

**MINUTES OF THE REGULAR MEETING OF
THE ELOY CITY COUNCIL
CITY OF ELOY
595 NORTH C STREET
FEBRUARY 14, 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; Paul Anchondo-Community Services Director

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

Mr. Bob Skier gave tonight's invocation.

IV. PLEDGE OF ALLEGIANCE

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

V. PUBLIC APPEARANCES

A. Scheduled

Present the Police Department's Life-Saving Award to Cpl. Krysten Childress, Ofc. Timothy Lindsey and Sgt. Jeremy Sammons.

Chief Vasquez and Captain Byron Gwaltney recognized and presented lifesaving awards to Corporal Childress, Officer Lindsey and Sargent Sammons, for saving the life of a suicide victim at Robson Ranch on January 21, 2022. Captain Gwaltney said if it were not for the quick response and actions of these officers, the victim would have likely been successful in her suicide attempt.

Mayor Powell thanked the officers on behalf of the Council. He acknowledged their bravery and the lifesaving efforts taken to save the individual. He expressed his sincere gratitude to all Eloy police officers and first responders for what they do to protect us all from harm and danger.

B. Unscheduled

None

VI. REPORTS AND ANNOUNCEMENTS

A. Council Members' Announcements

- Councilmember Reuter conveyed that the high school and the city have posted information about the dangers of fentanyl and other illegal drugs. He asked Mr. Malewitz to search for grants where the city can purchase Narcan to distribute at hotspots in the community. He said Narcan is a drug that can counteract a drug overdose. Councilmember Reuter said sometimes people cannot afford to buy Narcan or may be too embarrassed to purchase for the family. He said Pinal County should have it available to all residents.
- Vice Mayor Snyder gave a brief overview of several meetings he attended along with Mayor Powell and Councilmember Rodriguez about redistricting. He said the results of last year's census have caused some redistricting at the local, state and national level. Vice Mayor Snyder said the redistricting is based upon the population centers, voting centers and where people are located. He said Eloy has seven voting districts and is represented by three different supervisors. Because of the redistricting, he, Mayor Powell, Councilmember Rodriguez, and several staff members had meetings with supervisor Steve Miller to determine how the redistricting would look and to give input on reducing supervisors for Eloy from three to two. Vice Mayor Snyder said the discussions were positive, but they are not sure as of yet.

B. Mayor's Announcements

Mayor Powell conveyed that he would be giving a State of the City address on Wednesday, February 16th at city hall, sponsored by the Eloy Chamber of Commerce. He said the speech would be video recorded and available for viewing on YouTube the following day. Mayor Powell said the dinner event will start at 5:30 p.m. and is sold out.

C. City Manager's Announcements

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

- Announced that the next redistricting meeting will be held tomorrow in Florence at the courthouse from 6 p.m. to 7 p.m. There will also be another meeting February 23rd, at Casa Grande city hall, from 6 p.m. to 7 p.m.
- The community development department will be assisting CAHRA with the homeless count the morning of February 23rd. He said city code enforcement officers would receive training; and police officers will be assisting the city with the project.

Mary Lou Rosales, Executive Director from CAHRA, conveyed that the count is mandated by HUD in order to receive funds for Arizona. She said funding would not be based on how many homeless people are in the community, but to show that there are homeless people and CAHRA is making an effort to provide assistance and reduce homelessness.

- City offices will be closed on February 21st in observance of President's Day.
- The quarterly financial report for period ending December 31, 2021, was presented and reviewed by Mr. Wright.

VII. CONSENT AGENDA

Mayor Powell requested item E removed from the Consent Agenda for discussion.

- A. Approval of Minutes: 1/24/22 (regular) & 1/31/22 (special)
- B. Authorize the City of Eloy to enter into an Intergovernmental Agreement (IGA) with the Pinal County Elections and Recorder Department for services related to the City's 2022 Primary and General elections.
- C. Reappointment of Mary Lou Martinez, Steven Paulson and Natasha Tidwell to the Eloy Cemetery Committee for three-year terms expiring December 31, 2024.
- D. Appointment of Edward Saucedo as a member of the Planning and Zoning Commission for a three-year term, with his term expiring on February 14, 2025.
- E. ~~Council approve the Preliminary Plat for Robson Ranch Unit Twenty "E" (20-E) subdividing 28.34 acres into 150 lots. (removed for discussion)~~
- F. Approval of a contract with Ellison-Mills Construction LLC., in an amount not to exceed \$55,000, for the installation of fire hydrants in various locations throughout the City.
- G. Approve a contract with Sunrise Engineering for the design and construction administration of a new Belt Press at the Wastewater Treatment Plant and to assist with ADEQ permit modification, for an amount not to exceed \$80,000.

- H. Authorization to enter into an agreement with Superior Pool Renovations for swimming pool resurfacing at Eloy Aquatic Center.

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

Motion by Councilmember Garcia, seconded by Councilmember Rodriguez to remove item E from the Consent Agenda for discussion, and approve remaining Consent Agenda items as presented, passed unanimously by roll call vote (7-0).

E. COUNCIL APPROVE THE PRELIMINARY PLAT FOR ROBSON RANCH UNIT TWENTY "E" (20 E) SUBDIVIDING 28.34 ACRES INTO 150 LOTS.

Staff Cover Sheet Report: *Council approve the Preliminary Plat for Unit Twenty E ("20 E") of Robson Ranch proposing to subdivide 28.34 acres into 150 residential lots. Subject property is bounded by Toltec Road to the east and Hanna Drive to the west on Assessor's Parcel Number: 402-28-001Q located in the northwest quarter of Section 16, Township 7 South, Range 7 East of the Gila & Salt River Base & Meridian, Pinal County, Arizona, subject to the following stipulations:*

- 1. That all development of the property shall comply with the approved pre-annexation and development agreement and any amendments between Sun Lakes-Casa Grande Development, LLC and the City of Eloy; and,*
- 2. That the Drainage Report and the Grading and Drainage Plans be reviewed and approved by the City of Eloy.*

This is a request for preliminary plat approval from B & R Engineering, Inc. on behalf of Sun Lakes-Casa Grande, LLC proposing a Preliminary Plat for Robson Ranch Unit Twenty E ("20 E"), Case No.: PP2021-039. The subject property is located within the age-restricted master-planned community of Robson Ranch. Robson Ranch is located on the north side of Highway 84, west of Toltec Road, east of the Overfield Road alignment. More precisely, this project is located at the northeast corner of Harris Hawk Lane/Wagon Trail Drive, being in the northeast quarter of Section 16, Township 7 South, and Range 7 East. The proposed subdivision has a gross area of 28.34 acres. The Eloy General Plan Land Use Plan identifies the subject property as Medium-High Density Residential (6.0-10.0 dwelling units per acre). This property is zoned R-3 (Multiple Family Residential) with a PAD (Planned Area Development) Overlay. Therefore, this request is in conformance with the Eloy General Plan and the Eloy Zoning Ordinance. The minimum lot size is 4,800 square feet and the average lot size is 5,090 square feet.

Primary vehicular ingress/egress to this subdivision will be from two access points that intersect with Hohokam Way and White Horse Boulevard. A gate was previously secured across Chippewa Drive that would allow more proximate emergency access

from the Eloy Fire District Station (#522) located at 4015 N. Toltec Road, approximately 1.5 miles to the south. The infrastructure for this subdivision, including the streets, water, sewer and open space tracts, will be privately owned and maintained. The proposed development of Unit "20 E" will exhibit a density of 5.29 dwelling units per gross acre.

FISCAL IMPACT: *The City of Eloy entered into a pre-annexation and development agreement with the developer that provided construction sales tax rebate incentives, and allowed the developer to provide its own utility services to residents. Since Robson Ranch is an age restricted and gated community, the streets will be privately owned and maintained, as well as all landscape tracts and community amenities. The City will provide solid waste collection services contracted through Right Away Disposal (RAD) and police protection to the future residents in this community, as well as the entire area of Robson Ranch.*

Mayor Powell posed a question to Mr. Vlaming about the following wording on the plat, "Future Toltec Road Improvements & Timing." He asked if this meant construction of Toltec Road would begin when the first home becomes occupied.

Mr. Vlaming explained that this is the last track that would be developed up to the northeast corner for Robson Ranch. He said Toltec Road is the road directly to the east of this particular plat. He said there is a pretty good area that would be dedicated to drainage over to the east of the lot and adjacent to Toltec Road. Mr. Vlaming said staff has had ongoing conversations with Robson representatives relative to the improvement of the roadway. He said the staff is aware that traffic is increasing on the road as development occurs to the north and east. City staff has been in contact with Robson Ranch representatives and administratively worked through a timeframe for improvement of the roadway.

Mayor Powell stated for clarification that Robson would be responsible for their half of the road and the city would be responsible for the other half.

Mr. Vlaming said this is correct. The city will partner with Robson on the improvements.

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

Motion by Vice Mayor Snyder, seconded by Councilmember Curtis to approve the Preliminary Plat for Robson Ranch Unit Twenty "E" (20 E) subdividing 28.34 acres into 150 lots, passed unanimously by roll call vote (7-0).

VIII. BUSINESS

- A. COUNCIL TO APPROVE, APPROVE WITH CONDITIONS, DENY OR CONSIDER OTHER ACTION FOR ORDINANCE 22-931 TO AMEND THE SELMA RANCH PLANNED AREA DEVELOPMENT (PAD). THIS APPLICATION TO AMEND THE PAD WAS 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, 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, -019D, -019C, -019A, -018A, -018B, -008D, 402-02-004, -005, -006, 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: *Council to consider, discuss, and approve, approve with conditions, deny Ordinance 22-931. 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. The original PAD also included APN's 402-03-008J and 402-02-007C (which are now held by different owners and not included in this amendment). (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.

The Selma Ranch PAD was initially prepared and approved by Pinal County on October 19, 2005. It was subsequently annexed into the City of Eloy on July 23, 2007 which included the translation of the entitlements into the Eloy zoning districts.

The original area of the PAD included 643 acres. This area has been reduced in this application to 590 acres with the removal of a parcel to the northwest (APN 402-03-008J) and a parcel to the southeast (APN 402-02-007C) which are now under separate ownership.

This application was heard at a legally noticed public hearing conducted by the Eloy Planning and Zoning Commission on December 15, 2021. The Commission unanimously recommended approval. This item was heard as a Public Hearing at the City Council meeting on January 24, 2022, and based on extensive public testimony was continued by the Council.

FISCAL IMPACT: *The indirect fiscal impact from this decision will allow solar generation facilities on this property, which appears to be the intent of the owner to construct and operate in the near future. If so, the City will receive construction sales taxes and retail sales taxes during the construction process.*

Mr. Vlaming gave a brief overview of what transpired at the January 24, 2022, Council meeting when this item was presented for public hearing and possible action. Mr. Vlaming stated that the item was tabled due to ongoing discussions between the applicant and members of the adjacent community to the north.

Mr. Vlaming introduced Mr. D.J. Worth, from Orsted, who presented the Council and the public with a PowerPoint presentation showing amendments made to the PAD, based discussions and comments made at the January 24th meeting.

Councilmember Reuter told Mr. Worth that he was happy to see that he added more to the setback. He asked Mr. Worth if there was a fire prevention plan for the vegetation around the solar facility.

Mr. Worth conveyed that he is working with the city for fire access. He pointed out that there is a low fire risk with solar.

Councilmember Rodriguez asked Mr. Vlaming was the amended plan approved by his department.

Mr. Vlaming said yes, in terms of the setback; staff believes the setback is appropriate. He said Orsted appeared to work very closely with the adjacent property owners and have come to a consensus with them.

Mr. Vlaming said he would like to respond to Councilmember Reuter's question about fire prevention. He said the place where there would be a fire hazard would be at the battery storage areas which are not in proximity of the vegetation. Mr. Vlaming said staff does not foresee any fires occurring there; however, there will be ready access along Grogan Avenue, the perimeter roadways as well as the interior perimeter roadway of which there are two access points.

At this time, Mayor Powell opened the floor for public comments.

The following individuals voiced their opposition for the project:

Tracy Scott	1222 E. Grogan Avenue, Eloy
Tom Bagnel	PO Box 2084 Coolidge
Penny Bagnel	PO Box 2084, Coolidge

Those in opposition of the project cited the following reasons:

- Decrease in property value
- Not enough setbacks
- No widening of Grogan Avenue
- No through access on Grogan Avenue
- No cell phone access (dead zones) due to the solar panels

Mayor Powell and Councilmember Reuter both conveyed to Mrs. Scott that Grogan is a private road, and the city has no control over it.

Mrs. Scott wanted to clarify that they would have 60 feet of road, 20 feet of landscaping, fencing and 20 feet of (his) road, which would add up to 100 feet.

Mayor Powell said it would be from her property line to Orsted's property line. He reiterated that the city has no control over this.

Councilmember Curtis said she drove out to the property a few days ago to assess the situation. She told Mrs. Scott that she (Scott) had mentioned that they like to ride their horses in the desert area, but wanted to let her know that it is not illegal to ride horses next to roadway and easements. Councilmember Curtis pointed out that they could also ride their horses on Grogan which is a private road with very few residents.

Mrs. Scott said according to the map it appears that Grogan would be cut off.

Mayor Powell asked Mr. Worth does the map show this.

Mr. Worth explained that starting at that point, is where the Central Arizona Irrigation and Drainage District (CAIDD) canal starts. He said there are access roads along the sides which are also Grogan Avenue. Mr. Worth said this is something that has been addressed with public works, community development and the fire department. He said residents can still navigate east and west along the road. Mr. Worth said in talking with the city's public works projects engineer, Tammy Valadez Paz, according to the city's roadway circulation plan, roadways are only along section lines; Grogan is not along a section line, it's a mid-section line. He reiterated that according to the city's roadway circulation plan, Grogan will not be a through road. He said it is currently an easement along a canal for CAIDD.

Mr. Chris Morgan from United Engineering conveyed that he wanted to clarify the roadway issue. He said the roadway would not be 60 feet; the city does not have any plans for a roadway extending along Grogan. It is a private access road for the residents and not a section line road where roadway dedications would be required. Mr. Morgan said they have not identified the need for a roadway - it is a 26.5 foot access easement. There are power poles closer to the residences that narrows the access way within that easement. However, the remainder of the 60 feet will just remain open land that can be traversed across. Mr. Morgan pointed out that there is a possibility that a road could occur in the future, but then there would be right of way acquisitions; a lot of planning and efforts with multi agencies and properties to make it happen.

Mr. Eric Rinestone, who owns the land that Orsted is purchasing, conveyed that he has worked with many companies over the years and has never worked with a company that had more outreach and involvement with the community than Orsted.

Mr. Rinstone said he attended the last Council meeting and was alarmed to learn that people were trespassing on his property with their horses. He contacted his counsel after the meeting and consequently will be putting up "No Trespassing" signs to stop the horseback riding, motorcycle riding and hiking from occurring on his property due to liability issues.

Councilmember Garcia asked Mr. Vlaming what is the city's code for solar panels.

Mr. Vlaming said the city has supplemental regulations as it relates to solar generation facilities. He said the city is not specific about the materials themselves in the code. However, the fire district has been very involved in the project in terms of the review of the initial information that came forth from the applicant. Mr. Vlaming said the fire department will be involved in site planning in terms of making sure that there is proper egress and access within and outside the property.

Mr. Vlaming wanted the Council to know that when his department have an applicant proposing something that is a change to a PAD, the applicant does a public involvement process. Part of the process is to make the adjacent property owners who are within 300 feet aware of the proposed change. Mr. Vlaming said his department provides the addresses and the applicant provides the mailing labels. Letters are sent out to the property owners two weeks in advance of the public hearing at a Planning and Zoning Commission meeting. Mr. Vlaming said he has not been contacted by any of the individuals who have spoken tonight.

Mr. George Flores, owner of LaPaloma Restaurant voiced his support for the project. He said Mr. Worth has been very involved in the community and even sponsored his girls softball team. Mr. Flores said he understands the concerns of the residents who live in the area. But as a long-time resident, he has talked to other residents about the area and they all know it as vacant land and a place for illegal dumping. Mr. Flores said if Orsted is going to clean the area and help the community he is in support of the project.

There being no further discussion, Mayor Powell called for a motion to read the ordinance by title only.

Motion by Councilmember Rodriguez, seconded by Councilmember Garcia to read Ordinance No. 22-931 by title only, passed unanimously.

The city clerk read the ordinance title into the record.

Mayor Powell called for a motion.

A motion was made by Vice Mayor Snyder and seconded by Councilmember Rodriguez to approve the PAD as read.

Mr. Cooper conveyed that the agenda item is approval of Ordinance No. 22-931 which encompasses those things.

Mayor Powell noted for the record that a motion was made by Vice Mayor Snyder and seconded by Councilmember Rodriguez to approve Ordinance No. 22-931. Mayor Powell called for a roll call vote of the motion.

Yea: Vice Mayor Snyder, Councilmember Guanajuato Rodriguez, Councilmember Curtis, Councilmember Rodriguez, Councilmember Reuter, Mayor Powell

Nay: Councilmember Garcia

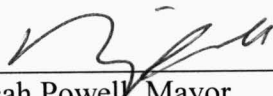
The motion passed by a roll call vote of 6-1.

IX. EXECUTIVE SESSION

No executive session requested by Council or staff.

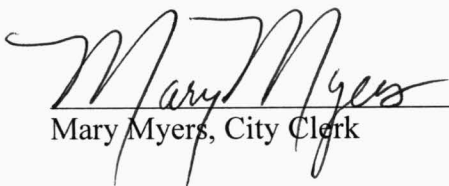
X. ADJOURNMENT

There being no further business, Mayor Powell adjourned the meeting at approximately 7:52 p.m.



Micah Powell, Mayor

ATTEST:



Mary Myers, City Clerk