

MINUTES OF THE FLORENCE TOWN COUNCIL MEETING HELD ON MONDAY, MARCH 4, 2013, AT 5:00 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 5:00 p.m.

ROLL CALL:

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

ADJOURN TO EXECUTIVE SESSION

For the purpose of discussion of the public body to receive legal advice from the Town Attorney on pending and threatened claim received from Curis Resources (Arizona) Inc. in accordance with A.R.S. §38-431.03 (A)(4).

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

ADJOURN FROM EXECUTIVE SESSION

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

INVOCATION PERFORMED BY BISHOP RYAN MICHELLE, THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS.

Bishop Ryan Michelle, The Church of Jesus Christ of Latter-Day Saints, 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 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. Shane Ham, Attorney representing Curis, said in the United States we place a high value on the right to own private properties. When the government expropriates private

property, it is a big deal, and such a decision should not be taken lightly. He said it especially true when there is so much tax dollars at stake. He said by the Town's own estimate in a staff memo, it could take approximately \$12 million to acquire the property, or ¼ of the Town's annual budget. The Town will also lose approximately \$4.5 million per year in tax revenue from the mine. He said even if the Town succeeds, it means tax increases for the taxpayers of Florence. He said before the Town can take away Curis' property, the Town will need to demonstrate a public purpose for this seizure.

Mr. Ham said the fear of government taking property from private citizens to benefit other private interests is exactly why the voters of Arizona passed the Private Property Rights Protection Act in 2006. If the Town cannot get over the high legal hurdles acted by that ballot initiative, there will be nothing to show for this expropriation effort except for Curis' legal bills, which by statute; the Town will be required to pay. He said the Town will also need to prove that the land use is necessary.

Mr. Ham said the largest wastewater treatment facility in Pima County serves approximately 130,000 customers and takes up approximately 9 acres. The Town's proposal would seize enough land to build over 130 plants serving over 17 million customers, which is larger than growth projections. He said it is hard to see why Florence needs to spend millions of taxpayer dollars for approximately 1200 acres of land. He said the Town may think it is desirable to seize all of the property from Curis for other reasons, but it is certainly is not necessary.

Mr. Ham said if the Town prevails on the two legal issues, Curis will still have the chance to prove the highest and best use of land is as a mining property. If the Court agrees with Curis that the mining use of the property is grandfathered in, the Town will owe Curis hundreds of millions of dollars. He said tonight's action only begins the expropriation process. He said property owners can defend their rights against the government in Court. He said win or lose, Florence will be paying lawyers a lot of money for a lengthy and costly court battle. He said this isn't fair to the taxpayers.

Mr. Ham said it is still possible for the Town and Curis to go forward with the pilot test project on State Land for a couple of years in order to prove to the taxpayers that the project is safe and economically beneficial to the Town. Curis is happy to discuss the possibility of setting aside an unused portion of the project land as a potential site for a wastewater treatment facility in a way that it will not cost the taxpayers so much money. He urged the Council to respect private property and continue working with Curis instead of creating a government seizure that will never stand up in court.

Jim Walter, Resident, complimented Mark (last name not specified), Sanitation Worker, for the personal service he has provided to his family and all of the residents. He said the Mark exemplifies the type of great service that is received from a municipal worker. Prices may be better if the Town switches to a private provider, but it will miss the component of a municipal employee who answers to the people of the Town. He feels the information that he has read in the newspaper is one sided and misrepresented. He recalls completing a questionnaire in which he was asked if he wanted recycling. He

said he wants recycling and feels that it is necessary. It is a component that is used to preserve our environment. He said he did not check the box that requested that the Town of Florence cease providing sanitation services and go to a private company. He said recycling services have been provided by Pinal County by placing trailers throughout Town for recyclables. Other agencies have also dropped off bins throughout the community to collect recyclables. He said when the residents wanted more than what was being offered, the decision was pushed back on them. He said the Town said they will offer recycling services to the residents and will have sanitation provided to them by a private party. He said that the Council has said the residents will realize a savings of 41% by using a private party, but it was never specified how much it would cost the residents if Florence switched to providing services one time per week with recycling.

Denise Kollert, Resident, spoke regarding Ordinance No. 592-13 and the costs that will be incurred if the Town moves forward with eminent domain. She inquired how the Town can afford the costs associated with the lawsuits but state that they have no money to do things for the Town. She asked Council to allow Curis to move forward with the testing. She said the testing will prove if there is a problem and it can be stopped at that point without it costing the Town so much money.

Jim Knupp, Representative for Congressman Gossar's Office, announced the opening of their San Tan Valley office. He said the office will be staffed full time and provided their contact information. They will have a Pinal County Business Roundtable on March 8, 2013, and invited everyone to attend. He gave a brief description of what would be discussed at the roundtable.

Betty Wheeler, Resident, expressed her strong support for curbside recycling. She said the public-private partnership is a great compromise. She asked Council to vote in favor of the contract that is being presented.

Ray Pelletier, Resident, said he agreed with recycling but disagrees with farming it out. He discussed the costs associated with the services being proposed for RAD, and what the true costs would be. He explained how much money the Town will lose financially should they approve the contract. He urged the Council to vote no on the contract and requested that the Town provide the curbside recycling.

PUBLIC HEARING AND PRESENTATIONS

Continuation of a Public Hearing for submission of an application for FY 2013 Community Development Block Grant State Special Project funds; and Discussion/Approval/Disapproval on Resolution No. 1374-13:

Charles A. Montoya, Town Manager, read Resolution No. 1374-13 by title only.

**A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA,
AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FY 2013 STATE**

SPECIAL PROJECT (SSP) GRANT FUNDS, CERTIFYING THAT SAID APPLICATION ADDRESSES ONE OF THE COMMUNITY'S PREVIOUSLY IDENTIFIED NEEDS AND MEETS THE REQUIREMENTS OF THE STATE SSP PROGRAM, AND AUTHORIZING ALL ACTIONS NECESSARY TO IMPLEMENT AND COMPLETE THE ACTIVITIES OUTLINED IN SAID APPLICATION.

Ernie Feliz, Special Districts Manager, said the Public Hearing concerns the CDBG SSP Application for FY 2013 and is a continuation from the February 4, 2013 Public Hearing. The amount to be applied for is \$300,000. He said a Public Hearing was conducted in December 2012, as required by the Arizona Department of Housing, to discuss potential projects for which the Town could apply. At that Hearing, four potential projects were discussed. Town staff is proposing the housing rehabilitation project for selection by Town Council because it represents the best opportunity to be awarded funding. He said this Hearing is the last opportunity for the public to make any final comments regarding the proposed project, which is owner-occupied housing rehabilitation or to propose an additional project. Once the Hearing is over, Council will be asked to make a decision regarding the project that will be submitted to the State. As they have said throughout the public participation process, the Council makes the final decision regarding the application to be submitted.

Mayor Rankin re-opened the Public Hearing.

Margaret Valdez, Resident, spoke on behalf of Ms. Teddy Ruiz, Florence resident, who is requesting a grant to repair her home. She said Ms. Ruiz's house, which is located at 321 E. Ruggles, is in dire need of repair. The home needs a new roof, does not have a foundation, and needs rewiring. The home does not have heating or cooling. Ms. Ruiz uses the stove to heat her home and has burnt out two stoves in the process of heating the home. The home also has mold, which has affected her health. Her primary care physician stated that the mold in her home is causing her major health issues. Ms. Ruiz has tried to remedy the mold by painting over the mold, but it reappears. Ms. Ruiz has sought assistance for the last six to seven years and has not been able to receive any type of assistance. Ms. Ruiz is a lifelong resident and was born and raised in this community. She is financially unable to fix her home and her children have only been able to provide limited assistance since they have financial issues of their own.

Ms. Valdez said Ms. Ruiz is a widow. Ms. Ruiz's husband built an addition to the home and planned on doing major repairs to the home, but was unable to do so because of his health condition, and then he passed away in 1977. Ms. Ruiz was gifted a heater by a friend for her home but is unable to use it because of the electrical problems. She explained the financial hardships that Ms. Ruiz has experienced. She hopes the Town can assist Ms. Ruiz.

Councilmember Walter inquired if Ms. Ruiz contacted Project Bridge.

Ms. Valdez said that they have, and unfortunately, there is no funding available.

Ms. Rachel Silvas, Resident, said that once she read about the possibility of receiving assistance to renovate a family home, she knew she had to look into it. She said the home is on Centennial Park and was built in the early 1900s. The home holds many cherished memories, as this is the home that she grew up in with her siblings and parents, Manuel and Maggie Rivera. She said once her parents passed away, her sister Delia lived in the home until she too, passed away. She said the home now belongs to her and unfortunately, she does not have the funding to do the necessary repairs. She said it has always been her dream to move back into the home and be closer to her family. She said she owns another home, and with today's economy, she is unable to do the repairs at this time. She said she hopes to one day move back to the home and live next door to the many family members who still live in the general vicinity. She hopes there is some type of assistance that can help her.

Mr. Feliz asked Council to adopt Resolution No. 1374-13, specifically to conduct owner occupied housing rehabilitation within the Town of Florence.

Mayor Rankin closed the Public Hearing.

On motion of Councilmember Celaya, seconded by Councilmember Hawkins, and carried to adopt Resolution No. 1374-13 to conduct owner occupied housing rehabilitation within the Town of Florence.

Presentation from ADOT on the temporary closure of northbound traffic at the Highway 79/79B intersection until Fiscal Year 15/16.

Roderick Lane, District Engineer, Tucson District, ADOT, discussed the temporary closure that is occurring in Florence on SH79/79B. He said that area had become unsafe and needed to be addressed. They did a test closure several months ago, and it worked well. They moved forward with a final closure and are seeking funding for a roundabout. Once funding is established, they will move forward with the design, and then the construction. The design should be done in 2014 and construction should be done in Fiscal Year 2015/2016. He said ADOT had a conference call with Town staff, one week after the closure, to see what issue(s) had developed in that time. Staff requested that ADOT provide a presentation to Council.

Mr. Lane introduced Mr. Scott Beck, Regional Traffic Engineer, ADOT, and said he was familiar with the project.

Councilmember Hawkins inquired why it couldn't be a four way stop with rumble strips. He said it would be an inexpensive fix and can be remedied for a lot less, since funding may not be available. He said the area could also be reconfigured to a "T". He is concerned that the funding may not be available for a roundabout. Traffic will be detoured for the next two years and Florence will have construction on Florence Heights during that same time frame as the detour.

Mr. Lane said they went through development and design process for the project. Engineering staff went through the study and the project assessment process, and they are very confident in the solution.

Councilmember Hawkins asked if his option was considered.

Mr. Beck said they did not try the rumble strips. He said that solution was evaluated. He said national standards need to be followed and certain guidelines need to be met. There are four guidelines that need to be met and they are only at 50% of the criteria. The criteria include: volume, number of approach and vehicles per hour. He said in the heaviest hour, there are approximately 200 vehicles coming southbound on SH79. The northbound left movement is less than 100 vehicles per hour. He said tack tile rumble strips are currently installed for the southbound through movement.

Councilmember Hawkins said the speed limit could be lowered and proper signage could be installed.

Mr. Beck said they also need to consider driver expectation. He said the signage has been studied and compliance is not as high as one would like it to be. Dropping the speed limit becomes an enforcement issue. The 85 percentile speed for that area is higher than what the posted speed limit is today, and dropping the speed limit would not have significant impact.

Councilmember Wooldridge said that her concern is that the fix is so many years out and they are feeding traffic onto the Town's local streets, which will cause wear and tear on the Town's roads. She inquired if ADOT is prepared to provide assistance for the Town's roads.

Mr. Lane said that the detour routes that they are using are all state highways and maintenance for state highways is their responsibility. He said that if there is an issue with traffic cutting through to local streets, they can place signs that say local traffic only. He said the challenge comes with enforcement. He said they expect everyone to stay on the state right-of-way and are signing it as such.

Councilmember Montaño said the drivers will not follow the directed detour but will use Florence Heights Road. He said his other concern is that there are three crosswalks for the Florence Unified School District on Butte Avenue and SH79B and ADOT is going to increase the traffic by over 100 vehicles per hour. The school's budget doesn't allow for them to hire additional cross guards, and with the additional traffic, there may not be coverage at the crosswalks. He inquired how ADOT is going to assist the school district.

Mr. Lane said the roads are designed to handle that type of traffic and with regards to school crossings, it becomes an enforcement issue.

Councilmember Celaya inquired how long it will take the construction to be completed from beginning to end.

Mr. Lane said that construction will take approximately six months.

Councilmember Celaya asked why it is being closed for two years if it will only take six months.

Mr. Lane said the road is being closed because it is a safety issue.

Councilmember Walter said the intersections of Main and Butte, and Butte and SH79 will see increased traffic, and it is going to cause an issue for Police and Fire vehicles that need to respond to emergencies. She inquired why the road can't remain open during the planning and engineering phases and close during the construction phase. She said the Town has many concerns that aren't being addressed.

Councilmember Celaya discussed the impact of enforcement.

Councilmember Montaña inquired if ADOT has discussed increased enforcement with the Arizona Department of Public Safety.

Mr. Lane said they have not held discussions with the Arizona Department of Public Safety with regards to enforcement, but they can contact them to see if they can provide assistance.

Councilmember Hawkins inquired if they are unable to install rumble strips and addition signs because it is against the law.

Mr. Lane said that it is not against the law; however, they will not achieve the results they are looking for by installing rumble strips and additional signage.

Councilmember Hawkins said the result should be to stop accidents, and inquired why ADOT will not give it a try.

Mr. Lane said the analysis indicates that they will be able to achieve the results that they need with their proposed project.

Discussion occurred on other options that Council would like ADOT to consider as well as enforcement issues that the Town will be burdened with.

Mr. Lane said they did have discussions with Fire, Police, and Department of Public Safety, regarding the detour in advance. They all had an opportunity to voice their concerns. He said they will work through the process as it goes along and as issues arise. There were no concerns at the meeting or when they spoke with Town staff.

Mayor Rankin said he does not agree with the timing of the project. He inquired if it was the Attorney General's Office who recommended that something be done about the intersection because of the rate of lawsuits that the State is being sued over. He also inquired how many fatalities have occurred at that intersection.

Mr. Lane said that something needed to be done and he didn't have the fatality information.

Mayor Rankin said ADOT was the one who designed the intersection that they have closed. The intersection has been in place for approximately 25 years.

Mayor Rankin said ADOT did a survey and everything that is being discussed is on the survey is being ignored. ADOT is going against everything that is listed on the survey. They did not listen to the comments.

Mr. Lane said they are requesting funding to put it in the Transportation Improvement Projects.

Mayor Rankin inquired about the size of the roundabout. He said an archeological study will need to be done.

Mr. Lane said the final design has not been completed and it is still in the preliminary stages. The roundabout will be large.

Mr. Beck said the survey asked the public their opinion about long term improvements.

Mayor Rankin said the survey indicated that the public does not want a roundabout.

Mr. Beck said the roundabout has the safest operations.

Mayor Rankin said the traffic is being pushed onto Florence Heights Drive. He said the survey indicated that 29% of those who submitted the survey said they would use Florence Heights Drive as an alternate route, 10% said they would use Butte Avenue, and 5% said they would use Stewart Street.

Mr. Lane said the design standards have changed since the closed intersection was built. Traffic and population were met when the road was created. There are archeological issues with any type of construction. Local people will use Florence Heights because they know the local roads. He said local traffic signs can be installed. He reiterated that will work with staff to try and resolve some of the issues that Council has.

Mayor Rankin expressed his concerns and the possibility of severe damage/death that can occur. He pointed out the issues that occurred when ADOT worked on the bridge project. ADOT doesn't work with municipalities. He said it was wrong to

close the road without talking to Council beforehand. ADOT talked to staff but discussions should have been occurred with Council before the closure.

Mr. Lane said he can try to increase communication.

Vice-Mayor Smith said there are twelve potholes on the bridge. He inquired about the date of when the grant for the Streetscape Program was approved by ADOT.

Mr. Knudson said it was approved approximately ten years ago.

Vice-Mayor Smith said ten years is quite a long time to wait for a grant. The Town is still waiting for the grant because ADOT keeps changing the plans. He has a difficult time believing the time frame for the project. He said he doesn't understand why they have to close that section of highway down for two years before the project can even start.

Mr. Lane said he can't discuss the Streetscape Program as he is unaware of the grant or program.

Councilmember Montañó discussed the problems with the light pole and lack of traffic signalization on SH79 and 1st Street. He said there are more accidents on that intersection than the one on SH79B.

Councilmember Hawkins said ADOT should consider a single lane overpass. He said it will be a smaller footprint for the archeological dig and will be a lot safer than a roundabout. Traffic currently gets confused with the roundabout near Burger King.

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.

***Resolution No. 1386-13:**

Mr. Montoya read Resolution No. 1386-13 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 2014 HIGHWAY SAFETY PLAN FOR THE POLICE DEPARTMENT.

***Approval of the resignation of Arnie Raasch from the Industrial Development Authority.**

***Appointment of Ty Schraufnagel to the Florence Industrial Development Authority, with a term to expire December 31, 2013.**

***Approval of the January 22, February 4, February 11, and February 19, 2013, Town Council minutes.**

***Receive and file the September 6, October 4, and November 15, 2012 Planning and Zoning Commission minutes.**

On motion of Councilmember Montaña, seconded by Vice-Mayor Smith, and carried to adopt the Consent Agenda as written.

UNFINISHED BUSINESS

Discussion/Approval/Disapproval of entering into a Solid Waste Services Agreement between the Town of Florence and Right Away Disposal.

Mr. Montoya stated that on February 12, 2013, Town Council had a work session to discuss potential options of moving into a public-private partnership with Right Away Disposal. Right Away Disposal was the selected vendor from the RFP process.

On motion of Councilmember Hawkins, seconded by Councilmember Celaya, to enter into a Solid Waste Services Agreement between the Town of Florence and Right Away Disposal.

Councilmember Walter asked Mr. Jess Knudson, Assistant to the Town Manager, if they have received the waiver from ADEQ to provide once a week collection.

Mr. Knudson said they have not obtained the waiver as of yet. The process takes approximately 30 – 45 days and they are confident that the Town will have it in place by July 1, 2013.

Councilmember Walter read a letter received from Mr. Brian Fryhover, in which he stated his concerns regarding a private provider providing sanitation services. He also stated his concerns regarding the amount of proposed pickups per week. He said residents are still not in favor of privatizing sanitation services.

Councilmember Walter said of the 44 posts on the Anthem portal, only one person was in favor of privatizing sanitation services. She said another email was received that stated if a person has water services, they must also have sanitation services, regardless if a person is living there or not, as it is a fixed cost by the Town that all homeowners are expected to subsidize. She said if everyone signed up for services, per the Town Code, the costs would be lower. She said the Town recently starting mandating that people who are signing up for water service sign up for sanitation service as well.

Councilmember Walter said that Mr. Pelletier spoke of losing revenue by switching to a private provider. Another concern is if the Town approves Option 5 with the administrative fee and transfer fee, the Town is looking at 36% of what RAD is charging to be passed on to the taxpayers. She discussed the proposed revenue that the Town

could have expected to receive versus what the customers will have to pay. She said she is not in favor of this recycling and does not feel that the Council did due justice.

Councilmember Walter said she had previously asked staff what the cost would be if the Town changed their service to once per week sanitation service and added recycling services.

Mr. Knudson, Deputy Town Manager, said the Town did the study with Economists.com and looked at doing the equivalent of what RAD is proposing with keeping the same rate structure. They were able to reduce the amount of increases over the future years. He said the cost will be the existing rate structure that is currently in place, which is \$28.98 per month.

Councilmember Woolridge inquired how many residents live in the Anthem area.

Mr. Montoya said there are approximately 3,000 residents that live in the Anthem area.

Councilmember Walter stated that Mr. Powell had a company and sold it after four years. She said Mr. Powell has obtained several contracts, and asked him what guarantee can he provide that he will not sell his the company.

Mr. Powell, CEO and General Manager, Right Away Disposal (RAD), said he sold his company four years ago and regretted his decision to sell the business. He is building a company that he can hand over to his children.

Councilmember Celaya said the contract with RAD is for five years; and there were multiple bidders who bid for the services. He said there would be another bidder available should they need to us another vendor.

Councilmember Walter said a resident inquired if the yard clippings would be part of the weekly trash services or the bulk trash.

Mr. Powell said the yard clippings can go in either the bulk trash or weekly service so long as they are cut down to fit in the container.

Councilmember Walter said she has concerns about starting in July. She said the Town has also accrued \$1.2 million dollars in surplus and one possible usage is to repair curbing and sewage in the downtown.

Mr. Montoya said the reason staff is recommending July 1st is to offer a smooth transition for the employees and to work with the vendor to ensure that everything is done appropriately and correctly, as well as to educate the residents. He said there is \$1.2 million in the sanitation fund; however staff has made recommendations for portions of the money to be maintained in the fund. After five years, if the Town opted to resume sanitation services internally, funds will be available for vehicles and needed

infrastructure. Staff also is recommending that a portion be used to improve or maintain existing roads that can be increase for the service delivery and education for recycling.

Councilmember Celaya said he is interested in the Town moving forward on a transfer facility, which will be owned by the Town.

Councilmember Walter said the Town should maintain the sanitation service.

Mayor Rankin said that everything started over the question for recycling.

Mr. Knudson stated that Council directed staff to look at curbside recycling services for the residents and for a cost comparison of what the residents are paying compared to what other communities are charging, which is what started this.

Councilmember Walter said there was a community meeting that was set up by the Mayor's Office that is taking place tomorrow at Anthem Parkside and Anthem Sun City. There are multiple residents who thought they would be able to discuss the items that Council is taking action on this evening. She does not believe it is fairly representing the people.

Councilmember Hawkins stated that the Council has had numerous meetings on the topic and the public has been afforded ample opportunities for discussion.

Councilmember Hawkins called for the question.

On motion of Councilmember Hawkins, seconded by Councilmember Celaya, and carried to enter into a Solid Waste Services Agreement between the Town of Florence and Right Away Disposal.

NEW BUSINESS

ORDINANCE NO. 592-13:

Mr. Montoya read Ordinance No. 592-13 by title only.

AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, DECLARING A PUBLIC NEED AND NECESSITY AND A PUBLIC PURPOSE; AUTHORIZING AND DIRECTING THE TOWN MANAGER, TOWN STAFF, AND TOWN ATTORNEY TO TAKE ANY AND ALL ACTIONS NECESSARY, CONVENIENT OR DESIRABLE, AND, TO SIGN ANY AND ALL DOCUMENTS; AND TO PAY ANY AND ALL COSTS, FEES OR EXPENSES IN ORDER TO ACQUIRE REAL PROPERTY, LOCATED IN PINAL COUNTY, ARIZONA AND KNOWN GENERALLY AS ASSESSOR'S PARCELS 200-31-054A, 200-31-019F, 200-31-0550, 200-31-019G, 200-31-019E, 200-31-019C, 200-31-0200, 200-38-001A, 200-38-0020 AND 200-38-001B, CONSISTING OF APPROXIMATELY 1,187 ACRES OF LAND LOCATED IN SECTIONS 26, 27, 28, 33, 34 AND 35 OF TOWNSHIP 4 SOUTH, RANGE 9 EAST OF

THE GILA AND SALT RIVER BASE AND MERIDIAN, THROUGH PURCHASE, EXCHANGE, DONATION OR EMINENT DOMAIN; IDENTIFYING THE REAL PROPERTY AS A FEE ACQUISITION TO ELIMINATE A CLAIMED LEGAL NON-CONFORMING USE, FOR A WASTEWATER TREATMENT FACILITY AND OTHER TOWN FACILITIES AND BUILDINGS TOGETHER WITH RELATED FACILITIES AND USES, AND TO SECURE WATER AND WATER RIGHTS, FOR THE USE AND BENEFIT OF THE TOWN AND THE PUBLIC, AND DECLARING AN EMERGENCY.

On motion of Councilmember Celaya, seconded by Councilmember Montaña, to adopt Ordinance No. 592-13, declaring an emergency.

Roll Call Vote:

Mayor Rankin: Y

Vice-Mayor Smith: Y

Councilmember Celaya: Y

Councilmember Hawkins: Y

Councilmember Montaña: Y

Councilmember Walter: Y

Councilmember Woolridge: Y

Motion Passed/Failed: Yes: 7 No: 0

CALL TO THE PUBLIC

Mr. Jim Walter, Resident, stated that it didn't matter what the public was going to say or discussion that took place. It was already commented to the he local newspaper that a Councilmember said that they would like to save money on their garbage bill. He said it is not about saving money but about doing it the right way, which is taking care of the people, and making sure that they have all of the information. He said he finds it very hard to believe that the Town is going to cut their service by 50% by going down to one day a week pickup and it will cost the same amount of money. He believes misrepresentation has occurred. He said unfortunately nothing can be done because the Council has already voted.

Denise Kollert, Resident, doesn't understand the concerns that were being expressed. She said less trash will be generated if a person recycles. Residents can opt for an addition trash can for a nominal fee if they need an extra can. She said the Town would have to purchase recycling cans if recycling services were to be done by Town staff, and that would be a big expense. She said the Town can try this option and change things in the future if need be.

CALL TO THE COUNCIL

Councilmember Celaya said the Council looked at the best value for its citizens. They have thoroughly researched their options. He said the proposed costs, even if the resident opted for two cans for sanitation plus one can for recycling, will still be less than

what the resident is currently paying. He said the Council was elected in the position to look for the best value for its citizens. He said the Councilmembers are also citizens and sometimes make decisions that they are inclusive of. He said that the decision is the right move. He said it is acceptable to have one trash pickup and one recyclable pickup.

Councilmember Montañó said Mr. Ham referred to a quote by John Lock in the 1700s during the time of the development of the Declaration of Independence, and he talked about it at the time looking for life, liberty, and for property. He said during that time slavery was part of the property. It was later changed to life, liberty, and the pursuit of happiness. He said happiness applies to everybody and not just the businessman, but for the people, including the individuals that are in the community. He said it is important to understand that the water rights belong to the Town and the Town needs the water rights to continue to grow and live in the community.

Councilmember Walter stated that she believes that the information needed to be presented to Council accurately the first time. It took multiple meetings to get to this point and not all the information was presented. She said the information sent by the PIO Office to the newspaper was not factual. She said if the Town did the same thing, it would be a 30% difference. She said the numbers that Mr. Pelletier presented came from the presentation that Mr. Knudson had. She said there is a need for the Council to come together and find a way to communicate.

Councilmember Hawkins stated that he disagrees with Councilmember Walter with regards to the PIO Office providing false information. He said the contract contains the facts and the sanitation service will cost the resident \$17.00 per month for sanitation and recycling services. He said the contract is a binding contract for five years. He added that Council has very good communication. He said he exercised his right to call for the question and said this topic has been discussed at length.

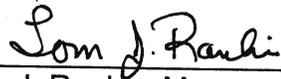
Councilmember Woolridge said that she agrees with Councilmember Celaya and Ms. Kollert. She said the Council made the best decision for its residents. She said she votes for the best interest of the residents of Florence.

Vice-Mayor Smith thanked the Mr. Montoya and Mr. Knudson for their work with regards to sanitation services. He also thanked Mr. Patel, previous Town Manager.

Mayor Rankin said he was going to talk to the residents of Florence and no one that he spoke with wanted the sanitation services to become privatized. He isn't sure how the fund balance will be used. He said the topic started as a recycling issue. He agrees with recycling and feels everyone should recycle. He said the rate increases were designed based on anticipated growth five years ago. He said the growth didn't occur; but the rates continually increased annually. He thanked Mr. Knudson for his services that he provided to the Town.

ADJOURNMENT

On motion of Councilmember Walter, seconded by Councilmember Hawkins, and carried to adjourn the meeting 7:54 p.m.



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 4, 2013, and that the meeting was duly called to order and that a quorum was present.



Lisa Garcia, Town Clerk