

Agenda Item VII-A

Date: 10/14/2024

**MINUTES OF THE REGULAR MEETING OF
THE ELOY CITY COUNCILCITY OF ELOY
595 NORTH C STREET
SEPTEMBER 23, 2024
6:00 P.M.**

Staff Present: David Malewitz-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, Byron Gwaltney-Police Captain, Paul Anchondo-Community Services Director

I. CALL TO ORDER

Mayor Micah Powell called the meeting to order at approximately 6:07 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. MOMENT OF SILENCE

Mayor Powell called for a moment of silence.

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

VI. REPORTS AND ANNOUNCEMENTS

A. Council Member Announcements

1. Councilmember Sutton conveyed that he had a great time at the Fiestas Patrias event last weekend at Main Street park. He commended Mr. Anchondo and his staff for doing an outstanding job keeping the park in impeccable condition during the two-day event.
2. Vice Mayor Curtis announced that the Tucson Film Festival will be showing the film "Space Cowboy," on Friday, October 11th, at the Fox Tucson Theater. The film is a biography about skydiving cinematographer Joe Jennings. Vice Mayor Curtis said most of the scenes in the movie was filmed in Eloy. Tickets can be purchased on the Tucson Film Festival website.
3. Councilmember Snyder conveyed the following communications:
 - Water tower – Expressed frustration with the delay. He said about two weeks ago, trenching was supposed to begin. Now, staff is saying they may have someone to start the trenching. Councilmember Snyder said he is disappointed that the water tower is not complete. The fiestas was just held in the city; the Eloy Glow, the Christmas parade, and tree lighting are events coming up soon. It's disheartening this project has been going on for over a year because we have a lot of people who come into the city for these events. Councilmember Snyder requested a Gantt chart of city projects for Council to review and monitor the timeline for completion of projects.
 - 75th Anniversary – The city will celebrate 75 years of incorporation in December. While this should be a public celebration, he has yet to be informed of any plans being made. Nothing has been brought forth to the Council and nothing has been announced to the public about events celebrating the anniversary. Councilmember Snyder acknowledged the picture displays in the lobby at city hall, but said there needs to be better communication with the public, and Council to have a true celebration. He asked staff to provide an update at the next meeting on plans for the rest of the year.
 - Mock train derailment – A number of emergency agencies will participate in a mock train derailment, this Wednesday at 8:00 a.m., near Robson Ranch. Councilmember Snyder said he was reading the names of the agencies participating and did not see the Eloy police department on the list which he found rather confusing. He said with over 1,800 homes at Robson Ranch, and the number of people traveling Frontier Street/Jimmie Kerr Blvd. each morning, there is going to be a barrage of questions when they see helicopters, ambulances, and fire trucks in the area. Councilmember Snyder suggested the police department or the city post the event on its websites to notify the public of the drill.

Note: Later in the meeting, Mr. Malewitz informed the Council that he confirmed with the police department that they would have police personnel at the mock drill.

B. Mayor Announcements

Mayor Powell conveyed that he, along with the city clerk and Councilmember Sutton is scheduled to meet with an audio/visual company next Monday regarding the system in the council chamber. He apologized to the public for problems with the equipment, but assured the public that the city is working to resolve the matter.

C. City Manager Announcements

Mr. Malewitz gave a brief update on the HAWK pedestrian hybrid signal project on Frontier and Main Streets. He mentioned the work that would be done based on the scheduled provided by the contractor for the next two weeks.

Councilmember Snyder wanted to see the project schedule through completion of the project.

Mr. Rencher said he would get a complete schedule from the contractor.

VII. CONSENT AGENDA

- A. Approval of Minutes: 9/9/2024 (regular)
- B. Recommendation to the Arizona Department of Liquor Licenses and Control (ADLLC) for issuance of a Series 15 Special Event License to the Eloy Chamber of Commerce for the Eloy Glow event, November 9, 2024.
- C. Adoption of Resolution 24-1590 accepting a grant from the Tohom O'Odham Nation for \$98,284.04 to install Playground Shade Structures at Jones and Trekell Parks.
- D. Approval of a Final Plat for Sonoran Sales Company, Case No. FP2024-001. The proposed Final Plat is a request to replat Tract B of the Eloy Industrial Park subdivision located at 1401 West Chambers Street to create four (4) industrial lots containing a total of 41.54 acres, and dedicate the existing private street, Ivy Court, as a new right-of-way to the City of Eloy.
- E. Adoption of Resolution No. 24-1594, approving the submission of an application on behalf of the Eloy Fire District for Proposition 202 grant funds from the Gila River Indian Community (GRIC) in the amount of \$84,005.98 for the purchase of two cardiac monitors and equipment accessories.

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

VIII. BUSINESS

A. PRESENTATION BY PINAL COUNTY ON THE 1/2 CENT SALES TAX USED THROUGHOUT PINAL COUNTY FOR ROADWAY IMPROVEMENT AND PAVEMENT PRESERVATION PROJECTS.

Staff Cover Sheet Report: *No Recommendation. This presentation is for information only.*

Pinal County's half-cent Road Maintenance and Improvement Fund was originally passed in 1986 and renewed in 2005. This local funding is utilized by Pinal County as well as local cities and towns to improve roads throughout the entire Pinal County region. As it currently stands, the funding is set to expire at the end of 2026.

The City of Eloy receives approximately \$1.5M annually for pavement preservation, striping, roadway improvements, and construction or reconstruction projects.

Pinal County Engineer, Mr. Chris Wanamaker, will be presenting some information on the Preserving Our Future public awareness campaign highlighting the half-cent Road Maintenance and Improvement Fund.

FISCAL IMPACT: *None. This presentation is for information only.*

Mr. Rencher introduced Mr. Wanamaker from Pinal County, who provided a PowerPoint presentation on the ½ cent sales tax (Proposition 486) that is on the November ballot for voter renewal. Mr. Wanamaker expressed the importance of the proposition passing in order to continue providing funds to cities and towns in Pinal County for road improvements.

Mayor Powell reminded the public that this is not a new tax, but a renewal of an ongoing tax.

Council asked Mr. Wanamaker questions about:

- How the funds are disbursed (via population or number of roads)
- Location of the proposition on the ballot
- Methods used by the county to promote the proposition to the public
- Yard signs for residents who want to promote the proposition.

Mayor Powell conveyed that Pinal Partnership is offering 100 yard signs at their September 27th breakfast meeting at the Florence library.

B. CONDUCT A PUBLIC HEARING AND CONSIDER THE ADOPTION OF RESOLUTION NO. 24-1592 APPROVING A CONDITIONAL USE PERMIT, CASE NO CUP2024-003: AT&T AZL01563, TO COLLOCATE WIRELESS FACILITY COMMUNICATION ANTENNAS ON THE EXISTING 180-FOOT

TALL CITY-OWNED LATTICE TOWER AND PROVIDING ASSOCIATED EQUIPMENT ON A SITE LOCATED AT 95 W. 7TH STREET.

Staff Cover Sheet Report: *Staff recommends that the City Council approve Case No. CUP2024-003: AT&T AZL01563 in accordance with the attached Conditions of Approval.*

Request

The applicant, Smarklink, on behalf of AT&T, has applied for a Conditional Use Permit (CUP) to allow the collocation of the existing 180-foot city-owned lattice tower located at 95 W. 7th St. The top of the antennas will be installed at a height of 89 feet above grade. In addition, the associated ground equipment will be located in a twenty-foot by twenty-foot (20'X 20') area adjacent to the tower.

Context

The existing 180-foot city-owned lattice tower is located on the property with the address of 95 W. 7th Street. A masonry block wall surrounds the site and contains a parking lot and additional wireless equipment. There are single-family residences to the north and west, the Eloy Police Department to the east and a city building to the south. The General Plan land use map designation for the property is Public/Institutional (P/I), and the property is zoned Public Facility (PF). Access to the property is from a gated entrance from West 7th Street.

Conditional Use Permit Criteria

Conditional Use Permits, which may be approved, approved with conditions, or valid for a specific period. Upon receiving a recommendation from the Planning and Zoning Commission, the City Council may approve a Conditional Use Permit as submitted or modified only upon making the following findings (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;*
 - **Per the Federal Aviation Administration (FAA), there are no negative health effects from wireless facilities.***
- 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 Zoning Ordinance is one of the primary implementation sets of regulations for achieving conformance with the General Plan's goals and objectives. Pursuant to Section 21-4-4.1 of the Zoning Ordinance pertaining to the purpose of the wireless facility regulations, the***

provisions strongly encourage the joint use (co-location) of new and existing wireless facility sites as a primary option rather than constructing new single-use towers. The wireless facility proposed in the application would utilize the city-owned 180-foot lattice tower to co-locate the proposed improvements with other existing city and private wireless facilities.

- C. *The proposed use conforms with the conditions, requirements, or standards prescribed by this chapter and any other applicable local, State, or Federal requirement and*
- The proposed wireless facility antennas and the associated equipment indicated in the application complies with the applicable requirements of the Zoning Ordinance.*
- 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, as well as the type and extent of landscaping and screening on the site.*
- Since the site is on an existing structure that is 180' tall and AT&T's equipment is behind the building, there will be no negative impact on the neighborhood.*
- E. *Adequate utilities, access roads, drainage, fire protection, and other necessary facilities shall be provided.*
- The property is an existing developed site. The existing improvements appear to comply with the necessary requirements for the proposed antenna collocation. Prior to the issuance of the building permits, the applicant will be required to demonstrate compliance with all applicable regulations.*
- F. *Adequate measures shall provide ingress and egress so designed as to minimize traffic hazards and traffic congestion on the public roads.*
- The proposed wireless facility improvements will utilize the existing site driveway for ingress and egress access to W. 7th St. and W. Phoenix Ave. The proposed improvements and associated traffic generation are not anticipated to negatively affect the ingress and egress driveway in a manner that would cause traffic hazards and/or congestion on the adjacent and abutting public roads.*
- G. *The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.*
- The proposed wireless facility use and associated equipment are not anticipated to generate abnormal, noxious or offensive vibration, noise,*

odor, dust, smoke, or gas. The ground-mounted equipment is located within an enclosed masonry block wall, which will assist with mitigating noise from the backup generator and cooling equipment.

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 wireless facility use and associated improvements are to be located on an existing 180-foot lattice tower abutting property that currently contains wireless communication equipment. The addition of the proposed wireless facility use and improvements are not anticipated to be injurious or negatively affect the use and enjoyment of the property in the immediate vicinity for the purposes already allowed. Also, the proposed use is not anticipated to substantially diminish or impair the property values within the neighborhood.*

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 wireless facility use and associated improvements are to be located on an existing 180-foot lattice tower abutting property that currently contains wireless communication equipment, and are not anticipated to impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.*

Planning and Zoning Commission Meeting(s)

On August 21, 2024, the Planning and Zoning Commission held a public hearing on the above-referenced application. No one from the public spoke in opposition to the application. The Planning and Zoning Commission voted 4-0 providing a recommendation of approval of this application.

FISCAL IMPACT: *There is no anticipated fiscal impact anticipated.*

Mayor Powell declared the public hearing open.

Mr. Symer gave a brief overview of the proposed request from Smarlink, for a Conditional Use Permit to install AT&T antennas onto a city-owned communications tower.

Mayor Powell opened the floor for Council and public comments.

Councilmember G. Rodriguez wanted to know if there are other communication antennas on the tower.

Mr. Symer said yes.

Councilmember Sutton inquired about a backup plan for the police department should the tower collapse.

Chief Banales said the department has a backup plan to keep communications going should an emergency occur.

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

A motion was made by Councilmember Garcia and seconded by Councilmember Sutton to read Resolution No. 24-1592 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 G. Rodriguez to adopt Resolution No. 24-1592 as presented, passed unanimously by roll call vote (7-0).

C. ADOPTION OF RESOLUTION NO. 24-1593 DECLARING A PUBLIC RECORD FOR THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "1ST AMENDMENT TO THE RANCHO DEL SOL BRILLANTE PLANNED AREA DEVELOPMENT."

Staff Cover Sheet Report: *Staff recommends that the City Council adopt Resolution No. 24-1593 declaring a public record that certain document filed with the City Clerk and entitled "1st Amendment to the Rancho Del Sol Brillante Planned Area Development."*

This is a request by staff to adopt Resolution No. 24-1593, which establishes a public record for the document titled "1st Amendment to the Rancho Del Sol Brillante Planned Area Development." 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. RZPAD2004-018.A1). With the creation of the public record, the City Clerk would not need to publish the 69-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: *No fiscal impacts are anticipated with this agenda item.*

Mr. Symer conveyed that adoption of the resolution would eliminate the need to have the following ordinance related to the Rancho Del Sol Brillante PAD published in the newspaper, whereby saving publication costs for the city.

Councilmember Snyder wanted to know would there be a cost or a time delay to the public for a copy of the document.

The city clerk said there would not be a delay. The ordinance and document is scanned into the city's records management system and is easily retrievable upon request. If someone requests a copy, a public records request form is filled out and the request is processed.

Mayor Powell asked would there be a charge for the document.

The city clerk said there is a charge for paper copies, but not for electronic copies sent by email.

A motion was made by Councilmember Sutton and seconded by Councilmember G. Rodriguez to read Resolution No. 24-1593 by title only, passed unanimously (7-0).

The city clerk read the resolution title into the record.

A motion was made by Councilmember Snyder and seconded by Vice Mayor Curtis to adopt Resolution No. 24-1593 as presented, passed 6-1 by the following roll call vote.

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

Nays: Councilmember Garcia

- D. CONDUCT A PUBLIC HEARING AND CONSIDER THE ADOPTION OF ORDINANCE NO. 24-975, APPROVING AN AMENDMENT TO THE ZONING MAP, CASE NO. RZPAD2004-018.A1: RANCHO DEL SOL BRILLANTE PLANNED AREA DEVELOPMENT - MILLIGAN ENERGY CENTER. THE PROPOSED ZONING MAP AMENDMENT IS TO MODIFY THE RANCHO DEL SOL BRILLANTE PLANNED AREA DEVELOPMENT TO PERMIT SOLAR, UTILITY SCALE GENERATION, AND BATTERY ENERGY STORAGE SYSTEM FACILITY AS AN ALLOWED USE. GENERALLY, THE SITE IS LOCATED NORTH OF SHAY ROAD, SOUTH OF INTERSTATE 10 (I-10), EAST OF ELEVEN MILE CORNER ROAD AND ONE-HALF MILE WEST OF THE STATE HIGHWAY 87/BARRETT ROAD ALIGNMENT.**

Staff Cover Sheet Report: *The staff recommends that the City Council adopt Ordinance No. 24-975 approving the Amendment to the Zoning Map outlined in Case No. RZPAD2004-018.A1: Rancho Del Sol Brillante Planned Area Development—Milligan Energy Center in accordance with the attached Conditions of Approval.*

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 Zoning Map Amendment to modify the existing Rancho Del Sol Brillante Planned Area Development (PAD). The purpose of the amendment is to incorporate Solar, Utility Scale Generation, and Battery Energy Storage System Facility, also known as a Solar Generation Facility, in the Zoning Ordinance (hereafter, "Utility Scale Solar") as an allowed use on approximately 1,584 acres of land.

Context

The site is primarily surrounded by farms and vacant land. The surrounding properties are primarily zoned Single-family Residential, with smaller areas of General Commercial and Light Industrial boarding the north and northeast corner of the Rancho Del Sol Brillante PAD. The General Plan land use map designations adjacent to the site are primarily Estate Residential and Medium Density Residential, with limited areas designated Commercial, High-Density Residential, Medium-High Density, and Light Industrial. The General Plan land use map designations, zoning, and land uses of the property abutting and adjacent to the property are identified in the table below and in the attachments

Direction	General Plan Land Use Map Designation	Existing Property Zoning	Existing Use of the Property
North	Light Industrial, Community Commercial, Estate Density Residential	Estate Residential (R1-43), Light Industrial (I-1), General Commercial (C-2), Single Family Residential (R1-6)	Blue Beacon Truck Wash, vacant land, agricultural use, and a Pecan Tree Farm
South	Estate Density Residential, Medium Density Residential, Medium-High Density Residential, High-Density Residential, and Community Commercial	Unincorporated Pinal County, Estate Residential (R1-43), Single Family Residential (R1-6)	Vacant land and agricultural uses.
East	Estate Density Residential, Medium Density Residential, Public/Institutional, Community Commercial	Unincorporated Pinal County, Estate Residential (R1-43), and General Commercial (C-2),	Vacant land, agricultural uses, and a Pecan Processing Plant
West	Estate Density Residential, Medium Density Residential,	Estate Density Residential (R1-54), Estate Density Residential (R1-43), and Unincorporated Pinal County	Single-family residential, agricultural uses, and vacant land

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 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 Utility Scale Solar use may also be allowed in any zoning district and land use designations when incorporated as an allowed use of a PAD zone. Adding the Utility Scale Solar to the PAD will assist in providing for a more sustainable community as specified in the General Plan 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 property is relatively flat farmland. To develop the property as a Utility-Scale Solar site and to develop it in the future for the uses allowed in 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 1,584-acre 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 1,584-acre subject site currently does not have immediate Eloy water or sewer/wastewater service to the site. The nearest water and waste service line is located on S. Sunshine Boulevard, approximately 600 feet south of the W. Milligan Road and S. Sunshine Boulevard intersection. Several private well locations exist on the site. 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 analysis of the considerations 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 resources preservation/conservation, enhanced provision of utilities, urban design, neighborhood/community amenities, or an overall level of increased development quality.

- **The incorporation of the Utility Scale Solar facility as an allowed use in the Cooley Eloy 640 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.***

Planning and Zoning Commission Meeting(s)

On July 17, 2024, the Planning and Zoning Commission held a public hearing on the above-referenced application. After the applicants' presentation, Mr. Taha spoke in opposition to the application due to the proximity of the solar facility improvement adjacent to his property. Upon discussion among the members of the Planning and Zoning Commission, the desire to hear from Mr. J. and Mrs. P. Tarango, another property owner located near the intersection of S. Sunshine Blvd. and W. Phillips Rd., was expressed since they own property and live adjacent to the proposed project. The applicant indicated they have been in contact with the Tarangos, although they had not expressed an opinion regarding this application. Regardless, the Commission voted 3-1 to continue the application to the August 21, 2024, Planning and Zoning Commission meeting to allow for the Tarangos the opportunity to appear at the next meeting if they so desire.

On August 21, 2024, the Planning and Zoning Commission held a second public hearing on the above-referenced application. At that time, Mr. J. and Mrs. P. Tarango did not appear at the hearing. Mr. Rich, the applicant, expressed that they have reached a solution with Mr. and Ms. Tarango regarding concerns that they have pertaining to the proposed Utility-Scale Solar development. Two additional property owners of the property fronting Sunshine Boulevard and adjacent to Mr. J. and Mrs. P. Tarango's property express concern regarding the development. Mr. Rich

indicated that he had recently become aware of these property owners' concerns and that he would continue to work with them. One member of the public spoke in support of the application. The Planning and Zoning Commission voted 4-0 providing a recommendation of approval of this application.

Public Comment Received

In addition to appearing before the Planning and Zoning Commission, Mr. Taha has submitted written comments and opposition to this application. Staff has also received letters of support for the proposed facility. The written comments are attached.

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

Mayor Powell declared the public hearing open.

Mr. Symer provided the Council and the public with a brief overview of the proposed request from Savion to amend the existing PAD for Rancho Del Sol Brillante to allow for a solar utility scale generation, and battery energy storage system facility. Mr. Symer said the request was brought before the Planning and Zoning Commission last month, who recommended Council approval.

Mr. Court Rich, from the Rose Law Group, who is representing Savion Renewable Energy, presented a PowerPoint presentation to the Council and public on the company's history of commitment to communities, and its proposed plan for a solar generated storage facility.

Mr. Rich responded to Council's questions about:

- Road improvements heading south side on Sunshine Blvd.
- Savion's scholarship program at Central Arizona College

Mayor Powell opened the floor for public comment.

Mr. Syed Taha came forward to voice his opposition to the proposed project.

Mr. Tom Lozzi came forward to voice his support for the proposed project.

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

A motion was made by Councilmember Sutton and seconded by Vice Mayor Curtis to read Ordinance No. 24-975 by title only, passed unanimously (7-0).

A motion was made by Councilmember Sutton and seconded by Councilmember G. Rodriguez to adopt Ordinance No. 24-975 as presented passed 5-2 by the following roll call vote:

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

Nays: Councilmember Tarango, Councilmember Garcia

E. AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH WILLDAN FINANCIAL SERVICES TO UPDATE THE WATER AND WASTEWATER RATE STUDY AND LONG-TERM FINANCIAL PLAN FOR A FEE OF \$34,000.

Staff Cover Sheet Report: *Staff recommends that the City Council approve the professional services agreement with Willdan Financial Services to update the water and wastewater rate study and the long-term financial plan at a total cost of \$34,000.*

Willdan Financial Services (Willdan) conducted a water and wastewater utility rate study and developed a long-term financial plan for the City of Eloy, which the City adopted on April 11, 2022. This plan introduced a five-year rate increase schedule, starting on November 1, 2022, and ending with the last adjustment on November 1, 2026.

Before approving the rates, the City Council advised that staff should review the rates halfway through the implementation period to ensure they align with the planned increases. Since the rate adjustments began in 2022, rising economic, financial, and capital costs have impacted the water and wastewater departments.

To address these changes, the City would like to hire Dan Jackson, Vice President of Willdan, to provide an update on the City's water and wastewater rates, fees, and long-term financial plan. The fee for this update is \$34,000, and once the necessary data is provided, the process will take approximately 90 days.

Willdan will collaborate with the City and perform the following tasks:

- *Compare the City's current rates to those of neighboring providers.*
- *Determine the revenue needed to cover the City's current and future operational and capital expenses.*
- *Update the previously developed water and wastewater cost of service and rate model to create a 10-year utility cost forecast using current data on the budget, volume, debt service, and capital improvement plans.*
- *Present several alternative water and wastewater rate plans for the City, each designed to generate sufficient revenue to cover costs and meet financial goals.*
- *Summarize findings and recommendations in a PowerPoint presentation for staff review.*

- *Prepare a draft rate study report that documents the team's analysis, findings, and recommendations. A PDF of this draft will be submitted to staff for review.*

Willdan will also hold the following meetings with City staff:

- *An initial meeting to discuss the information needed for the study.*
- *A meeting to review preliminary recommendations and answer any questions.*
- *A workshop with the City Council to present findings, recommendations, and rate options.*
- *A final Council meeting where the Council will vote on the recommendations.*

Staff recommends that the City Council approve the \$34,000 letter of engagement with Willdan, which will be paid out of the General Fund Contingency line item.

FISCAL IMPACT: *The fiscal impact will be \$34,000. The line item being requested is 10-429-9888, Contingency/Reserve. The budget capacity is \$1,166,225 as of September 16, 2024.*

Mr. Wright presented a PowerPoint presentation on a staff request to approve an agreement with Willdan Financial Services to update the city's existing water and wastewater five year rate study that extends to November 1, 2026.

Mr. Wright and Mr. Malewitz answered a question from the Council about potential rate increases after November 2026 that would fund future capital cost over the next five years.

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

A motion was made by Councilmember Tarango and seconded by Councilmember Garcia to authorize entering into an agreement with Willdan Financial Services to update the city's water and wastewater rate study and long-term financial plan for a fee of \$34,000, passed unanimously by roll call vote (7-0).

F. DISCUSSION AND CONSIDERATION OF APPROVING CHANGE ORDER #1 TO THE CONTRACT WITH SUNRISE ENGINEERING FOR THE DESIGN OF IMPROVEMENTS TO SUNLAND GIN ROAD AND ARICA ROAD FOR AN AMOUNT NOT TO EXCEED \$35,000 FOR ADDITIONAL WORK REQUIRED FOR THE HYDROLOGY ANALYSIS AND HYDRAULIC DESIGN.

Staff Cover Sheet Report: *Staff recommends that Council approve the Change Order #1 to the Contract with Sunrise Engineering for design of the Sunland Gin Road and Arica Road improvements to allow for the additional hydrology analysis and design needed to design the project appropriately.*

The Sunland Gin Road interchange at Interstate 10 is one of the most critical intersections for the City of Eloy. There have been numerous studies addressing the configuration and capacity of this particular intersection. In 2014, prior to the annexation of this area by the City of Eloy, Pinal County hired Southwest Traffic Engineering, LLC. to conduct an Intersection Analysis on the intersection of Sunland Gin Road and Arica Road. In 2020, after having annexed this area, the City of Eloy hired Sunrise Engineering, Incorporated to create a Design Concept Report and establish a design set of construction plans equivalent to a 30% design set. This contract executed in October of 2020 also had the provision for the design of the roadway improvements. In 2022, City Staff continued efforts towards revitalizing the area through a grant submission to the Reconnecting Communities Pilot Program for additional study of this intersection and the economic impact improvements would have on the City of Eloy and its residents. Unfortunately, the city was not awarded any grant funding through this opportunity. In 2023, the City of Eloy was awarded \$5M in Arizona State Discretionary Funding after meeting with State legislators and lobbying for continued support of this project.

City Staff reached out to Sunrise Engineering and requested a proposal to complete the design of the Sunland Gin Road and Arica Road Improvements and create a bid package for the advertisement to construct the Improvements. The proposed scope of work/fee for the 2023 contract is as follows:

- 1. The largest difference between the two contracts is that the 2020 contract only included the final design of Sunland Gin Road, but DID NOT include the final design of Arica Road Connector or the signalized intersection, both of which have been included in the new contract.*
- 2. With our previous work being 3 years old and completed under previous staff (for both Eloy and Sunrise), we felt that going through a 30% design submittal was a prudent step.*
- 3. During the preparation of the DCR it was revealed that this portion of Sunland Gin Road lies in the FEMA floodplain. Due to this fact, a simple drainage report as originally contemplated, needed to be expanded to include not only roadway drainage analysis, but also how the proposed improvements affect the floodplain and surrounding properties. Our scope now includes an analysis of the floodplain (West Consultants) to determine the impact from the proposed roadway improvements.*
- 4. As the field information is over 3 years old at this point, the survey & base mapping (Phase 0002) has to be updated for the re-start of this project. This includes supplemental field survey and right-of-way mapping to capture any potential changes plus items necessary for the additional scope items not previously included.*
- 5. Due to the addition of water and sewer extensions to your systems, ADEQ requires a water design and sewer design reports for approvals. These have been added to the scope of the work. The plans now also include the design of these improvements.*

6. *There are some new allowances (Phase 0007) that have been added to the new contract. These are performed on a time and material basis at the authorization/discretion of the City. These services are as follows:*
 - a. *Right of Way & Property Acquisition (Task 002): We have added a ROW acquisition consultant to the team (Tierra Right-of-Way) to assist the City in obtaining property rights for widening Sunland Gin and the new Arica Road connector.*
 - b. *Public Involvement (Task 003): We have added a public involvement consultant (Avenue Consultants) to assist the City with managing the information and outreach for this high-profile project.*
 - c. *Contractor Procurement (Task 004): The City is likely to now have this project delivered using a Construction Manager at Risk (CMAR) project delivery method. For this reason, we have added a contractor procurement task to the scope of work.*

In summary, the new 2023 proposed contract replaces the 2020 contract and adds a significant amount of scope for the completion of the project.

The design team brought the design to 60% and in the course of the hydrology analysis, the design team identified a very substantial amount of offsite drainage that needs to be mitigated. The extensive modeling and hydrology analysis was not included in the original contract since City staff was unaware of the impact that the offsite drainage would have on the project. Sunrise Engineering has a subcontractor available and ready to assist with the hydrology modeling and design recommendations. Once the drainage is modeled and mitigation measures are identified, the design can continue to move forward as the mitigation measures will affect the layout and design of the Sunland Gin Road improvements. The design team will identify several alternatives to mitigate the offsite drainage and present those to City Staff. Once the recommended alternative is determined, City Staff will meet with the property owners and stakeholders to explain the alternatives and identify the recommended alternative to the property owners, developers, and stakeholders.

FISCAL IMPACT: *Not to Exceed \$35,000 from the Sunland Gin Improvements capital budget.*

Mr. Rencher came forward to present a change order request with Sunrise Engineering. The reason for the request is to mitigate offsite drainage that was not identified in the original contract. Mr. Rencher said city staff at that time was also unaware of the impact to the project.

There were no questions to Mr. Rencher about this item.

A motion was made by Councilmember Snyder, and seconded by Councilmember Tarango to approve Change Order #1 with Sunrise Engineering for the design of improvements to Sunland Gin Road and Arica Road for an amount not to exceed

\$35,000 for additional work required for the hydrology analysis and hydraulic design, passed unanimously by roll call vote (7-0).

G. ADOPTION OF RESOLUTION NO. 24-1588 APPROVING THE 2024 ELOY STRATEGIC PLAN AND CORRESPONDING POLICY DOCUMENT.

Staff Cover Sheet Report: *Staff recommends that the Mayor and Council approve Resolution No. 24-1588 authorizing the implementation of the 2024 Eloy Strategic Plan and corresponding policy document.*

At the beginning of this year, we embarked on the development of a formal Strategic Plan — a comprehensive roadmap that outlines the City's long-term goals and the actions needed to achieve them. This plan establishes clear direction, sets priorities, and ensures that all departments are aligned with a common mission. To guide us through this six-month process, we partnered with Bill Stipp from LeadingEdge Consulting. Our efforts included surveys with our executive leadership team and Council and two full-day workshops for both groups.

The process was driven by substantial input from City staff, who offered operational insights, and from the Mayor and Council, who provided the community's perspective as its elected representatives. In collaboration with Bill Stipp, the City Manager's office facilitated discussions with the City Council on all aspects of the plan during the June 15th, 2024 Council Workshop. After this workshop, a final work session was held on September 3rd, 2024, where the plan was refined to incorporate the Council's final recommendations and ensure alignment with their vision for Eloy. The Strategic Plan identifies the following five focus areas:

- Fiscal Sustainability*
- Economic Vitality*
- Safe and Active Community*
- Innovative and High-Performing Organization*
- Infrastructure*

If approved, this three-year Strategic Plan will provide clear direction and accountability for City staff, aiming to enhance operational efficiency and increase transparency with the public.

FISCAL IMPACT: *This resolution has no fiscal impact.*

Mr. Malewitz gave a brief overview of the proposed strategic plan. He stated that Council and staff met a few weeks ago in a work session to discuss the draft plan. Suggestions from Council were incorporated in the plan which is presented tonight for Council consideration.

Mayor Powell thanked Mr. Malewitz and staff for the effort put forth in creating the plan.

Councilmember Snyder was very happy to see the strategic plan come to fruition.

A motion was made by Councilmember Tarango and seconded by Councilmember Snyder to read Resolution No. 24-1588 by title only, passed unanimously (7-0).

The city clerk read the resolution title into the record.

A motion was made by Councilmember Tarango and seconded by Councilmember Snyder to adopt Resolution No. 24-1588 as presented, passed unanimously by roll call vote (7-0).

H. ADOPTION OF ORDINANCE NO. 24-974 APPROVING A REVISION TO CITY CODE PROVISIONS REGARDING THE CITY CLERK BEING APPOINTED BY THE CITY MANAGER AND SETTING AN EFFECTIVE DATE.

Staff Cover Sheet Report: *Council to adopt Ordinance No. 24-974 approving a revision to the City Code providing for the appointment of the City Clerk by the City Manager.*

On August 26, 2024, and September 9, 2024, the Eloy City Council held Executive Session discussions regarding the upcoming retirement of the City Clerk at the end of December, the position of the City Clerk within the City Staff organizational chart, and the City Code. These discussions also addressed the process of appointing a new City Clerk. As a result of these deliberations, this Ordinance is presented for Council consideration, proposing that the city manager be responsible for the appointment, supervision, and termination of the City Clerk. By removing the City Clerk position from the list of regular employees exempt from the guidelines outlined in Policy 800 of the City of Eloy Policies and Administrative Guidelines Manual, the City Clerk will be granted the same rights and privileges as other department directors who report directly to the City Manager.

The current City Clerk would continue to work under the direction of the City Council (by action of the Council at a future Council meeting) until January 3, 2025, or a date established by the City Council.

FISCAL IMPACT: *There is no fiscal impact related to the adoption of the ordinance.*

Mr. Cooper conveyed that the current city clerk will be retiring at the end of year after 35 years of service with the city. The Council recently held two executive sessions to discuss and review the functions of the position. After talking to a number

people from other cities in Arizona about the position, it was discovered that most clerks are under the direction of the city manager.

Mr. Cooper said approval of tonight's ordinance would amend the city code to remove the appointment and oversight the city clerk from the Council to the city manager, effective no later than January 3, 2025, or until such time the city manager has hired a new city clerk. He would then bring an agenda item to Council to consider having the current city clerk (Myers) continue to work under the direction of the Council until January 3, 2025. Mr. Cooper pointed out that the proposed ordinance also includes amended duties of the city clerk to reflect current responsibilities.

Councilmember Snyder conveyed that he did not see the term, "City Council" mentioned under the clerk's responsibilities. He stated that there are certain things the clerk does to support the Council, which concerns him about how much support the clerk will provide to Council.

Mr. Malewitz explained that the ordinance addresses the legality portion of the higher level functions of the clerk. Servicing the needs of the Council would fall under provision 7, "Power and Duties." Serving as liaison to the Council would be listed in the job description and key responsibilities of the clerk. Mr. Malewitz said should the city clerk not perform these duties, he encouraged the Council to let him know so he can address the concern(s) with him/her.

Councilmember Snyder wanted to know could the job description change at the discretion of the city manager without Council knowledge.

Mr. Cooper said if there were to be a change in the job description, it would come before the Council for consideration and discussion.

Mr. Malewitz pointed out that the city clerk job description has already been amended which he will share with Council before the position is advertised. However, it does not need to come to Council for approval. A job description would only come to Council if it is for a newly created position.

A motion was made by Councilmember Garcia and seconded by Councilmember G. Rodriguez to read Ordinance No. 24-974 by title only, passed unanimously (7-0).

The city clerk read the ordinance title into the record.

A motion was made by Councilmember G. Rodriguez and seconded by Councilmember Garcia to adopt Ordinance No. 24-974 as presented, passed unanimously by roll call vote (7-0).

I. ADOPTION OF RESOLUTION NO. 24-1591 APPROVING UPDATES AND REVISIONS TO POLICY NO. 800 OF THE CITY'S ADMINISTRATIVE POLICIES AND GUIDELINES MANUAL REMOVING THE CITY CLERK FROM THE LIST OF EXCEPTIONS TO AT-WILL POSITIONS, FROM SECTION C. – ELIGIBLE EMPLOYEES.

Staff Cover Sheet Report: *Council to adopt Resolution No. 24-1591, revising and updating Policy No. 800 of the City's Administrative Policies and Guidelines Manual, to remove the City Clerk from the list of exceptions to at-will positions under Section C – Eligible Employees.*

On August 26, 2024, and September 9, 2024, the Eloy City Council held Executive Session discussions regarding the upcoming retirement of the City Clerk at the end of December, the position of the City Clerk within the City Staff organizational chart, and the City Code. These discussions also addressed the process of appointing a new City Clerk.

The City Council's approval of Ordinance No. 24-974 established that the City Manager will be responsible for the City Clerk's appointment, supervision, and termination. By removing the City Clerk from the list of positions exempt from the guidelines of Policy 800 in the City of Eloy's Policies and Administrative Guidelines Manual, the City Clerk will now be afforded the same rights and privileges as other department directors who report to the City Manager.

This Resolution is submitted for the Council's consideration to officially remove the City Clerk from the list of exempt "at-will" positions under Policy 800, Section C, of the City's Policy and Administrative Guidelines Manual upon the appointment of the City Clerk by the City Manager. The proposed Resolution seeks to align the language of the City Code with that of the City's Administrative Guidelines. As a result, all references to an employment contract for the City Clerk will be eliminated, ensuring consistency and equal treatment among all department directors reporting to the City Manager.

FISCAL IMPACT: *There is no fiscal impact related to the adoption of the resolution.*

Mr. Malewitz explained that adoption of the resolution would remove the city clerk position from exempt status to at-will status.

Mayor Powell wanted to clarify that the current city clerk would remain under the direction of the City Council until January 3, 2025.

Mr. Malewitz said yes, this is correct.

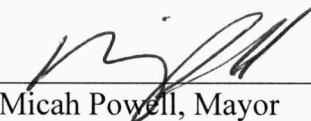
A motion was made by Councilmember Snyder and seconded by Councilmember G. Rodriguez to read Resolution No. 24-1591 by title only, passed unanimously (7-0).

The city clerk read the resolution title into the record.

A motion was made by Councilmember Sutton and seconded by Councilmember Garcia to adopt Resolution No. 24-1591 as presented, passed unanimously by roll call vote (7-0).

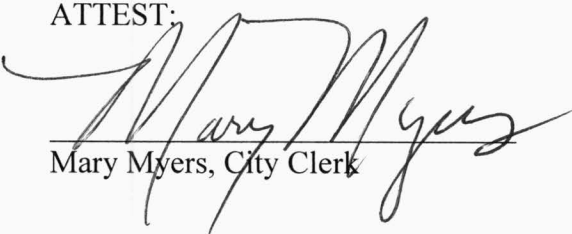
X. ADJOURNMENT

There being no further business, Mayor Powell adjourned the meeting at approximately 7:48 p.m.



Micah Powell, Mayor

ATTEST:



Mary Myers, City Clerk