

**MINUTES OF THE REGULAR MEETING OF
THE ELOY CITY COUNCIL
CITY OF ELOY
628 NORTH MAIN STREET
JUNE 25, 2018
6:00 P.M.**

Staff Present: Harvey Krauss-City Manager; Stephen R. Cooper-City Attorney; Mary Myers-City Clerk; Keith Brown-Public Works Director/City Engineer; Christopher Vasquez-Police Chief; Rus Ketcham-Library Director; Jon Vlaming-Community Development Director; Roger Valdez-City Magistrate

I. CALL TO ORDER

Mayor Joel Belloc called the meeting to order at approximately 6:05 p.m.

II. INVOCATION

Invocation was given by Pastor Mitch Wright.

III. PLEDGE OF ALLEGIANCE

Councilmember Andrew Rodriguez led Council and the public in the Pledge of Allegiance.

IV. ROLL CALL

Council Members Present: Councilmember Jose Garcia; Councilmember J.W. Tidwell; Councilmember Dan Snyder; Mayor Joel Belloc; Councilmember JoAnne Galindo; Councilmember Andrew Rodriguez; Vice Mayor Micah Powell

Council Members Absent: None

V. COMMUNICATIONS

Mr. Krauss reminded Council of the CoreCivic quarterly luncheon at Robson Ranch, June 27th, starting at 11:30am.

5. *That the above ground equipment cabinets shall be completely screened from view by a compatible solid wall or view obscuring fence;*
6. *That all equipment shall be unmanned and that the equipment cabinets shall comply with all applicable building codes;*
7. *That any exterior lighting shall be fully shielded and within the walled or fenced area and shall be mounted on poles or on the equipment cabinets below the height of the wall or screening fence;*
8. *That no signs shall be allowed on the antennas, tower or any portion of the lease area except for the identification of a permanently installed plaque or marker, no larger than 4" x 6", clearly identifying the provider's name, address, and emergency phone number;*
9. *That the wireless provider shall allow for co-location by other wireless communication providers. Applicant or owner of the facility must certify that the pole is available for use by other wireless telecommunications provider(s) on a reasonable and non-discriminatory basis prior to issuance of a building permit;*
10. *That the Conditional Use Permit shall become null and void if the use permit has not been exercised and the use established within twelve (12) months of the date of Council approval (a Conditional Use Permit is exercised when the use has been established or when a building permit has been issued, construction commenced, and the building permit remains valid);*
11. *That the use shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with authority to regulate towers and antennas; and*
12. *Amendments to the Conditional Use Permit shall be processed in the same manner as the original permit, except that the Zoning Administrator may authorize minor amendments.*

The City has received an application from Smartlink LLC to replace the existing twenty-one (21'-0") foot light pole with a twenty eight (28'-0") foot light pole to install/anchor a small cell facility with two (2) 5' antennas painted to match the pole and a low profile ground set cabinet to be enclosed with a six (6) foot wrought iron fence.

The subject property is designated as Public/Institutional on the Eloy General Plan Land Use Plan and is zoned R1-6 (Medium Density Residential) within the Community Core (CC) Overlay District. If approved, this request would be in conformance with the Eloy General Plan and the Eloy Zoning Ordinance.

As required by ARS § 9-462.04, a "Public Hearing" was held on May 16, 2018. Notice of the public hearing was given at least fifteen (15) days before the hearing by publication of the notice in the Eloy Enterprise and posting of the notice at the official City posting locations.

This request was heard by the Eloy Planning & Zoning Commission at their regularly scheduled meeting on May 16, 2018 and was approved unanimously with the conditions identified above.

The proposed site for the light pole and supportive ground equipment is located at 900 N. Main Street between the football field and the cafeteria with limited view from the street (public view). The principal use of the property is primarily educating High School Students as well as providing the public library. The property to the north consists of residential (Santa Cruz Village subdivision), the property to the west is the Curiel Annex School, the property to the south is Saint Anthony's Catholic Church, and the property to the east consists of commercial businesses (Circle K, Nico's Mexican Restaurant, and the Pinal County Court-JP3)

FISCAL IMPACT: *There is not a direct fiscal impact to the City if this request is approved.*

Mr. Krauss gave a brief overview of a proposed request from Smartlink for a CUP to replace an existing 21 foot high light pole with a 28 foot high light pole, located next to the football field on high school property.

Councilmember Snyder conveyed he read the proposal, but wanted confirmation that fencing would be screened to obscure viewing.

Mr. Vlaming conveyed that this was correct.

Motion by Vice Mayor Powell, seconded by Councilmember Tidwell to approve a Conditional Use Permit (CUP18-010) submitted by Smartlink LLC to replace an existing twenty-one (21'-0") foot high light pole with a twenty eight (28'-0") foot high light pole to install/anchor a small cell facility within the Santa Cruz Valley Union High School property located at 900 N. Main Street (APN: 405-02-102), passed unanimously.

- C. APPROVAL OF A CONDITIONAL USE PERMIT (CUP18-011) (WITH CONDITIONS) SUBMITTED BY SMARTLINK LLC TO REPLACE AN EXISTING 27'-5" WOOD POLE WITH A 27'-5" LIGHT POLE TO INSTALL/ANCHOR A SMALL CELL FACILITY WITH TWO (2) 5' ANTENNAS WITHIN THE FIRST UNITED METHODIST CHURCH OF ELOY PROPERTY LOCATED AT 605 N. SANTA CRUZ AVENUE (APN: 411-05-038)**

Staff Cover Sheet Report: *Council approve with conditions a Conditional Use Permit for Smartlink LLC to replace an existing 27'-5" wood pole with a 27'-5" light pole to install/anchor a small cell facility with two (2) 5' antennas painted to match the pole, a four by two (4' x 2') ground set equipment cabinet to be enclosed with a 4'-6" painted screening wall within the First United Methodist Church of Eloy property located at 605 N. Santa Cruz Avenue (APN 411-05-038)*

Staff recommends that this request for a Conditional Use Permit be approved subject to the following conditions:

- 1. That a preapplication meeting be conducted if needed, prior to submittal of building plans to obtain a building permit.*
- 2. That a map of the service area for this facility be submitted with building plans.*
- 3. That development of the conditional use shall be in substantial conformance with the Site Plan/Construction Plan dated 11/09/2017 and refined to include a scaled site plan indicating the location, type and height of the proposed facility, mounting style and number of antennas on each facility, setbacks from property lines, and elevation drawings of the proposed facilities.*
- 4. That the design of the equipment cabinet and related structures, if any, shall use materials, colors, textures, screening and landscaping that will blend into the existing exterior building color and existing landscape setting;*
- 5. That the above ground equipment cabinets shall be completely screened from view by a compatible solid wall or view obscuring fence;*
- 6. That all equipment shall be unmanned and that the equipment cabinets shall comply with all applicable building codes;*
- 7. That any exterior lighting shall be fully shielded and within the walled or fenced area and shall be mounted on poles or on the equipment cabinets below the height of the wall or screening fence;*
- 8. That no signs shall be allowed on the antennas, tower or any portion of the lease area except for the identification of a permanently installed plaque or marker, no larger than 4" x 6", clearly identifying the provider's name, address, and emergency phone number;*
- 9. That the wireless provider shall allow for co-location by other wireless communication providers. Applicant or owner of the facility must certify that the pole is available for use by another wireless telecommunications provider on a reasonable and non-discriminatory basis prior to the issuance of a building permit;*

10. *That the Conditional Use Permit shall become null and void if the use permit has not been exercised and the use established within twelve (12) months of the date of Council approval (a Conditional Use Permit is exercised when the use has been established or when a building permit has been issued, construction commenced, and the building permit remains valid);*
11. *That the use shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with authority to regulate towers and antennas; and*
12. *Amendments to the Conditional Use Permit shall be processed in the same manner as the original permit, except that the Zoning Administrator may authorize minor amendments.*

The City has received an application from Smartlink LLC to replace an existing wood pole with a 27'-5" high light pole to install/anchor a small cell facility with two (2) 5' antennas painted to match the pole, a four by two (4' X 2') ground set Charles equipment cabinet to be enclosed with a 4'-6" painted screening wall within the property boundaries of the First United Methodist Church of Eloy.

The subject property is designated as Medium Density Residential on the Eloy General Plan Land Use Plan and is zoned R1-6 (Medium Density Residential) within the Community Core Overlay (CC) District. If approved, this request would be in conformance with the Eloy General Plan and the Eloy Zoning Ordinance.

As required by ARS § 9-462.04, a "Public Hearing" was held on May 16, 2018 at a regularly scheduled Planning & Zoning Commission meeting. Notice of the public hearing was given at least fifteen (15) days before the hearing by publication of the notice in the Eloy Enterprise and posting of the notice at the official City posting locations.

The proposed site for the light pole and supportive ground equipment is located at 604 N. Santa Cruz Avenue on the back side of the existing First United Methodist Church close by a Community Garden currently being used by a group of residents on the same parcel owned by the Church. Properties to the west, south and east consists of residential and private owners that are part of a subdivision known as Jones Place. Property to the north consists of the Eloy Junior High School.

FISCAL IMPACT: *There is not a direct fiscal impact to the City if this request is approved.*

Mr. Krauss provided a brief overview of another proposal submitted by Smartlink, LLC for a CUP to replace an existing wood pole with a metal pole. Mr. Krauss pointed at that the pole is located on the First United Methodist Church of Eloy property.

Mr. Krauss conveyed that adoption of this resolution will allow the city to publish the resolution which declares the purchasing policy a public record and not the entire policy in the newspaper. He pointed out that the following agenda item (IX-E) which is part of this item is an ordinance amending and replacing the purchasing policy.

Mr. Krauss reviewed the proposed changes as discussed by Council and staff at the May 29th City Council meeting. At that meeting, Council voiced their concerns about some of the changes staff was recommending to the policy. It was the consensus of Council to table the item until staff could incorporate changes recommended by Council.

Mr. Krauss pointed out two significant changes in the policy:

- Reduced amount that can be approved by administration from \$25,000 to \$20,000; and
- Distinguished between budgeted and unbudgeted items

Councilmember Tidwell wanted to know if the city pays \$20,000 for a police vehicle would that \$20,000 include all the equipment (sirens, light bar, radio, etc.) needed to make that vehicle a patrol vehicle or would the \$20,000 just be for the purchase of the vehicle.

Mr. Krauss said the \$20,000 would encompass everything that would go into making that vehicle a patrol vehicle. He told Council that since he's been city manager, staff has not purchased vehicles without them being budgeted and approved by Council. Mr. Krauss said unexpected or unbudgeted purchases can include special studies, hiring of an engineer for a specific problem that may occur, breakdown of equipment, or purchasing parts for well repairs. If it's unbudgeted and costs between \$10,000 and \$20,000, he will obtain the mayor's signature. If it's over \$20,000 he will take to Council for approval.

Councilmember Snyder stated the changes made to the policy alleviates his concerns and now supports the policy.

Mayor Belloc wanted to know what would be the process if there is a project underway and a change order comes through that is under \$20,000. Will it be taken care of with signatures or will it come before Council.

Mr. Krauss explained that what staff is doing with large construction projects is including a contract allowance or contingency built into the contract. He said Council already allocates a certain amount in a contract to allow for changes. The changes are initiated by city staff or by oversights that were missed in the plans.

Councilmember Tidwell wanted to know why staff allows contractors to submit change orders on something they didn't know when they submitted the bid. He said

if the city wants to change something once the project starts then it's on the city to do a change order. But once the contractor agrees to do a project for a certain amount of money, the contractor should know what the job is going to cost him. Councilmember Tidwell asked why does staff allow a contractor to underbid a job just to get the job only to come back with change orders.

Mr. Krauss said the city does not permit this. Sometimes when you look at the plans; there may be a couple of ways to do things. There may be a way to save money on a project which would require a change orders.

Councilmember Tidwell stated that before Mr. Krauss came on board, Council had a number of change orders come before them for approval. Contractors didn't know what they were bidding on so they bid low knowing they could submit change orders once awarded the contract.

Mr. Krauss acknowledged Councilmember Tidwell's concerns.

There being no further discussion, a motion was made.

Motion by Vice Mayor Powell, seconded by Councilmember Snyder to read Resolution No. 18-1438 by title only, passed unanimously.

The city clerk read the resolution title into the record.

Motion by Vice Mayor Powell, seconded by Councilmember Rodriguez to adopt Resolution No. 18-1438, passed unanimously by roll call vote.

Councilmember Tidwell asked Mr. Cooper about the effective date of the policy.

Mr. Cooper explained that this resolution is for the public record. The ordinance which is the next item will be effective 30 days after the date of passage.

E. ADOPTION OF ORDINANCE NO: 18-876 AMENDING AND REPLACING IN ITS ENTIRETY ARTICLE VII OF THE CITY CODE AS IT PERTAINS TO THE CITY'S PURCHASING POLICY.

Staff Cover Sheet Report: *Council adopt Ordinance No: 18-876 amending and replacing in its entirety Article VII of the City Code as it retains to the City's Purchasing Policy.*

At the May 29th Council Meeting, Council had a few questions and concerns with the revised purchasing policy. Due to these concerns, the item was tabled to give staff additional time to address the concerns of Council. Based upon the Council issues raised, staff has made the following major changes:

The City Manager may approve contracts, leases and purchase agreements for budgeted goods and services up to a maximum of \$20,000 rather than \$25,000.

Any "unbudgeted" expenditures for goods and services between \$10,000 and \$20,000 requires the approval by the Mayor and City Manager.

These changes as well as other clarifications in the policies are noted in "blue" and "red" throughout the document.

One of the main goals for the Finance Department in FY2017-18 was to update the City's Purchasing Policy guidelines and procedures since the last modification was over ten (10) years ago. Updating the purchasing policy will allow departments to purchase items more efficiently and effectively for the City.

Before updating the City's policy, staff reviewed purchasing policies from numerous cities and towns similar to Eloy's population and annual budget. Those cities and towns were Show Low, Florence, Coolidge, Willcox, and Page.

Staff is proposing that the current policy be repealed in its entirety and the revised policies be adopted. Below are some of the major changes to the purchasing policy.

In Section 2-135 (C) – Changed the threshold when a purchase order must be issued from \$250 to \$500. Departments can make purchases up to \$500 before a valid purchase order must be issued.

In Section 2-135 (E) (1) - Contracts, leases and purchase agreements- Added All contracts, leases, and purchase agreements which are approved through the annual budget which are under \$20,000 may be signed by the City Manager. In Section 2-136 (K) Exclusion Competitive Evaluation Requirements – Added addition language and expanded what professional services are when it comes to competitive bidding on professional services.

In Section 2-138 (B) – Added and change the language for purchasing thresholds. The new purchasing threshold are as follows: Normal purchasing w/Competitive pricing \$0 - \$5,000 (Was \$0-\$1,500) Telephonic or Verbal quotes w/Exhibit B \$5,001-\$10,000 (Was \$1,501-\$5,000)

Exhibit B – Oral Bid Sheet – When doing Telephonic or Verbal bids this must be filled out and sent over with expenditure request. Forms must be filled out with what is being bid, scope of work and description. Written Bids w/Exhibit C \$10,001-\$20,000 (Was \$5,001-\$10,000)

Exhibit C – Bid Information Sheet- When doing written bids this must be filled out and sent over with expenditure request. The form must be filled out with what is being

ask for in written bids, scope and description. Formal Bidding & Council Approval \$20,001 & over (Was \$10,000 & over)

In Section 2-139 (A) (1) - Added additional language for Unbudgeted Expenditures stating "If a department desires to make a purchase or enter into contractual obligations for goods and services of \$10,000 to \$20,000 that were not identified in the City's Annual Budget or exceeds the authorized budget or capital amount, the department director will submit a written request to the City Manager, containing the following information. Once the information has been received and reviewed by the City Manager, the City Manager and the Mayor or designee may sign the unbudgeted expenditure".

This policy has been distributed to all departments for comments and has been reviewed by legal. This Purchasing Policy will allow individuals purchasing on behalf of the City a better understanding of the procedures and guidelines that must be followed which will provide for stronger financial accountability to better serve the organization.

FISCAL IMPACT: *There is no fiscal impact.*

There was no discussion on this item.

Motion by Vice Mayor Powell, seconded by Councilmember Garcia to read Ordinance No. 18-876 by title only, passed unanimously.

The city clerk read the ordinance title into the record.

Motion by Vice Mayor Powell, seconded by Councilmember Tidwell to adopt Ordinance No. 18-876, passed unanimously by roll call vote.

X. INFORMATIONAL ITEMS

No information items submitted.

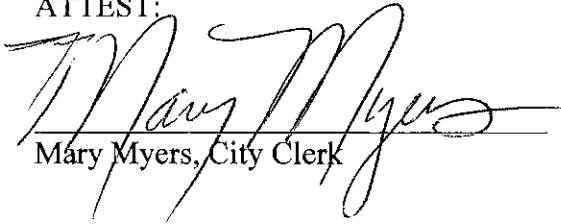
XI. ADJOURNMENT

There being no further business, Mayor Belloc adjourned the meeting at approximately 6:59 p.m.



Joel G. Belloc, Mayor

ATTEST:



Mary Myers, City Clerk