MINUTES OF THE FLORENCE TOWN COUNCIL MEETING HELD ON MONDAY, MARCH, 17, 2014, AT 5:30 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 5:30 pm.

ROLL CALL:

Present: Rankin, Smith, Celaya, Hawkins, Montaño, Walter, Woolridge
Councilmember Montaño arrived at 6:15 pm.

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 the Town's position with regard to pending litigation, and pursuant to A.R.S. § 38-431.03(A)(3) to receive legal advice regarding agenda item 8(c).

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

ADJOURN FROM EXECUTIVE SESSION

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

INVOCATION

Councilmember Woolridge 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.

Ms. Judi Hyland, Queen Valley Resident, stated that Big Quick BBQ, has been trying to open its business but has faced many obstacles presented to them by the Town of

Florence. She said the owners are being asked to do things that no other business is being required to do, such as a push button door opener. She said there is no other building in Florence that has a push button door opener. She said that it published on the Town's website that the Town follows the 2006 Building Codes; however, the requirement of a push button door opener is not specified in that Code, nor does it specify it in the Accessibility Code for 2003. She said the business has also been asked to submit engineering drawings; however, she does not believe that LB Inn or A & M were required to submit engineering drawings.

Ms. Hyland inquired if the Town has received complaints against the business from people who do not want it to open. She requested that the Council research as to why this business has to do things that other businesses do not have to do. She would like a response from the Council. She said the business has been held up for approximately two and a half months. They comply with what is being required but then are told that there is one more thing that needs to be done, and this is an ongoing occurrence. She said that a citizen was told to leave the Community Development Department because he was being rowdy. The individual was not doing anything. He was made to leave because they did not like what he was saying. It was wrong to make him leave. She said there is no integrity in their dealings with the business.

Ms. Hyland said the same standards must be consistent with all businesses. She said Council wants the Town to grow; however, Main Street is full of empty buildings. She said money is being spent on planters, and brick sidewalks, but there are no businesses there. She said she supports Big Quick BBQ that is on SH79.

Mr. Randy Rosane, Florence Resident, stated that he drove through Main Street and did an obituary of all of the business that have closed in the last four years and named each of the businesses. He said Florence has a problem with businesses closing. Over the last 11 years as the owner of the River Bottom Grill, he has transformed his business from a small bar to a neat place to go to; however, he is not making it because they are not getting enough local business to sustain them.

Mr. Rosane said that he has seen some inconsistent things with regards to planning and zoning. He said he has had similar problems when he was trying to open the Rio Inn. He said after 1-1/2 years of discussions with Planning and Zoning on something simple, it become an ADA compliance issue; the issue was not even relevant to what they were doing because the business was under five rooms. Florence lost another business because of this.

Mr. Rosane said the Happy Adobe opened fairly easy. He walked through the business to see what their ADA compliance level was and found that theirs wasn't even close. He said he believes the business should be open and it is fine that it doesn't comply. ADA does not say that you have to comply in order to open your business. He said staff should become more familiar with the ADA requirements and attend some type of training to gain a better understanding of the rules and regulations. He said there are better methods to use in order to attract and maintain the existing businesses. He said there isn't anything to do in Florence. He said both his business and the Windmill

Winery are the only businesses that attract people to Florence. He said 100% of the tax revenue they generate goes to Florence; however, only 15% of the business itself comes from the town.

PUBLIC HEARINGS AND PRESENTATION

Public Hearing on a Minor General Plan Amendment to amend the Town of Florence Town's 2020 General Plan Future Land Use Map to change the land use designation on approximately 39.8 acres from Employment/Light Industrial (E/LI) to Medium Density Residential 1 (MDR1); and for Discussion/Approval/Disapproval of Resolution No. 1425-14.

Mr. Charles A. Montoya, Town Manager, read Resolution No. 1425-14 by title only.

RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING THE MAGIC RANCH 80 MINOR GENERAL PLAN AMENDMENT (PZC-08-14-GPA).

Mr. Mark Eckhoff, Community Development Director, stated that the Minor General Plan Amendment is for a 40 acre residential project known as Magic Ranch 80. The subject site is located along Mitchell Trail, ¼ mile south of Arizona Farms Road. The project is owned by Palms – Magic Ranch 80, LLC, an entity of the McRae Group of Companies.

Mr. Eckhoff stated the property is within the Magic Ranch annexation area and the owners are looking to prepare the property to come into Florence should the annexation be successful. Staff is working with the owners on approximately six pre-annexation development agreements, Minor General Plan amendments, and some zoning amendments. The goal is to have the property come into Florence and develop the property successfully. The plans are the same as what they are planning to do in Pinal County as well.

Mr. Eckhoff explained the property location and stated that it is south of the mini storage and in close proximity to Christ the Victor Church on Arizona Farms Road. They are requesting to change the land use from employment light industrial to medium density residential. They are willing to dedicate a four acre site for a fire station facility should the annexation be completed. The land use change and zoning will be in line with what they are entitled to do with Pinal County. He said the findings were that the land use designation is appropriate and suitable for the property. It is consistent with surrounding land uses and the General Plan, and will positively impact the property. There has been a proper public notification report process on this application. He said the case went before the Planning and Zoning Commission on February 12, 2014, and they have forwarded a unanimous favorable recommendation to the Council, with the outlined findings.

Mayor Rankin opened the Public Hearing.

Mayor Rankin inquired if the application is contingent upon the annexation being completed.

Mr. Eckhoff responded that they have the authority to change the General Plan on properties that are outside of the municipal boundary. He said the change will stand. The zoning and development plan is contingent upon the annexation occurring.

Mayor Rankin inquired if the property is within the planning area.

Mr. Eckhoff responded that the property is within the planning area.

Councilmember Celaya inquired if the building codes overlap or would they retain the building codes that Pinal County adopted.

Mr. Eckhoff responded that the applicant will do a new subdivision plat so the standards of platting are consistent with the Town and Pinal County. Pinal County has graduated to the 2012 Building Codes, and Florence is utilizing the 2006 Building Codes, with no immediate plans to move to the 2009 or 2012 Building Codes. When they get to the building phase, they may elect to go to the higher codes because that is what they are used to building in other communities, which the Code allows.

Councilmember Celaya inquired if the Town will be reviewing the street widths.

Mr. Eckhoff stated that the plat will be done completely within the Town's jurisdiction. He said there are some subdivisions that have gone to final plat in the annexation area, and will be recorded and accepted. The new subdivisions will go through the entire Town process.

Councilmember Celaya inquired about the lighting.

Mr. Eckhoff stated that the new subdivisions will be built to Florence's standards including lighting and sidewalks.

Mayor Rankin closed the Public Hearing.

On motion of Councilmember Hawkins, seconded by Councilmember Montaño, and carried to adopt Resolution No. 1425-14.

Public Hearing on a Minor General Plan Amendment to amend the Town of Florence Town's 2020 General Plan Future Land Use Map to change the land use designation on approximately 11.2 acres from Community Commercial (CC) to Medium Density Residential 1 (MDR1); and for Discussion/Approval/Disapproval of Resolution No. 1426-14.

Mr. Charles A. Montoya read Resolution No. 1426-14 by title only.

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING THE RESERVE AT LOOKOUT MOUNTAIN MINOR GENERAL PLAN AMENDMENT (PZC-01-14-GPA).

Mr. Mark Eckhoff, Community Development Director, stated that the property is for an eleven acre parcel. The request is to go from commercial to medium density residential land use designation.

Mr. Eckhoff explained the location of the site and said it is west from Section 11 wastewater treatment facility. He said it is north of where Barclay and Fry's own the piece of land and commercial planned for that corridor. He said the owners will be able to develop the area nicely due to the topography. The Planning and Zoning Commission has forwarded a unanimous favorable recommendation, with the outlined findings.

Mayor Rankin inquired if this application is in conjunction to the other property that they own.

Mr. Eckhoff stated that the owners own additional property to the south of this location. The group owns approximately six holdings within the annexation area.

Mayor Rankin inquired the property borders the reservation to the west.

Mr. Eckhoff stated that the property borders the Gila River Indian community.

Mayor Rankin inquired if they also own the Magic Lake 80 property.

Mr. Eckhoff stated that they did own the Magic Lake 80 property as well. He explained the properties that they own.

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

On motion of Councilmember Walter, seconded by Councilmember Hawkins, and carried to adopt Resolution No. 1426-14.

Public Hearing on PZC-06-14-CUP: A Conditional Use Permit request by Duke Rodriguez, of Ultra Health, LLC, on behalf of River Bottom, LLC, to allow for a proposed Medical Marijuana Dispensary on a Highway Business Commercial (B-2) zoned property located at 2501 N. Pinal Parkway Avenue, Florence, Arizona; and for Discussion/Approval/Disapproval of Resolution No. 1427-14.

Mr. Charles A. Montoya, Town Manager, read Resolution No. 1427-14 by title only.

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW A PROPOSED MEDICAL MARIJUANA DISPENSARY ON PROPERTY LOCATED AT 2501 NORTH PINAL PARKWAY AVENUE, FLORENCE, ARIZONA, (PZC-06-14-CUP).

Mr. Mark Eckhoff, Community Development Director, stated the Conditional Use Permit is to allow a medical marijuana dispensary on a B-2 zoned property at 2501 N. Pinal Parkway, commonly known as the River Bottom Restaurant location. He explained what a conditionally permitted use is and the criteria that is looked at to make the determination.

Mr. Eckhoff stated that Mr. Duke Rodriguez is the applicant and will do significant modifications to the building and to the site to begin a dispensary facility. The facility will meet all of the State and Town requirements.

Mr. Eckhoff stated staff reviewed the site and surrounding land uses. He said there is no development adjacent to the facility but the following are in close proximity: an attorney's facility, ICE facility, Caliente, military facility, and aggregate pits. He said there are correctional facilities to the south. The property is zoned B-2, and per the Code, it does allow for consideration of a medical marijuana dispensary on a B-2 zoned property, subject to the use permit process.

Mr. Eckhoff stated that they also looked at access to the site and circulation. The site is established and their plans include improvements to the access and parking. He said the General Plan identifies the corridor as commercial. Staff received comments, and the comments were considered and forwarded to both the Planning and Zoning Commission as well as the Council.

Mr. Eckhoff said the applicant meets the criteria that is established by the State for a school, and by the Town for all of the other land uses with regards to compatibility. There were findings that were established and that have been forwarded to the Council, which include:

1. A Medical Marijuana Dispensary is a conditionally permitted use in a Highway Business Commercial (B-2) Zoning District, subject to complying with applicable locational criteria.

2. Access, circulation and parking for the subject use conforms to applicable codes.

3. The proposed use is located within an existing hospital building, which supports the professional and medical nature of the proposed use and enhances compatibility.

4. Approval of the subject use would be conditioned to further enhance compatibility of this use with on-site uses and adjacent and surrounding properties.

Mr. Eckhoff stated that the Planning and Zoning Commission has forwarded a unanimous favorable recommendation, subject to certain conditions.

Mr. Eckhoff stated that the applicant will modify the building to include: building elevations, tenant improvements, security modifications, pave parking lot, remove mobile home that currently sits on-site, and modify front sign. The applicant did get a

design review application approved at the Planning and Zoning Commission, which is contingent upon approval of the use permit.

Mayor Rankin opened the Public Hearing.

Mr. Bryan Foster, Florence Resident, stated that he in opposition of the medical marijuana dispensary. He said he was a franchise business consultant before working in education. He coached franchisees how to grow their business appropriately. He comes with the experience of how important businesses are to a town and respects the revenue that will be generated to the Town. The Planning and Zoning Commission discussed that the dispensary would serve approximately 90 individuals, which was published in a July report and re-affirmed at the Planning and Zoning Commission meeting. He said this information raises an eyebrow because they are going to open a business to only service 90 people. There is a dispensary 15 miles away that can service those 90 people. He asked if consideration has been given to the tax revenue or benefit that the Town may incur with two dispensaries within 15 miles of each other. He said it does not make business or logical sense.

Mr. Foster said he is also a Florence Unified School District teacher and represents 8000 students. The students are taught anti-drug campaigns which are supported both federal and state wide. He said they stand behind a zero tolerance policy. He said in comparison for businesses, it is 1 customer to 88 students. He said the school buses roll by this location and his children ride by the proposed location that is being considered. He said this will be the advertisement for Florence, and asked Council to consider the impact to the children. He said if the Council is not prepared to make a decision of no tonight, he asked that the item be tabled until the annexation is complete. He asked that the question be referred to the people.

Dr. Amy Fueller, Florence Unified School District Superintendent, said she represents approximately 8000 students and 1000 employees in 12 different schools, but is also a resident of Florence. She outlined statistics from the Colorado Governor regarding cannabis use and the outcome of their decision to legalize marijuana. She said the reason she provided the statistics is because if we don't learn from people who are currently doing this, we will face the same problems as they are currently facing.

Dr. Fueller asked for Council to consider the location of the dispensary. People who come to Town will think of Florence as the marijuana town.

Mr. Scott J. Bowles, Florence Resident, stated that he is taken back that they cannot talk about facts at the federal and state level. He said the facts need to be heard. He said he has lost three loved ones to cancer. He is against the issuance of the conditional use permit because the DEA has classified marijuana as a Schedule 1 drug, and the American Cancer Society is against the legalization and smoking of marijuana. They are for research but not for the distribution of it. He said though a number of states currently allow the use of medical marijuana under strict circumstances and through an approved dispensary, no amount of politics can, nor will they ever, detract

from the facts that are stated by the US Department of Justice, and by the leading authority of cancer research.

Ms. Linda Gray, Florence Resident, stated that she has lived in long time Florence resident and has raised her four children in Florence. She doesn't feel that the dispensary gives off the right message or is the right business for the Town. She understands that the dispensary will generate a lot of money. The Council tries hard to promote Florence and to keep up a positive appearance, and it is much appreciated. She said the dispensary will be the first thing that people will see when coming into Florence. She said people judge by the first images, and this is the impression they will get of Florence. She said if there is a dispensary 15 miles away, she wouldn't mind driving the extra 15 miles. She is in opposition of the dispensary. There are other things that the Town can do to bring businesses in Florence. The dispensary may prevent other businesses from coming to Florence.

Mr. Rakesh Pahwa, Phoenix Resident, said this is the fourth time that he is before the Council, discussing the same issue of a medical marijuana dispensary location. He has pleaded his case three times before for the Council to vote yes, but today he is asking the Council to vote no because the applicant is Ultra-Health and they do not have the license for medical marijuana. Healing Healthcare 3 Inc. is owned by him and his partner, and they have been awarded the license to operate a medical marijuana in this (inaudible) and their name is not on the application, nor is their name on the property that is in escrow. He is requesting that the Town vote no.

Mr. Ryan Michel, Florence Resident, said he is opposed to having a legalized medical marijuana plant anywhere in Town, let alone anywhere in the entrance because of the image that it brings and the reputation. Marijuana is a drug, whether it is legal or not. He said he owns a business, and it sounds like Florence has an issue with retaining businesses in Florence. He said having a dispensary in Florence won't help the problem.

Mr. Duke Rodriguez, Principal Officer for the Applicant, stated that he does not know what Mr. Pahwa is referring to as the application does include the license. He said the application is comprehensive, complete, and meets all of the criteria. He said he appreciates the Council's consideration.

Ms. Denise Kollert, Florence Resident, stated the business will only allow those with medical marijuana cards entrance into the business. The applicant has outlined the safety measures that he will incorporate for the building. No one can walk in because they are curious. The applicant has complied and she believes, in her own personal opinion, that the Council does not have a legal ground to turn him down. She asked Council to look at the application through the legal process, not by emotions, or the emotions of those in the audience.

Mayor Rankin closed the Public Hearing.

Mayor Rankin inquired if the applicant complies with all Town Codes.

Mr. Eckhoff said they comply with all Town Codes.

Mayor Rankin said the issuance of a conditional use permit is based upon each Councilmember's personal beliefs as if it fits to the betterment of the community or if it is not for the betterment of the community. He said the vote is critical to the business and to businesses in the future. He said the Town Code or State law require a certain type of vote, but is based on the decision of each Councilmember.

Councilmember Hawkins stated the facility will look like a clinic. There will be nothing that will identify it as a medical marijuana dispensary such as pictures, etc. People driving by the facility will think it is clinic.

Mr. Eckhoff said there will be a monument sign that will be displayed but no other signage.

The monument sign has a flower looking emblem, and not a marijuana leaf or anything similar.

Vice-Mayor Smith stated that each person took the same oath as he did and recited the oath in part which stated that he will support the constitution of the United States. He said federal law supersedes state and local laws. The federal government has not changed the law regarding marijuana use. He said he will not break his oath. He said the survey that was recently completed contained a medical marijuana question indicated the majority of no votes in all area where medical marijuana is concerned.

Councilmember Walter stated the Mr. Pahwa asked the Council to vote no. She said there are things pertaining to his business and partnership, and this item is not a good thing to move forward with. She said that 59% of the residents do not feel that a medical marijuana dispensary be allowed to open in Florence. She said that she agrees that it is not beneficial in moving forward with this in the community.

Councilmember Celaya stated that the Council is elected to represent the people and they are privy to see information that the public is not aware of. He said the question on the survey should have read differently. He said the Council is not voting to legalize marijuana. He said a lot of citizens may think that this is what the Council is voting on. Marijuana has already been legalized through the State, and the Federal Government supersedes; however, they have stated that they are not pursuing anything over the state. The Council vote eliminates the potential for card holders to grow legally inside of their homes, whether it is next to a church, library, or school. By designating a specific spot where the dispensary is, it eliminates the potential. He said the Councilmembers are representatives of the community. He said they want the amenities for our community. He said we don't want to push our residents to frequent businesses outside of Florence. He said the Council needs to provide for the citizens' needs as convenient as possible. He said there are discussions about Florence placing restrictions on the businesses that come into Florence. He said this topic has come though the Planning and Zoning Commission several times and it gets pushed out on some technicality. He

said if the dispensary is not approved, it will allow card holder to grow marijuana next to the schools and churches with regulations. He said the dispensary will be regulated.

Councilmember Walter inquired if it is illegal for card holders to grow marijuana within their Town because there is a dispensary within 25 miles of a dispensary.

Mr. James E. Mannato, Town Attorney, stated that it is his understanding; there is a dispensary within the 25 mile radius, and there is a dispensary in Coolidge. You are expected to use the dispensary if you are within the radius and not grow it in your house. You would be in violation of the medical marijuana law if you grew marijuana and are within the radius.

Councilmember Montaño stated that he has worked in law enforcement for 20 years, and he has to protect the community. He said each Councilmember needs to look within themselves and determine which is the best way to vote. He said there are many individuals that enter their facility due to substance abuse issues. He said he stands against the dispensary.

Councilmember Hawkins said the dispensary is for medicinal purposes only. He said if they do not vote in favor of the dispensary, it is another example of how they do not help businesses move forward in this town. He said there are 99 permits in Arizona, and 92 are open or are in the process of opening up. He said it appears that Florence is not business friendly.

Councilmember Celaya said that it is a zoning issue.

Councilmember Hawkins said they meet the criteria.

Councilmember Woolridge stated that Florence is business friendly, but it is dependent on the business and what the citizens want. The Town is business friendly.

Discussion occurred on the Council being business friendly.

On motion of Councilmember Hawkins, seconded by Councilmember Celaya, and carried to adopt Resolution No. 1427-14.

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

Motion failed (Yes: 2; No: 5)

Presentation of Renee Klix's promotion to the position of Sergeant effective March 15, 2014.

Daniel Hughes, Police Chief, introduced the newest sergeant to the Police Department, Sergeant Renee Klix. Sergeant Klix has been a resident of Florence for over 20 years and started her career with law enforcement with the Department of Corrections. She was with corrections for eight years and then came to the Florence Police Department. She has worked her way up from Field Training Officer, SRO for Florence High School and Florence K-8; general instructor, and became a detective in 2007. She was recently promoted to the position of Sergeant.

Sergeant Klix thanked her family and her co-workers for their encouragement.

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.

***Approve a Professional Service Agreement with Southwest Ground-water Consultants, Inc. (SWG) for the siting and design of a new production well in north Florence.**

***Approval of the resignation of John L. Anderson from the Planning and Zoning Commission.**

***Ratification of the Greater Florence Chamber of Commerce's application for a Special Event License for an After-Hours Mixer on April 3, 2014 from 4:30 pm to 6:30 pm.**

***Approval of the January 6, January 21, January 28, February 3, and February 18, 2014 Town Council Minutes.**

***Receive and file the following board and commission minutes:**
November 20, 2013 Historic District Advisory Commission minutes.
November 7, November 21, and December 5, 2013 Planning and Zoning Commission minutes.

On motion of Vice-Mayor Smith, seconded by Councilmember Montaño, and carried to approve the Consent Agenda, as written, with the exception of 9b.

***Approval of the resignation of John L. Anderson from the Planning and Zoning Commission.**

Councilmember Walter understood there was a disagreement and inquired about the meeting that was to take place with the Planning and Zoning Commission.

Mr. Montoya stated that they were going to have individual sessions with the Planning and Zoning Commission members; however, the meetings did not materialize, and Commissioner Anderson elected to resign instead.

Councilmember Walter inquired if the Council wanted to table the item and try to get the discussions going due to the way Commissioner Anderson resigned.

Mr. Montoya stated that the Commissioners elected not to meet with Council and Commissioner Anderson elected to submit his resign.

Councilmember Montaño thanked Commissioner Anderson for his service to the Town.

On motion of Councilmember Walter, seconded by Vice-Mayor Smith, and carried to approve the resignation of John L. Anderson from the Planning and Zoning Commission.

NEW BUSINESS

Resolution No. 1428-14:

Mr. Charles A. Montoya, Town Manager, read Resolution No. 1428-14 by title only.

A RESOLUTION 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 (LEGACY TRADITIONAL SCHOOLS PROJECT), SERIES 2014A, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED $75,000,000 TO FINANCE THE ACQUISITION, CONSTRUCTION, IMPROVEMENT AND EQUIPPING OF EDUCATIONAL FACILITIES FOR ATHLOS TRADITIONAL ACADEMY AND ITS AFFILIATES, LEGACY TRADITIONAL SCHOOL – AVONDALE, LEGACY TRADITIONAL SCHOOL – LAVEEN AND LEGACY TRADITIONAL SCHOOL – NORTHWEST TUCSON.

Ms. Jennifer Evans, Management Analyst, stated that the resolution will allow the IDA to issue education revenue bonds for the Legacy Traditional Schools project. She said the bond issue would fund the acquisition, construction, and equipment for four charter schools around Arizona. The schools would be in Chandler, Tucson, Avondale, and Laveen. This bond issue would be very similar to the previous bond issues that were handled by the IDA. There is no liability incurred by the Town or the IDA and there is fiscal impact.

Mr. William Wilder, IDA Attorney, stated that the Council has previously approved the issuance of bonds for two other charter school facilities owned by the Legacy Traditional school group.

Mr. Wilder introduced those in attendance: Aaron Hayle, CFE Management Group; Bruce Sorenson, Firm of Piper Jaffrey, LLP; Ms. Greene, Bond Counsel, Greenberg Traurig, LLP; and Daniel Bank, CEO, Legacy School Group.

Mr. Wilder stated that the IDA Board met and adopted the resolution allowing for the issuance of the bonds and a copy of the resolution has been filed with the Clerk's Office.

Mayor Rankin inquired how much money the IDA will make from the issuance of these bonds.

Mr. Wilder stated that the amount will depend on what the actual amount of the bond issue is. He said if the issuance is for $70,000,000, the annual fee that the IDA would get is seven basis points, which is $49,000 for the first year. He said the bonds mature and get paid off so the amount of money that is received reduces on an annual basis.

Mayor Rankin inquired how much was paid to the IDA for the previous bond that was done.

Mr. Wilder stated the bond was for the Telesis Charter School, and was for approximately $5,000,000, which would have resulted in a fee of approximately $3500 the first year.

Mayor Rankin inquired how much the IDA received for the first bond that was done.

Mr. Wilder stated the first bond was for approximately $30,021,000.

Mayor Rankin inquired if Council is doing the right thing. He said private and charter schools are taking state money out of the public school system. The taxpayers are putting their tax dollars into private, non-profit, and for-profit businesses, when the public school system is in such need of this money that is being taken away.

Mayor Rankin said Council has no idea on how the money that the IDA makes from the bond issuance is spent. The IDA is not required to show them how they spend the money. He said the Town had a project and asked for the IDA's financial assistance, and were turned down. They offered the Town $2000 to build a sign.

Mayor Rankin stated that he will vote against the issuance of bonds due to the actions of the IDA and his belief on the private and charter schools.

On motion of Councilmember Celaya; motion failed due to the lack of a second.

Resolution No. 1429-14:

Mr. Charles A. Montoya, Town Manager, read Resolution No. 1429-14 by title only.

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, PERTAINING TO THE FLORENCE POLICE DEPARTMENT'S SUBMISSION OF A PROJECT FOR CONSIDERATION IN ARIZONA'S FY 2015 HIGHWAY SAFETY PLAN.

Mr. Daniel Hughes, Police Chief, stated that they are seeking approval to submit an application for funding to the Arizona Governor's Office of Highway Safety. If awarded,

the funds would be used to purchase specific accident Investigation devices that will allow staff to better investigate accidents. They have also requested a 2015 Chevrolet Tahoe, which will be used as a DUI vehicle as well as funding for overtime costs for selective traffic enforcement.

On motion of Councilmember Walter, seconded by Councilmember Montaño, and carried to adopt Resolution No. 1429-14.

Discussion/Approval/Disapproval to authorize the Town Manager to negotiate and enter into a contract or contracts with Haydon Building Corp., not to exceed a cumulative total of $500,000, for design-build construction services to complete the proposed Padilla Park at the Silver King Plaza project.

Mr. Mark Eckhoff, Community Development Director, stated that the Silver King property and adjacent Padilla property would be merged to develop a downtown plaza type park. The park will benefit everyone and attract tenants to the Silver King Marketplace. The improvements will include:

- The park has a passive patio area for dining and socializing. This area can be an extension of the indoor restaurant spaces. This zone also includes new restrooms to benefit the park and future restaurants.

- The park has an active component with the splash pad feature and adjacent sloped turf areas.

- The park has a special event and structured activity component with the sloped turf field and stage area.

Mr. Eckhoff stated that an RFQ for design-build construction services for this project was. The project Selection Committee interviewed the top four scoring proposals. The Haydon Building Corp., team had the second highest proposal score, second highest interview score and second highest cumulative score. Scope and budget negotiations with the top scoring team were unsuccessful. As such, this is the preferred team we are finalizing negotiations with and will approve a contract or contracts with them should there be a favorable motion on this agenda item.

He said there have been issues with the site. He said the site is small and there were challenges in getting the bathrooms into the adobe buildings because it is a heavy water use and is a vandalism prone type of use. The plan has been modified to place a small bathroom structure separate from the adobe structure. The adobe structure could be later modified to some low impact type of use. He said there have also been issues with the existing infrastructure with the planned use, specifically with electrical. A conceptual plan has been created.

Fritz Behrhorst, Haydon Building Corp, gave a brief overview of the company, and stated some of the projects the company has done.

Mr. Behrhorst stated that they have teamed up with Environmental Planning Group, as their lead designer; and they have worked with them on other parks. He gave a brief overview of the concept plans. He said with regards to this park, they have worked within the budget and scope and tried to gain the maximum usability. The park will have a gathering area, great lawn that has a platform stage, and berm seating area. Shade trees and a dining patio have also been included by the Silver King building. There will also be a turf plaza, splash pad, and restroom building. The perimeter will have a wire fence.

Mayor Rankin stated that the Town is in a drought and questioned the use of grass.

Mr. Behrhorst stated the main idea with regards to the grass is to provide a cool and inviting place for people to gather. The area can be used for movies in the park and community gatherings. An option may be to minimize the amount of grass area and can work with staff to determine what will work best for the community.

Mayor Rankin is concerned about the cost to water the grass since reclaimed water will not be used. He inquired about the annual cost to maintain the grass.

Councilmember Hawkins inquired if the trees will be mesquite or some other low bearing water trees.

Mr. Eckhoff stated that they are working very closely with Harold and Katie Christ, Windmill Winery, to obtain as many plants as they can from their facility. They will donate the plants for the project. The plants will be desert plants and may have some evergreens to create diversity.

Councilmember Walter inquired if the accumulative total was $200,000 at one time.

Charles A .Montoya, Town Manager, stated that original amount for the project is $350,000. The $200,000 was budgeted from the Parks budget that has already been set aside. The last amount brought before Council was $350,000. Once the bids were received they realized that the project could not be completed with the money budgeted.

Mr. Montoya explained that $150,000 was budgeted for the Bellfield 3 lights at Heritage Park. He said the money that was budgeted for the ballpark will be added to the Padilla park budget and the upgrades for the lighting will be done at a later time this year. He said that budget request will come before Council.

Vice-Mayor Smith stated that the jojoba bush may be considered as it is a bush that is green year round and uses little water.

On motion of Councilmember Montano, seconded by Councilmember Walter, and carried to authorize the Town Manager to negotiate and enter into a contract or contracts with Haydon Building Corp., not to exceed a cumulative total of $500,000, for design-build construction services to complete the proposed Padilla Park at the Silver King Plaza project.

MANAGER'S REPORT

There was no Manager's Report.

CALL TO THE PUBLIC

Ms. Denise Kollert, Florence Resident, stated that she is disappointed with the Council's vote with regards to Ultra Healthcare. She provided statistics on medical marijuana use. She said marijuana is not a gateway drug. She said many studies have been done that support medical marijuana use.

Ms. Kollert said the proposed clinic was not about underage kids or the entrance to Florence. She said for someone to say the clinic will be detrimental to the Town is silly.

CALL TO THE COUNCIL

Councilmember Montaño said the Florence K-8 took their staff to California to the oceanography and the Catalina Island for science.

Councilmember Walter thanked everyone who came to the meeting; especially those who came to voice their positions and views. She congratulated Renee Klix on her promotion. She stated that Sergeant Klix is a very hard worker and has been with the Town for several years.

Councilmember Hawkins responded to the Mr. Jerry Ravert's questions that were printed in the Florence Reminder. He outlined each of the questions and provided a response for each. He said that he works hard as a Councilmember and welcomed anyone to reach out to him and welcomed phone calls.

Vice-Mayor Smith requested to have a budget work session for the upcoming budget. He said with the regards to the possible purchase of Johnson Utilities, all meetings have been done in Executive Session. He requested a work session in order to educate the voters in preparation for the upcoming special election for the possible Johnson Utilities purchase. He also requested information on the Big Quick BBQ and would like the facts as to why they are having so many issues.

Mayor Rankin stated with regards to Johnson Utilities, until the facts are completely known by the Council, it would not be advantageous to disseminate information that has not been confirmed or agreed upon prior to the vote. He wants to ensure that the public is provided concrete information. The special election will be on May 20, 2014.

Mr. Montoya provided an update with regards to Johnson Utilities and stated that a work session is being scheduled for staff to bring forth the documents for Council's review. He said information will be provided to the public in the near future.

Mayor Rankin said Florence is business friendly. He said there businesses open in the community. Staff will work with any business wishing to do business in our community; however the businesses are required to follow the Town Code, rules and regulations. He said with regards to Big Quick BBQ, they must comply with Town Code.

Mayor Rankin said certain sections of the Code need to be addressed to improve the Code. He said there are restaurants that do not have handicap accessibility; but they were built prior to ADA requirements. He said staff is fair and consistent with all businesses. He discussed the buildings that are out of compliance along Main Street. He said the Fire Department may need to review each building to bring them in compliance.

ADJOURNMENT

Council may go into Executive Session at any time during the meeting for the purpose of obtaining legal advice from the Town's Attorney(s) on any of the agenda items pursuant to A.R.S. § 38-431.03(A)(3).

On motion of Councilmember Walter, seconded by Councilmember Montaño, and carried to adjourn the meeting at 9:02 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 March 17, 2014, and that the meeting was duly called to order and that a quorum was present.

Lisa Garcia, Town Clerk