

**MINUTES OF THE REGULAR MEETING OF
THE ELOY CITY COUNCIL
CITY OF ELOY
595 NORTH C STREET
FEBRUARY 12, 2024
6:00 P.M.**

Staff Present: David Malewitz-City Manager, Mackenzie Letcher-Assistant City Manager, Stephen R. Cooper-City Attorney, Mary Myers-City Clerk, Sylvia Payne-HR Director; Brian Wright-Finance Director, Paul Anchondo-Community Services Director, Dan Symer-Community Development Director, Matt Rencher-Public Works Director/City Engineer, Byron Gwaltney-Acting Police Chief

I. CALL TO ORDER

Mayor Micah Powell called the meeting to order at approximately 6:03 p.m.

II. ROLL CALL

Council Members Present: Mayor Micah Powell, Vice Mayor Sara Curtis, Councilmember Andy Sutton, Councilmember Dan Snyder, Councilmember Jose Garcia, Councilmember Sylvia G. Rodriguez, 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

Update from Pinal Partnership President/CEO, Tony Smith, on Pinal Partnership Activities

Pinal Partnership president and CEO, Tony Smith provided an overview of the organization's activities and accomplishments for 2023 and upcoming events for 2024.

B. Unscheduled

VI. REPORTS AND ANNOUNCEMENTS

A. Council Member Announcements

No announcements

B. Mayor Announcements

- Attended the city's annual father/daughter dance last night at Robson Ranch.
- Acknowledged former councilmember George Reuter who was in the audience.

C. City Manager Announcements

- City offices will be closed on Monday, February 19, 2024, in observance of President's Day.

1. Financial Report as of December 1, 2023

Mr. Wright gave a brief overview of the city's financial condition. He reviewed:

- General fund
- Construction sales tax
- Special revenue funds
- Vehicle License Tax revenue
- Sales tax revenue

Mr. Wright said overall, the city is in good financial shape at this time.

2. Investment Portfolio Summary Ending December 31, 2023

Mr. Wright conveyed that Annette Gagnon from PFM Management provided the Council with the city's quarterly investment report. Ms. Gagnon was not at tonight's meeting to present the report, however he and Mr. Malewitz wanted Council to have the report for review. Mr. Wright asked the Council if they preferred that Ms. Gagnon present the report at the next quarterly review.

Mayor Powell wanted to know if she could present the reports to Council twice a year rather than quarterly.

Mr. Wright said yes, it can be done every six months.

It was the consensus of the Council to have Ms. Gagnon present the city's investment reports on a semi-annual basis.

Mr. Wright said he would have Ms. Gagnon give her presentation at the end of the fourth quarter (June).

Mayor Powell said he would still like Council to receive the quarterly reports in addition to her presentations.

VII. CONSENT AGENDA

- A. Approval of Minutes: 1/22/2024 (regular)
- B. Recommendation to the Arizona Department of Liquor Licenses and Control (ADLLC) for issuance of a Series 15 Special Event liquor license to the Eloy Chamber of Commerce for the Eloy Chamber Gala Night, March 9, 2024.
- C. Recommendation to the Arizona Department of Liquor Licenses and Control (ADLLC) for issuance of a Series 15 Special Event liquor license to the Eloy Chamber of Commerce for the Steak Fry 2024 event, April 13, 2024.
- D. Acceptance of a proposal from Motorola Solutions to purchase five (5) Motorola APX Next all band portable radios, under Arizona State Contract # CTR046830, at a cost not to exceed \$58,160.00, using State Homeland Security Grant (SHSGP) # 230303-01 to fully fund the purchase,
- E. Acceptance of the Homeland Security Grant Program Award, reallocated funding, grant # 210303-02, from the Arizona Department of Homeland Security in the amount of \$10,000.00 for the purchase of one (1) P25 digital radio in support of the Eloy Police Department's Communications system on the Pinal Regional Communications Consortium (PRCC).
- F. Acceptance of the Homeland Security Grant Program Award, reallocated funding, grant # 220307-01, from the Arizona Department of Homeland Security in the amount of \$17,822.00 for the purchase of two (2) P25 digital radios in support of the Eloy Police Department's Communications system on the Pinal Regional Communications Consortium (PRCC).
- G. Authorization to expend funding awarded to the Eloy Police Department by the Arizona Governor's Office of Highway Safety Grant # 2024-PTS-021 in an amount not to exceed \$24,000.00 for the purchase of a mobile radar trailer.
- H. Acceptance of a proposal from MHQ of Arizona for emergency equipment up-fit services for two Chevrolet Tahoe police vehicles in an amount not to exceed \$66,000.00.
- I. Consideration of declaring certain vehicles and equipment as surplus and authorizing the disposal of the same.
- J. Consideration of approval to accept the proposal from Ellison-Mills Construction, LLC through a Cooperative Purchasing Agreement with the City of Casa Grande for the installation of two (2) manholes for a cost not to exceed \$65,000 plus any

applicable taxes; and authorizing the Mayor to execute the necessary contract agreements.

Mayor Powell asked if there were any corrections or comments. There being none, he called for a motion.

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

VIII. BUSINESS

A. ACCEPTANCE OF THE FISCAL YEAR 2022-2023 ANNUAL COMPREHENSIVE FINANCIAL REPORT (ACFR) AS COMPLETED BY HEINFELD, MEECH & CO.P.C.

Staff Cover Sheet Report: *Staff recommends formal acceptance of the Fiscal Year 2022-2023 Annual Comprehensive Financial Report (ACFR) 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's financial statements for the fiscal year ending June 30, 2023. Joshua Jumper, with Heinfeld, Meech & Co., will present the annual audit and highlight any significant improvements to the City of Eloy.

This is the tenth 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 Annual Comprehensive Financial Report ending June 30, 2023, 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 twelve 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. 2022-2023 annual audit the City is in compliance with the above statute.

FISCAL IMPACT: *None*

Mr. Wright introduced Mr. Joshua Jumper, from Heinfeld, Meech & Co., P.C. to Council. Mr. Jumper gave a brief overview of the city's comprehensive financial audit. He said the audit found the city's financial accounting to be in compliance.

There being no questions or comments from the Council, Mayor Powell called for a motion.

A motion was made by Councilmember Garcia, seconded by Councilmember Sutton to accept the fiscal year 2022-2023 Annual Comprehensive Financial Report (ACFR) as completed by Heinfeld, Meech & Co. P.C., pass unanimously by roll call vote (7-0).

B. CONDUCT A PUBLIC HEARING PERTAINING TO AN APPLICATION SUBMITTED BY ARCHITECTURE ALL & ASSOCIATES ON BEHALF OF MARTHA RIOS FOR A CONDITIONAL USE PERMIT FOR A PROPOSED RESTAURANT WITH A DRIVE-THROUGH. THIS APPLICATION SPECIFICALLY REQUESTS THE FOLLOWING USE UNDER THE GENERAL COMMERCIAL DISTRICT (C-2) ZONING DISTRICT: RESTAURANT, WITH DRIVE THROUGH. THE SUBJECT PROPERTY IS LOCATED AT 3910 WEST SHEDD ROAD, ELOY, AZ 85131 (PINAL COUNTY ASSESSOR'S PARCEL NUMBER (APN#) 404-02-0090). CASE NO. CUP2023-038. PROJECT NAME: FILIBERTO'S DRIVE-THRU WINDOW.

Staff Cover Sheet Report: *The Planning and Zoning Commission recommended approval of Case No. CUP2023-038 (Project Name: Filiberto's Drive-Thru Window) subject to Section 21-3-1.18 of the Eloy City Code, Chapter 21-Zoning.*

21-3-1.18: DRIVE-THROUGH FACILITY: *A. This section shall apply to all principal uses that include a drive-through facility. Uses may include, but not be limited to, financial institutions, fast food restaurants, coffee shops, convenience stores, drug stores, and liquor stores.*

- 1. Menu boards shall not be placed facing the primary street. In addition, every effort shall be made to avoid placing payment and/or pick-up windows adjacent to public streets. Payment and/or pick-up windows shall not face I-10, Main Street, Frontier Street, or Sunshine Boulevard.*
- 2. Drive-through aisles that face or are adjacent to public streets shall be screened from public view by a minimum of three-foot (3') tall masonry wall that matches the primary structure or a landscape berm.*
- 3. No drive-through aisles shall exit directly onto a public right-of-way.*
- 4. Drive-through queuing length shall be approved in accordance with section 21-4-1 of this chapter.*
- 5. Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access point to the facility that is located adjacent to a drive-through lane(s). Pedestrian crosswalks shall avoid crossing drive-through lanes.*

The City has received an application from Architecture All & Associates on behalf of Martha Rios for a Conditional Use Permit for a proposed Filiberto's Mexican Food Drive-Thru Window. This request specifically requests the following use under the C-2, Community Development zoning district: A Drive-Thru Window according to Section 2.3.3 and Table 2.3-1 of the Eloy Zoning Ordinance. The subject building is at 3910 W. Shedd Road, Eloy, AZ 85131. Pinal County Assessor's parcel number is 404-02-0090, in the C-2 Community Commercial.

This Conditional Use Permit (CUP) application is for an existing 1,400 +/- square foot building previously used for commercial use (previously a water and ice convenience store). The existing building will be designed and converted into a restaurant with a drive-thru window, as shown in the conceptual plan (see Pre-App Site Plan for CUP).

The property APN# 404-02-0090 consists of 0.38 acres. Upon receiving approval of this Conditional Use Permit application, the property owner intends to work with the City Staff regarding the site design, and process a lot combination to include the subject property and the property to the south (APN# 404-10-011A). As indicated in the Site Plan that is included in the attached Preliminary Development Plan, both properties will accommodate a revised site design that includes a new driveway entry, parking, and drive-through entrance/exit on the southern property (APN# 404-10-011A). Also, the revised site design will accommodate an area for outdoor dining and a much larger landscape area (see the attached Preliminary Development Plan).

21-3-1.18: DRIVE-THROUGH FACILITY:

- A. This section shall apply to all principal uses that include a drive-through facility. Uses may include, but not be limited to, financial institutions, fast food restaurants, coffee shops, convenience stores, drug stores, and liquor stores.*
- 1. Menu boards shall not be placed facing the primary street. In addition, every effort shall be made to avoid placing payment and/or pick-up windows adjacent to public streets. Payment and/or pick-up windows shall not face I-10, Main Street, Frontier Street, or Sunshine Blvd.*
 - 2. Drive-through aisles that face or are adjacent to public streets shall be screened from public view by a minimum three-foot (3') tall masonry wall that matches the primary structure or a landscape berm.*
 - 3. No drive-through aisles shall exit directly onto a public right-of-way.*
 - 4. Drive-through queuing length shall be approved in accordance with section 214-1 of this chapter.*
 - 5. Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access point to the facility that is located adjacent to a drive-through lane(s). Pedestrian crosswalks shall avoid crossing drive-through lanes. (Ord. 18-880, 7-23-2018)*

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

Mr. Symer gave an overview of a request for a proposed CUP for Filiberto's Mexican Food drive-thru, located at 3910 W, Shedd Road. The request was presented to the Planning and Zoning Commission who recommends Council approval with the stipulations as stated in the staff report. Mr. Symer said city staff also support this request.

At this time, Mayor Powell declared a public hearing open to allow comments and questions from the public regarding the proposed request.

Councilmember Garcia wanted to know if residents in the area are in favor of the drive-thru.

Mayor Powell and Vice Mayor Curtis both stated they have received positive comments from residents. They are very excited to have Filiberto's in the neighborhood.

Mayor Powell wanted to know would the business connect to the sewer or septic.

Mr. Symer said the business would connect to city sewer.

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

C. ADOPTION OF ORDINANCE NO. 24-955, APPROVING CASE NO. RZ2023-066 FOR AN APPLICATION SUBMITTED BY MECCA ENERGY, LLC ON BEHALF OF SHAVELL GOUNOD TO REZONE APPROXIMATELY 0.52 ACRES FROM SINGLE-FAMILY RESIDENTIAL (R1-6) WITH THE DOWNTOWN CORE OVERLAY (DCO) TO MULTIPLE FAMILY RESIDENTIAL (R-3) (10-24 DWELLING UNITS/ACRE) WITH A DOWNTOWN CORE OVERLAY (DCO). THE SUBJECT PARCEL IS LOCATED AT 211 E. 4TH STREET, WHICH IS LOCATED BETWEEN STUART BOULEVARD AND SUNSHINE BOULEVARD (PINAL COUNTY PARCEL NUMBER 405-03-331A). CASE NO. RZ2023-066 (PROJECT NAME: AUTUMN COTTAGES @ ELOY)

Staff Cover Sheet Report: *The Planning and Zoning Commission recommends approval of Case No. RZ2023-066, Autumn Cottages @ Eloy, a rezoning application to rezone property located at 211 E. 4th Street, which is located between Stuart Boulevard and Sunshine Boulevard (Pinal County Parcel number 405-03-331A) from Single-Family Residential (R1-6) with the Downtown Core Overlay (DCO) to Multiple-Family Residential (R-3) (10-24 dwelling units/acre) with a Downtown Core Overlay (DCO).*

The City has received an application submitted by Mecca Energy, LLC on behalf of Shavell Gounod to rezone approximately 0.52 acres from Single-Family Residential

(R1-6) with the Downtown Core Overlay (DCO) to Multiple Family Residential (R-3) (10-24 dwelling units/acre) with a Downtown Core Overlay (DCO). The subject property is located at 211 E. 4th Street (between Stuart Boulevard and Sunshine Boulevard, Pinal County Parcel number 405-03-331A) in a portion of Section 6, Township 8 South, Range 8 East of Gila & Salt River Base & Meridian, Pinal County, Arizona. Case No. RZ2023-066 (Project Name: Autumn Cottages @ Eloy).

The City of Eloy's General Plan Land Use Element designation for the property is High-Density Residential, 10.0 to 24.0 dwelling units per acre (du/ac). The High-Density Residential land use designation is intended to accommodate two-and three-story apartments, condominiums, and townhomes close to employment and service areas and to buffer lower-density residential areas from higher-intensity uses. In addition, the property is within the Downtown area that has General Plan specific goals and objectives contained within the plan's Downtown Development and Neighborhood Preservation Element. The purpose of the Downtown Development and Neighborhood Preservation Element is to provide an overarching blueprint to reinvigorate Downtown Eloy as a major economic engine and livable community that is a magnet for residents, businesses, retail, and tourism.

The purpose of the Multiple Family Residential (R-3) zone is to allow for higher-density development to provide a balance of housing opportunities within Eloy. The Multiple Family Residential (R-3) zone allows for developments that have a density between 10.0 to 24.0 du/ac, and a typical height of three (3) stories and 40 feet. Furthermore, the district is most appropriate in the Downtown area, adjacent to large shopping or employment centers, or within large Planned Area Developments. The district requires direct connection to higher volume roadways and all public utilities.

The purpose of the Downtown Core Overlay (DCO) zone is to allow for a diverse mixed-use pedestrian-oriented area containing specialty retail, neighborhood residential, and tourist trade in Eloy's Downtown. The overall goal of the overlay is to accommodate and enhance the vitality, character, and economic viability of the buildings and property within the Downtown area.

As further described in the attached Application Narrative and Preliminary Development Plan, the primary purpose of the applicant's request is to rezone the property to accommodate a gated seven-unit multi-family development with a community center building containing a small café. The unit mix of the development is proposed to contain six three-bedroom, two-bath units, and one Americans with Disabilities Act (ADA) compliant unit. The development's proposed density equates to 13.46 du/ac, and the maximum building height is approximately twenty feet and three inches - which includes two stories.

The applicant's request to rezone the property from Single-Family Residential (R1-6) with the Downtown Core Overlay (DCO) to Multiple Family Residential (R-3) (10-24

dwelling units/acre) with a Downtown Core Overlay (DCO) complies with the General Plan.

FISCAL IMPACT: *There is no fiscal impact.*

Mr. Symer provided the Council and the public with a brief overview of the proposed rezoning request from Mecca Energy. He said the Planning and Zoning Commission unanimously recommended Council approval of the request.

Ms. Shavell Gounod, owner of the Autumn Cottage Project, gave a presentation to Council on her request to rezone approximately 0.53 acres at 211 E. 4th Street for construction of seven cottages. Ms. Gounod fielded questions from the Council regarding:

- Clientele living in the cottages
- Affordable rent for tenants
- Cottage design/fencing
- Gate access after-hours for emergencies

Vice Mayor Curtis who serves as ex officio to the Planning and Zoning Commission conveyed that the Commission is very supportive of the project, especially one member who lives close by.

Mayor Powell asked Ms. Gounod if she plan to expand in the area.

Ms. Gounod said yes, it is her goal to have this project as a pilot. She stressed the importance of partnering with the city to find other areas they can build on.

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

Motion by Councilmember Garcia, seconded by Councilmember Tarango, to read Ordinance No. 24-955 by title only, passed unanimously (7-0).

The city clerk read the ordinance title into the record.

Mayor Powell wanted to clarify that adoption of this ordinance would only change the zoning; not approve the project.

Mayor Powell called for a motion to adopt.

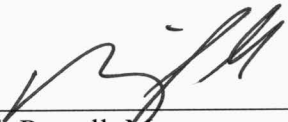
A motion was made by Vice Mayor Curtis and seconded by Councilmember Garcia to adopt Ordinance No. 24-955 as presented, passed unanimously by roll call vote (7-0).

IX. EXECUTIVE SESSION

There were no requests from Council or staff to hold an executive session.

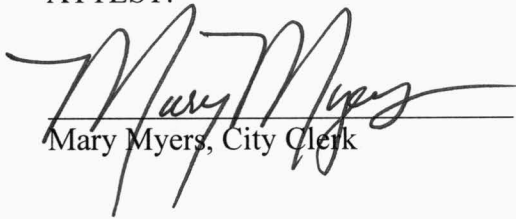
X. ADJOURNMENT

There being no further business, Mayor Powell adjourned the meeting at approximately 7:10 p.m.



Micah Powell, Mayor

ATTEST:



Mary Myers, City Clerk