

**MINUTES OF THE REGULAR MEETING OF
THE ELOY CITY COUNCIL
CITY OF ELOY
595 NORTH C STREET
MAY 22, 2023
6:00 P.M.**

Staff Present: **David Malewitz-City Manager*; Stephen R. Cooper-City Attorney; Mary Myers-City Clerk; Kazi Haque-Assistant City Manager; Christopher Vasquez-Police Chief;
**Jeff Fairman-Economic Development Specialist*
**Participated via telephone conference call*

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, *Vice Mayor Sylvia Guanajuato Rodriguez, *Councilmember George Reuter, Councilmember Sara Curtis, *Councilmember Dan Snyder, Councilmember Jose Garcia, Councilmember Michelle McKinley-Tarango*
**Participated via telephone conference call*

Council Members Absent: None

III. INVOCATION

Mary Beth Fischer gave tonight's invocation.

IV. PLEDGE OF ALLEGIANCE

Councilmember Garcia 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 Member Announcements

1. Councilmember Curtis conveyed that chamber executive director, Andrew Rodriguez, requested a skydiver to land inside the Eloy Memorial Park on Monday as part of the Memorial Day ceremony at the cemetery. She said weather permitting, this would happen and encouraged the public to come out to watch the event.
2. Councilmember Reuter announced that the FBI is now investigating scams related to facilities like the Skyrider Inn at the airport. He said Eloy is not the only city experiencing these types of facilities and hopes Skyrider Inn is part of the FBI's investigation to finally get it shut down. Councilmember Reuter said while things may not always go as quickly as we would like, he is glad to see that something is finally happening. He thanked Mr. Cooper for being proactive in this matter. Councilmember Reuter conveyed that he encouraged Toltec residents to attend the council meetings and contact to the media to bring attention to the issue to hopefully find the best resolution for the city and citizens.

B. Mayor Announcements

Mayor Powell made the following announcements:

- He along with Vice Mayor Rodriguez, Mr. Malewitz, and Mr. Fairman are currently in Las Vegas, attending the annual ISCA. Mayor Powell said he would share details of the conference at the next council meeting.
- Congratulated Councilmember Curtis on her accomplishments and awards she recently received for skydiving. He said he was proud of how she is representing the city and the skydiving community.

Mayor Powell asked Mr. Malewitz and Mr. Cooper for an update on the Skyrider Inn matter.

C. City Manager Announcements

Mr. Malewitz

(verbatim begins) There is an investigation open at the state level into the manage of these homes and had now progressed to higher levels within government. We were called out there to help assist with the police. When I say "we," the PD were called out to assist with helping to evict some residents at the end of last week. So, they answered that call and provided information to help relocate those tenants. We were then notified within a day or so later that all the tenants had been officially vacated from that premise. So, at this point in time, there are no residents last communications I've had at that residence. As far as what the city is going to do moving forward next, I would defer that to the city attorney, Mr. Cooper since he's been working on the legal end of this, and can help update us on what that looks like.

Mr. Cooper

Mayor, Councilmembers, as the city manager pointed out, this project has been a combination of assistance from not only the city manager, the assistant city manager, and also the police department, with regards to the issues involving Sky rider Inn. What I want to make clear to the Council and to the public is that the owner of Sky rider Inn, to my knowledge, has not been provided with anything with regards to any involvement with the ongoing investigation of the ceasing of AHCCCS benefits through the state of Arizona. It appears that a person that she contracted with had a contract to provide those services and that contract was revoked last week. Essentially, that meant that the people that were going and staying there at the Sky rider Inn, there was not a funding source for them to be there. And, when we became aware of it, we immediately notified the city manager and the mayor with regards to what was going on. The city manager had sent an email on Sunday basically saying that the police had assisted in having the individuals that they were moving because they were told very quickly that they had to be out within a certain period of time. We provided - the city police department provided any of those individuals a flyer from the Arizona Health Care Cost Containment System, that gave them options if they immediately lost their residency where they were staying. And so, we were there as more of a support role – giving them places where they could contact to seek assistance and get questions answered. As the city manager pointed out, that everyone that was in there – that ceased being there by no later than Sunday and that the owner may have some other plans. I believe the city manager is probably going to work with getting this to an executive session issue for the Council at our next regular scheduled meeting, so that we can give you a little more in-depth details of what we know about this. But, again, I want to make it clear that the owner of the Sky rider Inn, to my knowledge, I was not able to find any information that she was directly involved in any of these programs or having these benefits terminated. But, it appears the person she had a contract with, that was sending individuals to be there, lost that contract and I'm hoping to try to get a public records request to get that information from that letter, from the state. It appears those letters are only about a one page letter, and I don't know if it will state with specificity with regards to what has occurred. Why the AHCCCS has terminated their benefits, but whatever public information that we can get we will certainly try to do that. Because this is a criminal matter, a lot of the public information is going to be curtailed as part of an ongoing investigation. So, when we meet, I may have more questions for you than I have answers (verbatim ends).

VII. CONSENT AGENDA

- A. Approval of Minutes: 5/1//2023 (special) & 5/8/2023 (regular)
- B. Acceptance of grant funds from FY 2023 Prosecution and Imprisonment for Border-Related Crimes.

Mayor Powell asked Council if there were any corrections, comments or item(s) to remove from the Consent Agenda.

With there being none, Mayor Powell called for a motion.

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

VIII. BUSINESS

- A. COUNCIL APPROVE THE PRELIMINARY PLAT, CASE NO.: PP2022-009, SUBMITTED BY VISTA DE PICACHO LLC C/O CHRISTINA DONG. THE SUBJECT PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF ELEVEN MILE CORNER ROAD AND THE SANTA ROSA CANAL WITHIN A PORTION OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 7 SOUTH, RANGE 8 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA. THE PROPOSED SUBDIVISION CONTAINS A TOTAL OF 365 SINGLE FAMILY RESIDENTIAL LOTS, LOCATED WITHIN A GROSS AREA OF 106.65 ACRES, ZONED R1-6, SINGLE FAMILY RESIDENTIAL (6,000 SQUARE FEET MINIMUM LOT SIZE).**

Staff Cover Sheet Report: *The Planning & Zoning Commission recommends (at their meeting on August 17, 2022) approval of the Preliminary Plat for Vista De Picacho subdividing 106.65 acres into 365 lots in the R1-6, Single Family Residential (6,000 square feet minimum lot size), subject to the following stipulations:*

- 1. The Property Owner/Developer shall submit Civil Construction Improvement Plans concurrent with the submittal of the Final Plat to the City of Eloy Community Development Department including but not limited to off-site Paving, Sewer, Drainage, Street Lighting, and Signing & Striping Plans and Subdivision Improvement Plans (G&D, Paving, Landscape, Water & Sewer, Street Lighting) and Final Drainage, Water, & Sewer Reports.*
- 2. Eleven Mile Corner Road is classified as a Major Arterial roadway utilizing a 130' ROW. The Property Owner/Developer shall dedicate half street right-of-way (65') along the parcel frontage including right-of-way for the right and left turn lanes into the subdivision.*
- 3. Eleven Mile Corner Road should be built to the Major Arterial roadway standard. The Property Owner/Developer shall install the full half street improvements including the removal and reconstruction of the existing roadway, any additional pavement necessary for the right and left turn lanes and tapers between the existing roadway and the new roadway improvements, a 6' wide sidewalk, pavement (5" asphalt over 12" ABC over 12" of subbase compacted to 95%), and curb inlets to accommodate the storm water run-off.*

4. *Eleven Mile Corner Road appears to be an existing roadway easement, not a dedicated right-of-way. If confirmed as an easement, then the right-of-way must be dedicated to the City of Eloy prior to, or at the time of, Final Plat approval by the City Council, by the adjacent parcel owner to the south.*
5. *The proposed 8' PUE along the east side of Eleven Mile Corner Road should be separated from the curb and placed to the east against the drainage channel.*
6. *The 36" sewer main from the WWTP to the manhole on Eleven Mile Corner Road must be designed and installed prior to, or concurrently with, the approval of the Final Plat by the City Council. A 30' wide sewer easement will be dedicated to the City prior to, or concurrent with, the approval of the Final Plat by the City Council.*
7. *A secondary fire and emergency all-weather access roadway (approximately 3,000 lineal feet) should be installed from Dutchman Drive to Battaglia Rd (26' wide, 8" ABC over 8" subgrade compacted to 95%). A Fire and Emergency easement will be dedicated to the City prior to, or concurrent with, the approval of the Final Plat by the City Council.*
8. *Arbor Avenue (east of Garnet Street) and Dutchman Drive shall be built as a Collector roadway cross-section (60' right-of-way (30' each side)) and shall be dedicated to the City of Eloy prior to, or concurrent with, the approval of the Final Plat by the City Council. The right-of-way on the south side of the Dutchman Drive centerline shall be dedicated prior to, or concurrent with, the approval of the Final Plat, by the adjacent parcel owner to the south.*
9. *Arbor Avenue (east of Garnet Street) and Dutchman Drive (west of Agate Way) pavement width shall be 44' including a 6" raised or at-grade painted median.*
10. *Dutchman Drive (east of Agate Way) shall be constructed to accommodate two-way traffic or shall be constructed as an all-weather access roadway (26' wide, 8" ABC over 8" subgrade compacted to 95%) and an in-lieu payment shall be made to the City of Eloy for the remaining improvements prior to the issuance of a building permit.*
11. *Both Bower Street and Dutchman Drive roadways should be extended to the east property line, including the installation of storm drain culverts and curb openings/inlets for drainage.*
12. *Prior to, or concurrent with, the approval of the Final Plat by City Council, a twenty foot (20') wide water easement shall be dedicated to the City, allowing for the looped potable water tie-in from the southeast property corner to Battaglia Road.*
13. *The Property Owner/Developer shall construct roadway improvements on Jasper Street to accommodate two-way traffic, provide an in-lieu payment for the improvements, or work with the adjacent parcel owner to the south on an agreement to exchange this half street construction with the half street on Dutchman Drive.*
14. *Street lighting is required along the east side of Eleven Mile Corner Rd (foundation mounted, four feet (4') back of curb or one foot (1') behind sidewalk) and within the subdivision (direct bury, one foot (1') behind sidewalk or in the median).*

15. *The existing overhead lines along the perimeter and within the subdivision (69KV and under) shall be placed underground by the Property Owner/Developer.*
16. *The Geotech Report shall be amended (prior to Final Plat submittal), to provide recommendations on the Eleven Mile Corner Road pavement structure and any recommendations for Cement or Lime Treated subgrade.*
17. *The Sight Visibility Easement shall be 33' x 33', typical for all vehicular access on Eleven Mile Corner Road. The Sight Visibility Easement shall be 21' x 21', typical for all other intersecting roadways.*
18. *The potable water line tie-in on Eleven Mile Corner Road shall be moved to Arbor Avenue and an isolation valve shall be designed and constructed on the main potable water line.*
19. *The Property Owner/Developer shall obtain an encroachment permit through WAPA for the sewer construction and roadway crossing of their electrical easement on the east side of Eleven Mile Corner Road.*
20. *The Property Owner/Developer is responsible for providing, at their sole cost and expense, all public infrastructure necessary to serve the project, including potable water and wastewater services.*
21. *The Property Owner/Developer shall notify the City of Eloy's Public Works Department of the location of any registered and unregistered wells on the property and the Property Owner/Developer and the City's Public Works Department shall meet and confer to determine if the wells are beneficial or whether they shall be abandoned. Wells shall be abandoned by the Property Owner/Developer if the City's Public Works Department determines that they present a health and safety hazard or are contributing to groundwater contamination and are not able to be rehabilitated, modified, or re-drilled to prevent the health and safety hazard or groundwater contamination.*
22. *The Property Owner/Developer shall allocate any and all surface water rights to the City of Eloy prior to the issuance of any building permits by the City of Eloy.*
23. *The Property Owner/Developer shall abandon any wells pursuant to, and in compliance with, State law. Such abandonment(s) shall be completed prior to the issuance of any building permits by the City of Eloy.*
24. *To the extent allowed by law, all Type-I Non-irrigation and Irrigation Grandfathered Rights associated with the property shall be properly extinguished and the resulting extinguishment credits conveyed to the City of Eloy or pledged to the City of Eloy account at the Arizona Department of Water Resources prior to the issuance of any building permits by the City of Eloy.*
25. *The Property Owner/Developer shall incorporate the conceptual Site Plan redline comments prepared by City Staff (dated August 3, 2022) into the Civil Construction Improvement Plans prepared and submitted in conjunction with the Final Plat. The conceptual improvement plans submitted with the Site Plan approval were reviewed by Staff to a conceptual plan level of detail only. Construction level comments will be forthcoming at the time of Civil Construction Improvement Plans submittal.*

This is a request submitted for a preliminary plat approval by Vista De Picacho LLC c/o Christina Dong for Vista De Picacho, Case No.: PP2022-009. The subject property is located at the southeast corner of Eleven Mile Corner Road and the Santa Rosa Canal within a portion of the northwest quarter of Section 31, Township 7 South, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona. The proposed subdivision contains a total of 365 lots within a gross area of 106.65 acres.

City Staff recommended approval of this preliminary plat, with the conditions of approval noted. The Eloy Planning & Zoning Commission also recommended approval of this preliminary plat at their August 17, 2022 meeting, also with the conditions of approval noted. The applicant has voluntarily held this case from Council consideration over the past nine months.

The Eloy General Plan Land Use Plan identifies the subject property as Medium Density Residential (3.0-6.0 dwelling units per acre). This property is zoned R1-6 (Medium Density Residential) and the gross residential density is 3.42 dwelling units per acre. Therefore, this request is in conformance with the Eloy General Plan and the Eloy Zoning Ordinance.

The minimum lot size is 6,000 square feet and the average lot size is 6,664 square feet. Primary vehicular ingress/egress to this subdivision will be from Eleven Mile Corner Road and an interim secondary vehicular access will be located along the eastern property boundary.

The City of Eloy will serve Vista de Picacho with police, water and sewer service. The Eloy Fire District will provide fire and emergency response services. Power will be provided by APS/Electrical District #4. Telephone and cable will be provided by Century Link. Natural gas will be provided by Southwest Gas.

FISCAL IMPACT: *. The applicant will be subject to impact fees to pay for the proportionate share of its demands upon city services. The applicant intends to enter into a development agreement with the city to set forth respective obligations and commitments relative to the development of the subject property.*

When fully developed, the property will augment the city's population, providing enhanced city revenues relative to state shared revenues, increased property taxes and indirectly, retail sales tax generation. The location of this subdivision will also enhance the market for goods and service businesses in Downtown Eloy.

Mr. Haque announced that he would be presenting this item for Community Development Director, Jon Vlaming, who could not attend tonight's meeting due to a family emergency.

Mr. Haque gave an overview of a request by Vista De Picacho for approval of a preliminary plat for a proposed 365 single family residential project, located at the southeast corner of 11 Mile Corner Road and the Santa Rosa Canal. Mr. Haque said the 106.65 acre project was presented to the Planning and Zoning Commission (P&Z) last August, who recommended Council approval of the plat, subject to the 25 stipulations listed in the staff report. Mr. Haque conveyed that Dawn Fortuna and Malik Brown, from Bowman Consulting, who are representing the applicant Christina Dong, are here tonight to present a PowerPoint at the request of the Council. Mr. Haque pointed out that the PowerPoint presentation was also included in the Council packets.

Mr. Brown came forward and gave a brief overview of the proposed project. He conveyed that recommendation for approval was given by the Planning and Zoning Commission last August however, the project was put on hold due to market changes. Mr. Brown said the applicant is now ready to move forward due to a change in the market.

Councilmember Snyder wanted to know the square footage of the homes and would the homes all be single level.

Mr. Brown replied that they are not sure of the square footage of the homes at this time however, each lot is 6,000 square feet, so home size would vary. Mr. Brown said the project would have a mix of single and two-story homes.

Mr. Haque said the lots are 60 feet wide. He told Council that if the preliminary plat is approved tonight, the next step for the applicant would be to obtain approval of the final plat, which the applicant would have up to 18 months to obtain before it is annulled. If the applicant fails to get approval of the final plat, the applicant would have to start the process all over again.

Councilmember Curtis who serves as ex officio to the P&Z Commission, said she was at the August meeting and the members reviewed the application very extensively. She said she feels comfortable with the recommendation and stipulations set forth by staff and the P&Z Commission.

With there being no further questions and comments, Mayor Powell call for direction from the Council.

A motion was made by Councilmember Snyder and seconded by Councilmember Curtis to approve Preliminary Plat, Case No. PP2022-009 submitted by Vista De Picacho LLC c/o Christina Dong, with stipulations as noted in the staff report, passed unanimously by roll call vote (7-0).

IX. EXECUTIVE SESSION

No executive session requested by the Council or City staff.

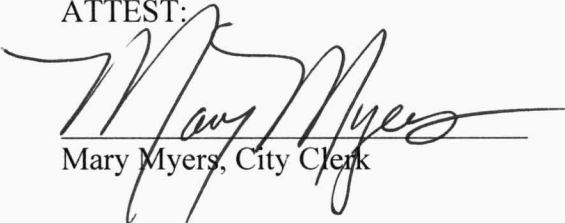
X. ADJOURNMENT

There being no further business, Mayor Powell adjourned the meeting at approximately 6:24 p.m.



Micah Powell, Mayor

ATTEST:



Mary Myers, City Clerk