

**MINUTES OF THE REGULAR MEETING OF
THE ELOY CITY COUNCIL
CITY OF ELOY
628 NORTH MAIN STREET
NOVEMBER 14, 2016
6:00 P.M.**

Staff Present: Harvey Krauss-City Manager; Stephen R. Cooper-City Attorney; Mary Myers-City Clerk; Brian Wright-Finance Director; Ken Martin-Public Works Director/City Engineer; Rus Ketcham-Library Director; Paul Anchondo-Parks and Recreation Director; Jon Vlaming-Community Development Director; Bill Pitman-Police Chief; Sylvia Payne-HR Director; Lori Francisco-Grants Writer; Zenia Cornejo-Management Assistant

I. CALL TO ORDER

Mayor Belloc called the meeting to order at approximately 6:03 p.m.

II. INVOCATION

Invocation was given by Mrs. Rosie Coyle.

III. PLEDGE OF ALLEGIANCE

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

IV. ROLL CALL

Council Members Present: Councilmember Andrew Rodriguez; Vice Mayor Micah Powell; Councilmember J.R. Nagy; Councilmember J.W. Tidwell; Mayor Joel Belloc

Council Members Absent: *Councilmember JoAnne Galindo; Councilmember Augustine Saucedo

*Participated in Executive Session via telephone.

V. COMMUNICATIONS

1. Mayor Belloc and Vice Mayor Powell presented certificates to members of the Eloy Junior High School Blue Devils football team for an undefeated season and winning division championship.
2. Mrs. Myers read a proclamation declaring the month of November as American Diabetes month in Eloy.
3. Mayor Belloc thanked everyone involved in the annual Veteran's Day parade last Friday. The parade was very well attended and there were many parade entries. He stated the grand marshal was the family of Lance Corporal Francisco Jimenez.
4. Mr. Krauss conveyed the following communications to Council:
 - Thanked all city departments for their participation in the annual Veterans Day celebration;
 - Council and staff will be touring several city halls in the west valley November 21st. The bus will leave at 7:30 a.m. from city hall and return around 6:30 p.m.;
 - Correction to agenda item IX-E on tonight's agenda. The staff report states a \$2000 financial contribution to the MLK celebration. The correct amount is \$3000;
 - City offices will be closed Thanksgiving Day and the day after Thanksgiving;
 - Invitation to Council from Access Arizona for an informal session with elected officials from partner communities. The gathering is scheduled December 15th, 7:30 a.m. at Robson Ranch. Breakfast will be served; and
 - The annual employee appreciation luncheon is scheduled for December 9th, from 11:30 a.m. to 1:30 p.m. All administrative offices (with exception to police and emergency operations) will be closed during this time.

VI. APPEARANCES FROM THE FLOOR

None.

VII. EXECUTIVE SESSION

Mayor Belloc moved Executive Session after Informational Items on the agenda.

Councilmember Tidwell told Mayor Belloc that when Council gets to item IX-M, he would like to go into Executive Session.

VIII. CONSENT AGENDA

- | <u>Agenda Item</u> | <u>Subject</u> |
|--------------------|---|
| IX-A. | Approval of Minutes: 10/24/16 (regular) |
| IX-B. | Authorization to cancel the December 27, 2016 City Council meeting and close city offices from 11:30am - 1:30pm on December 9, 2016 for the City's Annual Employee Appreciation Luncheon. |
| IX-C. | Extension of the Wastewater Treatment Plant (WWTP) Operations Assistance Agreement with Valentine Engineering to provide the services of a Plant Operator 3. |
| IX-D. | Grant-in-Aid Agreement with the Tohono O'Odham Nation for the acceptance and expenditure of \$60,000 to supplement the City's Housing Rehabilitation program. |
| IX-E. | Co-sponsorship of the 2017 Martin Luther King, Jr. day celebration on January 16, 2017 with financial assistance and in-kind services. |
| IX-F. | Resolution No.: 16-1402 approving a General Plan Amendment on approximately 0.83 acres at the southwest corner of Shedd Road and Tumbleweed Road (3930 N. Tumbleweed Road) designating the property in question from Medium Density Residential (MDR) to High Density Residential (HDR). (Assessor's Parcel Number: 404-08-364A in a portion of Section 26, T7S, R7E of the G&SRB&M, Pinal County, Arizona). Case No.: GPA16-022. |
| IX-G. | Ordinance No.: 16-858 rezoning approximately 0.83 acres at the southwest corner of Shedd Road and Tumbleweed Road (3930 N. Tumbleweed Road) from R-12 (Low Density Residential) to R-4 (High Density Residential) (Assessor's Parcel Number: 404-08-364A in a portion of Section 26, T7S, R7E of the G&SRB&M, Pinal County, Arizona). Case No. RZ16-023. |
| IX-H. | Conditional Use Permit request by EPS Group, Inc. on behalf of the property owner (Danny L. Curtis) to allow the operation of a Bed and Breakfast establishment as permitted within the R-4 (High Density Residential) Zoning District with a Conditional Use Permit (CUP) – Case No. CUP 16-024. |

Motion by Vice Mayor Powell, seconded by Councilmember Rodriguez to approve the Consent Agenda with correction to agenda item IX-E as stated by Mr. Krauss under "Communications", passed unanimously by roll call vote.

IX. BUSINESS

- I. CONDUCT A PUBLIC HEARING AND ADOPT RESOLUTION NO.: 16-1400, APPROVING A STAFF INITIATED A MAJOR GENERAL PLAN AMENDMENT ON APPROXIMATELY 202 ACRES LOCATED WEST OF THE PLANNING AREA ON THE EAST AND WEST SIDES OF SUNLAND GIN ROAD FROM WEST NELSON FARM ROAD TO THE SOUTHERN RIGHT OF WAY OF THE UNION PACIFIC RAILROAD FROM**

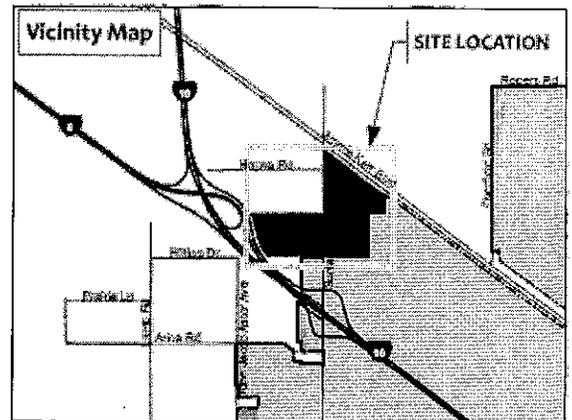
EMPLOYMENT ON THE PINAL COUNTY COMPREHENSIVE PLAN TO GENERAL INDUSTRIAL (GI), LIGHT INDUSTRIAL (LI), COMMUNITY COMMERCIAL (CC) AND HIGH DENSITY RESIDENTIAL (HDR). (ASSESSOR'S PARCEL NUMBERS: 511-33-008E, 511-33-008F, 511-33-016A, 402-15-037B, 402-15-037D, 402-15-037J, 402-15-037K, 402-15-037M, 402-15-037Q, 402-15-037R, 511-33-008M, 511-33-015C, 511-70-003C, 511-70-003D AND 511-33-008K IN A PORTION OF SECTION 18 OF T7S, R7E OF THE G&SRB&M, PINAL COUNTY, ARIZONA). (CASE NO.: GPA 16-014).

Cover sheet discussion: *City Council conduct a public hearing on a Major General Plan Amendment (Case No.: GPA 16-014) on approximately 202± acres generally located east and west of Sunland Gin Road from the southern boundary of the Union Pacific Railroad on the north to the W. Nelson Farm Road alignment on the south from Employment on the Pinal County Comprehensive Plan to General Industrial (GI), Light Industrial (LI), Community Commercial (CC) and High Density Residential (HDR).*

City Council adopt Resolution No.: 16-1400 approving a Major General Plan Amendment (Case No.: GPA 16-014) on approximately 202± acres generally located east and west of Sunland Gin Road from the southern boundary of the Union Pacific Railroad on the north to the W. Nelson Farm Road alignment on the south from Employment on the Pinal County Comprehensive Plan to General Industrial (GI), Light Industrial (LI), Community Commercial (CC) and High Density Residential (HDR).

DISCUSSION:

The City of Eloy Community Development and Public Works Department staff were approached in 2015 by one of the subject property owners (who own and operate the Travel Lodge located at 7190 S. Sunland Gin Road, Eloy, AZ 85231) for the purpose of receiving City water and sewer services. The Community Development Department staff subsequently made contact with several of the property owners (as identified on the list below) to determine their level of interest in joining the annexation effort of Travel Lodge to incorporate their properties into the City of Eloy City. As a result of the expansion of the area to be annexed in the future, a general plan amendment was necessary (due to the fact that none of these properties are identified as comprising a part of the existing Eloy General Plan Land Use Map).



The properties that are subject to this request are located along the east and west sides of Sunland Gin Road, from the southern boundary of the Union Pacific Railroad on the north to the W. Nelson Farm Road alignment on the South. These parcels are identified by Pinal County Assessor's Numbers: 511-33-008E, 511-33-008F, 511-33-016A, 402-15-037B, 402-15-037D, 402-15-037J, 402-15-037K, 402-15-037M, 402-15-037Q, 402-15-037R, 511-33-008M, 511-33-015C, 511-70-003C, 511-70-003D and 511-33-008K.

APN	NAME	CURRENT LAND USE	PROPOSED LAND USE
511-33-008E	P&M CASA GRANDE INVESTMENTS LLC	Unincorporated Pinal County. This area is not currently included in the City of Eloy Land Use Map.	COMMUNITY COMMERCIAL
511-33-008F	P&M CASA GRANDE INVESTMENTS LLC		COMMUNITY COMMERCIAL
511-33-016A	SEO PROPERTIES, LLC		LIGHT INDUSTRIAL
402-15-037B	WELLS FARGO BANK		COMMUNITY COMMERCIAL
402-15-037D	CORNEJO SANTO & EVA M		COMMUNITY COMMERCIAL
402-15-037J	CORNEJO SANTO & EVA M		COMMUNITY COMMERCIAL
402-15-037K	CORNEJO SANTO & EVA M		COMMUNITY COMMERCIAL
402-15-037M	CORNEJO SANTO & EVA M		COMMUNITY COMMERCIAL
402-15-037Q	JOHNSTON VIRGINIA ETAL		COMMUNITY COMMERCIAL AND HIGH DENSITY RESIDENTIAL
402-15-037R	JOHNSTON VIRGINIA ETAL		HIGH DENSITY RESIDENTIAL AND COMMUNITY COMMERCIAL
511-33-008M	PONDEROSA HILLS LLC		HIGH DENSITY RESIDENTIAL
511-33-015C	PONDEROSA HILLS LLC		HIGH DENSITY RESIDENTIAL
511-70-003C	SUTTON KENNETH R JR & TERRY R		GENERAL INDUSTRIAL
511-70-003D	SUTTON KENNETH R JR & TERRY R		GENERAL INDUSTRIAL
511-33-008K	SUTTON KENNETH R JR		COMMUNITY COMMERCIAL

This request, if approved, would augment the Eloy General Plan Land Use Plan from approximately 202 acres along Sunland Gin Road, north of Interstate 10.

Arizona Revised Statutes (ARS) (§9-461.06) allows for the amendment of the City's General Plan through a minor and a major procedure, with such procedures identified in the general plan. For the Planning and Zoning Commission, the major amendments are presented at a single public hearing at a regularly scheduled meeting within the calendar year the proposal is made.

ARS (§9-461.05) also prescribes a 60-day review period for all Major General Plan Amendments. This year, the 60-day review period occurred between August 4th and October 3rd, 2016. The proposed changes were transmitted to all of the entities prescribed under ARS. The existing and proposed maps and narrative were also posted for review on the City's website and at the Eloy Library. An open house was also publicized and held on September 7th, 2016 at the Eloy Library to provide an opportunity for the public to attend and have any questions answered. A total of two residents attended. At the conclusion of the 60-day review period, the City did not receive any formal comments on these proposed changes.

STAFF FINDINGS:

Notification of the October 19, 2016 and the November 14, 2016 public hearings required for this proposed Major General Plan Amendment have been completed in accordance to the notice requirements set forth in the Eloy Zoning Ordinance. A public hearing was held by the Planning and Zoning Commission, who approved it on a 4-0 vote. These proposed uses are compatible with the adjacent future land uses of the surrounding area based on the fact that this request is compliant with the following Eloy General Plan Goals and Objectives:

- Goal 1. Provide a range of land uses to encourage and maintain a sustainable community.*
- Objective 1. Maintain transitional buffers between high and lower impact land uses.*
- Objective 4. Maintain land use designation target ratios when amendments are proposed.*

This request also conforms with the General Plan Amendment Guidelines:

- 1. That the City has not provided adequate land uses designated that would allow for the proposed use to be sited as proposed. Due to the fact that this area was not previously located within the Eloy Planning Area, this guideline is moot.*
- 2. That the amendment constitutes an overall improvement to the General Plan and will not solely benefit a particular landowner or owners at any particular point in time but will be of benefit to the City in general. The ability to guide an area that is under consideration for annexation allows for the recommended land use pattern to foster a compatible, functional and fiscally beneficial land use pattern for the subject area.*
- 3. The amendment will not adversely impact any portion or entirety of the community, by:*
 - Significantly altering acceptable existing and planned land use patterns, (The uses recommended for these parcels are compatible with the existing land use pattern to the south and are supported by the parcel owners).*

- *Require additional and more expensive infrastructure improvements to roads, sewer, or water delivery systems than are needed to support the prevailing land uses and may impact developments in other areas, unless otherwise negotiated through a development agreement, or other mitigation plan, and demonstrated to be of benefit to the City, (The City currently has existing water and sewer service within the right of way on Sunland Gin Road, which is the basis for the annexation of the Travelodge parcel).*
- *Adversely impact existing or previously planned uses through an unreasonable increase in traffic generated on existing systems by the proposed use, or (Sunland Gin Road is designated as a Major Arterial Roadway on the General Plan Circulation Map. As such, it is expected to accommodate the anticipated traffic generated by these residential and non-residential uses).*
- *Adversely affect the livability of an area within the City or the health and safety of the residents. (The inclusion and recommended High Density Residential uses in an area that was not a part of the City's Planning Area has been appropriately sited to be compatible with the surrounding non-residential uses that compose the remaining portions of the subject area).*

4. *That the amendment is consistent with the General Plan's overall intent and other adopted plans, codes, and ordinances. (These recommended uses support the intent of the General Plan and are consistent with the existing and planned uses on the parcels).*

FISCAL IMPACT: N/A

Mr. Vlaming gave an overview of the proposed major general plan amendment request.

Mayor Belloc declared a public hearing open to allow comments and/or questions from the public regarding the request.

Manuel Padrone – 4680 E. Mustang Drive – Mr. Padrone wanted to know what the city plans to do with the land.

Mayor Belloc explained that it is not necessarily the city but the property owner who decides what to do with the property.

Mr. Vlaming added that the general plan is a document that guides the city's future land uses; it's not regulatory and has nothing to do directly with annexation.

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

Motion by Vice Mayor Powell, seconded by Councilmember Tidwell to read Resolution No. 16-1400 by title only, passed unanimously.

Mrs. Myers read the resolution title for the record.

Motion by Vice Mayor Powell seconded by Councilmember Tidwell to adopt Resolution No. 16-1400, passed unanimously by roll call vote.

J. CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION NO.: 16-1399 APPROVING A STAFF INITIATED MAJOR GENERAL PLAN AMENDMENT TO UPDATE MAPS, TABLES AND/OR TEXT IN THE EXISTING ADOPTED ELOY GENERAL PLAN, INCLUDING THE LAND OWNERSHIP MAP, CIRCULATION MAP, LAND USE MAP, DOWNTOWN DEVELOPMENT AND NEIGHBORHOOD PRESERVATION MAP (TO BE DELETED), GROWTH AREAS ELEMENT, PARKS, OPEN SPACE AND TRAILS ELEMENT AND HOUSING ELEMENT. (CASE NO.: GPA16-015).

Cover sheet discussion:

- 1. City Council conduct a public hearing on a Major General Plan Amendment (Case No.: GPA16-015) updating the Land Ownership Map (replace existing map with new map in GIS), Land Use Map (addition of the Airport Influence Area on the Land Use Map), Circulation Map (addition of proposed interchanges on the proposed North-South Freeway), Downtown Development and Neighborhood Preservation Map (to be deleted in its entirety), Growth Areas Element (text, tables and maps), Parks, Open Space and Trails Element (text, tables and maps) and Housing Element (text and tables).*
- 2. City Council adopt Resolution No.: 16-1399 approving a Major General Plan Amendment (Case No.: GPA16-015) updating the Land Ownership Map (replace existing map with new map in GIS), Land Use Map (addition of the Airport Influence Area on the Land Use Map), Circulation Map (addition of proposed interchanges on the proposed North-South Freeway), Downtown Development and Neighborhood Preservation Map (to be deleted in its entirety), Growth Areas Element (text, tables and maps), Parks, Open Space and Trails Element (text, tables and maps) and Housing Element (text and tables).*

DISCUSSION:

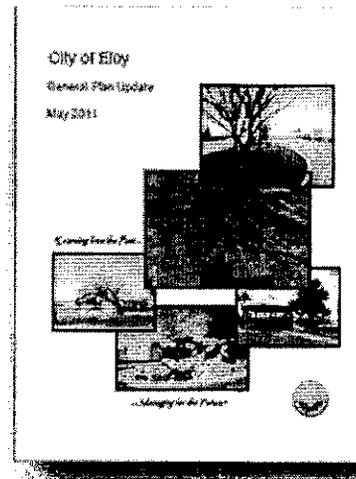
The Community Development Department has sponsored this update (considered a Major Amendment) to the text, tables and/or maps to bring the Land Ownership Map, Land Use Map, Circulation Map, Growth Areas Element, Parks, Open Space and Trails and Housing Elements current with updated internal and external changes in the City's Planning Area, updated data and plans preparation and transition to a GIS format for the maps (allowing ease in updating and revision).

Arizona Revised Statutes (ARS) (§9-461.06) allows for the amendment of the City's General Plan through a minor and a major procedure, with such procedures identified in the general plan. For the Planning and Zoning Commission, the major amendments are presented at a single public hearing at a regularly scheduled meeting within the calendar year the proposal is made.

ARS (§9-461.05) also prescribes a 60-day review period for all Major General Plan Amendments. This year, the 60-day review period occurred between August 4th and October 3rd, 2016. The proposed changes were transmitted to all of the entities prescribed under ARS. The text and maps for the Land Ownership Map, Land Use Map, Circulation Map, Downtown Development and Neighborhood Preservation Map (to be deleted), Growth Areas Element, Parks, Open Space and Trails Element and Housing Element were also posted for review on the City's website and at the Eloy Library. An open house was also publicized and held on September 7th, 2016 at the Eloy Library to provide an opportunity for the public to attend and have any questions answered. A total of two residents attended. At the conclusion of the 60-day review period, the City did not receive any formal comments on these proposed changes.

STAFF FINDINGS:

Notifications of the October 19, 2016 and the November 14, 2016 public hearings required for this proposed Minor General Plan Amendment have been completed in accordance to the notice requirements set forth in the Eloy Zoning Ordinance. A public hearing was held by the Planning and Zoning Commission, who approved it on a 4-0 vote, on October 19, 2016. Staff has been incrementally updating the 11 elements of the plan to maintain a current and consistent general plan over the past two years. The original general plan was adopted in 2011 and there have been substantial internal and external changes to the planning area over the past five years to make these updates necessary. Staff updated (and the Planning and Zoning



recommended approval and City Council subsequently approved) the Land Use and Circulation Elements in 2015.

FISCAL IMPACT: N/A

Mayor Belloc declared a public hearing open to allow comments and/or questions from the public pertaining to this request.

Mr. Vlaming gave a brief overview of the major general plan amendment request.

Mr. Vlaming fielded several questions from Council.

There being no questions or comments from the public, Mayor Belloc declared the public hearing closed.

Motion by Vice Mayor Powell, seconded by Councilmember Tidwell to read Resolution No. 16-1399, passed unanimously.

Mrs. Myers read the resolution title for the record.

Motion by Vice Mayor Powell, seconded by Councilmember Tidwell to adopt Resolution No. 6-1399, passed unanimously by roll call vote.

- K. CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION NO.: 16-1401 APPROVING A STAFF INITIATED MAJOR GENERAL PLAN AMENDMENT ON A TOTAL OF APPROXIMATELY 1,135 ACRES FROM GENERAL INDUSTRIAL (GI) AND ESTATE DENSITY RESIDENTIAL (EDR) TO MIXED USE (MU), COMMUNITY COMMERCIAL (CC), LOW DENSITY RESIDENTIAL (LDR), MEDIUM DENSITY RESIDENTIAL (MDR) AND HIGH DENSITY RESIDENTIAL (HDR). SUBJECT PARCELS ARE LOCATED IN THE NORTHEAST PORTION OF THE PLANNING AREA; ASSESSOR'S PARCEL NUMBERS: 401-48-026A, 401-48-026B, 401-48-026C, 401-48-702, 401-48-705 AND 401-75-001B IN A PORTION OF SECTIONS 17,20, AND 21 OF T7S, R8E OF THE G&SRB&M, PINAL COUNTY, ARIZONA. CASE NO.: GPA16-010.**

Cover sheet discussion:

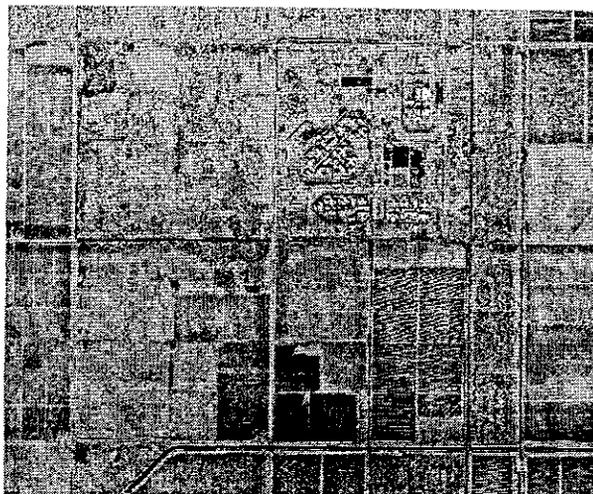
- 1. Council conduct a public hearing on Case No. GPA16-1401, a Major General Plan Amendment on approximately 1,135± acres within an area generally bounded by Highway 87 to the east, Cornman Road to the north, Houser Road to the south and Sunshine Boulevard to the west designating land uses from General Industrial and Estate Density Residential to Mixed Use (MU), Community Commercial (CC), Low Density Residential (LDR), Medium Density Residential (MDR) and High Density Residential (HDR).*

2. *City Council adopt Resolution No.: 16-1401 approving a Major General Plan Amendment (Case No.: GPA16-010) on approximately 1,135± acres within an area generally bounded by Highway 87 to the east, Cornman Road to the north, Houser Road to the south and Sunshine Boulevard to the west designating land uses from General Industrial and Estate Density Residential to Mixed Use (MU), Community Commercial (CC), Low Density Residential (LDR), Medium Density Residential (MDR) and High Density Residential (HDR).*

DISCUSSION:

The subject parcels are currently part of the existing City of Eloy General Plan. The City of Eloy worked with one of the parcel owners (JLC Family Investments LLC, Pinal County Assessor's Parcel Number: 401-75-001B to annex it into the City. As such, the property owner identified that the presence of a significant amount of General Industrial use within this region (with the presence of a substantial amount of General and Light Industrial designated land between Interstate 10 and Frontier Street to the south) allowed for a critical reevaluation of the appropriate uses for this area. The Community Development Department staff subsequently made contact with several of the property owners (as identified on the list below) to determine their level of interest in joining the Major General Plan effort of JLC FAMILY INVESTMENTS LLC to reevaluate the designation(s) of their respective properties.

The properties that are subject to this request are located within an area bounded by Highway 87 to the east, Cornman Road to the north, Houser Road to the south and Sunshine Boulevard to the west. These parcels are identified by Pinal County Assessor's Numbers: 401-48-026A, 401-48-026B, 401-48-026C, 401-48-702, 401-48-705 and 401-75-001B.



<i>APN</i>	<i>NAME</i>	<i>CURRENT LAND USE</i>	<i>PROPOSED LAND USE</i>
401-48-026A	OLAF LLC	ESTATE DENSITY RESIDENTIAL	MEDIUM DENSITY RESIDENTIAL
401-48-026B	OLAF LLC	ESTATE DENSITY RESIDENTIAL	MEDIUM DENSITY RESIDENTIAL
401-48-026C	OLAF LLC	ESTATE DENSITY RESIDENTIAL	MEDIUM DENSITY RESIDENTIAL
401-48-702	STATE LAND	GENERAL INDUSTRIAL	LOW DENSITY RESIDENTIAL AND MEDIUM DENSITY RESIDENTIAL
401-48-705	STATE LAND	GENERAL INDUSTRIAL	MEDIUM DENSITY RESIDENTIAL
01-75-001B	JLC FAMILY INVESTMENTS LLC	GENERAL INDUSTRIAL	HIGH DENSITY RESIDENTIAL, MEDIUM HIGH DENSITY RESIDENTIAL, MIXED USE AND COMMUNITY COMMERCIAL

This request, if approved, would amend the Eloy General Plan Land Use Plan from approximately 1,135± acres of General Industrial and Estate Density Residential to Mixed Use (MU), Community Commercial (CC), Low Density Residential (LDR), Medium Density Residential (MDR) and High Density Residential (HDR). The intent of this request is to adjust the future land use pattern to reduce the amount of General Industrial identified in this portion of the City's Planning Area. Due to the extensive amount of general and light industrial designated property within the Interstate 10 and Frontier Street Corridor to the south, the presence of master planned communities to the south and the future location of the North-South Freeway to the east, it was deemed to be prudent to shift the land use pattern to leverage these land use and transportation improvements.

Arizona Revised Statutes (ARS) (§9-461.06) allows for the amendment of the City's General Plan through a minor and a major procedure, with such procedures identified in the general plan. For the Planning and Zoning Commission, the major amendments are presented at a single public hearing at a regularly scheduled meeting within the calendar year the proposal is made.

ARS (§9-461.05) also prescribes a 60-day review period for all Major General Plan Amendments. This year, the 60-day review period occurred between August 4th and October 3rd, 2016. The proposed changes were transmitted to all of the entities prescribed under ARS. The existing and proposed maps and narrative were also posted for review on the City's website and at the Eloy Library. An open house was also publicized and held on September 7th, 2016 at the Eloy Library to provide an opportunity for the public to attend and have any questions answered. A total of two residents attended. At the conclusion of the 60-day review period, the City did not receive any formal comments on these proposed changes.

STAFF FINDINGS:

Notifications of the October 19, 2016 and the November 14, 2016 public hearings required for this proposed Minor General Plan Amendment have been completed in accordance to the notice requirements set forth in the Eloy Zoning Ordinance. A public hearing was held by the Planning and Zoning Commission, who approved it on a 4-0 vote. There was no comment from the public on this item.

Staff has reviewed these proposed uses and finds them to be compatible with the adjacent future land uses of the surrounding area based on the fact that this request is compliant with the following Eloy General Plan Goals and Objectives:

- *Goal 1. Provide a range of land uses to encourage and maintain a sustainable community.*
- *Objective 1. Maintain transitional buffers between high and lower impact land uses.*
- *Objective 4. Maintain land use designation target ratios when amendments are proposed.*

This request also conforms with the General Plan Amendment Guidelines:

1. *That the City has not provided adequate land uses designated that would allow for the proposed use to be sited as proposed. In this case, the City had an abundance of general industrial designated land that is challenged by lack of transportation access and visibility; incompatibility with recommended uses to the south, and an extensive inventory of General Industrial designated land located between Frontier Street and Interstate 10.*
2. *That the amendment constitutes an overall improvement to the General Plan and will not solely benefit a particular landowner or owners at any particular point in time but will be of benefit to the City in general. The ability to guide an area that is under consideration for annexation allows for the recommended land use pattern to foster a compatible, functional and fiscally beneficial land use pattern for the subject area.*
3. *The amendment will not adversely impact any portion or entirety of the community, by:*
 - *Significantly altering acceptable existing and planned land use patterns, (The uses recommended for these parcels are compatible with the existing and recommended future land use pattern of surrounding properties and the proposed uses are supported by the parcel owners.)*
 - *Require additional and more expensive infrastructure improvements to roads, sewer, or water delivery systems than are needed to support the prevailing land uses and may impact developments in other areas, unless otherwise negotiated through a development agreement, or other mitigation plan, and demonstrated to be of benefit to the City, (The City*

currently does not have water and sewer service to the parcels. The nearest water line is at the intersection of Battaglia Road and Sunshine Boulevard, approximately five (5) miles to the south).

- *Adversely impact existing or previously planned uses through an Adversely unreasonable increase in traffic generated on existing systems by the proposed use, or State Route 87 (SR87) is designated as a State Highway on the General Plan Circulation Map. The City has also identified that SR87 is its preferred location for North-South Corridor, and is also identified on the General Plan Circulation Map. As such, SR87/North South Corridor is expected to easily accommodate the anticipated traffic generated by these residential and non-residential uses).*
 - *Adversely affect the livability of an area within the City or the health and safety of the residents. (The transition of General Industrial to residential uses enhances the livability of the area and the transition of Estate Density Residential to Medium Density Residential provides opportunities to continue the MDR pattern to north in an effort to provide more affordable housing opportunities and population that enhances retail expenditures).*
4. *That the amendment is consistent with the General Plan's overall intent and other adopted plans, codes, and ordinances. (These recommended uses support the intent of the General Plan and are consistent with the existing and planned uses on the parcels).*

FISCAL IMPACT: N/A

Mayor Belloc declared a public hearing open to allow comments and/or questions from the public regarding this request.

Mr. Vlaming gave a brief overview of the proposed major general plan amendment request.

There being no questions or comments from the public, Mayor Belloc declared the public hearing closed.

Motion by Vice Mayor Powell, seconded by Councilmember Nagy to read Resolution No. 16-1401, passed unanimously.

Mrs. Myers read the resolution title for the record.

Motion by Vice Mayor Powell, seconded by Councilmember Rodriguez to adopt Resolution No. 16-1401, passed unanimously by roll call vote.

L. COUNCIL CONSIDER APPROVAL OF CHANGE ORDER NO. 1 IN THE AMOUNT OF \$17,355.00 FOR THE DESIGN & CONSTRUCTION OF THREE TAXI-LANES AT THE ELOY MUNICIPAL AIRPORT.

Cover sheet discussion: *Council approve Change Order No 1 in the amount of \$17,355.00 for the design & construction of three taxi-lanes at the Eloy Municipal Airport which will allow for the construction of new t-hangars.*

DISCUSSION:

On February 6, 2015, the City of Eloy received a fully executed Airport Development Reimbursable Grant Agreement between the State of Arizona, Department of Transportation and the City of Eloy for the design and construction of three taxilanes in the amount of \$1,102,500.00. The City allocated \$112,500.00 for the local match required for the completion of this project.

Council approved a Construction Agreement with Pavex Corporation in the amount of \$387,387.00 for the construction of the three taxilanes on May 9, 2016. The three taxi-lanes were completed and a final walkthrough was conducted on September 19, 2016. This project was completed in accordance with ADOT guidelines and specifications.

This change order is needed due to an increase in the quantity of valley gutter. The change order was based upon a design suggestion by ADOT to change the pavement grade on the south half of the apron to slope the pavement to the center to accommodate future hangar pads. The change order required a valley gutter at pavement centerline. This design replicates the design used for the two hangar pavement areas constructed per the scope of this project as reflected on the attached exhibit.

The design took into account the FAA AC Circular minimum requirements for transverse grading slopes on the taxilane pavement surfaces, as well as the first 10 feet off of the pavement edge to be at a 1.5% grade. The grade was raised to accommodate the future hangar pads. This accounts for the extra unclassified excavation that is shown in the final quantities as well as the valley gutter.

A small amount of valley gutter was added based upon a recommendation from the contractor (Pavex). The original plans didn't have the concrete daylight to the edge of the pavement, and Pavex indicated that there would be value with very little additional cost (replacing pavement with concrete), in extending the valley gutter from the T-Hangar to the edge of pavement. The engineer agreed that this would add value to the project and decrease any chance for any bird baths occurring during the rainy season at these locations.

Change order #1 consists of the following:

1. *The project incorporated grading changes to anticipate future T-hangars and these grading changes required extra valley gutter. The valley gutter and pavement grade changes add value to the constructed taxilanes/hangars. The grading changes were not required per the scope of this project, but because the project came in well under the estimate, ADOT recommended this change. Since additional funding dollars were available, the cost benefit for this change was reasonable and appropriate.*
 - a. *The reconciliation of quantities (final change order) cost is \$17,355.00, and Eloy's portion of the cost is \$1,736.00.*
 - b. *Change Order # 1 represents an increase in quantities in the following items:*

<i>Description of work</i>	<i>Contract Quantity</i>	<i>Actual Quantity Completed</i>	<i>Quantity Difference</i>	<i>Final Cost</i>
<i>Concrete gutter</i>	<i>424 LF</i>	<i>864 LF</i>	<i>440 LF</i>	<i>\$17,600</i>
<i>Aggregate base course</i>	<i>2,925 CY</i>	<i>2945 CY</i>	<i>20 CY</i>	<i>\$400.00</i>
<i>Unclassified Excavation</i>	<i>10,076 CY</i>	<i>13101 CY</i>	<i>3025 CY</i>	<i>\$6050.00</i>
<i>Pavement markings</i>	<i>910 LF</i>	<i>924 LF</i>	<i>14 LF</i>	<i>\$70</i>
<i>Chain-link fence</i>	<i>910 LF</i>	<i>916 LF</i>	<i>6 LF</i>	<i>\$210</i>
<i>Asphaltic concrete</i>	<i>1350 TN</i>	<i>1272.50 TN</i>	<i>(77.50) TN</i>	<i>(\$6,975.00)</i>
				<i>\$17,355.00</i>

The engineering services on this project has been provided by DOWL Engineers. There have been other issues with DOWL on this project, which have created problems. DOWL has a current project underway entitled Eloy Infield Drainage that DOWL will be allowed to complete, then no additional work will be performed by DOWL. This would necessitate that staff initiate a procurement process to retain the services of a new engineer for the airport.

FISCAL IMPACT:

This project is an ADOT funded project, therefore ADOT funds 90% of the project and the City's share is 10% of the total cost of the project. The original ADOT grant E5S2U dated December 12, 2014 was for \$1,012,500.00, for the design and the construction of the three taxilanes. The City's required contribution was estimated at \$112,500.00. These numbers were based on the engineer's construction estimate of \$643,806.00.

The construction bid was well under the Engineer's Construction estimate of \$643,806. Pavex Corporation's original contract price was \$387,387.00 and with this change order the total construction cost is \$404,742.00.

The City's final contribution for the completed project would be \$50,344.20, which includes Change Order # 1. In anticipation for this project, the City allocated a total of \$112,500.00 in the FY2016-17 budget for the completion of the design and construction of the three taxi-lanes, which are needed to construct new t-hangars.

The original project estimate was \$1,125,000.00 with ADOT's share \$1,012,500.00 and the City's share \$112,500.00

The actual project cost was \$503,442 with ADOT's share \$453,097.80 and the City's share \$50,344.20.

This Change Order was recommended and approved by ADOT.

Mr. Martin gave an overview of the purpose for the change order to Council.

Vice Mayor Powell wanted to know who is responsible for the error.

Mr. Martin conveyed that DOWL engineering was selected as the airport engineer for the project. DOWL followed the directions of ADOT; however failed to notify city staff of the change. He said staff was not made aware of the increase until final billing of the project.

Mr. Martin stated that DOWL is currently working on a drainage project for the city. City staff has had numerous conversations with DOWL about the mistakes they made. Mr. Martin recommended the city allows DOWL to finish the design on the drainage project before severing ties with them. At that point, staff will select another engineer for the airport.

Councilmember Tidwell wanted to know if he will ever see a project come before Council without a change order attached to it three or four months later.

Mayor Belloc pointed out that it has been his experience that change orders are part of any project. No matter how detailed a project may be very seldom will there not be change orders on a project.

Motion by Councilmember Tidwell, seconded by Councilmember Rodriguez to approve Change Order No. 1 in the amount of \$17,355.00 for the design and construction of three taxi-lanes at the Eloy Municipal Airport, passed unanimously.

M. AUTHORIZE PAYMENT OF \$20,000 TO THE PINAL HISPANIC COUNCIL AS MATCHING FUNDS TOWARD THE PRIVATE CONTRIBUTIONS RECEIVED FOR THE CONSTRUCTION OF PHASE 2 OF THE ELOY VETERANS HERITAGE PARK.

Cover sheet discussion: *Council authorize payment of \$20,000 to the Pinal Hispanic Council as matching funds toward the private contributions received for the construction of Phase 2 of the Eloy Veterans Heritage Park.*

DISCUSSION:

During the FY2016-17 budget process, Council received a proposal from Pinal Hispanic Council to fund Phase 2 of the Eloy Veterans Heritage Park. Phase 2 construction was estimated to cost over \$45,000. There was general consensus that the City would match dollar for dollar private donations to the development of phase 2 of the park up to a maximum of \$20,000. The Pinal Hispanic Council has submitted an accounting of its fundraising efforts as well as an invoice for \$45,815 from Age Landscape for completion of phase 2 construction. Based upon cash donations and purchase of brick pavers to be installed within the Park, the Veterans Center has received a total of \$20,527.00. Pinal Hispanic Council wishes to initiate phase 2 construction at this time, and is requesting matching funds of \$20,000 from the City.

FISCAL IMPACT:

The matching funds for phase 2 park construction would be taken out of "Buildings & Improvements" in the Contingency Fund.

Councilmember Tidwell made a motion to go into Executive Session for approximately one hour for this item.

Vice Mayor Powell asked Councilmember Tidwell would this be for legal questions.

Councilmember Tidwell said no; this is to discuss the item.

Mayor Belloc asked for legal opinion.

Mr. Cooper conveyed that as stated in VII-C on tonight's agenda under "Executive Session," Council can only go into executive session for any item listed on tonight's agenda, pursuant to A.R.S. §38-431.03 (A) (3) and (4). He said "A (3)" would be for legal advice and "A (4)" would be for contract discussions.

Mayor Belloc called for a second to Councilmember Tidwell's motion to go into Executive Session.

Vice Mayor Powell seconded Councilmember Tidwell's motion.

Mayor Belloc asked for a roll call vote.

Motion to go into executive session for agenda item IX-M, failed by the following roll call votes:

Yea: Councilmember Tidwell; Vice Mayor Powell

Nay: Councilmember Rodriguez; Councilmember Nagy; Mayor Belloc

Mr. Krauss gave an overview of the proposed request to authorize a \$20,000 matching fund to the Pinal Hispanic Council toward Phase 2 of the veteran's park.

Councilmember Tidwell expressed concern about a \$10,000 donation from "Why Not Travel" company for a water feature and a bust. He said this was discussed between the director and the donor and not the veterans committee. Councilmember Tidwell said he does not see this as a "sponsorship" and does not believe the city should match this amount. He pointed out that sponsorships are when companies or individuals give money; not when two people get together with an idea and agree to pay for it.

Ms. Sonnette Chaput, director of the Eloy Veterans Center conveyed that Council was presented with a project cost of \$95,950 last year for both phases which included the water feature. She pointed out that it was also discussed with the committee and not just two members.

Councilmember Tidwell stated during phase 2, the committee discussed putting in more benches. The committee did not want to put in more at that time until there was a demand for more, yet the director put in more benches at a cost of \$3600.00

Ms. Chaput stated this was a private conversation that had taken place outdoors between she and Councilmember Tidwell; it was not discussed with the committee.

Councilmember Tidwell pointed out that Pastor Fred and Johnny Hernandez were present when this was discussed.

Ms. Chaput did not agree with Councilmember Tidwell's recollection. She reiterated that the conversation was private and was not taken to the committee for formal action.

Councilmember Tidwell asked about the rocks the city paid for in phase one that have since been removed and pavers put down. He wanted to know what happened to the rocks.

Ms. Chaput said she has no idea what happened to the rock; this would be a questions for Age Landscaping (park landscaper).

Councilmember Rodriguez asked Ms. Chaput how many members serve on the committee and who makes the final decisions.

Ms. Chaput said there are approximately 12 members. Councilmember Tidwell serves as chairperson for the committee.

Vice Mayor Powell wanted to know if there were any decisions made without the committee's knowledge.

Ms. Chaput said no; she is not aware of any decisions made without the committee.

Vice Mayor Powell said he believes the conflict is more personal than professional. He asked is the project coming in under budget.

According to the original estimate of \$95,950 from Age Landscaping, Ms. Chaput said the project is currently at \$98,224. She said this was an estimate that was submitted to Council last year. However, since that time material costs have increase.

Councilmember Tidwell pointed out a discrepancy on the Pinal Hispanic Council contribution. On the invoice is shows the \$3000 contribution as a "sponsorship" and on the Account Quick Report as a "donation." He asked why the city should match donations when the city agreed to match only sponsorships.

Ms. Chaput said in her opinion the words sponsorship and donation are equivalent. She stated it was worded one way on one form and another way on the other form.

Councilmember Tidwell said if this is a sponsorship, where is the sponsorship plaque located in the park.

Ms. Chaput said it's located on the wall facing the alley.

Vice Mayor Powell said he supports the project and sees it as a great addition to downtown.

Mayor Belloc thanked everyone involved in making the park a successful project. He said this project shows everyone how the community feels about its veterans.

Councilmember Tidwell told Mayor Belloc that he is not disputing what he said and agrees that the park is a wonderful project for Eloy. What he's disputing is what a sponsorship is and what's not. He does not agree with what's been put on the list as a sponsorship.

Motion by Vice Mayor Powell, seconded by Councilmember Rodriguez to authorize a payment of \$20,000 to the Pinal Hispanic Council as matching funds toward the private contributions received for the construction of Phase 2 of the Eloy Veterans Heritage Park, passed by the following roll call votes:

Yea: Councilmember Nagy; Vice Mayor Powell, Councilmember Rodriguez; Mayor Belloc

Nay: Councilmember Tidwell

Mayor Belloc conveyed that Councilmember Galindo asked him to express her full support for this item.

X. INFORMATIONAL ITEMS

- a. **October Finance Report** – No questions or comments from Council.
- b. **October Check Register** – No questions or comments from Council.

VII. EXECUTIVE SESSION

Motion by Vice Mayor Powell, seconded by Councilmember Rodriguez to hold an Executive Session at approximately 7:19 p.m. for approximately one hour with the City Attorney (VII-B), City Manager (VII-B) and City Clerk (transcribing) (VII-A&B) for:

- A. Evaluation of City Clerk, pursuant to A.R.S. §38-431.03 (A) (1).
- B. Discussion or consideration of salaries of public officers and employees of public body, pursuant to A.R.S. §38-431.03 (A) (1).

Motion passed unanimously.

Mayor Belloc reconvened the public meeting at approximately 8:31 p.m.

A motion was made by Vice Mayor Powell and seconded by Councilmember Rodriguez to go back into Executive Session at approximately 8:31 p.m. for approximately 30 minutes to continue discussion on item VII-B with the City Attorney, City Manager and City Clerk (transcribing), passed unanimously.

Mayor Belloc reconvened the public meeting at approximately 8:52 p.m.

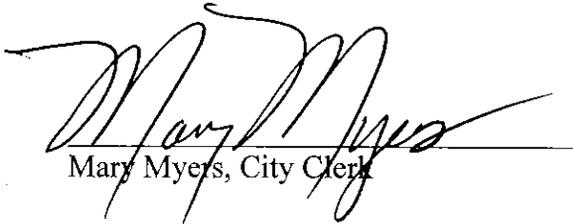
XI. ADJOURNMENT

There being no further business Mayor Belloc adjourned the meeting at approximately 8:31 p.m.



Joel G. Belloc, Mayor

ATTEST:


Mary Myers, City Clerk