

**MINUTES OF THE REGULAR MEETING OF
THE ELOY CITY COUNCIL
CITY OF ELOY
595 NORTH C STREET
SEPTEMBER 25, 2023
6:00 P.M.**

Staff Present: David Malewitz-City Manager, Stephen R. Cooper-City Attorney, Mary Myers-City Clerk, Jeremy Sammons-Sergeant, Paul Anchondo-Community Services Director, **Matt Rencher-Public Works Director/City Engineer*, Sylvia Payne-HR Director; Refugio Gallegos-Public Works Operation Manager

**Attended meeting via phone conference call*

I. CALL TO ORDER

Mayor Micah Powell called the meeting to order at approximately 6:02 p.m.

II. ROLL CALL

Council Members Present: Mayor Micah Powell, Vice Mayor Sylvia Guanajuato Rodriguez, Councilmember Andy Sutton, Councilmember Sara Curtis, Councilmember Dan Snyder, Councilmember Jose Garcia, Councilmember Michelle McKinley-Tarango

Council Members Absent: None

III. INVOCATION

Pastor Ken Blondeaux gave tonight's invocation.

IV. PLEDGE OF ALLEGIANCE

Councilmember 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 Member Announcements

1. Councilmember Snyder announced that the Revitalization Commission will be on hiatus until the beginning of next year. He said this is due to the status of some downtown projects, board vacancies, and the city not having a community development director at this time, who plays a key role on the Commission.
2. Councilmember Snyder attended the monthly Pinal Partnership breakfast last Friday with Mr. Malewitz and Mr. Jeff Fairman. The topic of discussion was water conservation.

B. Mayor Announcements

Mayor Powell conveyed the following communications:

- The CDLU annual fiestas was held September 15th and 16th. He praised the organization and city staff for putting on another outstanding event in the park.
- Invited to attend an Arizona Diamondbacks game September 16th to be recognized by Cox Communications as a community leader during Hispanic Heritage month.

Proclamation – October Fire Prevention Month

Mayor Powell presented representatives from the Eloy Fire District with the proclamation that was read by the city clerk.

C. City Manager Announcements

Mr. Malewitz made the following announcements:

- A flu shot clinic will be available to employees and the public, September 27th at city hall.
- Pinal County is hosting “Coalition to End Homelessness,” September 28th, from 8:30 a.m. to 12:30 p.m., at Central Arizona College. The event is free.
- Dead trees along Frontier Street have been replaced by Epifini Landscaping. The trees were recently planted by the landscaping company, and several died due to the extreme hot weather. Public works is monitoring the trees to ensure the irrigation system is working properly.

VII. CONSENT AGENDA

- A. Approval of Minutes: 8/28/2023 (regular)
- B. ~~Consideration of Accepting Transfer of Right of Way Ownership and Maintenance Responsibilities on a Portion of Selma Highway in Section 3, Township 7 South, Range 7 East, of the Gila and Salt River Base and Meridian, from Pinal County to the City of Eloy, and Authorizing the Mayor to Sign the Necessary Right of Way Transfer Documents. (Removed for discussion/action)~~

- C. Approve an Intergovernmental Agreement (IGA) with the Arizona Department of Transportation (ADOT) for the Intersection Lighting Project at Battaglia Road and Tweedy Road to be Fully Funded through the Highway Safety Improvement Program (HSIP) Grant in the amount of \$307,749, and Authorize the Mayor to Sign the Necessary Agreements.

Councilmember Snyder requested item B removed from the Consent Agenda for discussion.

Mayor Powell called for a motion.

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

B. CONSIDERATION OF ACCEPTING TRANSFER OF RIGHT-OF-WAY OWNERSHIP AND MAINTENANCE RESPONSIBILITIES ON A PORTION OF SELMA HIGHWAY IN SECTION 3, TOWNSHIP 7 SOUTH, RANGE 7 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, FROM PINAL COUNTY TO THE CITY OF ELOY, AND AUTHORIZING THE MAYOR TO SIGN THE NECESSARY RIGHT-OF-WAY TRANSFER DOCUMENTS

Staff Cover Sheet Report: *Staff recommends that Council approve the Transfer of Right-of-Way of a portion of Selma Highway from Pinal County to the City of Eloy, and authorize the Mayor to sign the necessary right-of-way documents to effectuate the transfer.*

There are several roads within Pinal County where the corporate limits of certain municipalities extend only to the centerline (or monument line) of the roadways, and the right-of-way ownership and maintenance responsibilities are split between Pinal County and the respective municipality. To bring these areas into compliance with the current State Statutes regarding annexations, Pinal County is transferring right-of-way ownership and maintenance responsibilities to the appropriate municipalities. One such case is Selma Highway, in which the rights-of-way are split between Pinal County, the City of Coolidge, the City of Eloy, and the City of Casa Grande. Prior to initiating the Transfer of Rights-of-Way, Pinal County completed a mill and overlay pavement preservation project, which will extend the life of the pavement so the City of Eloy will not have to perform any significant maintenance or preservation projects for quite some time.

FISCAL IMPACT: *None for the right-of-way transfer, and maintenance costs will be factored into the annual cost of maintenance.*

Councilmember Snyder expressed concerns about the condition of Selma Road. He wanted to know if the area Pinal County said they milled and preserved was completed.

Mr. Rencher said yes, it is his understanding that the road is finished.

Councilmember Snyder asked how much of the road belongs to Eloy.

Mr. Rencher conveyed Pinal County is relinquishing one mile to Eloy. He confirmed the milling and overlaying of that area being done by the county before turning it over to the city.

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

A motion was made by Councilmember Snyder and seconded by Councilmember Garcia to approve accepting the Transfer of Right-of-Way ownership and maintenance responsibilities on a portion of Selma Highway in Section 3, Township 7 South, Range 7 East, of the Gila and Salt River Base and Meridian, from Pinal County to the City of Eloy, and authorizing the Mayor to sign the necessary right-of-way transfer documents, passed unanimously by roll call vote (7-0).

VIII. BUSINESS

- A. CONDUCT A PUBLIC HEARING FOR AN APPLICATION SUBMITTED BY HEATHER N. DUKES, ESQ., C/O JAVELINA DEVELOPMENT LLC, PROPOSING TO REZONE APPROXIMATELY 17.15 ACRES CONSISTING OF PINAL COUNTY ASSESSOR PARCEL NUMBERS: 403-23-002A AND 403-23-003B, LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF TOLTEC ROAD AND HOUSER ROAD IN ELOY, ARIZONA, FROM R1-12 (SINGLE-FAMILY RESIDENTIAL) TO C-2 (COMMUNITY COMMERCIAL).CASE NO.: RZ2023-012 (PROJECT NAME: LOVE'S TRAVEL STOP).**

Staff Cover Sheet Report: *Recommendation to be addressed in next agenda item.*

The City has received an application from Heather N. Dukes, Esq. on behalf of Javelina Development, LLC, a Texas limited liability company, which has submitted an application to rezone for a proposed Love's Travel Stop consisting of approximately 17.15 net acres located 150 feet south of the Interstate 10 (I-10) freeway/Toltec Road interchange off-ramp, Pinal County Assessor's Parcel numbers: 403-23-002A and 403-23-003B. Specifically, this application requests approval of an amendment to the City of Eloy Official Zoning Map rezoning the Property from Single-Family Residential (R1-12) zoning district to the Community Commercial (C-2) zoning district.

Section 6.2.2.G of the Eloy Zoning Ordinance allows concurrent processing of certain zoning applications with the approval of the Zoning Administrator and the applicant. The following applications are being processed concurrently with this Rezoning application:

1. Conditional Use Permit (CUP) application to allow the following uses on the property:

- a) A truck stop in the Community Commercial (C-2) zoning district under Section 2.3.3 and Table 2.3-1 of the Eloy Zoning Ordinance,*
- b) A truck wash in the Community Commercial (C-2) zoning district under Section 2.3.3 and Table 2.3-1 of the Eloy Zoning Ordinance*
- c) A restaurant with a drive-through in the Community Commercial (C-2) zoning district under Section 2.3.3 and Table 2.3-1 of the Eloy Zoning Ordinance, and*
- d) Five (5) overnight recreational vehicle (RV) parking spaces with limited electric and water utility connections as an accessory used for the truck stop in the Community Commercial (C-2) zoning district.*

The applicant's request to rezone the Property to the Community Commercial (C-2) zoning district is consistent with and conforms to, the adopted General Plan for the City of Eloy, particularly: (a) the Land Use Element, (b) the Circulation Element, (c) the Growth Areas Element, and (d) the Economic Prosperity Element.

FISCAL IMPACT: *There is not a fiscal impact from conducting the public hearing.*

Mayor Powell declared a public open at this time.

Mr. Malewitz gave a brief overview of the proposed rezoning request from Ms. Heather Dukes, Esq., on behalf of Javelina Development to rezone approximately 17.15 acres from single family residential to community commercial for a second Love's Travel Stop in the city. The truck stop would be located south of Interstate 10 at the Toltec Road interchange.

Mr. Malewitz introduced Ms. Dukes, who narrated a slide presentation of the proposed project and request to approve a rezoning and conditional use permit for the new travel center, the would be located at the southwest corner of Toltec and Houser Roads. Ms. Dukes noted that the presentation also relates to items VIII-B, C & D on tonight's agenda.

Ms. Dukes introduced Love's real estate project manager, Anthony Beavers and Mr. Garrett Frame, from Kimley-Horn & Associates, who were also in attendance to answer technical questions about the project.

After her presentation, Ms. Dukes and her associates addressed questions from the Council about:

- Overnight RV parking
- Traffic congestion at the new truck stop
- Water usage
- Signage
- Possible partnership with hotel chain

Mayor Powell inquired about SpeedCo (owned by Love's) being annexed into the city.

Mr. Beavers said Love's is interested in having this discussion. However, their preference is to have it as a separate discussion from tonight's request.

Councilmember Snyder made mention of the current traffic congestion at the Love's on Sunland Gin Road.

Mr. Beavers said traffic at this location will decrease when the new truck stop is open. People will come to the new location because it will be new and there will be new food offerings. He assured the Council that the traffic would balance itself out.

It was at this time that Mayor Powell opened the floor for questions from the public.

With there being no questions from the public and no further questions from the Council, Mayor Powell declared the public hearing closed.

B. CONSIDERATION, DISCUSSION, AND RECOMMENDATION TO THE ELOY CITY COUNCIL FOR APPROVAL, APPROVAL WITH CONDITIONS, DENIAL OR CONTINUANCE OF CASE NO.: RZ2023-012 (PROJECT NAME: LOVE'S TRAVEL STOP).

Staff Cover Sheet Report: *Staff recommends approval of Case No. RZ2023-12 (Project Name: Love's Travel Stop).*

FISCAL IMPACT: *The fiscal impact of this recommendation for approval would increase both sales taxes and property taxes for the City of Eloy, upon construction and opening of the travel center.*

Mayor Powell wanted to know if the Planning and Zoning Commission imposed any restrictions on the project.

Mr. Malewitz said no, there were no restrictions.

Mayor Powell called for a motion.

A motion by Councilmember Garcia and seconded by Vice Mayor G. Rodriguez to approve Case No. RZ2023-012 (Project Name: Love's Travel Stop), passed unanimously by roll call vote (7-0).

- C. CONDUCT A PUBLIC HEARING FOR AN APPLICATION SUBMITTED BY HEATHER N. DUKES, ESQ., C/O JAVELINA DEVELOPMENT LLC, TO OBTAIN A CONDITIONAL USE PERMIT FOR A PROPOSED LOVE'S TRAVEL STOP, CONSISTING OF APPROXIMATELY 17.15 ACRES (ZONED C-2, COMMUNITY COMMERCIAL) LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF TOLTEC ROAD AND HOUSER ROAD IN ELOY, ARIZONA. SPECIFICALLY, THIS APPLICATION REQUESTS THE FOLLOWING USES ON THE PROPERTY: A TRUCK STOP, A TRUCK WASH, AND TWO FAST-FOOD RESTAURANTS WITH A DRIVE-THROUGH PURSUANT TO SECTION 21-2-3.3 AND TABLE 2.3-1. FIVE (5) OVERNIGHT RECREATIONAL VEHICLE (RV) PARKING SPACES ARE ALSO INCLUDED WITH LIMITED ELECTRICITY AND WATER UTILITY CONNECTIONS (AS AN ACCESSORY USE) TO THE TRUCK STOP. CASE NO.: CUP2023-011. (PROJECT NAME: LOVE'S TRAVEL STOP)**

Staff Cover Sheet Report: *Staff recommends approval for the Conditional Use Permit for Case No. CUP2023-011.*

The City has received an application from Heather N. Dukes, Esq. on behalf of Javelina Development, LLC, a Texas limited liability company, which has submitted an application to rezone two (2) parcels for the purpose of developing a Love's Travel Stop. The property is located 150 feet south of the Interstate 10 (I-10) freeway/Toltec Road interchange off-ramp, Pinal County Assessor's Parcel Numbers: 403-23-002A and 403-23-003B from R1-12, Single Family Residential to C-2, Community Commercial. Section 6.2.2.G of the Eloy Zoning Ordinance allows concurrent processing of certain zoning applications with the approval of the Zoning Administrator (which has been granted) and the applicant. The following applications are being processed concurrently with this Conditional Use Permit (CUP):

- 1. Conditional Use Permit application to allow the following uses on the property:*
 - a) A truck stop in the Community Commercial (C-2) zoning district pursuant to Section 2.3.3 and Table 2.3-1 of the Eloy Zoning Ordinance,*
 - b) A truck wash in the Community Commercial (C-2) zoning district pursuant to Section 2.3.3 and Table 2.3-1 of the Eloy Zoning Ordinance,*
 - c) A restaurant with a drive-through in the Community Commercial (C-2) zoning district pursuant to Section 2.3.3 and Table 2.3-1 of the Eloy Zoning Ordinance, and*

d) Five (5) overnight recreational vehicle (RV) parking spaces with limited electric and water utility connections as an accessory used for the truck stop in the Community Commercial (C-2) zoning district.

2. Preliminary Site Plan application for the proposed Love's Travel Stop (administratively reviewed and granted)

The property consists of two vacant parcels totaling approximately 17.15 net acres (747,054 s.f.) and 20.62 gross acres (898,088 s.f.) located south of the I-10 freeway at the southwest corner of the N. Toltec Road and W. Houser Road intersection.

FISCAL IMPACT: *There is no fiscal impact associated with this discussion.*

Mayor Powell declared a public hearing open.

Mayor Powell opened the floor for questions from the public.

With there being none, Mayor Powell closed the public hearing.

D. CONSIDERATION, DISCUSSION, AND RECOMMENDATION TO THE ELOY CITY COUNCIL FOR APPROVAL, APPROVAL WITH CONDITIONS, DENIAL OR CONTINUEANCE OF CONDITIONAL USE PERMIT, CASE NO.: CUP2023-011. (PROJECT NAME: LOVE'S TRAVEL STOP)

Staff Cover Sheet Report: *Staff recommends approval of Case No.: CUP2023-011. (Project Name: Love's Travel Stop).*

The indirect fiscal impact of this decision will allow for the design and construction of a new travel stop in the City of Eloy, which will contribute both sales and property tax proceeds to the City.

FISCAL IMPACT: *The indirect fiscal impact of this decision will allow for the design and construction of a new travel stop in the City of Eloy, which will contribute both sales and property tax proceeds to the City.*

No discussion.

Mayor Powell called for a motion.

Motion by Councilmember Snyder, seconded by Vice Mayor G. Rodriguez to approve a Conditional Use Permit, Case No: CUP2023-011 (Project name: Love's Travel Stop), passed unanimously by roll call vote (7-0).

Mr. Cooper conveyed that the agenda item included Ordinance No. 23-951 to be voted on by the Council. However, since the ordinance was not listed on the agenda, the Council cannot act on it. Mr. Cooper said there is a 30 day period before the rezoning becomes effective. He recommended placing the ordinance on the October 9th Council meeting for approval. The item can be placed under "Consent Agenda."

E. COUNCIL ACCEPT THE RESIGNATION OF COUNCILMEMBER SARA CURTIS AS EX-OFFICIO ON THE ELOY PLANNING AND ZONING COMMISSION, ACTING IN THE CAPACITY OF A NON-VOTING MEMBER.

Staff Cover Sheet Report: *City Council accept the resignation of Councilmember Sara Curtis as the non-voting Ex-Officio to the Eloy Planning & Zoning Commission. Councilmember Curtis is asking to resign her Planning & Zoning Ex-Officio position and be considered for a possible appointment as the Ex-Officio to the Eloy Airport Advisory Board.*

Councilmember Curtis's service on the Planning & Zoning Commission is a great asset to the Council, city staff and the citizens of Eloy. If the Council accepts Councilmember Curtis's resignation, the City Council would need to appoint a Councilmember to serve as a non-voting Ex-Officio member of the Planning & Zoning Commission, pursuant to Eloy City Code 2-70.

FISCAL IMPACT: *There is no fiscal impact on the city.*

Councilmember Curtis gave a brief explanation as to why she is stepping down as ex-officio to the Planning and Zoning Commission (P&Z), and her desire to be appointed as ex-officio to the airport advisory board (currently vacant). Councilmember Curtis said she would like to see Councilmember Sutton serve as ex-officio to the P&Z board to help him learn and grow as a council member as it helped her.

Mayor Powell called for a motion.

A motion was made by Vice Mayor G. Rodriguez and seconded by Councilmember Garcia to accept the resignation of Councilmember Sara Curtis as ex-officio on the Eloy Planning and Zoning Commission, passed unanimously by roll call vote (7-0).

F. APPOINTMENT OF A COUNCILMEMBER TO SERVE AS EX-OFFICIO ON THE ELOY MUNICIPAL AIRPORT ADVISORY BOARD, ACTING IN THE CAPACITY OF A NON-VOTING MEMBER.

Staff Cover Sheet Report: *Council appoint a Councilmember to serve as a non-voting Ex-Officio on the Eloy Municipal Airport Advisory Board. The Board currently does not have an Ex-Officio due to the resignation of former Councilmember Georges Reuter.*

Prior to his resignation from the Council, Councilmember Reuter served as Ex-Officio on the Municipal Airport Advisory Board. Since his departure on June 30, 2023, the Ex-Officio position has remained vacant. Councilmember Sara Curtis has expressed interest in serving as Ex-Officio to the Board and would like to be considered for appointment. The Ex-Officio position is a non-voting position, per Eloy City Code 2-100 (C): Appointment; Vacancies. The term would expire in November 2024.

FISCAL IMPACT: *There is no fiscal impact on the city.*

Mayor Powell opened the floor for nominations.

Councilmember Snyder nominated Councilmember Curtis to serve as ex-officio.

With there being no further nominations, Mayor Powell called for motion.

Motion by Councilmember Snyder, seconded by Councilmember Tarango to appoint Councilmember Sara Curtis as ex-officio to the Eloy Municipal Airport Advisory Board, passed unanimously by roll call vote (7-0).

G. APPOINTMENT OF A COUNCILMEMBER TO SERVE AS EX-OFFICIO ON THE ELOY PLANNING AND ZONING COMMISSION, ACTING IN THE CAPACITY OF A NON-VOTING MEMBER.

Staff Cover Sheet Report: *Council appoint a Councilmember to serve as a non-voting Ex-Officio on the Eloy Planning and Zoning Commission. The Ex-Officio for the Commission was previously filled by Councilmember Sara Curtis.*

Councilmember Sara Curtis served as Ex-Officio on the Planning and Zoning Commission until her resignation as Ex-Officio was formally accepted by the Council at tonight's meeting. Council acceptance of Councilmember Curtis's resignation leaves the Ex-Officio position on the Planning and Zoning Commission vacant. Councilmember Andy Sutton has expressed interest in serving as Ex-Officio on the Commission and would like to be considered for appointment. The Ex-Officio position is a non-voting position, per Eloy City Code 2-70 (D): Appointment of Members; Filling Vacancies. The term would expire in November 2024. Councilmember Sutton does not serve on any city boards or commissions.

FISCAL IMPACT: *There is no fiscal impact on the city.*

Mayor Powell opened the floor for nominations.

Councilmember Sutton nominated himself to serve as ex-officio.

With there being no further nominations, Mayor Powell called for a motion.

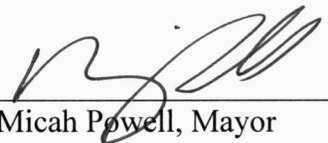
Motion by Councilmember Sutton, seconded by Councilmember Curtis to appoint Councilmember Andy Sutton as ex-officio to the Planning and Zoning Commission, passed unanimously by roll call vote (7-0).

IX. EXECUTIVE SESSION

There was no request for an executive session from Council or city staff.

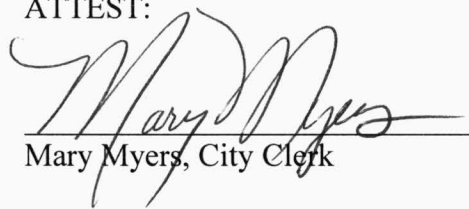
X. ADJOURNMENT

With there being no further business, Mayor Powell adjourned the meeting at approximately 6:59 p.m.



Micah Powell, Mayor

ATTEST:



Mary Myers, City Clerk