

**MINUTES OF THE REGULAR MEETING OF
THE ELOY CITY COUNCILCITY OF ELOY
595 NORTH C STREET
JANUARY 13, 2025
6:00 P.M.**

Staff Present: David Malewitz-City Manager, Mackenzie Letcher-Assistant City Manager; Stephen R. Cooper-City Attorney, Brian Wright-Finance Director, Matt Rencher-Public Works Director/City Engineer, Sergio Banales-Police Chief, Paul Anchondo-Community Services Director, Dan Symer-Community Development Director

I. CALL TO ORDER

Mayor Andrew Sutton called the meeting to order at approximately 6:00 p.m.

II. ROLL CALL

Council Members Present: Mayor Andrew Sutton, Vice Mayor Michelle McKinley-Tarango, Councilmember Sara Curtis, Councilmember Dan Snyder, Councilmember Jose Garcia, Councilmember Michael Vodrazka, Councilmember JoAnne Galindo

Council Members Absent: None

III. MOMENT OF SILENCE

Mayor Sutton called for a moment of silence.

IV. PLEDGE OF ALLEGIANCE

Councilmember Garcia led the Council and the public in the Pledge of Allegiance.

V. PUBLIC APPEARANCES

A. Scheduled

Community Outreach Funding Update – Eloy Chamber of Commerce

Mr. Andrew Rodriguez, Executive Director for the Eloy Chamber of Commerce, came forward to provide an update on the Chamber and the Sunland Visitors Center

activities. Mr. Rodriguez presented a PowerPoint slide presentation of the 2024 Eloy Glow event held last November and upcoming Chamber activities for 2025.

Councilmember Galindo wanted to know if office hours are posted.

Mr. Rodriguez said yes. Hours for the Chamber and Visitors Center are posted on their website, directory book, and office locations.

Mayor Sutton conveyed that he is excited about some of the activities the Chamber will be doing this year.

Councilmember Garcia conveyed that the prior director of the visitor's center would provide the Council with monthly updates on where visitors were from when visiting the center. He asked Mr. Rodriguez if he could provide this information to Council on a quarterly basis.

Mr. Rodriguez stated that he does not collect this information from visitors. They only collect whether the visitor is out of state or in state. He said the former director collected this information because she was onsite, which he and his staff are not.

Councilmember Snyder asked about several new businesses on Main Street that were short-lived.

Mr. Rodriguez conveyed that the feedback he's received from businesses that have closed is that there are not enough people in Eloy to stay open. He has encouraged business owners to take a business class that is offered for free at CAC, through the Small Business Administration. But unfortunately, new business owners believe they don't need to take the class. Mr. Rodriguez said he and his staff make every attempt to help new business owners to succeed.

B. Unscheduled

Bill Wisnewski – 5445 W. Corral Drive, Eloy

Mr. Winewski conveyed that after watching a documentary on the 2023 Hawaii wildfire and the current fires in California, he wanted to know if the city had an emergency operations plan should an emergency such as this happens in Eloy. He posed the following questions to the Council:

- Does the city have an emergency response plan and when was it last updated;
- When was the last emergency response drill;
- Does the city know what an Incident Command System (ICS) is;
- What city officials/staff are ICS trained;
- Where are ICS and emergency shelters located;
- Is there proper backup for power at these locations;
- What is the impact on public safety if the city's internet is down;
- Is the city part of the priority phone system program;

- What city members are assigned to key ICS positions; and
- Are there commitments from emergency contacts for the city's emergency response plan with public utility companies, neighboring cities and state officials.

Mr. Winewski said he does not expect the city to answer the questions tonight, however, he hopes the city and emergency personnel will meet to ensure these concerns are addressed.

VI. REPORTS AND ANNOUNCEMENTS

A. Council Member Announcements

1. Councilmember Snyder commented that tonight's packet is 800 pages, and delivering the packet to Council the Thursday before the meeting does not give them enough time to review and prepare. He suggested holding work sessions prior to Council meetings when the packet is large to review agenda items. He said doing this would reduce the amount of time discussing it at the Council meetings.
2. Councilmember Vodrazka shared the following communications:
 - December 12th & 13th – Attended the Newly Elected Officials training offered through the League of Arizona Cities and Towns. He, along with Councilmember Galindo and Mayor Sutton attended the training as well.
 - December 14th – Attended the city's 75th anniversary celebration at Main Street Park. He commended city staff for doing a great job.
 - January 3rd – Attended the city's community yard sale at Main Street Park. He thanked Mr. Anchondo and his staff and hopes the city will continue with this event throughout the year.
 - January 13th – Donated blood to the American Red Cross. He encouraged the public to also donate, if possible.
3. Councilmember Galindo announced that Community Action Human Resources Agency (CAHRA) will be conducting the "Homeless Point in Time" count at the end of January. She said this is an important project for cities to ensure the homeless in communities are counted and part of the census. She said CAHRA is looking for volunteers to survey some of the homeless encampments around the city and Pinal County. Councilmember Galindo said anyone who is interested in volunteering to contact CAHRA.

B. Mayor Announcements

Mayor Sutton conveyed the following announcements:

- Recapped Councilmember Vodrazka's statement about the Newly Elected Officials training. He said it was a great training event.
- December 13th - Attended the CDLU dinner and award banquet held at city hall. He congratulated all the recipients who received awards that evening.

- December 14th – The Council participated in several events that day:
 - 10:00 a.m. – Wreaths Across America held at Eloy Memorial Park. The event was hosted by the Pinal Hispanic Council. Wreaths were placed at the gravesite of each veteran buried at the park.
 - 11:00 a.m. – Attended the grand opening of the new Veteran Center, located on Main Street.
 - 2:00 p.m. – Kick-off of the city's 75th anniversary and Christmas in Eloy event.
 - 3:30 p.m. – Placement of a time capsule in front of city hall. Retrieval of the time capsule is slated to be opened 25 years from the burial date.
 - 6:00 p.m. – Evening festivities for the 75th anniversary and Christmas in Eloy. Skydivers landed on Main Street, tree lighting, a drone show, the annual electric light parade, and fireworks. Mayor Sutton commended Mr. Anchondo, his assistant, Chad Price, and the department staff for an outstanding job ensuring the event was a success.
- December 16th – Toured the Delta Pine facility with Mr. Letcher. Mayor Sutton said the facility does seed research that contributes to the growth of cotton nationwide.
- December 17th – Attended a conference hosted by the Land Advisors Group in Phoenix. Several staff members also attended the conference.
- December 20th – Employee Appreciation Luncheon was held at Robson Ranch.

C. City Manager Announcements

Mr. Malewitz announced the following communications:

- City offices will be closed January 20th in observance of MLK Day.
- Traffic control signs are up for the pavement preservation project near Main Street. A notice was published on the city's social media pages about the road projects.
- The Community Services department is hosting its annual MLK Youth March on Thursday, January 16th at 9:00 a.m. on Main Street.
- The legislative session started today at the capital. He informed the Council that the League of Arizona Cities and Towns are looking for league committee members, and to please reach out to him or clerical assistant, Tori Hernandez, if interested in serving.
- January 29th is Legislative Day, sponsored by Central Arizona of Governments (CAG). He asked the Council to please contact him or Ms. Hernandez if anyone is interested in attending.
- A Planning and Zoning Commission meeting is scheduled for Wednesday, January 15th at 6:00 p.m. The Commission will be reviewing the draft master plans.

- The city received three letters of interest from board members currently serving boards that the Council approved of merging into the newly formed Planning and Zoning Commission. Mr. Malewitz said staff will now move forward with accepting applications from the public to serve on the board. All applications submitted, including those submitted from board members will be presented to the Council for review. Mr. Malewitz said he and Mr. Symer hope to have the newly formed Planning and Zoning Commission ready to go by March 15th.

Councilmember Snyder said he understands that members of this board will have certain skill sets.

Mr. Symer said yes. Skill sets needed for this board includes airport, housing, economic development and revitalization. He announced that he received a fourth application from another board member just before tonight's meeting.

Councilmember Snyder wanted to know if a date has been set for the Council retreat.

Mr. Malewitz said the retreat is scheduled for Friday, February 7th. He said he would follow up with an email to the Council tomorrow.

Councilmember Galindo wanted to know has city staff been in contact with the schools about the road work, and will there be an alternative route to ensure students can be picked up and dropped off. She also wanted to know whether there would be an alternative route for residents who live in the area.

Mr. Rencher stated that he and the contractor are aware of these issues and have reached out to the schools, and will make accommodations for residents and the students. He also stated that when updates are received from the contractor about dates work will occur on each street, staff will update the city's website as well.

VII. CONSENT AGENDA

Councilmember Snyder requested item C removed from the agenda for separate discussion.

- A. Approval of Minutes: 12/9/2024 (Regular)
- B. Adoption of Resolution No. 25-1607 authorizing the City of Eloy to enter Into an Intergovernmental Agreement (IGA) with Pinal County for Participation in the Multi-Agency Pinal Regional Special Investigations Unit (PRSIU) for Investigating Critical Force Incidents Involving members of the Eloy Police Department.

- C. ~~Approval to enter into a Contract for Professional Services with Aldridge Consulting, LLC, to perform Sales Tax Audits and Compliance Services for the City of Eloy from January 2, 2025, to December 31, 2025, for an amount not to exceed \$28,200.~~
(Removed for discussion)
- D. Approval to submit a grant application to Pinal County requesting FY25 Community Development Block Grant (CDBG) funding in the amount of \$130,000 for the installation of ADA ramps.
- E. Approval of a Proposal Submitted by Sunland Asphalt and Construction, LLC, for an Amount Not to Exceed \$500,000 for a Mill and Overlay Pavement Preservation Project on Santa Cruz Avenue and Authorizing the Mayor to Execute the Necessary Agreements.

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

C. APPROVAL TO ENTER INTO A CONTRACT FOR PROFESSIONAL SERVICES WITH ALDRIDGE CONSULTING, LLC, TO PERFORM SALES TAX AUDITS AND COMPLIANCE SERVICES FOR THE CITY OF ELOY FROM JANUARY 2, 2025, TO DECEMBER 31, 2025, FOR AN AMOUNT NOT TO EXCEED \$28,200.

Staff Cover Sheet Report: *Staff recommends that the City Council approve the Contract for Professional Services with Aldridge Consulting, LLC, to perform Sales Tax Audits and Compliance Services for the City of Eloy from January 2, 2025, to December 31, 2025, for an amount not to exceed \$28,200.*

Since 2021, Cynthia Aldridge of Aldridge Consulting, LLC has served as the City of Eloy's Local Sales Tax Auditor. Aldridge Consulting is a highly experienced firm specializing in Sales Tax audits with a proven track record of success. The firm provides audit services for several municipalities, including Show Low, Pinetop-Lakeside, Snowflake, Prescott Valley, Buckeye, and Casa Grande.

The City initially contracted Aldridge Consulting in 2021, with the annual fee being \$9,900 annually (\$825 per month) and a collection fee of 20% of the local sales tax collection due to the audit. Aldridge Consulting has done an excellent job for the City in recouping lost tax revenue since the City does not have the staff nor time to conduct sales tax audits. The information below shows the impact of contracting with Aldridge Consulting for sales tax audits:

- *Audits Completed: 10*
- *Revenue Collected: Over \$153,000*
- *Pending Audits: 2, with approximately \$124,000 in potential collections*
- *Audits in Progress and waiting for taxpayer responses: 10*

These audits primarily address underpayments in construction sales taxes and insufficient restaurant/bar and retail taxes collections.

The City must renew the one-year contract with Aldridge Consulting in January 2025. However, recent changes introduced by the Arizona Department of Revenue prohibit performance-based compensation structures for Transaction Privilege Tax (TPT) services. As a result, a new pricing model is required. Aldridge Consulting has proposed a new annual fee structure based on data from historical collections and the scope of the services. The revised contract terms are as follows:

- *Annual Fee: \$28,200 (\$2,350 per month)*
 - *No more paying the 20% of local sales tax collection*

The scope of service will not change from the previous contracts, and those services are:

- *Conduct sales tax reviews and audits*
- *Provide taxpayer compliance services*
- *Assist taxpayers as needed*
- *Deliver monthly reports detailing collection activities, beginning the first full month after the agreement is executed.*

The Finance Director will collaborate with Aldridge Consulting to ensure the successful execution of the contract by providing necessary reports to support audit work, reviewing monthly collection reports from the consultant, and processing payments to Aldridge Consulting. This renewal ensures continuity in the City's sales tax auditing efforts, maintains a reliable revenue stream, and promotes taxpayer compliance.

The Finance Director recommends renewing the contract with Aldridge Consulting for one year at a total cost of \$28,200. The Finance Department has allocated sufficient funds for this increase under the FY 2024-25 budget in the "Outside Professional Services" line item.

FISCAL IMPACT: *The fiscal impact for FY 24-25 will be \$14,250 and will be funded from the Outside Professional Service line 10-417-2590. This line has adequate budget capacity to fund this contract.*

Mr. Wright provided Council with an overview of a proposed request to enter into an agreement with Aldridge Consulting LLC, who would conduct sales tax audits on local businesses and others doing business in the city to ensure compliance with current local sales taxes.

Mr. Wright fielded several questions from the Council about the audit process.

There being no further questions, Mayor Sutton called for a motion.

A motion was made by Councilmember Snyder and seconded by Councilmember Garcia to approve entering into a contract for Professional Services with Aldridge Consulting, LLC, to perform sales tax audits and compliance services for the City of Eloy from January 2, 2025 to December 31, 2025, for an amount not to exceed \$28,200, passed unanimously by roll call vote (7-0).

VIII. BUSINESS

A. AUTHORIZE THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH LOGAN SIMPSON TO PROVIDE SERVICES FOR A COMPREHENSIVE UPDATE TO THE GENERAL PLAN FOR AN AMOUNT NOT TO EXCEED \$435,648.

Staff Cover Sheet Report: *Staff recommend that the City Council approve the professional services contract with Logan Simpson to provide services for a comprehensive update to the General Plan for an amount not to exceed \$435,648.*

Purpose

The General Plan is the primary policy document conveying the community's vision for the city's growth and development. The Plan establishes goals and policies to guide future decisions on development, infrastructure improvements, economic development, transportation, open space amenities, the cost of development, and water resources—among other specific topics as required by the Arizona Revised Statutes.

The current General Plan was last comprehensively updated over 14 years ago. Recognizing the need to update the plan to address the city's future growth, infrastructure, established target growth areas, and the Council's strategic plan and programmatic needs, the City Council approved funding to update the General Plan as part of the current fiscal budget and five-year Capital Improvement Program.

As previously discussed with the City Council during the 2024–2025 budget retreat, it is an ideal time to update the General Plan, especially since the city just celebrated its 75th anniversary. This update will establish a community-driven, collective vision for the future growth and development of the city over the next 25 years. Furthermore, by starting shortly after City Council approval of the contract, the proposed schedule will allow the plan to be included on the ballot for voter ratification with the next general election in November 2026. This approach will save considerable money, as a special election and ballot measure would not be required for voter ratification.

Contact

In June 2024, the City Council approved an On-call Request for Qualifications (RFQ) Professional Service Contract with Logan Simpson, a multidisciplinary consulting firm, to provide professional planning and related services. In the fall of 2024, after discussing the General Plan update with the consultant, staff concluded that it would be more appropriate to have a separate contract. This would allow for a comprehensive Scope of Work, an efficient timeline, and a complete cost proposal to update the General Plan. Logan Simpson's proposal is included as an attachment to this report.

As further described in Logan Simpson's proposal and Scope of Work, the firm will lead a comprehensive team of trade consultants to provide the necessary expertise to address all aspects of the General Plan elements, public participation, and plan development as part of the update process. To complete the General Plan update with all services proposed and to allow for customary contingency expenses, the contract amount is not to exceed \$435,648.

It should be noted that Logan Simpson's cost proposal does not include the expense to be paid to Pinal County to place the plan on the November 2026 ballot for voter ratification. These costs are currently accounted for separately in the city's five-year Capital Improvement Program and will be requested in the 2026–2027 fiscal budget. Arizona Revised Statutes require voter ratification of the General Plan.

Project Timeline

Upon approval of the contract, staff and the consultant anticipate beginning the project before the end of January 2025, with an estimated completion in June 2026. Staff anticipates that the schedule will allow adequate coordination with Pinal County to have the voter ratification placed on the November 2026 ballot.

FISCAL IMPACT: *The total project cost shall not exceed \$435,648 and will be implemented in three phases over successive fiscal years through the Capital Improvement Plan (CIP). Funding for the project will be sourced from one-time capital improvement funds and distributed across three CIP funding cycles.*

Mr. Symer narrated a PowerPoint slide presentation on the city's general plan and proposed request to enter into a professional services agreement with Logan Simpson to provide updates to the general plan. Mr. Symer conveyed that the general plan was reapproved in 2020, but it's been 24 years since the general plan has been updated.

After his presentation, the Council questioned Mr. Symer about:

- The election timeline – special election in 2025 or regular election in 2026;

- Possibility of placing the general plan on the 2026 primary election instead of the general election to save the city money

Mayor Sutton conveyed that he was initially surprised at the dollar amount for the update. However, after doing some research on how much a neighboring city paid for their general plan update in 2009, the amount presented tonight is in line and reasonable.

Mr. Malewitz noted a slight correction to the contract that was brought to his attention by Councilmember Vodrazka. Item 3.2 on page one was incorrect as it pertains to any change orders. He said he would have the authority to approved up to \$20,000 should the price exceed the specified amount. Anything over this amount would require approval from the Council.

There being no further questions, Mayor Sutton called for a motion.

A motion was made by Councilmember Snyder and seconded by Councilmember Curtis to authorize the Mayor to execute a professional services contract with Logan Simpson to provide services for a comprehensive update to the General plan for an amount not to exceed \$435,648, with the amendment as stated by Mr. Malewitz, passed unanimously by roll call vote (7-0).

B. REQUEST BY THE APPLICANT TO CONTINUE CASE NO. RZPAD2024-006: SOUTHWEST CROSSING TO THE FEBRUARY 10, 2025, CITY COUNCIL MEETING. THE APPLICATION IS A REQUEST TO REZONE APPROXIMATELY 122 ACRES LOCATED AT THE SOUTHWEST CORNER OF W. HOUSER ROAD AND N. ESTRELLA ROAD FROM GENERAL INDUSTRIAL (I-2) TO GENERAL INDUSTRIAL (I-2) WITH THE PLANNED AREA DEVELOPMENT OVERLAY (PAD).

Staff Cover Sheet Report: *Staff recommends that the City Council approve the request for a continuance of Case No. RZPAD2024-006: Southwest Crossing to the February 10, 2025, City Council meeting.*

Application:

The applicant, Bergin, Frakes, Smalley & Oberholtzer, PLLC, c/o Carolyn Oberholtzer, on behalf of Cotton City Industrial Park, LLC, has applied for an Amendment to Zoning Map to rezone approximately 122 acres of land from General Industrial (I-2) to General Industrial (I-2) with the Planned Area Development Overlay(PAD). The purpose of this request is to allow for Data Processing & Hosting Services use to be allowed on the property and increase the building height from 56 feet to 80 feet. The site is located between N. Estrella Road and the west side of the Union Pacific Railroad, and abutting the south side of W Houser Road.

Request:

To allow for additional time for staff and the applicant to coordinate on the proposed conditions of approval for this application, the applicant requested that the Planning and Zoning Commission continue the application to January 15, 2025, hearing. The Planning and Zoning Commission granted this request at its December 18, 2024 hearing. Since the Planning and Zoning Commission will not provide a recommendation until after the January 13, 2025, City Council meeting, the applicant has also requested that the City Council continue that application until the February 10, 2025, City Council meeting. As of the date of this report, the applicant and staff have agreed on the proposed Conditions of Approval, and it is anticipated that the application will be heard by the Planning and Zoning Commission on January 15, 2025, hearing, and subsequently heard at the February 10, 2025, City Council meeting.

FISCAL IMPACT: *There is no anticipated fiscal impact from this request.*

Mr. Symer gave a brief overview of the proposed request from Southwest Crossing for a continuation of a rezoning request. He said at the December 18, 2024 Planning and Zoning Commission meeting, the applicant asked the Commission to continue his request to the January 15, 2025 meeting for review and recommendation. Mr. Symer said a recommendation from the Commission regarding this request will come before the Council at the February 10, 2025 City Council meeting for formal action. Mr. Symer said staff is recommending Council approve the request.

There being no questions or comments, Mayor Sutton called for a motion.

A motion was made by Councilmember Garcia, seconded by Vice Mayor Tarango to approve a request to continue Case No. RZPAD2024-006: Southwest Crossing to the February 10, 2025 City Council meeting, passed unanimously by roll call vote (7-0).

C. ADOPTION OF RESOLUTION NO. 25-1609 DECLARING AS A PUBLIC RECORD FOR THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "1ST AMENDMENT TO THE PICACHO VIEW I DEVELOPMENT PLAN – POBLANO SOLAR"

Staff Cover Sheet Report: *Staff recommends that the City Council adopt Resolution No. 25-1609 declaring a public record that certain document filed with the City Clerk and entitled "1st Amendment to the Picacho View I Development Plan – Poblano Solar."*

This is a request by staff to adopt Resolution No. 25-1609, which establishes a public record for the document titled "1st Amendment to the Picacho View I Development Plan – Poblano Solar." 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 zoning text amendment application (Case No. RZPAD2006-037.A1). With the creation of the public record, the City Clerk would not need to publish the multipage document in the local newspaper with the ordinance if the City Council approves the zoning code text amendment 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 from this agenda item.*

Mr. Symer conveyed that approval of the proposed resolution would allow the city to publish the resolution as a public record instead of the proposed ordinance (Ord. 25-983) in its entirety, which consists of 147 pages. This would greatly reduce publications costs for the city. Three copies of the ordinance would be available in the city clerk's office for public viewing.

There being no questions or comments, Mayor Sutton called for a motion to read the resolution by title only.

A motion was made by Councilmember Garcia, seconded by Councilmember Snyder to read Resolution No. 25-1609 by title only, passed unanimously (7-0).

The resolution title was read into the record.

A motion was made by Councilmember Snyder, seconded by Councilmember Vodrazka to adopt Resolution No. 25-1609 as presented, passed 6-1 by the following roll call votes:

Yeas: Councilmember Galindo, Councilmember Vodrazka, Councilmember Curtis, Vice Mayor Tarango, Councilmember Snyder, Mayor Sutton

Nays: Councilmember Garcia

- D. CONDUCT A PUBLIC HEARING AND CONSIDER THE ADOPTION OF ORDINANCE NO. 25-983, APPROVING AN AMENDMENT TO ZONING MAP CASE NO. RZPAD2006-037.A1: PICACHO VIEW I PLANNED AREA DEVELOPMENT-POBLANO SOLAR, PROPOSING AN AMENDMENT TO THE PICACHO VIEW I PLANNED AREA DEVELOPMENT TO PERMIT SOLAR, UTILITY SCALE GENERATION, AND BATTERY ENERGY STORAGE SYSTEM FACILITIES AS AN ALLOWED LAND USE IN ALL UNDERLYING ZONING DISTRICTS OF THE PAD. THE DEVELOPMENT WILL BE LOCATED NEAR THE WEST SIDE OF SOUTH TOLTEC ROAD AND WEST MILLIGAN ROAD ON APPROXIMATELY 816 ACRES OF LAND.**

Staff Cover Sheet Report: *The staff recommends that the City Council adopt Ordinance No. 25-983, approving the Amendment to the Zoning Map outlined in Case No. RZPAD2006-037.A1: Picacho View I Planned Area Development - Poblano Solar, in accordance with the attached Conditions of Approval.*

Request:

The applicant, Bergin, Frakes, Smalley & Oberholtzer, PLLC, c/o Andrew Yancey, on behalf of Poblano Solar, LLC, has applied for a Zoning Map Amendment to modify the existing Picacho View I Planned Area Development (PAD). The purpose of the amendment is to permit Solar, Utility-Scale Generation, and Battery Energy Storage Facility, also known as Solar Generation Facility, in the Zoning Ordinance (hereafter, "Utility-Scale Solar") as an allowed use on approximately 816 acres of land.

Context

Located on an irregular shaped site three miles west of Interstate 10 (I-10) and generally north of Phillips Road, east of Overfield Road, south of Alsdorf Road, and west of Toltec Road in the City of Eloy, the site is primarily surrounded by undeveloped and vacant land to the north, east and south; and to the west is surrounded by undeveloped and vacant land and residential that is within unincorporated Pinal County. 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.

Direction	General Plan Land Use Map Designation	Existing Property Zoning	Existing Use of the Property
North	Light Industrial, Public/Institutional, Medium Density Residential, Community Commercial, and Medium-High Density Residential	Unincorporated Pinal County, R1-6, Single Family Residential, C-2, General Commercial, and R-2, Small Lot Residential	Vacant land
South	Low-Density Residential, Medium Density Residential and Community Commercial	R1-43, Estate Residential, R1-6, Single Family Residential, C-2, General Commercial, and unincorporated Pinal County	Vacant land
East	Medium Density Residential, Medium-High Density Residential, and Community Commercial	R1-43, Estate Residential, R1-6, Single Family Residential, and C-2, General Commercial	Vacant land
West	Medium Density Residential, Public/Institutional, and Low-Density Residential	Unincorporated Pinal County, R1-6, Single Family Residential, I-1, Light Industrial, C-2 General Commercial	Unincorporated Pinal County-Residential (Arizona City) and vacant land

Zoning Ordinance Issues for Consideration:

In determining whether to approve, approve with conditions, or deny the proposed Official zoning Map amendments, the issue for consideration shall include but not be limited to: (Staff's analysis of the consideration is included in blood 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. The PAD amendment will allow that property to be developed with a Utility-Scale Solar development for interim use. In accordance with the Zoning Ordinance, with the development of the property as a Utility-Scale Solar use, landscape buffers and setbacks that are 75 feet and greater will be provided to provide transitional buffers adjacent to streets and property zoned with the residential district.*

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

- The approximate 816-acre site is currently zoned in various districts with the PAD Overlay. The property may be developed under its existing zoning designations, provided that the property owner/developer provides all necessary infrastructure improvements to serve it. The property may also be developed as a Utility-Scale Solar site with limited infrastructure improvements.*

E. Availability of sewer and water facilities.

- The approximate 816-acre subject site currently does not have immediate Eloy water or sewer/wastewater service to the site. The nearest Eloy water line is located in W. Milligan Road, approximately 1000 feet west of the W. Milligan Road and S. Eleven Mile Corner Rd intersection. The nearest wastewater service line is located adjacent to the W. Milligan Road and S. Sunshine Boulevard intersection. 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 for any occupiable buildings 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 implementing adopted planning policies/design standards, natural resources preservation/conservation resource 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 Picacho View I 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 Picacho View I PAD was originally approved.*

Planning and Zoning Commission Meeting

On December 18, 2024, the Planning and Zoning Commission held a public hearing on the above-referenced application. The Commission voted 4-0 to recommend approval of this application.

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

Mayor Sutton declared a public hearing open.

Mr. Symer conveyed that this item is one of two cases on tonight's agenda that are interrelated. He gave a brief overview of a request for a PAD amendment for the Picacho View I Planned Area Development-Poblano Solar project, located near the west side of south Toltec Road and west Milligan Road. He said the staff is recommending approval of the request.

Councilmember Snyder wanted to know would the land be leased or purchased. He said the city has approved several solar projects; however he is not aware of any of them being started yet. And, if for some reason, these projects do not move forward, is there a chance the applicant will come back to Council to request the zoning be changed back because they want to farm it again.

Mr. Symer said there are two facilities up north that are being constructed. As of last week, Kitt Solar submitted their permitting applications. He expects the largest facility, Sawtooth, to submit paperwork sometime in March. Mr. Symer stated that three of the projects were done through Conditional Use Permit, and the rest through PAD amendments. He said each PAD amendment states solar use as an allowed use, in addition to those uses that are already on the property. He said if the land is not developed, they still have rights underneath them. As pertaining to the conditional uses, some have a two-year time frame, or they must come back to the Council.

Councilmember Vodrazka wanted to know if there was any public support or opposition to the project.

Mr. Symer said there were no public comments at the December 18th Planning and Zoning Commission meeting.

At this time, Mr. Andrew Yancy, attorney at Bergin, Frakes, Smalley & Oberholtzer, and representative for the applicant, Long Road Development, came forward to narrate a PowerPoint presentation on the proposed solar farm project.

Several members of the Council had some concerns regarding:

- Property zoned for housing rezoned for solar projects and the negative impact it would have on increasing the city's population and economic growth in the community.
- Where the energy generated from the project would go
- Possibility of too much energy generated
- The fire district's position on the project
- Who would monitor the facility and where would it be monitored
- Location of batteries on the property

Mr. Yancy provided responses to Council's concerns.

Vice Mayor Tarango stated that this project would be directly across the street and up against several homes in Arizona City. She wanted to know if there was anything in the city's code that would prevent the city from making agreements with Arizona Water Company or Arizona City Sanitation to provide these services to the area.

Mr. Malewitz said there is nothing in the city code that would prevent the city from entering into an agreement with a third-party water provider. Unfortunately, given the city's status with ADWR and the city's modified designation of assured water supply, it would not look good should the city enter into a third-party agreement, which the city would have to give up its water to Arizona City to service the area.

Vice Mayor Tarango reiterated that she does not like the solar farm across the street on Overfield Road. She pointed out that Caballo Estates has a lot of homes west of the project.

Councilmember Curtis also expressed concern about the location of the project. She stated that she has no issues with the solar project east of Toltec Buttes. However, west of the area, she believes was an oversight; for that area to be an allowable area on the solar zoning ordinance map because of its proximity to residences. She is aware that neighborhood meetings and public hearings were held about the project, but most people do not pay attention to things like this. She told Mr. Yancy that she does not blame the applicant at all but believes if residents in the area knew there was a potential for a solar farm to be located next to their homes, they would have voiced their concerns. Councilmember Curtis stated that she has driven by homes next to solar farms that Council approved, and it does not look good. She is aware of the buffering, but none of projects that the Council has approved so far have aesthetically pleasing landscaping. It does not provide a true buffer with the flatness of the landscape of that area. She said the city has so much other space for solar east of Toltec Buttes.

Mayor Sutton opened the floor for public comments.

Mr. Bill Wisnewski wanted to know the fire control plan if there is no water in that area.

Mr. Malewitz conveyed that Fire Chief, Kelly Weddle, has spoken in the past about the solar farms. He said the department would do the best that they can, but ultimately, they would let it burn.

Mr. Yancy said in response to Councilmember Curtis' concern about the buffer zone, his client can increase the building setback to 200 feet and make this part of the stipulations.

Vice Mayor Tarango said she has talked to residents who live next to a solar farm in north Toltec, and they are not happy at all about it.

It was at this time that Mr. Yancy asked for a continuation of the hearing to a future date to give his client time to return with specific conditions on setback landscaping and other concerns raised by the Council. He also requested a continuation of the second PAD amendment that is on tonight's agenda (VIII-F).

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

A motion was made by Councilmember Snyder, and seconded by Councilmember Galindo to table item VIII-D and item VIII-F to a later date, passed 6-1 by the following roll call votes:

Yeas: Councilmember Snyder, Mayor Sutton, Councilmember Curtis, Vice Mayor Tarango, Councilmember Galindo, Councilmember Vodrazka

Nays: Councilmember Garcia

E. ADOPTION OF RESOLUTION NO. 25-1610 DECLARING AS A PUBLIC RECORD FOR THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "ELOY VALLEY PLANNED AREA DEVELOPMENT" – 2ND AMENDMENT – POBLANO SOLAR"

Staff Cover Sheet Report: *Staff recommends that the City Council adopt Resolution No. 25-1610 declaring a public record that certain document filed with the City Clerk and entitled "Eloy Valley Planned Area Development" – 2nd Amendment – Poblano Solar."*

This is a request by staff to adopt Resolution No. 25-1610, which establishes a public record for the document titled "Eloy Valley Planned Area Development" – 2nd Amendment – Poblano Solar." 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 zoning text amendment application (Case No. RZPAD2024-001.A2). With the creation of the public record, the City Clerk would not need to publish the multipage document in the local newspaper with the ordinance if the City Council approves the zoning code text amendment 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 from this agenda item.*

Mr. Symer requested the Council table this item since it relates to item VIII-F that was tabled under item VIII-D.

A motion was made by Councilmember Snyder and seconded by Councilmember Galindo to table item VIII-E, passed 6-1 by the following roll call votes:

Yeas: Councilmember Curtis, Councilmember Galindo, Vice Mayor Tarango, Mayor Sutton, Councilmember Vodrazka, Councilmember Snyder

Nays: Councilmember Garcia

- F. CONDUCT A PUBLIC HEARING AND CONSIDER THE ADOPTION OF ORDINANCE NO. 25-984, APPROVING AND AMENDMENT TO THE ZONING MAP, CASE NO. RZPAD2024-001.A2: ELOY VALLEY PAD - POBLANO SOLAR, AN APPLICATION TO AMEND TO MODIFY THE EXISTING ELOY VALLEY PLANNED AREA DEVELOPMENT. THE PURPOSE OF THE AMENDMENT IS TO INCORPORATE 122 ACRES OF LAND SITUATED ABOUT FOUR MILES WEST OF INTERSTATE 10 (I-10) AND GENERALLY NORTH AND SOUTH OF MILLIGAN ROAD AND WEST OF TOLTEC BUTTES ROAD IN THE CITY OF ELOY TO PERMIT A SOLAR UTILITY SCALE GENERATION AND BATTERY ENERGY STORAGE SYSTEM FACILITIES LAND USE AS AN ALLOWED USE IN ALL UNDERLYING ZONING DISTRICTS OF THE PAD (APPLICANT CONTACT: BERGIN, FRAKES, SAMELLY & OBERHOLTZER, PLLC, C/O ANDREW YANCEY)**

Staff Cover Sheet Report: *The staff recommends that the City Council adopt Ordinance No. 25-984, approving the Amendment to the Zoning Map outlined in Case No. RZPAD2024-001.A2: Eloy Valley Planned Area Development - Poblano Solar, in accordance with the attached Conditions of Approval.*

Request:

The applicant Bergin, Frakes, Smalley & Oberholtzer, PLLC, c/o Andrew Yancey, on behalf of Poblano Solar, LLC, has submitted an application for a Zoning Map 2nd Amendment to modify the existing Eloy Valley Specific Area Plan Planned Area Development (PAD). The purpose of the amendment is to incorporate 122 acres of land situated about four miles west of Interstate 10 (I-10) and generally north and south of Milligan Road and west of Toltec Buttes Road in the City of Eloy to permit a Solar Utility Scale Generation and Battery Energy Storage System Facilities land use as an allowed use.

Context (Eloy Valley Specific Area Plan Planned Area Development-Northwest 122 Acre Site of the PAD)

Located on approximately 122 acres of land, four miles west of Interstate 10 (I-10) and generally north and south of Milligan Road and west of Toltec Buttes Road in the City of Eloy, the site is surrounded by undeveloped and vacant land.

<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>Light Industrial, Public/Institutional</i>	<i>I-2, General Industrial</i>	<i>Vacant land</i>
<i>South</i>	<i>Medium Density Residential, Estate Density Residential</i>	<i>R1-6, Single Family Residential, R1-12, Single Family Residential</i>	<i>Vacant land</i>
<i>East</i>	<i>Medium Density Residential</i>	<i>R1-6, Single Family Residential</i>	<i>Vacant land</i>
<i>West</i>	<i>Low Density Residential</i>	<i>R1-12, Single Family Residential, C-2, General Commercial</i>	<i>Vacant land</i>

Zoning Ordinance Issues for Consideration:

In determining whether to approve, approve with conditions, or deny the proposed Official Zoning Map amendment, issues for consideration shall include but not be limited to: (Staff's analysis of the consideration is included in bold italic text, and the application'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. The PAD amendment will allow that property to be developed with a Utility-Scale Solar development for interim use. In accordance with the Zoning Ordinance, with the development of the property as a Utility-Scale Solar use, landscape buffers and setbacks that are 75 feet and greater will be provided to provide transitional buffers adjacent to streets and property zoned with the residential district.*

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

- The property is relatively flat undisturbed and vacant farmland. To develop it 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 122-acre site is currently zoned in various districts with the PAD Overlay. The property may be developed under its existing zoning designations, provided that the property owner/developer provides all necessary infrastructure improvements to serve it. The property may also be developed as a Utility-Scale Solar site with limited infrastructure improvements.*

E. Availability of sewer and water facilities.

- *The approximate 122-acre subject site currently does not have immediate Eloy water or sewer/wastewater service to the site. The nearest water lines are located in W. Milligan Road, approximately 1,000 feet west of the W. Milligan Road and S. Eleven Mile Corner Rd intersection. The nearest wastewater service lines are located near the W. Milligan Road and S. Sunshine Boulevard. 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 for any occupiable buildings 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.*

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, enhance 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 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.*

Planning and Zoning Commission Meeting

On December 18, 2024, the Planning and Zoning Commission held a public hearing on the above-referenced application. The Commission voted 3-0 to recommend approval of this application.

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

This item was tabled under agenda item VIII-D.

G. APPOINTMENT OF TWO (2) COUNCILMEMBERS TO SERVE AS NON-VOTING EX OFFICIO MEMBERS TO THE BUILDING CODE BOARD OF APPEALS, AND THE PARKS, RECREATION & LIBRARY ADVISORY

BOARD; AND THREE (3) COUNCILMEMBERS TO SERVE AS VOTING MEMBERS ON THE ELOY CEMETERY COMMITTEE, ALL WITH TERMS EXPIRING NOVEMBER 30, 2026.

Staff Cover Sheet Report: *Staff requests that the City Council appoint two (2) members from the Council to serve as non-voting Ex-Officios to the Building Code Board of Appeals, and the Parks, Recreation and Library Advisory Board, and three (3) to serve as voting members on the Eloy Cemetery Committee.*

Every two years after the new Council has been seated, Council will appoint several members of the Council to serve as ex officios to various city boards and committees for a period of two years. The terms for current ex-officios and members expired November 2024. City staff respectfully request the City Council to appoint councilmembers to serve as ex-officios and voting members to the following boards and committees.

BOARDS & COMMITTEE	CURRENT EX-OFFICIOS & COMMITTEE MEMBERS
<i>Building Code Board of Appeals – 1 non-voting</i>	<i>Jose Garcia</i>
<i>Parks, Recreation & Library Advisory Board – 1 non-voting</i>	<i>*Sylvia G. Rodriguez</i>
<i>Cemetery Committee (stand alone committee) – 3 voting members</i>	<i>*Micah Powell, *Sylvia G. Rodriguez, Jose Garcia</i>

**No longer serve on the Council*

These appointments will support the effective operation of these boards and committees while fostering a collaborative environment between the City Council and community members involved in these important issues.

Mayor Sutton opened the floor for nominations.

A motion was made by Councilmember Garcia and seconded by Vice Mayor Tarango to appoint Councilmember Galindo as Ex-Officio to the Building Code Board of Appeals, passed unanimously by roll call vote (7-0).

A motion was made by Councilmember Galindo and seconded by Mayor Sutton to appoint Councilmember Garcia as Ex-Officio to the Parks, Recreation & Library Advisory Board, passed unanimously by roll call vote (7-0).

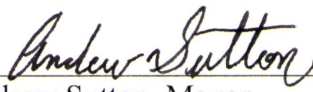
A motion was made by Councilmember Galindo and seconded by Vice Mayor Tarango to appoint Councilmember Garcia to serve on the Eloy Cemetery Committee, passed unanimously by roll call vote (7-0).

A motion was made by Councilmember Curtis and seconded by Councilmember Galindo to appoint Councilmember Vodrazka to serve on the Eloy Cemetery Committee, passed unanimously by roll call vote (7-0).

A motion was made by Councilmember Curtis and seconded by Councilmember Snyder to appoint Vice Mayor Tarango to serve on the Eloy Cemetery Committee, passed unanimously by roll call vote (7-0).

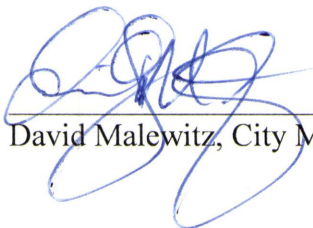
X. ADJOURNMENT

There being no further business, Mayor Sutton adjourned the meeting at approximately 8:02 p.m.



Andrew Sutton, Mayor

ATTEST:



David Malewitz, City Manager