

**MINUTES OF THE REGULAR MEETING OF
THE ELOY CITY COUNCIL
CITY OF ELOY
595 NORTH C STREET
FEBRUARY 26, 2024
6:00 P.M.**

Staff Present: David Malewitz-City Manager, Mackenzie Letcher-Assistant City Manager, Stephen R. Cooper-City Attorney, Mary Myers-City Clerk, Sylvia Payne-HR Director; Brian Wright-Finance Director, Paul Anchondo-Community Services Director, Dan Symer-Community Development Director, Matt Rencher-Public Works Director/City Engineer, Byron Gwaltney-Acting Police Chief

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 Sara Curtis, Councilmember Andy Sutton, Councilmember Dan Snyder, Councilmember Jose Garcia, Councilmember Sylvia G. Rodriguez, Councilmember Michelle McKinley-Tarango

Council Members Absent: None

III. INVOCATION

Tonight's invocation was given by Pastor Leo Holt.

IV. PLEDGE OF ALLEGIANCE

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

V. PUBLIC APPEARANCES

A. Scheduled

B. Unscheduled

Mike Huffman – 8047 W. Rushmore Way (Sgt w/Eloy Police dept)

Sgt. Huffman read a statement about inadequate pay for all employees in the police department, and claimed the department is losing officers because of this. He also spoke about his and others disappointment with the city to go outside the department to hire a police chief. Sgt. Huffman praised Acting Chief Gwaltney for his dedication and leadership to the department since assuming the position.

VI. REPORTS AND ANNOUNCEMENTS

A. Council Member Announcements

1. Councilmember Sutton had the following announcements:

- Thanked the SOT organization from Robson Ranch for recently helping the family of a local veteran who recently passed with funeral expenses.
- Thanked Council and members of the public who volunteered on Saturday with the food giveaway. Almost 500 families received food boxes.

Councilmember G. Rodriguez gave thanks to Sally from Sally's Gift Shop and Stephanie Blanco, who coordinated the event.

2. Councilmember Tarango conveyed that it has been a year since the Council last discussed animal control, and agreed to revisit the topic in a year. She would like to have this as a future agenda item.

Mr. Malewitz made note of Councilmember Tarango's request.

B. Mayor Announcements

Mayor Powell had the following announcements:

- He was a panelist along with other mayors at this month's Pinal Partnership breakfast.
- The groundbreaking ceremony for the Exceptional Community Hospital was held last Friday. He said the community is very excited about the project.
- He gave his last State of the City address today at Robson Ranch. A video of the speech will be available on the city's website for public viewing tomorrow.

C. City Manager Announcements

Mr. Malewitz had no announcements.

VII. CONSENT AGENDA

A. Approval of Minutes: 2/12/2024 (regular)

- B. Adoption of Resolution No. 24-1568 approving a Conditional Use Permit for a proposed restaurant, with drive through located at 3910 West Shedd Road, Eloy, AZ 85131 (Pinal County Assessor's parcel number (APN#) 404-02-0090). The application, CUP2023-038, Project Name: Filiberto's Drive-Thru Window, was submitted by Architecture All & Associates on behalf of Martha Rios. The restaurant with drive through use is allowed in the General Commercial District (C-2) zoning district with the approval of a Conditional Use Permit.
- C. Consideration of approval to accept the proposal from Ellison-Mills Construction, LLC through a Cooperative Purchasing Agreement with the City of Casa Grande for the removal and replacement of a 12-inch water valve at a cost not to exceed \$55,000 plus any applicable taxes and authorizing the Mayor to execute the necessary contract documents.

The Council had no corrections or comments in regards to the agenda items.

A motion was made by Councilmember Snyder, and seconded by Councilmember Garcia to approve the Consent Agenda as presented, passed unanimously by roll call vote (7-0).

VIII. BUSINESS

- A. CITY COUNCIL TO CONSIDER THE ADOPTION OF ORDINANCE NO. 24-956 ORDERING A BALLOT PROPOSITION BE INCLUDED ON THE PRIMARY ELECTION TO BE HELD ON JULY 30, 2024, AT WHICH ELECTION THERE SHALL BE SUBMITTED TO THE VOTERS OF THE CITY OF ELOY THE QUESTION OF WHETHER OR NOT THE OFFICE OF MAYOR OF ELOY SHALL SERVE FOR A TERM OF OFFICE OF FOUR (4) YEARS INSTEAD OF THE CURRENT TERM OF OFFICE TWO (2) YEARS TO BE DECIDED BY THE VOTERS.**

Staff Cover Sheet Report: *Staff presents Ordinance No. 24-956, for Council consideration, changing the term for the office of mayor from two years to four years, effective November 2026.*

Since the city's incorporation in 1947, appointment of a Mayor has always been selected by the sitting Council, who would serve a term of two years. The appointed member would serve as Mayor until the newly elected Council is seated and votes to reappoint or select another member of the Council to serve for two years. In 1992, the question of directly electing a Mayor who would serve a term of two years was presented to the voters of Eloy. Voters approved the proposition and the first mayor was elected in 1994. General law cities and towns have the option of directly electing their mayor. The mayor may be directly elected if such an option is first approved by the voters of the city or town. At the election, the term of the mayor is designated as 2 years or 4 years.

According to a 2006 survey of municipal governments by the International City/County Management Association (ICMA), the most common mayoral term length is four years. The table below indicates the percentage of cities that apply different term lengths for the position of mayor.

<i>Length of Term</i>	<i>Percentage Reporting</i>
<i>1 year</i>	<i>14%</i>
<i>2 years</i>	<i>35%</i>
<i>3 years</i>	<i>6%</i>
<i>4 years</i>	<i>45%</i>
<i>Other</i>	<i>1%</i>

At the request of Mayor Powell and Vice Mayor Curtis, the proposed ordinance is on tonight's agenda for Council to consider for adoption that would change the term limit for the office of Mayor from a two-year term to a four-year, starting November 2026, when the newly elected Council is seated. If approved by the Council, the question to change the term date would be placed on the July 30, 2024, primary election ballot to be voted on by the qualified electors of Eloy. If approved, the four-year term would become effective in the 2026 election year, when the newly elected Council is seated on November 23, 2026. If the question fails, the term for the office of Mayor would remain at two-years.

FISCAL IMPACT: *There is no fiscal impact to the city.*

Mr. Cooper gave a brief overview of the proposed ordinance that would amend the term for the office of mayor from two years to four years. If approved, the question to extend the term would be placed on the July 30th primary election ballot for voters to decide. If voter approved, the new term of four years would take effect November 2026. Mr. Cooper said a no vote would keep the term at two years.

Mayor Powell said the ordinance does not address term limits. There has been some discussion among some members of Council to have term limits for all council seats.

Mr. Cooper said term limits for mayor or any other office was not addressed in the ordinance. If Council want to consider term limits, staff would come back with a separate ordinance. Mr. Cooper also cited the short time staff would have to get the question on the ballot.

Vice Mayor Curtis wanted to discuss the term limits tonight or before the next regular meeting to determine if it would also go on the primary ballot.

Mr. Cooper said Council could not discuss term limits tonight because the only item on tonight's agenda is increasing the term for mayor.

Mayor Powell suggested tabling the ordinance to the next meeting.

Mr. Cooper expressed concerns about the inability to get the ordinance over to the county elections department in enough time to be placed on the ballot if tabled. He recommended Council consider adopting tonight's ordinance, and have staff come back with an ordinance addressing term limits for mayor and council.

Councilmembers Snyder, G. Rodriguez, and Sutton all supported increasing the term of mayor, but was not in support of term limits. They believed that it should be up to voters to decide how long they want someone to serve in office. The councilmembers supported term limits for boards and commissions, since appointments are made by the Council.

Councilmember Garcia did not support increasing the term for mayor to four years. He believed that it would not be in the best interest of the city.

Mayor Powell supported increasing the term. He said with a two year term, the person only has one year to be mayor before having to gear up for another election in his/her second year of serving, and so forth. Increasing the term to four years gives the person some stability to actually serve as mayor before having to run again. Mayor Powell said in the first year of office, the person is just getting to know the position.

Councilmember Snyder said the Council should also consider the staff. City staff and the Council are doing more long term planning. The question of whether the city would have the same mayor could impede the work that has been started.

Vice Mayor Curtis also supported the four year term increase. She reiterated some of the comments made by Mayor Powell and Councilmember Snyder. Councilmember Curtis conveyed that she also supports term limits for elected officials.

With there being no further questions or comments, Mayor Powell called for a motion to read the ordinance by title.

A motion was made by Councilmember Garcia, seconded by Councilmember Tarango to read Ordinance No. 24-956 by title only, passed unanimously (7-0).

The city clerk read the ordinance title into the record.

Mayor Powell called for a motion.

Motion by Councilmember Snyder, seconded by Councilmember Sutton to adopt Ordinance No. 24-956 as presented, passed 6-1 by the following roll call votes:

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

Nays: Councilmember Garcia

B. AUTHORIZATION OF THE CITY COUNCIL TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH PUBLIC SECTOR SEARCH & CONSULTING FOR AN AMOUNT NOT TO EXCEED \$50,000 FOR THE SERVICES OF AN EXECUTIVE SEARCH FIRM TO PERFORM A COMPREHENSIVE SEARCH FOR CANDIDATES FOR THE NEXT CHIEF OF POLICE FOR THE CITY OF ELOY.

Staff Cover Sheet Report: *City staff recommends approval by the city council to enter into a professional services agreement with Public Sector Search & Consulting for an amount not to exceed \$50,000 for the services of an executive search firm to perform a comprehensive search for candidates for the next Chief of Police for the City of Eloy.*

On August 31, 2023, the Chief of Police, Chris Vasquez, officially retired from service with the City of Eloy after serving six years. Recognizing the critical nature of filling this vital role, a recommendation is being made to the city council to enter into an agreement for the services of an executive search firm to ensure a comprehensive search for the most qualified candidate for the next Chief of Police. Additionally, this process will not preclude the current Acting Chief or any other internal applicant within the Police Department from being a candidate. The timeline to complete this process has been considered, and external search firms have the resources and expertise to conduct a thorough and efficient search process, saving time and resources for the city. They can streamline the recruitment process, from candidate sourcing and screening to final selection, expediting the hiring timeline. Specialized search firms fully understand the unique requirements and challenges of law enforcement leadership positions while providing an objective and unbiased assessment of candidates, helping to mitigate any unconscious bias in the selection process. This ensures that we focus solely on the qualifications and merits of each candidate, promoting fairness and equity in hiring decisions.

The Human Resources Department has contacted several reputable executive search firms specializing in law enforcement leadership roles, asking for proposals and pricing quotes. The city received one formal quote and one informal price list for recruitment services for the Police Chief position. Public Sector Search & Consulting provided the lowest project cost among the executive search firms contacted and is the only firm in the country that performs sole recruitment for police executives. Recruiters within the firm are former police chiefs with expertise in contemporary policing and recruiting. As a result, it is recommended that the city enter into an agreement with Public Sector Search & Consulting at a cost that does not exceed \$50,000. Their professional base service fee is \$30,000, and additional search-

related expenses are outlined on page 10 of their proposal. Services provided in the scope of work include Key Personnel Interviews, Community Forums & Focus Groups, Online Department Surveys, Community Surveys, Profile and Brochures, Advertising Campaigns and Outreach, Review of Internal Candidates, Screening Candidates, Background Investigations, assistance with selection and finalist process. Recommending the executive search firm without having completed a formal request for proposal and bid acceptance process adheres to the City of Eloy Purchasing Policy, Section 2-136 Expenditure Requests. The executive search firm is a professional service that provides legal services, negotiates salary and benefits, and performs background checks on prospective employees

FISCAL IMPACT: *Not to exceed \$50,000 for professional service fees, search-related expenses as listed in the proposal, and police executive background investigation. Funds for this service were not budgeted for in the FY2023-2024 budget, so the cost for services will be expended from the contingency fund.*

Mr. Malewitz reviewed the proposed services agreement with Public Sector Search & Consulting, who would provide professional services in the recruitment of a police chief for the city.

Mr. Malewitz conveyed that there was some concerns about the cost (up to \$50,000). He said if Council decides not to do this, the recruitment process can be performed in-house. However, cautioned that the city would not be getting the expertise that it would receive with this executive search firm. Mr. Malewitz added that the city would also have to seek the assistance of a consultant to help with some of the process if done in-house.

Councilmember Snyder asked was Acting Chief Gwaltney made aware that the position would be going out for recruitment when he was appointed to the position.

Mr. Malewitz said no because he was not consulted by former police chief Chris Vasquez that Captain Gwaltney would be appointed as the interim. He was told that Captain Gwaltney was going to be interim chief. Mr. Malewitz said he could have stopped the appointment, but Captain Gwaltney was okay with the temporary appointment as well as the department staff.

Vice Mayor Curtis conveyed that it's important to have the process to be above board, however, she has heard nothing but positives about Acting Chief Gwaltney from some of the staff. She's been told that he is doing a great job with the department, has an excellent reputation, and the department is lucky to have him. She believed that \$50,000 was rather a steep price, and wanted to know more about the other alternative to hiring the firm.

Mr. Malewitz explained that the other alternative would help more in the administrative functions. He and Mrs. Payne do not have the experience or internal resources to properly perform the recruiting process for this type of position.

Mayor Powell allowed public comments to be made at this time.

Bill Wisnewski (police volunteer), 5445 Coral Drive, Eloy

Mr. Wisnewski supported the city hiring Acting Chief Gwaltney as the police chief. He said the department is happy with the job that is being done, and spending \$50,000 is a waste of the city's money that could be used elsewhere.

Councilmember G. Rodriguez agreed that \$50,000 is a bit much. She pointed out that Mrs. Payne has worked for the city a number of years and have gone through the process of hiring a chief of police in the past. She said Mrs. Payne was selling herself short on being capable of doing the job in-house.

Mr. Malewitz reminded the Council that the base fee is \$30,000, plus search related expenses not to exceed \$6,000. He put in the \$50,000 as a place holder to cover any additional charges that may occur without having to come back to Council to ask for additional money.

Councilmember Garcia wanted to know how much did the city spend when the former police chief was hired.

Mrs. Payne came forward to explain the process the consulting firm the city hired for its last police chief recruitment. She said Public Sector Search & Consulting firm specializes in police executive searches only. The firm's staff is made up of retired police chiefs who know what to look for in a candidate. She pointed out that this firm is willing to do this at half the cost of what the city paid last time, and complete the process in three months.

Councilmember Garcia wanted to know would the city be required to pay the \$30,000 if the city does not hire one of the company's candidate.

Mrs. Payne was not sure.

It was at this time Mr. Gary Peterson from Public Sector Search & Consulting was contacted via telephone conference. Mr. Peterson provided the Council with an in depth explanation of the services his company would perform in the recruitment process for the city. He fielded questions from the Council regarding the process.

Councilmember G. Rodriguez said she has heard people tell the Council what is best for the community. The city has hired many consultants to tell them what is best for the community, but believes the Council knows the community, not the consultants.

She asserted that this a human resource process that can be achieved with some assistance.

Mayor Powell asked Mr. Malewitz how much would it cost to do the search internally.

Mr. Malewitz was not sure. He said if it exceeds \$20,000 he would have to come before Council for approval to spend over that amount.

Councilmember Snyder said if this is done internally, he is concerned about the process extending out a long time. It's been six months waiting; this needs to be resolved quickly.

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

A motion was made by Councilmember Garcia, seconded by Councilmember Tarango to authorize entering into a professional services agreement with Public Sector Search & Consulting for an amount not to exceed \$50,000 for the services of an executive search firm to perform a comprehensive search for candidates for the next Chief of Police for the City of Eloy, passed 5-2 by the following roll call votes:

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

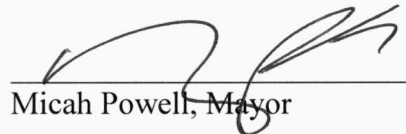
Nays: Vice Mayor Curtis, Councilmember G. Rodriguez

IX. EXECUTIVE SESSION

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

X. ADJOURNMENT

There being no further business, Mayor Powell adjourned the meeting at approximately 7:14 p.m.



Micah Powell, Mayor

ATTEST:


Mary Myers, City Clerk