

**MINUTES OF THE REGULAR MEETING OF  
THE ELOY CITY COUNCIL  
CITY OF ELOY  
595 NORTH C STREET  
JANUARY 24, 2022  
6:00 P.M.**

**Staff Present:** David Malewitz-Acting City Manager; Stephen R. Cooper-City Attorney; Mary Myers-City Clerk; Brian Wright-Finance Director; Jon Vlaming-Community Development Director; Christopher Vasquez-Chief of Police; **\*Keith Brown-Public Works Director/City Engineer**; Sylvia Payne-HR Director

**\*Attended Executive Session only via telephone**

**I. CALL TO ORDER**

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

**II. ROLL CALL**

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

Council Members Absent: None

**III. INVOCATION**

Mrs. Mary Beth Fisher gave tonight's invocation.

**IV. PLEDGE OF ALLEGIANCE**

Vice Mayor Snyder led the Council and the public in the Pledge of Allegiance.

**V. PUBLIC APPEARANCES**

**A. Scheduled**  
None

**B. Unscheduled**  
None

**VI. REPORTS AND ANNOUNCEMENTS**

**A. Council Members' Announcements**

1. Councilmember Garcia conveyed that although the Eloy Division for Self and Community Improvement (EDSCI) organization canceled this years' MLK march he wanted to let everyone know that he and Mayor Powell had the opportunity to walk with some members of the organization on that day.

Mayor Powell said it was more of a ceremonial walk to honor the legacy of Dr. King.

2. Vice Mayor Snyder gave a brief overview of the January Pinal Partnership breakfast meeting held last Friday. He said the panel was comprised of mayors from Casa Grande, Coolidge, Eloy, Florence, and Maricopa. The mayors talked about challenges facing their cities as well as accomplishments. Vice Mayor Snyder said Mayor Powell did a great job representing Eloy.

**B. Mayor's Announcements**

Mayor Powell conveyed the following announcements:

- Represented Eloy at the mayor's roundtable discussion sponsored by Pinal Partnership on January 21<sup>st</sup>
- Participated in a symbolic march with EDSCI members on MLK Day
- CAHRA in conjunction with Pinal County will host drive through Covid testing every Tuesday and Thursday, from 1:00 p.m. to 6:00 p.m. in Eloy.

Councilmember Curtis announced that the local Sun Life also does Covid testing daily, from 8:00 a.m. to 11:00 a.m.

**C. City Manager's Announcements**

Mr. Malewitz provided the following communications to the Council and public:

- December Check Register submitted for Council review/comment.
- The homeless count in Eloy will happen in February. Mr. Vlaming and his team is working with a local organization to make it happen. Mr. Malewitz said the project is part of the county wide program.

**VII. CONSENT AGENDA**

- A. Approval of Minutes: 1/10/22 (regular)
- B. Acceptance of a proposal from ProForce Law Enforcement to purchase 29 BOLAWRAP systems, using grant funds provided by the Ak-Chin Indian Community Prop 202 - 12% grant program, at a cost not to exceed \$37,622.75.
- C. Request Acceptance of a proposal from Innovative Arms to purchase (40) sound suppressors at \$20,508.76 using funds authorized in the Police CIP and authorized by City Council
- D. Approval of the dedication of Public Right of Way and Public Utility Easement by Ronald Rowland for approximately 330 feet of the north half of Hanna Road located about 661 feet west of La Palma Road.
- E. Approve the authorization to enter into a contract with Heinfeld, Meech & Co. P.C. to perform annual auditing services for Fiscal Years 2022 - 2026

There being no requests to remove an item from the Consent Agenda, Mayor Powell called for a motion.

Motion by Councilmember Reuter, seconded by Councilmember Rodriguez to approve the Consent Agenda items as presented, passed unanimously by roll call vote (7-0).

#### **VIII. BUSINESS**

- A. CONDUCT A PUBLIC HEARING AND CONSIDER APPROVING, APPROVING WITH CONDITIONS OR DENYING CASE NO.: PADA2021-032: APPLICATION SUBMITTED BY UNITED ENGINEERING, GROUP, LLC C/O SEAN HAMILL ON BEHALF OF ORSTED ONSHORE NORTH AMERICA, LLC (C/O DJ WORTH) PROPOSING AMENDMENTS TO THE SELMA RANCH PLANNED AREA DEVELOPMENT (PAD) TO ALLOW SOLAR GENERATION FACILITIES FOR A PROJECT IDENTIFIED AS ELEVEN MILE SOLAR CENTER, LLC D/B/A COOLIDGE SOLAR CENTER, LLC. THE SUBJECT PROJECT IS GENERALLY LOCATED AT THE NORTHWEST CORNER OF ELEVEN MILE CORNER ROAD AND CORNMAN ROAD. THE SUBJECT PAD CONSISTS OF APPROXIMATELY 590.47 GROSS ACRES, ON ASSESSOR'S PARCEL NUMBERS: 402-03-008H, -008F, -008J, -019D, -019C, -019A, -018A, -018B, -008D, 402-02-004, -005, -006, -007A AND -007B ON A PORTION OF THE SOUTH HALF OF SECTION 1, AND THE EAST HALF OF SECTION 2, TOWNSHIP 7 SOUTH, RANGE 7 EAST OF THE GILA & SALT RIVER BASE & MERIDIAN, PINAL COUNTY, ARIZONA.(PROJECT NAME: SELMA RANCH PAD AMENDMENT)**

**Staff Cover Sheet Report:** *Consideration, discussion, and recommendation for approval, approval with conditions, denial or continuance of Case No. RZPAD2021-032. The proposed amendments to The Selma Ranch Planned Area Development (PAD) allow Solar Generation Facilities for a project identified as Eleven Mile Solar*

*Center, LLC d/b/a Coolidge Solar Center, LLC. The subject project is generally located at the northwest corner of Eleven Mile Corner Road and Cornman Road. The subject PAD consists of approximately 590.47 gross acres, on Assessor's Parcel Numbers: 402-03-008H, -008F, -008J, -019D, -019C, -019A, -018A, -018B, -008D, 402-02-004, -005, -006, -007A and -007B on a portion of the south half of Section 1, and the east half of Section 2, Township 7 South, Range 7 East of the Gil & Salt River Base & Meridian, Pinal County, Arizona. (Project Name: Selma Ranch PAD Amendment) gross acres shall be subject to the following conditions:*

- 1. All undeveloped portions of the subject property will be maintained in a natural, debris-free, and weed-free condition;*
- 2. That development of The Selma Ranch PAD/Eleven Mile Solar Center d/b/a Coolidge Solar Center, LLC (2021 Amendment) shall be in compliance with the Planned Area Development document (dated December 8, 2021) and/or the Eloy Zoning Ordinance; if mutually executed;*
- 3. That any major changes or modifications to the subject rezoning shall be reviewed and processed in accordance with those procedures outlined in the Planned Area Development document and/or Eloy Zoning Ordinance as may be amended from time to time. The Zoning Administrator, or designee, may administratively approve minor amendments and will determine the difference between major and minor amendments; and*
- 4. The Property Owner/Developer shall submit and receive Zoning Administrator or designee approval for the Site Plan for the entire 590.47 acres prior to construction.*
- 5. Upon decommissioning of the site, the Property Owner/Developer shall prepare and submit a detailed decommissioning plan (including the collection/recycling/disposal of all site improvements, including but not limited to solar photovoltaic panels, steel racking structures, and electrical and battery equipment) to the Zoning Administrator and any other regulatory authority for review and approval. Upon decommissioning and clean up, the site shall be inspected to ensure all decommissioning plan components have been satisfactorily addressed. Such inspection shall occur prior to the approval of any reuse plans for the subject site.*
- 6. The Property Owner/Developer shall provide, and affix on the fence at the project vehicular access points, a small metal sign with the contact information of the local representative who will be providing ongoing maintenance of the project. The Property Owner/Developer shall also transmit this information (via email) to the following: City of Eloy (Community Development Director, Public Works Director, City Manager) Eloy Fire District (Fire Marshall) in January and July of each calendar year, or any time such contact information changes.*

*Staff recommends approval of Case No.: RZPAD2021-032, with the conditions as presented.*

**FISCAL IMPACT:** *There is no fiscal impact associated with conducting this public hearing.*

Mayor Powell opened the public hearing.

Mr. Vlaming gave a brief historical overview of the Selma Ranch PAD. He said this is an amendment to a previously adopted PAD for a master planned residential community. Mr. Vlaming said the proposed amendments to the PAD is now for solar generation facilities (approximately 590 acres).

Mr. Vlaming introduced Orsted representative, Mr. Donnie Joe “DJ” Worth, who presented a PowerPoint presentation on the proposed project and Orsted’s community outreach efforts.

After Mr. Worth’s presentation, Mayor Powell opened the floor for public comments.

Councilmembers Rodriguez and Guanajuato Rodriguez both thanked Mr. Worth for his involvement in the Eloy community this past year. They were grateful to him for reaching out to the local schools even though the schools would not benefit financially from the project because they are out of the district.

Mr. Worth fielded questions from the Council about:

- The extent of community outreach
- Landscape maintenance
- Possible increase/decrease in property value

Mrs. Traci Scott, 1222 W. Grogan, voiced her opposition to the solar generation facilities. She said there are 10 residents that border the proposed facilities of which 8 families own horses and livestock. She said she does not represent the 10 residents, but is a representative of the 10 neighbors. Mrs. Scott cited the following concerns which she has spoken to Mr. Worth about:

- Early morning noise from construction
- Disturbance of bird sanctuary
- Not enough buffer to reduce heat generated from solar facilities
- Water usage to maintain vegetation around facilities
- Property value (increase/decrease)
- Unsightly view of solar panels
- More damage to dirt roads due to increase in truck traffic
- Dust control

Mrs. Scott conveyed that residents in the area urged Orsted to put up a wall and give them more space, more open land. She said they ride and exercise their horses on the open land and that the residents enjoy the desert and freedom of the outdoors.

Mayor Powell asked Mrs. Scott if Mr. Worth responded to her concerns.

Mrs. Scott said Mr. Worth answered her questions, but she is opposed to the project. She said Mr. Worth told her that there would be no wall.

At this time, Mr. Worth and Mrs. Scott answered questions from the Council about setbacks and road improvements.

Mayor Powell asked Mrs. Scott how would she feel if the property became a master planned community instead of a solar panel project. He said a housing project would take away the wildlife, create dust, and generate noise from residents and construction.

Mrs. Scott said some of her neighbors do not want residential and prefers solar over residential. However, she and her husband would rather have people over solar. She said Eloy schools would benefit by receiving more tax dollars and more students if it were residential.

Mayor Powell said Eloy schools would not benefit from that area because the property is within the Casa Grande school district.

Councilmember Curtis mentioned to Mrs. Scott that she researched the heat effect and also discussed it with Mr. Worth because of concerns from skydivers. What she learned was that the heat affect is not dissimilar to any urban development.

Councilmember Reuter told Mrs. Scott that even though she does not live in Eloy, she brings up a few points. What is happening to her could happen to all the neighboring people who are in the city limits. Councilmember Reuter said if the city has housing development in the area, it would encompass all around the project. He is hoping there can be a compromise with the setbacks. However, he understands that Orsted has to make money, and if space is taken away from the project it can be a financial loss, and he is sure that residents in the area are not willing to compensate Orsted for it. Councilmember Reuter said to avoid more trouble down the road, maybe Orsted can find a few more feet for more space.

Mrs. Scott pointed out that Orsted has offered the residents annual compensation and has been very open with suggestions. She said Orsted wants to make a partnership with the residents.

Mr. Michael Hu, 945 E. Prescott Place, Chandler, voiced his support for the project. Mr. Hu said he owns several acres north of Selma Highway. He said if the project

does not go solar, the property is already zoned for residential. If the property is used for residential, Mr. Hu said Selma Highway is supposed to be a four lane highway. Pinal Regional Transportation Authority (PRTA) tax money is supposed to be used to make the road improvement, but the money is currently tied up in court. Mr. Hu said as a physicist, homes take a lot of heat from Palo Verde station. While he understands Mrs. Scott's comments, Mr. Hu said he prefers solar over residential because solar is better and quieter.

Councilmember Curtis said she believes the issue for the Scott family is more that the solar panels will affect their lifestyle, recreational activities, and how they like to live their lives. She wanted to know if there is a compromise Orsted and the residents in the area can come to and still move forward with the project.

Mr. Worth said Orsted is currently working through the site plan process with the city. They are also working through the specifics to the feet setbacks for site plan. Mr. Worth said he left a voice mail with Mrs. Scott's neighbor, Wyatt Scott this morning to talk about turning radius and setbacks. He said tonight's discussion about Tweedy Road was good because he believes the dimensions are a little different along Grogan Road. Mr. Worth said he can work with the Scotts as the site plan is being finalized. However, he is still in discussions with his engineering and safety team about the horse riding issue.

Councilmember Curtis conveyed to Mrs. Scott that her concerns about wildlife in the area was something she herself brought up with Mr. Worth a while back. He told her that he is working with ASU, Wild at Heart, and other bird groups on relocations of burrowing owls, making sure hawks and other native species are not affected. Councilmember Curtis pointed out to Mrs. Scott that this is something she would not get from a housing developer.

Mayor Powell wanted to know are Tweedy and Grogan Roads city roads or county roads.

Mr. Vlaming said the east half of Tweedy and the south side of Grogan belongs to the city. The half street on Grogan would be 40 feet, and the half street on Tweedy would be 55 feet.

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

Mayor Powell asked the Council how they wished to proceed with Case No. PADA2021-032.

Vice Mayor Snyder recommended tabling the item due to some open questions to the provider on the setbacks. He said he would like to see this resolved with the city before taking action.

Motion by Vice Mayor Snyder, seconded by Councilmember Garcia to table this item, passed 6-1 by the following roll call vote:

Ayes: Vice Mayor Snyder, Councilmember Reuter, Councilmember Garcia, Councilmember Guanajuato Rodriguez, Mayor Powell, Councilmember Curtis

Nay: Councilmember Rodriguez

**B. ACCEPTANCE OF THE FISCAL YEAR 2020-2021 COMPREHENSIVE ANNUAL FINANCIAL AUDIT AS COMPLETED BY HEINFELD, MEECH & CO. P.C.**

**Staff Cover Sheet Report:** *Staff recommends acceptance of the Fiscal Year 2020-2021 Comprehensive Annual Financial Audit as completed by Heinfeld, Meech & Co. P.C.*

*The City's audit firm, Heinfeld, Meech & Co. P.C., has completed its annual audit of the City of Eloy financial statements for the fiscal year ending June 30, 2021. Eugene Park, with Heinfeld, Meech & Co., will present the annual audit and highlight any significant improvements in the audit.*

*This is the eighth year in which Heinfeld, Meech & Co. has audited the financial statements for the City of Eloy. The auditing staff was very professional and met all of the required timelines, which allowed the City to submit successfully the City's Comprehensive Annual Financial Report ending June 30, 2021 to the Government Finance Officers Association for consideration for the Award of Financial Reporting Achievement. If the City receives this award, it would be the tenth year in a row for this award.*

*Per A.R.S. § 9-481, section H, it states that within ninety days after completing an audit pursuant to this section, the governing body of the city or town shall require the certified public accountant who performed the audit to present the audit results and any findings to the governing body in a regular meeting without the use of a consent agenda, and the governing body shall demonstrate compliance with section 41-1494. By approving the F.Y. 2020-21 annual audit, the City is in compliance with the above statute.*

*The City was issued an unqualified opinion for the FY 2020-2021 audit. An unqualified opinion is also known as a clean opinion. The auditor reports an unqualified opinion if the financial statements are presumed to be free from material misstatements.*

**FISCAL IMPACT:** *None*

Mr. Wright introduced Mr. Eugene Park, from Heinfeld, Meech & Co. P.C., who reviewed the city's FY2020-2021 comprehensive annual financial audit.

Mr. Park said the audit had no findings and there were no recommendations from Heinfeld, Meech for audit adjustments. He said it was a good audit.

There being no questions from Council about the audit, Mayor Powell called for a motion.

Motion by Councilmember Garcia, seconded by Councilmember Curtis to accept the fiscal year 2020-2021 Comprehensive Annual Financial audit as completed by Heinfeld, Meech & Co. P.C., passed unanimously by roll call vote (7-0).

#### **IX. EXECUTIVE SESSION**

Motion by Mayor Powell, seconded by Councilmember Guanajuato Rodriguez to hold an Executive Session for approximately one hour, at approximately 7:49 p.m. with Mr. Cooper, Mr. Malewitz, Ms. Myers (transcription) and Mr. Brown (telephonically) for:

- A. Discussion or consultation with City Manager, City Staff, City Attorney and Special Legal Counsel of the public body in order to consider its position and instruct its Staff and attorneys regarding the public body's position regarding litigation update or in discussions conducted in order to avoid or resolve litigation and legal advice concerning condemnation action: City of Eloy vs. Cheeseburger, LLC and Seven OM, LLC, pursuant to A.R.S. § 38-431.03 (A) (3), (4) and (7).*

Motion passed unanimously (7-0).

Mayor Powell reconvened the public meeting at approximately 8:13 p.m.

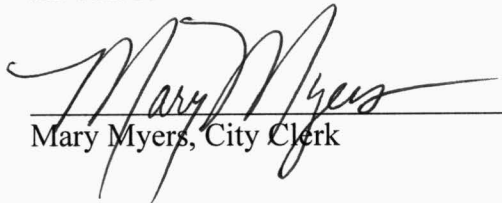
A motion was made by Vice Mayor Snyder and seconded by Councilmember Garcia for staff to proceed with item IX-A as directed in Executive Session, passed unanimously (7-0).

#### **X. ADJOURNMENT**

There being no further business, Mayor Powell adjourned the meeting at approximately 8:14 p.m.

  
\_\_\_\_\_  
Micah Powell, Mayor

ATTEST:

  
\_\_\_\_\_  
Mary Myers, City Clerk

**MINUTES OF THE SPECIAL MEETING OF  
THE ELOY CITY COUNCIL  
CITY OF ELOY  
595 NORTH C STREET  
MONDAY, JANUARY 31, 2022  
6:00 P.M.**

**Staff Present:** David Malewitz-Acting City Manager; Stephen Cooper-City Attorney; Mary Myers-City Clerk; Keith Brown-Public Works Director/City Engineer

**I. CALL TO ORDER**

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

**II. ROLL CALL**

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

Council Members Absent: Councilmember Sara Curtis

**III. PLEDGE OF ALLEGIANCE**

Councilmember Garcia led the Council and the public in the Pledge of Allegiance.

**IV. EXECUTIVE SESSION**

- A. Discussion of legal matters/consultation with the City Attorney, City Staff and/or the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, pursuant to A.R.S. §38-431.03 (A) (3), (4) and (7) for Republic Services.
- B. Discussion of legal matters/consultation with the City Attorney, City Staff and/or the public body in order to consider its position and instruct its attorneys regarding any matter on the Agenda pursuant to A.R.S. § 38-431.03 (A) (3) and (4).

Mayor Powell announced that there would be no comments allowed from the public at tonight's meeting.

Mayor Powell called for a motion to go into executive session.

Motion by Vice Mayor Snyder, seconded by Councilmember Reuter to hold an executive session at approximately 6:02 p.m., for approximately one (1) hour with Mr. Cooper, Mr. Malewitz, Mr. Brown and Mrs. Myers (transcription) for agenda item IV-A, passed unanimously (6-0).

Mayor Powell reconvened the public meeting at approximately 6:39 p.m.

V. **BUSINESS**

A. **DIRECT CITY MANAGER AND STAFF TO CONTINUE CONTRACT NEGOTIATIONS WITH REPUBLIC SERVICES FOR THE PURPOSE OF ENTERING INTO A LANDFILL OPERATING AGREEMENT FOR THE OPERATION OF THE CITY OF ELOY LANDFILL.**

Mayor Powell conveyed that at "yes" vote shall constitute the city continuing negotiations with Republic Services. If the motion is defeated with a "no" vote, negotiations with Republic Services will end. There would be no further contract negotiations.

At this time Mayor Powell called for a motion.

A motion was made by Councilmember Rodriguez and seconded by Vice Mayor Snyder to **end** contract negotiations with Republic Services for the purpose of entering into a landfill operating agreement for the operation of the City of Eloy landfill.

Mr. Cooper conveyed that Council cannot vote to do something in the negative. He suggested a motion be made to approve the contract and, if it dies for lack of a second, the item is in fact defeated. Mr. Cooper said the motion can also be seconded and Council formally cast their vote for the record.

Mayor Powell asked if he could withdraw Councilmember Rodriguez and Vice Mayor Snyder's motions.

Mr. Cooper said no; the maker and the second would have to withdraw their motions.

It was at this time that Councilmember Rodriguez and Vice Mayor Snyder both withdrew their motions.

Mayor Powell asked for a motion to approve continuing contract negotiations with Republic Services.

There being no motion made, the item died for lack of a motion.

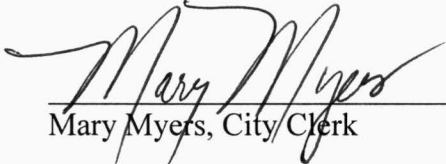
Mr. Cooper added that the affect of this action would be that there would be no further negotiations with Republic Services.

**VI. ADJOURNMENT**

There being no further business, Mayor Powell adjourned the meeting at approximately 6:42 p.m.

  
\_\_\_\_\_  
Micah Powell, Mayor

ATTEST:

  
\_\_\_\_\_  
Mary Myers, City Clerk