

**MINUTES OF THE REGULAR MEETING OF
THE ELOY CITY COUNCIL
CITY OF ELOY
595 NORTH C STREET
MAY 13, 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 7:07 p.m.

II. ROLL CALL

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

Council Members Absent: None

III. INVOCATION

Invocation was given by Mr. Bob Skier.

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

Pastor Debra Miller – 3455 W. Romana Drive, Eloy

Pastor Miller conveyed that the Ministerial Alliance applied for funding for a community outreach project and was denied by the city. She said the Alliance can only assume that the reason why they were denied funding was because they are a religious organization. Pastor Miller pointed out that their request for funds was not to promote any religious matter. The funds were requested to help facilitate a community wide Thanksgiving dinner. The Ministerial Alliance is comprised of a group of pastors, and they are not advocating for any religion for this event. The Alliance had sponsored this dinner for many years in the past, serving about 1,000 dinners, with donations, and help from the community. However, with a decrease in donations and volunteers, the Alliance had to cancel the event. Pastor Miller said they were able to host the event last year at the Eloy Jr. High school at a cost of \$1865.00 which the Alliance was able to pay from their coffers. They served about 250 dinners. Pastor Miller said they are a small organization with a small budget, and hosting a Thanksgiving dinner this year would be difficult for them. Pastor Miller said the Alliance is asking Council to accept and approve their request for funding for this year's community outreach in the amount of \$1,865.00.

VI. REPORTS AND ANNOUNCEMENTS

A. Council Member Announcements

Councilmember G. Rodriguez had the following announcements:

- She was contacted by several members of the community who voiced their concerns about the payment center at the local IGA Food Town constantly being down and limited customer service hours. This leaves citizens with no way to pay their utility bills (electric and gas). It was suggested the city provide citizens with a utility kiosk that would allow residents to pay their utility bills.

Councilmember Garcia stated that he was also approached by several community members about the situation at Food Town. He pointed out that many of the people who visit Food Town to pay their utilities do not have vehicles or are elderly. They walk or have to rely on other people to drive them. He said the kiosk does not have to be located at city hall; the city can work with other community organizations to find out who can install one in their building for residents to utilize. Councilmember Garcia said he and Councilmember G. Rodriguez would like to have a work session on this because this is not a Food Town problem or a city problem, but rather a community issue.

Councilmember G. Rodriguez suggested reaching out to APS to find out if they would consider sponsoring a kiosk. She reiterated Councilmember

Garcia's comment about holding a work session to see what the city can do to help the residents.

- In collaboration with the police department, Councilmember G. Rodriguez conveyed that the city will have a series of public service announcements (PSA) to educate residents on various topics about animal care and available resources. She pointed out that this is not a city problem, but rather a community problem and the city is here to assist residents in whatever way that it can.

Councilmember Tarango said that the PSAs are great ideas, but recommended finding additional ways to get the information out to the public because some may not have access to social media. She conveyed that the police department and Pinal County Animal Control had a spay/neuter vehicle at their department today for animal owners who wanted to get their pets spayed or neutered. Councilmember Tarango commended Councilmember G. Rodriguez with getting the project started.

Councilmember Sutton conveyed the following announcements:

- April 24th – The Eloy Chamber of Commerce sponsored a health and wellness expo at Robson Ranch. The event was well attended by the residents in the community.
- April 25th – The Law Enforcement Appreciation Awards dinner was held at Robson Ranch. Officers Terrence Meagher and Andres Patino was awarded the Black and Blue award for their heroic efforts in saving two people from a burning mobile unit earlier this year.
- May 2nd – A new ice cream shop located on Main Street had a successful grand opening.
- May 4th – Cinco de Mayo celebration was held at Main Street park. Councilmember Sutton applauded the amazing dancers and food vendors who participated in the event.
- May 8th – He and Mr. Symer attended the City of Coolidge Planning and Zoning Commission meeting to voice Eloy's opposition to their annexation listed in their general plan for 2035.

Councilmember Tarango wanted to know if city staff could contact the clean up crew for ADOT to request a cleanup of the I-10 overpasses in Eloy. She noticed the crews cleaning around the I-10 but not the overpasses.

Mr. Malewitz conveyed that staff has been working with Irene Higgs with the Sun Corridor Metropolitan Planning Organization (SCMPO) and other developers in the area to get more movement from ADOT about this issue. He said the city has not had much luck with ADOT because they are busy with other projects. Staff is

looking internally at other options, such as possibly entering into an IGA with ADOT to allow city crews to clean the areas.

B. Mayor Announcements

Mayor Powell had no announcements. He thanked Councilmember Sutton for representing the city at the Coolidge Planning and Zoning meeting.

C. City Manager Announcements

Mr. Malewitz made the following announcements:

- Extended sincere condolences on behalf of city staff to Mayor Powell for the recent passing of his brother. The city is sending thoughts and prayers to the family.
- Reminded Council of the upcoming budget work sessions scheduled May 20th at 5:30 p.m. and Tuesday, May 21st if needed.
- City offices will be closed May 27th in observance of Memorial Day. The regular council meeting will be held on Tuesday, May 28th at 6:00 p.m.
- May 24th is the official summer kickoff for the Community Services department.
- Demolition of the Dustbowl will occur tomorrow at 8:00 a.m. The newspaper has been notified to do a story on it and take pictures.

VII. CONSENT AGENDA

- A. Approval of Minutes: 4/22/2024 (regular)
- B. Approve a proposal from Ellison-Mills Construction, LLC through a Cooperative Purchasing Agreement with the City of Casa Grande for the installation of a 12-inch water valve at a cost not to exceed \$40,000 plus any applicable taxes; and authorizing the Mayor to execute the necessary contract documents.
- C. Approve proposals submitted by Phoenix Pumps, Incorporated for the purchase and installation of a submersible pump for the Curiel lift station and guide rails for a total cost not to exceed \$75,000, plus applicable taxes.

There were no requests from the Council to remove any item(s) from the Consent Agenda.

A motion was made by Councilmember Sutton and seconded by Vice Mayor Curtis to approve the Consent Agenda items as presented, passed unanimously by roll call vote (7-0).

VIII. BUSINESS

A. ADOPTION OF ORDINANCE NO. 24-970, APPROVING A REVISION TO CHAPTER 2, ARTICLE 1, SECTION 2-17 (A): POLICE DEPARTMENT; CHIEF; APPOINTMENT AND DUTIES OF THE CITY CODE THAT WOULD DELETE LANGUAGE RELATED TO THE CITY ENTERING INTO AN EMPLOYMENT CONTRACT WITH THE CHIEF OF POLICE FOR A TERM-LIMITED TO TWO (2) YEARS.

Staff Cover Sheet Report: *Council adopts Ordinance No. 24-970, approving a revision to Chapter 2, Article 1, Section 2-17 (A): POLICE DEPARTMENT; CHIEF; APPOINTMENT AND DUTIES of the City Code to delete language related to the City entering into an employment contract with the Chief of Police for a term-limited to two (2) years.*

On October 11, 2021, Resolution No.21-1515 was adopted by the city council, leading to a revision of the City's Policy and Administrative Guidelines Manual. Among its changes, the resolution shifted the Chief of Police from an at-will position to regular employee status, subjecting them to all relevant policies and guidelines applicable to regular employees of the City of Eloy. However, during this process, no further steps were taken to amend the City Code regarding the potential employment contract authorized by the City Council on behalf of the City of Eloy with the Chief of Police, a provision initially authorized by the City Council through the adoption of Ordinance No.17-862 on April 24, 2017.

To address this oversight, a proposal has been put forth to amend the current City Code. This proposed amendment aims to align the language within the City Code with that of the City's Policy and Administrative Guidelines Manual. Consequently, the amendment would remove any language related to an employment contract for the Police Chief position. This adjustment ensures consistency and equality among all department directors who report to the City Manager, granting the Police Chief the same rights and privileges as their counterparts.

FISCAL IMPACT: *There is no fiscal impact to this ordinance amendment.*

Mr. Malewitz gave a very brief overview of the proposed ordinance that would delete language in the city code related to the city entering into a contract with the police chief. Adoption of the ordinance would place the chief of police position under the prevue of the city manager.

There were no questions or comments from the Council.

Mayor Powell called for a motion to read the ordinance by title only.

Motion by Councilmember Garcia, seconded by Councilmember G. Rodriguez to read Ordinance No. 24-970 by title only, passed unanimously (7-0).

The city clerk read the ordinance title into the record.

Mayor Powell called for direction from Council.

A motion was made by Councilmember Garcia, and seconded by Councilmember G. Rodriguez to adopt Ordinance No. 24-970 as presented, passed unanimously by roll call vote (7-0).

- B. CONDUCT A PUBLIC HEARING AND CONSIDER THE ADOPTION OF RESOLUTION NO. 24-1571 APPROVING A TWO-YEAR TIME EXTENSION TO THE PREVIOUSLY APPROVED CONDITIONAL USE PERMIT (CASE NO.: CUP2022-022) TO ALLOW SOLAR, UTILITY SCALE GENERATION AND BATTERY ENERGY STORAGE SYSTEM FACILITY LOCATED AT THE NORTHEAST CORNER OF SUNSHINE BOULEVARD AND PRETZER ROAD, CONSISTING OF APPROXIMATELY 320 ACRES, AND ZONED RURAL RESIDENTIAL (RR-20). THE EXTENSION REQUEST WAS SUBMITTED BY W. RALPH PEW OF PEW & LAKE, PLC, ON BEHALF OF NEXTERA ENERGY RESOURCES, DAB ELOY VALLEY SOLAR, LLC. (CASE NO.: CUP2022-022.E2, PROJECT NAME: ELOY VALLEY SOLAR AND STORAGE PROJECT).**

Staff Cover Sheet Report: *Staff recommends the City Council find that the criteria to extend the Conditional Use Permit (Case No. CUP2022-022) for a period of two years has been met, and the extension (Case No. CUP2022-022.E2) is conditioned upon the following Conditions of Approval: 1) Development of the conditional use on the site shall maintain compliance with the Conditions of Approval for Case No. CUP2022-022; and, 2) The Conditional Use Permit (Case No. CUP2022-022) and this extension (Case No. CUP2022-022.E2) shall expire on April 24, 2026, unless the Conditional Use Permit (Case No. CUP2022-022) has been used, or extended by the City Council.*

On February 26, 2024, the applicant, W. Ralph Pew, Pew & Lake, PLC., on behalf of NextEra Energy Resources, dba Eloy Valley Solar, LLC, submitted a request for a two-year extension to a previously approved Conditional Use Permit (CUP) (Case No. CUP2022-022) for a Solar, Utility Scale Generation and Battery Energy Storage System Facility, located at the northeast corner of Sunshine Boulevard and Pretzer Road (Pinal County Assessor's parcel numbers 411-41-043, 411-41-044, 411-41-045, and 411-41-046). Approved by the City Council on October 24, 2022 (minutes attached), in accordance with the criteria of Section 21-6-7.5.A. of the Zoning Ordinance, the existing Conditional Use Permit (Case No. CUP2022-022) was to expire on April 24, 2023; although, on April 12, 2023, the applicant requested an extension for one (1) year to April 24, 2024, which was approved on May 8, 2024 (minutes attached). On February 23, 2024, the applicant submitted a second request to extend the approval of the CUP for an additional two (2) years (April 24, 2026).

In summary, the above-referenced existing Conditional Use Permit allows the development of Solar, Utility Scale Generation and Battery Energy Storage System Facility at the above-referenced address on a site zoned Rural Residential (RR-20) consisting of approximately 320 acres. All improvements are required to comply with the applicable provisions of the Zoning Ordinance. Furthermore, this extension of the CUP requires the development of the Solar, Utility Scale Generation and Battery Energy Storage System Facility to comply with the Conditions of Approval that were previously approved with Case No. CUP2022-022.

In accordance with Section 21-6-7.5. B., the City Council shall hold a public hearing to consider the granting of a time extension as follows (Staff's analysis of the criteria are in Bold Text):

1. Upon request by the applicant.

- **The applicant's request for a time extension is included as an attachment to this report.***

2. When the request is filed in writing with the Community Development Department not less than thirty (30) days prior to the expiration date of the original conditional use permit (CUP) approval.

- **The applicant's request for a time extension was received fifty-three (53) days before the expiration of the Conditional Use Permit.***

3. When accompanied by a time-sensitive stipulation noted as a required condition of approval of the original conditional use permit.

- **The applicant has requested a time extension to allow up to two (2) years (April 24, 2026) to utilize the Conditional Use Permit.***

4. Upon determination by the City Council that there have not been any changes in the circumstances or in the vicinity of the property or use that would render the previously approved conditional use permit (CUP) inappropriate.

- **There are no discernible circumstances or uses in the vicinity of the property or a permit that would render the previously approved Conditional Use Permit (Case No. CUP2022-022) inappropriate.***

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

Mayor Powell declared the public hearing open.

Mr. Symer reviewed the proposed resolution that would allow NextEra Energy Resource to extend their current CUP two (2) years (4/24/26) if approved by the Council. The CUP is for approximately 320 acres for the solar, utility scale

generation and battery energy storage system facility located at Sunshine Boulevard and Pretzer Road. Mr. Symer said staff is recommending approval of the request.

Mr. Ralph Pew, representing NextEra came forward to ask for Council's support of their request for an extension.

There were questions or comments from Council or the public.

Mayor Powell closed the public hearing.

Mayor Powell called for a motion to read the resolution by title only.

Motion by Councilmember G. Rodriguez, seconded by Councilmember Snyder to read Resolution No. 24-1571 by title only, passed unanimously (7-0).

The city clerk read the resolution title into the record.

Mayor Powell asked for direction from the Council.

A motion was made by Councilmember Snyder and seconded by Councilmember Sutton to adopt Resolution No. 24-1571 as presented, passed 6-1 by the following roll call votes:

Ayes: Councilmember Snyder, Vice Mayor Curtis, Councilmember Sutton, Councilmember Tarango, Councilmember G. Rodriguez, Mayor Powell

Nays: Councilmember Garcia

C. DISCUSSION AND CONSIDERATION OF COMMUNITY OUTREACH FUNDING REQUESTS FOR FISCAL YEAR 2024-2025.

Staff Cover Sheet Report: Staff recommends that the Mayor and Council award \$108,500 in funding to eight (8) agencies for the FY2024-2025 Community Outreach Program.

The City solicited applications for the Community Outreach Program for the FY 2024-2025 annual budget. The application included information regarding the description of the event/program, identifying how the event strengthened community vitality and fostered community spirit, and an accounting of how the funds for FY 2024-2025 would be spent by their agency.

For FY 2024-2025, the City created a review panel to review and recommend funding amounts for all the Community Outreach applications. This review panel comprised Mayor Powell, Vice Mayor Curtis, Councilmember Garcia, Grants Specialist Brizeida Medina, and Assistant City Manager Mackenzie Letcher. The panel's

responsibilities were to review the applications based on the criteria and eligibility requirements of the Community Outreach Program and provide recommended funding amounts for each agency.

This year, the City received a total of twelve applications that totaled \$131,125. Of the twelve applications, eight were applications from the prior year, and four were new applications. In FY 2023-2024, eight applications were awarded by the City Council for a total of \$106,000. Below are the applications staff received for FY 2024-2025:

Agency/Organization	Contact Name	Event/Function	In-Kind Services Requested	Funding Requested	Funding Recommendations by Review Panel
Chamber of Commerce	Andrew Rodriguez	Marketing for Chamber Marking for Visitor Center Eloy Glow	\$1,934.37	\$46,000 Chamber \$19,800 Visitor Center \$10,000 Eloy Glow	\$43,000 – Chamber \$18,000 Visitor Center \$5,000 Eloy Glow
Corazon de Latino Unidos	Leticia Tarango	Fiestas Patrias Event	\$5,510.67	\$15,000	\$15,000
Pinal Hispanic Council/Veterans Center	Ralph Varela	Wreaths Across America and Veterans Day Event	\$1,032.69	\$2,700	\$2,700
The Sparrow Campaign	Violet Maestas	5K run, Charity Ball, Hunger Awareness	\$1,032.69	\$4,000	\$4,000
Community Action Human Resource Agency (CAHRA)	Mary Lou Rosales	Utility Assistance	\$0	\$10,000	\$10,000
EDSCI	Rosie Coyle	Back to the Patch	\$1,500.04	\$3,000	\$3,000
Pinal Alliance for Economic Growth	Patti King	Regional Economic Development	\$0	\$10,000	\$10,000
CAREDF	Patti King	AARP Reading Program	\$0	\$2,760	\$2,800
The Hope Coalition	Alice Brown	Thanksgiving/Christmas/Easter Events	\$0	\$6,000	\$0
Eloy Ministerial Alliance	Ed Brown	Community Thanksgiving Dinner	\$0	\$1,865	\$0
GRAND TOTALS			\$11,331.03	\$131,125	\$108,500

Following a comprehensive review, the review panel recommended funding for eight (8) agencies, totaling \$108,500. However, two agencies were not recommended for funding as the panel determined they did not meet the eligibility requirements of the Community Outreach Program.

FISCAL IMPACT: *The combined total of all applications is \$108,500. This funding limit will be included in the proposed annual budget for FY2024-2025 if approved.*

Mayor Powell conveyed that a work session was held earlier this evening to hear presentations from organizations seeking funding from the city.

Mr. Letcher gave a brief overview of the requested amounts from each organization. He said staff is recommending awarding a total of \$114,500 (9 organizations) instead

of the original amount of \$108,500. The adjustment includes awarding \$6,000 to the Hope Coalition which was discussed during tonight's work session. Mr. Letcher said the Eloy Ministerial Alliance is the only agency that was not funded.

Councilmember Snyder asked for clarification on what Council would be voting on.

Mr. Letcher explained that Council would be voting on the award amount for funding. Staff will bring contracts for each organization that was awarded funding to the May 28th meeting for Council approval. He said Council has the option to award different funding amounts if so desired. Mr. Letcher said the amounts presented tonight are staff's recommended amounts.

Councilmember Snyder said he would like to include the Ministerial Alliance organization for funding.

Members of the Council discussed the Ministerial Alliance's request for a community Thanksgiving dinner.

It was the consensus of the Council to include the Ministerial Alliance request for funding in the amount of \$1,900.

Mayor Powell read the names of the organizations and funding amounts into the record:

Eloy Chamber of Commerce	\$43,000
Sunland Visitors Center	\$18,000
Corazon de Latinos Unidos (entertainment)	\$15,000
Pinal Alliance	\$10,000
Pinal Hispanic Council/Veterans Ctr.	\$ 2,700
Hope Coalition (food bank)	\$ 6,000
Sparrow Campaign	\$ 4,000
CAHRA	\$10,000
EDSCI	\$ 3,000
CAREDF	\$ 2,800
Eloy Glow (entertainment)	\$ 5,000
Ministerial Alliance	\$ 1,900 (rounded up from \$1,865 per Council)

Mayor Powell said this would bring the total funding amount to \$116,400.

Councilmember Tarango said she remembered the city decreased the Chamber's funding in half years ago. The intent was to have the Chamber be self-funding. She suggested the Council to take a look at how much the Glow is bringing in and take that into consideration. Councilmember Tarango said with the amount of funding the Chamber receives from the city, it is as if the Chamber staff are employees of the city. She agreed to the funding amount, but suggested if the Glow continues to be

successful, Council should consider weaning the Chamber and making them self-sufficient.

Vice Mayor Curtis recommended earmarking funds to the Eloy Glow to entertainment. She agreed with Councilmember Tarango's recommendation that the city consider weaning the Chamber if the Glow event continues to be financially successful.

It was the consensus of Council to earmark funds for the Eloy Glow to entertainment.

Mayor Powell asked Mr. Cooper could the Council add the \$1,900 for the Ministerial Alliance tonight.

Mr. Cooper said yes.

Councilmember Garcia declared that he serves on the following boards: CDLU, EDSCI, Pinal Hispanic Council/Veterans Center, Sparrow Campaign, and CAHRA. He does not receive any compensation for serving on these boards and funds from the city does not benefit him in any monetary matter.

Councilmember G. Rodriguez also declared that she serves on the CDLU board and does not receive any monetary compensation for serving, nor does she receive any monetary benefits from the board.

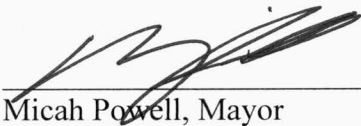
A motion was made by Councilmember Snyder, seconded by Councilmember Sutton to approve funding amounts totaling \$116,400 to the organizations as read by Mayor Powell and recommended by the review panel. This includes adding funding in the amount of \$1,900 to the Ministerial Alliance; \$6,000 to the Hope Coalition; and earmark funding to the Eloy Glow (\$5,000) for entertainment. The motion passed unanimously by roll call vote (7-0).

IX. EXECUTIVE SESSION

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

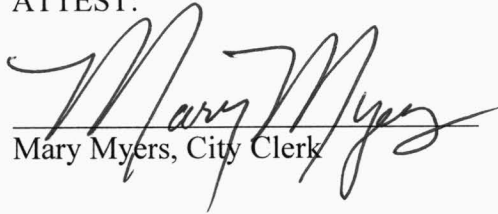
X. ADJOURNMENT

There being no further business, Mayor Powell adjourned the meeting at approximately 7:54 p.m.



Micah Powell, Mayor

ATTEST:



Mary Myers, City Clerk