

CONSENT AGENDA

Agenda Item: IX-A
Date: 12/12/11

MINUTES OF THE REGULAR MEETING OF
THE ELOY CITY COUNCIL
CITY OF ELOY
628 NORTH MAIN STREET
ELOY, ARIZONA 85131
NOVEMBER 28, 2011
7:00 P.M.

Staff Present: Ruth Osuna-City Manager; Stephen Cooper-City Attorney; Mary Myers-City Clerk; Bill Pitman-Chief of Police; Rick Miller-Interim Community Development Director; John Mitchell-City Engineer

I. CALL TO ORDER

Mayor Jackson called the meeting to order at approximately 7:01 p.m.

II. INVOCATION

Invocation was given by Pastor Felix Bermejo.

III. PLEDGE OF ALLEGIANCE

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

IV. ROLL CALL

Council Members Present:, Council Member Belinda Akes, Council Member Etta Ruth Amerson, Vice Mayor Frank Acuña, Mayor Byron Jackson, Council Member Joel Belloc, Council Member J.W. Tidwell, Council Member Jesse Rosel

Council Members Absent: None

V. COMMUNICATIONS

Ms. Osuna conveyed the following communications to Council:

- Gave a copy of the League of Arizona Cities and Towns Policy Statement for 2011 to each member of Council;
- Announced a CAAG Regional Council meeting in Queen Creek this week;

- Mr. Mitchell attended a Rural Transportation Advocacy Council meeting today with representatives from Congressman Gosar's office and other mayors and cities in Pinal County;

Mayor Jackson asked about the upcoming employee breakfast.

Ms. Osuna conveyed at the last Council meeting she informed Council that it would be a luncheon, however, a number of employees wanted a breakfast. The breakfast will be held December 8th, at Robson Ranch, from 7:30 a.m. to 9:30 a.m. Staff will go in two shifts to ensure continuous coverage of city services. Ms. Osuna invited all members of Council to attend.

Mayor Jackson said he wants to make sure the second half of the employee incentive pay go out to the employees on that day as well.

VI. APPEARANCES FROM THE FLOOR

None

VII. EXECUTIVE SESSION

Not needed tonight.

VIII. CONSENT AGENDA

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

<u>Agenda Item</u>	<u>Subject</u>
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IX. BUSINESS

- A. Approval of Minutes: 11/14/11 (regular)
- B. Authorization to enter into an Intergovernmental Agreement between the City of Eloy and Pinal County for election services for the 2012 Primary and General Elections
- C. Approval to Use Otto Container Management to Recycle Ninety (90) Gallon Trash Carts and Apply the Recycling Credit Toward the Purchase of New Ninety (90) Gallon Trash Carts

- D. Authorization for the City Manager to enter into an agreement for *UpSell Training* to provide customer service training for all City staff.

IX. BUSINESS

- E. **APPROVAL TO HIRE A SWORN OFFICER AND ASSIGN A POSITION TO THE GANG AND IMMIGRATION INTELLIGENCE ENFORCEMENT TEAM MISSION (GIITEM) WITH THE ARIZONA DEPARTMENT OF PUBLIC SAFETY (DPS).**

Cover sheet discussion: The Police Department has a current Intergovernmental Agreement (IGA-2009-257) with DPS for the assignment of an Eloy police officer to GIITEM. The IGA was approved by the Eloy City Council in September 2009. The contract is for one year with annual renewals based upon available funding and not to exceed five years. The City is currently in its third year of the IGA. Arizona DPS has notified the Police Department that funding is available this year. The contract calls for DPS to reimburse the City of Eloy 75 percent of payroll expenses for the officer assigned, leaving the City to fund the remaining 25 percent. The City's 25 percent equates to \$11,000 which is for six months of salary in this fiscal year. Annualized this position would cost the City \$22,000 for its share of an officer's salary.

The City's budget includes the approval of 45.2 FTE which includes two existing grant funded positions for the Police Department. Only 42.2 of the 45.2 positions are currently funded. Three approved positions in the current city's operating budget are not funded. These positions are considered "frozen".

Staff is proposing to hire one more grant funded position through the GIITEM grant for the remainder of the year. Should the grant not be renewed next year, the position would go away. Currently there is funding to pay 25 percent of the salary for this position for six months. This funding is available in the Police Department's current year's budget from personnel vacancy savings.

The Police Department will hire a new officer and assign an experienced officer to the GIITEM assignment who currently is assigned to the position of detective. Having an officer in GIITEM will provide the Police Department closer access to statewide activity, increased use of statewide resources such as personnel and equipment, and an excellent training opportunity for the assigned officer. Two officers formerly assigned to GIITEM have been very successful upon returning from the assignment. Both are assigned to the Police Department's investigative unit where their training and experience have benefitted the unit.

FISCAL IMPACT

The City's 25 percent participation requirement to fund the GIITEM assigned position equates to \$11,000 which is available from personnel salary savings in the Police Department's FY 2011-12 budget. Annualized this cost would be \$22,000.

CONCURRENCE

The Finance Director concurs with this recommendation.

Ms. Osuna conveyed the city has entered into agreements with DPS over the last several years under the GIITEM program. The city has been informed of funds available for a grant position. The city would pay twenty-five percent (25%) and DPS would pay seventy-five (75%). Ms. Osuna pointed out the city's participation in this program over the past several years have been very beneficial in terms of training and access to various agencies.

Mayor Jackson thought the city was already providing a position to the task force. He wanted to know if the city hires another sworn officer, would the city lose that officer if something ever happens.

Mr. Pitman explained if the city does not receive funding next year for the position, the city would eliminate the position. As to how the position would be vacated would depend on the city's budget and other vacancies in the department.

Mayor Jackson asked would this be a renewal of the grant to keep the existing position.

Ms. Osuna explained that since 2009 the city has had a grant funded position. When there is no funded position through this grant, that position is either absorbed into the work force, if there is a position open, or it is eliminated.

Mayor Jackson asked did an officer under the GIITEM grant leave the city, which requires the city to fill that position with another GIITEM officer.

Mr. Pitman said an officer was assigned to GIITEM, however due to a shortage in patrol personnel, the officer was pulled out of the program and was not sent back. As a result, it was determined that staff should come before Council to seek approval to re-establish the city's participation in the ongoing GIITEM grant.

Council Member Belloc asked Mr. Pitman is this grant the same grant Council renewed last year where staff asked for funds to assist with the maintenance or repairs for city vehicles that were being used.

Mr. Pitman explained the city does not supply a vehicle with the GIITEM program. The program Council Member Belloc is referring to is "Stone Garden" which is another federally funded program. That program includes funding for maintenance on vehicles and gas.

Council Member Belloc wanted to know what type of work would the GIITEM officer be doing.

Mr. Pitman conveyed the primary function of GIITEM is to deal with gangs, drugs and smuggling operations in Pinal County, specially in Eloy.

Motion by Vice Mayor Acuña, seconded by Council Member Tidwell to approve the hiring of a sworn officer and assigning a position to the Gang and Immigration Intelligence Enforcement Team Mission (GIITEM) with the Arizona Department of Public Safety (DPS), passed unanimously.

F. APPROVAL OF A TYPE 2 WATER LEASE AGREEMENT WITH THE VALLE ESCONDIDO DOMESTIC WATER IMPROVEMENT DISTRICT

Cover sheet discussion: *Valle Escondido Domestic Water Improvement District (District) is requesting the City of Eloy approve a one year lease of Type 2 water to provide 20 acre feet to the District. The term of the lease is one year which will terminate November 20, 2012. The District will compensate the city an amount of \$100.00 per acre foot of groundwater leased whether or not the full amount permitted to be withdrawn pursuant to the lease is used or not. The City of Eloy has 29 acre-feet of Type 2 Non-Irrigated Grandfathered Water Right available for this lease (Certificate Number 58-111018.0002).*

FISCAL IMPACT

The City will receive revenue in the amount of \$2000.00 from this lease with the District. The revenue will be credited to the Water Fund.

Mr. Mitchell conveyed Bill Collins from DNA Engineering, who represents Valle Escondido Domestic Water Improvement District (District), contacted him to request on behalf of the district the use of 20 acre-feet of the city's 29 acre-feet type 2 non-irrigated groundwater water right. The District would pay the city \$100 per acre foot (\$2,000) for the use of the lease whether the water is used or not and the \$2,000 would be credited to the city's water fund. Currently this type 2 water use is assigned to a well at the landfill. Mr. Mitchell said a review of the records at the landfill shows the city using much less than the 29 acre feet allocated. The landfill will not have a need for the 12 month request of 20 acre-feet from the District.

Mayor Jackson asked would the city need clearance from the Water Augmentation Authority to do this.

Mr. Mitchell said no. The District will have to file with the Arizona Department of Water Resources (ADWR). If the agreement is approved, the city will have to sign forms which are part of the lease agreement and presented to ADWR. Mr. Mitchell stated that staff has been able to find only one instance where the city approved a similar agreement. Back in 2006, the city approved a water lease agreement with the Saddleback Vista Domestic Water Improvement District for a period of five months at \$100 per acre-foot.

Council Member Akes wanted to know what would the water be used for.

Mr. Mitchell said he was told that it would be used as a pledge to obtain their own water assurance for the District.

Mr. Cooper explained there are domestic water districts pursuing Rural Development loans for water infrastructure services. Before the system is developed, the districts are limited to the amount of water that can be pumped. The 20 acre-foot is roughly the shortage the District would be in overdraft for. Under Arizona law, domestic water districts cannot pump more than what their right is. However, domestic water districts have the right to lease that water right from someone else.

Mr. Cooper pointed out to Council that he submitted a memo to them informing them that he does represent the District, however, he did not participate in the drafting or negotiations of the lease agreement that is before Council tonight. Mr. Cooper said Mr. Collins recycled the lease agreement that he drafted for another water district that had a lease agreement with another political entity.

Council Member Belloc asked what will be the District's use for this water.

Mr. Cooper said it will be used for drinking water so they can continue to operate their drinking water system.

Council Member Belloc wanted to know how much will the District sell water for. He is concerned that \$100 per acre-foot is rather low.

Mr. Mitchell told Council Member Belloc that he did not have an answer to his question. However, he did inquire about the cost of leased water which is how he came up with the price of \$100 per acre foot.

Council Member Belloc said the city should know what the District plans to sell the

water for.

Mr. Cooper pointed out the District will not be selling the water, but giving it to their rate users in the area. The area is a economic disadvantage area that has the Colonia status through Rural Development, which gives them the ability to obtain grants to improve their water system. Mr. Cooper said the District are not water speculators, but basically people who live in that area that need a source of drinking water until the District can develop its own source through government funding.

Vice Mayor Acuña said he believes Council Member Belloc's concern is if the city is selling the District water at \$100 per acre foot and the District turns around and sell it at a higher price, maybe the city needs to reconsider its price.

Mr. Cooper said he cannot say what the District's charges will be to supply water to property owners, but from what he understands, that is the going rate for water leases.

Mayor Jackson conveyed that does not believe the District can raise rates if the rates are already set.

Mr. Cooper conveyed the District is not a regulated utility. Domestic water improvement districts are not regulated by the Arizona Corporation Commission. They are regulated through the Arizona Department of Environmental Quality and the ADWR. Mr. Cooper said he cannot tell Council how much the District charge the user, but when the water system is in place there will be a rate study showing what the new rate will be to service not only the cost to produce the water, but also something set aside as a reserve for operation and maintenance of the well and transmission system.

Council Member Belloc asked that in the future he would like staff to have this information available for Council.

Mr. Mitchell agreed with Council Member Belloc. Staff can do its due diligence to find out the real market value of type 2 water.

Motion by Council Member Rosel, seconded by Council Member Amerson, to approve a Type 2 Water Lease Agreement with the Valle Escondido Domestic Water Improvement District, passed unanimously.

X. COMMITTEE REPORTS

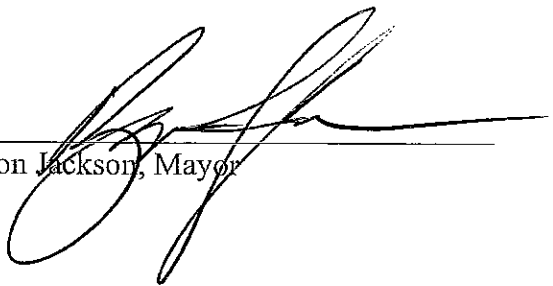
There were no committee reports submitted.

XI. INFORMATIONAL ITEMS

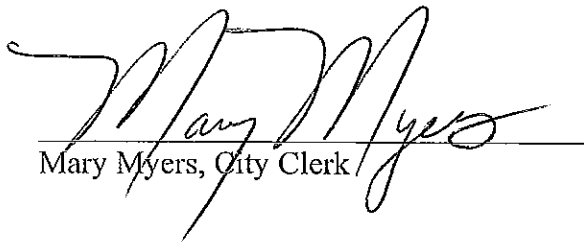
There were no informational items submitted.

XII. ADJOURNMENT

There being no further business, Mayor Jackson adjourned the meeting at approximately 7:28 p.m.


Byron Jackson, Mayor

ATTEST:


Mary Myers, City Clerk