

MINUTES OF THE FLORENCE TOWN COUNCIL MEETING HOLD ON MONDAY, NOVEMBER 17, 2014, AT 6:00 P.M., IN THE CHAMBERS OF TOWN HALL, LOCATED AT 775 NORTH MAIN STREET, FLORENCE, ARIZONA.

CALL TO ORDER

Mayor Rankin called the meeting to order at 6:03 pm.

ROLL CALL:

Present: Rankin, Smith, Celaya, Hawkins, Montaño, Walter, Woolridge

INVOCATION

Councilmember Woolridge led the Invocation.

PLEDGE OF ALLEGIANCE

Vice-Mayor Smith led the Pledge of Allegiance.

CALL TO THE PUBLIC

Call to the Public for public comment on issues within the jurisdiction of the Town Council. Council rules limit public comment to three minutes. Individual Councilmembers may respond to criticism made by those commenting, may ask staff to review a matter raised or may ask that a matter be put on a future agenda. However, members of the Council shall not discuss or take action on any matter during an open call to the public unless the matters are properly noticed for discussion and legal action.

Ms. Micky McGraw, Florence Resident, inquired if there is going to be a minimal usage charge for winter visitors when they are not in town.

Mr. Donald Woolridge, Florence Resident, stated that he would like to thank the voters of the Town of Florence for reelecting Councilmember Woolridge. He stated that the youth of the Town are excited that the library/aquatic center projects are moving forward and will be providing them with new recreational opportunities.

PUBLIC HEARING AND PRESENTATION

Public Hearing on Resolution No. 1485-14:

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, read Resolution No. 1485-14 by title only.

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW FOR PUBLIC UTILITY

BUILDINGS, STRUCTURES AND FACILITIES FOR PUBLIC SERVICE USES ON A NEIGHBORHOOD MULTI-FAMILY (R-2) ZONED PROPERTY LOCATED AT 3949 NORTH IOWA AVENUE, FLORENCE, ARIZONA, AKA, APN 200-71-2400.(CASE PZC-29-14-CUP).

Mr. Gilbert Olgin, Community Development Senior Planner, stated that parcel is approximately 1.45 acres located in the Vista Hermosa area. The Town has utilized the parcel for public infrastructure for several decades. The parcel is surrounded by the Vista Hermosa retirement community, Florence Gardens retirement community, Florence Military Reservation and State land. He stated that the parcel is currently zoned as Neighborhood Multi-Family (R-2) Zoning District.

Mr. Olgin stated that the Town is obligated to improve and maintain infrastructure within the Town in order to provide reliable service presently and for the future. Currently on the site, the Town is housing a water tank, police wireless communication tower and other public infrastructure equipment which provides services to the Florence Garden and Vista Hermosa areas. He stated that the proposed new water tank will be smaller than the existing water tank in design and will accommodate up to 600,000 gallons of potable water. In addition to the new tank, the Town will continue to house a police wireless communication tower, additional equipment, and an office in the near future.

Mr. Olgin stated that the utility department will add design and security features to the site, including a six foot CMU wall to enclose the location, security fencing inside the brick fence that will be out of public view, and a rolled gate opening for vehicular access. He stated that no additional landscaping is being proposed at this time. Currently there is only once access point to the facility and it is sufficient. Additional access points have been contemplated with the growth of the surrounding Town-owned areas and may be built out in future phases.

Mr. Olgin stated that Town staff contends that no potential compatibility issues have been presented to the Town regarding the proposed Conditional Use Permit from or with the properties adjacent or surrounding this parcel. He stated that staff has been following the public participation process and have talked with the Vista Hermosa Homeowners Association and residents in the area, providing information about the new tank and the changes to the facility.

Mr. Olgin stated the current fiscal year Capital Improvement Project budget identifies \$2,600,000 is available for the project. The current engineer's construction estimate is approximately \$2,400,000. He stated that the Planning and Zoning Commission has forwarded a unanimous favorable recommendation on the Conditional Use Permit to the Town Council.

Councilmember Hawkins inquired if the parcel has or had an in-ground tank.

Mr. Wayne Costa, Public Works Director, stated at one time there was an in-ground or underground reservoir, just east of the existing tank, that has since been filled in and no longer in use.

Mayor Rankin opened the public hearing.

No comments were made.

Mayor Rankin closed the public hearing.

Mayor Rankin inquired what were the major concerns raised by the Homeowners' Association and how will the old tank be disposed of.

Mr. Olgin stated that the major concerns were the location of the new tank, how much potable water it would be able to hold and improvements to the site.

Mr. John Mitchell, Utilities Director, stated the tank will remain in service at its current location.

Mayor Rankin inquired as to how much water will be stored in this area once the new tank is added.

Mr. Mitchell stated that there will be approximately 1.6 million gallons between the two tanks.

On motion of Councilmember Montaña, seconded by Vice-Mayor Smith, and carried to adopt Resolution No. 1485-14.

Presentation by Greater Florence Chamber of Commerce recognizing River Bottom Grill as the Business of the Month.

Mr. Jim Gilloon, Office Manager, Greater Florence Chamber of Commerce, recognized River Bottom Grill, as the business of the month for November, 2014. He stated the River Bottom Grill is being recognized for their community service, support for the Florence Chamber of Commerce, and most recently, the ALS Ice Dunk Tank Challenge.

Ms. Shawn Gibson, representing the River Bottom Grill, accepted the award on their behalf and stated that they are greatly appreciative of the recognition.

CONSENT: All items on the consent agenda will be handled by a single vote as part of the consent agenda, unless a Councilmember or a member of the public objects at the time the agenda item is called.

***Authorization to enter into Intergovernmental Agreement Number 2014-03 regarding reimbursement of overtime and overtime employee-related expenses incurred due to the Florence Police Department's participation in the Pinal County Narcotics Task Force's Arizona Criminal Justice Commission Grant # DC-15-010.**

***Authorization to purchase Musco's Light-Structure Green system from Musco Sports Lighting, LLC, in an amount not to exceed \$94,569.00, for the Heritage Park Ball Field Lighting Project.**

***Authorization to enter into a contract with Spectra Electrical Services, for installation of sports lighting equipment in an amount not to exceed \$48,553.00, for the Heritage Park Ball Field Lighting Project.**

***Authorization to award a contract to Overton Builders for tenant improvements to 224 W. 20th Street office building, in an amount not to exceed \$74,950.00.**

***Acceptance of funds from the Firehouse Subs Public Safety Foundation, in the amount of \$12,588.80, to purchase emergency rescue equipment.**

***Authorization to approve and execute the Streetlight Pole Use License, Streetlight Energy and Streetlight Maintenance Agreements with Arizona Public Service.**

***Approval of a Special Event Liquor License for Caliente Casa de Sol for their Annual New Year's Eve dance on December 31, 2014, from 4:00 pm to 12:00 am.**

***Approval of awarding a contract to AME Electrical Contracting Inc., in an amount not to exceed \$25,955.00.**

***Approval of the October 6, and October 20, 2014 Town Council minutes.**

***Receive and file the following board and commission minutes:**

- i. August 27, 2014 Historic District Advisory Commission minutes**
- ii. September 17, 2014 Joint-Use Library Advisory Board minutes.**
- iii. March 25, April 24, June 10 (Joint meeting with Library Advisory Board), and July 24, 2014 Parks and Recreation Advisory Board minutes.**

On motion of Councilmember Woolridge, seconded by Councilmember Celaya, and carried to approve the Consent Agenda, as written, with the exception of items 7f.

Authorization to approve and execute the Streetlight Pole Use License, Streetlight Energy and Streetlight Maintenance Agreements with Arizona Public Service.

Vice-Mayor inquired if the maintenance agreement includes the old street lights in the down town area as several of them are not working.

Mr. Costa stated the agreement only includes the street lights owned by APS. The older lights are owned by the Town and he will have staff review the lights for proper operation.

On motion of Vice-Mayor Smith, seconded by Councilmember Montaño, and carried to approve item 7f of the Consent Agenda, as written.

NEW BUSINESS

Canvas of the 2014 General Election and Discussion/Approval/Disapproval of Resolution No. 1487-14:

Ms. Lisa Garcia read Resolution No. 1487-14 by title only.

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, DECLARING AND ADOPTING THE RESULTS OF THE GENERAL ELECTION HELD ON NOVEMBER 4, 2014.

Ms. Garcia stated the voter turnout for the 2014 General Election was the highest turnout the town has had in 12 years with 2436 ballots cast or 56.66%. She stated the number of ballots cast through the mail were 1821 or 74.75% of the ballots cast in the 2014 General Election. She stated there were 1830 ballots that needed to be verified with 9 being found ineligible. The total votes cast per candidate were as follow:

- Mr. Anderson 1,132
- Mr. Buckley 920
- Mr. Gilbertson 940
- Ms. Woolridge 1,016

Ms. Garcia stated that Mr. Anderson and Ms. Woolridge were the two candidates that received the greatest amount of votes to be elected and are issued a certificate of election. She stated that the Town will hold its ceremonial meeting on December 1, 2014.

On motion of Vice-Mayor Smith, seconded by Councilmember Hawkins, and carried to adopt Resolution No. 1487-14.

Discussion/Approval/Disapproval of issuing a Notice of Award and enter into a contact with Apache Underground & Excavation, for the Bailey Street and 12th Street Waterline Improvement Project, in an amount not to exceed \$479,334.00.

Mr. John Mitchell, Utilities Director, stated the project includes the installation of approximately 3,000 feet of new waterline and installation of replacement fire hydrants. He stated there were nine companies which submitted a bid. The lowest responsive and responsible bidder is Apache Underground & Excavating, LLC, from Lakeside, Arizona, with a bid of \$479,334.00. The project is expected to take 90 days to complete and work will commence in January 2015.

Councilmember Celaya inquired if there will be any challenges to Pinal Street that might affect the Pinal County campus.

Mr. Mitchell stated that they have anticipated any challenges with the project and do not believe they will experience anything unforeseen. He stated that the one challenge they do have is the new concrete crosswalk at the intersection of Main Street and 12th Street. The project will have to bore underneath the crosswalk. He stated that an importance consideration with the project is that it will allow the Town to enhance the waterline project that was completed a few years back just west of this area providing upgraded water service to the down town area.

Vice-Mayor Smith inquired how the project would impact the upcoming Home Tour scheduled in February.

Mr. Mitchell stated that they do not anticipate any negative impact to the tour. They will ensure the contractor understands the importance of the Home Tour and the requirement to properly cover all exposed areas at the end of each day to ensure safety.

On motion of Councilmember Woolridge, seconded by Councilmember Montaña, and carried to approve the issuance of a Notice of Award and entering into contract with Apache Underground & Excavation for the Bailey Street and 12th Street Waterline Improvement Project in an amount not to exceed \$479,334.00.

Resolution No. 1488-14:

Ms. Lisa Garcia read Resolution No. 1488-14 by title only.

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, GRANTING APPROVAL TO THE ISSUANCE OF ONE OR MORE SERIES OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE TOWN OF FLORENCE, INC. TAX-EXEMPT AND/OR TAXABLE EDUCATION REVENUE BONDS (ACCEL REFUNDING PROJECT), SERIES 2014, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$3,000,000 TO REFUND THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF PHOENIX 501(C)(3) REVENUE BONDS (ACCEL PROJECT), SERIES 2009.

Mr. Peter Villaverde, Director with the Florence Industrial Development Authority, stated that the IDA met on November 17, 2014 and approved the bonds for the Accel Refunding Project.

On motion of Councilmember Montaña, seconded by Councilmember Walter, and carried to adopt Resolution No. 1488-14.

Resolution No. 1489-14:

Ms. Lisa Garcia read Resolution No. 1489-14 by title only.

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, GRANTING APPROVAL TO THE ISSUANCE OF ONE OR MORE SERIES OF THE

INDUSTRIAL DEVELOPMENT AUTHORITY OF THE TOWN OF FLORENCE, INC. TAX-EXEMPT AND/OR TAXABLE REVENUE BONDS (VIRGINIA WELLNESS PROJECT), SERIES 2014, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$5,000,000 TO FINANCE THE ACQUISITION, CONSTRUCTION, AND EQUIPPING OF HEALTH CARE FACILITIES FOR VIRGINIA WELLNESS, LLC.

Mr. Peter Villaverde stated that at the November 19, 2014 meeting of the IDA, the IDA approved the bonds for Virginia Wellness, LLC.

On motion of Councilmember Celaya, seconded by Councilmember Walter, and carried to adopt Resolution No. 1489-14.

WORK SESSION ON STATE-IMPOSED EXPENDITURE LIMITATION; AND SPECIAL ELECTION IN MAY 2015.

Mr. Michael Farina, Finance Director, stated voters did not pass the Home Rule election in August 2014. The Town is now subject to the state-imposed expenditure limitation which will significantly reduce the Town's budget for the next two fiscal years. He stated the estimated budget reductions will be \$12.8 million in Fiscal Year 2015-2016 and \$11.4 million in Fiscal Year 2016-2017.

Mr. Farina stated that the Arizona State Constitution provides the voters of Florence the ability to regain local control by holding a special election authorizing a specific amount in excess of the state-imposed expenditure limitation. If the voters pass the election, it will provide the ability to develop a budget that will maintain the current level of services that the citizens of Florence have come to expect.

Mr. Farina stated that the special election, if approved, will be held the third Tuesday in May 2015, asking the voters for authorization to exceed the state-imposed expenditure limitation for the Fiscal Year 2015-2016 by \$15,000,000. He stated the \$15,000,000 will allow the Town to adopt a budget no great than the amount that was adopted for Fiscal Year 2014-2015. This amount will allow the Town to develop its own budget that would maintain the current levels of services proceed with planned necessary capital projects as outlines in the Capital Improvement Plan and account for any inflationary cost increases.

Mr. Farina stated that the passing of the election will not increase taxes nor will it decrease taxes. He stated if the voters do not pass the election, the Town will still receive over \$24,000,000 in revenue but will be unable to spend it based on the state-imposed expenditure limitations.

Ms. Garcia stated if Council chooses to have an election, the Town must hold it the third Tuesday in May 2015. She stated that Council is required to hold two public hearings before the call for an election. She stated immediately following the second public hearing, the Council must convene in special meeting and vote on the proposed excess expenditure. If approved, a record of the vote and the purposes of the excess expenditure must be published in the newspaper. She stated after the vote, the Council

will call the Special Election. She stated the deadlines for this process if the Council so chooses are as follows:

- First Public Hearing on December 1, 2014
- Second Public Hearing on December 15, 2014
- Special Meeting of Town Council on December 15, 2015 immediately following the public hearing.
- Call for the Special Election on January 5, 2015

Ms. Garcia stated if Council chooses to hold a Special Election in 2015, Council needs to decide if it will be conducted by a ground election or an all-mail ballot election. Staff contacted Pinal County Voter Registration and received quotes for these two types of election:

- Ground special election – approximately \$20,012.36
- All-mail special election – approximately \$17,935.68.

Ms. Garcia stated that the costs are based on 100% voter turnout but do not include cost to new residents if the annexation is approved.

Ms. Garcia stated that she recommends that the Town conduct an all-mail special election as it will provide maximum opportunity for voter participation and will put the responsibility on staff to educate the public on Home Rule, what the Special Election is for, and what it will mean to the Town. She stated that staff has already begun setting up public education presentations with various clubs and organizations throughout the Town. She stated staff will be asking Councilmembers to attend these presentations with them to help educate the voters.

Councilmember Montaña inquired if the majority of voters in the most recent election voted by mail.

Ms. Garcia stated that 74.75% of the voters did participate in the election by mail-in ballot.

Ms. Garcia received a general consensus of Council they do want to have an election and to conduct that election by mail. She read the draft resolution for the one-time specific amount in excess of the state-imposed expenditure limitation and setting a special election for May 19, 2015. She stated that the Town of Florence must submit a publicity pamphlet to the voters and provided those draft documents to Council for review.

Ms. Garcia stated that Political Action Committee packets will be available in the Town Clerk's office next week. She stated that an individual citizen including any Councilmembers can write and submit an argument for or against the state-imposed expenditure limitation override vote as long as it is no more than 300 words and with a filing fee of \$200.00. She stated that Town Council is required to submit an argument supporting the one-time specific amount in excess of the state-imposed expenditure

limit for fiscal year 2015-16 and that staff is currently drafting this argument for Council review.

Councilmember Walter inquired if the price quotes take into consideration the additional residents if the annexation is approved and will the public notices be advertised in the proposed annexation areas.

Ms. Garcia stated that the current quotes do not include new residents if the annexation is approved prior to the voter registration deadline. She stated that the hearing notices are only required to be published in the Florence newspaper.

Mayor Rankin inquired what the timeline is for resolution on the legal review of the annexation.

Mr. James Mannato, Town Attorney, stated that he had filed a request to set a scheduling conference with the Judge which will start the process and allow him to express to the Court the importance of obtaining finality to the case. He stated there has not been any opposition filed from the contesting group to his request for a conference. He stated upon review of similar cases in the judicial system, they took upwards of six months to be resolved. He stated that he is hopeful he will hear from the Courts soon as the case has been on file with the Courts for quite some time.

Ms. Garcia stated that the annexation case would have to be resolved prior to April 20, 2015, as that is the voter registration deadline with Pinal County.

Mayor Rankin inquired as to the reason why there will be a second Council meeting in December 2014 because normally that meeting does not occur.

Ms. Garcia stated that the second meeting in December is needed to fulfill the deadline dates for the Special Election. She stated the first public hearing will be on December 1st, and the second public hearing will be on December 15th followed by a special meeting of the Council on the same night to vote yeah or nay with a 2/3rds Council vote to hold the Special Election. She stated based on the vote, if the Special Election is approved, the vote and explanation of the election will be sent to the newspaper for publication. She stated that Council will call for the election on January 5, 2015.

Mayor Rankin stated it is the Town's responsibility to educate the voters on what it means to vote for or against the expenditure override.

Mr. John Anderson, Councilmember elect, inquired if they are allowed to explain to the voters what services will be lost if not approved and what will be maintained if approved.

Mr. Charles Montoya, Town Manager, stated multiple budgets will be developed taking into consideration if the annexation is approved or not and if the Special Election passes or not. He stated that he would like to have the Budget Committee work with an appointed member of Council to review the budget in-depth with staff and create the various budgets under different scenarios.

Ms. Garcia stated that at the December 1st meeting Council can appoint a representative to work with the Budget Committee.

Councilmember Walter inquired when the early ballots will be mailed out.

Ms. Garcia stated they will be mailed out on April 16, 2015. She stated that the law states that April 16th is the first day the ballots can be mailed, however, she is recommending that the ballots be held until the publicity pamphlets are mailed. She stated that arguments can be submitted up till 30 days prior to the election. She stated the ballots will be mailed out two days after the publicity pamphlets.

Councilmember Walter stated she would like to see the budget review started sooner to ensure there is plenty of time for the process.

Mr. Montoya stated that the process will need to start in January as there are so many parts to the review and so many scenarios, it is going to take the committee a great deal of time to complete the various budgets. He stated that he hopes the annexation issue is resolved by March reducing the amount of work to be done.

Mayor Rankin asked the public if they had any questions or comments.

Mr. Fred Redman, Oasis at Magic Ranch Resident, stated he is concerned that if the annexation ruling is not received until April, the citizens of the annexation areas would not be able to participate in the Public Hearings.

Mayor Rankin stated that the Public Hearings that will be held in December are open to anyone including the citizens in the annexation areas. He stated there will be educational meetings after that reaching out to all areas including the annexation areas in hopes that the Judge will approve the annexation and the citizens will have an opportunity to vote in the Special Election.

Ms. Garcia stated that as long as the Judge makes his ruling before the April deadline voter registration, the residents in the annexation areas will be able to vote in the Special Election.

Mr. Redman stated that he is concerned about the amount of effort that will be expanded in areas that may or may not be able to participate in the Special Election.

Mayor Rankin stated that he appreciates his concerns but in this circumstance, you cannot over communicate on this topic and keep everyone informed on the

Ms. Denise Kollert, Florence Resident, stated she hopes the process can be done efficiently and successfully. She stated she will be communicating with the members of Florence Gardens on the Special Election and assist in providing accurate information to them so they can vote responsibly.

MANAGER'S REPORT

Councilmember Montaña inquired as to the work that was being done at the High School.

Mr. Montoya stated that the clearing of the trees is for an expansion of the sports field. He stated that the Town is working with the Florence Unified School District during this project on the right-of-ways on the school property that run along Adamsville Road to ensure the road can be expanded and fixed correctly.

CALL TO THE PUBLIC

There were no public comments.

CALL TO THE COUNCIL

Councilmember Woolridge stated that she thanks everyone for voting for her and allowing her to serve the community another term.

Councilmember Hawkins stated that he received a Newsletter from Florence Copper and is concerned with the statements that were made. He stated that the comments made regarding water pollution, environmental contamination, clean-up expenditures are not correct and that there are risks to this type of mining. He stated many stated around the country are running out of water and is much more important than the need for copper.

Councilmember Walter stated that she welcomes the new members of Council and looks forward to working with them. She stated that she would like to see diversity in the Councilmembers selected to work with the Budget Committee, recommending that either herself or Councilmember Elect John Anderson along with either Councilmember Woolridge or Councilmember Elect Becky Guilin.

Councilmember Montaña stated he has noticed the curbing and crosswalk markings on the street are starting to fade and would like to see them be refreshed for safety.

Mayor Rankin stated he would like to congratulate the Florence Football and Volleyball teams for representing the Town well in their recent State competitions. He stated Junior Parada is coming up on November 29th and 30th. He stated the ADEQ Board met last Friday and finalized their decision regarding Florence Copper and that the Town should have their findings in the upcoming weeks.

Mayor Rankin sent out condolences to the Alstom Family.

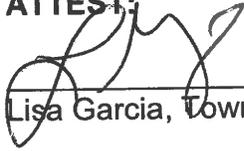
ADJOURNMENT

On motion of Councilmember Hawkins, seconded by Councilmember Montaña, and carried to adjourn the meeting at 7:50 pm.



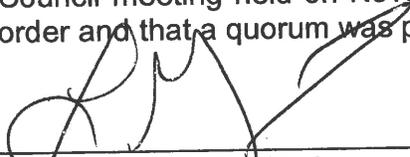
Tom J. Rafkin, Mayor

ATTEST:



Lisa Garcia, Town Clerk

I certify that the following is a true and correct copy of the minutes of the Florence Town Council meeting held on November 17, 2014, and that the meeting was duly called to order and that a quorum was present.



Lisa Garcia, Town Clerk