

**MINUTES OF THE FLORENCE TOWN COUNCIL MEETING HELD ON MONDAY, JULY 21, 2014, 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 5:02 pm.

**ROLL CALL:**

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

**ADJOURN TO EXECUTIVE SESSION**

**For the purpose of discussion and consultation of the public body in accordance with A.R.S. 38-431.03(A)(3) and A.R.S. 38-431.03(A)(4) to obtain legal advice from the Town Attorney and to discuss and consider the settlement of pending litigation.**

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

**ADJOURN FROM EXECUTIVE SESSION**

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

**INVOCATION**

Councilmember Walter led the Invocation.

**PLEDGE OF ALLEGIANCE**

Mayor Rankin led the Pledge of Allegiance.

**CALL TO THE PUBLIC**

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

Ms. Denise Kollert, Florence resident, stated that she has reservations about the splash pad at Padilla Park. The splash pad is not relevant since there will be a pool less than

¾ miles away. The Town would have less to maintain and there will be a decrease in costs for construction and water fees if the splash pad were omitted.

Mr. Albert Dare, Tempe resident, stated that he owns property in the Magic Ranch area, and thanked the Council for being diligent in seeking annexation. He said they will have a new fire station in the area, if annexed. He has mailed out letters asking everyone to support the annexation and looks forward to the improvements.

Mr. Dave Downey, Florence resident, stated that there is a clause in the Town Attorney's contract which allows for him to receive severance in the event he is terminated. He believes that the clause is fiscally irresponsible and this is no reflection against the Town Attorney. He doesn't believe an individual should be rewarded for being terminated. He asked that the clause be removed from the contract before it is executed. He said a person with tenure may receive a stipend; but it should be voted by the Council and should be on a case-by-case basis.

Mr. Phillip Hollins, Florence resident, stated that he is against the annexation. He explained his reasons for his opposition and stated that the Town is seeking the annexation for revenue purposes. It is his understanding that staff stated Magic Ranch HOA leaders approached the Town, in 2002, inquiring to be annexed into the Town; however, Anthem and Iron Horse did not exist during that time. He said it took the Town seven years to act on the request and inquired why the Town waited so long. He explained possible reasons for the Town waiting to move forward on the annexation.

Mr. Hollins stated that in 2009, the Town conducted a zoning plan within 300 feet of the State Land near DR Horton Magic Ranch, Iron Horse Community, and the Gila River Indian Community. He inquired if Florence acted as good neighbors and sent notices to the entities; and inquired if they were afforded the opportunity to object regarding the zoning plans. He said if so, the builder would have been required to disclose that the Town's zoning plans were in the high density residential and they could have made an informed decision whether or not to buy in that community.

Mr. Hollins stated that during the last Planning and Zoning Commission meeting, they inquired why they weren't informed of the zoning. He said the Town attorney stated that they should have researched it on the Town's website. He inquired if this is the type of transparency and service that they should expect to receive from the Town leaders. He stated if the Town is not able to annex, the Town will not be able to zone for apartments, industries, and grant new developers tax breaks. He said transparency is not Florence's strong suit.

Mayor Rankin stated that the Town followed the letter of the law and did not try to hide anything. He stated that he agrees with Mr. Hollins that the Town can go above what the law requires the Town to do. He said the Town has no control with regards to State Land. He said with regards to the property values decreasing due to multi-units or apartments; the Town has no idea if they will ever be built. He said a developer would

need to purchase that property from State Land first, and he does not know if State Land is selling the property.

Mayor Rankin apologized for the response that Mr. Hollins received; however, the public needs to do their research. He stated that anti-annexation signs now on display in Magic Ranch do not depict the truth.

**MOTION TO ADJOURN TO MERRILL RANCH COMMUNITY FACILITY DISTRICT NO. 1 BOARD.**

On motion of Councilmember Walter, seconded by Councilmember Celaya, and carried to adjourn to the Merrill Ranch Community Facility District No. 1 Board.

**Ordinance No. MRCFD1 111-14:**

Ms. Lisa Garcia, District Clerk, read Ordinance No. MRCFD1 111-14 by title only.

**AN ORDINANCE OF MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1, PINAL COUNTY, ARIZONA, LEVYING THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE COMMUNITY FACILITIES DISTRICT SUBJECT TO TAXATION OF CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS (\$100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE RECEIVED FROM FUNDS FOR COMMUNITY FACILITIES EXPENSES FOR THE FISCAL YEAR ENDING THE 30<sup>th</sup> DAY OF JUNE 2015. (First reading on June 16, 2014 and second reading on July 7, 2014)**

Mr. Mike Farina, District Treasurer, stated that a public hearing and second reading of Ordinance No. MRCFD1 111-14 was held on July 7, 2014, to levy the secondary property tax for the District, and there is no change in the rate. The levy rate is \$3.25 per \$100 of NAV, estimated at \$504,900, for the repayment of GO Bonds issued to finance the costs of public infrastructure improvements debt service; and an operations and maintenance levy of \$0.30 per \$100 of NAV estimated at \$46,600, to fund the maintenance of public improvements as well as administrative costs to operate the district. The total levy rate is \$3.55 per \$100 of NAV, or \$551,500.

On motion of Boardmember Celaya, seconded by Boardmember Woolridge, and carried to adopt Ordinance No. MRCFD1 111-14.

**MOTION TO ADJOURN FROM MERRILL RANCH COMMUNITY FACILITY DISTRICT NO. 1 BOARD.**

On motion of Boardmember Woolridge, seconded by Boardmember Celaya, and carried to adjourn from Merrill Ranch Community Facility District No. 1 Board.

**MOTION TO ADJOURN TO MERRILL RANCH COMMUNITY FACILITY DISTRICT NO. 2 BOARD.**

On motion of Councilmember Woolridge, seconded by Vice-Mayor Smith, and carried to adjourn to Merrill Ranch Community Facility District No. 2 Board.

**Ordinance No. MRCFD2 210-14:**

Ms. Lisa Garcia, District Clerk, read Ordinance No. MRCFD2 210-14 by title only.

**AN ORDINANCE OF MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 2, PINAL COUNTY, ARIZONA, LEVYING THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE COMMUNITY FACILITIES DISTRICT SUBJECT TO TAXATION OF CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS (\$100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE RECEIVED FROM FUNDS FOR COMMUNITY FACILITIES EXPENSES FOR THE FISCAL YEAR ENDING THE 30<sup>th</sup> DAY OF JUNE 2015. (First reading on June 16, 2014 and second reading on July 7, 2014)**

Mr. Mike Farina, District Treasurer, stated the total levy rate is \$3.55 per \$100 of Net Assessed Valuation (NAV), estimated at \$520,900. The levy rate consists of \$3.25 per \$100 of NAV, estimated at \$476,900, for the repayment of GO Bonds issued to finance the cost of public infrastructure improvements; as well as a levy of \$0.30 per \$100 of NAV, estimated at \$44,0000, to fund the maintenance of the public improvements, as well as administrative costs of the District.

On motion of Boardmember Woolridge, seconded by Boardmember Hawkins, and carried to adopt Ordinance No. MRCFD2 210-14.

**MOTION TO ADJOURN FROM MERRILL RANCH COMMUNITY FACILITY DISTRICT NO. 2 BOARD.**

On motion of Boardmember Woolridge, seconded by Boardmember Celaya, and carried to adjourn from Merrill Ranch Community Facility District No. 2 Board.

**PUBLIC HEARING AND PRESENTATIONS**

**Public hearing on a Minor General Plan Amendment to amend the Town of Florence 2020 General Plan to change the land use designations on approximately 1,183 acres from Employment/Light Industrial (E/LI), High Density Residential-1 (HDR-1) and Community Commercial (CC) to Master Planned Community (MPC); and for Discussion/Approval/Disapproval of Resolution No. 1455-14:**

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, read Resolution No. 1455-14 by title only.

**A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA,  
APPROVING THE ARIZONA FARMS MINOR GENERAL PLAN AMENDMENT FOR  
(CASE PZC-18-14-GPA).**

Mr. Mark Eckhoff, Community Development Director, stated that the proposed project known as Arizona Farms encompasses 1,183 acres located near the intersection of Arizona Farms Road and Felix Road in Pinal County, Arizona. The property falls within both the Magic Ranch and Arizona Farms annexation areas. The property is zoned in Pinal County for single family development with some minor commercial and minor employment.

Mr. Eckhoff stated that several years ago, the then property owners came to the Town with a plan to do a solar yard or solar manufacturing development on the property. The General Plan was amended to reflect the change; however, the plans never materialized. The property has changed ownership, and currently, there are several land holders in the development, including El Dorado Holdings, Langley, Wolfy's R. E. Holdings, LLC, BGH Associates, LLC, and the Superstition Springs R-14 Association. He said the property has been assembled into one major land ownership and has come to the Town with a plan to do a master plan development on the property. It is similar to what is in place with Pinal County.

Mr. Eckhoff stated that when the zoning comes before the Council, it will still have single family medium density residential, high density residential and commercial employment zoning. The plans include a single school site with the possibility of more, as well as a donation for a 20 acre park site and five acres dedicated for a fire station. They are also trying to pinpoint the freeway corridor on their property.

Mr. Eckhoff stated that the master plan designation affords them more flexibility to plan the property over time. The Planning and Zoning Commission has forwarded a unanimous favorable recommendation.

Councilmember Celaya inquired if it is the Town's original planning area that was designated as light industrial or was that the zoning that Pinal County had on the property.

Mr. Eckhoff stated that the land use designation that the Town had on the property was light industrial, community commercial and high density residential. He said that it was inconsistent with the Arizona Farms zoning that is on the property, which is single family development with a golf course and a few employment commercial nodes. The reason the General Plan was changed was because of the property owner's request for the solar yard.

Councilmember Celaya stated that his concern is that there is a railroad in the area and they do not want to lose the light industrial zoning. He said with regards to future zoning changes, they have limited railroad access and light industrial.

Mayor Rankin does not want any type of residential in the Magma Junction area. He agrees with light industrial.

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

On motion of Councilmember Walter, seconded by Councilmember Hawkins, and carried to adopt Resolution No. 1455-14.

**Public hearing on a Minor General Plan Amendment to amend the Town of Florence 2020 General Plan to amend the Future Land Use Map contained within the Land Use Element to adjust the Town's conceptual alignment of the proposed North-South ADOT Freeway Corridor, as well as the proposed conceptual alignment of the ADOT Passenger Rail Corridor, based on information collected and analysis completed since the adoption of the 2020 General Plan in 2010 and subsequent amendments; and for Discussion/Approval/Disapproval of Resolution No. 1456-14:**

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, read Resolution No. 1456-14 by title only.

**A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING THE NORTH-SOUTH ADOT FREEWAY CORRIDOR MINOR GENERAL PLAN AMENDMENT (PZC-22-14-GPA).**

Mr. Mark Eckhoff, Community Development Director, stated that since 2007, Florence became one of the most proactive communities in Pinal County by identifying the conceptual alignment of the North-South Corridor on its land use maps. Florence wanted to assist ADOT by helping identify an alignment and every year since then, have refined the alignment based on what is happening with the ADOT study and discussions with stakeholders. He explained where the current alignment is and said he met with Southwest Value Partners, ADOT and others and agreed that the corridor would not be able to make the jumps over the CAP canal. He said it will hug the north end of Merrill Ranch Parkway and veer north. They are fine tuning the locations of some of the interchanges. The North-South Freeway Corridor, as a whole, has been identified along with the passenger rail corridor. Refinements and modifications may be made on the corridors. He said two rail stops have also been identified.

Mr. Eckhoff stated that ADOT will be doing more presentations to the public. ADOT is doing an environmental study and a toll feasibility study on the corridor. The Planning and Zoning Commission has forwarded a unanimous favorable recommendation.

Mayor Rankin stated that ADOT does not have the funding for the infrastructure. He said the project may be a private/public partnership as well as the possibility of toll lanes.

Mr. Eckhoff stated the stakeholders want some type of road built in the near future. Discussions have occurred with them and they would like something that will move traffic through San Tan Valley and North Florence. He said other options would be to work with the stakeholders to fine tune the corridor and do as much as they can without getting to ahead of ADOT.

Mayor Rankin inquired when ADOT will have their next hearing.

Mr. Eckhoff does not have any dates for any upcoming meetings.

Mayor Rankin opened the public hearing.

Ms. Ruth Harrison, Florence resident, stated, that the plans were changed to move the corridor further away from the Florence Gardens area; however, the plan shows it being moved closer to Florence Gardens than the original plan. She said the corridor is too close to Florence Gardens.

Mayor Rankin closed the public hearing.

On motion of Councilmember Walter, seconded by Councilmember Hawkins, and carried to adopt Resolution No. 1456-14.

**Public hearing on a Minor General Plan Amendment to amend the Town of Florence 2020 General Plan to amend the Future Land Use Map for the removal of the Aggregate Resources (AR) Overlay from the proposed Reserve at Lookout Mountain planned community located at the southwest corner of Hunt Highway and the Heritage Road alignment due to the aggregate mining use being permanently eliminated from the subject site; and for Discussion/Approval/Disapproval of Resolution No. 1457-14:**

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, read Resolution No. 1457-14 by title only.

**A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING THE RESERVE AT LOOKOUT MOUNTAIN MINOR GENERAL PLAN AMENDMENT (PZC-23-14-GPA).**

Mr. Mark Eckhoff, Community Development Director, explained that the State required that the Town identify any areas that were being utilized for the development of aggregate resources on the Town's land use map. New owners acquired the property and are pursuing annexation into the Town and the residential development of the property. The aggregate resource use that existed on the property has been abandoned and there is no longer a need for the State to retain it on the land use map. The Planning and Zoning Commission has forwarded a favorable recommendation.

Councilmember Celaya asked if the land use can revert back to an aggregate resource use at a later time.

Mr. Eckhoff stated an amendment to the General Plan would need to be done in order to change the property back to aggregate resource use.

Mayor Rankin opened the public hearing.

There being no comment, Mayor Rankin closed the public hearing.

On motion of Councilmember Woolridge, seconded by Councilmember Hawkins, and carried to adopt Resolution No. 1457-14.

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

The presentation has been moved to the August 18, 2014 Town Council meeting.

**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.**

**\*Authorization to enter into an agreement between Superstition Fire and Medical Department and the Town of Florence for maintenance services for the Town of Florence fire apparatus.**

**\*Authorization to enter into an agreement between the City of Mesa, the TRWC and the Town of Florence to become an associate member of TOPAZ.**

**\*Approval to hire Ripple Industries for installation of SCADA equipment at well sites and reservoirs, in an amount not to exceed \$70,000.**

**\*Approval of a lease with Carol Johnson (Silver King Hair Co.) for Suite 201, in the Silver King Market Place.**

**\*Approval of the June 18 and June 23, 2014 Town Council Minutes.**

**\*Receive and file the following board and commission minutes:  
April 17, 2014 Planning and Zoning Commission minutes.**

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

**UNFINISHED BUSINESS**

**Ordinance No. 612-14:**

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, read Ordinance No. 612-14 by title only.

**AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, LEVYING THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE TOWN OF FLORENCE SUBJECT TO TAXATION OF CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS (\$100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE RECEIVED FROM FUNDS FOR GENERAL MUNICIPAL EXPENSES FOR THE FISCAL YEAR ENDING THE 30<sup>th</sup> DAY OF JUNE 2015. (First reading June 16, 2014, second reading July 7, 2014)**

Mr. Mike Farina, Finance Director, stated that the tax levy does not increase the property tax rate. The current rate for FY 2013- 2014 is \$1.1182 and will remain the same rate for FY 2014-2015. A Truth in Taxation Hearing is required, per State Statute, because the increase in the Town's Net Assessed Valuation caused an increase in the property tax levy dollars. He said the levy generated a property tax levy of \$814,526 in FY 2013-2014; and for FY 2014-2015, it is estimated that the levy will generate \$852,740. The increase is due to new construction as well as the net increase of net assessed valuation.

Mr. Farina stated that the ordinance adopts a zero property tax rate for the Streetlight Improvement Districts Nos. 1, 2, and 3 because there are adequate funds in the Districts for operation.

On motion of Councilmember Woolridge, seconded by Councilmember Hawkins, to adopt Ordinance No. 612-14.

Roll Call Vote:

Councilmember Woolridge: Yes  
Councilmember Walter: Yes  
Councilmember Hawkins: Yes  
Councilmember Celaya: Yes  
Vice-Mayor Smith: Yes  
Mayor Rankin: Yes

Motion carried: (Yes: 6; No: 0)

## **NEW BUSINESS**

### **Resolution No. 1461-14:**

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, read Resolution No. 1461-14 by title only.

**A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH**

**SUPERSTITION SPRINGS R-14 ASSOCIATES, AN ARIZONA LIMITED PARTNERSHIP; WOLFY'S R.E. HOLDINGS, LLC, AN ARIZONA LIMITED LIABILITY COMPANY; AND DAVID C. PHILLIPS, A MARRIED MAN DEALING WITH HIS SOLE AND SEPARATE PROPERTY, HEREAFTER CUMULATIVELY REFERRED TO AS "OWNER", AND AUTHORIZING EXECUTION OF SUCH PRE-ANNEXATION AND DEVELOPMENT AGREEMENT (ANNEXATION NO. 2013-02 – "COMMERCIAL/EMPLOYMENT AND PARKLINKS AT ARIZONA FARMS" PROPERTY).**

Mr. Mark Eckhoff, Community Development Director, stated the four development agreements before the Council have the same terms as other agreements that have come before Council. The agreement contains a commitment from the Town to not increase the Residential Impact Fee for seven years, effective upon annexation. This agreement has a small commercial component; and the Town has extended to not increase the impact fees on the commercial component for ten years because the commercial will fall behind the residential aspects.

Mr. Eckhoff outlined the annexation area and stated that the development agreement is in Arizona Farms. He outlined the locations of the parcels of property. He said the owner plans on doing a senior, attached housing development product on the residential component.

On motion of Councilmember Walter, seconded by Councilmember Hawkins, and carried to adopt Resolution No. 1461-14.

**Resolution No. 1462-14:**

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, read Resolution No. 1462-14 by title only.

**A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH RES-AZ CRESTVIEW, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AND AUTHORIZING EXECUTION OF SUCH PRE-ANNEXATION AND DEVELOPMENT AGREEMENT (ANNEXATION NO. 2013-02 – CRESTFIELD MANOR "RIALTO" PROPERTY).**

Mr. Mark Eckhoff, Community Development Director, stated the property is located in the northeast corner of the Crestfield Manor subdivision, and explained that the lots in that area are subject to the Pre-Annexation Development Agreement. He said the terms are the same as the other Pre-Annexation Development Agreements. He said if they build within the next seven years, they will benefit from the reduced impact fees.

Mayor Rankin inquired if this will complete Crestfield Manor.

Mr. Eckhoff said it will complete Crestfield Manor; it is the third of three PADAs for Crestfield Manor.

On motion of Councilmember Walter, seconded by Councilmember Hawkins, and carried to adopt Resolution No. 1462-14.

**Resolution No. 1463-14:**

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, read Resolution No. 1463-14 by title only.

**A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH RMG LUCKY HUNT 65, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AND AUTHORIZING EXECUTION OF SUCH PRE-ANNEXATION AND DEVELOPMENT AGREEMENT (ANNEXATION NO. 2013-01 – “LUCKY HUNT” PROPERTY).**

Mr. Mark Eckhoff, Community Development Director, stated the area is located along the Hunt Highway corridor in the Magic Ranch annexation area. The property has been acquired by Ron McRae and his partners. The owner has agreed to dedicate a fire station site in the Magic Ranch annexation.

Vice-Mayor Smith inquired who the owner is for the property in front of the described property, which is next to Hunt Highway.

Mr. Eckhoff stated Mr. McRae and his partners own three developments in the area, and are providing each other cross access. He explained how the access points will be built and said it will be built as one cohesive subdivision.

Vice-Mayor Smith stated that there is an area that does not have an exit and the residents will have to drive to the lower half of the subdivision to exit. He requested that an exit be added in closer proximity to where the turnaround is, which is close to Hunt Highway.

Mr. Eckhoff stated that there is discussion in the development agreement which deals with access. The Town would ensure that they have adequate access from Hunt Highway. He said should they wish to have an egress/ingress from Hunt Highway; they could amend it through the development process. He said the plan is conceptual.

Councilmember Walter stated that she is excited about the growth the PADAs will bring to Florence and the job and other opportunities that may come from the growth.

On motion of Councilmember Walter, seconded by Councilmember Hawkins, and carried to adopt Resolution No. 1463-14.

**Resolution No. 1464-14:**

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, read Resolution No. 1464-14 by title only.

**A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH MAGIC LAKE 80, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AND AUTHORIZING EXECUTION OF SUCH PRE-ANNEXATION AND DEVELOPMENT AGREEMENT (ANNEXATION NO. 2013-01 – “LOOKOUT MOUNTAIN” PROPERTY).**

Mr. Mark Eckhoff, Community Development Director, outlined the location of the property. He explained the access points and said a Fry's Grocery Store, in-line shops, and pad sites are also planned for the area. The planned mini-storage facility is across the street.

Mayor Rankin inquired if the location is in the Town where the Barclay's are putting the store in.

Mr. Eckhoff stated the property is not yet in the Town; however, the PADA has been negotiated and it is scheduled for the next Council agenda. He said it is contingent upon the annexation.

On motion of Councilmember Woolridge, seconded by Councilmember Hawkins, and carried to adopt Resolution No. 1464-14.

**Discussion/Approval/Disapproval of the Town Manager to enter into an amendment to the Town's current contract with Haydon Building Corp., in an amount not to exceed \$172,000, for additional design-build construction services required to complete the proposed Padilla Park at Silver King Plaza project.**

Mr. Mark Eckhoff, Community Development Director, stated a large number of historic bottles were unearthed during construction of Padilla Park. It appears that the bottles were placed upside down, and may have served as pathways to other buildings. Due to this finding, it was necessary to halt the project, notify SHPO, notify the Arizona State Museum, and hire an archeologist. The archeologist performed an analysis and submitted their proposed recommendations to SHPO and the Arizona State Museum. They have agreed to the Town's methodology as to how to approach revisions to the park. The proposed change order is for the cost of the archeological work that needs to be completed. Additional excavation will be done and efforts will be done to preserve the site. After the required excavation is completed, the goal will be to minimize the disturbance and to allow it to remain status quo and have a preservation easement placed over the site. Some of the items that are excavated from the site will be shared with the State of Arizona and will seek permission to have Florence have its own display. The archeologist will remain onsite as the project progresses with regards to the movement of dirt. The plan will be adjusted accordingly, based on future findings. The excavation will be limited. Dirt will be brought onto the property to create the berming effect on the south side of the park. The location of the stage will be modified. The major components of the park will remain intact (patio, extension of building, water feature and lawn). The change order not only covers the archeological costs, but included a large contingency, and money for signage. The park will be completed in late September or early October.

Councilmember Hawkins inquired if it is State requirement that the bottles be protected. He said it is hard to justify spending \$172,000 for old bottles. He inquired what the historic significance is of the the bottles that would require that the planned be changed and the additional expense.

Mr. Eckhoff stated that the Town is governed by the Arizona Antiquities Act because it is municipal property. The Town is also governed under the State Historic Preservation Office and the Arizona State Museum. The Town and contractor were obligated to immediately cease working and contact the appropriate agencies. There is also a large preservation easement on the property, from SHPO due to the funds received to do preservation work.

Councilmember Celaya inquired if there will be additional costs aside from the \$172,000.

Mr. Eckhoff explained what the additional costs were as a result of the finding. He stated that there will be \$80,000 that is directly related to Logan Simpson. There is a contingency for potential work as well as approximately \$10,000 for the unknown. He said other costs included shut down costs for remobilization of equipment; fence, barricade, and portable toilet rental periods has been extended; and additional survey costs. There is also money earmarked for the park monument sign, Town park signs, and historical signs.

Councilmember Hawkins outlined each of the costs that have been incurred as a result of the findings; and inquired why some of the outlined costs, such as signage, were not included in the original cost.

Mr. Charles Montoya, Town Manager, stated that a lot of the items were considered outside of the contract, but because the Town will not be able to disturb the ground once the project is is completed, it was best to incorporate everything at one time.

Councilmember Walter inquired if the Town is able to receive any funding from the State for this project because of their requirements.

Mr. Montoya stated that he is not sure if funding is available.

Mr. Eckhoff stated that there is no State money available for historic preservation activities. The Town may be able to pursue some private or Tribal grants.

Councilmember Walter inquired how the Town's budget will be impacted.

Mr. Farina stated that the Town has a \$2 million contingency in the Capital Projects Fund built into the budget for events such as what has transpired.

Councilmember Hawkins would prefer to see a fountain rather than a water pad, due to liability.

Councilmember Celaya would prefer that the water pad would remain. The surface has a rubberized padding.

Mr. Eckhoff stated that the the City of Gilbert has something similar to what is being proposed. He explained what a water pad is. He said Anthem has a water pad, and many shopping centers have water pads as well.

Mayor Rankin would like the water pad to be included in the park.

Vice-Mayor Smith stated that he knows the Town has to move forward on the project even though it will be costly.

On motion of Councilmember Woolridge, seconded by Councilmember Celaya, and carried to enter into an amendment to the Town's current contract with Haydon Building Corp., in an amount not to exceed \$172,000, for additional design-build construction services required to complete the proposed Padilla Park at Silver King Plaza project.

**Authorization to enter into a three-year Employment Agreement with the Town Manager Charles A. Montoya.**

Councilmember Celaya stated that the wording in the employment contract regarding severance packages for Town Attorney and Town Manager is standard to other contracts that are offered to other in appointed positions.

On motion of Councilmember Hawkins, seconded by Vice-Mayor Smith, and carried to approve a three-year Employment Agreement with the Town Manager Charles A. Montoya.

**Authorization to enter into a one-year Employment Agreement with the Town Attorney James E. Mannato.**

Councilmember Walter stated that one of the differences between the Town Manager and the Town Attorney is that the Manager is with the Town long term. In order for the Town Manager to seek a position comparable to his salary, it would be another Town Manager position. In the Town attorney's contract, he can still work and seek employment, but the Town would pay him the four months severance package.

Councilmember Celaya stated there is a difference in the length of time for each of the contracts. The Town Manager is guaranteed three years of contract, and the Town Attorney is one year. If it is to be compared, the Town Attorney should have a contract for three years with the same type of package.

On motion of Councilmember Woolridge, seconded by Vice-Mayor Smith, and carried to approve a one-year Employment Agreement with the Town Attorney James E. Mannato.

## MANAGER'S REPORT

There was no Manager's Report.

## CALL TO THE PUBLIC

Mr. Doug Carlson, Florence Resident, inquired if the \$172,000 will come from the \$2 million contingency fund. He said illegal children are being dropped off in communities throughout the country, and inquired if Florence has a contingency plan in place in case the children are placed in Florence.

## CALL TO THE COUNCIL

Mayor Rankin stated Jim Gardner died and brought a lot of notoriety to Florence. Murphy's Romance was filmed in Florence in which Mr. Gardner played a part in. He said that he is in favor of the annexation and feels that the Town's staff is well qualified. He said the Council does receive criticism from time to time, and when he spoke, he spoke as himself and not for the entire Council. He apologized if anyone was offended.

## ADJOURNMENT

On motion of Councilmember Hawkins, seconded by Councilmember Walter, and carried to adjourn the meeting at 7:43 pm.



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Tom J. Rankin, Mayor

## ATTEST:



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Lisa Garcia, Town Clerk

I certify that the following is a true and correct copy of the minutes of the Florence Town Council meeting held on July 21, 2014, and that the meeting was duly called to order and that a quorum was present.



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Lisa Garcia, Town Clerk