

**MINUTES OF THE REGULAR MEETING OF
THE ELOY CITY COUNCIL
CITY OF ELOY
595 NORTH C STREET
MONDAY, SEPTEMBER 14, 2020
6:00 P.M.**

Staff Present: Harvey Krauss-City Manager; Stephen R. Cooper-City Attorney; Mary Myers-City Clerk; Jillian Childress-Management Assistant; Christopher Vasquez-Police Chief; Jerry Stabley-Planning Manager; Jon Vlaming-Community Development Director; Keith Brown-Public Works Director/City Engineer; Regis Reed- Special Projects Manager

I. CALL TO ORDER

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

II. INVOCATION

Mrs. Mary Beth Fisher gave the invocation.

III. PLEDGE OF ALLEGIANCE

Councilmember J.W. Tidwell led the Council and the public in the Pledge of Allegiance.

IV. ROLL CALL

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

Council Members Absent: None

V. COMMUNICATIONS

1. Councilmember Reuter asked Mr. Krauss about painting the two buildings on 6th Street next to the park (beauty shop and old Hispanic Council building) since the buildings downtown have been refreshed and plans are underway to paint the

LaPaglia building that was recently purchased by the city. He said Main Street would look even better if the city did this.

Mr. Vlaming responded to Councilmember Reuter's question, however, his response was inaudible due to Mr. Vlaming speaking from the audience.

2. Councilmember Tidwell conveyed that at the last meeting, Council discussed dispersing CARE funds to CAHRA to assist local residents. At that meeting, he inquired about support to the churches. Councilmember Tidwell said last Friday, Mr. Krauss sent out information about a meeting with representatives from various churches, city staff and CAHRA. He said he asked his pastor if he was aware of the meeting, and was told no. Councilmember Tidwell wanted to know who and what churches were contacted and why is CAHRA coordinating this. He stated that many families will not come to a government agency asking for help, but would come to churches without the concerns of possibly being looked down on.

Mr. Krauss said he specifically asked about the Baptist church, but did not have a contact.

Councilmember Tidwell said staff should have contacted him.

Mr. Krauss agreed and apologized to Councilmember Tidwell for not making a more active attempt to contact his pastor. He said the meeting was a preliminary meeting. He did not attend the meeting, but he asked CAHRA to reach out to the pastor of the Baptist church. Mr. Krauss conveyed that instead having all of the agencies and churches come to the city for funding, everything would be filtered through CAHRA. The churches would submit the names of the families in need of assistance to CAHRA; CAHRA would get the product because they can bid on a larger scale. The church would receive the product and distribute to the families. Mr. Krauss stated that CAHRA would then seek reimbursement from the city. He said this way there is no duplication of effort. Mr. Krauss said the city can reach out to more people in the community by reaching out to various agencies and churches. CAHRA can check their records to ensure there is no duplication with individuals in terms of distribution of food or assistance.

Councilmember Tidwell wanted to know what is wrong with a Methodist church and a Baptist church supporting the same family if the need is there.

Mr. Krauss said there would not be a problem for a family to seek support from more than one church. If the needs are there, the city will meet those needs, regardless of how those needs are met.

3. Mr. Krauss conveyed that a work session is scheduled September 21, at 6:00 p.m. Items for discussion will include presentation by the consultant who prepared the

salary compensation study for the city. Staff will also provide an overview of the city's code compliance and enforcement program.

4. Vice Mayor Powell announced that the city would be hosting a flu shot clinic on Wednesday, September 16 at city hall.

Mr. Krauss said the city would be offering free flu shots to residents and employees in the community room at city hall on September 16, from 10am to 2pm. Individuals can contact city hall administration to schedule an appointment or just walk in.

Mr. Krauss said the city will host a census event on Saturday, September 19, at Trekell Park, from 9am to 11am. There will be free doughnuts and Amazon gift card giveaways to encourage residents to come out to complete the census.

5. Mayor Belloc presented Councilmember Tidwell with an award from the League of Arizona Cities and Towns for 16 years of service. Mayor Belloc conveyed that service awards are usually presented to councilmembers at the league's annual conference; however due to COVID-19, the conference was cancel and awards sent to city councils around Arizona to present. He thanked Councilmember Tidwell on behalf of the citizens for his years of dedicated work for the city.

Mayor Belloc also recognized Vice Mayor Powell who also received a service award from the League of Arizona Cities and Towns for 8 years of service.

VI. APPEARANCES FROM THE FLOOR

Mr. Barry Wong from Governor Ducey's office read aloud a proclamation recognizing and honoring September 15, 2020 through October 15, 2020, as 'Hispanic Heritage Month.' Mr. Wong presented the proclamation to Mayor Belloc and Leonor 'Norrie' Burrue, president of Corazón de Latinos Unidos (CDLU).

VII. EXECUTIVE SESSION

No executive session requested by the Council or staff.

VIII. CONSENT AGENDA

Councilmember Garcia requested item F removed from the Consent Agenda for discussion.

- A. Approval of Minutes: 8/24/2020 (regular)

- B. Authorize the purchase of four new Motorola dispatch consolettes to replace the existing consolettes, which are no longer serviced by Motorola for any repairs.
- C. Approve installation of two new Stop Signs at the intersection of Cornman Road and Valley Road.
- D. Authorize termination of the Arizona Public Service (APS) Streetlight Agreement # 201407005 for the street light maintenance and repair of City-owned streetlights in accordance with the Agreement or sooner if agreed to by APS.
- E. Authorization to enter into a contract with Fluoresco Services LLC to provide on-call maintenance and repair of the City's street lights and poles
- F. ~~Recommendation to the Arizona Department of Liquor Licenses and Control (ADLLC) for a Series 10 (beer & wine) liquor license for Circle K Store #9548 to be located at 1010 W. Frontier Street, Eloy, Arizona. (removed for discussion)~~
- G. Authorize the City to enter into an Agreement with Pinal-Gila Council for Senior Citizens for up to \$36,000 of CARES funding to support programs and services for Senior Citizens related to the impacts of COVID-19 within the City of Eloy.

Motion by Vice Mayor Powell, seconded by Councilmember Garcia to remove agenda item F from the Consent Agenda and approve the remaining Consent Agenda items as presented, passed unanimously by roll call vote.

F. RECOMMENDATION TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL (ADLLC) FOR A SERIES 10 (BEER & WINE) LIQUOR LICENSE FOR CIRCLE K STORE #9548 TO BE LOCATED AT 1010 W. FRONTIER STREET, ELOY, ARIZONA.

Staff Cover Sheet Report: *Council forward a favorable recommendation to the ADLLC for a Series 10 liquor license for Circle K Store #9548, which is proposed at 1010 W. Frontier Street in Eloy.*

Mr. Kim Kwiatkowski, agent for Circle K Store #9548, is requesting a favorable recommendation from the Council to the ADLLC for a new Series 10 (beer and wine) license. The Circle K Corporation recently purchase property adjacent (west) to the existing Circle K located at Frontier Street and Eleven Mile Corner Road. A new store is scheduled to be constructed on the property. The store located at the corner of Frontier Street and Eleven Mile Corner Road will relocate to the new store when completed. The anticipated date for completion of the new store is April 2021.

Per A.R.S. §4-201(B), a notice of intent to sell alcoholic beverages along with the application was posted on the property site for at least 20 days (8/5/2020 - 8/25/2020) for public review and comment. As of August 31, 2020, the City Clerk's office has not received any questions or comments from the public regarding the application.

FISCAL IMPACT: N/A

Councilmember Garcia wanted to know why Circle K is requesting a new liquor license rather than transferring the existing license. He also wanted to know if there are plans to have both locations open at the same time.

Mr. Vlaming said the existing store would move to the new location and the existing store would close. Mr. Vlaming said he did not know why Circle K applied for a new license instead of transferring the existing license to the new location.

There being no further questions, Mayor Belloc called for a motion to approve.

Motion by Councilmember Garcia, seconded by Vice Mayor Powell to give a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a Series 10 (beer & wine) liquor license to Circle K Store #9548 to be located at 1010 W. Frontier Street, Eloy, Arizona, passed unanimously.

IX. BUSINESS

A. REVIEW AND ACCEPTANCE OF THE AUGUST 2020 ELOY MUNICIPAL AIRPORT ECONOMIC BENEFIT ANALYSIS PREPARED BY DR. LEE MCPHETERS OF THE W.P. CAREY SCHOOL OF BUSINESS AT ARIZONA STATE UNIVERSITY

Staff Cover Sheet Report: *Council to review and accept the Eloy Municipal Airport Economic Benefit Analysis dated August 2020 as recommended by the Municipal Airport Advisory Board and prepared by Dr. Lee McPheters of the W.P. Carey School of Business at Arizona State University.*

The Eloy Airport Economic Benefit Study was prepared to accomplish the following objectives:

- Provide a detailed accounting of the direct and secondary economic benefits that accrue from the Eloy Municipal Airport. Measure and analyze employment, payrolls, and economic output (revenues) created from airport activities in support of general aviation and skydiving activity.*
- Identify the benefits from visitors arriving by general aviation aircraft, including their off-airport spending on lodging, food, ground transportation, recreation, and retail goods and services within the area, and jobs and income created as a result.*
- Measure the benefits from skydiving customers during their stay in the Eloy area. Compile estimates of expenditures for lodging, food, ground transportation, retail goods and services, and other recreational activity in addition to skydiving.*
- Demonstrate how these on-airport and visitor activities benefit the entire regional economy. Show how the initial impacts lead to secondary*

"multiplier" effects as spending recirculates through the economy creating both additional jobs and economic benefits for the region.

- *Calculate the revenue to state and local governments from on-airport activity and air visitor spending.*
- *Prepare a report to inform the general public, decision makers in business and government, and aviation professionals about the economic contributions generated by the Eloy Municipal Airport and its related skydiving activity. Participate in a public presentation of the results of the project.*

FISCAL IMPACT: *The cost to complete the economic benefit analysis of the Eloy Municipal Airport is \$17,700 and was identified on the City's Capital Projects Fund, which is funded from sales tax proceeds. This project budget includes all professional research, analysis, drafting of text and tables, research assistance for statistical tabulations, report and summary brochure preparation, public presentation support, travel, and purchase of proprietary secondary source data for the airport service area.*

Mr. Krauss introduced Dr. Lee McPheters who presented Council with a PowerPoint presentation of his study on the economic benefit analysis of the city's municipal airport. *Note: Dr. McPheters participated via telephone conference.*

After his presentation, Dr. McPheters fielded questions from Council about the study.

It was at this time that Mayor Belloc called for a motion to approve.

Motion by Vice Mayor Powell, seconded by Councilmember Garcia to accept the August 2020 Eloy Municipal Airport Economic Benefit Analysis prepared by Dr. Lee McPheters of the W.P. Carey School of Business at Arizona State University, passed unanimously.

B. APPROVAL OF AN INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN PINAL COUNTY AND THE CITY OF ELOY FOR THE COUNTY TO PROVIDE ANIMAL CARE AND CONTROL SERVICES WITHIN THE CORPORATE LIMITS OF ELOY EFFECTIVE OCTOBER 1, 2020.

Cover Sheet Staff Report: *Council approve an Intergovernmental Agreement (IGA) between Pinal County and the City of Eloy for the County to provide animal care and control services within the corporate limits of Eloy effective October 1, 2020.*

Several months ago, Councilmember Reuter asked staff to research opportunities with Pinal County to contract for animal control services within the City of Eloy. Since Pinal County's facility was located just outside the city limits at 1150 S. Eleven Mile Corner Road and the County offered an extensive animal adoption program with a staff of 35 in its Animal Care and Control Department, the County was in an ideal position to assume the responsibilities of the City's animal care and control services. After reaching out to the County Manager, the County's Animal Care and Control Director expressed considerable interest in assuming responsibility for animal control services within Eloy.

Pinal County's animal shelter has been a "no-kill" facility since 2018. The shelter has 11 yards of outdoor space for exercise and play with a dedicated group of rescue partners and volunteers that help to identify temporary or permanent homes for the animals. Also, the shelter routinely uses social media to inform the public of adoption opportunities.

The IGA with the County would become effective on October 1, 2020, and will immediately provide Pinal County with access to the City of Eloy's animal shelter and the three vehicles assigned to the City's Animal Control Division within the Police Department. The County will assign one animal control officer to the Eloy city limits, who will have access to the City vehicles and utilize Eloy's animal shelter facility as needed. Initially, the City will compensate the County \$4,200 per month for the services of one officer. The County will also respond to after-hour requests for services on an hourly basis.

With this IGA, the City is delegating its authority for animal control services to Pinal County for enforcement of the County's animal care and control ordinance within Eloy's corporate boundaries. In addition, Pinal County has agreed to enforce the city's restrictions on tethering of dogs. The County will also provide two rabies vaccination/licensing clinics per year. The County will be responsible for issuing animal licenses within the City and retain any revenues from licensing. County employees patrolling and servicing Eloy will always wear a County uniform.

The Agreement would become effective on October 1, 2020, and remain in effect until June 30, 2023. The Agreement may be automatically renewed for up to two (2) three-year terms. Either party may terminate the Agreement with a 60-day written notice.

FISCAL IMPACT: *The City budgeted approximately \$198,920 for the Animal Control Division in FY 2020-2021. Per the IGA, Pinal County will bill the City of Eloy a monthly staffing fee of \$4,200 (base fee), plus \$63.00 per hour fee for any after-hour, weekend or holiday staffing (a three-hour minimum fee will be charged). In addition, kenneling fees will be assessed as provided in Appendix A of the Agreement. Pinal County will issue animal licenses and retain revenues from impound fees, which has historically been approximately \$5,000 per year.*

Mr. Krauss highlighted the terms of the IGA with the county for animal control services. He introduced Ms. Audra Michael, Pinal County Animal Control Director, to the Council who responded to their questions about the proposed IGA. Questions from the Council included:

- Making it convenient for residents to purchase pet licenses
- Separating city and county vaccination clinics – city clinics held in Eloy
- Using the city's animal control vehicle and animal shelter (possible adoptions and purchase of pet licenses)
- Concerns with county animal control officers being unfamiliar with the city, its residents, and animals
- The number of animal control officers who would patrol the city
- Increased work load for police officers to coordinate the new program
- Court location for residents with violations
- Overtime hours and fees
- Ability to offer assistance to residents who do not have transportation to pick up pets at county shelter
- Weekend coverage in the city

Mayor Belloc expressed some concerns about the affects the IGA would have on the community.

Mr. Krauss conveyed that most animal control ordinances are similar, except for the city's tethering provision. He said the county shelter is able to remain open with the help of volunteers, who love animals. Mr. Krauss stated that this is a common approach in other communities in Pinal and Maricopa counties. He pointed out that the county shelter is located on Eleven Mile Corner Road, just on the city's boundary, making it convenient for the county to patrol the area. In terms of the police department, he said calls coming into dispatch would be forwarded to the county for response. Mr. Krauss pointed out to the Council that there is a provision in the IGA that states if the city is not pleased with the service after a year, the city can terminate the IGA and go back to providing the service.

Chief Vasquez expressed his support of the county taking over animal control services in the city. He said the city euthanizes approximately 60% to 70% of the animals they shelter because they do not have the room. He conveyed his department does not have the workers, food or proper shelter to be a no-kill shelter. Chief Vasquez said to be a no-kill shelter; a facility has to have a kill rate of 10% or less, which the county has.

Mayor Belloc asked Chief Vasquez how many hours does his department spend handling animal control issues.

Chief Vasquez said police officers spend very little time on call outs for animals and does not see this changing if the county takes over the service.

Ms. Michael conveyed that if someone has a complaint about a dog, the individual would call the county's call center, not the police department. The call center will type up the call, which would immediately go to their cue, and their dispatchers would dispatch the call to the officers. Ms. Michael said the police department would no longer have to rely on any phone calls from the public.

Councilmember Reuter conveyed that the county has a website where residents can find out what is going on at the county shelter. He asked Councilmember Tidwell to pass his thanks to his daughter, Natasha Tidwell, for introducing better protection laws for animals in the city.

Vice Mayor Powell conveyed that he visited the county shelter and was very impressed with the operation. He said the employees and volunteers are very compassionate about caring for the animals.

There being no further questions, Mayor Belloc call for a motion.

Motion by Councilmember Reuter, seconded by Councilmember Garcia to approve and Intergovernmental Agreement (IGA) between Pinal County and the City of Eloy for the County to provide animal care and control services within the corporate limits of Eloy effective October 1, 2020, passed 6-1 by the following votes:

Yes: Councilmember Reuter; Councilmember Rodriguez; Vice Mayor Powell; Councilmember Snyder; Councilmember Garcia; Councilmember Tidwell

Abstain: Mayor Belloc

C. ADOPTION OF RESOLUTION NO. 20-1484 DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "ORDINANCE NO. 20-897" INCORPORATING REVISIONS TO THE ELOY CITY CODE PERTAINING TO PORTIONS OF SECTIONS 5-19, 21-2-2.5, 21-4-2.10 AND 21-9-1 WHICH ADDRESS FENCES, HEDGES, SIGHT VISIBILITY TRIANGLES, AND SINGLE FAMILY RESIDENTIAL ARCHITECTURAL REQUIREMENTS.

Cover Sheet Staff Report: *Council adopt Resolution No. 20-1484 declaring as a public record that certain document filed with the City Clerk and entitled "Ordinance No. 20-897" incorporating revisions to the Eloy City Code pertaining to portions of Sections 5-19, 21-2-2.5, 21-4-2.10 and 21-9-1 which address fences, hedges, sight visibility triangles, and single family residential architectural requirements.*

The purpose of this resolution is to adopt the ordinance by title only in order to avoid the costs of publishing the entire ordinance, text, exhibits and maps. This action is part of the approval of Ordinance No. 20-897 amending the Eloy Code.

FISCAL IMPACT: *Adoption of this ordinance by title only will reduce the City's publication costs.*

Mr. Stabley gave a PowerPoint presentation on the proposed zoning ordinance update, amending Chapter 5 of the city code.

Vice Mayor Powell asked Mr. Stabley would he need a permit if he converted his carport to a garage.

Mr. Stabley told Vice Mayor Powell that he would need to obtain a building permit.

Motion by Vice Mayor Powell, seconded by Councilmember Snyder to read Resolution No. 20-1484 by title only, passed unanimously.

The city clerk read the resolution title into the record.

Mayor Belloc called for a motion to approve.

Motion by Vice Mayor Powell, seconded by Councilmember Garcia to adopt Resolution No. 20-1484, passed unanimously.

D. ADOPTION OF ORDINANCE NO. 20-897 APPROVING REVISIONS TO THE ELOY CITY CODE PERTAINING TO PORTIONS OF SECTIONS 5-19, 21-2-2.5, 21-4-2.10 AND 21-9-1, WHICH ADDRESS FENCES, HEDGES, SIGHT VISIBILITY TRIANGLES, AND SINGLE-FAMILY RESIDENTIAL ARCHITECTURAL REQUIREMENTS.

Staff Cover Sheet Report: *Council adopt Ordinance No. 20-897 approving revisions to the Eloy City Code pertaining to portions of Sections 5-19, 21-2-2.5, 21-4-2.10 and 21-9-1, which address fences, hedges, sight visibility triangles, and single-family residential architectural requirements.*

Staff has been conducting a review of the City's existing adopted Zoning Code over the past year to determine if there are existing provisions that can be improved through text modifications. Ordinance amendments are often interrelated which can make them difficult to explain. Because of this, staff is brought these Zoning Code amendments to the Planning & Zoning Commission (unanimous recommendation to forward to the City Council on August 19, 2020) and is bringing them now to the City Council on specific topics which would benefit from these revisions.

The following major topic areas are addressed in this request to amend the Zoning Code: fences; and, single-family architectural requirements. Each of these topic areas are discussed below.

Fences and Hedges

The genesis of this update was conflicting standards for fences in the Zoning and the Buildings sections of the City Code. Over the years, changes to one of the sections of the Code were not reflected in the other. These conflicts made implementing the Code difficult.

Staff proposes to take the text on walls, fences and hedges out of the Buildings section of the Code and combine it with the information in the Zoning section. The term "walls" is removed from this section because walls are defined in the Code as: WALL: Means any exterior surface of a building or any part thereof, including windows. Because of this definition, staff believes that using the term fences exclusively will provide needed clarity.

*Probably the most significant change proposed here is to require that anyone who builds a fence must first receive a written approval from Community Development staff. This added requirement is based on experiences over a number of years where residents have built fences on someone else's property or too close to fire hydrants. Property owners will need to provide staff with survey or plat information so that we can determine if the fence meets our code. Staff understands that this could add significantly to the cost of constructing a fence, but is convinced that it is the only way to address the issue. **The Planning & Zoning Commission amended the proposed revisions to exempt fences that are located a minimum of ten (10) feet behind any property line of the subject parcel from this requirement.***

Staff has had a number of inquiries lately about building fences prior to building homes on the same lot. We understand the desire to build a fence concurrently with a home to facilitate storage of construction materials and secure the premises. The concern with building the fence before the home is that the home may never be built, and the lot will become a storage yard. The proposal does not allow fences to be built before homes are under construction.

We are recommending removal of the requirement that fences must be architecturally integrated with the building. That clause could be interpreted to require the use of stucco on block fences. Staff did add in that fence materials should be earth-toned. This long-standing staff policy was never codified.

The proposed language also adds in the ability for homeowners to use Hacienda-style arches and gates in their front yards if they receive the approval of the Community Development Director.

Under definitions: the definition of fence was modified to include information from both the Zoning and Building sections of the Code; the definition of fence height was eliminated because it is already covered in the Code and a definition for hedges was added.

Single Family Architectural Requirements

Staff had some serious inquiries recently about building new homes in the Downtown area. When the property owners found that they would need to build two-car garages they decided not to move forward. Staff believes that we should require two car garages in new subdivisions that are approved from this time forward. In the Downtown and Toltec areas of the City, homes rarely have two car garages. Single car carports are typical for these areas, and staff believes that our requirements for those areas should reflect that precedent.

Staff also wanted to make sure that roof mounted mechanical equipment would be allowed on existing single-family homes. We recommend that all new buildings be required to install ground mounted mechanical equipment.

Planning & Zoning Commission Recommendation

The Planning & Zoning Commission recommended approval of these revisions to the City Code, with the highlighted change, by a vote of 4-0.

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

Mr. Krauss conveyed that the last item was a resolution declaring the ordinance as a public record to save on publication costs. He said this item is to approve adoption of the ordinance for the city code.

Motion by Vice Mayor Powell, seconded by Councilmember Garcia to read Ordinance No. 20-897 by title only, passed unanimously.

The city clerk read the ordinance title into the record.

Mayor Belloc called for a motion.

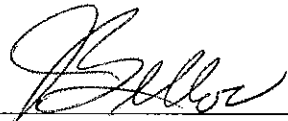
Motion by Councilmember Garcia, seconded by Vice Mayor Powell to adopt Ordinance No. 20-897, passed unanimously.

X. INFORMATIONAL ITEMS

A. August Check Register – No questions or comments from the Council.

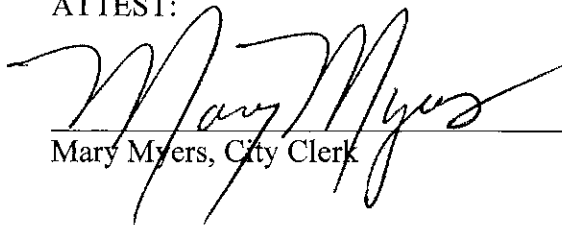
XI. ADJOURNMENT

There being no further business, Mayor Belloc adjourned the meeting at approximately 7:57 p.m.



Joel G. Belloc, Mayor

ATTEST:



Mary Myers, City Clerk