

**MINUTES OF THE REGULAR MEETING OF
THE ELOY CITY COUNCIL
CITY OF ELOY
595 NORTH C STREET
AUGUST 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, Dan Symer-Community Development Director, Matt Rencher-Public Works Director/City Engineer, Sergio Banales-Police Chief

I. CALL TO ORDER

Mayor Micah Powell called the meeting to order at approximately 6:16 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

Mayor Powell called for a moment of silence.

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

Derek Guanajuato, 307 W. 4th Street, Eloy

Mr. Guanajuato who is a wrestler at the University of North Carolina, conveyed that he was attacked and bitten by a dog while out on a run in the city last week. The attack happened near the Curiel School bus barn. The bite was severe enough to require medical treatment and caused him to miss workouts and practices as he prepare to return to school. Mr. Guanajuato expressed his concerns about the safety of the community, in particular for children in the area who walk to school. He urged the Council to take action regarding the issues of animals at large to ensure no one else endures what he experienced that day.

VI. REPORTS AND ANNOUNCEMENTS

A. Council Member Announcements

1. Councilmember Sutton congratulated Ms. JoAnne Galindo, Michael Vodrazka, Dan Snyder, and Vice Mayor Curtis on their successful election to the Council.
2. Councilmember G. Rodriguez conveyed that she would like to comment on Mr. Guanajuato's statement. She has been an advocate for finding a solution to the problems the city is facing with animals at large. What happened to Mr. Guanajuato (family member) has been one of her worst fears; someone she knows will be bitten. She requested staff provide the Council with a report of how many dog bite cases have been reported this year. She also asked the Council to consider having another work session to address this concern.

B. Mayor Announcements

Mayor Powell made the following announcements:

- Congratulated incumbents Vice Mayor Curtis, Councilmembers Snyder and Sutton (mayor-elect) and council-elects, JoAnne Galindo and Michael Vodrazka on their election win.
- Mayor Powell introduced the city's new police chief, Sergio Banales. Chief Banales said he is excited to be at the city and working members of the community. He brings over 30 years of law enforcement to the department.

Mayor Powell thanked Captain Gwaltney for stepping in as acting police chief during the recruitment process.

- Gave a "thumbs up" to Officer Allen, who was photographed playing ball with neighborhood kids. Mayor Powell strongly supports the police department engaging with the public on a positive side.
- The police department received 64 cases of iced tea from a trucking company. Police officers distributed the tea to several families and citizens.
- Mayor Powell introduced Mrs. Rosie Coyle, member of the Back to the Patch Committee, who invited the public to their three-day event, August

30th-September 1st. Mrs. Coyle also presented the city clerk, Mary Myers, with a public/civic service award for over 35 years of public service.

C. City Manager Announcements

Mr. Malewitz made the following announcements:

- The community services department will be hosting “lawn bingo” at Main Street Park on Saturday, August 16th, from 5:00 p.m. to 7:00 p.m. for all ages.
- The Dust Devils football youth camp begins on Saturday, August 17th.

Mayor Powell congratulated Mr. Malewitz for completing the Harvard Senior, State and Local Executives program at Harvard University.

Mr. Malewitz said the three-week on campus program was paid for through a scholarship from the Arizona County Managers Association (ACMA). Approximately 82 people worldwide participated in the program. He thanked the ACMA for the scholarship and the Council for allowing him the time away from the city to participate in the program.

VII. CONSENT AGENDA

- A. Approval of Minutes: 7/22/2024 (regular)
- B. Adoption of Resolution No. 24-1584 authorizing officers/agents to deposit, transfer, and withdraw monies with First Interstate Bank.
- C. Adoption of Resolution No. 24-1585 authorizing officers/agents to deposit, transfer, and withdraw monies for the Magistrate Checking Account.
- D. Adoption of Resolution No. 24-1586, declaring and adopting the results of the City of Eloy Primary Election held on July 30, 2024.
- E. ~~A recommendation to the Arizona Department of Liquor Licenses and Control (ADLLC) for issuance of a Series 10 liquor license (beer and wine) to Lucky Star Market, located at 112 W. Dr. Martin Luther King Jr. St., Eloy Arizona. (removed for discussion)~~
- F. Approval of a request by City Staff to continue Case No. RZPAD2004-018.A1: Rancho Del Sol Brillante Planned Area Development—Milligan Energy Center to the September 23, 2024, City Council meeting. The application is a Zoning Map Amendment to modify the Rancho Del Sol Brillante Planned Area Development to permit Solar, Utility-Scale Generation, and Battery Energy Storage System Facilities as allowed uses.
- G. Approval to purchase a Telehandler Forklift and Aerial Manlift (aka. "Cherry Picker") from Herc Rentals for a total cost not to exceed \$113,447.20, plus applicable taxes, for the Public Works Department.
- H. Approval of an Intergovernmental Agreement (IGA) between the City of Eloy and Pinal County to allow employees of the City of Eloy Public Works Department to participate in the Annual Pinal County Safety Roadshow.

- I. Approval of the Annual Development Impact Fee Report for the City of Eloy ending June 30, 2024.

Councilmember Garcia requested item VII-E removed from the Consent Agenda.

A motion was made by Councilmember Garcia and seconded by Councilmember G. Rodriguez to remove item VII-E from the Consent Agenda and approve the remaining Consent Agenda items as presented, passed unanimously by roll call vote (7-0).

E. A RECOMMENDATION TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL (ADLLC) FOR ISSUANCE OF A SERIES 10 LIQUOR LICENSE (BEER AND WINE) TO LUCKY STAR MARKET, LOCATED AT 112 W. DR. MARTIN LUTHER KING JR. ST., ELOY ARIZONA.

Cover Sheet Report: *Council forward a favorable recommendation to the ADLLC for issuance of a Series 10 liquor license for Lucky Star Market.*

Mr. Kumar Dharminder, the new owner of the Lucky Star Market, has applied for a Series 10 (beer and wine) liquor license with the ADLLC. He is requesting the City Council consider forwarding a favorable recommendation to the ADLLC for issuance of the license. The liquor license would allow Mr. Dharminder to sell beer and wine in their original, unopened containers for off-premises consumption. Mr. Dharminder was issued an interim liquor license from the ADLLC, which allows him to sell beer and wine while his application is under review.

Per A.R.S. §4-201(B), a notice of intent to sell alcoholic beverages along with the application was posted at the place of business for at least 20 days (7/3/24 – 07/23/24) for public review. As of July 30, the City Clerk's office has not received any questions and/or comments from the public regarding the application.

FISCAL IMPACT: *None*

Councilmember Garcia wanted to know if the application is for a new license.

Mrs. Myers said yes. She stated that the applicant was issued an interim license to continue selling beer and wine at that location until the application is approved.

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

A motion was made by Councilmember Garcia, and seconded by Vice Mayor Curtis to approve a favorable recommendation to the Arizona Department of Liquor Licenses and Control (ADLLC) for issuance of a Series 10 liquor license (beer and

wine) to Lucky Star Market, located at 112 W. Dr. Martin Luther King Jr. St., Eloy Arizona, passed unanimously by roll call vote (7-0).

VIII. BUSINESS

A. PRESENTATION BY ANNETTE GASTON, FROM PFM ASSET MANAGEMENT, LLC, ON THE CITY'S INVESTMENT PORTFOLIO AS OF JUNE 30, 2024.

Staff Cover Sheet Report: *PFM Assets Management has been the City's Investment Advisor since 2015. Annette Gaston will present the City Investment Portfolio and update the City Council on current economic conditions.*

FISCAL IMPACT: *No fiscal impact. Presentation and informative purposes only.*

Ms. Gagnon provided the public and the Council with an update on the city's investment portfolio with PFM Assets Management.

B. APPROVAL TO ENTER INTO A CONTRACT WITH RSM US LLP TO PROVIDE CERTAIN TAX SERVICES TO THE CITY OF ELOY, INCLUDING THE PREPARATION OF QUALIFIED TAX CREDITS AND APPROPRIATE RETURNS FOR QUALIFIED ENERGY-SAVING PROJECTS, FOR AN AMOUNT NOT TO EXCEED \$50,000.

Staff Cover Sheet Report: *Staff recommends the City Council approval the contract with RSM US LLP to provide certain tax services to the City of Eloy, including the preparation of qualified tax credits and appropriate returns for qualified energy-saving projects, for an amount not to exceed \$50,000.*

With the recent installation of solar panels at the Wastewater Treatment Plant and Well 3, the City of Eloy can apply for tax credits related to these solar projects. Veregy, the project manager for these installations, recommended that the City engage RSM US LLP to assist with filing these tax credits.

RSM US LLP is a firm specializing in auditing and tax services, particularly in helping organizations complete the necessary paperwork to obtain tax credits for energy-saving projects. In this case, they will help the City of Eloy with the following steps:

- 1. Feasibility and Qualification Review:** *Assessing whether the projects meet the criteria for tax credits.*
- 2. Pre-Filing Registration:** *Ensuring all registration requirements are met before filing.*

- 3. Credit Calculation and Form Preparation:** *Calculate the potential tax credit and prepare the required forms.*
- 4. Tax Advice:** *Providing guidance throughout the process.*

The City will collaborate with RSM US LLP to complete the necessary paperwork and filings to successfully apply for the tax credits. The estimated tax credit the City could receive is between \$250,000 and \$350,000. The cost for RSM US LLP's services is expected to be between \$35,000 and \$45,000, with a recommended maximum expenditure of \$50,000.

FISCAL IMPACT: *Staff is recommending using the General Fund Contingency to pay for this service. The General Fund contingency, 10-429-9888, has a budget in FY 24-25 of \$1,192,525.*

Mr. Wright gave an overview of a request to contract with USM US LLP, who would assist the city with the preparation of applying for qualified tax credits for energy saving city projects. He said based on a preliminary assessment of solar panel projects at the wastewater treatment plant and well 3, the company is estimating that the city could receive between \$275,000 to \$350,000 in potential tax credits. Mr. Wright told the Council that he does not have the knowledge or expertise to file for the tax credits appropriately. He is recommending the Council approve the contract with USM US LLP.

Councilmember Snyder wanted to know would the company guarantee that the city will receive the tax credits.

Mr. Wright said there is no guarantee with the IRS, but the company believes that with the projects being funded through WIFA, this would qualify the projects for the tax credits. He said the company has already done a lot of the preliminary work of looking at the city's data that was provided to them by Veregy.

Councilmember Snyder wanted to know how successful has the company been with other endeavors.

Mr. Wright said Veregy, who recommended the company told him that RSM US LLP has been successful in obtaining tax credits for over two dozen projects.

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

A motion was made by Councilmember Sutton, and seconded by Councilmember Tarango to approve entering into a contract with RSM US LLP to provide certain tax services to the City of Eloy, including the preparation of qualified tax credits and appropriate returns for qualified energy-saving projects, for an amount not to exceed \$50,000, passed unanimously by roll call vote (7-0).

C. AUTHORIZATION TO PURCHASE A USED CATERPILLAR SCRAPER WITH AN EXTENDED WARRANTY FROM EMPIRE-CATERPILLAR UNDER THE ARIZONA STATE PROCUREMENT CONTRACT FOR AN AMOUNT NOT TO EXCEED \$850,000.00, PLUS APPLICABLE TAXES, FOR USE IN THE CITY OF ELOY MUNICIPAL LANDFILL TO IMPROVE THE EFFICIENCY OF OPERATIONS.

Staff Cover Sheet Report: *Staff recommends that the Council authorize the purchase of the used Caterpillar scraper with an extended warranty for the City of Eloy Municipal Landfill at a cost not to exceed \$850,000.*

The scraper at the City of Eloy Municipal Landfill is integral to our daily operations, ensuring compliance with our permit requirements by distributing soil cover over the waste at the end of each day. The current scraper, purchased and put into service by the City in 2002, has now exceeded its typical service life of 15–20 years. As a result, we are experiencing escalating repair costs, compounded by the increasing difficulty in sourcing replacement parts.

To address this issue, we propose replacing the existing scraper with a pre-owned model that includes an extended warranty. This acquisition will enhance the efficiency of landfill operations and ensure better soil cover, thereby maintaining compliance with Arizona Department of Environmental Quality (ADEQ) regulations. The existing scraper could then be retained as a backup for use during maintenance or repair of the new equipment.

The purchase of a new scraper was initially scheduled for FY 2027 within the approved Five-Year FY2025 - FY2029 Capital Improvement Plan, with an estimated cost of \$1.1 million. This fiscal year originally included a new compactor as a Capital Purchase Item at an estimated cost of \$975,000. Both pieces of equipment were accounted for in the Capital Improvement Plan budget. However, due to recent repairs made to the compactor and the authorized purchase of a new bulldozer, the Public Works staff recommends advancing the acquisition of the scraper to the current fiscal year. This adjustment would allow us to delay the compactor purchase, which is now less urgent.

Additionally, we have initiated discussions with ADEQ regarding the potential use of large, weatherproof tarps and covers as an alternative to soil for waste coverage. If approved, this approach could significantly reduce the amount of soil required, thus extending the operational life of the landfill and minimizing wear and tear on our equipment. This dual benefit of cost savings and operational efficiency underscores the importance of considering this alternative.

We respectfully request that the Council authorize the expedited purchase of a new/used scraper this year, recognizing the long-term benefits for the City's landfill operations.

FISCAL IMPACT: *Not to Exceed \$850,000, plus applicable taxes, from the Sanitation Capital Improvement Project budget.*

Mr. Rencher gave a brief overview of his request to purchase a used caterpillar scraper for the city's landfill.

Councilmember Snyder wanted to know with the city making large investments in the landfill, does this mean the city would be keeping the landfill for the long haul.

Mr. Rencher said this would be a Council decision. If the city decides to have someone other than the city operate the landfill, the city has the option of a lease. However, there is also the option of the resale value for the equipment, minus the depreciation.

Councilmember Snyder pointed out that it was not too long ago that Council was talking about how the landfill has been a cash drain on the city, which is why he asked the question about the purchases.

Mr. Malewitz conveyed that when staff evaluated these two capital equipment purchases in the CIP and presented them as part of the CIP for Council approval, staff had the intention based off discussions with Council that getting rid of the landfill was not an option for Council at this point. In order for the landfill to continue to operate to some level to provide services to the residents and county neighbors, these pieces of equipment would be needed to meet ADEQ regulations. Mr. Rencher is currently working on a study with an outside firm to evaluate options that were presented to the Council approximately three years ago about the landfill. Mr. Malewitz said staff plans to come back to Council with the study by the end of the year.

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

A motion was made by Councilmember Snyder, and seconded by Councilmember G. Rodriguez to authorize the purchase of a used Caterpillar scraper with an extended warranty from Empire-Caterpillar under the Arizona State Procurement contract for an amount not to exceed \$850,000.00, plus applicable taxes, for the use in the City of Eloy Municipal landfill, passed unanimously by roll call vote (7-0),

D. APPROVAL OF AN INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE CITY OF ELOY AND PINAL COUNTY TO AUTHORIZE PINAL COUNTY TO PLACE, OWN, OPERATE, AND MAINTAIN A TEMPORARY TRAFFIC SIGNAL AT THE INTERSECTION OF SUNLAND GIN AND ARICA ROAD AS A TEMPORARY IMPROVEMENT TO TRAFFIC CONGESTION IN THE AREA UNTIL THE PERMANENT TRAFFIC SIGNAL CAN BE DESIGNED AND INSTALLED AS PART OF THE SUNLAND GIN WIDENING PROJECT.

Staff Cover Sheet Report: *Staff Recommends that the Council approve the Intergovernmental Agreement (IGA) authorizing Pinal County to place, own, maintain, and operate a temporary traffic signal at the intersection of Sunland Gin Road and Arica Road to improve traffic conditions until a permanent traffic signal is designed and constructed, and is operational as part of the Sunland Gin Widening Project.*

Sunland Gin Road is one of the most vital transportation corridors in the City of Eloy, serving as the primary access route to the unincorporated area of Arizona City. Over the past decade, traffic levels at the intersection of Arica Road and Sunland Gin Road have steadily increased, largely due to the influx of vehicles from Arizona City as residents use Sunland Gin Road to reach the freeway. During peak hours, northbound traffic on Sunland Gin Road frequently backs up beyond Mountain View Avenue, located approximately one-quarter mile south of Arica Road. This congestion has created significant challenges for vehicles attempting to turn north onto Sunland Gin Road from Arica Road, particularly for semi-trucks exiting Love's truck stop.

In 2019, the City of Eloy engaged Southwest Traffic Engineers (SWE) to conduct a comprehensive traffic analysis of this intersection and the surrounding roadways. The findings were presented to the Council on May 28, 2019. SWE evaluated multiple alternatives to improve traffic flow, ultimately recommending Alternative 4 as the most effective solution. This alternative includes several key improvements:

- *Widening Sunland Gin Road from Mountain View Avenue to the I-10 ramp.*
- *Constructing a connector road from Arica Road south to Sunland Gin Road.*
- *Installing a new traffic signal at the connector road intersection and Sunland Gin Road.*

In January 2020, the City of Eloy contracted with Sunrise Engineering to initiate the design process for widening Sunland Gin Road, dividing the work into two phases. The first phase involved developing a design concept report, which included preliminary design (15% design plans) for the overall project. Sunrise Engineering prepared cost estimates for the proposed improvements during this phase and identified the necessary right-of-way acquisitions. The second phase focuses on preparing detailed engineering plans for widening Sunland Gin Road.

In October 2023, the Council approved a contract with Sunrise Engineering Services to complete the design work for Sunland Gin Road, Arica Road, and the Arica Road Connector and install a permanent traffic signal. Pinal County has strongly supported these improvements and offered to install, own, maintain, and operate a temporary traffic signal at the intersection. This temporary signal will allow drivers to adjust to the forthcoming changes. It will allow the City of Eloy, Pinal County, and the Arizona Department of Transportation (ADOT) to assess the impact of a traffic signal at this critical location.

FISCAL IMPACT: *Entering into the IGA with Pinal County for the placement and operation of the temporary traffic signal has no fiscal impact.*

Mr. Rencher provided the Council and the public with an overview of the proposed IGA with Pinal County to install a temporary traffic light at the Sunland Gin Road and Arica Road intersection to reduce traffic congestion in that area. Mr. Rencher said if approved by the Council, the temporary signal light would stay until the permanent traffic light is in place. The temporary signal light would also acclimate drivers to having a light in the area.

After his presentation, Mr. Rencher entertained questions from the Council about:

- Road markings in the area to assist drivers
- Coordinating the temporary signal light with other signal devices in the area
- Public service announcements

Councilmember Tarango conveyed that the IGA with the county states the temporary signal light would be placed at the intersection of Sunland Gin Road and Mountain View, not Sunland Gin Road and Arica Road.

Mr. Rencher explained that Mountain View is a minor road, however, he would talk to Pinal County to determine the best location for the light.

Councilmember Tarango reminded Mr. Rencher that his presentation tonight was about installing the light at Arica and Sunland Gin Road.

Mr. Cooper conveyed that Council could approve the IGA as amended to show Arica and Sunland Gin Roads.

Mayor Powell pointed out that the change has to be approved by Pinal County.

Councilmember Snyder said based on him visiting the area, and seeing how the traffic backs up, there is not much distance between Arica Road and the other traffic light off the interstate. He said it would be better to install the light at Mountain View to give vehicles and trucks more time to exit Arica Road.

Mr. Rencher pointed out that the IGA does in fact state that the temporary light would be installed at Mountain View. He apologized to the Council for the confusion.

Mayor Powell wanted to clarify that the temporary light will be installed at Sunland Gin Road and Mountain View.

Mr. Rencher said this is correct. The permanent signal light will be installed at the future Arica Road connector.

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

A motion was made by Councilmember Snyder and seconded by Councilmember G. Rodriguez to approve an Intergovernmental Agreement (IGA), between the City of Eloy and Pinal County to authorize Pinal County to place, own, operate, and maintain a temporary traffic light with the stipulation that it be placed at the intersection of Sunland Gin Road and Mountain View as stated in the IGA, passed unanimously by roll call vote (7-0).

E. ADOPTION OF RESOLUTION NO. 24-1577 DECLARING A PUBLIC RECORD FOR THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "ELOY VALLEY SPECIFIC PLAN A "PLANNED AREA DEVELOPMENT" - 1ST AMENDMENT - SAWTOOTH ENERGY CENTER."

Staff Cover Sheet Report: *Adopt Resolution No. 24-1577 declaring a public record that certain document filed with the City Clerk and entitled "Eloy Valley Specific Plan a "Planned Area Development" - 1st Amendment - Sawtooth Energy Center".*

This is a request by staff to adopt Resolution No. 24-1577, which establishes a public record for the document titled "Eloy Valley Specific Plan a 'Planned Area Development' - 1st Amendment - Sawtooth Energy Center." The goal of this request is to create a public record that is filed with the City Clerk that can be referenced in an ordinance related to the associated rezoning application (Case No. RZPAD2024-001). With the creation of the public record, the City Clerk would not need to publish the 134-page document in the local newspaper with the ordinance if the City Council approves the rezoning application. The ordinance will refer to this public record by reference, which thereby provides notification to the public that there is an additional record associated with the ordinance that is available to be viewed at the City Clerk's office upon request.

FISCAL IMPACT: *There are no anticipated fiscal impacts associated with this discussion.*

Mr. Symer conveyed that approval of the proposed resolution would allow the city to publish the resolution in lieu of the ordinance, whereby saving on publication costs.

A motion was made by Councilmember Snyder and seconded by Councilmember Sutton to read Resolution No. 24-1577 by title only, passed unanimously (7-0).

The city clerk read the resolution title into the record.

A motion was made by Vice Mayor Curtis and seconded by Councilmember Snyder to adopt Resolution No. 24-1577 as presented passed 6-1 by the following roll call vote:

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

Nays: Councilmember Garcia

- F. CONDUCT A PUBLIC HEARING AND CONSIDER THE ADOPTION OF ORDINANCE NO. 24-971, APPROVING AN AMENDMENT TO THE ZONING MAP, CASE NO. RZPAD2024-001: ELOY VALLEY SPECIFIC PLAN PAD - SAWTOOTH ENERGY CENTER, AN APPLICATION TO REZONE APPROXIMATELY 50.61 ACRES OF LAND FROM SINGLE-FAMILY (R1-43) TO SINGLE-FAMILY (R1-43) PAD SITUATED ABOUT 1,325 FEET WEST OF THE SOUTHWEST CORNER OF WEST MILLIGAN ROAD AND SOUTH TOLTEC ROAD AND TO INCORPORATE THE PROPERTY INTO THE ELOY VALLEY SPECIFIC AREA PLANNED AREA DEVELOPMENT (PAD). IN ADDITION, THE PROPOSED AMENDMENT TO THE ZONING MAP IS TO ADD THE SOLAR, UTILITY SCALE GENERATION, AND BATTERY ENERGY STORAGE SYSTEM FACILITY AS AN ALLOWED USE ON THE NORTHERN APPROXIMATELY 2,106 GROSS ACRES OF THE PAD LOCATED ON AN IRREGULAR-SHAPED SITE LOCATED BETWEEN W. SHAY ROAD AND W. ALSDORF ROAD, AND S. TOLTEC BUTTES ROAD AND S. CURRY ROAD, IN THE CITY OF ELOY, PINAL COUNTY, ARIZONA (APPLICANT CONTACT: THE ROSE LAW GROUP, PC, C/O COURT RICH).**

Staff Cover Sheet Report: *The staff recommends that the City Council adopt Ordinance No. 24-971 approving the Amendment to the Zoning Map outlined in Case No. RZPAD2004-001: Eloy Valley Specific Plan PAD—Sawtooth Energy Center and in accordance with the attached Conditions of Approval.*

Request:

The applicant, Rose Law Group, PC, c/o Court Rich, on behalf of Sawtooth Solar, LLC, a subsidiary of EDF Renewables, Inc., has submitted an application for a Zoning Map Amendment to modify the existing Eloy Valley Specific Area Plan Planned Area Development (PAD). The purpose of the amendment is to incorporate approximately 50.61 acres of land situated about 1,325 feet west of the southwest corner of West Milligan Road and South Toltec Road into the PAD and to permit a Solar, Utility Scale Generation, and Battery Energy Storage System Facility, also known as Solar Generation Facility in the Zoning Ordinance (hereafter, "Utility Scale Solar") as an allowed use on the northern approximately 2,055.3 gross acres of the PAD. This application has been submitted in conjunction with a Minor General Plan Amendment (Case No. GPA2024-001) to change the land use designation on the 50.61-acre property from Medium Density Residential to Estate Residential and was approved on July 8, 2024.

Context (50.61 Acre Site)

Located approximately 1,325 feet west of the southwest corner of West Milligan Road and South Toltec Road, the site is surrounded by undeveloped and vacant land. The General Plan land use map designations adjacent to the site are primarily Medium-Density Residential, with limited areas designated Commercial, Medium-High-Density Residential, and Parks/Open Space. The General Plan land use map designations, zoning, and land uses of the property abutting and adjacent to the site are identified in the table below and in the attachments.

<i>Direction</i>	<i>General Plan Land Use Map Designation</i>	<i>Existing Property Zoning</i>	<i>Existing Use of the Property</i>
<i>North</i>	<i>Medium Density Residential and Community Commercial</i>	<i>Single-family Residential (R1-6) PAD and General Commercial (C-2) PAD</i>	<i>Vacant Land</i>
<i>South</i>	<i>Medium Density Residential</i>	<i>Single-family Residential (R1-43) and Single-family Residential (R1-6) PAD</i>	<i>Vacant land</i>
<i>East</i>	<i>Medium Density Residential and Community Commercial</i>	<i>General Commercial (C-2) and Single-family Residential (R1-43)</i>	<i>Vacant land</i>
<i>West</i>	<i>Medium Density Residential</i>	<i>Single-family Residential (R1-43)</i>	<i>Vacant land</i>

Context (Eloy Valley Specific Area Plan Planned Area Development - Northern 2055.3 Acre Site of the PAD)

Located on an irregularly shaped site between W. Shay Road and W. Alsdorf Road and S Toltec Buttes Road and S. Curry Road, the site is surrounded by undeveloped and vacant land. The land uses adjacent to the site are primarily Medium-Density Residential, with limited areas designated Commercial, High-Density Residential, Low-Density Residential, Light Industrial, Medium-High Density Residential, and Parks/Open Space. The General Plan Land Use Map designations, zoning, and land uses of the property abutting and adjacent to the site area are identified in the table below.

<i>Direction</i>	<i>General Plan Land Use Map Designation</i>	<i>Existing Property Zoning</i>	<i>Existing Use of the Property</i>
<i>North</i>	<i>Community Commercial, Medium Density Residential, Medium-High Density Residential, Light Industrial, and Parks/Open Space</i>	<i>General Commercial (C-2) PAD, Open Space Recreational (OSR PAD, Single-family, Residential (R1-6) PAD, Single-family Residential (R1-43), Small Lot Residential (R-2), and</i>	<i>Vacant Land</i>
<i>South</i>	<i>Community Commercial, Medium Density Residential, and Medium-High Density Residential.</i>	<i>Neighborhood Commercial District (C-1) PAD, Single-family Residential (R1-6) PAD, Single-family Residential (R1-12) PAD, Single-family Residential (R1-43), and Single-family Residential (R1-43) PAD</i>	<i>Vacant Land</i>
<i>East</i>	<i>Community Commercial, High Density Residential, Medium Density Residential, and Light Industrial.</i>	<i>General Commercial (C-2), General Commercial (C-2) PAD, Residential (R1-6) PAD, and Single-family Residential (R1-43)</i>	<i>Vacant Land</i>
<i>West</i>	<i>Community Commercial, Low Density Residential, Medium Density Residential, Medium-High Density Residential, and Parks/Open Space</i>	<i>General Commercial (C-2), Open Space Recreational (OSR PAD, Single-family Residential (R1-43)</i>	

Zoning Ordinance Issues for Consideration:

In determining whether to approve, approve with conditions, or deny the proposed Official Zoning Map amendments, issues for consideration shall include but not be limited to: (Staff's analysis of the consideration is included in bold italic text, and the applicant's analysis is included in their narrative, attached):

A. Consistency (or lack thereof) with the adopted Eloy General Plan and other adopted plans;

- The proposed Zoning Map Amendment change of the 50.61 acres of land situated about 1,325 feet west of the southwest corner of West Milligan Road and South Toltec Road will be consistent with the General Plan upon approval of the associated General Plan Amendment (Case No. GPA2024-001). Even though the property is currently zoned Single-family (R1-43), the current General Plan (GP) land use designation for the property is Medium Density Residential, which necessitates the need for the aforementioned General Plan Amendment to change the land use designation of the property to Estate Residential. The Single-family (R1-43) zone is one of the implementing zoning districts for the Estate Residential land use designation, and its approval will assist in providing "a range of residential*

... uses to encourage and maintain a sustainable community," and to "encourage a variety of housing types" (GP Goals 3.1.1.1. and 3.5.1.2.)

- *The Utility Scale Solar use is allowed with a Conditional Use Permit in the Single-family R1-43, R1-54, RR-2.5, RR-5, or RR-20 zones, corresponding to the General Plan's Estate Residential land use designation. It should be noted that the Utility Scale Solar may also be allowed in any zoning district and land use designations when incorporated as an allowed use of a PAD zone. The addition of the Utility Scale Solar use to the PAD will assist in providing for a more sustainable community as specified in the GP Goal 3.1.1.1. It should be noted that according to the applicant, the Utility Scale Solar use is interim until such time that the development of the property for the zones and uses specified in the PAD is more viable and utilities are available.*

B. Compatibility with the existing zoning and conforming uses of nearby property and with the character of the neighborhood;

- *The proposed Zoning Map Amendment and associated uses are consistent and compatible with the abutting and adjacent properties and character of the area/neighborhood.*

C. Suitability of the subject property for uses permitted by the proposed zoning district;

- *The approximate 50.61 gross-acre property that is proposed to be rezoned to Single-family (R1-43) PAD and the additional northern approximately 2,055.3 gross acres of the Eloy Valley Specific Plan PAD is relatively flat undeveloped/vacant land that has limited marks. With the development of the property as a Utility Scale Solar use and its future development in accordance with its designated zoning, the property owner/developer will be required to provide all necessary infrastructure improvements to serve the property.*

D. Suitability of the subject property for uses permitted by the existing district; and

- *The approximate 2105.91-acre subject site is currently zoned in various districts. The property may be developed under its existing zoning designations, provided that the property owner/developer provides all necessary infrastructure improvements to serve it.*

E. Availability of sewer and water facilities.

- *The approximate 2105.91-acre subject site currently does not have Eloy water or sewer/wastewater service. The nearest water and sewer/wastewater*

service is located at the corner of N. Toltec Road and W. Cowboy Tr. There exist several private and public well locations in and near the site area. With the development of the property as a Utility Scale Solar use, the property owner/developer will be required to provide septic infrastructure for sewer/wastewater and a minimum of 25,000-gallon water storage tank for landscaping, restrooms, fire suppression, etc. purposes. When the property is developed for any other use, the property owner/developer will be required to provide all sewer/wastewater and water facilities to serve the development in accordance with city, county, and state requirements.

Approval Criteria for a PAD

In determining whether to approve, approve with conditions, or deny a proposed Zoning Map Amendment for a PAD, the City Council shall make a determination in accordance with the provisions specified below (Staff's analysis of the consideration is included in bold italic text, and the applicant's analysis is included in their narrative, attached):

- A. A PAD District may be approved only when the City Council determines that the proposed PAD would result in a greater benefit to the City as a whole than would development under conventional zoning district regulations and would not adversely affect the existing and/or future permissible uses of adjacent properties. Such greater benefits may include the implementation of adopted planning policies/design standards, natural resource preservation/conservation, enhanced provision of utilities, urban design, neighborhood/community amenities, or an overall level of increased development quality.*
- The approximate 50.61 gross-acre property that is proposed to be rezoned to Single-family (R1-43) PAD and incorporated into the northern approximately 2,055.3 gross acres of the Eloy Valley Specific Plan PAD will assist in providing "a range of residential ... uses to encourage and maintain a sustainable community," and "encourage a variety of housing types" (GP Goal 3.1.1.1. and 3.5.1.2.). In addition, the incorporation of the Utility Scale Solar facility across the north section of the Eloy Valley Specific Plan PAD will assist in providing a sustainable community through the provision of enhanced/alternative utility-scale solar energy production (GP Goal 3.1.1.1.). The proposed modifications to the PAD are not anticipated to alter the City Council's previous determination of the PAD Approval Criteria when the Eloy Valley Specific Plan PAD was originally approved.*

Public Comments.

One member of the public (Mr. Chacon) spoke at the Planning and Zoning Commission meeting in opposition to the proposed solar facility improvement's proximity to his home. Mr. Chacon's home is adjacent to the south-easternmost

corner of the solar facility abutting South Curry Road. Also, the individual indicated that he did not receive a notice of the proposed application but did see that site posting. Staff confirmed that the applicant had the correct name but was provided with the incorrect mailing address. Since the Planning and Zoning Commission meeting, Mr. Chacon has submitted an opposition letter (attached). At the July 8, 2024, City Council meeting, Mr. Chacon spoke in opposition to the application. The staff spoke to the applicant and resident and confirmed that they had contacted each other to discuss a resolution. As of the date of this report, the staff were not aware of a resolution between the developer and the Mr. Chacon.

Planning and Zoning Commission

On June 20, 2024, the Planning and Zoning Commission held a public hearing on the above-referenced application and recommended approval to the City Council in accordance with the attached Conditions of Approval with a unanimous vote of 3-0. Furthermore, the Commission conditioned its recommendation that the applicant address the residents' concerns prior to the City Council meeting. As of the date of this report, staff has not been notified that the applicant and resident have reached a resolution.

City Council.

On July 8, 2024, the City Council held a public hearing on the above-referenced application. After staff and the applicants' presentation, Mr. Chacon spoke in opposition to the application due to the proximity of the solar facility improvement adjacent to his property. The applicant had indicated that they had been in contact with Mr. Chacon, but had yet to reach an agreed-upon solution. Upon discussion among the members of the City Council, the Council voted 6-1 to continue the application to the August 12, 2024, City Council meeting to allow the applicant additional time to work with Mr. Chacon on negotiating a solution.

Additional Information.

On Monday, July 29, 2024, the applicant updated staff on the negotiation with Mr. Chacon to reach a resolution to his opposition. At that time, the developer was obtaining an appraisal of Mr. Chacon's property. Mr. Chacon previously had conveyed to staff that he would entertain selling his property to a developer. As of the date of this report, neither the applicant nor Chacon has conveyed to staff that a resolution has been reached. To obtain a decision on the application and provide alternatives, the applicant is requesting the addition of the following stipulation:

- Unless the Applicant acquires the Curry Road Property, a two hundred (200) foot setback for any Solar, Utility Scale Generation, and Battery Energy Storage System facility-related use improvement(s), including internal access roadways, shall be provided from the north and west property lines of the property located at 2498 S Curry Rd Eloy, AZ 85131 (Pinal County Assessor's Parcel ID No. 408-24-018B (the "Curry Road Property")).

Furthermore, within the 200-foot setback area adjacent to the north and west property lines of the Curry Road Property shall be a thirty (30) foot landscape buffer that will include one row of trees having a 24-inch box planting planted twenty-five feet on center. All plant material shall be on the Arizona Department of Water Resources Plant list for the Pinal Active Management Area. In addition to the setback and landscape buffer, a minimum six (6) foot tall block wall shall be provided no less than fifty (50) feet adjacent to the north and west property line of the Curry Road Property.

The purpose of the stipulation is to allow that developer to proceed with the development if approved to either 1) purchase Mr. Chacon's property; or 2) set back the Utility Scale Solar improvement 200 feet from Mr. Chacon's property, construct a minimum six-foot tall block wall and planting trees adjacent to the property. If the developer is unable to purchase the property, the purpose of number 2) of the aforesaid sentence is to mitigate perceived impacts by minimizing the visibility and impact of the Utility Scale Solar on Mr. Chacon.

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

Mr. Symer conveyed that this item came before the Council at the July 8th meeting. At that time, the item was tabled to allow the applicant to work with the adjacent property owner, Mr. Chacon, to continue negotiations with working on a resolution pertaining to the 2,100 gross acre solar facility. Mr. Symer said it is his understanding that an agreement has been reached.

It was at this time that Mayor Powell declared a public hearing open to hear comments and/or questions from the public regarding the rezoning request.

Mr. Court Rich, from Rose Law Group, and representative for EDF Renewables, introduced Mr. Devon Muto, Vice President of Development for EDF Renewables North America.

Mr. Muto came forward to personally thank city staff and the Council for working with them on their solar project. He said they met with the adjacent property owner and came to an agreement to purchase the property at the owner's request. Mr. Muto said they are excited and proud to be part of the Eloy community and look forward to giving back to the community through tax revenues, and donations for community events and projects.

Mr. Rich gave a brief recap of his July 8th presentation to the Council on the proposed solar project. In addition, Mr. Rich said EDF Renewables will pave nine (9) miles of roadway as part of the project. He reiterated Mr. Muto's comments about the millions of dollars the schools will receive in tax revenue over the life of the project. He asked the Council for their support of the project.

Mayor Powell was happy to hear they were able to come to an agreement with Mr. Chacon.

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

The following individuals came forward to voice their support for the project:

- Andrew Rodriguez, Executive Director for the Eloy Chamber of Commerce
- Jared Storms, Vice President of Operations for McCarthy Building Companies
- Jim Haber, Division Manager for Rosendin Electric

There being no further comments, Mayor Powell closed the public hearing.

A motion was made by Councilmember Snyder and seconded by Councilmember G. Rodriguez to read Ordinance No. 24-971 by title only, passed unanimously (7-0).

The city clerk read the ordinance title into the record.

Mayor Powell called for direction from the Council.

A motion was made by Councilmember Sutton and seconded by Vice Mayor Curtis to adopt Ordinance No. 24-971 as presented, passed 5-2 by the following roll call vote:

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

Nays: Councilmember Tarango, Councilmember Garcia

G. CONDUCT A PUBLIC HEARING AND CONSIDER ADOPTING RESOLUTION NO. 24-1587 APPROVING CASE NO. CUP2023-057: MILLIGAN ENERGY CENTER, A CONDITIONAL USE PERMIT TO ALLOW SOLAR, UTILITY-SCALE GENERATION, AND BATTERY ENERGY STORAGE SYSTEM FACILITIES ON AN APPROXIMATELY 33-ACRE SITE ZONED ESTATE RESIDENTIAL (R1-43) AND LIGHT INDUSTRIAL (I-1), LOCATED APPROXIMATELY 750 FEET SOUTH AND 680 FEET EAST OF THE SOUTHEAST CORNER OF W. MILLIGAN ROAD AND S. ELEVEN MILE CORNER ROAD.

Staff Cover Sheet Report: *Approve Case No. CUP2023-057: Milligan Energy Center in accordance with the Planning and Zoning Commission's recommendation and the attached Conditions of Approval, and find that the Conditional Use Permit Criteria has been met.*

Request

The applicant, Rose Law Group, PC, c/o Court Rich, on behalf of Milligan Energy Center, LLC, a subsidiary of Savion Renewable Energy, LLC., has submitted an application for a Conditional Use Permit (CUP) to allow Solar, Utility Scale Generation, and Battery Energy Storage System Facility on an approximately 33-acre site located approximately 750 feet south and 680 feet east of the southeast corner of W. Milligan Road and S. Eleven Mile Corner Road. The applicant proposes to construct and operate a battery energy storage system (BESS), substation, and operations and maintenance (O&M) facility on the subject site. It should be noted that these facilities (hereafter, "Utility Scale Solar") are associated with the Milligan Energy Center that is proposed to be constructed on the south side of the adjacent subject site (Case No. RZPAD2004-018.A1: Rancho Del Sol Brillante Planned Area Development—Milligan Energy Center).

Context

Primarily surrounded by farms and vacant land, the site is immediately south and east of the existing APS Milligan Substation, and the east portion of the site was formerly utilized for off-road go-kart racing. The General Plan land use map designations adjacent to the site are primarily Medium Density Residential, Light Industrial, Public Institutional, and Open Space Recreational (OSR). The surrounding properties are primarily zoned Estate Residential (R1-54 and R1-43), Light Industrial (L-1), and Open Space Recreational (OSR). West Milligan Road, a Major Arterial (65'-1/2 street right-of-way) abut the north side of the site, and Eleven Mile Corner Road, a Minor Arterial (55'-1/2 street right-of-way), abut the west property line. A future street alignment is projected to be established along the site's south property line.

Background

In August 2023, the City Council adopted Ordinance 23-950, which amended the Zoning Ordinance and established criteria for all Utility-Scale Solar developments. These provisions provide guidance to applicants, staff, and appointed and elected officials in the City of Eloy pertaining to the location and use of specific development standards for these types of developments. If this request is approved, the applicant will be subject to the provisions of Section 21-3-1.39 as well as any other conditions.

Conditional Use Permit Criteria

Conditional Use Permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly allowed after the Planning and Zoning Commission has made a recommendation and City Council has found as follows (Staff's analysis of the consideration is included in bold italic text, and the applicant's analysis is included in their narrative, attached):

A. The proposed use will not be detrimental to the health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;

- *The proposed Utility Scale Solar facility will not be detrimental to the health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general. The applicant has indicated to staff that the facility will be remotely monitored to ensure it operates within requirements. Also, the developer will be required to provide a minimum 25,000-gallon onsite water tank to assist in providing fire protection onsite firefighting and will be coordinating with Eloy Fire District to provide specialized training on the facility's equipment and fire service.*

B. The proposed use conforms with the purposes, intent, and policies of the adopted Eloy General Plan and its policies and any applicable area, neighborhood, or other plan officially adopted by the City Council;

- *The proposed Utility Scale Solar facility use is consistent with specific goals and policies in the Eloy General Plan. In addition, as part of the Site Plan and permit application and approval processes, the developer will be required to demonstrate compliance with all applicable requirements.*

C. The proposed use conforms with the conditions, requirements, or standards prescribed by this chapter and any other applicable local, State, or Federal requirements; and

- *The application narrative and plans submitted with this CUP demonstrate general compliance with the applicable CUP criteria. The developer will be required to demonstrate compliance with all finite applicable requirements as part of the site plan and permit application and approval processes. In addition, the developer is required to maintain compliance with these standards until the facilities are decommissioned and removed.*

D. The proposed conditional use shall conform to the character of the neighborhood, within the same zoning district, in which it is located. In making such a determination, consideration shall include the location, type and height of the buildings or structures and the type and extent of landscaping and screening on the site.

- *The proposed Utility Scale Solar facility is located in an area of the City that is primarily undeveloped and used for agricultural uses. Furthermore, the development is located adjacent to existing high-voltage transmission lines and a substation. In conformance with the property development standards for the Utility Scale Solar facility use, the improvements will be setback a minimum of 75 feet, with larger setbacks (minimum of 100 feet) provided adjacent to properties with higher density residential zoning. Also, the developer will be provided landscaped buffers in accordance with the zoning ordinance provisions around the entire perimeter of the development. The development's structures will conform with the building heights allowance*

of the zoning ordinance, and the utility poles proposed to be generally consistent with the height of other utility poles in the area.

E. Adequate utilities, access roads, drainage, fire protection, and other necessary facilities shall be provided.

- *With the development of the proposed Utility-Scale Solar facility, the developer will be required to demonstrate conformance with all City of Eloy and the Eloy Fire District requirements, including providing street, utility, drainage, and fire protection improvement for the development.*

F. Adequate measures shall provide ingress and egress so designed as to minimize traffic hazards and traffic congestion on the public roads.

- *The proposed Utility-Scale Solar facility access locations have been reviewed by City Engineering staff, and the locations are not anticipated to cause a traffic hazard or traffic congestion on the abutting public streets. To assist in minimum traffic hazards and congestion, the access gates to the facility are to be setback a minimum of 50 feet, which will allow vehicles to exit the roadways before being stopped so that the access gates into the facility may be open.*

G. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.

- *The proposed Utility-Scale Solar facility is not anticipated to produce noxious or offensive vibration, noise, odor, dust, smoke, or gas. The equipment cabinet will contain air conditioning units for cooling purposes, but the noise should be minimal and not have an impact on any adjacent properties.*

H. The proposed use shall not be injurious to the use and enjoyment of the property in the immediate vicinity for the purposes already permitted, nor substantially diminishes or impair the property values within the neighborhood.

- *The proposed Utility-Scale Solar facility is not anticipated to be injurious to the use and enjoyment of the property in the immediate vicinity for the purposes already allowed, nor substantially diminish or impair the property values.*

I. The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

- *The proposed Utility-Scale Solar facility is not anticipated to impede the orderly development and improvement of surrounding property.*

Planning and Zoning Commission

On July 17, 2024, the Planning and Zoning Commission held a public hearing on the above reference application. One member of the public spoke at the meeting in opposition to the Conditional Use Permit and the associated zoning case, Case No. RZPAD2004-018.A1. The Planning and Zoning Commission recommended approval of this application to the City Council with a unanimous vote of 4-0.

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

Mr. Symer reviewed a request from Milligan Energy (a subsidiary of Savion Renewable Energy) for a Conditional Use Permit (CUP) for the Milligan Energy Center project. The CUP is for one portion of the development (33 acres) that would be used for a utility scale solar generation, and battery storage facility. The Planning and Zoning Commission voted unanimously to recommend that a CUP for this portion of the project be approved by the Council. Mr. Symer said the remainder of the project is still pending with the Planning and Zoning Commission.

Mayor Powell wanted to know would the Council have to consider approving the rest of the project once a recommendation is made by Planning and Zoning.

Mr. Symer said yes.

It was at this time that Mayor Powell declared a public hearing open.

Mr. Rich, representative for Savion Renewable Energy, gave a brief overview of the proposed request for a CUP. Mr. Rich said the project is adjacent to the Milligan substation, and that he and Savion have been trying to work out a solution with an adjacent property owner. He said the pecan farmers had some concerns about the project. However, Savion was able to work with them and was able to come to an agreement by making some accommodations with regard to landscaping that would be adjacent to the pecan farm.

Vice Mayor Curtis wanted to know would the 33 acres be a stand-alone regardless of what happens to the rest of the project.

Mr. Rich said technically yes; it's not designed that way and they are not foreseeing that it go, but the infrastructure is separate. He said this is where the batteries and the project substation is projected to be located.

Councilmember Snyder conveyed that out of respect for the Planning and Zoning Commission, his preference is that Council consider the 33 acres, and wait for the Planning and Zoning Commission to forward their recommendation for the rest of the acreage.

Councilmember Garcia conveyed that he recently received an email about a possible conflict of interest. He asked if any interest party related to any of these projects donated to any councilmember's campaign over the last three cycles.

Mr. Rich said he is not aware of this happening, but pointed out that donating to a candidate's campaign does not constitute a conflict of interest. Mr. Rich stated that as far as he knows, this has not happened.

There being no further questions or comments, Mayor Powell closed the public hearing.

A motion was made by Councilmember Sutton, and seconded by Councilmember Snyder to read Resolution No. 24-1587 by title only, passed 6-1.

The city clerk read the resolution title into the record.

Mayor Powell called for direction from the Council.

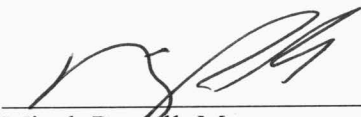
A motion was made by Councilmember Snyder, and seconded by Councilmember G. Rodriguez to adopt Resolution No. 24-1587 as presented, passed 5-2 by the following roll call vote:

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

Nays: Councilmember Garcia, Councilmember Tarango

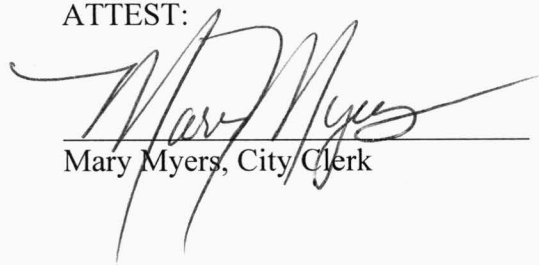
X. ADJOURNMENT

There being no further business, Mayor Powell adjourned the meeting at approximately 7:44 p.m.



Micah Powell, Mayor

ATTEST:



Mary Myers, City Clerk