MINUTES OF THE FLORENCE TOWN COUNCIL MEETING HELD ON MONDAY, JANUARY 6, 2014, AT 5:30 P.M., IN THE CHAMBERS OF TOWN HALL, LOCATED AT 775 NORTH MAIN STREET, FLORENCE, ARIZONA.

CALL TO ORDER

Vice-Mayor Smith called the meeting to order at 5:30 pm.

ROLL CALL:

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

ADJOURN TO EXECUTIVE SESSION

For the purpose of discussion of the public body with the Town Attorney in accordance with A.R.S 38-431.03(A)(4) for discussion and consideration of Town's position with regard to pending litigation.

On motion of Councilmember Hawkins, seconded by Councilmember Walters, and carried to adjourn to Executive Session.

ADJOURN FROM EXECUTIVE SESSION

On motion of Councilmember Hawkins, seconded by Vice-Mayor Smith, and carried to adjourn from Executive Session.

INVOCATION

Councilmember Woolridge performed 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.

There were no public comments.

PUBLIC HEARINGS & PRESENTATIONS

Public Hearing on Annexation No. 2013-03, more commonly known as the Redstone Ranch Annexation.

Mr. Mark Eckhoff, Community Development Director, stated that the annexation encompasses one owner, GH Capital, LLC., is approximately thirty acres and is located within the southeast portion of the Town's Planning Area. The site is undeveloped and the owners are requesting to place R-16 residential zoning on the property when it is included in the Town.

Mr. Eckhoff stated that the Town is required by Arizona Revised Statutes to hold a public hearing within the last ten days of the thirty day waiting period. He said this public hearing, which purpose is to obtain public comment regarding the proposed annexation, was noticed per State Statute.

Mayor Rankin opened the public hearing. There was no public comment; Mayor Rankin closed the public hearing.

Public Hearing on an application received from Lisa Whitten, Big Quick's BBQ, LLC or Big Quick's B.B.Q, located at 727 Gressinger Street, Florence, Arizona, for a new Series 12 restaurant license; and for Council recommendation for approval or disapproval of said license.

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, stated that the Clerk's Office received and properly posted the application at 727 Gressinger Street. The application remained posted for 20 days, as required. The Clerk's Office did not receive any comments. Staff is recommending to Council to forward a favorable recommendation to the Arizona Department of Liquor License and Control.

Mayor Rankin opened the public hearing.

There were no public comments.

Mayor Rankin closed the public hearing.

On motion of Vice-Mayor Smith, seconded by Councilmember Hawkins, and carried to forward a favorable recommendation to the Arizona Department of Liquor License and Control on behalf of the application received from Lisa Whitten, Big Quick's BBQ, LLC or Big Quick's BBQ.

Public Hearing on an application for PZC-34-13-ORD. First reading of Ordinance No. 606-14

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, read Ordinance No. 606-14 by title only.

AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING THE TOWN OF FLORENCE CODE OF ORDINANCES, TITLE XV LAND USAGE, CHAPTER 150 DEVELOPMENT CODE, SECTION 150.031 DEFINED WORDS, SECTION 150.047 DISTRICT USE REGULATIONS TABLES (A) AND ESTABLISHING A NEW RURAL RESIDENTIAL EQUESTRIAN SUBDIVISION (RRES) ZONING DISTRICT SECTION (PZC-34-13-ORD).

Mr. Mark Eckhoff, Community Development Director, stated that the request is for a text amendment for the annexation area known as Wild Horse Estates. He said the property is currently in Pinal County and zoned for manufactured homes, small lots, and for two horses.

Mr. Eckhoff stated that the area has been constructed differently than what the Pinal County zoning would imply. Most of the homes are site built and not manufactured homes. There are some deviations from Pinal County's zoning with regards to how many animals can be kept on the property. He said all of the lots are closer to one acre in size, which is much larger than what Pinal County zoning indicates.

Mr. Eckhoff stated that the goal is to have a new Town Zoning District in place to apply to the Wild Horse Estates area should the Arizona Farms Annexation be successful. Staff has worked diligently to ensure the new zoning requirements for this area will help preserve the semi-rural lifestyle, while also complying with State Statutes pertaining to comparable zoning requirements for annexed areas. He said if they applied comparable zoning to Pinal County, they would end up with several non-conformities, which is something staff does not want to do. The RRES Zoning District is intended to provide comparable zoning for the residents of Wild Horse Estates.

Mr. Eckhoff stated that per the direction of the Planning and Zoning Commission, staff held a work session to give Wild Horse Estates property owners an additional opportunity to assist in formulating the framework of the proposed Zoning District.

Mr. Eckhoff stated that after two Planning and Zoning Commission (PZC) meetings and one worksession, the Commission recommended the proposed ordinance because it most closely follows the original Zoning District that was adopted in Pinal County. The intent for the Wild Horse Estates subdivision was to provide an area that would allow horses and similar animals. Furthermore, this proposed district better reflects existing conditions in this subdivision and avoids or minimizes the creation of non-conformities upon annexation.

Mr. Eckhoff stated that staff has complied with all applicable Town requirements and Arizona Revised Statutes regarding public participation. Exceeding statutory requirements, public notices for the Planning and Zoning Commission public hearing was mailed to all property owners who reside within the Wild Horse Estates subdivision.

Mr. Eckhoff stated that staff pursued community input on this case in several different ways, including:

- A PZC public hearing was held on November 7, 2013, and continued to December 5, 2013. The original ordinance was mailed out to all Wild Horse Estates subdivision property owners and from the November 7, 2013, meeting, five different versions of proposed ordinance were created (A-E) and distributed by US mail to property owners;
- A PZC executive session pertaining to this matter was conducted
- A PZC worksession was held on November 21, 2013, to discuss the five ordinance options
- Staff met with concerned property owners and there were additional exchanges via email and phone

- Advertisements for establishing the new Rural Residential Equestrian Subdivision (RRES) Zoning District were posted in the local Town paper, per Town requirements

Mr. Eckhoff stated that through the outreach, he believes they came to a consensus; however, there are a few individuals that are not completely satisfied with what is being proposed. He said the compromise is that the lot sizes that are being proposed are consistent with what currently exists so there are no non-conforming lots. Pinal County's zoning is carried that they are allowed two horses and interpreted that a llama and alpaca would be comparable animals. There are also provisions for a conditional use permit where there could be an additional two horses or chickens on the property, which Pinal County does not have. He said the law does not allow for zoning to be more intense that what currently exists.

Councilmember Hawkins stated that it was his understanding that the zoning was to remain consistent with what currently exists with Pinal County. The Town was not going to add anything additional. He said it appears that the Town will allow up to four horses. He said that there are only 27 out of the 84 homeowners who have signed in favor; which is not the majority. He is concerned as to why the Town is proceeding forward with adding two more horses per lot. There are also CCRs for those homes that need to be considered.

Mayor Rankin stated that the Town is required, at a minimum, to maintain comparable zoning if the parcels are annexed into the Town.

Councilmember Hawkins reiterated that the majority of the homeowners do not want four horses, as the majority of the property owners did not sign in favor of it.

Mayor Rankin stated that the homeowner would only allowed four horses with a conditional use permit.

Mr. Eckhoff stated that the property owners were notified on two separate occasions. He said the most active group showed up for the worksession. The Planning and Zoning Commission Chairman asked everyone to voice their opinion on the options, and the consensus is the ordinance that is before the Council for consideration. He said they did apply comparable zoning to what exists with Pinal County; however, they encountered a road block because the Pinal County zoning is not consistent with what exists at Wild Horse Estates. He reiterated that the lot sizes are different, the homes are site built and not manufactured and there is some deviation with regards to the number of animals. He said they are trying to come up with a comparable zoning, per State Statute, as well as addressing the concerns with the property owners. He said property owners wishing to have more than two horses may be allowed to do so through a conditional use permit providing they have adequate acreage and their neighbors do no object. It appears to be a fair compromise that was agreed upon.

Discussion occurred on the conditional use permit process.

Discussion occurred on the current enforcement of the zoning by Pinal County.

Councilmember Hawkins wants to ensure that Florence will enforce the zoning.

Mr. Eckhoff stated that Pinal County is enforcing the zoning. There are very few residents who have horses, and even fewer who have more than two horses.

Mayor Rankin opened the public hearing.

Ms. Kelly Nevis, Wild Horse Estates Resident, stated that at the worksession, there were six votes in favor of Option C, which allowed the homeowner to exchange a mule or donkey in addition to an alpaca or llama. There were only five votes for Option E. She said the majority of the votes were for opposite.

Councilmember Hawkins stated that there were several people who were against the four animals at the Planning and Zoning Commission meeting; this was not at the worksession.

Ms. Nevis said that she collected 29 signatures that were in favor of the four animal units, along with an additional 17 that have not yet been submitted to the Town, for a total of 46 in favor of the four animal units. There are also six vacant parcels, which brings the total to 52. She said there are 16 homeowners that are out of state owners, so there is no one there in which to obtain signatures. She said of the 84 parcel owners, 46 have signed in favor of the four animals, which is a majority.

Councilmember Hawkins stated that the Town has not received the signatures that Ms. Nevis is referring to, and can only go by what the Town has received thus far.

Ms. Nevis stated that she will submit the signatures to the Town as soon as she receives them from the individual who has them. He was not able to come to the Council meeting due to being ill.

Ms. Nevis stated that there have been discussions about non-confirming uses based on Pinal County zoning requirements. She said she lives in a site built home, which makes her home non-conforming. She said her house should be torn down as well as not being able to have the animals because they are non-conforming.

Councilmember Hawkins stated the Town is not discussing non-conforming issues with Pinal County zoning that occurred in the past. The Town is addressing comparable zoning should they be annexed into the Town.

Ms. Nevis stated that Pinal County did not have accurate zoning in the past for the parcels that are in Wild Horse Estates. The zoning that used to be in place before the homes were constructed was CR1A, which allowed multitudes of animals of all different kinds. She said the residents should not be penalized because Pinal County is not enforcing the zoning. She said if they want to enforce the issues with animals, they should also enforce all the issues with the site built homes, which are 15, and require that they be torn down so they can conform to the zoning. She said there are always exceptions to the rules.

She said there was a complaint regarding an individual who was placing the manure in the wash. She visited with individual and inspected the area. She said when you walk into his back property, there is a delineation where the manure starts and stops. It does not extend beyond his property in either direction. She said staff was given misinformation of manure running down the wash.

Ms. Nevis stated that she is favor of the four animal units. She is not in favor of the conditional use permit because they already pay property taxes in order to have their property and they will be required to pay an additional tax in order to use the property in a certain manner. She requested that the conditional use permit be waived from the ordinance and to allow up to four animal units. She asked for the size of the animals to be clarified with regards to exchanging one animal unit out for another. She said she does not want to be part of the Town if her animals are going to be kicked-out. There are 46 other property owners who feel the same way as she does.

Mr. James Mavis, Wild Horse Estates Resident, requested that they maintain four animal units. He said he moved from California to Arizona. His residence in California was ¾ acre across the street from a lake and they had five horses, one goat, and twenty chickens. They moved to Wild Horse Estates because they saw various animals in the subdivision. He loves where they live, they do not have children and his wife's children are her pets. They are asking for four animal units. They currently have one horse, two goats, and fifteen chickens.

Barbara Hitcher, Wild Horse Estates Resident, stated that they bought the property because it was advertised as horse property. She owns three miniature horses, with the tallest being 34 inches. She said she checked around Pinal County and found Quail Hollow, which are one-acre properties having multiple horses, site built homes, and manufacture homes. Sun Valley Farms also has site built houses, manufactured homes, and even a mobile home. She inquired what the zoning is for those subdivisions and why they do not have issues like Wild Horse Estates. She has heard of CCRs being mentioned; however, she never received CCRs and doesn't know what CCRs means. She said the horses were therapeutic horses for her husband and she has kept them for sentimental reasons, but cannot see paying for a conditional use permit for them. She said when she bought the property it was with the understanding that they could have horses on their property. She said when you buy horse property, it is with the understanding that you can have horses on your horse property.

Mayor Rankin inquired about the use of the words "animal units" and "horse" used within the ordinance.

Mr. Eckhoff stated that there were five separate versions of the ordinance and a couple of versions utilized the "animal unit" concept. The current version which was the consensus and that the Planning and Zoning Commission recommended, did not utilize the option of animal units. The animal units section is in the ordinance but is not being utilized in this current zoning district. It may be beneficial to utilize in zoning districts in the future and is not a bad concept to have included.

Mayor Rankin stated that he disagreed with including the animal units by definition and not utilizing it. He said if they are going to include the wording animal units under defined words it should be used throughout because various animals could be classified under animal units.

Mr. Eckhoff stated the entire section of 150.031 Defined Words can be stricken from the ordinance should Council wish. He said it was utilized for other versions of the ordinance, and has no benefit to the current ordinance.

Mayor Rankin inquired about oxen.

Mr. Eckhoff stated that the proposed ordinance is for two horses on the property, which can be substituted with a llama or alpaca, and an option to extend it to four of those types of animals by obtaining a conditional use permit. He stated they are not taking anything away by doing this. The Pinal County zoning allows you to have a manufactured home and two horses.

Mayor Rankin inquired if the two horses fall under the large animal.

Mr. Eckhoff stated that a horse, under the defined words, would be considered a large animal.

Mayor Rankin inquired if animal unit is defined as a number of agricultural animals.

Mr. Eckhoff responded yes, an animal unit is defined as a number of agricultural animals.

Mayor Rankin stated that horses are the only animals allowed in the ordinance with the exception of alpaca or llamas that can be substituted for the horses. He inquired about oxen, mules, and donkeys, or similar animals.

Mr. Eckhoff stated that the additional animals are not allowed. He said there was initial consideration, and based on the feedback received, they were very firm on the two horses, and there was no substitute of animals. He said the CCRs are not being enforced because the Homeowners Association dissolved.

Mayor Rankin inquired if cattle, oxen, donkeys and mules are outlawed.

Mr. Eckhoff said the only animals allowed beyond the domestic pets, by the Pinal County zoning today, is two horses.

Mayor Rankin said the zoning has to be comparable to the County, not identical. He said he sees problems down the road with this ordinance. Wagons are normally pulled by mules in hay rides and someone may want mules but will not be able to do so under the proposed ordinance.

Councilmember Celaya stated that everyone that lives there understands that they are not allowed to have other animals, based on the current Pinal County ordinance.

Mayor Rankin inquired if this is what the Town wants.

Councilmember Hawkins said that the Council told the public that they would keep the zoning as close as possible to what the current zoning is. He said two horses are as close as possible.

Councilmember Celaya said regardless of which direction the Council decides, there will be pros and cons for either side. He said the best alternative is to have the zoning be as close to what they currently have and let them vote if they want to be annexed or not.

Mayor Rankin stated that he would like the ordinance to reflect four animal units rather than two horses. He said under the proposed ordinance, mules and donkeys are not allowed unless you get a conditional use permit, which the resident would have to pay for.

Mayor Rankin inquired about the cost for the conditional use permit.

Mr. Eckhoff said the conditional use permit would cost approximately $400.

Mayor Rankin said if the wording is included in the ordinance, they wouldn't have to pay $400 for the additional animals. He inquired how many of the lots in Wild Horse Estates are over the 42,000 square feet.

Mr. Eckhoff stated that they all meet the 42,000 square feet so there are no lots that would be non-conforming. He said all of the lots are non-conforming with Pinal County zoning. There are several problems with the Pinal County zoning. He said if their zoning was for large lots and included several types of animals, there would be no problems as the Town would establish comparable zoning. Staff is trying to build something that is reflective of the Pinal County zoning, per State Statute, as well as address the existing conditions so they do not become non-conformities once they are incorporated into the Town.

Mayor Rankin stated that two horses are restrictive if you do rodeos. On one acre parcels of land, you can build corrals far away from the homes. He said horses attract flies, which come with owning horses. Animal units, by definition in the ordinance is referred to as agricultural animals, which includes everything being discussed under the large animals definition. He said the Town is being very restrictive with regards to various types of horses. He said the four animal units is the way to go and is not as restrictive. He inquired how many people have more than four horses.

Mr. Eckhoff said there is one owner who has eight horses, and may be boarding horses. The majority of the lots show no visible sign of having any horses or livestock on the property. Those who do have horses, is typically two horses. They haven't gone into everyone's back yard and have driven throughout the neighborhood several times; and have noted approximately four lots that appear to be out of conformance in that they have animals that are excessive to what Pinal County allows now and would be out of conformance with number of animals that the Town would permit.

Councilmember Hawkins inquired if Mr. Eckhoff said there were two or three lots that have horses.

Mr. Eckhoff stated that there are more lots that actually have horses but the majority of horse properties out there have two horses on the property and are in conformance with Pinal County zoning and the CCRs. There are only a couple of properties where it is very obvious that they have more than two horses.

Councilmember Hawkins stated that the Council needs to go with the majority. He doesn't agree with creating an ordinance for a couple of homeowners.

Mayor Rankin inquired what the Town is allowing under the medium units.

Mr. Eckhoff stated that under the definition of medium livestock and small livestock, all that would be allowed would be additional chickens. There would be no sheep, goats, rabbits, ducks, geese etc. The zoning of such animals would not reflect Pinal County zoning or the present conditions in the subdivision. He said the area isn't zoned to be a farm or general rural, and 98% of the lots do not have those types of animals.

Councilmember Montaño asked Mr. Eckhoff to identify in the ordinance which animals are authorized and not authorized.

Councilmember Woolridge stated that the ordinance only needs to identify that horses and chickens are allowed. There is no reason to list out which animals are not allowed.

Mayor Rankin reminded the Council that there are FFA and 4-H units throughout the area that raise sheep, goats, chickens, rabbits and pigeons. He said the Town is being too restrictive by the ordinance. He said the ordinance does not show any consideration for FFA, 4-H, or the hobbyist who like to raise fowl.

Mayor Rankin read the comments that were submitted. He said he wished Florence had more subdivisions like Wild Horse Estates.

Councilmember Montaño stated that Mayor Rankin feels the ordinance is too restrictive; however, the ordinance is a result of what came out of the worksession.

Mayor Rankin stated that he feels that the ordinance is too restrictive to the Council. He said the ordinance eliminates a lot of things in the rural area.

Councilmember Hawkins stated that proposed ordinance is based on the discussion at the worksession.

Mayor Rankin stated that he does not want to pass the ordinance only to have to tell a resident that there are things that they cannot do. He said the ordinance affects 4-H and rural. He said he asked how many complaints have been filed against the homeowners; and there haven't been any filed until the Town started the annexation process.

Councilmember Hawkins asked for discussions to remain on the ordinance.

Councilmember Woolridge stated that the ordinance reflects what the Wild Horse Estates residents want and what they asked for.

Mayor Rankin stated that the only way to have additional animals is to apply for a conditional use permit. He is trying to avoid the necessity for a conditional use permit later on.

Councilmember Woolridge stated that those who reside in Wild Horse Estates already know what is required, and those who move there will find out.

Councilmember Celaya stated that if a citizen comes back later on regarding this matter, the Council can state that the public was given an opportunity to voice their opinion at the time of consideration.

Mayor Rankins stated that he was elected to represent the people.

Councilmember Hawkins stated he too was elected to represent the people.

Councilmember Celaya called for the question.

Ms. Nevis stated that she will submit the signatures to the Council tomorrow, for a total of 46 signatures. She said 46 signatures is a majority. She said many of the residents are elderly and cannot drive at night, which is why they are not in attendance. She said some of the residents do not have horses right now but want to maintain their rights to have them.

Ms. Nevis said the Council cannot be more restrictive than what the current zoning currently allows; however they can be more lenient. She said the residents are asking the Council to be more lenient. She said they are called Wild Horse Estates for a reason; and there are several horses across the street from the subdivision. She said there are wildlife animals in that area that leave manure, which no one picks up, and causes an abundance of flies in the area.

Ms. Nevis said with regards to CCRs and HOA, they are not existent, and there aren't any active now, so no one has lived by them. She said with regards to the complaints filed with the County did not exist until the annexation process started.

Ms. Nevis stated that she moved to the area in January 2010 and has had five horses, goats, chickens, and guinea hens. She said no one complained. Her neighbors aren't opposed to her animals and one even spoke at the meeting. She said many of the residents have horses for various reasons.

Councilmember Hawkins stated that the Council was told that there are only two residents that have more than two horses.

Ms. Nevis stated that it is not true. She can show the Council on the parcel map which residents have more than two horses. She said the residents are in agreement to have four animal units.

Mayor Rankin closed the public hearing.

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.

***Approval of a Special Event Liquor License for a Coolige-Florence Elk's Lodge #2350 and Pinal Mounted Posse fundraiser on February 9, 2014 from 9:00 a.m. to 6:00 p.m. for an event at the Charles Whitlow Rodeo Grounds.**

***Approval of a Special Event Liquor License for Florence Gardens Mobile Home Association for three dances held on January 18, February 15, and March 15, 2014 from 7:00 p.m. to 10:00 p.m.; and for a Prime Rib Dinner held February 8, 2014 from 4:00 p.m. to 8:00 p.m.**

***Approval of a Special Event Liquor License for the Greater Florence Chamber of Commerce for the February 6, 2014 First Thursday Event, from 4:30 p.m. to 6:30 p.m.**

***Approval of accepting the register of demands ending November 30 2013, in the amount of $1,940,801.71.**

***Approval of the September 3, September 9, September 16, October 7, October 21, October 28, November 4, November 18, and December 2, 2013 Town Council minutes.**

***Receive and file the following board and commission minutes:**
July 31, August 28, and October 30, 2013 Historic District Advisory Commission minutes.
September 18, 2013 Library Advisory Board minutes.
September 5, September 19, and October 17, 2013 planning and Zoning Commission minutes.

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

UNFINISHED BUSINESS

ORDINANCE NO. 605-13:

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, read Ordinance No. 605-13 by title only.

AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING THE TOWN OF FLORENCE CODE OF ORDINANCES, TITLE XV LAND USAGE, CHAPTER 150 DEVELOPMENT CODE, SECTION 150.013 DESIGN REVIEW (PZC-38-13-ORD) (FIRST READING December 2, 2013).

Mr. John L. Anderson, Resident, stated that he was a member of the Planning and Zoning Commission who opposed the ordinance because he questioned staff as to why Pulte was allowed to construct a multi-million dollar park without obtaining approval from the Planning

and Zoning Commission. Only the softball park potion was submitted for a design review approval. He said that staff responded that the soccer fields, practice fields, dog park and parking lots were not vertical constructions and did not require design review.

Mr. Anderson stated that Section 150.013 be reviewed at the Planning and Zoning Commission meeting because section B.4, B.5, B.6, and B.7 of the current code were not being enforced by staff. He said instead of a review of the existing code as requested, staff submitted the subject ordinance change. He said they never reviewed the code. The new code will take away a lot of the authority of the Planning and Zoning Commission, and gives staff the authority to do what they want to. He said if the item does not go before the Planning and Zoning Commission, it will not go before the Council. He asked Council to carefully consider the ordinance before it is approved.

Councilmember Hawkins stated that the ball park is the only thing that would go before the Planning and Zoning Commission or the Council. He said there are many issues such as parking, lighting, sewer, fences, etc., that would be included. He said the staff shouldn't be given the authority to make those types of decisions.

Mr. Eckhoff clarified that design review items never come before Council; they are handled by staff or the Planning and Zoning Commission. He said it is routine for communities to have minor or major site plan review process. He said a smaller scale project can be done administratively versus every single development going before the Planning and Zoning Commission. He said regardless if the project goes before the Planning and Zoning Commission, or staff, the project must still adhere to the code and PUD requirements. He said this would also take some of the complication out of the process.

Mr. Eckhoff stated that there were discussions with Mr. Anderson regarding items that he wanted to go before the Planning and Zoning Commission that do not go before the Commission, such as improvement plans that are approved by the Town Engineer. He said a small scale utility project, such as the park had, would not go before the Commission, and projects similar to that have never gone to the Commission before either.

Mr. Eckhoff stated that the proposed ordinance reflects the operating procedures that have been in place for years. The Town has various procedures in place for various types of reviews such as construction permitting process, civil improvement process, and utility installation process. He stated that there are other public bodies, such as the Historic District Advisory Commission, that get involved in some projects. He said there is a very robust regulatory environment within the Town, and staff is trying to streamline the less complex projects. He said for appeals, they would go before the Planning and Zoning Commission and beyond them to the Council.

Mayor Rankin inquired if a park were to be built with some type of structure, would it have to go before the Planning and Zoning Commission.

Mr. Eckhoff explained the review process for various types of parks. He explained that public facilities normally would go through Planning and Zoning Commission and HOA parks would not.

Councilmember Montaño inquired what is considered reasonable in that it does not have to go to the Planning and Zoning Commission mean. He inquired if the Town is doing what they saying what they're doing. He gave an example of the lighted historical sign on Main and Butte, which did not go before the Historic District Advisory Commission, Planning and Zoning Commission, or Council as a lighted sign. He said he concurs with Mr. Anderson and would be upset as well. He does not agree with staff having authority to approve those types of items. He said the staff is an extension of the Council and needs to follow the outlined procedures.

Mr. Eckhoff stated that the lighted historical sign on Main and Butte is the exact sign that was approved by the Mayor and Council. He said the sign was not required to go before Council; however, staff took the extra step and brought it before Council because the sign was significant because it was the gateway into the Historic District and were contemplating doing something a little different. He explained the various discussions that took place with regards to the sign.

Mr. Eckhoff stated that there has never been a single instance that staff has done anything outside of conformance with the Code or the operating procedures.

Councilmember Montaño stated that he is the liaison for the Planning and Zoning Commission as well, and does not recall any conversations regarding a lighted sign. He said if so, he stands corrected. He said projects need to go before the appropriate board or commission, and does not see where staff is forwarding the projects to the board or commission.

Mr. Eckhoff stated that all projects have followed Town Code and have gone before the appropriate board or commission and Council, if required. He said staff follows the rules and works has the highest professional standards and ethics.

Mr. Eckhoff stated that Mr. Anderson has mentioned a few cases that he wanted more opportunity to review things that were already being reviewed through a legitimate process. He said staff saw an opportunity to better streamline the process and is forwarding the proposed ordinance for Council's consideration. He said the public has asked if there is a way to not require every single project that is done in Florence go before a board or commission. He said staff prepared the ordinance and four out of the five Planning and Zoning Commissioners trusted and had confidence in the staff to continue to do their jobs with the upmost integrity. Pulte also supports what the staff is doing.

Mr. Eckhoff stated that the Code could stay status quo and remain stagnant. The Town wants to move forward and be more business friendly. He said the Community Development Department does not gain anything, it only streamlines the process.

Mayor Rankin stated that the Town is trying to streamline the process and making it more business friendly. He stated that he supports the Community Development Department and its staff. They work to ensure that the projects follow the Code. He said the majority of the Planning and Zoning Commission supports the proposed ordinance.

On motion of Mayor Rankin, seconded by Councilmember Celaya, to adopt Ordinance No. 605-13.

Roll Call Vote:
Mayor Rankin: Yes
Councilmember Celaya: Yes
Councilmember Walter: No
Councilmember Hawkins: No
Councilmember Woolridge: Yes
Councilmember Montaño: No
Vice-Mayor Smith: No

Motion Failed: (Yes: 3; No: 4)

NEW BUSINESS

Discussion/Approval/Disapproval of purchasing playground equipment and park renovations of Main Street Park from Play and Park Systems through TCPN (The Cooperative Purchasing Network) in the amount of $119,772.62.

Mr. Ray Hartzel, Parks and Recreation Director, stated that the project was approved in the 13/14 CIP budget. He said the Town is listed as part of the CO-OP and is requesting Council's approval for the purchase of the playground equipment. He said the budgeted amount for the project is $125,000.

Mayor Rankin inquired if the pictures of the playground equipment depicted in the handout the same equipment that the Town is purchasing.

Mr. Hartzel said the playground equipment pictured is what the Town is purchasing; however, there may be some slight modifications, based on positioning of the equipment. He explained that the Town is in control of Main Street Park through a lease agreement with Pinal County. He said staff is excited to do something with the park, specifically since there isn't a playground on the south end of Town. He said the total cost includes rehabilitating the property to make it a safe, conducive area. The playground will include a swing set, benches, and shade structures. The company is the same company who installed the playground equipment at Heritage Park.

Vice-Mayor Smith inquired if there will be some type of barrier between the park and Main Street, specifically because this park is geared for small children.

Mr. Hartzel stated that there will be some barrier fencing to prohibit small children from exiting the park onto Main Street. The fence will not inhibit pedestrian flow on the sidewalk. The only access into the park will be from the north side. He explained what the modifications will be including, removal of crumbling fence and installation of wrought-iron fencing, other minor modifications.

Councilmember Hawkins inquired what large tree will be removed. He would hate to lose shade trees. They will also be removing stumps as well.

Mr. Hartzel said the tree is a large pistachio tree that is located in the southwest corner of the property that died several years ago.

Councilmember Celaya inquired if the property for playground is the dirt area, and if so, the property is part of the lease that Pinal County has with the State.

Mr. Hartzel said it is his understanding that the Town is in control of the portion of property between the lease agreement between Pinal County and the State.

Councilmember Celaya stated that he has spoken with the Pinal County Manager, and he doesn't have an issue with it. He said he would prefer the equipment in the dirt area.

Mr. Hartzel said the area is ideal because there can be some type of containment as well as it not getting in the way of others utilizing the park.

Councilmember Celaya inquired if the remaining monies from the budgeted amount could be used to clean up some of the park equipment at Heritage Park.

Mr. Hartzel stated that they could utilize the remaining funds for graffiti abatement at Heritage Park.

On motion of Councilmember Hawkins, seconded by Councilmember Montaño, and carried to purchase playground equipment and park renovations of Main Street Park from Play and Park Systems through TCPN (The Cooperative Purchasing Network) in the amount of $119,772.62 and for the installation of the equipment; contingent upon the property being under the control of the Town of Florence through an intergovernmental agreement with Pinal County.

DEPARTMENT REPORTS

Manager's Report
Department Reports
- **Community Development**
- **Courts**
- **Finance**
- **Fire**
- **Library**
- **Parks and Recreation**
- **Police**
- **Public Works**
- **Utilities**

Councilmember Hawkins stated that he thought the crosswalks that are being installed on Main Street would be done in a visible color. The color looks gray and blends with the

sidewalks. He said the stamping job looks great; however, he would like a stain to be added to differentiate from the rest of the concrete.

Wayne Costa, Public Works Director, explained what colors and techniques are being used to differentiate the crosswalks from the streets. They are antiquing the boardwalks which will bring out the texture and are using a contrasting color for the band of the crosswalk borders. They are also darkening the indentations. Raised pavement markers will also be added. He said when completed, you will notice a distinctive color between the crosswalk, sidewalk and roadway. He said he will look at lightening the border of the boardwalk.

CALL TO THE PUBLIC

There were no public comments.

CALL TO THE COUNCIL

Councilmember Montaño stated that the Florence Unified School District will begin the public meetings regarding the override and the deficit.

Councilmember Walter wished everyone a happy new year and thanked everyone for their hard work and effort. She encouraged everyone to visit the website to see the upcoming activities and events. The Town has expanded their Before the Bell, After the Bell program to the Anthem K-8 school.

Councilmember Woolridge asked everyone to be careful when out in the evening. There was a loose coyote running down Main Street. There have also been skunks in the area.

Vice-Mayor Smith stated that all the departments are doing a great job. He said the boards and commissions are valuable. The more items that go before the boards and commissions with recommendations to Council will result in a better vote from the Council. He is in favor of having items go before boards and commissions at all times.

Mayor Rankin stated there are a lot of things happening in Florence in 2014. He said the Council wants to continue with movement in Florence. Please remember to keep our thoughts on one of our police officers for a speedy recovery.

ADJOURN TO EXECUTIVE SESSION

For the purpose of discussion of the public body with the Town Attorney in accordance with A.R.S 38-431.03(A)(4) regarding negotiations for the purchase of water and wastewater infrastructure; pursuant to A.R.S 38-431.03(A)(7) to consider the purchase of real property; and pursuant to A.R.S 38-431.03(A)(4) for discussion with the Town Attorney regarding contract negotiations with the Florence Unified School District.

On motion of Councilmember Woolridge, seconded by Councilmember Walter, and carried to adjourn to Executive Session.

ADJOURN FROM EXECUTIVE SESSION

On motion of Councilmember Walter, seconded by Councilmember Celaya, and carried to adjourn from Executive Session.

ADJOURNMENT

On motion of Councilmember Celaya, seconded by Councilmember Walter, and carried to adjourn the meeting at 9:25 pm.

Tom J. Rankin, 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 January 6, 2014, and that the meeting was duly called to order and that a quorum was present.

Lisa Garcia, Town Clerk