

**MINUTES OF THE FLORENCE TOWN COUNCIL MEETING HELD ON MONDAY, AUGUST 18, 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 6:05 pm.

**ROLL CALL:**

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

**INVOCATION**

Councilmember Walter led the invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Rankin 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.**

Mr. Aaron Fuller, Magic Ranch Resident, stated that many firefighters and police officers have been walking through annexation neighborhoods collecting votes. He stated that per A.R.S. § 16-192, and Title 16 which governs elections and electors, shall not spend or use public resources to influence an election, including the use or expenditures of monies, accounts, credit materials, equipment, building, facilities, vehicles, postage, telecommunications, computer hardware and software, web pages and personnel and any other thing of value or of public entity. He stated that he is against the annexation. The town is paying firefighters and police officers to go door-to-door. He also stated he has photos of fire trucks in the area as well as a recording of his conversation with a Captain and two firefighters who stated it looked bad that they were not in their district while they were on duty, so they brought in overtime firefighters to cover the town while they were out collecting votes. He believes it is illegal and that someone should notify the County.

Mayor Rankin asked that Mr. Fuller disseminate the facts.

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, stated that Mr. Fuller is correct regarding elections; however, collecting signatures regarding the annexation is not an election. Staff members were collecting signatures on the petitions from citizens that would like to be incorporated. She stated that Arizona State Law requires that staff collect signatures from citizens who may want to be incorporated. It also requires notification to be sent out. She reiterated that the collection of signatures is not an election.

Mr. James E. Mannato, Town Attorney, explained that the annexation is not an election as it was characterized by Mr. Fuller. An annexation petition is governed by different rules than an election.

Mr. Charles Smith, Florence Resident, inquired if it is the Town's position that using firefighters and police officers to circulate petitions is a legal way to push their annexation agenda. He provided a list of questions for staff to answer.

Mayor Rankin stated that they will review the list of questions Mr. Smith submitted and respond at a later time.

Ms. Denise Kollert, Florence Resident, stated that she is in favor of the project west of the Town Hall, which includes the library, pool, and sports field. She has attended multiple meetings. She has seen letters with people stating they have existing amenities similar to those being built and inquired why they should have to pay for the project. She stated that the Florence residents are deserving of what the Town is attempting and she is tired of advocating the project and her statements not being in the paper.

Ms. Tiana Gray, Florence Resident, stated that she had two police officers come to her door and stated that they were there to collect a signature. And felt intimidated. She has also had firefighters come to her home. She said that she told the police officers that they did not want to be annexed. She stated the same thing to the firefighters and they wanted reasons as to why she did not want to be annexed. She said she does not believe that it should matter why she does not wish to be annexed. The firefighters came back to her home at least three times after she stated she did not want to sign. She does not know why she is being hassled and feels intimidated.

Ms. Gray stated that she had a difficult time finding a parking spot at Town Hall this evening because the lines are not clearly visible. She said she is not sure if she wants to be annexed into Florence if they are not taking care of their roads.

Mayor Rankin asked if the door to door officers were sworn police officers or volunteers. Ms. Gray stated that they appeared to be police officers as they were in uniform and had a badge.

Mr. Fred Redmond, Magic Ranch Resident, stated that he is in favor of the annexation. He has lived in Oasis of Magic Ranch for nine years. He has gone door-to-door to

convince people to be in favor of annexation. He stated that he is frustrated because he believes much of the information is slanted for anti-annexation. He stated he has not had any Town personnel come to his door. If he were to have them come to his door he would be happy to speak with them. He stated that he would hope that if they become annexed they would be people he would know so he could discuss local concerns and speak with them face to face. Mr. Redmond stated that he pays \$386 annually for fire protection for a 1,300 square foot house.

Mr. Redmond estimates that he would save approximately \$300 annually if the annexation were to pass. He continues to hear of increases ranging from 2% to 5% in franchise fees on utilities, but believes those fees will not be more than his estimated savings. Mr. Redmond is frustrated that he is supporting people who do not pay the fire protection fee so that they can have a fire department. He believes that Florence does much more than Pinal County based on his attendance at council meetings. He stated that he lives close to Iron Horse Estates and the proposed park and library would be a long drive for him to utilize those facilities. He stated that the Town has been saving for many years for an aquatic center.

Mayor Rankin closes call to the public.

## **PUBLIC HEARING AND PRESENTATIONS**

**Public Hearing for submission of an application for FY 2014 Community Development Block Grant, Regional Account, and State Special Project and Discussion/Approval/Disapproval of RESOLUTION NO. 1469-14: A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AUTHORIZING THE SUBMISSION OF APPLICATION(S) FOR FY 2014 STATE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS, CERTIFYING THAT SAID APPLICATION(S) MEETS THE COMMUNITY'S PREVIOUSLY IDENTIFIED HOUSING AND COMMUNITY DEVELOPMENT NEEDS AND THE REQUIREMENTS OF THE STATE CDBG PROGRAM, AND AUTHORIZING ALL ACTIONS NECESSARY TO IMPLEMENT AND COMPLETE THE ACTIVITIES OUTLINED IN SAID APPLICATION.**

Mr. Ernie Feliz, Grants and Assessments Manager, stated that the Town has submitted applications for \$300,000 in State Special Project funding and for \$226,279 in Regional Account funding from the Arizona Department of Housing. He said a public hearing was conducted last month, as required by the Arizona Department of Housing, to discuss potential projects for which the Town could apply. The only viable project discussed was owner-occupied housing rehabilitation. Town staff is proposing owner-occupied housing rehabilitation because it represents the best opportunity to be awarded funding. This proposed project meets the criteria for state and national priority, and local need. The project is an ADOH/HUD high housing priority, as well as being locally shovel ready. Staff has created guidelines for this project. There have been 14 applications submitted from homeowners who want to be a part of the program. He said they estimate spending an average of \$50,000 per home for repairs, with a forgivable loan. If State Special Project funds are received an additional five homes could be repaired.

The Town has been awarded \$275,000 to repair five homes through the State Housing Fund as of Friday.

Staff is requesting the Town Council conduct a public hearing, as required, for submission of an application for FY 2014 Community Development Block Grant (CDBG) Regional Account (RA) and State Special Project (SSP) funds. After the public hearing is completed, staff recommends the Town Council adopt FY 2014 Regional Account and State Special Project application Resolution No. 1469-14 "to conduct Owner-Occupied Housing Rehabilitation within the Town of Florence." The motion must include the words within the quotation, and the minutes must also reflect this wording.

Mayor Rankin opened the public hearing. There being no comments, Mayor Rankin closed the public hearing.

On motion of Councilmember Woolridge, seconded by Vice-Mayor Smith, and carried to adopt Resolution No. 1469-14.

**Presentation by Greater Florence Chamber of Commerce recognizing the Business of the Month.**

Mr. Jim Gilloon, Office Manager, Greater Florence Chamber of Commerce, recognized Golden Eagle Distributors, as the business of the month for July 2014.

Mr. Matt Herrington, Branch Manager, Golden Eagle Distributors, accepted the award.

**CONSENT: All items indicated by an (\*) 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.**

**\*Appointment of Connie Stevens to the Parks and Recreation Advisory Board with a term to expire December 31, 2014.**

**\*Appointment of Robert Tapia to the Historic District Advisory Commission with a term to expire December 31, 2014.**

**\*Approval of Change Order Number 2 for the Well 3B improvement project, in an amount not to exceed \$33,608.86.**

**\*Approval of the GIS Enterprise License Agreement Renewal and award the bid to ESRI, in an amount not to exceed \$27,425.00.**

**\*Approval of the purchase; Spillman Technologies CompStat Management Dashboard and Community Dashboard in an amount not to exceed \$30,441.**

**Ratification of the Chamber of Commerce's Special Event License to the Arizona Department of Liquor Licenses and Control, for their September 4, 2014, Monthly Business Mixer.**

**\*Approval of the July 7 and July 21, 2014 Town Council Minutes.**

**\*Receive and file the following board and commission minutes:  
April 16, 2014 Joint Use Library Advisory Board minutes.**

On motion of Councilmember Montaño, seconded by Councilmember Walter, and carried to approve the Consent Agenda, as written.

## **NEW BUSINESS**

### **Resolution No. 1472-14:**

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, read Resolution No. 1472-14 by title only.

**A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH SMITH'S FOOD AND DRUG CENTERS, INC., an Ohio Corporation, AND AUTHORIZING EXECUTION OF SUCH PRE-ANNEXATION AND DEVELOPMENT AGREEMENT (Annexation No. 2013-01 – "Smith's" PROPERTY).**

Mr. Eckhoff, Community Development Director, stated that they have done the Pre-Annexation and Development Agreement at the last meeting for the areas outside of the red lines, which is the inline shops and pad sites for the shopping center; they just had not put the Fry's or Smith's on that agenda. He said the terms of the PADA is for a ten year development agreement with a commitment to not raise the impact fees for that duration. He said Fry's has indicated a desire to locate their store in Florence in the future as soon as the market recovers.

On motion of Councilmember Montaño, seconded by Councilmember Walter, and carried to adopt Resolution No. 1472-14.

### **Resolution No. 1475-14:**

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, read Resolution No. 1475-14 by title only.

**A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH GENERAL HUNT PROPERTIES, INC., AN ARIZONA CORPORATION, AND AUTHORIZING EXECUTION OF SUCH PRE-ANNEXATION AND DEVELOPMENT AGREEMENT (ANNEXATION NO. 2013-01 – "GENERAL HUNT PROPERTIES,**

**INC.”.**

Mr. Mark Eckhoff, Community Development Director, stated the development agreements are related to properties that are held by General Hunt, Oasis Solid Waste, LLC, The Club at Oasis, LLC, and Johnson Utilities, LLC. The purpose of the agreements are to ensure that they will be allowed the same uses on their properties as what was permitted through Pinal County. The properties have been developed, they are PAD zoned. He said there have been no discussions with regards to impact fees, or fee reductions. He stated that the properties have been developed and they are in conformance with the Towns Code. They will be incorporated with the County zoning.

On motion of Councilmember Hawkins, seconded by Councilmember Walter, and carried to adopt Resolution No. 1475-14.

**Resolution No. 1476-14:**

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, read Resolution No. 1476-14 by title only.

**A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH OASIS SOLID WASTE, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AND AUTHORIZING EXECUTION OF SUCH PRE-ANNEXATION AND DEVELOPMENT AGREEMENT (ANNEXATION NO. 2013-01 – “OASIS SOLID WASTE, LLC” PROPERTY).**

On motion of Councilmember Walter, seconded by Councilmember Montaña, and carried to adopt Resolution No. 1476-14.

**Resolution No. 1477-14:**

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, read Resolution No. 1477-14 by title only.

**A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH THE CLUB AT OASIS, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AND AUTHORIZING EXECUTION OF SUCH PRE-ANNEXATION AND DEVELOPMENT AGREEMENT (ANNEXATION NO. 2013-01 – “THE CLUB AT OASIS, LLC” PROPERTY).**

On motion of Councilmember Montaña, seconded by Councilmember Walter, and carried to adopt Resolution No. 1477-14.

**Resolution No. 1478-14:**

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, read Resolution No. 1478-14 by title only.

**A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH JOHNSON UTILITIES, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AND AUTHORIZING EXECUTION OF SUCH PRE-ANNEXATION AND DEVELOPMENT AGREEMENT (ANNEXATION NO. 2013-01 – “JOHNSON UTILITIES, LLC” PROPERTY).**

On motion of Councilmember Walter, seconded by Councilmember Montaña, and carried to adopt Resolution No. 1478-14.

**Ordinance No. 621-14: First Reading of AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING CHAPTER 32 OF THE FLORENCE TOWN CODE BY ADDING ARTICLE 32, SECTION § 32.200 ESTABLISHING AN ARTS AND CULTURE COMMISSION IN THE TOWN OF FLORENCE.**

Ms. Jennifer Evans, Management Analyst, stated the Florence Arts and Culture Commission would develop the annual Public Art Project Plan. The ordinance will create a five person commission as well as one alternate. The commission would also be responsible for implementing the annual work plan. If the commission wished, they could also look into other potential projects to increase art in the community.

Councilmember Celaya stated that the commission is the right direction for the Town. The Town is looking for an identity and he believes this program will provide an identity. He stated that the program will distinguish Florence from surrounding cities.

**Ordinance No. 622-14:**

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, read Resolution No. 622-14 by title only.

**AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING TITLE IX – GENERAL REGULATION, BY AMENDING, DELETING AND REPLACING CHAPTER 90, ANIMALS; DEFINITIONS; PENALTY.**

Mr. Daniel Hughes, Police Chief, stated the Town has an agreement with Pinal County Animal Control to deal with dog issues, and the Town pays a monthly fee for this service. The officers contact Animal Control, who take a while to arrive on scene. He said if Animal Control is called out in the evening, the Town pays a higher fee. He said the officers handle many of the dog issues internally and issue citations. Animal Control

would continue to do larger services, such as impounds, but this would allow officers to handle small common problem issues.

Councilman Celaya asked if the Town will be collecting fees.

Chief Hughes stated that fees would be collected. And the fees would mirror Pinal County fees. Since the offense would be a a misdemeanor, it would be processed through the Town's municipal court.

Councilmember Celaya inquired if there are any projected numbers on the impact to the Municipal Court.

Chief Hughes stated he does not have those figures.

Councilman Montaña asked if officers will be trained to capture dogs at large.

Chief Hughes stated that the officers have catch poles. It is the officer's discretion if they feel they can catch the dog safely. If not, they will contact Pinal County Animal Control. The Police Department can hold the animal until such time that Pinal County can pick up the animal, if needed.

**Discussion/Approval/Disapproval of authorizing the purchase of one 2015 Water Truck for the Public Works Department from Freightliner of Arizona, in an amount not to exceed \$132,017.00.**

Mr. Morris Taylor, Public Works Superintendent, stated the truck will replace the current 28 year old water truck that is worn out. Three bids were received, and Freightliner of Arizona is the successful bidder.

On motion of Councilmember Montaña, seconded by Councilmember Walter, and carried to authorize the purchase of one 2015 Water Truck for the Public Works Department from Freightliner of Arizona, in an amount not to exceed \$132,017.00.

**Discussion/Approval/Disapproval of a contract with Sun Western Contractors, for improvements to the SWWTP, including reuse pump station, chlorine facility upgrade and operations building expansion, in an amount not to exceed \$1,492,013.00.**

*This item was removed from the agenda.*

**Discussion/Approval/Disapproval of a Contract with M.R. Tanner for improvements on Butte Avenue between Centennial Park Avenue and Plant Road, in an amount not to exceed \$109,842.79.**

Mr. Morris Taylor, Public Works Superintendent, stated that Butte Avenue, west of Centennial to Plant Road, is too narrow with only 19 feet being the widest point. The

contract would improve the road, increase the road width, and match Plant Road that was recently built.

Councilmember Hawkins agreed that the road is too narrow.

Mayor Rankin asked if an additional right-of-way has been procured.

Mr. Taylor stated that procurement of the right-of-way is not necessary for that road.

Mayor Rankin asked if there has been any discussion on installing sidewalks.

Mr. Taylor stated that there has not been any discussion on installing sidewalks at this time.

On motion of Councilmember Walter, seconded by Councilmember Hawkins, and carried to approve a contract with M.R. Tanner for improvements on Butte Avenue between Centennial Park Avenue and Plant Road, in an amount not to exceed \$109,842.79.

## **MANAGER'S REPORT**

### **a. Update on annexation and annexation process**

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, stated in an attempt to be respectful of homeowners when they decide to vote no and cross out their name on the annexation petition, their name is removed from a master spreadsheet; Halfway through the process, updates were sent out to the homeowners advising them that the Town was at 34-37%, so that they would know where the process was at. Staff wanted to ensure that every person in the area had the ability to know how things were proceeding.

Ms. Garcia stated with regards to the Arizona Farms annexation, the Town is at 57%; and will be presented to Council at the September 2, 2014 Council meeting.

Ms. Garcia stated that the Magic Ranch annexation is at 51%. Staff will confirm that both the assessed valuation is correct and ensure that the signature portion is correct. She said many individuals have spoken with staff stating they are not in favor of annexation. Staff has explained to residents that regardless of the annexation going through or not, the Town will continue to be good neighbors and will have good working relations. If the annexation proceeds, the Town will provide the best services it can. She said some homeowners have chosen to withdraw their signatures, and staff has returned their petitions to them and removed their names from the list.

Mayor Rankin stated that he is concerned regarding adding additional staff without having Council's understanding of the need for it. He stated that sometimes you can get top heavy and he believes the Town is heading in that direction with adding additional personnel. He would like the lines of communication to be more open.

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It was the consensus of the Council that the Manager's Report be included in the agenda packet so that they may review it prior to the meeting.

### **CALL TO THE PUBLIC**

There were no public comments.

### **CALL TO THE COUNCIL**

Councilmember Walter encouraged the public to vote in the August 26, 2014 election. She stated that the election is important because it allows the Town to maintain the budget and continue to provide necessary services with the Home Rule.

Councilmember Hawkins concurred with Councilmember Walter. He stated that Mr. Andy Celaya, owner of Moe's Barber Shop, lost his battle with cancer and offered his condolences to the family.

Councilmember Woolridge reminded citizens that it is illegal to tamper with campaign signs.

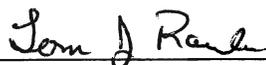
Councilmember Celaya also spoke on the importance of the Home Rule Option, which allows the Town the ability to use the funding available to provide services to the Town. He stated that Florence is on the rise for potential growth according to Arizona's Top Cities. In order to continue to grow, the Town needs the population in order to support businesses and amenities.

Councilmember Montaña stated that Pinal County gave up their contract with ICE in respect to the detainees being held in the Arizona Adult Detention Center. He stated approximately \$11 million won't be gained into the community as revenue, but will be shared in the CCA facilities in Eloy and Florence. The concern is the detainees were high risk or maximum custody detainees and were moved to CCA, which was not designed for high risk detainees. This may put a burden on local law enforcement when issues may arise at the private facility that requires local law enforcement. The burden of payment is on the local community.

Mayor Rankin stated that next week is the election and encourages citizens to vote.

### **ADJOURNMENT**

On motion of Councilmember Walter, seconded by Councilmember Montaña, and carried to adjourn the meeting at 7:06 pm.



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Tom J. Rankin, Mayor

### **ATTEST:**

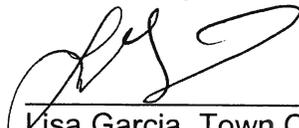
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Lisa Garcia, Town Clerk

I certify that the following is a true and correct copy of the minutes of the Florence Town Council meeting held on August 18, 2014, and that the meeting was duly called to order and that a quorum was present.



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Lisa Garcia, Town Clerk