

**MINUTES OF THE REGULAR MEETING OF
THE ELOY CITY COUNCIL
CITY OF ELOY
595 NORTH C STREET
MAY 28, 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 6:01 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
*Arrived at 7:14 p.m.

Council Members Absent: None

III. INVOCATION

Invocation was given by Syed Taha.

IV. PLEDGE OF ALLEGIANCE

Mayor Powell led the Council and the public in the Pledge of Allegiance.

V. PUBLIC APPEARANCES

A. Scheduled - None

B. Unscheduled

1. Keith Hyatt – 5573 N. Coyote Hill Road, Eloy

Mr. Hyatt, who lives at Robson Ranch, asked the Council to consider paving the north end of Toltec Road. He understands there is an agreement with the city to pave the road from Hanna Road down to Chiricahua Street. Mr. Hyatt said his back yard faces Toltec Road, and a lot of dust is generated when vehicles and busses travel down the road.

2. Syed Taha – 3100 S. Betancourt Road, Eloy

Mr. Taha spoke passionately about the war between Israel and Palestine. He said the war will continue until there is peace or a third world war. He condemn politicians for selling their “souls” for money and to get elected. Mr. Taha said the United States is providing bombs that are killing innocent women and children, and Israel is in violation of countless United Nations resolutions. By supporting Israel to kill innocent Palestinians, the United States is alienating 57 countries with 1.5 billion Muslims who are potential customers. Mr. Taha wants Israel to vacate Gaza and the West Bank immediately, and wants all prisoners released. He asked the Council to support a real two-state solution; not a fake one going on for the last 50 years. Mr. Taha said he is an American and it is all of our responsibility to educate people and make a just moral and equitable side that is based on Christian, Muslim and Jews values.

VI. REPORTS AND ANNOUNCEMENTS

A. Council Member Announcements

Councilmember Sutton conveyed that he attended the APS Summit Contingency meeting, along with city staff and members of the Eloy Fire District. There was discussion on the city’s preparedness to address emergency situations. He said based on the discussions, it appears that the city is prepared for the upcoming summer.

B. Mayor Announcements

Mayor Powell made the following announcements:

- Attended the Chamber’s annual Memorial Day event yesterday at the cemetery.
- Received a phone a call from Congressman Juan Ciscomani, who informed him that the city was awarded a federal grant that the city applied for a few months ago. Sixty applications were submitted for the grant, and Eloy was awarded the grant in the amount of \$5.4 million. He said the money would be used for a mill and fill of Frontier Street from Battaglia Road to the Casa Grande city limits. Mayor Powell said the award would still have to go through the appropriations committee and be placed on the bill, but Congressman Ciscomani wanted him to know that the award looks good

for Eloy. Mayor Powell thanked city staff for working so quickly to get the application in on such short notice.

C. City Manager Announcements

Mr. Malewitz made the following announcements:

- The police department's two newly hired laterals are doing their field training. New officers hired through the Gilbert police academy completed their field training and are out on their own patrolling the community.
- The Community Services department summer youth camp is sold out.
- The Community Services department will host a community yard sale at Main Street Park, on Saturday, June 1st.
- Debris from the demolition of the Dustbowl theatre has been removed. The contractor is bringing in fill dirt and rock to level the area until a more appropriate plan from Council is in place for use of the space.
- Jeff Fairman, the city's economic development specialist's last day with the city is May 31st. Mr. Fairman has worked for the city a little over five years and has decided to retire. Mr. Malewitz wished Mr. Fairman a happy retirement.

Mayor Powell asked Mr. Anchondo how many residents and non-residents signed up for summer camp.

Mr. Anchondo did not know at this time, however, said he would provide the information to Mr. Malewitz to share with the Council.

VII. CONSENT AGENDA

- A. Approval of Minutes: 5/13/2024 (regular)
- B. Adoption of Resolution No. 24-1573 accepting the Right-of-way Dedication for Eleven Mile Corner Road.
- C. Recommendation to the Arizona Department of Liquor Licenses and Control (ADLLC) for issuance of a Series 10 license (beer & wine store) to JR's Market & More, located at 218 W. Frontier Street, Eloy, Arizona.
- D. Acceptance of the 2023 Federal Fiscal Year (FFY) Operation Stone Garden grant for police officer overtime and mileage expenses from the Arizona Department of Homeland Security (AZDOHS) in the amount of \$151,500.00.
- E. Acceptance of the 2023 Federal Fiscal Year (FFY) Operation Stone Garden grant for Equipment and Vehicles from the Arizona Department of Homeland Security (AZDOHS) in the amount of \$235,300.00.
- F. Community Outreach Program Contract approval for Pinal Hispanic Council for an amount not to exceed \$2,700.
- G. Community Outreach Program Contract approval for Pinal Alliance for Economic Growth for an amount not to exceed \$5,000.

- H. Community Outreach Program Contract approval for Corazon De Latinos Unidos for an amount not to exceed \$15,000.
- I. Community Outreach Program Contract approval for the Eloy Division of Self and Community Improvement Inc. for an amount not to exceed \$3,000.
- J. Community Outreach Program Contract approval for the Central Arizona Regional Economic Development Foundation for an amount not to exceed \$2,800.
- K. Community Outreach Program Contract approval for the Community Action Human Resources Agency for an amount not to exceed \$10,000.
- L. Community Outreach Program Contract approval for the Sparrow Campaign for an amount not to exceed \$4,000.
- M. Community Outreach Program Contract approval for the Eloy Chamber of Commerce for an amount not to exceed \$66,000.
- N. Community Outreach Program Contract approval for the Hope Coalition dba. Eloy Food Bank for an amount not to exceed \$6,000
- O. Community Outreach Program Contract approval for Eloy Ministerial Alliance for an amount not to exceed \$1,900.

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

A motion was made by Vice Mayor Curtis and seconded by Councilmember Sutton to approve the Consent Agenda items as presented, passed unanimously by roll call vote (6-0).

VIII. BUSINESS

A. DISCUSSION AND CONSIDERATION OF FORMALLY ADOPTING THE RECENTLY COMPLETED WATER AND SEWER MASTERPLANS PREPARED BY WILSON ENGINEERS.

Staff Cover Sheet Report: *Staff recommends that Council formally adopt the Water and Wastewater Masterplans that were recently completed by Wilson Engineers.*

Water and wastewater master plans are essential guiding documents for directing municipal growth. These plans help identify growth areas and may include recommendations for capital improvement projects. It is important to update them periodically, especially as growth conditions change. The previous master plans were created in 2007, before the economic downturn of the late 2000s, and included assumptions that are now outdated. In 2023, the Public Works Staff updated these plans to reflect better current and future growth areas and water and wastewater resource development.

The Public Works Director engaged Wilson Engineers, a civil engineering firm renowned for its water and wastewater design expertise and experience with smaller

municipalities. Wilson Engineers submitted a proposal to update both master plans and was awarded the contract in March 2023. Since then, staff have worked closely with Wilson Engineers, aligning the master plans with growth areas identified by the Council during their strategic budget retreat in February 2023. On January 22, 2024, Wilson Engineers presented the substantially completed draft master plan to the City Council. During the meeting, there were a few questions and comments, but overall, the City Council expressed support for the master plan and appreciated the efforts of all involved. The presentation is attached to this Council Action Form for reference.

The final drafts of the water and wastewater master plans are too large to be included in the Council packet. However, hard copies are available at the Public Works Facility and City Hall for Council members to review at their convenience. A link to the study is also available on the City's website under the Public Works Department. An Executive Summary of the master plans, providing a high-level overview of their purposes and findings, has been included in the Council Agenda.

FISCAL IMPACT: *There is no fiscal impact.*

Mr. Rencher provided the public and the Council with an overview of the water and wastewater masterplans, recently completed by Wilson Engineers. Mr. Rencher said the masterplans had not been updated since 2005 and 2007.

Mayor Powell wanted to know if the masterplans include potential expansion to areas identified as growth areas.

Mr. Rencher said yes. The wastewater masterplan has a 30 year build out to the year 2053. It is segmented so the city can look at projected milestones every 10 years.

Mayor Powell asked how soon would the city need to expand its sewer treatment facility.

Mr. Rencher said it would depend on the growth. At the current growth rate, it is projected for expansion in about 10 to 15 years.

A motion was made by Councilmember Garcia, seconded by Councilmember Sutton to adopt the Water and Sewer Masterplans prepared by Wilson Engineers as presented, passed unanimously by roll call vote (6-0).

**B. REQUIREMENTS FOR WALLS AND FENCES ON SINGLE-FAMILY LOTS
ZONING TEXT AMENDMENT.**

Staff Cover Sheet Report: *Staff recommends that the City Council initiate the Zoning Text Amendment.*

Throughout Eloy, there are several subdivisions that were platted prior to the current industry standard of enclosing, screening, and securing rear and side yards with opaque fences and walls. Many of the lots in these subdivisions are individually owned and do not have private requirements such as Covenants, Conditions, and Restrictions (CC&Rs) that mandate walls and fences to be provided in accordance with current industry standards. Therefore, the objective of the proposed zoning ordinance amendment is to establish uniformity between the new subdivisions that adhere to modern development standards and older previously undeveloped subdivisions that are undergoing a resurgence in development activity.

The proposed amendment includes provisions that require the enclosure of side and rear yards, or portions thereof, with a minimum five (5) foot tall opaque fence or wall when developing a new dwelling. Furthermore, to align with newer developments, the proposed provisions incorporate allowances for lower opaque wall and fence heights adjacent to open space areas. For lots or parcels abutting open space areas that are:

- Greater than fifty (50) feet in width, but less than one-hundred (100) feet, the opaque wall and fence may be reduced to four (4) feet;*
- Equal to, or greater, than one-hundred (100) feet, but less than two-hundred (200) feet in width, the opaque wall and fence may be reduced to two (2) feet; and*
- Equal to, or greater, than two-hundred (200) feet in width, an opaque wall and fence is not required.*

In addition to aligning with newer industry development standards, the purpose of the reduced height allowance is to:

- Allow for variety in wall and fence design within a subdivision;*
- Enhance the visual appearance of the open space areas;*
- Enable property owners to enjoy the visual aesthetics of the open space areas while minimizing obstructed views of the landscape and scenery; and*
- Facilitate natural surveillance of open space areas to implement Crime Prevention Through Environmental Design (CPTED) concepts.*

Regarding existing developed lots, the proposed modifications would require property owners to only provide an opaque wall or fence when adding a new dwelling, or constructing an addition or accessory structure on the property with a valuation greater than sixty (60) percent of the appraised value of the property.

FISCAL IMPACT: *No known fiscal impacts are anticipated.*

Mr. Symer presented a PowerPoint presentation on staff's request to amend zoning text amendment for walls and fences on residential lots.

- Would require newly constructed or reconstruction of existing developments to screen side and rear yards with a minimum six foot wall/fence made of block, wood or metal material.
- Reconstruction of new developments and any addition or accessory structure that has a value greater than 60% of the property.
- Initial draft recommends fencing for lot sizes 2.5 acres or larger. He is now recommending reducing the lot size down to 1.25 acres.

Mr. Symer said he is looking for direction from the Council on setting the property valuation and lot size. He pointed out that the proposed amendment would enhance the appearance of neighborhoods in the city. He reviewed the timeline and process for implementation of the new amendments. If Council directs staff to initiate the proposed changes, Mr. Symer said the changes would go into effect sometime in October of this year if approved by the Council.

Councilmember Snyder wanted to know where would fencing for new construction be built relative to the property line.

Mr. Symer said the current code does not require the entire yard to be fenced. By requiring fencing on all property lines, the property owner would be enclosing the entire back yard.

Councilmember Snyder asked for more clarification. Would the wall go on the property line or inside the property line? And who would be responsible for the wall if the property next to the wall is sold and developed.

Mr. Symer conveyed there are legal requirements when it comes to building a wall on the property line. The approval of both adjacent property owners is required to build on the property line. When a new development occurs on a vacant lot next to a wall, the city requires the wall to be at least the width of the wall off. The wall can be right on the property line facing the property, but it has to be off, unless authorization is given by the adjacent property owner. Mr. Symer said maintenance of walls is an ongoing issue in communities. Essentially, one or both owners end up maintaining the wall.

Vice Mayor Curtis said she supports Mr. Symer's recommendation to reduce the net area to 1.25 acres. She asked for clarification about his recommendation of 60% property valuation for additions to existing homes.

Mr. Symer conveyed that setting the property valuation is important because once a standard such as this is added, all residential development properties under this citation becomes legal non-conforming. The intent of the 60% valuation is to allow for those property owners to still invest in their properties while staying in legal conformance. Once the valuation is reached, the fencing requirement would apply.

Mr. Symer said Council could reduce the valuation to 25% or any number in between of the property value and get more homeowners into compliance, but it would have the effect of lowering that investment. Mr. Symer said he is asking for Council direction on this.

Vice Mayor Curtis said she does not want to create a financial hardship for existing homeowners, and would support a 50%-60% valuation of the property. She stated that she supports fencing for new construction.

Councilmember Snyder asked would the valuation be based on property value, tax value or cost of the addition.

Mr. Symer said valuation would be based on the valuation assessed by the county assessor. The valuation of the improvement would be calculated at time of building permit by community development.

Councilmember Snyder pointed out that there is the potential for someone who has owned their home for a while to have a low appraisal value. The homeowner could easily reach the 50%-60% valuation when modifying the home.

Mr. Symer agreed. This is why he is recommending the 60% level.

Mayor Powell fully supported the proposed zoning text amendment. However, he is not a fan of metal fencing due to the glare.

Mr. Symer said the existing zoning code requires metal fencing to have a non-reflective surface.

Councilmember Sutton asked for staff's recommendation.

Mr. Symer said staff is recommending the 60% property valuation and 1.25 lot size.

There being no further questions, Mayor Powell asked for direction from the Council.

A motion was made by Vice Mayor Curtis, seconded by Councilmember Snyder to direct staff to initiate the proposed zoning text amendments related to walls and fences; direct staff to reduce required screening of side and rear yards to 1.25 acres; and require screening of side and rear yards when modifications are made to an existing primary structure based on 60% of the property's valuation. The motion passed unanimously by roll call vote (6-0).

Mayor Powell clarified that this action only allows staff to start the zoning amendment process.

IX. EXECUTIVE SESSION

A motion was called by Mayor Powell and seconded by Councilmember Garcia to hold an executive session at approximately 6:46 p.m., for approximately two (2) hours with the city manager, city clerk (note taking), and city attorney if needed for:

- A. Discussion and evaluation of City Manager, in order to consider its position and instruct its Staff and attorney regarding the public body's position regarding discussions conducted on City Manager's evaluation and City Manager employment contract, City Code and legal advice, pursuant to A.R.S. § 38-431.03 (A) (1), (3), and (4).**

The motion passed unanimously (6-0).

Note: Councilmember G. Rodriguez arrived at approximately 7:14 p.m.

Mayor Powell reconvened the public meeting at approximately 8:42 p.m.

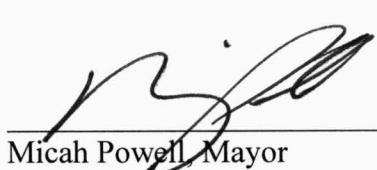
Mayor Powell made a motion to go back into executive session at approximately 8:43 p.m., for approximately one (1) hour with the city manager, city clerk (note taking) and city attorney to continue with the performance evaluation of the city manager.

The motion passed with four members of the Council present during the voting.

Mayor Powell reconvened the public meeting at approximately 9:29 p.m.

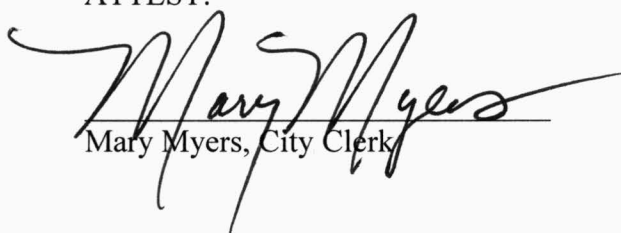
X. ADJOURNMENT

There being no further business, Mayor Powell adjourned the meeting at approximately 9:29 p.m.



Micah Powell, Mayor

ATTEST:



Mary Myers, City Clerk