILL BE FILLED BY THE CITY COUNCIL AND POSSIBLE APPOINTMENT OF CITY COUNCILMEMBER EFFECTIVE JUNE 1, 2023.

Mayor Powell announced that Council would go into executive session for consultation and legal advice, then reconvene to address the item.

IX. EXECUTIVE SESSION

Motion by Mayor Powell, seconded by Councilmember Garcia to hold an executive session at approximately 7:45 pm. for approximately 20 minutes with the City Attorney, City Manager and City Clerk (transcribing) for:

B. Discussion or consultation with City Manager, City Staff, City Attorney of the public body for legal advice on possible vacancy on City Council, pursuant to A.R.S. § 38-431.03 (A) (3).

Motion passed unanimously (6-0).

Mayor Powell reconvened the public meeting at approximately 8:08 pm.

VIII. BUSINESS (Continued)

K. DIRECTION FROM CITY COUNCIL TO CITY STAFF ON HOW THE VACANCY OF COUNCILMEMBER GEORGES REUTER'S SEAT WILL BE FILLED BY THE CITY COUNCIL AND POSSIBLE APPOINTMENT OF CITY COUNCILMEMBER EFFECTIVE JUNE 1, 2023.

Staff Cover Sheet Report: *The City Clerk has declared a vacancy on the City Council, effective May 31, 2023 due to Councilmember Georges Reuter's April 3, 2023 announcement of his resignation effective May 31, 2023.*

The City Council has directed a discussion to determine how to fill this Council seat effective May 31, 2023. The Council has several options available to them:

The current City Council can direct City Staff to advertise a vacancy in office effective May 31, 2023, and have the Council members appointed at a future Council meeting.

Historically, the City Council has directed the City Clerk to post a notice of vacancy and seek statements of interest from eligible City electors. election even though he did receive a majority of the votes at the primary election. Councilmember Reuter did not have the third highest vote total for the three (3) council seats which were up for election. Also, the City

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.

A motion was made by Mayor Powell and seconded by Councilmember Snyder to direct staff to place Councilmember Reuter's resignation on the May 8, 2023 Council agenda for acceptance, with an effective date, and direct the City Clerk to advertise a vacancy in office, setting a length of time for advertising, and selecting a meeting date to fill the vacancy.

Motion passed unanimously (6-0).

IX. EXECUTIVE SESSION

Mayor Powell announced that due to the late night, the performance evaluation of Mr. Cooper (IX-C) would be moved to the May 8th meeting. However, the Council would go into executive session for agenda item IX-A.

A motion was made by Mayor Powell and seconded by Councilmember Garcia to have an executive session at approximately 8:14 p.m., for approximately one (1) hour with the Community Development Director, City Attorney, City Manager and City Clerk (transcribing) for:

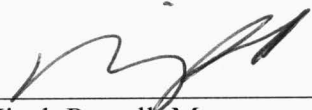
- A. Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation concerning Savion, L.L.C., pursuant to A.R.S. § 38-431.03 (A) (3) and (4).*

Motion passed unanimously (6-0).

Mayor Powell reconvened the public meeting at approximately 9:14 p.m.

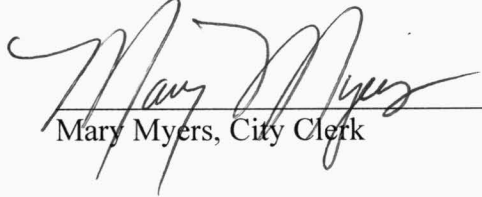
X. ADJOURNMENT

There being no further business, Mayor Powell adjourned the meeting at approximately 9:14 p.m.



Micah Powell, Mayor

ATTEST:



Mary Myers, City Clerk