

**MINUTES OF THE REGULAR MEETING OF
THE ELOY CITY COUNCIL
CITY OF ELOY
595 NORTH C STREET
NOVEMBER 23, 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; Jon Vlaming-Community Development Director; Jeff Fairman-Economics Development Specialist; Jerry Stabley-Planning Manager; Brian Wright-Finance Director

I. CALL TO ORDER

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

II. INVOCATION

Pastor Debbie Miller gave the invocation.

III. PLEDGE OF ALLEGIANCE

Councilmember Sara Curtis led the Council and the public in the Pledge of Allegiance.

IV. ROLL CALL

Council Members Present: Councilmember George Reuter; Councilmember Sara Curtis; Vice Mayor Andrew Rodriguez; Mayor Micah Powell; Councilmember Dan Snyder; Councilmember Jose Garcia; Councilmember Sylvia Guanajuato Rodriguez

Council Members Absent: None

V. COMMUNICATIONS

1. Councilmember Reuter conveyed that Skydive Arizona recently hosted a small skydiving competition event where the local team set a new U.S. record and unofficial world record.
2. Councilmember Garcia conveyed that there would be a public hearing on December 3rd on the new landscaping for Frontier Street. The event would be in the community room at city hall, from 5:30 pm to 7:00 pm. Councilmember Garcia expressed the importance of the proposed project because the idea was brought forth by a citizen. He said several designs would be on display for the public to view and provide input.
3. Councilmember Snyder gave a very brief overview of a recent virtual Pinal Partnership meeting he attended online. Presenters were the Pinal County Board of Supervisors.

Councilmember Snyder conveyed that the Planning and Zoning Commission met last Wednesday to discuss and recommend Council approval of two items on tonight's agenda.

4. Mayor Powell conveyed that he accepted an invitation to attend a HOHP (Honoring/Hiring/Helping Our Heroes of Pinal County) event on November 14th in Casa Grande. He presented coins to Vietnam vets, their families, and other veterans. Mayor Powell said he was given a tour of the building and spoke to a group of veterans from Robson Ranch who presented the organization with a \$7,500 check.

Mayor Powell attended a Pinal County RTA meeting via Zoom on November 17th.

Mayor Powell updated the Council and the public on the number of COVID-19 cases and deaths in Pinal County and Eloy. He encouraged the public to continue wearing face masks, washing hands, and social distancing to reduce the virus's spreading.

The city is hosting a virtual tree lighting and holiday cruise night on December 12th. The tree lighting will be on Facebook live at 6:00 p.m., with the holiday cruise from 7:30 p.m. to 9:00 p.m. on Main Street.

5. Mr. Krauss conveyed that the community development department hosted an Eloy Operation Cleanup event on Saturday. Volunteers came out to help clean four properties. Mr. Krauss thanked community development staff, Angel Madrid and Lydia Powell, for doing a great job organizing the event. He also thanked volunteers from the fire district, Hank's Landscaping, the high school National Honor Society, and other community development staff for their participation.
- A. Presentation on the 2020 Census by Maria Vianey Valdez-Cardenas, U.S. Census Bureau Partnership Specialist for Southern Arizona.**

Mr. Vlaming introduced Ms. Maria Cardenas, who provided the Council and the public with a PowerPoint presentation of the results of the 2020 Census that was recently completed in Eloy.

B. Presentation to the Mayor and Council from Brian Wright, Finance Director - Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association for the Fiscal Year ending June 30, 2019.

Mr. Wright presented Mayor Powell with the city's Certificate of Achievement for Excellence in Financial Report award. Mr. Wright conveyed that this is the city's eighth consecutive year receiving this award.

Mayor Powell thanked Mr. Wright and his staff for doing an excellent job.

VI. APPEARANCES FROM THE FLOOR

None

VII. EXECUTIVE SESSION

Mayor Powell moved Executive Session before Adjournment on the agenda.

VIII. CONSENT AGENDA

- A. Approval of Minutes: 11/9/2020 (regular)
- B. Authorize the Eloy Police Department to open a checking account with Great Western Bank for City acceptance of payments for Crywolf relating to the False Alarm Reduction Program.
- C. Authorize the Mayor to enter into the "One Arizona Opioid Settlement" Memorandum of Understanding to provide a framework for distributing opioid settlement funds fairly and effectively throughout the State of Arizona.

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

IX. BUSINESS

A. ADOPTION OF CITY COUNCIL RULES AND PROCEDURES GOVERNING AGENDA SETTING, ORDER OF BUSINESS, CONDUCT OF PUBLIC MEETINGS, AND OTHER MATTERS GUIDING COUNCIL

**B. MEETING PROCEEDINGS AND THE DECISION-MAKING PROCESS,
EFFECTIVE JANUARY 1, 2021.**

Staff Cover Sheet Report: *Council adopt Rules and Procedures, dated November 23, 2020, governing agenda setting, order of business, conduct of public meetings, and other matters guiding council meeting proceedings and the decision-making process, effective on January 1, 2021.*

It is common for cities and towns to adopt rules and procedures for guiding city council meeting proceedings and the decision-making process. The purpose of the rules and procedures is to formalize how agendas are established, the order of business, the handling of public comments, the appointment of the Vice Mayor position, establishing committees, and other matters. On a practical level, the Rules and Procedures will formalize practices for City Council meeting proceedings. On a functional level, the rules of procedures also:

- Provide for more efficient, stable, and predictable decision-making process*
- Ensure that proceedings are accessible and welcoming to the public*
- Provide for more orderly debate of issues and ensure all sides are heard and treated fairly*
- Promote more effective meetings, which will instill the confidence of those affected by the decisions of the City Council*

After reviewing rules and procedures from several other Arizona cities, staff has prepared draft Rules and Procedures for your consideration. The proposed rules and procedures codify current practices; however, it does include several changes to current practices of the City Council. Below is an overview of the suggested, substantive procedural changes and new rules for Council consideration:

- Special meetings or work sessions can be scheduled at the request of three Council members*
- Items may be placed on the agenda at the request of two Council members*
- A new agenda format for the order of business at regular and special City Council meetings as well as work sessions*
- A member of the public may request that an item be removed from the Consent Agenda*
- Agenda packet materials will ordinarily be distributed on the Wednesday prior to the scheduled Monday or Tuesday Council meeting or work session*
- Designate a term for the appointment of the Vice Mayor*
- Guidance on the use of telephonic or video for Council meetings*
- Allow members of the community an opportunity to express their positions on any issue coming before the Council*
- Mayor may appoint a Sergeant-at-arms to maintain order at Council meetings*
- Requiring all voting in City Council meetings by a roll call*

- *Council members are required to vote on all issues, unless excused by a conflict of interest*
- *Procedures and rules may be suspended or amended at any time by a two-thirds vote (5 to 2) of the City Council*

These proposed rules and procedures are intended to be used in conjunction with the following:

1. *Arizona Open Meeting Law (ARIZ. REV. STAT. § 38-431 et seq., as amended)*
2. *Roberts Rules of Order, as amended*
3. *Eloy City Code of Ordinances, as amended from time to time*

Based upon Council discussion at the work session, the following changes were made to the draft Rules and Procedures, dated November 16, 2020, and highlighted in yellow:

1. *The term of the Vice Mayor will be one year, and a Council Member may serve more than one term, provided the terms are nonconsecutive.*
2. *Section XIX was renamed to "Council Member Conduct" and a new provision was added to address Council conduct and representation at civic and governmental functions or events, as well as possible conflicts of interest.*

FISCAL IMPACT: *There is no fiscal impact related to the adoption of City Council Rules and Procedures.*

Mr. Krauss conveyed that this item is a follow-up to the November 16th work session regarding the Council's proposed rules and procedures. Based on input received from Council at the work session, Mr. Krauss said he made changes to two sections:

- *Section V. The term of the Vice Mayor shall be one (1) year, and a Council member may serve more than one term, provided the terms are nonconsecutive.*
- *Section XIX. Council members representing the City at civic and governmental functions or events shall maintain a professional demeanor and promote the highest ethical standards. Council members shall not make commitments or decisions on behalf of the City unless prior approval or authorization is obtained from the Mayor and/or City Council.*

To avoid any possible conflict of interest, each Council member shall be asked to sign the City's ethics policy, agreeing to adhere to its standards.

Mr. Krauss said he would bring an ethics policy to Council for review and approval later. He stated that each member of the Council and city staff would sign the policy agreeing to the ethics policy's terms and conditions after approval.

Motion by Councilmember Snyder, seconded by Councilmember Garcia to adopt the City Council Rules and Procedures, effective January 1, 2021, passed unanimously by roll call vote.

C. APPOINTMENT OF A VICE MAYOR TO A ONE-YEAR TERM IN ACCORDANCE WITH THE CITY COUNCIL RULES AND PROCEDURES DATED NOVEMBER 23, 2020.

Cover Sheet Staff Report: *Council designate a Council member to serve as Vice Mayor for a one-year term effective on November 23, 2020.*

Section 2-11.2 of the Eloy City Code of Ordinances provides that the Council designate one of its members as Vice Mayor who shall serve in such capacity at the pleasure of the Council. The Vice Mayor performs the duties and responsibilities of the Mayor during the Mayor's absence or disability.

The proposed Council Rules and Procedures provide for a one-year term for the Vice Mayor.

FISCAL IMPACT: *N/A*

Councilmember Reuter nominated Councilmember Rodriguez to be appointed as vice mayor because of the years of hard work he has done as Councilmember.

Councilmember Snyder seconded Councilmember Reuter's nomination.

There being no further nominations, Mayor Powell called for a roll call vote.

Motion by Councilmember Reuter, seconded by Councilmember Snyder, to appoint Councilmember Andrew Rodriguez as vice mayor for a one-year term, effective November 23, 2020, passed unanimously by roll call vote.

D. PRESENTATION FROM ANNETTE GASTON REGARDING THE CITY OF ELOY'S INVESTMENT PORTFOLIO WITH PFM ASSET MANAGEMENT.

Cover Sheet Staff Report: *Annette Gaston of PFM Asset Management will be making a presentation to the City Council as it relates to the City's Investment Portfolio.*

Since 2015, PFM has been the City's investment advisor managing over \$16 million in funds for the City of Eloy. Annette Gaston, of PFM, will be making an annual investment portfolio update as it pertains to the City's investments.

FISCAL IMPACT: *N/A*

Mr. Wright introduced Mr. Luke Schneider, CFA from PFM Asset Management, who updated the Council and public on the city's investments with the company via a slide presentation.

E. COUNCIL CONDUCT A PUBLIC HEARING ON PROPOSED ANNEXATION A2020-015, TO CONSIDER AND DISCUSS ADDING APPROXIMATELY 374 ACRES OF LAND INTO THE CORPORATE LIMITS OF ELOY, GENERALLY LOCATED NORTH AND WEST OF THE INTERSECTION OF SOUTH VAIL ROAD AND PHILLIPS ROAD.

Cover Sheet Staff Report: *Council to conduct a Public Hearing on a proposed annexation of 373.645 acres of land, generally located north and south of Milligan Road, east of SR 87, Pinal County Parcel Numbers: 411-01-036G, 411-01-036H, 411-01-036J, 411-01-036K, 411-01-036L, 411-15-001, 411-15-002, 411-15-003, 411-15-004A, 411-15-010J, and a portion of Milligan, Phillips and Vail Road rights of way. The subject properties are located in Sections 10 and 15 of T. 8 S., R. 8 E., of the Gila & Salt River Base and Meridian.*

Annexation is the process by which a city may assume jurisdiction of unincorporated territory adjacent to its incorporated boundaries. As such, annexation represents a significant step in the overall growth of a city. In Arizona, annexation requires the consent of the owners of at least one-half of the value of the real and personal property and the consent of more than one-half of the number of property owners in the territory to be annexed as documented by the latest county assessor data. In addition, the consent and action of the City Council are required.

The 10 parcels to be annexed are currently being farmed, except for the City Cemetery on 411-15-002, a sand and gravel operation on 411-15-004A and the Youth Haven camp on 411-15-010J. The existing Pinal County zoning of the property is CI-2(Industrial) and GR(General Rural).

The Eloy General Plan shows this area as Estate Density Residential (0.2-1.0 du/ac), except for the sand and gravel operation which is Light Industrial and the City Cemetery which is Public/Institutional.

The proposed annexation area meets State requirements that govern annexation. The territory to be annexed adjoins the boundary of the City of Eloy for at least 300 feet; the size and shape of the parcel to be annexed is a minimum of 200 feet in width at all points; the length is not more than twice the width of the annexed territory; and the annexation would not result in the creation of a county island.

Before the petition is circulated, there is a thirty-day waiting period after filing the blank petition, corresponding map, and legal description with the Pinal County Recorder. Staff filed the initial blank petition on October 27, 2020 (Pinal County Recorder's Fee No.: 2020-109517).

FISCAL IMPACT: *The processing of this annexation required the City to pay noticing and filing costs totaling less than \$40. It also required staff time to support these efforts. The City will include this area in their police patrol territory, but due to its adjacency with existing service area and proposed use, it should not incrementally increase labor or operational costs. The annexation will include rights-of-way along Milligan, Phillips and Vail Roads. Maintaining and improving these roads will be the responsibility of the City after annexation.*

On the revenue side, the City will receive property taxes on 373.645 acres of land. Prior to development, those taxes will be minimal. After development occurs, the taxes will increase.

Mr. Stabley provided the Council and the public with a PowerPoint presentation on the proposed annexations (item E (A2020-014) was also presented and discussed under this item):

- A2020-014 - located west of Sunland Gin Road, ¼ mile north of I-10 interchange;
- A2020-015 - located north and south of Milligan Road, east of SR87, and north of I-10.

Mr. Stabley pointed out that there may be some challenges in obtaining signatures to meet the annexations. When the process was started, he met with property owners and had enough of them to agree to sign the annexation petitions for successful annexations. However, there have been some changes in ownership. Mr. Stabley stated there is one property owner who does not want to annex into the city and another property owner looking to sell his property. So, there may be some challenges in getting signatures to meet the annexations.

At this time, Mayor Powell declared a public hearing open to allow comments and questions from the Council and the public on the proposed annexations.

Mr. Stabley fielded questions from the Council and Eloy resident, J.W. Tidwell, regarding the two proposed annexations:

- Why is the city not annexing south of Hanna Road to I-10 (A2020-014)?
- Why is the city is not annexing from the cemetery to the railroad tracks to I-10 (A2020-015)?
- How many miles of roadway is within annexation, and what are the roads' conditions (A2020-015)?
- What are the benefits to the city to annex the properties (A2020-014 & A2020-015)?
- How far east is the potential north/south freeway from the proposed annexation (A2020-015)?
- Are the annexations within the local high school district (A2020-014 & A2020-015)?

There being no further questions, Mayor Powell declared the public hearing closed.

F. COUNCIL CONDUCT A PUBLIC HEARING ON PROPOSED ANNEXATION A2020-014, TO CONSIDER AND DISCUSS ADDING APPROXIMATELY 75 ACRES OF LAND INTO THE CORPORATE LIMITS OF ELOY, GENERALLY LOCATED SOUTH AND WEST OF THE INTERSECTION OF SUNLAND GIN ROAD AND HANNA ROAD.

Cover Sheet Staff Report: *Council conduct a Public Hearing on the proposed annexation of 74.778 acres of land, generally located west of Sunland Gin Road, south of Hanna Road and north of 3rd Street, Pinal County Parcel Numbers: 511-33-001D, 511-33-001E, 511-33-001F, 511-33-001G, 511-33-001H, 511-33-001M, 511-33-001N, 511-33-001P, 511-33-001Q, 511-33-001R, 511-33-008E, 511-33-008F, 511-33-015C, 511-33-016A and a portion of Sunland Gin Road right of way. The subject properties are located in the northeast quarter of Section 13 of T. 7 S., R. 6 E., of the Gila & Salt River Base and Meridian.*

Annexation is the process by which a city may assume jurisdiction of unincorporated territory adjacent to its incorporated boundaries. As such, annexation represents a significant step in the overall growth of a city. In Arizona, annexation requires the consent of the owners of at least one-half of the value of the real and personal property and the consent of more than one-half of the number of property owners in the territory to be annexed as documented by the latest county assessor data. In addition, the consent and action of the City Council are required.

The 14 parcels to be annexed are currently undeveloped vacant land, except for a hotel on 511-33-008E and 511-33-008F and an access road on 511-33-015C. The existing Pinal County zoning of the property is CB-2(General Business) and GR(General Rural).

The existing designations for these properties on the Pinal County Comprehensive Plan are High Intensity Activity Center, Medium Density Residential, Employment and General Commercial. This area does not appear on the Eloy General Plan. A major General Plan amendment is in process that will apply the City's Mixed Use and Light Industrial Land use categories to this area.

The proposed annexation area meets State requirements that govern annexation. The territory to be annexed adjoins the boundary of the City of Eloy for at least 300 feet; the size and shape of the parcel to be annexed is a minimum of 200 feet in width at all points; the length is not more than twice the width of the annexed territory; and the annexation would not result in the creation of a county island.

Before the petition is circulated, there is a thirty-day waiting period after filing the blank petition, corresponding map, and legal description with the Pinal County Recorder. Staff filed the initial blank petition on October 27, 2020 (Pinal County Recorder's Fee No.: 2020-109516).

FISCAL IMPACT: *The processing of this annexation required the City to pay noticing and filing costs totaling less than \$40. It also required staff time to support these efforts. The City will include this area in their police patrol territory, but due to its adjacency to the existing service area and proposed use, it should not incrementally increase labor or operational costs. The annexation will include rights-of-way along Sunland Gin Road. Maintaining and improving this road will be the responsibility of the City after annexation.*

On the revenue side, the City will receive property taxes on the 74.778 acres of land. Prior to development, those taxes will be minimal. After development occurs, the taxes will increase significantly: especially those areas that are proposed for commercial uses.

Mr. Krauss conveyed that no action would be necessary for this item since the proposed annexation was part of the last agenda item discussion.

G. AUTHORIZE STAFF TO PREPARE AND SOLICIT A STATEMENT OF QUALIFICATIONS TO RETAIN AN URBAN ECONOMICS CONSULTANT TO PREPARE A MARKET ANALYSIS AS A COMPONENT OF THE DOWNTOWN MASTER PLAN

Staff Cover Sheet Report: *Council authorize staff to prepare and solicit a Statement of Qualifications to retain an urban economics consultant to prepare a market analysis as a component of the Downtown Master Plan.*

The City Council has discussed the creation of a Downtown Master Plan as an important goal in both the 2019 and 2020 Council retreats. This project is now identified as a project in the City's Capital Projects for fiscal year 2020-21. At their August 12, 2020 meeting, the Downtown Advisory Commission recommended that the City Council direct staff to prepare this solicitation.

Staff is requesting market analysis assistance as a necessary component to underpin the overall vision for the Downtown Master Plan and synchronize the economic development and land use/zoning related recommendations. The focus of the market analysis is the heart of Downtown Eloy: Main Street and its surrounding area, to demonstrate near, mid and long-term employment, retail, office and higher density residential components. The intent is to make the Downtown, and its surrounding residential areas, a vibrant economic and residential community in the City. The Downtown Master Plan will fold in this market analysis information with the components of the entire Downtown Study Area.

If approved, Staff intends to develop a Request for Statement of Qualifications, which would be publically advertised for review and response by interested consultants. Staff intends to bring its recommendation for consultant selection to the Council in February 2021.

FISCAL IMPACT: *A total of \$30,000 was included in the FY 2020-21 budget for the Downtown Master Plan.*

Mr. Vlaming gave a PowerPoint presentation to the Council and the public regarding a request to solicit SOQs for an urban economic consultant to prepare a market analysis as part of the Downtown Master Plan. Mr. Vlaming said the market analysis would focus on:

- Main Street
- Neighborhoods
- Commercial Opportunities
- Window on Interstate 10

Councilmember Reuter conveyed that he would like the city to consider the idea of creating incubators. He said the city would invest in the empty buildings along Main Street and reach out to residents who may open a business if the city can incubate them for the first year without high costs. Councilmember Reuter stated that the city needs to create a multifaceted incubator for new businesses.

Vice Mayor Rodriguez asked Mr. Vlaming could this report be added to Mr. Fairman's upcoming update of the Economic Development Strategic Plan.

Mr. Vlaming said, yes.

Vice Mayor Rodriguez mentioned that a Tempe business retrofitted a building for take-out restaurants only. He said there are currently 12 eating establishments located in the building that do nothing but take out orders. Vice Mayor Rodriguez told Mr. Vlaming that he would get more information and pass it on to him.

Councilmember Snyder said he noticed that the \$50,000 is spread out over time. He asked how long would it take for the consultant to complete the analysis.

Mr. Vlaming said he is looking at an 8 to 10-month process to complete the master plan. However, he pointed out that the market study is just a piece of it. Mr. Vlaming said some component pieces need to be put together.

Councilmember Snyder said it is essential that Councilmember Reuter and Vice Mayor Rodriguez's comments are passed on to the consultant to get his/her thoughts on the recommendations. He said it is important for the consultant to also look at an art component to help develop the area.

Mr. Vlaming agreed.

Mayor Powell wanted to know if the city could use some of the information gathered over the years on Main Street from Urban Land Institute (ULI) to reduce the time. He pointed out that Main Street has not changed that much.

Mr. Vlaming said yes, but he was trying to be conservative. He said the city has to inject some public involvement and key milestones and that the staff would be involved in putting some of those component pieces together. Mr. Vlaming said the project could go a little faster than 8 to 10 months if this is the direction of the Council. He conveyed that the project is vital for the downtown to have as a foundation. Mr. Vlaming expressed that he would like ULI to come back to review and grade the city on what it has been doing and pivoting on where the city goes next.

Mayor Powell wanted to know how active has the Downtown Advisory Committee been since it was created.

Mr. Vlaming said the committee is very active and meets regularly.

Mayor Powell said he would also like to look at the four interchanges from I-10 to Frontier Street and what impact those areas have on the city. He said those interchanges generate a lot of traffic and would like to see them improved.

Mr. Vlaming agreed. He pointed out that I-10 is the backbone of Arizona.

Motion by Councilmember Garcia, seconded by Councilmember Snyder to authorize staff to prepare and solicit a Statement of Qualifications to retain an urban economics consultant to prepare a market analysis as a component of the Downtown Master Plan, passed unanimously by roll call vote.

X. INFORMATIONAL ITEMS

A. October Check Register

There were no questions or comments from the Council.

VII. EXECUTIVE SESSION

Motion by Vice Mayor Rodriguez, seconded by Councilmember Reuter to hold an executive session at approximately 7:48 p.m., for about one hour with the city manager, city attorney (if needed), and city clerk (if required) for:

- A. Performance evaluation including discussion and/or negotiation of salary and/or an employment contract of a public officer – city manager, including legal advice (if

requested by City Council) with City Attorney and possible contract negotiations, pursuant to A.R.S. §38-431.03 (A)(1), (3) and (4).

Motion passed unanimously by roll call vote.

Mayor Powell reconvened the public meeting at approximately 8:52 p.m.

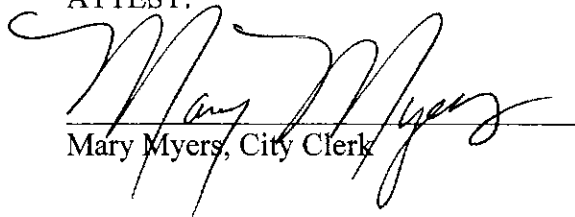
XI. ADJOURNMENT

There being no further business, Mayor Powell adjourned the meeting at approximately 8:52 p.m.



Micah Powell, Mayor

ATTEST:



Mary Myers, City Clerk