

**MINUTES OF THE REGULAR MEETING OF
THE ELOY CITY COUNCIL
CITY OF ELOY
628 NORTH MAIN STREET
SEPTEMBER 12, 2016
6:00 P.M.**

Staff Present: Harvey Krauss-City Manager; Stephen R. Cooper-City Attorney; Mary Myers-City Clerk; Brian Wright-Finance Director; Ken Martin-City Engineer/Public Works Director; Rus Ketcham-Library Director; Paul Anchondo-Parks and Recreation Director; Jon Vlaming-Community Development Director; Bill Pitman-Police Chief; Sylvia Payne-HR Director

I. CALL TO ORDER

Mayor Belloc called the meeting to order at approximately 6:00 p.m.

II. INVOCATION

Invocation was given by Councilmember Tidwell.

III. PLEDGE OF ALLEGIANCE

Mayor Belloc led Council and the public in the Pledge of Allegiance.

IV. ROLL CALL

Council Members Present: Councilmember JoAnne Galindo; Councilmember Andrew Rodriguez; Councilmember Augustine Saucedo; Mayor Joel Belloc; Vice Mayor Micah Powell; Councilmember J.R. Nagy; Councilmember J.W. Tidwell

Council Members Absent: None

V. COMMUNICATIONS

- Mayor Belloc thanked the public for all the prayers and well wishes to him and his family during his recent hospitalization;

- Mayor Belloc congratulated candidates who were elected at the primary election to serve on the Council. He stated all seats up for election were won outright in the primary and that the city will have no candidates on the November ballot. He encouraged those candidates who did not win to run again in 2018 and to continue serving their community.
- The City Clerk read a proclamation entitled, "Hunger Awareness Month."
- Mr. Krauss reminded Council and the public the annual Fiestas this Friday and Saturday at Main Street Park. The city is co-sponsoring the event.

VI. APPEARANCES FROM THE FLOOR

Mrs. Dorothy Erdman, Eloy resident, thanked Council and staff for the reconstruction of Battaglia Road, Shedd Road, Main Street and 11th Street. She said the roads are beautiful. She's lived in Eloy since 1973 and is delighted to be a member of the community.

VII. EXECUTIVE SESSION

Mayor Belloc moved Executive Session before agenda item IX-P.

VIII. CONSENT AGENDA

<u>Agenda Item</u>	<u>Subject</u>
IX-A.	Approval of Minutes: 8/22/16 (regular)
IX-B.	Adoption of Resolution No.: 16-1396, declaring and adopting the results of the Primary Election held on August 30, 2016.
IX-C.	Request for in-kind services from the City of Eloy to support the annual Tip Over the Shelves 5K on October 8, 2016 Benefiting the Santa Cruz Valley Food Pantry and the Veterans Center Food Pantry.
IX-D.	Authorize the purchase of materials and supplies required for the Streets Division of Public Works to continue the dust mitigation, chip seal program on roads in the Toltec Neighborhood.
IX-E.	Recommendation to the Arizona Department of Liquor License and Control (ADLLC) to issue a Series 15, Special Event Liquor License to Saint Helen of the Cross Roman Catholic Church, located at 205 W. 8th Street, Eloy Arizona, for a fund raising event on October 21, 2016.
IX-F.	Recommendation to the Arizona Department of Liquor License and Control (ADLLC) to issue a Series 15, Special Event Liquor License to Saint Helen of the Cross Roman Catholic Church, located at 205 W. 8th Street, Eloy Arizona, for a fund raising event on November 5 and 6, 2016.

- IX-G. Request for a Minor General Plan Amendment on approximately 5.08 acres changing from Community Commercial to 5.08 acres of Medium Density Residential located at the southeast corner of W. Battaglia Road and N. Eleven Mile Corner Road (Assessor's Parcel Number: 405-05-131D in a portion of Section 6, T8S, R8E of the G&SRB&M, Pinal County, Arizona).
- IX-H. Request for a Minor General Plan Amendment on approximately 3.47 acres changing 2.47 ± acres from Community Commercial to Medium Density Residential and 1.00 ± acre of High Density Residential located at the northwest corner of W. Frontier Street and N. Jefferson Street (Assessor's Parcel Numbers: 405-05-212, 405-05-213 and 405-05-214 in a portion of Section 6, T8S, R8E of the G&SRB&M, Pinal County, Arizona).
- IX-I. Reappointment of Natasha Tidwell as a regular member of the Board of Adjustment for a three-year term, with the term of appointment expiring on September 1, 2019.
- IX-J. Request for in-kind services from the City of Eloy to support the Eloy Fiestas Patrias 2016 which will be held September 16 and 17, 2016.
- IX-K. Authorize the City of Eloy to join the City of Tucson Cooperative Purchasing Agreement as a purchasing partner.
- IX-L. Public Works staff recommends that the City of Eloy contract with Hark General Contracting for the Air Quality and Remodeling Projects in the City Hall Complex.
- IX-M. Request to declare surplus Police Department vehicles no longer suitable for use and authorize their sale at a public auction.
- IX-N. Request to purchase one (1) 2017 Ford Explorer Utility SSV Police Vehicle for patrol use from State of Arizona contract through Peoria Ford at a cost not to exceed \$44,000.00.

Motion by Vice Mayor Powell, seconded by Councilmember Tidwell to approve the Consent Agenda as presented, passed unanimously by roll call vote.

IX. BUSINESS

O. REPLACEMENT OF THE SHEDD ROAD STREETLIGHTS FROM ESTRELLA ROAD TO VALLEY ROAD.

Cover sheet discussion: *Council review options on the replacement of the streetlights on Shedd Road between Estrella Road and Valley Road, and authorize the expenditure of funds from the Street Fund/Contingent/Reserve Fund for replacement of the streetlights (Option 1 or 2 as noted below) in FY2016-2017.*

Earlier this year it was discovered that some of the street lights on Shedd Road between Estrella Road and Valley Road were not operating at night. APS investigated and reported that they believed the problem was caused by cable faults

in the direct bury electrical feed for the lights. They indicated that they could not simply repair the wires, but would have to replace the wires and place them in conduit. They also showed staff where the poles, which are encased in concrete bases, were separated from the bases and corroding.

In addition, the concrete bases preclude installing new wiring to the base of the poles, so they would have to be wired through conduit on the outside of the poles, to a point above the existing base, approximately three feet above ground. APS determined that the poles were in poor condition and in need of replacement.

At that time the lights on the three poles furthest from the power source were out. Staff investigated the possibility of replacing just the affected poles and fixtures, both through APS and through a private contractor. Over the next few weeks, the lights on three of the remaining four poles went out, and again APS believed that the electric cabling had faulted. Staff then requested revised estimates from APS for replacement of all seven poles, new High Pressure Sodium fixtures, and installation of the conduit, wiring, and junction boxes. Staff requested an alternate bid for the work, including replacing the fixtures with Light Emitting Diode fixtures.

Staff also solicited a bid from a private contractor to replace all of the streetlights in the segment with stand-alone solar powered streetlights. The results of the estimates are shown below. The City of Eloy owns the poles, arms, and fixtures, and APS maintains them on contract. Although the contract has costs for removal and replacement, it does not include values for trenching, conduit, etc.

Option 1: APS to remove and replace poles and High Pressure Sodium fixtures, install new conduit, wiring, junction boxes, and individual photo-electric sensors. 53,220

Option 2: APS to remove and replace poles, install LED fixtures, install new conduit, wiring, junction boxes, and individual photo-electric sensors. \$63,384

Option 3: Contractor/APS - APS to remove poles, and contractor to install 7 new poles with solar powered fixtures, solar collectors, batteries, and individual photo electric sensors. \$128,675

Staff is requesting Council's selection of one of the alternatives, and authorization to enter into the appropriate agreements with the applicable party in order to initiate completion of the streetlight replacement.

Further, staff is recommending no additional expenditures for the segment of Shedd Road from Valley Road to Giles Street until such time as those lights require repairs that are not covered by the current maintenance agreement. Although this segment appears to also have direct buried wiring, there have been no cable faults,

and the poles and fixtures are substantially newer than those on the Estrella Rd. to Valley Rd. segment.

FISCAL IMPACT:

As these expenditures were unforeseen and not specifically budgeted in FY2016-2017, staff is recommending that the costs for the project be paid out of the Street Fund Contingent/Reserve, which currently has a balance of \$89,715.

Mr. Krauss gave a brief overview of Arizona Public Service's (APS) assessment of several street lights/poles that are no longer operating on Shedd Road. He reviewed three options for Council consideration. Mr. Krauss stated that staff is recommending Council approve Option 2. He said LED fixtures will last approximately 10 years and use 25% less energy compared to High Pressure Sodium (HPS) fixtures that lasts approximately 2 to 3 years. Mr. Krauss pointed out that there will be a difference in the lighting on Shedd Road. Part of the road will have the LED lighting and the other part will have the HPS. He also pointed out that this project was not budgeted; however there are monies available in contingency for it.

Vice Mayor Powell wanted to know can the city choose to have decorated poles instead of standard "silver" poles.

Mr. Martin conveyed the poles will be similar to what is out there now; silver poles with double light fixtures. He said he didn't know the exact price for decorative poles, but there are considerably more expensive.

Vice Mayor Powell pointed out that the median on Shedd Road is budgeted for construction next year.

Mr. Martin said staff is looking into the design of the median improvement. The project cost will be submitted to Council for consideration for budgeting next year.

Councilmember Galindo asked if Toltec residents prefer the LED over the HPS fixtures, can staff incorporate the cost of changing those poles into the median design project.

Mr. Martin said yes; it can be done; however the city will have to pay for the change in the fixtures.

Councilmember Galindo said her preference is Option 3, but since the city does not have the money at this time to replace all the fixtures, she will support staff's recommendation for Option 2.

Mayor Belloc wanted to know how long will it take for APS to complete the project.

Mr. Krauss said in his discussion with APS, once the request is put in, APS will schedule 2 to 4 weeks out before work begins.

Mr. Martin added that APS will hire a contractor who will install the new wiring; APS would then remove the old poles and replace with new ones.

Mayor Belloc asked will the road be cut into.

Mr. Martin said no.

Councilmember Tidwell supported staff's recommendation of Option 2. He asserted the city needs to get this taken care of as soon as possible so residents in Toltec will have street lights.

Motion by Councilmember Tidwell, seconded by Councilmember Saucedo to approve the replacement of the Shedd Road street lights from Estrella Road to Valley Road, passed unanimously.

VII. EXECUTIVE SESSION

Motion by Vice Mayor Powell, seconded by Councilmember Nagy, to hold an executive session at approximately 6:26 p.m., for approximately 30 minutes with the city attorney, city manager, city clerk (transcribing) and attorney Diane Miller for:

Discussion of legal matters/consultation with City Attorney, City Staff, and/or the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding litigation, condemnation or acquisition of real property including retaining special legal counsel and legal services contract, pursuant to A.R.S. §38-431.03 (A) (3), (4) and (7).

Motion passed unanimously.

Mayor Belloc reconvened the public meeting at approximately 6:51 p.m.

IX. BUSINESS (continued)

P. PROFESSIONAL SERVICES AGREEMENT WITH THE LAW OFFICES OF DIANE M. MILLER, PLLC FOR LAND ACQUISITIONS AT THE ELOY MUNICIPAL AIR-PORT FOR DRAINAGE IMPROVEMENTS AND RELOCATION OF TAXIWAY A.

Cover sheet discussion: *Council approve a Professional Services Agreement with the Law Offices of Diane M. Miller, PLLC for land acquisitions at the Eloy Municipal Airport for drainage improvements and relocation of Taxiway A.*

The Arizona Department of Transportation (ADOT) has awarded the City of Eloy a total of \$270,000.00 of grant funds for the purpose of acquiring land at the airport for drainage improvements and the relocation of Taxiway A. The land acquisition will consist of four (4) pieces of property surrounding the airport. These land acquisitions are needed for the purpose of completing two drainage improvement projects and the relocation of Taxiway A.

In 2014 Kimley-Horn & Associates conducted a Drainage Master Plan for the airport and determined short term, intermediate and long term projects in order to alleviate current drainage issues at the airport. In addition, the Federal Aviation Administration (FAA) requires a standard separation of 240 feet between the runway and the taxiway. Currently the separation distance between the runway and the taxiway is 200 feet; therefore it is not per FAA standards. One of the land acquisitions will allow for the relocation of the taxiway to meet the required separation distance.

Diane Miller has been litigating condemnation cases since 1984 representing primarily condemning authorities. Ms. Miller has represented various governmental entities in acquisition projects and eminent domain litigation throughout Arizona. For sixteen years, she represented the Arizona Department of Transportation in projects statewide.

Ms. Miller was the State of Arizona's lead attorney for outdoor advertising issues. She was also an author for the State Route 179 access management plan, which ADOT is adapting to its model statewide. During her career she has condemned property for freeways, roads, schools, airports, flood control, parks and utilities. A proven condemnation trial lawyer, Ms. Miller is the only attorney in the history of the Arizona Attorney General's Office to be twice recognized as Litigator of the Year. Ms. Miller is a graduate of Rutgers University and Arizona State University Law School.

FISCAL IMPACT:

All land acquisition fees, including land appraisals, land appraisal reviews, attorney fees and the purchase of the properties, are primarily paid through the ADOT grant. Currently the ADOT reimburses the City 90% on the total cost of project improvements and land acquisition, including design and construction. The remaining 10% of the total project cost is the City's share. In FY2016-17 the City allocated \$72,545 in the Airport Fund for capital improvements, which includes any local matching funds for FAA and ADOT grants.

Mr. Krauss gave an overview of Ms. Miller's work experience as a condemnation attorney.

There being no questions or comments from Council, a motion was made by Vice Mayor Powell and seconded by Councilmember Saucedo to approve a Professional Services Agreement with the Law Offices of Diane M. Miller, PLLC for land acquisitions at the Eloy Municipal Airport for drainage improvements and relocation of Taxiway A.

Motion passed unanimously by roll call vote.

X. INFORMATIONAL ITEMS

- a. August Financial Report – No questions or comments from Council.
- b. August Checklist Report – Councilmember Tidwell inquired about check #s 546611 for \$96.10 and 546505 for \$264.55, payable to Merle's Automotive Supply and check #546508 in the amount of \$711.27 payable to O'Reilly's Automotive Store. He wanted to know if these purchases were for items not available at the local store.

Mr. Krauss said he is not sure; however will check with staff about the purchases and get back to Council.

XI. ADJOURNMENT

There being no further business Mayor Belloc adjourned the meeting at approximately 6:56 p.m.



Joel G. Belloc, Mayor

ATTEST:



Mary Myers, City Clerk