

**MINUTES OF THE REGULAR MEETING OF
THE ELOY CITY COUNCIL
CITY OF ELOY
595 NORTH C STREET
DECEMBER 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; Jon Vlaming-Community Development Director; Steve Burger-Building Safety and Code Compliance Manager; Jose Martinez-Chief Building Official; Paul Anchondo-Community Services Director; Sylvia Payne-HR Director; 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

Mayor Powell asked for a moment of silence.

III. PLEDGE OF ALLEGIANCE

Councilmember Dan Snyder 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

Mayor Powell announced the following communications:

- Congratulated the Santa Cruz Valley Union High School varsity football team and coaching staff, for winning the 2A State Championship game on Saturday. He said it had been 30 years since the school last won the state championship. The team played Benson and won the game 42-7.
- Thanked the Community Services Department staff for making the virtual tree lighting and cruise event a success. He said Main Street Park looks amazing all lit up with Christmas lights.
- Updated the public on COVID-19 cases for Pinal County and Eloy. As of today, Mayor Powell said the county has 802 new cases with no deaths. This brings the total number of cases in the county to 22,088 with 175,952 tests conducted. He said Eloy has a total of 1,929 cases.
- Had an introductory Zoom meeting with Senator Sinema's staff on December 8th.
- The Eloy water tank was recently painted. The lights will be installed over the next couple weeks. Mayor Powell said the city will have a water tower lighting event soon.
- Appointed Councilmember Snyder to represent the city at the Pinal Alliance meetings. Mayor Powell said Vice Mayor Rodriguez will serve as his backup for CAG meetings.
- Council will have a work session next month to discuss various city boards and commissions.

Mr. Krauss reiterated Mayor Powell's comments about the park. He commended Mr. Anchondo and his staff on doing an amazing job decorating the park and Main Street. Mr. Krauss wished the Council and the public happy holidays.

VI. APPEARANCES FROM THE FLOOR

J.W. Tidwell, former councilmember, presented the city clerk with several gifts as a way to show his appreciation to her for working with him the past 18 years while he served on the Council. Mr. Tidwell told her that not only has she been a city clerk, but a dear friend to him and his family.

VII. EXECUTIVE SESSION

Mayor Powell moved Executive Session before Adjournment on the agenda. He said he would not participate in the executive session because of a conflict of interest. Mayor Powell stated for the record that his mother is the realtor and the proposed buyer of the property is a relative.

VIII. CONSENT AGENDA

Councilmember Snyder requested item E removed from the Consent Agenda.

- A. Approval of Minutes: 11/23/2020 (regular)
- B. Adoption of Resolution No. 20-1490 authorizing officers/agents to deposit, transfer, and withdraw monies with Great Western Bank for the Magistrate Checking Account.
- C. Adoption of Resolution No. 20-1491 authorizing officers/agents to deposit, transfer, and withdraw monies with Great Western Bank.
- D. Adoption of Resolution No. 20-1492 authorizing officers/agents to deposit, transfer, and withdraw monies with the Local Government Investment Pool (LGIP).
- E. ~~Approval of an amended Computer Services Contract with CybarWorks for additional technical services at City facilities effective on January 1, 2021. (Removed for discussion)~~
- F. Employment contract of Harvey Krauss as City Manager, including salary and benefits.
- G. Authorize staff to release a request for Statements of Qualifications (SOQ) from qualified firms to provide the City with airport planning and environmental consulting services for the Eloy Municipal Airport.
- H. Acceptance of a Special Warranty Deed from LLSS, L.L.C., a Nevada Limited Liability Company (Lawrence E. Hill and Liliane A. Hill, Managers and Members) dedicating 6.827 acres of land at the Eloy Municipal Airport to the City of Eloy.

Motion by Vice Mayor Rodriguez, seconded by Councilmember Garcia to remove agenda item VIII-E from the Consent Agenda for discussion and approve remaining Consent Agenda items as presented, passed unanimously by roll call vote.

E. APPROVAL OF AN AMENDED COMPUTER SERVICES CONTRACT WITH CYBARWORKS FOR ADDITIONAL TECHNICAL SERVICES AT CITY FACILITIES EFFECTIVE ON JANUARY 1, 2021.

Staff Cover Sheet Report: *Council approve an amended Computer Services Contract with CybarWorks for additional technical services at City facilities effective on January 1, 2021.*

Technology is an ever-changing function, and keeping up with those changes is a challenge. The City has never had a full-time IT staff member. For over three decades, the City has contracted out IT services, and for the past decade CybarWorks has provided IT services and network support to the City. CybarWorks provides two days of onsite support and one day of remote support. CybarWorks services include, but are not limited to, support of computers, laptops, network equipment, management/maintenance of software and machines, perform analysis of network data, network administration, monitoring, cabling, telephone network support and maintenance, and end-user training.

With the recent construction of the City Hall and Police Facility and all the new computers, monitors, equipment along with the increase in demand for IT needs from

other departments, staff feels it is time to amend the CybarWorks contract to include a full-time helpdesk support personnel. Staff has been discussing for the last several years about hiring a full-time IT staff member. However, after looking at the budget, job functions, workspace, and retaining a qualified person to do all the tasks provided by CybarWorks, staff's conclusion was to continue with CybarWorks for IT support. In lieu of hiring a full-time city IT employee, staff proposes that the City expand its CybarWorks contract to include a full-time helpdesk support individual so that there can be more timely responses to departmental requests.

The current monthly service contract for CybarWorks is \$8,100 a month or \$97,200 a year. This contract provides two days of onsite support and one day of remote support. The amended contract will provide a five-day a week helpdesk support personnel along with all of the current duties and responsibilities being provided by CybarWorks. The monthly contract will increase from \$8,100 a month to \$12,000 a month or \$144,000 annually. This contract will become effective on January 1, 2021. The financial impact for the remaining six months of the fiscal year will be \$23,400, or on an annual basis, it is \$46,800.

FISCAL IMPACT: *For FY 2020-2021 the fiscal impact would be \$23,400. This would be funded out of the General Contingency account - Line item #10-429-9888.*

Councilmember Snyder wanted to know would the additional support personnel work on-site at the city or at CybarWorks.

Mr. Wright conveyed the person would be dedicated to the city and on-site Monday through Friday, during business hours and housed at the newly renovated IT room.

Councilmember Snyder asked would employees working after hours (police staff) have access to the tech or a hotline available to contact someone.

Mr. Wright said staff would follow the current process; staff would submit a work order to CybarWorks support via email or call them. He said CybarWorks responds immediately to the police department after hours to resolve the issue over the computer or in person.

Motion by Councilmember Snyder, seconded by Councilmember Garcia to approve and amended computer services contract with CybarWorks for additional technical services at city facilities, effective on January 1, 2021, passed unanimously by roll call vote.

IX. BUSINESS

A. ADOPTION OF AN UPDATED EMPLOYEE COMPENSATION PLAN EFFECTIVE JANUARY 1, 2021 AT 100% OF MARKET, AS DETERMINED

**IN THE EMPLOYEE COMPENSATION AND CLASSIFICATION STUDY
PREPARED BY MATT WEATHERLY OF PUBLIC SECTOR PERSONNEL
CONSULTANTS.**

Staff Cover Sheet Report: *Council approve an updated Employee Compensation Plan at 100% of market, including updated and reclassified job titles and positions, which was based upon the results of the Employee Compensation and Classification Study prepared by Matt Weatherly of Public Sector Personnel Consultants, and authorize the City Manager to implement the updated Employee Compensation Plan effective January 1, 2021.*

In the fall of 2019, the City of Eloy retained Public Sector Personnel Consultants to conduct an employee compensation classification study. The purpose of the study was to determine if employee salary ranges are generally competitive with other cities and towns in Arizona. This study was initiated based upon discussions during the preparation of FY 2019-2020. Mr. Weatherly presented the findings of the study to the Mayor and Council on September 21, 2020. Mr. Weatherly will present the recommendations for final adoption at the December 14, 2020 Council meeting.

The study findings have concluded that current pay ranges are more than 5% below market for 30% of the survey sampled. Included in the study are eight positions which are being recommended to be "reclassified" and/or obtain a change in Job Title in order to more appropriately align the job responsibilities and classification of the position. In addition, two positions were added to the pay plans. These positions have been identified as Utility Maintenance Worker and Landfill Gate Attendant.

There are three pay plan options being provided to Council for consideration. The options would bring employee salaries to either 95%, 97.5% or 100% of market based upon the study results. There are currently 20 positions currently under the minimum of the salary study results, and implementation of 100% of market will bring these positions up to market based upon the study.

A summary of the positions being brought to minimum salary by department are as follows:

95% Salary Plan - 4 positions: 3 in Community Services and 1 in Administration

97.5% Salary Plan - 10 positions: 4 in Community Services; 1 in Administration; 1 in Community Development; 1 in the Police; and 3 in Public Works

100% Salary Plan - 20 position: 9 in Community Services; 1 in Administration; 2 in Community Development; 1 in the Police Department; and 7 in Public Works

FISCAL IMPACT: *The fiscal impact for each option for the FY2020-2021 budget is as follows:*

*95% Market - \$3,718; impacts 4 positions
97.5% Market - \$13,101; impacts 10 positions
100% Market - \$28,360; impacts 20 positions*

Mrs. Payne introduced Mr. Matt Weatherly, from Public Sector Personnel Consultants, who gave a PowerPoint presentation on the city's Employee Compensation Plan that was recently updated by his firm.

After his presentation, Mr. Weatherly and Mrs. Payne field several questions from the Council about the updated plan.

There being no further questions, Mayor Powell called for a motion.

Motion by Councilmember Garcia, seconded by Councilmember Reuter to adopt an updated Employee Compensation Plan effective January 1, 2021 at 100% of market, as determined in the Employee Compensation and Classification study prepared by Matt Weatherly of Public Sector Professional Consultants, passed unanimously by roll call vote.

B. ADOPTION OF RESOLUTION NO. 20-1494 DECLARING AS A PUBLIC RECORD "AMENDMENTS TO THE 2018 INTERNATIONAL CODES AND THE 2017 NATIONAL ELECTRIC CODE".

Staff Cover Sheet Report: *Council adopt Resolution No. 20-1494, declaring as a public record, that certain document entitled "AMENDMENTS TO THE 2018 INTERNATIONAL CODES AND THE 2017 NATIONAL ELECTRIC CODE"*

The International Building Codes are updated and published every three years under the direction of the International Code Council. The City is currently enforcing the 2012 International Codes which were approved in April 2014 with adoption of Ordinance No. 14-829. Pinal, Yuma and Pima Counties, the Cities of Casa Grande, Maricopa, Tucson, Sahuarita, Goodyear and Phoenix, to name just a few, have already adopted the 2018 International Codes, and Robson Communities are using the 2018 International Codes in their new construction in other jurisdictions such as Goodyear. By the City adopting the 2018 International Building Codes, this will ensure that new residential and commercial buildings are constructed with up-to-date design and construction systems which include the latest technology, materials, engineering, and sustainability regulations.

By declaring the amendments to the building codes as a public record, the City can avoid the costly publication of the entire building codes. The documents will be available in the City Clerk's office for public review.

FISCAL IMPACT: *The adoption of this resolution declaring the amendments as a public record will enable the City to avoid the cost of publishing the entire building codes.*

Mr. Burger presented the Council and the public with an in-depth PowerPoint presentation on the proposed amendments to the 2018 International Codes and the 2017 National Electric Code. Mr. Burger announced that his presentation would also include slides related to agenda items C and D.

Several members of the Council were surprised that the city would require a permit for basic household items such as water heaters and window replacements.

Mayor Powell conveyed that the only concerns he has with the amendments is educating the public on the fees and fees for single family homes. He said the city's fees should be comparable with surrounding cities for individuals who want to build a home in Eloy. Mayor Powell pointed out that Coolidge is more affordable and is experiencing a boom in new construction.

Councilmember Reuter did not agree with Mayor Powell. He reminded the Council that Eloy is not Coolidge and that Coolidge is considering increasing their rates as well. Councilmember Reuter stated Eloy should be comparing its fees to Casa Grande. He pointed out that people have to pay for good service. The city cannot expect employees to provide great service if the public is not willing to pay for it. Councilmember Reuter said it is hard for him to believe someone would not build in Eloy because of \$1200.

Councilmember Curtis posed a question to the Council. She asked if the city is trying to attract builders to come into the city, why wouldn't the Council want to be competitive? She said if a person wants to live in Eloy they will build in Eloy, whether it is a \$1,000 more or less in Maricopa or Casa Grande. However, she did point out that this could be a deciding factor for a developer who want to build multiple homes in Eloy.

Mayor Powell pointed out that Coolidge has several grocery stores and their population is going up. He said Pinal County has Santan Valley, Saddlebrook, and Gold Canyon; Maricopa has been growing by leaps and bounds. Mayor Powell said Eloy is increasing permit fees to be competitive with Casa Grande, yet residents have to go into these cities for services.

Mr. Burger told Mayor Powell that staff is recommending reducing the fees by one percent (1%).

Mayor Powell's opinion was that the fees would still be too high. He stated that a person could build in Coolidge instead of Eloy because the permit fees are cheaper and still have all the amenities.

Mr. Krauss conveyed that permit fees are an asset of the city. The city does not want to give something of value away without getting something in return. Mr. Krauss gave an example that if a builder wants to build 5,000 homes in Eloy, but is

concerned about the price of the permit fees, he said the city can negotiate with the builder on the fees. If this is taken away, he said the staff would have nothing to negotiate with.

Mayor Powell told Mr. Krauss that he understands what he is saying but still considers the fees high for the single-home builder.

Mayor Powell allowed members of the public to give comments and ask questions at this time.

Mr. Tidwell inquired about the timeline for issuing a permit for installation of a water heater. He said he does not want to wait for the city to open for a permit if he has a plumber at his home 7:30 in the morning ready to install the heater.

Mr. Martinez responded to Mr. Tidwell's question however, Mr. Tidwell experienced difficulty hearing Mr. Martinez's response. Mayor Powell suggested Mr. Martinez speak directly to Mr. Tidwell after the meeting.

Councilmember Reuter suggested the city allow customers to pay for basic permit fees such as water heater installations or window repairs online. He reiterated the importance of providing good customer service.

Mr. Krauss conveyed that the city does not have the software to do this at this time, however, agrees the suggestion is a good idea.

There being no further questions, Mayor Powell called for a motion to read the resolution by title.

Motion by Vice Mayor Rodriguez, seconded by Councilmember Garcia to read Resolution No. 20-1494 by title only, passed unanimously by roll call vote.

The city clerk read the resolution title into the record.

Motion by Councilmember Snyder, seconded by Councilmember Curtis to adopt Resolution No. 20-1494, pass unanimously by roll call vote.

C. ADOPTION OF ORDINANCE NO. 20-900 APPROVING THE 2018 INTERNATIONAL CODES AND 2017 NATIONAL ELECTRIC CODE WITH LOCAL AMENDMENTS, AND AMENDING CHAPTER 5, SECTIONS 5-1 THROUGH 5-17, OF THE ELOY CITY CODE.

Cover Sheet Staff Report: *Council adopt Ordinance No. 20-900 repealing Sections 5-1 through 5-22 of Chapter 5 of the Eloy City Code, and adopt by reference the 2018 edition of the International Building, Residential, Mechanical, Plumbing, Fuel Gas, Energy Conservation, Fire, Existing Building, and Property Maintenance Codes, and*

the 2017 National Electric Code, 2010 edition of the Americans with Disabilities Act Standards for Accessible Design, and the Arizonans with Disabilities Act with appendices and amendments thereto, known collectively as the Eloy Building Code.

The International Building Codes are updated and published every three years under the direction of the International Code Council. The City is currently enforcing the 2012 International Codes which were approved in April 2014 with adoption of Ordinance No. 14-829. Pinal, Yuma and Pima Counties, the Cities of Casa Grande, Maricopa, Tucson, Sahuarita, Goodyear and Phoenix, to name just a few, have already adopted the 2018 International Codes, and Robson Communities are using the 2018 International Codes in their new construction in other jurisdictions such as Goodyear. By the City adopting the 2018 International Building Codes, this will ensure that new residential and commercial buildings are constructed with up-to-date design and construction systems which include the latest technology, materials, engineering, and sustainability regulations.

The attached ordinance adopts by reference the 2018 International Building Code, 2018 International Residential Code, 2018 International Mechanical Code, 2018 International Plumbing Code, 2018 International Fuel Gas Code, 2018 International Energy Conservation Code, 2018 International Fire Code, 2018 International Property Maintenance Code, the 2010 Americans with Disabilities Act Standards for Accessible Design and the Arizonans with Disabilities Act. Staff is also recommending the adoption of one additional code which is as follows:

2018 International Existing Building Code, a model code which regulates the design and installation of existing buildings and allows multiple options for compliance where older buildings are concerned. Chapter 34, "Existing Buildings", has been deleted from the 2012 Building Code and is now a separate publication entitled "2018 International Existing Building Code".

The proposed ordinance also contains various local amendments which were adopted in the previous code regulations. Since the International Codes are used throughout the U.S., the amendments are needed to address local conditions in southern and central Arizona. There are also new amendments which reflect minor changes to the 2018 technical codes.

Another major amendment in 2014 to the building codes was the establishment and formation of a Building Codes Board of Appeals consisting of five members appointed by the Mayor and Council, along with a member of the City Council who would serve as an ex-officio board member without a vote. This remains unchanged, in the proposed adoption of the 2018 codes.

FISCAL IMPACT: *There is not a direct fiscal impact with the adoption of this ordinance.*

Mayor Powell called for a motion to read the ordinance by title.

Motion by Councilmember Garcia, seconded by Councilmember Reuter to read Ordinance No. 20-900 by title only, passed unanimously by roll call vote.

The city clerk read the ordinance title into the record.

Motion by Councilmember Snyder, seconded by Councilmember Guanajuato Rodriguez to adopt Ordinance No. 20-900, passed unanimously by roll call vote.

D. ADOPTION OF RESOLUTION NO. 20-1495 APPROVING A REVISED "SCHEDULE OF BUILDING PERMITS AND INSPECTIONS FEES".

Cover Sheet Staff Report: *Council approve the updated "Schedule of Building Permit and Inspection Fees" with an effective date of thirty (30) days after adoption (January 15, 2021) and extending a grace period until, and including, April 5, 2021 for these updated fees to be applied to plans and permits submitted to the City.*

City staff provides building plan review and inspection services for all new residential and non-residential (commercial) construction. These technical services are intended to ensure that new construction complies with applicable building codes, and are paid by applicants/owners submitting construction plans to City staff for review and approval.

As with other industries, operating costs rise and periodic adjustments need to be made. If not made periodically, offsetting these costs becomes increasingly problematic.

To compute building permit and plan review fees, the City currently uses Building Valuation Data (BVD) published by the International Code Council (ICC), which was adopted by the City on April 28, 2014 and excerpted from the 2009 edition of the ICC. (Attachment 1) These "valuations" are not intended to reflect the actual valuation of a building, but merely to provide a constant number for consistency among like buildings.

In conjunction with the adoption of the 2018 building codes, staff recommends the adoption of updated building valuation data as reflected in Attachment 2 published by the ICC in February 2020. This Table establishes, on a per square foot valuation basis, all major building occupancies and is used in calculating permit fees for new buildings and structures. The BVD does not apply to alterations or repairs of existing buildings since their costs can have a wide variation. Also, in Eloy, reduced square foot valuations are used for minor additions such as patio covers, carports, attached garages, etc. We are proposing that these reduced figures remain, essentially, as-is. As an example, the square foot "valuation" figure for an attached private garage is presently \$18.10. This is being proposed to increase to \$20.00.

Once this "valuation" number is established, it is used to determine the Permit Fee by using Table 1-A, (Attachment 3), which was published back in 1997 and is no longer in print. Staff is proposing that this Table be updated to the current Table published in the 2018 codes (Attachment 4). Once the Permit Fee is established, an additional 25% of that fee is charged to cover mechanical, electrical and plumbing (MEP). Staff is proposing to eliminate this 25% fee since the initial valuation figure already incorporates MEP. After this Permit Fee is determined, the Plan Review fee is calculated by using 65% of the Permit Fee as established in the adopted (and proposed) Schedule of Fees.

Staff compared permit fees charged by other jurisdictions including Maricopa, Coolidge, Casa Grande, and Pinal County. Attachment 5 is a comparison of those fees for a new 1,630 square foot house with a 462 square foot garage (an actual Robson model) and an office building of 4,000 square feet. Attachment 6 reflects the proposed adjusted Eloy fees. Attachment 7 shows those proposed fees in comparison with other jurisdictions.

In addition, to simplify the Eloy Permit Fees, average fees for miscellaneous residential projects were calculated and a "flat fee" was established. Every attempt was made to keep these fees at a minimum.

Lastly, staff is proposing that we provide a "citizen discount" on Plan Review fees for various projects. Instead of charging 65% of the Permit Fee for a citizen's room addition, we are proposing a fee not to exceed \$100. For example, currently, a 200 square foot room addition would have an approximate Permit Fee of \$350 with a 65% Plan Review fee of \$228. This \$228 would be reduced to \$100.

FISCAL IMPACT: *The most recent prior adjustment to the permit fees (in 2014) was an increase of 29% (residential) and 33% (commercial) for new construction. This proposed adjustment would result in a -1.09% reduction for residential and a +2.32% increase for commercial.*

The proposed Fee Schedule is shown in Attachment 8

Mayor Powell called for a motion to read the resolution by title.

Motion by Councilmember Garcia, seconded by Vice Mayor Rodriguez to read Resolution No. 20-1495 by title only, passed unanimously by roll call vote.

The city clerk read the resolution title into the record.

Motion by Councilmember Reuter, seconded by Councilmember Curtis to adopt Resolution No. 20-1495, passed 6-1 by the following roll call votes:

Ayes: Councilmember Snyder; Councilmember Curtis; Councilmember Garcia;
Councilmember Guanajuato Rodriguez; Vice Mayor Rodriguez;
Councilmember Reuter

Nays: Mayor Powell

E. ADOPTION OF ORDINANCE NO. 20-901, AN ORDINANCE INCREASING THE CORPORATE LIMITS OF THE CITY OF ELOY, PINAL COUNTY, STATE OF ARIZONA, PURSUANT TO THE PROVISIONS OF TITLE 9, CHAPTER 4, ARTICLE 7, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO, BY ANNEXING 74.778 ACRES OF LAND, GENERALLY LOCATED WEST OF SUNLAND GIN ROAD, SOUTH OF HANNA ROAD AND NORTH OF 3RD STREET AND A PORTION OF SUNLAND GIN ROAD RIGHT-OF-WAY CONTIGUOUS TO THE EXISTING CITY LIMITS OF THE CITY OF ELOY; ESTABLISHING 19.99 ACRES OF COMMUNITY COMMERCIAL (C-2) AND 54.788 ACRES OF ESTATE RESIDENTIAL (R1-54) AS TRANSLATIONAL ZONING DESIGNATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Cover Sheet Staff Report: *Council adopt Ordinance No. 20-901, annexing 74.778 acres of land, generally located west of Sunland Gin Road, south of Hanna Road and north of 3rd Street and a portion of Sunland Gin Road right-of-way contiguous to the existing city limits of the City of Eloy; establishing 19.99 acres of Community Commercial (C-2) and 54.788 acres of Estate Residential (R1-54) as translational zoning designations and establishing an effective date.*

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 fourteen parcels to be annexed are currently undeveloped vacant land, except for the Quality Inn located at the southeast corner of the area and the access road to Las Colinas RV Park. The Eloy General Plan is currently being amended to include the annexation area. The proposed designations for these properties is Light Industrial and Mixed Use. The Mixed Use category consists of retail, office and higher density residential uses.

The existing County zoning of the area is General Business (CB-2) and General Rural (GR). If the City Council adopts the annexation ordinance, the existing County zoning designations will translate to 19.99 acres of Community Commercial (C-2) and 54.788 acres of Estate Residential (R1-54) in the City of Eloy.

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 was circulated, there was a thirty-day waiting period after filing the blank petition and 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).

The City Council held a public hearing for this annexation on November 23, 2020. No one spoke at that hearing.

FISCAL IMPACT: *The processing of this annexation required the City to pay survey, noticing and filing costs totaling less than \$2,500. It also required staff time to support these efforts. The City will include this area in their police patrol territory, but due to its proposed use, it should not incrementally increase labor or operational costs. The annexation will include right-of-way along Sunland Gin Road. Maintaining and improving this road will be the responsibility of the City after annexation. If the properties that border Sunland Gin seek to change their zoning, the City may stipulate the owners to make improvements to that road.*

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 in the parts of the project that are slated to be developed with commercial uses.

Mr. Stabley gave a PowerPoint presentation on one of the two proposed annexations he presented to the Council and the public at the November 23rd meeting. Mr. Stabley said he obtained enough signatures to move one of the annexations forward, however, the second one; he actually obtained an unexpected signature. He said he would need to contact two owners who assured him they would sign. Mr. Stabley stated that the annexation (74.778 acres) he is presenting for Council adoption is located west of Sunland Gin Road, approximately ¼ mile north of I-10. Mr. Stabley conveyed that if Council approves the annexation, the annexation and translational zoning would become effective 30 days from Council approval.

There being no questions or comments from the Council, Mayor Powell called for a motion to read the ordinance by title.

Motion by Councilmember Garcia, seconded by Councilmember Guanajuato Rodriguez to read Ordinance No. 20-901 by title only, passed unanimously by roll call vote.

The city clerk read the ordinance title into the record.

Motion by Councilmember Garcia, seconded by Councilmember Snyder to adopt Ordinance No. 20-901, passed unanimously by roll call vote.

F. PUBLIC HEARING FOR CONSIDERATION OF MAJOR AMENDMENTS TO THE ELOY GENERAL PLAN FOR CALENDAR YEAR 2020 INCORPORATING REVITALIZATION DISTRICTS AS A FINANCING MECHANISM IN THE COST OF DEVELOPMENT ELEMENT, AND AMENDING THE LAND USE PLAN WITH THE ADDITION OF 167 ACRES OF EMPLOYMENT LAND AND DELETING 718 ACRES OF LARGE LOT RESIDENTIAL LAND.

Cover Sheet Staff Report: *Council conduct a Public Hearing for consideration of Major Amendments to the Eloy General Plan for Calendar Year 2020 incorporating Revitalization Districts as a financing mechanism in the Cost of Development Element, and amending the Land Use Plan with the addition of 167 acres of employment land and deleting 718 acres of large lot residential land.*

The Eloy General Plan was readopted by the City Council through Resolution 20-1472 in May 2020. Arizona Revised Statute (ARS) §9-461.06 allows for major amendments to a City's general plan to occur on an annual basis, with the requirements and schedule determined by the City. City staff prepared and posted a schedule to conform with State Statute in late 2019. In summary, the City has accepted all major amendments submitted by the end of June 2020. On July 30th, a 60-day period for public review was conducted. At the August 19, 2020 Planning & Zoning Commission meeting, a study session was held to review the proposed amendments (proposed by City Staff). City staff also hosted an open house at City Hall on October 7, 2020. No member of the public attended the open house. The Planning & Zoning Commission held a public hearing on November 18, 2020 and also considered and recommended (unanimously) that the major amendments proposed for calendar year 2020 would be forwarded to the City Council with their recommendation for approval

State Statute requires that all major amendments are to be heard before the City Council at a single public hearing designated each year. Major amendment cases are required to be submitted within the same year they are heard, and a 2/3-majority vote of the City Council is necessary for approval. In addition, major amendments require a review by City Staff and a recommendation by the Planning & Zoning Commission. The Planning & Zoning Commission shall hold a minimum of one public hearing and shall make a recommendation of approval, approval with conditions, or denial to the City Council. The City Council shall review and approve, approve with conditions, or deny each major amendment.

A major amendment, as defined by the Eloy General Plan, is triggered by any one of the following conditions:

- 1. A change in Residential land use designation that exceeds 320 acres.*
- 2. A land use designation change from residential to non-residential of 40 acres or more.*
- 3. A change in any commercial or employment land use designations (e.g. neighborhood commercial, community commercial, light industrial, general industrial) exceeding 40 acres for commercial and 80 acres for industrial or employment uses.*

Only one submittal was received for calendar year 2020. It was submitted by City Staff and includes the following items:

- Text and graphic revisions to the Cost of Development Element to update the information and include a new tool, Revitalization Districts (previously approved by City Council) as an available financing mechanism*
- Revision of the City's Planning Area: adding 167 acres in the Sunland Gin Road area and applying land use designations to said parcels, and subtracting 718 acres of large lot residential use (part of Arizona Water Company's service area) within the Mountain View Estates subdivisions (Units one, 2 and 3).*

FISCAL IMPACT: *There is not a direct fiscal impact associated with this item.*

Mr. Vlaming gave a brief PowerPoint presentation on the proposed general plan amendments for 2020.

Mayor Powell declared the public hearing open to hear comments and questions from the public regarding the proposed amendments.

There being no questions or comments from the public, Mayor Powell declared the public hearing closed.

G. ADOPTION OF RESOLUTION NO. 20-1493 APPROVING THE MAJOR AMENDMENTS TO THE ELOY GENERAL PLAN FOR CALENDAR YEAR 2020 INCORPORATING REVITALIZATIONS DISTRICTS AS A FINANCING MECHANISM IN THE COST OF DEVELOPMENT ELEMENT, AND AMENDING THE LAND USE PLAN WITH THE ADDITION OF 167 ACRES OF EMPLOYMENT LAND AND DELETING 718 ACRES OF LARGE LOT RESIDENTIAL LAND.

Staff Cover Sheet Report: Council adopt Resolution 20-1493 approving the Major Amendments to the Eloy General Plan for Calendar Year 2020 incorporating Revitalizations Districts as a financing mechanism in the Cost of Development Element, and amending the Land Use Plan with the addition of 167 acres of employment land and deleting 718 acres of large lot residential land.

Formal consideration and adoption of the Resolution No. 20-1493 is required at this meeting to comply with Arizona Revised Statutes regarding the approval of major amendments for Calendar Year 2020. Two Major Amendments, initiated by staff, are proposed for 2020. They include the incorporation of Revitalization Districts as a financing tool in the Cost of Development Element of the General Plan, and amending the City's Land Use Plan to add 167 acres of employment land use in the vicinity of Sunland Gin Road, and removing 718 acres of large lot residential land use from the City's Planning Area which is served by Arizona Water Company.

FISCAL IMPACT: *There is not a direct financial impact associated with this adoption.*

Mayor Powell called for a motion to read the resolution by title.

Motion by Councilmember Snyder, seconded by Vice Mayor Rodriguez to read Resolution No. 20-1493 by title only, passed unanimously.

The city clerk read the resolution title into the record.

Motion by Councilmember Reuter, seconded by Councilmember Garcia to adopt Resolution No. 20-1493, passed unanimously by roll call vote.

X. INFORMATIONAL ITEMS

A. November Check Register

There were no questions or comments from the Council.

VII. EXECUTIVE SESSION

Mayor Powell announced again that he would recuse himself from participating in Executive Session due to a conflict of interest.

Motion by Councilmember Garcia, seconded by Councilmember Reuter to hold an Executive Session at approximately 8:23 p.m., for approximately 15 minutes with the city manager, city attorney, and city clerk (transcription) for:

- A. Discussion or consultation with City Manager, City Staff and the attorneys of the public body in order to consider its position and instruct its Staff and attorneys regarding the public body's position regarding PEK Properties property tax foreclosure litigation, specifications and contracts that are the subject of negotiations, in pending or contemplated litigation or in discussions conducted in order to avoid or resolve litigation and legal advice, pursuant to A.R.S. §38-431.03 (A) (3) and (4).

Motion passed unanimously by roll call vote.

Mayor Powell reconvened the public meeting at approximately 8:43 p.m.

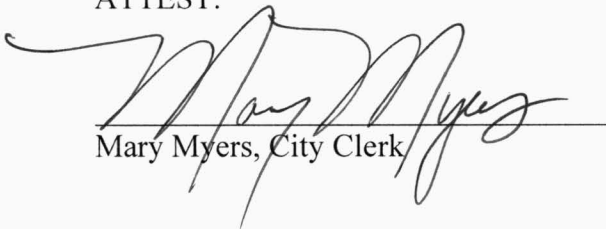
XI. ADJOURNMENT

There being no further business, Mayor Powell adjourned the meeting at approximately 8:43 p.m.



Micah Powell, Mayor

ATTEST:



Mary Myers, City Clerk