

REGULAR MEETING AGENDA

PURSUANT TO A.R.S. § 38-431.02, NOTICE IS HEREBY GIVEN TO THE MEMBERS OF THE FLORENCE TOWN COUNCIL AND TO THE GENERAL PUBLIC THAT THE FLORENCE TOWN COUNCIL WILL HOLD A MEETING OPEN TO THE PUBLIC ON MONDAY, AUGUST 17, 2015, AT 6:00 P.M., IN THE CHAMBERS OF TOWN HALL, LOCATED AT 775 NORTH MAIN STREET, FLORENCE, ARIZONA.

1. CALL TO ORDER

2. ROLL CALL: Rankin __, Walter __, Woolridge __, Hawkins __,
Guilin __, Anderson __, Wall ____.

3. MOMENT OF SILENCE

4. PLEDGE OF ALLEGIANCE

5. 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.

6. PRESENTATIONS

- a. **Presentation of the** 2015 Arizona Parks and Recreation Association's Outstanding Facility Award for Padilla Park.
- b. **Update of the Library/**Recreation Complex Project.
- c. Presentation by the Greater Florence Chamber of Commerce recognizing Main Street Family Practice as the Business of the Month.

7. CONSENT: All items on the consent agenda 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.

- a. **Resolution No. 1529-15:** Adoption of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, ADOPTING THE PARKS AND RECREATION 2015 MISSION, VISION AND VALUES FOR THE PARKS AND RECREATION DEPARTMENT OF THE TOWN OF FLORENCE, ARIZONA.

- b. **Resolution No. 1534-15:** Adoption of A RESOLUTION OF TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING AND AUTHORIZING MAYOR TOM J. RANKIN, INTERIM TOWN MANAGER LISA GARCIA, AND FINANCE DIRECTOR GABRIEL GARCIA TO ACT AS SIGNATORIES FOR THE TRANSACTION OF BUSINESS ON THE TOWN OF FLORENCE BANKING ACCOUNTS, AND DECLARING AN EMERGENCY.
- c. **Issuance of a Proclamation** declaring August 2015 as Child Support Awareness Month.
- d. **Approval of Change** Order Requests 1 through 4, with Currier Construction, Inc., for a total of \$14,998.87, for a total project cost not to exceed \$1,564,182.87.
- e. **Approval of Change** Order No. 2 with Low Mountain Construction, Inc., to increase the number of days for completion to 294 days for the Library/Recreation Complex design-build contract. There is no increased fiscal impact.
- f. **Approval of Change** Order No. 2 with Garney Construction, for a credit of \$32,084.00, for a total project cost reduced to \$1,691,358, and extending the project completion date to October 30, 2015.
- g. **Approval of Change** Order Requests 1, 2, 5, 7, 8 and 9 with McCain Construction, LLC, for a total of \$33,840, for a total project cost not to exceed \$717,434.
- h. **Approval of Change** Order No. 1 to Visus Engineering Construction, for the additional work associated with Change Order Requests during construction of the Main Street Extension Temporary Access Road, for a total of \$13,500, for a total project cost not to exceed \$252,500.
- i. **Approval of a lease** agreement with the Florence Mosaic Church of the Nazarene, owner of the Florence Fudge Co., for Suite 101, in the Silver King Market Place.
- j. **Approval of a lease** with Victor Fimbres, dba as Silver King, for Suite 201, in the Silver King Market Place.
- k. Approval of the **July 6, July 13, July 20,** and **July 27, 2015** Council minutes.
- l. Receive and file the following board and commission minutes:
 - i. **June 24, 2015** Historic District Advisory Board minutes.
 - ii. **June 18, 2015** Planning and Zoning Commission minutes.

8. NEW BUSINESS

- a. **Discussion/Approval/Disapproval** of regulating the Farmers Market vendors under Ordinance No. 549-11.
- b. **Ordinance No. 633-15:** Discussion/Approval/Disapproval of AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING ORDINANCE NO. 619-14 WITH REGARD TO MAGIC RANCH ANNEXATION PETITION NO. 2013-01; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.
- c. **Resolution No. 1535-15:** Discussion/Approval/Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1431-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH SEVILLE INVESTMENTS, LLC ("OWNER"); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.
- d. **Resolution No. 1536-15:** Discussion/Approval/Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1453-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH PALMS-MAGIC LAKE 80, LLC ("OWNER"); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.
- e. **Resolution No. 1537-15:** Discussion/Approval/Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1454-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH SFD MAGIC RANCH, LLC ("OWNER"); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.
- f. **Resolution No. 1538-15:** Discussion/Approval/Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1458-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH GEM LAND & CATTLE, LLC AND EMPIRE WEST TITLE AGENCY LLC ("OWNERS"); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.
- g. **Resolution No. 1539-15:** Discussion/Approval/Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1459-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH RMG ARIZONA PROPERTIES HOLDING XVII, LLC, ("OWNER"); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

- h. **Resolution No. 1540-15:** Discussion/Approval/Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1460-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH RMG RESIDENTIAL 2010, LLLP (“OWNER”); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.
- i. **Resolution No. 1541-15:** Discussion/Approval/Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1463-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH RMG LUCKY HUNT 65, LLC, (“OWNER”); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.
- j. **Resolution No. 1542-15:** Discussion/Approval/Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1464-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH MAGIC LAKE 80, LLC, (“OWNER”); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.
- k. **Resolution No. 1543-15:** Discussion/Approval/Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1465-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH BARCLAY HOLDINGS XLIII, LLC, (“OWNER”); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.
- l. **Resolution No. 1544-15:** Discussion/Approval/Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1466-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH CHI CONSTRUCTION COMPANY (“OWNER”); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.
- m. **Resolution No. 1545-15:** Discussion/Approval/Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1467-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH D. R. HORTON, INC, (“OWNER”); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.
- n. **Resolution No. 1546-15:** Discussion/Approval/Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1470-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH CMG 900, LLC

(“OWNER”); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

- o. Resolution No. 1547-15:** Discussion/Approval/Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1468-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH EL DORADO ARIZONA FARMS, LLC (“OWNER”); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.
- p. Resolution No. 1548-15:** Discussion/Approval/Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1472-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH SMITH’S FOOD AND DRUG CENTERS, INC., (“OWNER”); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.
- q. Resolution No. 1549-15:** Discussion/Approval/Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1475-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH GENERAL HUNT PROPERTIES, INC., (“OWNER”); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.
- r. Resolution No. 1550-15:** Discussion/Approval/Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1476-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH OASIS SOLID WASTE, LLC (“OWNER”); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.
- s. Resolution No. 1551-15:** Discussion/Approval/Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1477-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH THE CLUB AT OASIS, LLC (“OWNER”); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.
- t. Resolution No. 1552-15:** Discussion/Approval/Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1478-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH JOHNSON UTILITIES, LLC (“OWNER”); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

- u. **Ordinance No. 634-15:** Discussion/Approval/Disapproval of AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING ORDINANCE NO. 620-14 WITH REGARD TO ARIZONA FARMS ANNEXATION PETITION NO. 2013-02; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.
- v. **Resolution No. 1553-15:** Discussion/Approval/Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1418-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH DQCRESTFIELD, LLC, (“OWNER”); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.
- w. **Resolution No. 1554-15:** Discussion/Approval/Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1443-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH MP FLORENCE, LLC, (“OWNER”); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.
- x. **Resolution No. 1555-15:** Discussion/Approval/Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1446-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH HOWARD L. HAWKS (“OWNER”); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.
- y. **Resolution No. 1556-15:** Discussion/Approval/Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1461-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH Superstition Springs R-14 ASSOCIATES, WOLFY'S R.E. HOLDINGS, LLC, AND DAVID C. PHILLIPS, (“OWNERS”); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.
- z. **Resolution No. 1557-15:** Discussion/Approval/Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1462-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH RES-AZ CRESTVIEW, LLC (“OWNER”); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.
- aa. **Resolution No. 1558-15:** Discussion/Approval/Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1471-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH EL DORADO

ARIZONA FARMS LLC AND LANGLEY ARIZONA FARMS 150, LLC
("OWNERS"); PROVIDING FOR SEVERABILITY; AND DECLARING AN
EMERGENCY.

9. **MANAGER'S REPORT**

10. CALL TO THE PUBLIC


11. CALL TO THE COUNCIL

12. 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).

POSTED ON AUGUST 14, 2015, BY LISA GARCIA, TOWN CLERK, AT 775 NORTH MAIN STREET, 1000 SOUTH WILLOW STREET, FLORENCE, ARIZONA, AND AT WWW.FLORENCEAZ.GOV.

PURSUANT TO TITLE II OF THE AMERICANS WITH DISABILITIES ACT (ADA), THE TOWN OF FLORENCE DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY REGARDING ADMISSION TO PUBLIC MEETINGS. PERSONS WITH A DISABILITY MAY REQUEST REASONABLE ACCOMMODATIONS BY CONTACTING THE TOWN OF FLORENCE ADA COORDINATOR, AT (520) 868-7574 OR (520) 868-7502 TDD. REQUESTS SHOULD BE MADE AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE THE ACCOMMODATION.

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 6a.
MEETING DATE: August 17, 2015 DEPARTMENT: Parks and Recreation STAFF PRESENTER: Bryan C. Hughes Parks and Recreation Director SUBJECT: Arizona Parks and Recreation Association's 2015 Outstanding Facility Award – Padilla Park.		<input type="checkbox"/> Action <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <div style="margin-left: 20px;"> <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading </div> <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Recognition of the 2015 Arizona Parks and Recreation Association's Outstanding Facility Award (population 25,000-100,000) for Padilla Park.

BACKGROUND/DISCUSSION:

Each year at the Arizona Parks and Recreation Association (APRA) Conference and Expo, the Annual Awards Ceremony recognizes excellence in the field of Parks, Recreation, Cultural and Community Services.

This year, Padilla Park was nominated and selected for the Outstanding Facility Award for communities with populations between 25,000-100,000. The APRA Awards Committee scored over 70 nominations in various categories this year. To be eligible for this award, parks and facilities must be new construction, completed and open between the period June 2014 to May 2015.

The award was presented on Tuesday, August 11, 2015, at the Awards Ceremony held at the historic Fox Tucson Theatre. Bryan Hughes, Parks and Recreation Director; Mark Eckhoff, Community Development Director; and Gilbert Olgin, Senior Planner, accepted the award on behalf of the Town of Florence.

The award will be displayed in the Parks and Recreation Department at the new Library and Community Center.

FINANCIAL IMPACT:

None

STAFF RECOMMENDATION:

Presentation Only

ATTACHMENTS:

APRA Award Nomination – Padilla Park

Arizona Parks and Recreation Association

2015 Annual Awards Nomination



Complete form and submit along with nomination documentation.

Contact Information for Nominating Agency or Individual:

Agency: Town of Florence Parks and Recreation

Contact: Bryan Hughes

Email: bryan.hughes@florenceaz.gov Phone: 520-868-7582

Street Address: P.O. Box 2670

City, State, Postal Code: Florence, AZ 85132

Nomination Information:

Name of Nominee, Program, or Facility: Padilla Park

Please check the appropriate category and sub-category, when appropriate.

1. ☐ Citation of Merit Award
2. ☐ Media Award
3. ☐ Natural Resources Award
4. ☒ Outstanding Facility Award
Population Categories:
 - a. ☐ Under 25,000
 - b. ☒ 25,000 - 100,000
 - c. ☐ 100,000+
5. ☐ Outstanding Program Award
 - a. ☐ Aquatics Program
 - b. ☐ Active Adult 50+ Program
 - c. ☐ Adaptive Program
 - d. ☐ Cultural Awareness Program
 - e. ☐ Educational Program
 - f. ☐ Sports Program
 - g. ☐ Youth Enrichment Program (formerly Youth at Risk and After School Programs)
 - h. ☐ Community or Neighborhood Special EventPopulation Categories (for this category only):
 - i. ☐ Under 25,000
 - ii. ☐ 25,000 - 100,000
 - iii. ☐ 100,000+
6. ☐ Outstanding Public Official Award
7. ☐ Partnership Award
8. ☐ Professional Emeritus Award
9. ☐ Professional Award
10. ☐ Parks Professional Award
11. ☐ Volunteer of the Year Award
12. ☐ Young Professional Award

Questions?

Chris Gallagher, Chairman - APRA Awards & Citations Committee, (623) 882-7536 or chris.gallagher@goodyearaz.gov

ARIZONA PARKS AND RECREATION ASSOCIATION
2015 OUTSTANDING FACILITY AWARD – POPULATION 25,000-100,000
TOWN OF FLORENCE – PADILLA PARK

Introduction:

Florence's Padilla Park was officially dedicated to the citizens of Florence on October 23, 2014. The Town of Florence's newest addition to the municipal park system, Padilla Park is a 1-acre facility that includes open turf areas, performance pad, splash pad, modular restroom building, picnic tables, connecting sidewalks, welcoming entryways, area lighting, low maintenance landscaping, informative signage and accessible parking.

Construction on Padilla Park, anticipated to be completed in 45 days, began on June 19, 2014, but was quickly halted when neatly arranged formations of old bottles forming pathways, with maker's marks dating to the 1870's, were discovered. Given the possible historic significance since the park and adjacent buildings are in a designated historic district, both the Arizona State Museum and the State Historic Preservation Office were notified. The Arizona State Museum promptly advised the Town to have an approved archeologist survey the site and local preservationists echoed this sentiment. The general contractor, Haydon Building Corp, quickly hired an approved archeologist who utilized historical records, interviews and sensitive site excavations to determine the historical significance of the artifacts uncovered. During this process, the project was highlighted in the local media and in a Fox 10 news story. All parties agreed upon a plan to minimize impacts to the site and to preserve most of the archeological findings in place, which meant plan revisions and added costs. Following a seven week delay to survey the site, develop a preservation plan and request additional funding, the project was completed in October 2014.

Criteria:

Impact and Need:

The Town of Florence has only four municipal parks, all of which are in the original core area of Florence, which includes the historic downtown. Heritage Park, the Town's most used park, is considered an active park with amenities designed for organized sports and other recreational activities. Main Street Park and Little League Park are a mixture of both passive and active recreational uses.

Padilla Park, although one of the smallest of the Town's four parks, has become one of the busiest. This unique park is in the heart of the historic downtown business district, making it an ideal location for events in the downtown area. Its proximity to Main Street helps attract out-of-town visitors that are exploring downtown or enjoying lunch at one of the Town's popular restaurants, such as the Florence Fudge Company located in the adjacent Silver King Marketplace. Many residents are discovering the new park and have been pleasantly surprised with all it has to offer. This park, with its urban plaza feel, also introduced the first public splash pad feature to Florence, which provides endless enjoyment for younger children in the community.

Functionality:

The park is essentially divided into two main sections: the west end with sloped turf and a performance pad and the east end with a smaller turf area and paver patio with picnic tables. The two areas are separated by a splash pad and restroom building.

In character with the historic downtown and to establish a physical edge, an attractive wrought iron fence surrounds the park site. This also helps secure the park after hours and is ideal for hosting events requiring an extra layer of security. Sidewalks connect all the different areas of the interior of the park and link to sidewalks along the public streets surrounding the park. Landscaping elements, area lighting, benches and interpretive signage bring the whole design together making it a very user friendly park.

The park has already hosted several Concerts in the Park, Movies in the Park and wedding ceremonies and will be the site of a revived Cinco de Mayo Celebration.

Innovation, Conservation, Environmentalism:

While presenting challenges during the design and construction phases, the site contains several foundations of historic structures that the Town wished to preserve and describe with interpretive signage highlighting the many uses of the site prior to becoming a municipal park. The focus on preservation and education was expanded with the discovery of the historic bottles on the site. A previously stabilized historic adobe structure on the site and the adjacent magnificent 2-story brick Silver King Hotel building help establish a comfortable scale for the park and communicate the rich story of the site.

The entire park is setup to be irrigated with effluent water in the near future, saving thousands of dollars annually on potable water. Landscaping elements were designed to minimize water usage and to reduce maintenance requirements. Project lighting, which incorporated timers for greater efficiency, was done with an appropriate design to minimize the number of light fixtures on the site and to comply with dark sky requirements. In addition, LED technology was selected to minimize energy usage, as well as the light quality benefits. Whenever possible, vandal resistant products, such as the modular restroom facility, were used to minimize maintenance costs.

Financing:

The park originally consisted of two separate parcels separated by an alley. The Town already owned the parcel that included the historic Silver King Hotel building, now a retail incubator for the Town. The other parcel was owned by the family of Ophelia Padilla, whose family, after her passing, agreed to sell the parcel to the Town at a greatly reduced price, because Ms. Padilla was a huge supporter of the Town.

Funding was approved over two fiscal years. The Town Council initially agreed to fund up to \$500,000 for the project from the Capital Improvement Fund. As a result of the archeological find, the project required an additional \$172,000 for plan modifications and archeological services. The Town Council, very supportive of this project, agreed to the additional funding and the park was successfully completed in time for planned Fall and Winter events.

ARIZONA PARKS AND RECREATION ASSOCIATION
2015 OUTSTANDING FACILITY AWARD – POPULATION 25,000-100,000
TOWN OF FLORENCE – PADILLA PARK



Looking west prior to construction in April 2014.



Whiskey bottles halt construction of park.



Archeologist discusses artifacts with Town Council.



View of the splash pad and restroom.



Picnic tables behind Silver King Market Place.



Looking west after construction in October 2014



Residents arrive for the first Concert in the Park.



Park dedication on October 23, 2014.



PADILLA PARK — Padilla family members and friends join town officials last Thursday night for the dedication of the new Padilla Park behind Silver King Marketplace. Below, park visitors check out the “splash pad” feature, and Tequila Highways performs.

Photos by
Mark Cowling/Florence Reminder



Take care that Halloween isn't too scary for its youngest fans

From First Things First

Halloween can be a fun time of year, but for infants, toddlers and preschoolers - who often can't distinguish between fantasy and reality - scary experiences can ruin the holiday and create long-term fears. Below are tips for minimizing anxiety and helping young kids enjoy Halloween.

####Teach kids the difference between real and imaginary. One way to do this is to connect to something kids already do - like playing dress-up or pretend. Talk with your child leading up to Halloween about how people will be dressed up and how some costumes - while

scary - aren't real.

####Choose costumes and decorations carefully. Something may be cute or funny to us, but uncomfortable, scary or downright dangerous to young kids. Consider how long your child will wear a costume. Avoid masks, which can be scary and restrict vision; try face-painting instead. If your child is old enough, let her help choose a costume.

####Practice for trick-or-treating. This is more than just what to say to get candy. Talk about holding hands when crossing the street and going only to well-lit homes. Remind kids that some people will be strangers,

but that you will be with them the entire time.

####On the big night. Go trick-or-treating early in the evening. Stay with your children always. If your child is fearful, don't tell them to not be afraid. This invalidates their concerns and may prevent them from expressing anxieties later on. Remind them that you are there to protect them.

####Choose treats wisely. Hard candies, gummy snacks and caramels get stuck in tiny teeth and can cause tooth decay. The best selection of treats is plain chocolate, which melts easily. In addition, look out for very small treats or toys with

small parts, which can be choking hazards.

####Make holiday learning fun. Engage your child in family traditions, like baking seasonal favorites or carving pumpkins. Read books about Halloween. Talk about your past Halloweens and ask kids to share what they like about the holiday.

By following these simple tips, we can make this time of year fun for the entire family, especially those new to Halloween.

About First Things First

First Things First is a voter-created, statewide organization that funds early education and health programs to help kids be successful once they enter kindergarten. Decisions about how those funds are spent are made by local councils staffed by community volunteers. To learn more, visit aztf.org.

Sam Leyvas is the chief executive officer of First Things First. He can be reached at sleyvas@aztf.org.

San Tan Valley

Continued from Page 1

Keep the name?

Neither is Homan convinced that “San Tan Valley” should be the new city's name.

“We have been asked if we plan to push for a name change from San Tan Valley. As many know, the naming ordeal around San Tan Valley was an ugly process, mainly due to the last zip code change and then later also found that there was a conflict of interest with the selection of the name to which web domain was already owned by someone sourcing the online poll.

If this conflict of interest was brought forward at the time of decision, the online poll should have been discarded, leaving only the paper poll results which favored another name with a significant margin, but a result that would not be questioned. For this reason only, in my personal opinion, it would be best to actually bring the vote to the people with a process that does not need to bring a question of authenticity to the equation, despite if the

online results were accurate or not.

“Regardless of how this process was done, we would need to take into consideration the impacts both positive and negative in changing the name. One factor could be the size of the area that incorporates.”

Residents for a New Valley Town haven't been making a lot of noise so far, but they're working toward their goals, Homan said.

“Overall, our committee efforts have been quiet in comparison to the 2010 effort which first started with a signature campaign. But rest assured efforts are in action and are being done to prevent ‘last hour’ surprises that bring lots of effort to an end quickly.

“Once we get all the town managers on the same page with our boundary goals, we would then seek resolutions from the council members and then start the education process to the residents via public ‘Town Hall’ sessions and seek additional help to drive the signature campaign to bring the option to vote.”

Email alerts tell parents where sex offenders live

From the Pinal County Sheriff's Office

In Pinal County, there are 754 registered sex offenders, and we want you to know where they reside so that your children can avoid the homes when trick-or-treating. Arizona law requires sex offenders to notify law enforcement agencies where they reside. Our detectives send out notifications to our Pinal County residents so they are aware if a prior sex offender moves into their neighborhood. Citizens can also visit our website

<http://www.icrimewatch.net/index.php?AgencyID=55023>, to see who the registered sex offenders are and where they are living. Citizens are encouraged to check any addresses where they or their family spend time. The mapping and address feature found on the website pinpoints exactly where an offender lives.

You will also find many other beneficial tools such as the ability to sign up for free automatic email notifications informing you if an offender moves within a specified radius of any address

you register. If you aren't planning on trick-or-treating in your neighborhood, but will be in a different neighborhood, register that address beforehand so you know which houses to avoid. You can register any and all addresses where your children spend time; for example, friends, grandparents, or babysitters' addresses. The alerts are in real-time and sent out via e-mail as soon as a new offender has registered with the Pinal County Sheriff's Office.

Sheriff Paul Babeu stated, “The benefit of registering for this free confidential email alert service is that it allows us to monitor important addresses for you, thereby keeping you up to date of newly registered offenders and making it unnecessary for you to have to check important addresses daily or even weekly.”

The Pinal County Sheriff's Office has the below listed tips to make Halloween 2014 a safe and enjoyable holiday.

• Wear light colored clothing that's short enough to prevent tripping and, if possible, add reflective tape to the sides, front

and back of the costume.

• Make sure your child can see well through a face mask, or use cosmetics to create fun or scary faces.

• Adults should accompany young children.

• Have a flashlight and glow sticks available.

• Stay within the neighborhood and only visit the homes of friends and relatives.

• Watch traffic.

• Only give and receive wrapped or packaged candy.

• Examine all candy before allowing children to eat it.

• Keep costumed children away from pets. The pet may not recognize the child and become frightened.

• Avoid hard plastic or wood props such as daggers or swords. Substitute with foam rubber which is soft and flexible.

• Only go to homes with a porch light on.

• Never enter a stranger's home or vehicle for a treat.

Have children wait until they are at home and after the treat has been examined by an adult before consuming it.

when they get the ball.”

Volleyball

Continued from Page 10

Villalobos left the match early in the first game with a foot injury and was held out of the remainder of the match as a precaution.

“I was proud of the way the girls stepped up in games two and three,” Simon said. “It was an opportunity for having some kids step up into a key role for us, and we need that. We need everyone to have the confidence to take big swings

FLORENCE SWEEPS COMBS

Florence traveled to San Tan Valley on Oct. 22 and completed a three-game sweep of Combs — 25-11, 25-20, 25-16.

Alexis Villalobos had 12 of Florence's 31 kills, followed by Mikayla Flores with eight. Cassidy Williams registered 31 assists, and Patricia Giddens-Acuna had 11 digs and two aces. Flores and Jaycee Johnson had nine and eight digs, respectively, and Payton Cap had five digs.

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MICHELIN

BF Goodrich

UNIROYAL

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 6b.
MEETING DATE: August 17, 2015 DEPARTMENT: Parks and Recreation STAFF PRESENTER: Bryan Hughes, Parks & Recreation Director SUBJECT: Library/Recreation Complex Project Update		<input type="checkbox"/> Action <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <div style="margin-left: 20px;"> <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading </div> <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Information only

BACKGROUND/DISCUSSION:

On September 15, 2014, the Town Council approved a design-build contract with Low Mountain Construction, Inc., for the design and construction of the Library and Recreation Complex.

A formal ground breaking for the project was held on October 30, 2014, attended by Town staff, Boards and Commission members, special guests and residents. A Notice to Proceed was issued in November and work commenced on November 24, 2014.

On July 4, 2015, the Aquatic Center opened following a ribbon cutting by the Mayor and Town Council.

The remainder of the project is scheduled to be complete in early September. A change order formalizing a contract extension is on the agenda for Council action.

The Library and Community Center is scheduled to open to the public on Monday, August 31, 2015, or sooner, depending on the time needed to setup the Library.

A grand opening celebration for the entire complex is scheduled for Saturday, October 3, 2015.

FINANCIAL IMPACT:


The Library and Community Center, Aquatic Center and Athletic Fields and Sport Courts will cost \$13,139,225 for design services and construction.

STAFF RECOMMENDATION:

Information only

ATTACHMENTS:

None

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 7a.
MEETING DATE: August 17, 2015 DEPARTMENT: Parks and Recreation STAFF PRESENTER: Bryan C. Hughes Parks and Recreation Director SUBJECT: Resolution No. 1529-15: adopting the Parks and Recreation Mission, Vision and Values.		<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <div style="margin-left: 20px;"> <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading </div> <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Motion to adopt Resolution No. 1529-15: A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, ADOPTING THE PARKS AND RECREATION 2015 MISSION, VISION AND VALUES FOR THE PARKS AND RECREATION DEPARTMENT OF THE TOWN OF FLORENCE, ARIZONA.

BACKGROUND/DISCUSSION:

In June 2014, a parks and recreation staff and Parks and Recreation Advisory Board retreat was held at the Holiday Inn Express. The retreat focused on team building; a SWOT analysis (strengths, weaknesses, opportunities and threats); setting goals for the upcoming year; and developing a mission statement, a vision statement and a set of values for the Department.

Over the past year, staff and the Parks and Recreation Advisory Board has revisited the draft mission, vision and values that came from the retreat and continued to modify and enhance what was discussed. The result is the Parks and Recreation 2015 Mission, Vision and Values presented in Exhibit A, which were approved by the Board on June 25, 2015.

FINANCIAL IMPACT:

While there are no direct costs associated with adopting the Parks and Recreation 2015 Mission, Vision and Values, the annual budget will allow the Department to implement the statements and values set forth.

STAFF RECOMMENDATION:

Staff recommends adoption of Resolution No. 1529-15.

ATTACHMENTS:

Resolution No. 1529-15

Exhibit A - Parks and Recreation 2015 Mission, Vision and Values

RESOLUTION NO. 1529-15

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, ADOPTING PARKS AND RECREATION 2015 MISSION, VISION AND VALUES FOR THE PARKS AND RECREATION DEPARTMENT OF THE TOWN OF FLORENCE, ARIZONA.

WHEREAS, the Town of Florence Parks and Recreation Department has begun the process of strategically planning for the future of the department; and

WHEREAS, critical components include formulating a mission statement that defines the department's purpose; and formulating a vision statement that determines what the department will look like if it achieves its true potential; and

WHEREAS, another critical component of the strategic planning process include defining the values that guide the department's interaction within the Town government, the business community, other private and public sector entities, and most importantly, the citizens we serve; and

WHEREAS, the Parks and Recreation 2015 Mission, Vision and Values will be used as a guide for establishing strategic priorities.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Florence, Arizona, as follows: The Mayor and Council of the Town of Florence hereby adopt Exhibit A as the Parks and Recreation 2015 Mission, Vision and Values for the Parks and Recreation Department of the Town of Florence, Arizona.

PASSED AND ADOPTED BY the Mayor and Town Council of the Town of Florence, Arizona, this 17th day of August 2015.

Tom J. Rankin, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

Clifford L. Mattice, Town Attorney

EXHIBIT A

Town of Florence Parks and Recreation Department

Mission, Vision and Values



Mission Statement

The mission of the Florence Parks and Recreation Department is to provide programs, services and facilities that enrich the quality of life for all residents.

Vision Statement

The Town of Florence, Arizona has a rich and diverse history while serving as the county seat for Pinal County. Florence Parks and Recreation Department recognizes the town's heritage and emergence as a regional leader, and embraces our role in providing quality of life experiences for our citizens and visitors. We will continue to provide quality, affordable programming and events, as well as picture perfect parks and other park and recreation facilities. The Department will provide complete recreation centers, new and expanded parks and safe, developed trails. Parks and Recreation will continue to be a major partner in tourism opportunities as well as economic and cultural prospects.

Values

Exceptional Customer Service

We are committed to providing you, our residents and visitors, with the level of service you deserve.

Professionalism

We are committed to parks and recreation and strive to be the best professionals we can be through continuing education, training and certifications.

Partnerships

We are committed to working with organizations that align with our Mission, Vision and Values to provide programs, services and facilities and prevent duplication.

Health and Wellness

We are committed to providing programs, parks and facilities that improve the health and wellness of our residents.

Quality

We are committed to providing high quality programs, parks and facilities at a reasonable cost for residents and visitors.

Fun!


We are committed to helping our residents and visitors have fun, while participating in our programs or visiting our parks and facilities.

History

We are committed to remembering the history of Florence and commemorating that in our programs and planning.

Integrity

We are committed to being the best, doing our best, accepting nothing less and holding ourselves accountable.

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 7b.
MEETING DATE: August 17, 2015 DEPARTMENT: Finance STAFF PRESENTER: Lisa Garcia, Interim Town Manager SUBJECT: Resolution No. 1534-15: Signatory for all Town bank accounts.		<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Adopt Resolution 1534-15: A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AUTHORIZING MAYOR TOM J. RANKIN, INTERIM TOWN MANAGER LISA GARCIA AND FINANCE DIRECTOR GABRIEL GARCIA TO ACT AS SIGNATORIES FOR THE TRANSACTION OF BUSINESS ON ALL TOWN OF FLORENCE BANK ACCOUNTS, AND DECLARING AN EMERGENCY.

BACKGROUND/DISCUSSION:

A resolution must be adopted naming staff authorized to sign on the Town's bank accounts. New signature cards need to be completed.

Currently the Mayor, Interim Town Manager and Interim Finance Director are authorized signers. This resolution removes Interim Finance Director Marcia Goerdts and adds the Finance Director Gabriel Garcia to the appointed signatories for banking functions.

The following accounts are included: National Bank of Arizona General Checking Account, National Bank of Arizona Payroll Account, Local Governmental Investment Pool #7, Local Governmental Investment Pool #5, Stifel, Nicolaus & Company Inc. Investment Account.

This resolution will be effective immediately.

FINANCIAL IMPACT:

None

STAFF RECOMMENDATION:

Adopt Resolution No. 1534-15

ATTACHMENTS:

Resolution No. 1534-15

RESOLUTION NO. 1534-15

A RESOLUTION OF TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING AND AUTHORIZING MAYOR TOM J. RANKIN, INTERIM TOWN MANAGER LISA GARCIA, AND FINANCE DIRECTOR GABRIEL GARCIA TO ACT AS SIGNATORIES FOR THE TRANSACTION OF BUSINESS ON THE TOWN OF FLORENCE BANKING ACCOUNTS, AND DECLARING AN EMERGENCY.

WHEREAS, the Finance Director has been hired effective July 31, 2015, and it is therefore necessary to approve new signature authorizations for the Town's bank accounts.

BE IT HEREBY RESOLVED, that Mayor Tom J. Rankin, Interim Town Manager Lisa Garcia, and Finance Director Gabriel Garcia are authorized as signatories for the following bank accounts:

1. National Bank of Arizona - General Checking and Investment Account
2. National Bank of Arizona Payroll Checking Account
3. State of Arizona Local Governmental Investment Pool-All Accounts
4. Stifel, Nicolaus & Company, Inc. Investment Account

The immediate operation of this resolution is necessary for preservation of the public peace, health and safety of the Town of Florence and an emergency is hereby declared to exist; and this Resolution shall be in full force and effect from the offer of its passage and approval by the Mayor and Council of the Town of Florence with an effective date of August 17, 2015.

PASSED AND ADOPTED BY the Mayor and Town Council of the Town of Florence, Arizona, this 17th day of August 2015.


Tom J. Rankin, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

Clifford L. Mattice, Town Attorney

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 7c.
MEETING DATE: August 17, 2015 DEPARTMENT: Administration STAFF PRESENTER: Lisa Garcia, Interim Town Manager SUBJECT: Proclamation declaring August 2015 as Child Support Awareness Month.		<input type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <ul style="list-style-type: none"> <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading <input checked="" type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Governor Doug Ducey, along with the Arizona Department of Economic Security - Division of Child Support Services, has asked that the Town of Florence proclaim August 2015 as Child Support Awareness Month.

BACKGROUND/DISCUSSION:

The Division of Child Support Services is committed to serving Arizona families and fosters the philosophy that both parents need to be an integral part of a child's life in order to allow the child to reach his/her full potential.

The Division of Child Support Enforcement has changed its name to The Division of Child Support Services, which better identifies that they are a support service with an emphasis on positive customer engagement.

Tasked with being the fiduciary for determining legal parentage and establishing and enforcing support orders, their ultimate goal is to improve the lives of the children and families they serve. They work with several organizations to assist with parental responsibility to ensure that the children receive support from both parents, even though they live in separate households.

FINANCIAL IMPACT:

None

STAFF RECOMMENDATION:

Proclaim August 2015 as Child Support Awareness Month.

ATTACHMENTS:

Proclamation
State Proclamation

Proclamation

CHILD SUPPORT AWARENESS MONTH AUGUST 2015

WHEREAS, Since 1995, the United States has been honoring Child Support Awareness Month during the month of August; and Past President Bill Clinton stated that providing for our children is one of humanity's worthiest and most fundamental endeavors. Children are the best part of ourselves – the sum of our past and the promise of our future, the guarantee that our lives and values and dreams will flourish long after we are gone; and

WHEREAS, Child Support Awareness Month is a time to salute parents who work hard to ensure their children grow up in stable homes and look forward to a bright future; and

WHEREAS, Child Support Awareness Month is aimed at spotlighting the important role parents play in supporting their children physically, mentally, and emotionally; and is also aimed at recognizing the many parents and child support professionals that work hard to improve the lives of children affected by parental separation; and

WHEREAS, with the focus of partnering being of great importance, the Department of Economic Security is changing the name of the Division of Child Support Enforcement to the Division of Child Support Services, with the division taking the steps to effectively educate and train all child support staff and partners to provide positive customer engagement and having available quality supportive services within the community to effectively aid parents as they work to meet the physical development, emotional growth, and economic stability of Arizona's children.

NOW, THEREFORE, I, Tom J. Rankin, Mayor of the Town of Florence, Arizona, do hereby proclaim August as **CHILD SUPPORT AWARENESS MONTH** in the Town of Florence, Arizona, and urge all citizens to come forward and do something positive that will help support those children care.

Dated this 17th day of August 2015.

Tom J. Rankin, Mayor

ATTEST:

Lisa Garcia, Town Clerk

Douglas A. Ducey
Governor

Office of the Governor

* CHILD SUPPORT AWARENESS MONTH *

WHEREAS, children need parental support and stability from both parents for their financial, emotional and physical growth; and

WHEREAS, establishing strong partnerships between community and parents is necessary when it comes to identifying valuable resources for parents and caretakers; and

WHEREAS, community partnerships serve children and families through a variety of programs and targeted resources, which helps support Arizonans by promoting awareness of needs, and assistance to meet those needs, while encouraging individual responsibility and working toward greater self-sufficiency; and

WHEREAS, ensuring improved academic, occupational and literacy skills enables parents to be more competitive in the workforce, improves self-esteem, provides for better paying jobs and improves financial support for children; and

WHEREAS, children need to feel safe and secure in order to believe in themselves and know they have a future; and

WHEREAS, strengthening individuals and families with an emphasis on fiscal accountability promotes the safety and well-being of children, provides stability, improves the lives of children, and provides opportunities for families to be able to enhance their children's future; and

WHEREAS, an informed parent can help make the child support system work, and with the state, local and tribal child support programs, legislatures, and courts rallying to improve collaborative efforts for families; and

WHEREAS, with the focus on a change in culture, the Arizona Department of Economic Security Division of Child Support Services is committed to engaging with parents and families through improved accessibility, providing personal development and employment opportunities to assist Arizonans to reach their full potential, humbly serving Arizonans with excellence, respect, integrity and kindness, and being a champion for economic growth and opportunity.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, do hereby proclaim August 2015 as

* CHILD SUPPORT AWARENESS MONTH *

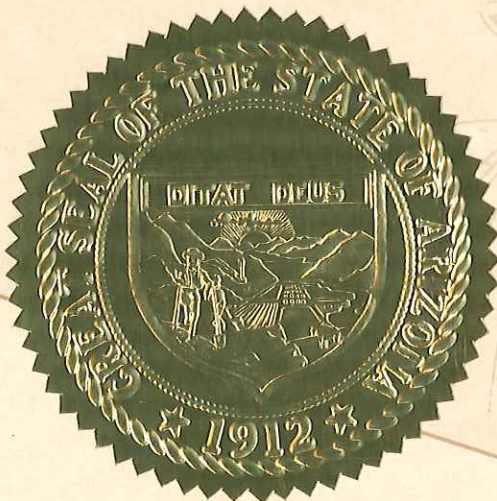
IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona


Douglas A. Ducey
GOVERNOR

DONE at the Capitol in Phoenix on this twenty-eighth day of July in the year Two Thousand and Fifteen, and of the Independence of the United States of America the Two Hundred and Fortieth.

ATTEST:

Michelle Reagan
Secretary of State



	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 7d.
MEETING DATE: August 17, 2015 DEPARTMENT: Public Works Department STAFF PRESENTER: Wayne J. Costa P.E. Public Works Director SUBJECT: Approval of Change Order Requests with Currier Construction, Inc., for improvements to the South Wastewater Treatment Plant Reuse Pump Station and Chlorine Facility Upgrades Project.		<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Motion to approve Change Order Requests Nos. 1 through 4 with Currier Construction, Inc., for addition and deletion of several Change Order Requests at the South Wastewater Treatment Plant (SWWTP) during the construction of the reuse pump station, chlorine facility upgrade and operations building, for a total of \$14,998.87, for a total project cost not to exceed \$1,564,182.87.

BACKGROUND/DISCUSSION:

Currier Construction, Inc. is in the process of completing the work for the SWWTP. Several change orders have been requested that were completed and one will be completed upon the action taken on these Change Order Requests. The Change Order Requests exist as follows:

	<u>Amount</u>	<u>Council Approval</u>
Contract Awarded:	\$1,549,184.00	September 2, 2014
Change Order No. 1 (Requested)	\$ 999.02	Pending Council Approval
Change Order No. 2 (Requested)	\$ 5,710.67	Pending Council Approval
Change Order No. 3 (Requested)	\$ 13,604.18	Pending Council Approval
Change Order No. 4 (Requested)	\$ <u>(5,315.00)</u>	Pending Council Approval
Amended Amount	<u>\$1,564,182.87</u>	

On September 2, 2014, Council approved the contract with Currier Construction, Inc., to construct improvements at the SWWTP, including the construction of the reuse pump station, upgrading the chlorine facility and expansion of the operations building. The amount of the award was \$1,549,184.

The following Change Order Requests, as noted above, detail the unforeseen conditions, work outside the scope of their contract or extra items that were not rendered necessarily by any fault of the Contractor:

Change Order Request No. 1

The sample pump controls from the contract documents call for it to have a 120-Volt phase motor to be controlled from a Motor Control Center (MCC) bucket, per the specifications. A change was requested to alter the power to 3-Phase requiring a motor change; thus, voiding the manufacturer's warranty while the additional pump costs would be \$3,044; notwithstanding the fact that the single phase pumps were delivered. In lieu of changing the sample pump to 3-Phase, the Contractor has proposed and performed the necessary labor, materials and equipment to change the power feed to a lighting panel, which modifies the bucket to make it a spare while installing a 40-amp breaker in the lighting panel and the appropriate on/off control at the sample pump. This work was completed on June 9, 2015.

This Change Order Request work was recommended by the Engineer (Water Works Engineers) who provides support to the Owner's Representative, the former Utilities Director, who verbally agreed to the Town authorizing the Change Order Request.

Change Order Request No. 2

The initial design for the instrumentation and controls was necessary to provide the design of the chlorination system and basically was from the piping and instrumentation diagram/drawing (P&ID) which shows the interconnection of the process equipment with its instrumentation to control the process.

The P&ID were prepared prior to Arizona Department of Environmental Quality's (ADEQ) Consent Order; hence, ADEQ's feedback was to provide a more automated system to enhance system reliability, especially after hours when no operators are available. The higher automation allows for remote monitoring and reduces possibilities of violating permit requirements; thus, enhancing the data acquisition and supervisory control for the system. The RTUs', originally providing the monitoring at a remote location now provides the appropriate monitoring signal and control to the disinfection panel. This work was completed on May 28, 2015.

This Change Order Request work was recommended by the Engineer (Water Works Engineers) who provides support to the Owner's Representative, the former Utilities Director, who verbally agreed to the Town authorizing the Change Order Request.

Change Order Request No. 3

Plans were submitted to the Community Development Department on March 17, 2014. No comments were received during this process regarding the fire alarm system. Upon a field walk by the fire inspector, it was determined that a fire alarm control panel, interior strobes and other minor items would be required prior to Certificate of Occupancy. As a result, it was necessary to complete this item to receive the Certificate of Occupancy for the Operations Building. The work was completed on May 7, 2015.

Additionally, a shade canopy was needed to be installed to accommodate installation of Motor Control Center (MCC) equipment which requires protection of the Variable Frequency Drives needing protection from direct heat. Additional modification to the MCC Pad was required to accommodate the canopy structure as well as the MCC provided.

The work on the Fire Alarm Panel was completed on May 7, 2015, while the work on the MCC panel extension was completed on June 22, 2015.

This Change Order Request work was recommended by the Engineer (Water Works Engineers) who provides support to the Owner's Representative, the former Utilities Director, who verbally agreed to the Town authorizing the Change Order Request.

Change Order Request No. 4

In lieu of a cast-in-place vault for the Reuse Vault, a precast vault was installed; thus, resulting in a cost savings of \$5,315. This work was completed on May 14, 2015, and was the result of a requested change from the Contractor to the Engineer to provide a savings. This work was completed on May 18, 2015.

This Change Order Request work was recommended by the Engineer (Water Works Engineers) who provides support to the Owner's Representative, the former Utilities Director, who verbally agreed to the Town authorizing the Change Order Request.

FINANCIAL IMPACT:

The costs associated with Change Order Request Nos. 1 through 4 are \$14,998.87, and the funding is available in three projects that were eliminated, that being SU-05, SU-06 and SU-11, as noted in the Request for Council Action of September 2, 2014; and hence, their accepted elimination.

STAFF RECOMMENDATION:

Staff recommends the approval of all four Change Order Requests for work completed with Currier Construction, Inc., for the Reuse Pump Station and Chlorine Facility Upgrades Project with costs as recommended by the Consultant Resident Engineer for each Change Order Requested.

ATTACHMENTS:

September 2, 2014 Council Action Form

Change Order No. 1

Change Order Request No. 1 dated June 25, 2015

Change Order Request No. 2 dated June 26, 2015

Change Order Request No. 3 dated June 26, 2015

Change Order Request No. 4 (a.k.a. Cast-in-Place vs. Precast Vault Credit) dated June 28, 2015.

Date of Issuance: 3 August 2015	Effective Date: 17 August 2015
Owner: Town of Florence	Owner's Contract No.: SU-83
Contractor: Currier Construction Inc.	Contractor's Project No.: 214-169
Engineer: Water Works Engineers	Engineer's Project No.: 13-057-02
Project: SWWTP Reuse Pump Station and Chlorine Facility Upgrade, and Operation Building Expansion	Contract Name: SWWTP Reuse Pump Station

The Contract is modified as follows upon execution of this Change Order:

Description: A discrepancy between mechanical and electrical specifications required new wiring to the sample pump. Also, RTU modifications will enhance control of the disinfection system. Additionally, the size of the electrical gear was underestimated resulting in an unforeseen increase in the size of the MCC pad and canopy. A credit was available in going from a cast-in-place to a pre-cast vault. Finally, a time extension is requested due to programming delays.

Attachments: Change Order Request #1 (12 pages), Change Order Request #2 (5 pages), Change Order Request #3 (6 pages), Change Order Summary (4 pages) and Time Extension (1 page)

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES [note changes in Milestones if applicable]
Original Contract Price: \$ <u>1,549,184.00</u>	Original Contract Times: Substantial Completion: <u>300 or 12 July 2015</u> Ready for Final Payment: <u>330 or 11 August 2015</u> days or dates
Increase from previously approved Change Orders No. <u>0</u> to No. <u>0</u> : \$ <u>0.00</u>	Increase from previously approved Change Orders No. <u>0</u> to No. <u>0</u> : Substantial Completion: <u>0</u> Ready for Final Payment: <u>0</u> days
Contract Price prior to this Change Order: \$ <u>1,549,184.00</u>	Contract Times prior to this Change Order: Substantial Completion: <u>300 or 12 July 2015</u> Ready for Final Payment: <u>330 or 11 August 2015</u> days or dates
Increase of this Change Order: \$ <u>14,998.87</u>	Increase of this Change Order: Substantial Completion: <u>40</u> Ready for Final Payment: <u>40</u> Days
Contract Price incorporating this Change Order: \$ <u>1,564,182.87</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>340 or 21 August 2015</u> Ready for Final Payment: <u>370 or 20 September 2015</u> days or dates

RECOMMENDED:		ACCEPTED:		ACCEPTED:	
By: <u>V. Jared Lee</u> <i>V. Jared Lee</i>	By: _____	By: _____	By: _____	By: _____	By: _____
Engineer (if required)	Owner (Authorized Signature)		Contractor (Authorized Signature)		
Title: <u>Resident Engineer</u>	Title: _____		Title: _____		
Date: <u>3 August 2015</u>	Date: _____		Date: _____		

Approved by Town of Florence

By: _____ Date: _____
Title: _____



Mr. Rob Bryant
WaterWorks Engineering
7580 North Dobson Road, Suite 200
Scottsdale, AZ 85256

June 25, 2015

Re: Town of Florence Reuse Pump Station and Chlorine Facility Upgrades – Change Order Request
No. 01 – Sample Pump Voltage Change

Mr. Bryant,

This change order request is for the modification to the sample pump controls from the contract documents. Currently the contract documents call for the sample pump to be controlled from a 3 phase MCC bucket and the specification for the sample pump calls out for a 120 Volt 1 phase motor. During the submittal review process there was a review note to change the sample pump model number to make it a 3 phase pump and to add a off/ on switch at the pump location. In following up on the pump ordering it was found that the sample pump doesn't come 3 phase as an option and the only way to achieve the 3 phase notation is to purchase the single phase pump remove the motor and replace it with a 3 phase motor which voids the manufacture warranty. The associated cost for changing the specified sample pumps to 3 Phase would have been \$3,044.00. Instead of changing the sample pump to 3 Phase CCI is presenting this change order for labor, materials and equipment to change the power feed for the sample pump from the MCC Bucket to the lighting panel which includes modifying the bucket to make it a spare, installing a new 40 amp breaker in the lighting panel and installing a new off on switch at the sample pump.

Total Change Order Request Amount: \$999.02

If you have any questions please don't hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jason Boelke', is written over a horizontal line.

Jason Boelke
Currier Construction Inc.
jboelke@currierinc.com
Phone: 602.859.5919

Attachments: Change Order Back-up Spread Sheet (2pg), Alliance Service and Control Change Order Request Proposal (2pg), 11216 Motors Specification page (1pg), 11216 Submittal Review comments (2pg), Electrical Contract Drawings (2pg), Cost difference back-up from the two pump selections (2pg)

Florence Change Order Back-up



Job No.: 13-057	CCI NO : 214-169
Project: Town of Florence Reused Pump Station and Chlorine Facility Upgrade	Date 06/24/15
Task: Change from MCC Control Sample Pump to 120V	Prepared by: JB
Checked&finalized:	

Description of Work to be Performed (attach supporting documentation and plan information):

Reused Pump Station Analyzer Sample Pump Electrical Connection

CCI is submitting this change order due to the change in scope from the contract documents. Currently the contract documents call out for a sample pump to be 120 Volt (See Spec section 11216 page 3 2.2.B.2.c Electrical Characteristics: 120Volt, Single Phase and the drawings show that the power supply is coming out of the MCC 3 phase bucket. During the submittal review process the engineer changed the pump from 120 1 phase to 3 phase and added a off on switch at the pump. In ordering the equipment to ensure delivery single phase pumps were released and delivered. CCI has priced the engineers submittal review comment style pump and found that the cost for the 3 phase pump vs the specified pump had increased from \$628.00EA to a cost that would be \$ 2150.00 EA. This delta is \$1522.00 X 2 equaling a contract increase of \$3044.00. Since the Single Phase Pumps were delivered CCI is proposing the following Change Order to cover the cost of the additional disconnect requested in submittal review comment and labor for reworking the MCC Bucket and adding a 40Amp breaker in the light panel.

Scoping Labor

Item		Unit	Quantity	Labor rate	Total	Item Total
Project Director	mer	Hours	0	\$105.68	\$0.00	\$0.00
Project Manager	Jason Boedts	Hours	0	\$85.13	\$0.00	\$0.00
Chief Estimator	will	Hours	0	\$99.95	\$0.00	\$0.00
Field Operations Manager	cc	Hours	0	\$85.13	\$0.00	\$0.00
General Superintendent	cc	Hours	0	\$69.78	\$0.00	\$0.00
Project Superintendent	roger ghoseon	Hours	0	\$52.19	\$0.00	\$0.00
Project Engineer / Assistant Project Manager	mlre harrington	Hours	0	\$61.40	\$0.00	\$0.00
Project Foreman	kc	Hours	0	\$41.54	\$0.00	\$0.00
Skilled Tradesman	Dave or Don I	Hours	0	\$29.50	\$0.00	\$0.00
Equipment Operator	Todd or BB	Hours	0	\$36.28	\$0.00	\$0.00
Skilled Worker	gold collar	Hours	0	\$25.50	\$0.00	\$0.00
Laborer /Semi-Skilled Worker	general labor	Hours	0	\$23.50	\$0.00	\$0.00
AGTEC/CAD Take-off Technician		Hours		\$84.80	\$0.00	\$0.00
Contract Administrator		Hours		\$47.45	\$0.00	\$0.00
Clerical		Hours		\$31.96	\$0.00	\$0.00
Sub Total						\$0.00

Labor to Construct

Item		Unit	Quantity	Labor rate	Total	Item Total
Project Director	MR	Hours	0	\$105.68	\$0.00	\$0.00
Project Manager	Jason Boedts	Hours	1	\$85.13	\$85.13	\$85.13
Chief Estimator		Hours	0	\$76.00	\$0.00	\$0.00
Field Operations Manager	cc	Hours	0	\$77.00	\$0.00	\$0.00
General Superintendent	cc	Hours	0	\$77.00	\$0.00	\$0.00
Project Superintendent	roger ghoseon	Hours	2	\$54.00	\$108.00	\$108.00
Project Engineer / Assistant Project Manager	Dill Clifford	Hours	2	\$45.00	\$90.00	\$90.00
Contract Administrator		Hours	0	\$47.45	\$0.00	\$0.00
Project Foreman	Phle Zahn	Hours	0	\$39.00	\$0.00	\$0.00
Skilled Tradesman	Denny	Hours	0	\$31.00	\$0.00	\$0.00
Equipment Operator	Todd or BB	Hours	0	\$36.28	\$0.00	\$0.00
Skilled Worker	gold collar	Hours	0	\$25.50	\$0.00	\$0.00
Laborer /Semi-Skilled Worker	general labor	Hours	0	\$23.50	\$0.00	\$0.00
CDL BOOM TRUCK OPERATOR	TODD CHAFFIN (roger too)	Hours	0	\$45.00	\$0.00	\$0.00
SAFETY CONSULTANT	JOE LANUTE	Hours	0	\$85.00	\$0.00	\$0.00
PLUMBER/PIPEFITTER FOR WLINE	JOHN RUTLEDGE	Hours	0	\$31.96	\$0.00	\$0.00
Sub Total						\$283.13

Total Labor Cost \$283.13

Equipment

Item		Unit	Quantity	Equipment Unit	Total	Item Total
3/4 Ton Truck (Supt. & 1/2 PM, 1/2 PE time)		Hours	2	\$14.00	\$28.00	\$28.00
Forman's Truck		Hours	0	\$7.00	\$0.00	\$0.00
Mini Ex		hr	0	\$0.00	\$0.00	\$0.00
Forklift		Day	0	\$0.00	\$0.00	\$0.00
Skip Loader		Hr	0	\$0.00	\$0.00	\$0.00
Boom Truck - 2000 Gallon		Hours	0	\$0.00	\$0.00	\$0.00
Tripod and Air Monitor per attached rate quote		LS	0	\$0.00	\$0.00	\$0.00
Volvo Loader		Hours	0	\$0.00	\$0.00	\$0.00
PIPE TOOLS/EQUIPMENT include Safety attire		LS	0	\$0.00	\$0.00	\$0.00
Transports of our Equipment		hr	0	\$0.00	\$0.00	\$0.00
Total Equipment Cost						\$28.00

Materials

Item	Unit	Quantity	Material Unit	Total	Item Total
	LS		\$ -	\$0.00	\$0.00
	EA	1	\$0.00	\$0.00	\$0.00
		1	\$0.00	\$0.00	\$0.00
				\$0.00	\$0.00
				\$0.00	\$0.00

Total Taxable Material Cost **\$0.00****Major Equipment Purchase**

Item	Unit	Quantity	Material Unit	Total	Item Total
	Is	1	\$0.00	\$0.00	\$0.00
			\$0.00	\$0.00	\$0.00

Total Purchase & Material Cost **\$0.00****Subcontractor**

Description of Work to be Performed (Supporting quote & information attached)	Item Total
Alliance Service and Control	Furnish and install electrical components

\$516.00**Michael R Rivera review with JB****Total Taxable Subcontractor Cost** **\$516.00****Subcontractor Supplied Tax Exempt Materials**

Description of Work to be Performed (Supporting quote & information attached)	Item Total
tax exempt	

see Sales Tax Calculation below-Total Cost that are tax exempt **\$0.00****2) Subtotal CCI -Self Performed** **\$311.13** **Subtotal Subcontractor Risk @5 %** **\$25.80****3) Mark-up of Work self performed 15% on CCI** **\$ 46.67** **see subtotal below to the left** **\$ -****4) 5% Mark-up of Work on Subcontracts** **\$541.80****Total With Mark-up:Subtotal of+2+3+4 =** **\$899.60****Support & Nondirect Site Expense** **\$ 15.00****Total Field Costs:** **\$914.60****Insurance Costs** **\$ 17.38****Bond Costs** **\$ 13.72**

Minimum bond cost is \$250.00

Sales Tax (65% of 8.5%) **\$ 50.53****2nd Iteration Sales Tax** **\$ 2.79****Total Job Order Cost** **\$ 999.02**

Submitted by:

Date

Change Order Request



C.O.R. # 14-167-0004

G.C. #

Date: 6/15/2015

Project Name: Florence Reuse Pump Station

Project #: 14-167

To: Currier Construction, Inc.

Attn: Mike Rivera

36 N. 56TH Street

Phoenix, AZ, AZ 85034

Phone: (602) 274-4370

Fax: (602) 285-9295

From: Alliance Service & Control Specialists, Inc.

Rod Robertson

4846 South 40th Street

Phoenix, AZ 85040

Phone: (602) 431-8434

Fax: (602) 431-8482

We hereby propose to make the following changes:

Sample Pump Power

Install 40A breaker in the lighting panel for power to the sample pump starter. Install Nema rated disconnect switch in Chlorine room for disconnect means.

1 hour - Labor for disconnecting MCC bucket in prep for the new 30A breaker.

1 hour - Labor for putting MCC bucket back together.

2 hour - Labor to mount Nema disconnect in CL2 building

Change Order Price

\$516.00

This price is good for 30 days. If conditions change, this price is void.

We are requesting a time extension of 5 days in conjunction with this change.

6/15/2015

Author

Date Sent



Accepted

The above prices and specifications of this Change Order request are satisfactory and are hereby accepted. All work to be performed under same terms and conditions as specified in original contract unless otherwise specified.

Authorized Signature

Date of Acceptance

Change Order Request



C.O.R. # 14-167-0004

G.C. #

Date: 6/15/2015

Project Name: Florence Reuse Pump Station

Project #: 14-167

Labor

Labor Type	Man Hrs	\$/Hr	Burden	Fringe	Total Tax	Total Labor
Shop Tech	4.00	\$35.00	\$17.50	\$0.00	\$0.00	\$210.00
Management	1.00	\$40.00	\$20.00	\$0.00	\$0.00	\$60.00
Sub Total					\$0.00	\$270.00
Grand Total					\$0.00	\$270.00

Expenses

Expenses	Quantity	Cost	Total Tax	Total Expense
Nema Disconnect	1.00	\$130.83	\$0.00	\$130.83
40A LP breaker	1.00	\$46.10	\$0.00	\$46.10
Sub Total			\$0.00	\$176.93
Grand Total			\$0.00	\$176.93
Total Cost				\$446.93
Overhead				\$44.69
Profit				\$24.58
Total				\$516.00

- b. Pressure regulator.
 - c. Bypass piping for recirculation of relief valve discharge to pump suction.
 - d. In-line Y-Strainer, 20 mesh, installed on suction side.
 - 11. Mounting Bracket: Fabricated aluminum construction suitable for wall mounting.
 - 12. Anchor Bolts and Fasteners: Type 316 stainless steel.
 - 13. Stainless steel nameplates indicating the manufacturer's model, serial number, rated capacity, head, speed, and all other pertinent data, shall be attached to the pump at the factory.
- B. Motors:
- 1. Motors shall conform to the requirements of Section 11000, Electric Motors.
 - 2. Turbine pump motors:
 - a. Type: Squirrel-cage, induction type, foot-mounted, NEMA Design B.
 - b. Enclosure: Totally-enclosed fan cooled.
 - c. Electrical characteristics: 120 Volt, single phase.
 - d. Maximum speed: 1,750 RPM
 - e. Bearings: Grease or oil lubricated anti-friction bearings with a minimum L-10 life of 100,000 hours.
 - f. Insulation: Class H with maximum rise above ambient in accordance with Class B insulation system.
 - g. Service Factor: 1.15
 - h. Motors shall be of sufficient size so that the nameplate rating will not be exceeded under any condition of operation from shut-off to the minimum head conditions, but horsepower shall not be less than that specified in Paragraph 2.1.B, of this Section.
 - i. Motors shall be in accordance with all current applicable standards of NEMA, IEEE and NEC.
- C. Product and Manufacturer: Provide one of the following:
- 1. Goulds GT-20
 - 2. Or equal.

2.3 CONTROLS

- A. Provide pump controls as shown on the Drawings and specified in Division 16.
- B. Pumps shall be furnished with the following controls:
 - 1. On/Off Switch.

2.4 SURFACE PREPARATION AND PAINTING

- A. Pumps, motors, drives, frames, baseplates, appurtenances, etc., shall receive shop primer and shop finish coating conforming to the requirements of Section 09900, Painting. If any damage to the paint system occurs, the equipment shall be repainted as directed by the ENGINEER.
- B. Surface preparation and painting shall conform to the requirements of Section 09900, Painting.
- C. All gears, bearing surfaces, machined surfaces and other surfaces which are to remain unpainted shall receive a heavy application of grease or other rust-resistant coating. This coating shall be maintained during storage and until the equipment is placed into operation.

11216-3

SUBMITTAL REVIEW TRANSMITTAL AND STATUS

PROJECT:

Town of Florence
Operations Building Expansion
WWE Project No. 13-057

ENGINEER:

Water Works Engineers
7580 N. Dobson Rd., Suite 200
Scottsdale, AZ 85256

To:	Currier Construction 36 N 56 th St Phoenix, AZ 85034
Submittal Number	11216-001
Cycle Number	001
Description	Sample Pump
Specification Section(s)	11216
Reviewer Name(s)	Rahul Zaveri, Rob Bryant, Jason Boyles
Received Date	05/08/2015
Return Date	05/08/2015
Copies Returned	1

Review Status Codes:

A	No Exceptions Taken
AC	Make Corrections Noted
RR	Revise and Resubmit
RE	Rejected - Resubmit
I	Information Only

Overall Review Status and Clarifications: AC**Individual Item Review Summary:**

ITEM	DESCRIPTION	STATUS
1	Sample Pump	AC

SUBMITTAL REVIEW COMMENTS

Page 1

Submittal No. 11216-001-001 – Sample Pump

INTENT OF SHOP DRAWING REVIEW

Shop drawings are reviewed for general conformance with the drawings and specifications. The intent of the review is to determine if the CONTRACTOR is submitting materials and equipment which are in general conformance with the Contract Documents. Detailed review of dimensions, sizes, space requirements, coordination with other equipment, and other construction details is not performed. Additional work and costs, resulting from errors in the shop drawings shall be the CONTRACTOR's responsibility and liability. Accuracy, coordination, and completeness of shop drawings shall be the sole responsibility of the CONTRACTOR, including responsibility to back check comments, corrections, and modifications from the ENGINEER's review before fabrication.

ITEM 1 – Sample Pump

1. Total of two (2) pumps shall be provided. One installed and one shelf spare as required per 11216, 1.1.A.2.
2. Provide Model GT-203 pump with 2 HP, 480V/3 ph motor.
3. Provide ON/OFF switch for the pump.
4. Painting shall conform to the requirements of 09900.
5. Cross out items that are not related for this project or indicate items provided.

RECEIVED

APPROVED MAY 1 2015



PUMP SYSTEMS, INC.

55 N. Sunway Dr.
Gilbert, AZ 85233
Phone 480-545-8484 • Fax 480-545-8787

APR 29 2015

C.C.I.

INVOICE

Invoice No: 00041596

Invoice Date: 4/29/2015

Account: CURCON

Page 1

CUSTOMER

ENTERED APR 30 2015

SOLD TO:

CURRIER CONSTRUCTION, INC.
36 NORTH 56TH STREET
PHOENIX, AZ 85034

SHIP TO:

CURRIER CONSTRUCTION, INC.
36 NORTH 56TH STREET
PHOENIX, AZ 85034

REP	PURCHASE ORDER	REFERENCE	ORDERED	SHIP VIA	SHIPPED	SHIP FOB
003	214169		4/28/15	WILL CALL	4/28/15	SHIPPING POINT

ORDER	SHIP	BACK	UM	ITEM NO	DESCRIPTION	UNIT PRICE	D%	EXT PRICE																													
2.00	2.00			GT-20	CHLORINE SAMPLE PUMPS 1.5" X 1.5" SELF PRIMING CENTRIFUGAL PUMP. CAST IRON NORYL CONSTRUCTION FITTED WITH A SEAL, DRIVEN BY A 2 HP, 3500 RPM, 230V/1/60, ODP, MOTOR	628.000		1,256.00																													
<div>Rec'd 4/28/15 ok</div> <table><tr><td colspan="4">VENDOR# 15601</td></tr><tr><td>JOB/CL</td><td>EXTRA</td><td>COST CODE</td><td>CAT</td><td>AMOUNT</td></tr><tr><td>214169</td><td></td><td>3777</td><td>M</td><td></td></tr><tr><td colspan="4">Ch Sample Pumps</td><td></td></tr><tr><td colspan="4">At Sale 6700</td><td></td></tr><tr><td colspan="4">1 SPARE 1 For Bldg.</td><td></td></tr></table>									VENDOR# 15601				JOB/CL	EXTRA	COST CODE	CAT	AMOUNT	214169		3777	M		Ch Sample Pumps					At Sale 6700					1 SPARE 1 For Bldg.				
VENDOR# 15601																																					
JOB/CL	EXTRA	COST CODE	CAT	AMOUNT																																	
214169		3777	M																																		
Ch Sample Pumps																																					
At Sale 6700																																					
1 SPARE 1 For Bldg.																																					
BUYER: MICHAEL RIVERA PHONE: (602) 274-4370 EXT 11 IF YOU WOULD LIKE YOUR INVOICES EMAILED PLEASE CONTACT US WITH YOUR PREFERRED EMAIL ADDRESS.						SALE AMOUNT		1,256.00																													
SHIPPED FROM: WAREHOUSE LOC 01 SALES ORDER: S0041252 PAYMENT TERMS: NET 20 DAYS						SALES TAX FREIGHT AMOUNT PAID TOTAL DUE		1,256.00																													

Jason Boelke

From: Mike Rivera
Sent: Thursday, June 18, 2015 8:56 AM
To: Jason Boelke
Cc: Roger Gholson; ddonovan@pumpsystemsaz.com
Subject: this pump is not cost productive

The one they asked for would have no warranty and cost 3-4 times more than what was specifically specified.

Multiply x 2

Mike

Below is price and delivery for the sample pump in 3 phase. Please note when supplied in 3 phase the horsepower will be 3 HP. In order to comply with the specs the motor will be a special motor and delivery will be 6 weeks.

M/N GT-203TE
3 HP, 3460 RPM, 230-460V/3/60

Price: \$2,150.00
Delivery: 6 Weeks
FOB: Shipping Point

David Donovan
480-545-8484 Phone
480-545-8787 Fax
ddonovan@pumpsystemsaz.com



Mr. Rob Bryant
WaterWorks Engineering
7580 North Dobson Road, Suite 200
Scottsdale, AZ 85256

June 26, 2015

Re: Town of Florence Reuse Pump Station and Chlorine Facility Upgrades – Change Order Request
No. 02 – RTU Modifications and Additional Conduit and Wire

Mr. Bryant,

This change order request is for the additional labor, materials and equipment for the furnish and install of the additional relays, conduit and wires in order to get the control and monitoring signal from the RTU to the Disinfection panel. This was discovered on the P&ID drawings with the speed control only coming from the analyzer and nothing connecting the RTU and the Disinfection Panel.

The total cost for this proposal is: \$5,710.67

Should you have any questions regarding this proposal please don't hesitate to contact me.

Sincerely,

Jason Boelke
Currier Construction Inc.
jboelke@currierinc.com
602.859.5919

Florence Change Order Back



Job No.:	13-057	CCI NO :	214-169
Project:	Town of Florence Reused Pump Station and Chlorine Facility Upgrades	Date:	06/26/15
Task:	RTU Modifications and Additional Conduit and Wire	Prepared by:	JB
		Checked&finalized:	

Description of Work to be Performed (attach supporting documentation and plan information):

Chemical Feed system Additions

This proposal is for the additional conduit and wire from the RTU to the disinfection panel as the contract drawings didn't show means for the input and output signals to communicate between the two devices. This proposal also has the deduct for the pressure switches that were deleted as part of the chemical feed pump alternate.

Labor to Scope / Design

Item		Unit	Quantity	Labor rate	Total	Item Total
Project Director	mrr	Hours	0	\$105.68	\$0.00	\$0.00
Project Manager	Jason Boella	Hours	0	\$85.13	\$0.00	\$0.00
Chief Estimator	wf	Hours	0	\$99.95	\$0.00	\$0.00
Field Operations Manager	cc	Hours	0	\$85.13	\$0.00	\$0.00
General Superintendent	cc	Hours	0	\$69.78	\$0.00	\$0.00
Project Superintendent	roger gholson	Hours	0	\$52.19	\$0.00	\$0.00
Project Engineer / Assistant Project Manager	NR	Hours	0	\$61.40	\$0.00	\$0.00
Project Foreman	KC	Hours	0	\$41.54	\$0.00	\$0.00
Skilled Tradesman	Dave or Don I	Hours	0	\$29.50	\$0.00	\$0.00
Equipment Operator	Todd or BB	Hours	0	\$36.28	\$0.00	\$0.00
Skilled Worker	gold collar	Hours	0	\$25.50	\$0.00	\$0.00
Laborer /Semi-Skilled Worker	general labor	Hours	0	\$23.50	\$0.00	\$0.00
AGTEC/CAD Take-off Technician		Hours		\$84.80	\$0.00	\$0.00
Contract Administrator		Hours		\$47.45	\$0.00	\$0.00
Clerical		Hours		\$31.96	\$0.00	\$0.00
Sub Total						\$0.00

Labor to Construct

Item		Unit	Quantity	Labor rate	Total	Item Total
Project Director	MRR	Hours	0	\$105.68	\$0.00	\$0.00
Project Manager	Jason Boella	Hours	2	\$85.13	\$170.26	\$170.26
Chief Estimator		Hours	0	\$76.00	\$0.00	\$0.00
Field Operations Manager	cc	Hours	0	\$77.00	\$0.00	\$0.00
General Superintendent	cc	Hours	0	\$77.00	\$0.00	\$0.00
Project Superintendent	roger gholson	Hours	4	\$54.00	\$216.00	\$216.00
Project Engineer / Assistant Project Manager	Bill Clifford	Hours	0	\$45.00	\$0.00	\$0.00
Project Foreman	Pete Zahn	Hours	0	\$39.00	\$0.00	\$0.00
Skilled Tradesman	Danny	Hours	0	\$31.00	\$0.00	\$0.00
Equipment Operator	Todd or BB	Hours	0	\$36.28	\$0.00	\$0.00
Skilled Worker	gold collar	Hours	0	\$25.50	\$0.00	\$0.00
Laborer /Semi-Skilled Worker	general labor	Hours	0	\$23.50	\$0.00	\$0.00
CDL BOOM TRUCK OPERATOR	TODD CHAFFIN (roger too)	Hours	0	\$45.00	\$0.00	\$0.00
SAFETY CONSULTANT	JOE LANUTE	Hours	0	\$85.00	\$0.00	\$0.00
PLUMBER/PIPEFITTER FOR WLINE	JOSH RUTLEDGE	Hours	0	\$31.96	\$0.00	\$0.00
Sub Total						\$0.00

Construction labor is 93.93 % of total labor

Sub Total

\$386.26

Equipment

Item		Unit	Quantity	Equipment Unit	Total	Item Total
3/4 Ton Truck (Supt. & 1/2 PM, 1/2 PE time)		Hours	2	\$15.00	\$30.00	\$30.00
Forman's Truck		Hours	0	\$7.00	\$0.00	\$0.00
Mini Ex	our Bobcat Mini Ex	hr	0	\$39.00	\$0.00	\$0.00
Knuckle Boom Lift	one day minimum	hr	0	\$29.16	\$0.00	\$0.00
Skip Loader	our Bobcat skid	Hr	0	\$38.25	\$0.00	\$0.00
Boom Truck - 2000 Gallon		Hours	0	\$68.74	\$0.00	\$0.00
Tripod and Air Monitor per attache rate quote	N/A	LS	0	\$1,506.96	\$0.00	\$0.00
Volvo Loader	all work	Hours	0	\$91.58	\$0.00	\$0.00
PIPE TOOLS/EQUIPMENT include Safety attire	OWNED TOOLS	\$10.00	0	\$0.00	\$0.00	\$0.00
Transports of our Equipment	Top Flight	hr	0	\$198.00	\$0.00	\$0.00
Sub Total						\$0.00
Total Equipment Cost						\$30.00

Florence Change Order Back



Job No.:	13-057	CCI NO :	214-169
Project:	Town of Florence Reused Pump Station and Chlorine Facility Upgrades	Date:	06/26/15
Task:	RTU Modifications and Additional Conduit and Wire	Prepared by:	JB
		Checked&finalized:	

Materials

Item	Unit	Quantity	Material Unit	Total	Item Total
				\$0.00	\$0.00
Not Allowed	on this Job Order	Allowance	1.00%		\$0.00
Not Allowed	on this Job Order	Allowance	5.00%		\$0.00
Total Taxable Material Cost					\$0.00

Major Equipment Purchase

Item	Unit	Quantity	Material Unit	Total	Item Total
			\$0.00	\$0.00	\$0.00
			\$0.00	\$0.00	\$0.00
Total Purchase & Material Cost					\$0.00

Subcontractor

		(Supporting quote & information attached)	\$0.00
Alliance Service & Control Specialists, Inc.		Labor Materials and Equipment for additional Conduit and wire at RTU and Disinfection Panel	\$4,526.00
Michael R Rivera review with JB		Total Taxable Subcontractor Cost	\$4,526.00

Subcontractor Supplied Tax Exempt Materials

Description of Work to be Performed (Supporting quote & information attached)	Item Total
tax exempt	
Total Subcontractor Cost that is tax exempt	\$0.00

2) Subtotal CCI Forces Self Performed-15% work	\$416.26	Subtotal Subcontractor Risk @5%	\$226.30
3) Mark-up of Work self performed 15%	\$ 62.44	see subtotal below to the left	\$ -

4) Mark-up of Work on 3rd Party or Subcontracts-7% \$226.30

Total With Mark-up: 1+2+3+4 = \$5,231.00

Support & Nondirect Site Expense 3% \$ 21.15

Total Field Costs: \$ 5,252.15

Insurance Costs \$ 99.79

Bond Costs \$ 52.52

Sales Tax (65% of 8.5%) \$ 5,252.15 \$ 290.18

2nd Iteration Sales Tax \$ 16.03

Total Job Order Cost \$ 5,710.67

Direct Cost \$4,942.26

Total \$ 5,710.67

You are hereby notified that the payment requested by this Change Order does not include any amounts for changes in the work sequence, delays, disruptions, consequential cost impacts, or any other reasons and our right is expressly reserved to make claim for any and all of these related items of cost prior to final payment upon this Contract.

Submitted by:

Jason Boelke-CCI

Date June 26, 2015

Change Order Request



C.O.R. # 14-167-0003

G.C. #

Date: 2/25/2015

Project Name: Florence Reuse Pump Station

Project #: 14-167

To: Currier Construction, Inc.

Attn: Mike Rivera

36 N. 56TH Street

Phoenix, AZ, AZ 85034

Phone: (602) 274-4370 **Fax:** (602) 285-9295

From: Alliance Service & Control Specialists, Inc.

Rod Robertson

4846 South 40th Street

Phoenix, AZ 85040

Phone: (602) 431-8434 **Fax:** (602) 431-8482

We hereby propose to make the following changes:

RTU modifications, additional conduit and wire

The electrical and PI&D drawings do not show control of the Disinfection pump or speed input and output. These changes will have to be made to have the RTU control and monitor the Disinfection pumps.

Additional conduit and wire will be needed to get the controls and monitoring from the Disinfection panel to the RTU

Install 2 1" pvc conduits from MCC to CL2 building. Approximately 60'

Install 2 1" pvc coated conduits from exterior of CL2 building to Disinfection panel. Approximately 30'

Install 4 #16/2 shielded cables for the pump speeds and speed controls. Approximately 110' feet each.

Install 5 #12 XHWW wire for pump start controls from MCC to Disinfection panel. Approximately 110' each.

Install 4 analog surge suppressors in the RTU to match design drawings for new signals

Install 2 2 pole relays in rTU to match design drawings for the start of the VFD's in the disinfection panel.

The price of the sheilded cable is based on speced out wire, Belden 8760.

Deduction for pressure switch PSH-71

Change Order Price

\$4,526.00

This price is good for 30 days. If conditions change, this price is void.

We are requesting a time extension of 2 days in conjunction with this change.

2/25/2015

Author

Date Sent

☐ Accepted

The above prices and specifications of this Change Order request are satisfactory and are hereby accepted. All work to be performed under same terms and conditions as specified in original contract unless otherwise specified.

Authorized Signature

Date of Acceptance

Change Order Request



C.O.R. # 14-167-0003

G.C. #

Date: 2/25/2015

Project Name: Florence Reuse Pump Station

Project #: 14-167

Labor

Labor Type	Man Hrs	\$/Hr	Burden	Fringe	Total Tax	Total Labor
Shop Tech	8.00	\$35.00	\$17.50	\$0.00	\$0.00	\$420.00
Drafter	4.00	\$45.00	\$22.50	\$0.00	\$0.00	\$270.00
Management	2.00	\$40.00	\$20.00	\$0.00	\$0.00	\$120.00
Journeyman	8.00	\$35.00	\$17.50	\$0.00	\$0.00	\$420.00
Apprentice	8.00	\$30.00	\$15.00	\$0.00	\$0.00	\$360.00
Sub Total					\$0.00	\$1,590.00
Grand Total					\$0.00	\$1,590.00

Materials

Materials	Quantity	Cost	Total Tax	Total Materials
Analog surge suppressors	4.00	\$158.00	\$0.00	\$632.00
2Pole Relays w/ base	3.00	\$27.00	\$0.00	\$81.00
1" pvc	120.00	\$0.65	\$0.00	\$78.00
1" pvc coated	60.00	\$6.60	\$0.00	\$396.00
1" pvc coated lb	2.00	\$69.91	\$0.00	\$139.82
1" pvc coated hub	2.00	\$50.45	\$0.00	\$100.90
Pressure switch	1.00	(\$425.00)	\$0.00	(\$425.00)
	0.00	\$0.00	\$0.00	\$0.00
	0.00	\$0.00	\$0.00	\$0.00
	0.00	\$0.00	\$0.00	\$0.00
Belden 8760	440.00	\$2.65	\$0.00	\$1,166.00
#12 XHHW	550.00	\$0.29	\$0.00	\$159.50
	0.00	\$0.00	\$0.00	\$0.00
Sub Total			\$0.00	\$2,328.22
Grand Total			\$0.00	\$2,328.22
Total Cost				\$3,918.22
Overhead				\$391.82
Profit				\$215.50
Total				\$4,526.00



Mr. Rob Bryant
WaterWorks Engineering
7580 North Dobson Road, Suite 200
Scottsdale, AZ 85256

June 26, 2015

Re: Town of Florence Reuse Pump Station and Chlorine Facility Upgrades – Change Order Request
No. 02 – Fire Alarm Panel and MCC Pad Extension

3

Mr. Bryant,

This change order request is for the addition of a fire alarm panel and labor, materials and equipment for the additional materials in order to install the additional square footage of the MCC electrical pad. Specifically included in this change order request is the cost associated with providing the Fire Alarm Panel as required by the town, and the additional subgrade prep, rebar, forms, concrete, shade Canopy calculation and additional steel and fabrication, shade canopy fabric, and labor and equipment needed to complete the work listed above.

The total cost for this proposal is: \$13,604.18

Should you have any questions regarding this proposal please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jason Boelke', is written over a horizontal line.

Jason Boelke
Currier Construction Inc.
jboelke@currierinc.com
602.859.5919

Florence Change Order Back



Job No.:	13-057	CCI NO :	214-169
Project:	Town of Florence Reused Pump Station and Chlorine Facility Upgrades	Date:	06/26/15
Task:	Fire Alarm Panel & MCC Pad Extension	Prepared by:	JB
		Checked&finalized:	

Description of Work to be Performed (attach supporting documentation and plan information):

Fire Alarm Panel & MCC Pad Extension

This proposal is for the Addition of the Fire Alarm Panel & additional work associated with increasing the MCC pad from 17' to 27' in order to accept the New MCC Equipment. Included in this proposal is the Fire Alarm Panel and additional subgrade prep, rebar, form work, concrete, shade structure, painting, shade fabric and additional effort needed in the process of setting and anchoring the additional set of posts needed for the shade canopy.

Labor to Scope / Design

Item		Unit	Quantity	Labor rate	Total	Item Total
Project Director	mrr	Hours	0	\$105.68	\$0.00	\$0.00
Project Manager	Jason Boella	Hours	0	\$85.13	\$0.00	\$0.00
Chief Estimator	wf	Hours	0	\$99.95	\$0.00	\$0.00
Field Operations Manager	cc	Hours	0	\$85.13	\$0.00	\$0.00
General Superintendent	cc	Hours	0	\$69.78	\$0.00	\$0.00
Project Superintendent	roger gholson	Hours	0	\$52.19	\$0.00	\$0.00
Project Engineer / Assistant Project Manager	NR	Hours	0	\$61.40	\$0.00	\$0.00
Project Foreman	KC	Hours	0	\$41.54	\$0.00	\$0.00
Skilled Tradesman	Dave or Don I	Hours	0	\$29.50	\$0.00	\$0.00
Equipment Operator	Todd or BB	Hours	0	\$36.28	\$0.00	\$0.00
Skilled Worker	gold collar	Hours	0	\$25.50	\$0.00	\$0.00
Laborer /Semi-Skilled Worker	general labor	Hours	0	\$23.50	\$0.00	\$0.00
AGTEC/CAD Take-off Technician		Hours		\$84.80	\$0.00	\$0.00
Contract Administrator		Hours		\$47.45	\$0.00	\$0.00
Clerical		Hours		\$31.96	\$0.00	\$0.00
					Sub Total	\$0.00

Labor to Construct

Item		Unit	Quantity	Labor rate	Total	Item Total
Project Director	MRR	Hours	0	\$105.68	\$0.00	\$0.00
Project Manager	Jason Boella	Hours	2	\$85.13	\$170.26	\$170.26
Chief Estimator		Hours	0	\$76.00	\$0.00	\$0.00
Field Operations Manager	cc	Hours	0	\$77.00	\$0.00	\$0.00
General Superintendent	cc	Hours	0	\$77.00	\$0.00	\$0.00
Project Superintendent	roger gholson	Hours	4	\$54.00	\$216.00	\$216.00
Project Engineer / Assistant Project Manager	BB Clifford	Hours	0	\$45.00	\$0.00	\$0.00
Project Foreman	Pete Zahn	Hours	0	\$39.00	\$0.00	\$0.00
Skilled Tradesman	Danny	Hours	8	\$31.00	\$248.00	\$248.00
Equipment Operator	Todd or BB	Hours	0	\$36.28	\$0.00	\$0.00
Skilled Worker	gold collar	Hours	8	\$25.50	\$204.00	\$204.00
Laborer /Semi-Skilled Worker	general labor	Hours	8	\$23.50	\$188.00	\$188.00
CDL BOOM TRUCK OPERATOR	TODD CHAFFIN (roger too)	Hours	0	\$45.00	\$0.00	\$0.00
SAFETY CONSULTANT	JOE LANUTE	Hours	0	\$85.00	\$0.00	\$0.00
PLUMBER/PIPEFITTER FOR WLINE	JOSH RUTLEDGE	Hours	0	\$31.96	\$0.00	\$0.00
					\$0.00	\$0.00
Construction labor is 93.93 % of total labor					Sub Total	\$1,026.26

Total Labor Cost \$1,026.26

Equipment

100.00% 30 MH'S TO BUILD

Item		Unit	Quantity	Equipment Unit	Total	Item Total
3/4 Ton Truck (Supt. & 1/2 PM, 1/2 PE time)		Hours	2	\$15.00	\$30.00	\$30.00
Forman's Truck		Hours	0	\$7.00	\$0.00	\$0.00
Mini Ex	our Bobcat Mini Ex	hr	0	\$39.00	\$0.00	\$0.00
Knuckle Boom Lift	one day minimum	hr	0	\$29.16	\$0.00	\$0.00
Compactor	Jumping Jack	Day	1	\$85.00	\$85.00	\$85.00
Boom Truck - 2000 Gallon		Hours	1	\$68.74	\$68.74	\$68.74
Tripod and Air Monitor per attache rate quote	N/A	LS	0	\$1,506.96	\$0.00	\$0.00
Volvo Loader	all work	Hours	0	\$91.58	\$0.00	\$0.00
PIPE TOOLS/EQUIPMENT include Safety attire	OWNED TOOLS	\$10.00	0	\$0.00	\$0.00	\$0.00
Transports of our Equipment	Top Flight	hr	0	\$198.00	\$0.00	\$0.00
					\$0.00	\$0.00
Total Equipment Cost						\$183.74

Florence Change Order Back



Job No.:	13-057	CCI NO :	214-169
Project:	Town of Florence Reused Pump Station and Chlorine Facility Upgrades	Date:	06/26/15
Task:	Fire Alarm Panel & MCC Pad Extension	Prepared by:	JB
Checked&finalized:			

Materials

Item	Unit	Quantity	Material Unit	Total	Item Total
Concrete, Form, Rebar	LS	1	\$ 600.00	\$600.00	\$600.00
	Not Allowed	on this Job Order	Allowance	1.00%	\$0.00
	Not Allowed	on this Job Order	Allowance	5.00%	\$0.00
Total Taxable Material Cost					\$600.00

Major Equipment Purchase

Item	Unit	Quantity	Material Unit	Total	Item Total
			\$0.00	\$0.00	\$0.00
			\$0.00	\$0.00	\$0.00
Total Purchase & Material Cost					\$0.00

Subcontractor

Description of Work to be Performed (Supporting quote & information attached)	Item Total
SH Engineering Additional Shade Canopy Steel fabrication and calculations (No cost included for calculation as part of 2006 code)	\$4,000.00
4K Builders Inc. Fire Alarm Panel	\$5,000.00
Aluma-line, Inc Additional Shade fabric Addition 71.25Sqft.	\$860.12
Michael R Rivera review with JB	Total Taxable Subcontractor Cost
	\$9,860.12

Subcontractor Supplied Tax Exempt Materials

Description of Work to be Performed (Supporting quote & information attached)	Item Total
tax exempt	
Total Subcontractor Cost that is tax exempt	
\$0.00	

2) Subtotal	CCI Forces Self Performed-15% work	\$1,810.00	Subtotal	Subcontractor Risk @5%	\$493.01
3) Mark-up of Work self performed	15%	\$ 271.50	see subtotal below to the left		
4) Mark-up of Work on 3rd Party or Subcontracts-7%		\$493.01			
Total With Mark-up: 1+2+3+4 =		\$12,434.63			
Support & Nondirect Site Expense		3% \$ 77.24			
Total Field Costs:		\$ 12,511.86			
Insurance Costs		\$ 237.73			
Bond Costs		\$ 125.12			
Sales Tax (65% of 8.5%)		\$ 12,511.86			
2nd Iteration Sales Tax		\$ 38.19			
Total Job Order Cost		\$ 13,604.18			

Direct Cost \$11,670.12
Total \$ 13,604.18

You are hereby notified that the payment requested by this Change Order does not include any amounts for changes in the work sequence, delays, disruptions, consequential cost impacts, or any other reasons and our right is expressly reserved to make claim for any and all of these related items of cost prior to final payment upon this Contract.

Submitted by:

Jason Boelke-CCI

Date June 26, 2015

Jason Boelke

Subject: FW: Florence Canopy

From: Mike Rivera
Sent: Monday, June 15, 2015 3:25 PM
To: Jason Boelke
Cc: Roger Gholson
Subject: Fwd: Florence Canopy

Sent from my iPhone

Begin forwarded message:

From: Andy Skiles <andy@shengmfg.com>
Date: June 15, 2015 at 10:09:39 AM MST
To: 'Mike Rivera' <mrivera@currierinc.com>
Subject: RE: Florence Canopy

They are only paying for the calculations to be re-done due to the size increase.

The \$4,000 is the adder to the already in place contract.

-Andy Skiles
SH Engineering & Mfg.
andy@shengmfg.com
520-494-2900



中国地质大学
 中国地质大学
 中国地质大学

— 100 —

THE

DATE	DESCRIPTION	AMOUNT	BALANCE
1900	Jan 1		
	Feb 1		
	Mar 1		
	Apr 1		
	May 1		
	Jun 1		
	Jul 1		
	Aug 1		
	Sep 1		
	Oct 1		
	Nov 1		
	Dec 1		
1901	Jan 1		
	Feb 1		
	Mar 1		
	Apr 1		
	May 1		
	Jun 1		
	Jul 1		
	Aug 1		
	Sep 1		
	Oct 1		
	Nov 1		
	Dec 1		
1902	Jan 1		
	Feb 1		
	Mar 1		
	Apr 1		
	May 1		
	Jun 1		
	Jul 1		
	Aug 1		
	Sep 1		
	Oct 1		
	Nov 1		
	Dec 1		

和

Proposal

ALUMA-LINE, INC.

529 E. Juanita Ave.

Mesa, AZ 85204

(480) 926-3831 • Fax (480) 545-9623

Mesa - Tempe

Phoenix - Sun City

PROPOSAL SUBMITTED TO Currier Construction Inc.	PHONE (602) 274-4370	FAX (602) 285-9295	DATE 6/18/15
STREET 36 N. 56th Street	JOB NAME Reuse Pump Station & Chlorine Facility Upgrade		
CITY, STATE, and ZIP CODE Phoenix, Arizona 85034	JOB LOCATION Florence, Az. 100 South Plant Road 85232		
CONTACT ATTN: Roger Gholson			JOB PHONE

We hereby submit specifications and estimates for:

Manufacture and Install Fabric Side Panels

(1) - 26'-6" Wide x 7'-6" Drop Fabric Side Panel South Side.

(1) - 8'-0" Wide x 8'-0" Drop Fabric Side Panel - West Side.

(1) - 8'-0" Wide x 8'-0" Drop Fabric Side Panel - East Side.

Fabric to be Comtex - Color by Owner:

HSS Tube Steel Intermediate Columns, Verticals & Horizontals as Required.

HSS Tube Steel to be Painted With Tnemec System - Color by Owner:

Does Not Include Engineering. Does Not Include Permits. Does Not Included Special Inspection Costs

We Propose hereby to furnish material and labor - complete in accordance with specifications below, for the sum of:

Three Thousand Nine Hundred Forty Five dollars (\$ **3,945.00**).

Payment to be made as follows:

Balance Due Net 30 Days

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from specifications below involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized
Signature



Note: This proposal may be withdrawn by us if not accepted within **60** days.

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: _____

Signature _____

Signature _____



Mr. Rob Bryant
WaterWorks Engineering
7580 North Dobson Road, Suite 200
Scottsdale, AZ 85256

June 28, 2015

Re: Town of Florence Reuse Pump Station and Chlorine Facility Upgrades – Cast In Place vs Precast Vault Credit and summary of all change order requests

Mr. Bryant,

This letter is being provided to show the credit for the difference between the original Cast in Place 6' X 8' Vault vs the precast 6' X 8' Vault and the change Order summary for the above referenced project.

Cast In Place

Labor -	\$6,240.00
Concrete-	\$2,850.00
Rebar -	\$3,900.00
Forms -	\$2,500.00
CCI Crane -	\$1,900.00
Total CIP -	\$17,390.00

Precast Vault

Labor -	\$1,800.00
Precast Vault -	\$6,980.00
Coatings -	\$1,650.00
Crane -	\$1,645.00
Total Precast	\$12,075.00

Total Credit for the 6' X 8' Vault is: -\$5,315.00

Summary of Change Order requests including credit from above:

Change Order No 1 – Sample Pump Voltage Change -	\$ 999.02
Change Order No 2 – RTU Modifications & Conduit & Wires -	\$ 5,710.67
Change Order No 3 – Fire Alarm Panel and MCC Pad Extension -	\$13,604.18
Credit – 6' X 8' Precast Vault vs CIP -	- \$ 5,315.00
Total proposed changes -	\$14,998.87

Should you have any questions on this credit or the summary, please don't hesitate to contact me.

Sincerely,

Jason Boelke
Currier Construction Inc.
jboelke@currierinc.com
602.859.5919

APPROVED MAY 22 2015

RECEIVED

MAY 18 2015

C.C.I.

Olson Precast of Arizona
License No. 098590 Type A-12
3045 S. 35th Ave
Phoenix, AZ 85009
Phone: (602) 269-6219
Fax: (602) 278-5568

INVOICE

Customer Copy

Invoice Number: 80673022

Invoice Date: 5/14/2015

Bill to: CURRIER CONSTRUCTION
36 N 56TH STREET
PHOENIX, AZ 85034

Ship to: FLORENCE WWTP OP BLDG EXP PH 1
SWC PLANT RD & BUTTE
FLORENCE, AZ

Contact:

Project Manager: CURRIER - ROGER

Customer ID: CURRIER CONS

PO: 214169-002

Ship Via: EDSON

County: none

Sales Rep: gwilliams

Ticket Number: 80673022

Delivery Date: 5/14/2015

Terms: Net 30

Job Number: 21525

Load: 4 SET

Due Date: 6/13/2015

Structure ID	Structure Type	Amount
V	6' X 8' REUSE PUMP PRECAST VAULT w/ 6" WA	\$6,980.00

NOTE: A FINANCE CHARGE OF 1 1/2%, WHICH IS AN ANNUAL PERCENTAGE RATE OF 18%, CHARGED ON ALL PAST DUE ACCOUNTS.

PLEASE REMIT PAYMENT TO: 3045 S. 35TH AVE. PHOENIX, AZ 85009
CLOSEOUT ITEMS INCLUDING VACUUM TESTING & COATING WILL BE BILLED SEPARATELY WHEN COMPLETED.

THANK YOU FOR CHOOSING OLSON PRECAST OF ARIZONA, INC.
WE SINCERELY APPRECIATE YOUR BUSINESS !

Taxable	\$0.00
Non-Taxable	\$6,980.00
Sub Total	\$6,980.00
Tax	\$0.00
Invoice Total	\$6,980.00
Less Deposit	\$0.00
Invoice Balance	\$6,980.00

ENTERED MAY 18 2015

VENDOR#	JOB/CL	EXTRA	COST CODE	CAT	AMOUNT
14009	214169-002		3290	M	
	P.F.R. 0214				
	PL VANT X 3 Pieces				
					5/22/15



COE - 292-5160

PAINTING & INDUSTRIAL COATINGS

5136 S. Desert View Drive
Apache Junction, AZ 85220
Main#: 480-844-1990
Fax#: 480-844-2499

April 10, 2015

Currier Construction

Attn: Mike Rivera

Re: Florence Reuse Pump Vault

Mike,

We will media blast an area that is approximately 8-12" wide centered over each horizontal joint, to a profile equal to 60 grit sandpaper.

We will skim the joint and apply 125 mils DFT of Sauereisen 201T over the joint and at the pipe penetration.

This will seal the vault to keep for any leakage occurring.

OPTCO will provide a 3 year warranty on this work.

Sincerely,

Allen Kauffman

Price for this work: \$1,650.00 / 3 \$550.00

APPROVED MAY 27 2015

ENTERED MAY 26 2015

THWEST INDUSTRIAL RIGGING**RECEIVED****Invoice**

Phone: (602) 256-7161 ~ Fax: (602) 233-0234

2802 West Palm Lane ~ Phoenix, AZ 85009


www.swirusa.com

MAY 26 2015

C.C.I.

Customer	Job Site
Currier Construction 36 N 56th St Phoenix, AZ 85034	SWWTP Reuse Pump Station, Chlorine Fac Upgrade & Operations Building Expansion 100 South Plant Road Florence, Arizona 85232

P.O. Number	Terms	Account #	Rep	Job Date	Work Order	Invoice Date	Invoice #																						
214169-0...	Net 10 Days	13560	MM	5/14/2015	CN 4730	5/20/2015	32317																						
Quantity	Item Code	Description	Price Each	Amount																									
		Purchase Order No: 214169-023 Project: SWWTP Reuse Pump Station, Chlorine Facility Upgrade & Operations Building Expansion Ref: Florence Vaults Set Precast Vaults Per Customer																											
1	1526	Mobilization In	350.00	350.00																									
4.5	1526	90 Ton Crane	210.00	945.00																									
4.5	2247	Truck w/cwt 4419	0.00	0.00																									
1	1526	Mobilization Out	350.00	350.00																									
1	Fuel -0150	Surcharge	0.00	0.00																									
<table><tr><td>VENDOR#</td><td colspan="4">19066</td></tr><tr><td>JOB#</td><td>214169-023</td><td>EXTRA</td><td>COST CODE</td><td>CAT</td></tr><tr><td></td><td></td><td>1882</td><td>E</td><td></td></tr><tr><td></td><td>SET VAULT</td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td><td></td></tr></table>					VENDOR#	19066				JOB#	214169-023	EXTRA	COST CODE	CAT			1882	E			SET VAULT								
VENDOR#	19066																												
JOB#	214169-023	EXTRA	COST CODE	CAT																									
		1882	E																										
	SET VAULT																												
Total Invoice						\$1,645.00																							

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 10a.
MEETING DATE: September 2, 2014 DEPARTMENT: Utilities Department STAFF PRESENTER: John V. Mitchell, Utilities Director SUBJECT: Approval to award a contract to Currier Construction, Inc. for improvements to the south wastewater treatment plant, including the reuse pump station, chlorine facility upgrade, & operations building expansion		<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Motion to award a contract with Currier Construction, Inc., for improvements at the south wastewater treatment plant (SWWTP) including the reuse pump station, chlorine facility upgrade, and operations building expansion, in an amount not to exceed \$1,549,184.00.

BACKGROUND/DISCUSSION:

The Town of Florence entered into an ADEQ Consent Order in August 2013. The Consent Order addressed a number of items, including corrective measures for identification and correction of reported exceedances of residual chlorine. Water Works Engineers was hired to prepare construction documents for a project to upgrade the chlorination/dechlorination processes, as well as provide for a permanent effluent pump station.

The project was advertised and bids were opened on July 17, 2014. Three bids were received. Sun Western Contractors submitted two bid schedules thereby making them not-responsive. Therefore, Currier Construction, Inc. became the lowest responsive and responsible bidder. The amount of the bid submitted by Currier Construction, Inc. is one million, five hundred forty nine, one hundred eighty four dollars (\$1,549,184.00).

FINANCIAL IMPACT:

The current budget provides for funding of the first \$1,076,100; identified as CIP projects SU-83, SU-79 and SU-51. It is proposed that the remaining balance of \$473,084 come from a reallocation of funds identified for future growth projects.

Three future growth projects funded in the current budget are proposed to be eliminated from the current budget and reintroduced in the future as growth becomes certain. The three projects proposed for elimination are SU-05 (\$330,000), SU-06 (\$175,000), and SU-11 (\$100,000).

Subject: Award contract to Currier Construction, Inc. for improvements to SWWTP

Meeting date: September 2, 2014

Page 1 of 2

SU-05 is a recharge injection well project for the SWWTP. A masterplan for expansion of the SWWTP is currently being performed. Once the masterplan is complete, details on the uses for effluent, including costs, will be known, and a new project can be added to the CIP. SU-06 is a line replacement project to serve future growth including oversizing of existing lines. SU-11 is an 18 inch bore at SR-79 and Hunt Highway to accommodate future sewer services.

STAFF RECOMMENDATION:

Staff recommends that:

1. Award a contract to Currier Construction, Inc., for improvements to the SWWTP, including reuse pump station, chlorine facility upgrade and operations building expansion, in an amount not to exceed \$1,549,184.00.
2. CIP projects SU-05, SU-06 & SU-11 be eliminated from the current CIP and reintroduced as future growth becomes certain.

ATTACHMENTS:

Bid tabulation sheet
Notice of Award

**Town of Florence
Bid Tabulation Sheet**

<input type="checkbox"/>	Verbal (only allowed when \$5,000 or less)	Date Prepared: July 17, 2014
<input type="checkbox"/>	Written/Fax (mandatory when over \$5,000; attach bids)	Prepared By: Yvonne Hazelton, Administrative Assistant
<input checked="" type="checkbox"/>	Formal Sealed Bid: # N/A Title: Reuse Pump Station Chlorine Modifications & SWWTP OPS Bldg. Opening Date: 7/17/14 Opening Time: 3:25 pm	

Item (include quality, brand, model, color) Sealed bids for the Reuse Pump Station and Operations Building Project. The work covers the expansion of operations building, construction of a reuse pump station, chlorination modifications and reuse water system and performing related required work.

Vendor name Contact Person Phone/Fax	Payment Terms (Discount?)	Availability	Who Pays Shipping?	Unit Price	Extended Price	Comments
1 Felix Construction						
1326 W. Industrial Drive					\$ 1,312,300.00	Lump sum bid price for all work associated with the reuse pump station and chlorine modifications
Coolidge, AZ 85128					\$ 310,000.00	lump sum bid price for all work associated with expansion of the lab bldg.
PH # 480/464-0011					\$ 1,622,300.00	Total
2 Sun Western Contractors						
2925 East Ganley Road					\$ 1,114,334.00	Lump sum bid price for all work associated with the reuse pump station and chlorine modifications
Tucson, AZ 85706					\$ 377,679.00	lump sum bid price for all work associated with expansion of the lab bldg.
PH # 520/294-8000					\$ 1,492,013.00	Total
Sun Western Contractors	Second bid tabulation submitted					
2925 East Ganley Road					\$ 1,242,857.00	Lump sum bid price for all work associated with the reuse pump station and chlorine modifications
Tucson, AZ 85706					\$ 375,229.00	lump sum bid price for all work associated with expansion of the lab bldg.
PH # 520/294-8000					\$ 1,618,086.00	Total

3	Currier Construction, Inc						
	36 N. 56th Street					\$ 1,178,184.00	Lump sum bid price for all work associated with the reuse pump station and chlorine modifications
	Phoenix, AZ 85034					\$ 371,000.00	lump sum bid price for all work associated with expansion of the lab bldg.
	PH# 602/274-4370					\$ 1,549,184.00	Total
Attach additional page(s), if necessary							
<div> <div>Vendor Selected</div> <div>Address</div> </div>							
Justification (if not lowest price)							
<div> <div>Department Head Approval</div> <div>Date</div> </div>							
<div> <div>Finance Director Approval</div> <div>Date</div> </div>							
<div> <div>Town Manager Approval</div> <div>Date</div> </div>							
<p>*If over \$10,000, must go to Town Council for approval. Attach this approved for to purchase request with written quotes, if applicable.</p>							

EJCDC®

ENGINEERS JOINT CONTRACT
DOCUMENTS COMMITTEE

NOTICE OF AWARD

Date of Issuance: September 2, 2014

Owner: Town of Florence

Owner's Contract No.: TOF SU-83

Engineer: Water Works Engineers

Engineer's Project No.: 13-057

Project: SWWTP Reuse Pump Station,
Chlorine Facility Upgrade &
Operations Building Expansion

Contract Name: SWWTP Reuse Pump Station,
Chlorine Facility Upgrade &
Operations Building
Expansion

Bidder: Currier Construction, Inc.

Bidder's Address: 36 N. 56th Street, Phoenix, AZ 85034

TO BIDDER:

You are notified that Owner has accepted your Bid dated July 17, 2014 for the above Contract, and that you are the Successful Bidder and are awarded a Contract for:

SWWTP Reuse Pump Station, Chlorine Facility Upgrade & Operations Building Expansion.

The Contract Price of the awarded Contract is: \$ 1,549,184.00

Three unexecuted counterparts of the Agreement accompany this Notice of Award, and one copy of the Contract Documents accompanies this Notice of Award, or has been transmitted or made available to Bidder electronically.

☒ a set of the Drawings will be delivered separately from the other Contract Documents.

You must comply with the following conditions precedent within 15 days of the date of receipt of this Notice of Award:

1. Deliver to Owner three counterparts of the Agreement, fully executed by Bidder.
2. Deliver with the executed Agreement(s) the Contract security [e.g., performance and payment bonds] and insurance documentation as specified in the Instructions to Bidders and General Conditions.
3. Other conditions precedent (if any):

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid security forfeited.

Within ten days after you comply with the above conditions, Owner will return to you one fully executed counterpart of the Agreement, together with any additional copies of the Contract Documents as indicated in Paragraph 2.02 of the General Conditions.


Owner: Town of Florence

Authorized Signature

By: Charles A. Montoya

Title: Town Manager

Copy: Engineer

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 7e.
MEETING DATE: August 17, 2015 DEPARTMENT: Parks and Recreation STAFF PRESENTER: Bryan C. Hughes Parks and Recreation Director SUBJECT: Library/Recreation Complex Design-Build Contract Change Order No. 2 with Low Mountain Construction, Inc.		<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <div style="margin-left: 20px;"> <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading </div> <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Motion to approve Change Order No. 2 to the Library/Recreation Complex design-build contract with Low Mountain Construction, Inc., increasing the number of days for completion to 294 days.

BACKGROUND/DISCUSSION:

In September 2014, the Town Council approved a design-build contract with Low Mountain Construction, Inc., for design development and construction of a new Library/Recreation Center/Aquatic Complex. The contract included 240 days for construction from the time the Notice to Proceed was issued. Staff issued the Notice to Proceed on November 24, 2014; therefore, completion was to be July 22, 2015.

Due to significant delays related to coordinating with San Carlos Irrigation Project (SCIP) and San Carlos Irrigation and Drainage District (SCIDD) and their consultants, as well as delays in delivery of key materials from suppliers and subcontractors, Low Mountain Construction Inc., requested additional time to complete the project. The Project Manager and Town staff agreed to additional time to complete the project based on the circumstances presented. An additional 54 days were suggested by Town staff and will give Low Mountain the time necessary to complete the project. This would change the substantial completion date to September 15, 2015. The change will not prevent the Parks and Recreation Department or the Library from moving into the Library and Community Center and opening later this month.

Low Mountain Construction, Inc. has gone above and beyond on the project and Town staff is requesting the Town Council approve the new completion date with a formal change order.

FINANCIAL IMPACT:

The additional time necessary for completion does not increase the cost of the project. In fact, the Town may realize savings in the facility budget from the delayed opening.

STAFF RECOMMENDATION:

Staff recommends approval of the motion as presented.

ATTACHMENTS:

Change Order No. 2



Document G701™ – 2001

Change Order

PROJECT (Name and address): Territory Square Library/Recreation Complex 778 North Main Street Florence, AZ 85132	CHANGE ORDER NUMBER: 002 DATE: 07/31/2015	OWNER: <input checked="" type="checkbox"/> ARCHITECT: <input type="checkbox"/> CONTRACTOR: <input type="checkbox"/> FIELD: <input type="checkbox"/> OTHER: <input type="checkbox"/>
TO CONTRACTOR (Name and address): Low Mountain Construction, Inc. 4105 N. 20 th Street, Suite 205 Phoenix, AZ 85016	ARCHITECT'S PROJECT NUMBER: 14180 CONTRACT DATE: September 8, 2014 CONTRACT FOR: General Construction	

THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

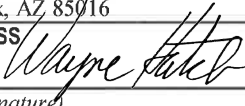
Extend contract time due to SCIPP design/construction.


The original Contract Sum was	\$ 12,689,225.00
The net change by previously authorized Change Orders	\$ 450,000.00
The Contract Sum prior to this Change Order was	\$ 13,139,225.00
The Contract Sum will be increased by this Change Order in the amount of	\$ 0.00
The new Contract Sum including this Change Order will be	\$ 13,139,225.00

The Contract Time will be increased by Fifty Four (54) days.

The date of Substantial Completion as of the date of this Change Order therefore is September 15, 2015.

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

Low Mountain Construction, Inc.	Town of Florence
CONTRACTOR (Firm name)	OWNER (Firm name)
4105 N. 20 th Street, Suite 205	775 North Main Street
Phoenix, AZ 85016	Florence, AZ 85132
ADDRESS	ADDRESS
	
BY (Signature)	BY (Signature)
Wayne R. Hatch	
(Typed name)	(Typed name)
08-10-15	
DATE	DATE

	<h2 style="text-align: center;">TOWN OF FLORENCE COUNCIL ACTION FORM</h2>	<h3 style="text-align: center;"><u>AGENDA ITEM</u> 7f.</h3>
<p>MEETING DATE: August 17, 2015</p> <p>DEPARTMENT: Public Works Department</p> <p>STAFF PRESENTER: Wayne J. Costa, P.E. Public Works Director</p> <p>SUBJECT: Approval of Change Order No. 2 with Garney Construction for the North Florence Reservoir and Pump Station.</p>		<p> <input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance </p> <p style="margin-left: 40px;"> <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading </p> <p><input type="checkbox"/> Other</p>

RECOMMENDED MOTION/ACTION:

Approval of Change Order No. 2 with Garney Construction, for a credit of \$32,084.00, for a total project cost reduced to \$1,691,358, and extending the project completion date to October 30, 2015.

BACKGROUND/DISCUSSION:

On February 2, 2015, Council authorized a Notice of Award to Garney Construction, for the North Florence Reservoir and Pump Station for an amount not to exceed \$1,716,000. On June 22, 2015, the Council authorized Change Order No. 1, which resulted in an increase to the contract amount by \$7,442, making the total price not to exceed \$1,723,442.

Garney Construction is in the process of completing the work for the North Florence Reservoir and Pump Station. Several Change Order requests were evaluated, as noted below. The requested change requests had been reviewed by the Water Works Resident Engineer and the Town has found them to be acceptable.

	<u>Amount</u>	<u>Council Approval</u>
Current Contract:	\$1,723,442	February 2, 2015
Change Order No. 1	7,442	June 22, 2015
Change Order No. 2	(\$ 32,084)	Council Pending
New Contract Amount	<u>\$1,691,358</u>	

Change Order No. 1 was made up of Change Order Request No. 1, No. 2, No 3, and No. 4.

Change Order No. 2 is made up of Change Order Request No. 5, No. 6, No. 7, No. 8 and No. 9.

Change Order Request No. 5

It is noted that Change Order Request No. 5 was installed on May 5, 2015, and was not included in Change Order No. 1 presented for Council

Action on June 22, 2015, by the former Utilities Director even though the requested Change Order Request No. 5 was submitted on May 20, 2015. It is my understanding that this construction occurred in order to meet the milestone schedule date in order to isolate the new water tank discharge system at the tie-in location.

Change Order Request No. 6

Change order No. 6 was deleted because work was not required.

Change Order Request Nos. 7, 8 and 9

Subsequently, Council also asked the question on June 22, 2015, as to who made the error in regards to the topographic survey issue. The following information was determined:

- a. The Town Engineer made the following comments when the Town Engineer reviewed the 60% design drawings. "Provide benchmark to a Town of Florence benchmark datum" (document attached).
- b. The designer added the information shown on the cover sheet for the bid documents. (Sheet attached and comment noted.)
- c. The Town of Florence acting/Interim Public Works Director reviewed and approved the cover sheet and approved the benchmark information on as part of the bid documents. It is also noted that the site plan was also provided as part of the bid comments approved by the former Utilities Director on December 9, 2014.
- d. As a result the grading information presented in the design and in response to several RFI's resulted in erroneous information as being a basis of design.
- e. Subsequently the Town Engineer assumed the project on July 1, 2015; and immediately noted the discrepancies when addressing various Requests for Change Requests. These requests were the results of the ripple effect due to the "topographic" survey error within the bid documents. In conjunction with the Engineer, the effects of the causes of the "topographic" error were minimized by:
 - 1) Eliminating a new drainage structure with 12-inch piping and substituting a drainage swale. This attributed to a savings of approximately \$14,026 proposed in Change Order Request No. 6 (previously submitted).

2) Eliminating a new retaining wall along the North entrance road to the west of the entrance gate approximately 70' long with additional height to the entrance gate wall as proposed in the original Change Order Request No. 7 for \$23,649. This attributed to a net savings of due to the cost of the wall; however, a cost of it's needed to the entrance gate wall for gate support at its' left abutment for \$1,386.

A more proper approach for such matters is to regrade and feather in the northern side of the access road to a reasonable fill slope allowing access to the existing landscaped vehicular path while accommodating the landscaped walkway path within the Vista Hermosa Homeowner's Association (HOA) common space area. The Town Engineer had also noted this item in the 60% review comments in regards to the criticality of interfacing with the HOA.

3) Deletion of asphalt and its associated curb and gutter at a point 50 feet beyond the gate entrance. This is not needed as the normal trip to the well site on a daily basis is one trip for maintenance and operational control. Monthly trips are typically made by Cell Tower personnel. This amounted to a savings of \$37,677.

FINANCIAL IMPACT:

The credit for Change Order No. 2 is \$32,084.00 and should be returned to the budgetary fund.

STAFF RECOMMENDATION:

Approval of Change Order No. 2 with Garney Construction, for a credit of \$32,084.00, for a total project cost reduced to \$1,691,358, and extending the project completion date to October 30, 2015.

ATTACHMENTS:

- North Florence 1 MG Reservoir Comments Volume 2 of 2 (60%) dated June 2014
- Sheet C100 dated 12/9/14
- Change Order No. 2
- Change Order Request No. 5 dated May 20, 2015
- Change Order Request No. 7 dated July 15, 2015
- Change Order Request No. 8 dated July 29, 2015
- Change Order Request No. 9 dated July 29, 2015

Date of Issuance: 3 August 2015	Effective Date: 17 August 2015
Owner: Town of Florence	Owner's Contract No.: WU-26
Contractor: Garney Construction	Contractor's Project No.: 9217
Engineer: Water Works Engineers	Engineer's Project No.: 13-057-04
Project: North Tanks and Booster Pump Station	Contract Name: North Tanks and BPS

The Contract is modified as follows upon execution of this Change Order:

Description: No valve was shown on the design drawings to isolate the new well discharge from the existing system at the tie-in location. Additionally, due to regrading caused by a topographic survey issue, grade inside the site was raised along the west wall which required an increase in height of that wall near the entry gate. Also, the Town has elected to remove a portion of the asphalt that was included in the original contract. Finally, alteration of the Ready for Final Payment date to include time for recoating the existing tank as requested in addendum #2.

Attachments: Change Order Request #5 (4 pages), Change Order Request #7 – Rev 1 (3 pages), Change Order Request #8 – Rev 2 (7 pages), and Change Order Request #9 (1 page)

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES [note changes in Milestones if applicable]
Original Contract Price: \$ <u>1,716,000.00</u>	Original Contract Times: Substantial Completion: <u>150 or 1 August 2015</u> Ready for Final Payment: <u>160 or 11 August 2015</u> days or dates
Increase from previously approved Change Orders No. <u>1</u> to No. <u>1</u> : \$ <u>7,442.00</u>	Increase from previously approved Change Orders No. <u>1</u> to No. <u>1</u> : Substantial Completion: <u>0</u> Ready for Final Payment: <u>0</u> days
Contract Price prior to this Change Order: \$ <u>1,723,442.00</u>	Contract Times prior to this Change Order: Substantial Completion: <u>150 or 1 August 2015</u> Ready for Final Payment: <u>160 or 11 August 2015</u> days or dates
Decrease of this Change Order: \$ <u>32,084.00</u>	Increase of this Change Order: Substantial Completion: <u>0</u> Ready for Final Payment: <u>80</u> Days
Contract Price incorporating this Change Order: \$ <u>1,691,358.00</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>150 or 1 August 2015</u> Ready for Final Payment: <u>240 or 30 October 2015</u> days or dates

RECOMMENDED:		ACCEPTED:		ACCEPTED:	
By: V. Jared Lee <i>V. Jared Lee</i>	By: _____	By: _____	By: _____	By: _____	By: _____
Engineer (if required)	Owner (Authorized Signature)		Contractor (Authorized Signature)		
Title: Resident Engineer	Title: _____		Title: _____		
Date: 3 August 2015	Date: _____		Date: _____		

Approved by Town of Florence

By: _____ Date: _____
Title: _____



60 East Rio Salado Parkway, Suite 900 Tempe, AZ 85281
Phone: 602.470.0001
Fax: 602.470.0025
www.garney.com

May 20, 2015

Mr. John Mitchell
Town of Florence
775 North Main Street
Florence, AZ 85132

RE: Town of Florence North Tank and Booster Pump Station
Project No. WU-26
Change Order Request #5

Mr. Mitchell:

Per RFI-007 – One additional 12" MJ Gate valve will need to be added before the tie-in to the existing 8" waterline. Also included is the additional piping required to transition from 12" to 8" pipe. The cost of the completed work is \$4,207.00

See the attached cost breakdown and applicable backup quotes.

Thanks

A handwritten signature in black ink, appearing to read "C. Rawson", written in a cursive style.

Cole Rawson
Project Engineer

Garney Construction

CHANGE PROPOSAL #: FIVE
 DESCRIPTION: 12" MJ Gate Valve at 8" Tie-in
 DATE: 4/17/15
 PREPARED BY: PN

Crew Description	Crew Code	Crew Rate / hr
Excavation Crew w / burden	EC-01	\$ 45.77
Backfill Crew w / burden	BC-01	\$ 45.77
Pipe Crew w / burden	PC-01	\$ 44.99
Concrete Crew w / burden	CC-01	\$ 41.09

Town of Florence North Reservoir and Booster Pump Station

Comments (Spec/Dwg)	Description	Quan	Unit	Total MH	MH/U	LABOR Unit	Total	Materials Unit	Total	SubK / Process EQ Unit	Total	Equipment Unit	Total	EOE/FOG/OTHER Unit	Total	Total Cost
------------------------	-------------	------	------	-------------	------	---------------	-------	-------------------	-------	---------------------------	-------	-------------------	-------	-----------------------	-------	---------------

Per RFI-007 - 1 ea. additional 12" MJ valve will need to be added before the tie-in to the existing 8" waterline. Also included is the additional piping required to transition from 12" to 8".

12" MJ RWOL Gate Valve	1 ea	4.0	4,000	179.95	180	1,325.00	1,325	0	0	0	0	0	0	0	1,505
12" Mega Lug w/ SST Tee Bolts	2 ea	4.0	2,000	89.97	180	117.60	235	0	0	0	0	0	0	0	415
12" x 8" MJ Reducer	1 ea	2.0	2,000	89.97	90	116.53	117	0	0	0	0	0	0	0	207
12" Foster Adapter w/ SST Bolts	1 ea	2.0	2,000	89.97	90	469.00	469	0	0	0	0	0	0	0	559
Valve Box	1 ea	2.0	2,000	89.97	90	105.61	106	0	0	0	0	0	0	0	196
Backhoe/Compaction Equipment	6 hrs	0.0	0,000	0.00	0	0	0	0	65.00	390	19.50	117	0	0	507

BASE BID TOTALS :	14	630	2,251	0	390	117	3,388
	MHS	Labor	Materials	Subcontract	Equipment	EOE/FOG	TOTAL

Labor	\$ 629.82
Total Materials	\$ 2,251.34
Total Subcontracts	\$ -
Total Equipment	\$ 390.00
Equipment operating expense	\$ 117.00
Sub total	\$ 3,388.16

Small Tools / Expendables: 8% of Labor cost	\$ 50.39
Subcontractor @ 5.0%	\$ -
Corporate OH&P @ 15% (or -5%)	\$ 508.22
Sub total	\$ 3,946.77

Sales Tax @ 5.565%	\$ 234.12
Bond @ .509%	\$ 21.41
Insurance @ .11%	\$ 4.63
Grand Total	\$ 4,207.00

Time Extension requested:	0
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CONTRACT DATES
3/4/2015 NTP
150 Contract days
0 Approved days
7/31/2015 Original Completion date
0 Pending days
7/31/2015 Revised Completion date
0 This change order
7/31/2015 New Completion date

Garney Construction specifically reserves its right to receive additional compensation and time for unforeseen or unidentified impact caused by this change order, or by future changes in the work or delays which impact the scope of this work.



FERGUSON WATERWORKS #1821
1800 NORTH ARIZONA AVENUE
CHANDLER, AZ 85225-7014

Deliver To: justin.kapitan@ferguson.com
From: Justin Kapitan
Comments:

13:56:38 MAY 20 2015

FERGUSON WATERWORKS #3083

Order Confirmation
Phone : 602-495-8420
Fax : 602-262-4276

Page # 1

Order No...: 0249221

Order Date: 05/18/15

Req Date: 05/25/15

Ship Via...: OUR TRUCK

Writer.....: JAK

Terms.....: NET 10TH PROX

Sold To: GARNEY COMPANIES INC
TOWN OF FLORENCE # 6217
ATTN: ACCOUNTING MELIA PENCE
1333 NW VIVION ROAD
KANSAS CITY, MO 64118

Ship To: GARNEY COMPANIES INC
3949 NORTH IOWA
FLORENCE, AZ 85132

Cust PO#...: 6217

Job Name: WATERLINE ADDITION

Item	Description	Quantity	Net Price	UM	Total
	GATE VALVE ADDITION				

CF6100LA12OL	12 MJ RW OL GATE VLV L/A	1	1325.000	EA	1325.00
	C509 FULL BODY VALVE				
SP-SSGDPPK12SS	12 DI MJ REST 3000 SER W/ SS ACCY	2	117.600	EA	235.20
	304 SS T-BOLTS				
IVBABS24	24 SLIP VLV BX BOT SECT	1	46.593	EA	46.59
IVBATS16	16 SLIP VLV BX TOP SECT	1	40.380	EA	40.38
IVBLID40W	5-1/4 X 4 CI VLV BX LID WTR	1	18.640	EA	18.64

	SUBTOTAL				1665.81

	FITTING/FOSTER ADAPTER				

MJRLA12X	12X8 MJ C153 RED L/A	1	116.529	EA	116.53
SP-I12FABCSS	12 FOSTER ADPT W/ 316SS MJ ACCY KIT	1	469.000	EA	469.00

	SUBTOTAL				585.53

Net Total: \$2251.34
Tax: \$0.00
Freight: \$0.00
Total: \$2251.34



FERGUSON WATERWORKS #3083

Order Confirmation

Page # 2

13:56:38 MAY 20 2015

Phone : 602-495-8420

Fax : 602-262-4276

Reference No: 0249221

WARRANTY PROVISIONS

The purchaser's sole and exclusive warranty is that provided by the manufacturer, if any. Seller makes no express or implied warranties. SELLER DISCLAIMS ALL EXPRESS OR IMPLIED WARRANTIES INCLUDING ALL IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS OR FITNESS FOR A PARTICULAR PURPOSE. IN NO EVENT WILL SELLER BE LIABLE FOR ANY INCIDENTAL, PUNITIVE, SPECIAL OR CONSEQUENTIAL DAMAGES ARISING DIRECTLY OR INDIRECTLY FROM THE OPERATION OR USE OF THE PRODUCT. SELLER'S LIABILITY, IF ANY, SHALL BE LIMITED TO THE NET SALES PRICE RECEIVED BY SELLER. Complete Terms and Conditions are available upon request or can be viewed on the web at http://wolseleyna.com/terms_conditionsSale.html.

LEAD LAW WARNING: It is illegal to install products that are not "lead free" in accordance with US Federal or other applicable law in potable water systems anticipated for human consumption. Products with *NP in the description are NOT lead free and can only be installed in non-potable applications. Buyer is solely responsible for product selection.



60 East Rio Salado Parkway, Suite 900 Tempe, AZ 85281
Phone: 602.470.0001
Fax: 602.470.0025
www.garney.com

July 15, 2015

Mr. John Mitchell
Town of Florence
775 North Main Street
Florence, AZ 85132

RE: Town of Florence North Tank and Booster Pump Station
Project No. WU-26
Change Order Request #7 – Rev 1 – Retaining Wall and Additional Wall Height

Mr. Mitchell:

Per the request of the Town of Florence, the scope of work associated with COR#7, the addition of a retaining wall and additional height of the entrance fence, submitted on 6/12/15, has been reduced to just providing the additional height of the entrance fence. The revised cost for COR#7 is \$1,386.

See the attached revised cost breakdown and applicable backup quote.

Thanks

A handwritten signature in black ink, appearing to read "Phil Naylor", with a long, sweeping horizontal line extending to the right.

Phil Naylor
Senior Project Manager

Garney Construction

CHANGE PROPOSAL #: SEVEN-A
 DESCRIPTION: Retaining Wall and Additional Wall Height
 DATE: 7/15/15
 PREPARED BY: PN

Crew Description	Crew Code	Crew Rate / hr
Excavation Crew w / burden	EC-01	\$ 45.77
Backfill Crew w / burden	BC-01	\$ 45.77
Pipe Crew w / burden	PC-01	\$ 44.99
Concrete Crew w / burden	CC-01	\$ 41.09

Town of Florence North Reservoir and Booster Pump Station

Comments (Spec/Dwg)	Description	Quan	Unit	Total MH	MH/U	LABOR Unit	Total	Materials Unit	Total	SubK / Process EQ Unit	Total	Equipment Unit	Total	EOE/FOG/OTHER Unit	Total	Total Cost
Per RFI-009 add additional height to entrance gate wall. The retaining wall that was requested in the RFI has been deleted.																
	Additional 1'4" Wall Height at Gate	1	ea	0.0	0.000	0.00	0	0	1,237.50	1,238		0		0		1,238
BASE BID TOTALS :				0			0	0		1,238		0		0		1,238
				MHS			Labor	Materials	Subcontract			Equipment		EOE/FOG		TOTAL

Labor	\$ -
Total Materials	\$ -
Total Subcontracts	\$ 1,237.50
Total Equipment	\$ -
Equipment operating expense	\$ -
Sub total	\$ 1,237.50

Small Tools / Expendables: 8% of Labor cost	\$ -
Subcontractor @ 5.0%	\$ 61.88
Corporate OH&P @ 15% (or -5%)	\$ -
Sub total	\$ 1,299.38
Sales Tax @ 5.565%	\$ 77.13
Bond @ .509%	\$ 7.05
Insurance @ .11%	\$ 1.52
Grand Total	\$ 1,386.00

Time Extension requested:	0
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CONTRACT DATES
3/4/2015 NTP
150 Contract days
0 Approved days
7/31/2015 Original Completion date
0 Pending days
7/31/2015 Revised Completion date
0 This change order
7/31/2015 New Completion date

Garney Construction specifically reserves its right to receive additional compensation and time for unforeseen or unidentified impact caused by this change order, or by future changes in the work or delays which impact the scope of this work.



License C-31 034890
L-31 074405

CHANGE ORDER

1

DATE: 5/20/15

TO: Garney Construction

ATTENTION: Project Manager

FROM: Mark J Stoll, Jr

PROJECT: Florence North Reservoir & Booster Pump Station

SECTIONS: Masonry

CHANGE ORDER: Add to height of wall at gate. Add additional 80 l/f of retaining wall.

Add to wall height at gates. New TOW to be 10' : ~~\$1,125.00~~

Add 70 l/f of retaining wall : ~~\$7,995.00~~

Subtotal : \$9,120.00

Profit & Overhead 10% : \$912.00

Total this Change Order: : ~~\$10,032.00~~ 1,238

All Change Orders must be signed and faxed back to our office, PRIOR to execution of any Work!!

The following is a list of our customary inclusions and exclusions:

YES	NO	YES	NO	YES	NO
x		x		x	
	x		x		x
	x		x		x
x			x		x
x			x		x
x			x		x
	x		x		x
x			x		x
x			x		x
x			x		x
x			x		x
x			x		x
x			x		x
			x		x

We agree to furnish labor & materials complete in accordance with the above specification at the price stated above.

Above additional work to be performed under the same conditions as specified in the original contract unless otherwise stipulated.

Stoll Masonry, Inc.

Date

General Contractor

Date

Note: This change order becomes part of the original contract.

508 E. Chicago Circle - Chandler, Arizona 85225

Bus: 480-963-4543 - Fax: 480-814-9699

Mason Contractors Since 1964

Florence North Reservoir



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Fax: 602.470.0025
www.garney.com

July 29, 2015

Mr. Wayne Costa
Town of Florence
775 North Main Street
Florence, AZ 85132

RE: Town of Florence North Tank and Booster Pump Station
Project No. WU-26
Change Order Request #8 – Rev 2 – Additional Grading, Asphalt and Curb Changes

Mr. Costa:

Per RFI-009 issued on 6/1/15 showing new grading & paving plans for the site, RFI #12 issued 6/16/15 showing new curb and gutter limits, new asphalt & curb changes drawing issued 7/13/15, and the request from the Town on 7/28, the revised costs associated with these responses is a credit of \$37,677. Costs include additional effort to make the grading changes noted in RFI#9, change in asphalt limits, and curb & gutter changes. We are requesting a 30 day time extension to final completion based upon approval of this change order request on August 17, 2015.

See the attached revised cost breakdown and applicable backup quote.

Thanks

A handwritten signature in black ink, appearing to read "Phil Naylor", written over the word "Thanks".

Phil Naylor
Senior Project Manager

Garney Construction

CHANGE PROPOSAL #: EIGHT-B
DESCRIPTION: Additional Grading, Asphalt and Curb Changes
DATE: 7/29/15
PREPARED BY: JN

Crew Description	Crew Code	Crew Rate / hr
Excavation Crew w / burden	EC-01	\$ 45.77
Backfill Crew w / burden	BC-01	\$ 45.77
Pipe Crew w / burden	PC-01	\$ 44.99
Concrete Crew w / burden	CC-01	\$ 41.09

Town of Florence North Reservoir and Booster Pump Station

Comments (SpecDraw)	Description	Quantity	Unit	Total	Unit	LABOR	Materials	Subcontract	Equipment	EOE/FOG/OTHER	Total
						Rate	Unit	Rate	Unit	Rate	Unit

Per RFI-009 issued on 6/1/15 showing new grading & paving plans for the site, RFI #12 issued 6/16/15 showing new curb and gutter limits, new asphalt & curb changes drawing issued 7/13/15, and the request of the Town on 7/28/15, please find below the costs associated with these responses. Costs include additional effort to make the grading changes noted in RFI09, asphalt limits, and curb & gutter changes, but do not include the drainage swale to the retention pond. A time extension to final completion will be determined after approval of this change order request.

Grading Changes											
	Labor	40 hrs		40.0	1.000	45.77	1,831	0	0	0	1,831
	Equipment	0.25 mo		0.0		0.00	0	0	0	4,067.21	1,017
	haul additional excess material	850 cy		0.0		0.00	0	0	12.00	10,200	285
Curb & Gutter Changes											
220 Type A	prop for curb and gutter	-115 lf		-11.5	0.100	4.58	(526)	0	0	0	0
	formstrip C&G	-115 lf		-20.7	0.180	7.40	(850)	0	0	0	0
	pour/finish C&G	-19 cy		-11.5	0.600	24.65	(475)	80.00	(1,534)	0	0
	prop for curb	-230 lf		-23.0	0.100	4.58	(1,053)	0	0	0	0
Det 2750	formstrip curb	-230 lf		-29.9	0.130	5.34	(1,228)	0	0	0	0
	pour/finish curb	-6 cy		-3.6	0.600	24.65	(148)	80.00	(479)	0	0
	prop for ribbon curb	-20 lf		-2.0	0.100	4.58	(92)	0	0	0	0
	formstrip ribbon curb	-20 lf		-2.6	0.130	5.34	(107)	0	0	0	0
220 Type B	pour/finish ribbon curb	-1 cy		-0.6	0.600	24.65	(26)	80.00	(83)	0	0
	prop for valley gutter	65 lf		9.8	0.130	6.87	446	0	0	0	0
	formstrip valley gutter	65 lf		8.5	0.130	5.34	347	0	0	0	0
	pour/finish valley gutter	3 cy		1.8	0.600	24.65	76	80.00	246	0	0
Asphalt Changes											
	credit for original asphalt limits (includes AB)	-2,660 sy		0.0		0.00	0	0	21.54	(57,296)	0
	add for new asphalt limits (includes AB)	500 sy		0.0		0.00	0	0	31.85	15,925	0
				0.0		#DIV/0!	0	0	0	0	0

BASE BID TOTALS: (45) (1,005) (1,833) (31,171) 1,017 285 (33,526)
MHS Labor Materials Subcontract Equipment EOE/FOG TOTAL

Labor	\$ (1,803.35)
Total Materials	\$ (1,853.13)
Total Subcontract	\$ (31,171.40)
Total Equipment	\$ 1,016.80
Equipment operating expense	\$ 284.70
Sub total	\$ (33,526.16)

CONTRACT DATES

3/4/2015 NTP
160 Contract days
0 Approved days
8/10/2015 Original Completion date
0 Pending days
8/10/2015 Revised Completion date
This change order
9/4/2015 New Completion date

Small Tools / Prependables: 8% of Labor cost	\$ (144.25)
Subcontractor @ 5.0%	\$ (1,558.57)
Corporate OH&P @ 15% (or .5%)	\$ (117.74)
Sub total	\$ (35,346.72)
Sales Tax @ 5.565%	\$ (2,096.73)
Bond @ .309%	\$ (191.78)
Insurance @ .11%	\$ (41.44)
Grand Total	\$ (37,677.00)

(Time Extension requested) 25

Garney Construction specifically reserves its right to receive additional compensation and time for unforeseen or unidentified impact caused by this change order, or by future changes in the work or delays which impact the scope of this work.

MOLESWORTH PAVING LLC

New Company - 60 years of History

ROC # 285897

10237 N. Tall Cotton Dr., Marana AZ. 85653

Contact Info - Direct (520) 305-6817 Office (520) 682-4105 Fax (520) 423-3300

REVISED
1/15/15
IN BID

Project Name: Florence North Reservoir and Booster Pump Station
Job Address: Corner of Nebraska and Iowa Avenue, Florence, AZ 85232
Client: Garney Construction
Client Contact: Phil Naylor, Estimator
Billing Address: 60 E. Rio Salado Parkway, Suite 900
(if not same as above) Tempe, Arizona 85281
Phone #: Office 602-470-0001 Phil's cell # 602-430-5420
E-mail: pnaylor@garney.com

January 15, 2015

Line Item cost breakdown:

Qty: Unit: Unit Prices: Total:

Scope of Work

1	Installation of Aggregate Base	2660	SY	\$ 7.40	\$ 19,684.00
	<ul style="list-style-type: none"> * Aggregate base cross section to be 8" * Excludes any Quality Assurance Testing. * Placing of aggregates will not commence until we receive a copy of the inspecting engineer's report accepting the subgrades compaction requirements as noted in paragraph 3, General Paving and Grading Notes on sheet G-005 * Water supplied by GC, either by stand tank or hydrant. * Applying Agg base can be dropped from our scope of work by prior approval. * Price includes sawcut and removal of tie-in to Iowa Avenue. 				
2	Installation of new asphalt	2660	SY	\$ 14.14	\$ 37,612.00
	<ul style="list-style-type: none"> * Asphalt cross section to be 3" * Price includes rubberized crackfill of the connection point to the existing pavement on Iowa St. after paving. * Excludes any of the required Quality Control testing with the exception as noted in paragraph 7, General Paving and Grading Notes on sheet G-005. * Paving will not commence until we receive a copy of the inspecting engineer's report accepting the aggregate base's compaction and grade requirements as noted in paragraph 3, General Paving and Grading Notes on sheet G-005, even if it's applied by us. * Proposal <u>excludes</u> priming the properly prepared aggregate base <u>if it's required</u>. The specs (Section 02770 and typicals 2501 and 2502) are very vague about what is required. Paragraph 3.3 of Section 02770 state to "thoroughly coat the <u>edges</u> of contact surfaces" with tack. The reason I call into question priming of the base is sub-paragraph B, paragraph 3.4 calls for the primed surface to be cleaned prior to paving. Nowhere else in this section, section 02300-9 (pavement base course) or in the typicals, 2501 & 2502, is a prime coat called for. * Excludes any Quality Assurance Testing. 				

- * Job is based on completing project in 1 continuous phase unless noted
- * Arizona Form 5000 must be submitted so that taxes are not charged.

Sub-Total: \$ 57,296.40
Taxes - Arizona, Pinal County and Town of Florence (Excluded) : \$ -
Total Job: \$ 57,296.40

* This Proposal is good for 90 days after date of submission. After that we offer to revisit the bid to see what the oil market has done

Non job specific exclusions: Alligator cracks, designed contraction or expansion joints. Concrete repair or remediation. Excavation or replacement of base course or sub-base material. Engineering, removal or relocation of any existing utilities, permits & fees (except those listed), hazardous materials, hard rock excavation, screening native material, gas utilities, phone utilities, cable, temporary utilities, backwater valves, meters, retaining/screen walls and/or excavation/backfill of retaining walls, weed or vegetation removal, export of any fill material, landscaping, slope re-vegetation, fence, wall or barricade removal, Pima County ROW permit, landscape pathway, seal coating streets.

All items of work required to complete the sitework on this project which are not specifically included in this proposal, are excluded.

Per AZ Regulation 32-1155, property owner has 2 years in which to file a written complaint about an unresolved issue or alleged violation of Section 32-1154, Sub. Sec. A with the Arizona Registrar of Contractors. Contact information is (877) 692-9762 or www.azroc.gov.

Respectfully Submitted,

Accepted by;

Date:

Tod L. Molesworth

Tod L. Molesworth, Estimator
Office: 520-682-4105
Cell: 520-305-6817

7/29/15



New Company - 60 years of History

ROC # 285897

5404 N. Puma Rd., Marana, AZ 85653

Contact Info - Direct (520) 305-6817 Office (520) 682-1105 Fax (520) 423-3300

Project Name: Florence North Reservoir and Booster Pump Station
 Job Address: Corner of Nebraska and Iowa Avenue, Florence, AZ 85232
 Client: Garney Construction
 Client Contact: Phil Naylor, Estimator
 Billing Address: 60 E. Rio Salado Parkway, Suite 900
 (if not same as above) Tempe, Arizona 85281
 Phone #: Office 602-470-0001 Phil's cell # 602-430-5420
 E-mail: pnaylor@garney.com

July 29, 2015

Line item cost breakdown:		Qty:	Unit:	Unit Prices:		Total:
Scope of Work per reduction of Scope of Work dated 7-29-15						
1	Installation of Aggregate Base	500	SY	\$	14.03	\$ 7,015.00
	<ul style="list-style-type: none">* Aggregate base cross section to be 8"* Excludes any Quality Assurance Testing.* Placing of aggregates will not commence until we receive a copy of the inspecting engineer's report accepting the subgrades compaction requirements as noted in paragraph 3, General Paving and Grading Notes on sheet G-005* Water supplied by GC, either by stand tank or hydrant.* Applying Agg base can be dropped from our scope of work by prior approval.* Price includes sawcut and removal of tie-in to Iowa Avenue.					
2	Installation of new asphalt	500	SY	\$	17.82	\$ 8,910.00
	<ul style="list-style-type: none">* Asphalt cross section to be 3"* <i>Includes approximately 50 lf of Maricopa edge along the wall on the north side of the roadway inside the gate. Due to the close proximity of the wall to the pavement, Maricopa will be 2 feet wide instead of the standard 1 foot to ensure compaction.</i>* Price includes rubberized crackfill of the connection point to the existing pavement on Iowa St. after paving. <i>To be completed shortly after paving is done.</i>* Excludes any of the required Quality Control testing with the exception as noted in paragraph 7, General Paving and Grading Notes on sheet G-005.* Paving will not commence until we receive a copy of the inspecting engineer's report accepting the aggregate base's compaction and grade requirements as noted in paragraph 3, General Paving and Grading Notes on sheet G-005, even if it's applied by us.* Proposal excludes priming the properly prepared aggregate base <u>if it's required</u>. The specs (Section 02770 and typicals 2501 and 2502) are very vague about what is required. Paragraph 3.3 of Section 02770 state to "thoroughly coat the <u>edges</u> of contact surfaces" with tack. The reason I call into question priming of the base is sub-paragraph B, paragraph 3.4 calls for the primed surface to be cleaned prior to paving. Nowhere else in this section, section 02300-9 (pavement base course) or in the typicals, 2501 & 2502, is a prime coat called for.* Excludes any Quality Assurance Testing.					

* Job is based on completing project in 1 continuous phase unless noted
 * Arizona Form 5000 must be submitted so that taxes are not charged.

Sub-Total:	\$	15,925.00
Taxes - Arizona, Pinal County and Town of Florence (Excluded) :	\$	-
Total Job:	\$	15,925.00

* This Proposal is good for 90 days after date of submission. After that we offer to revisit the bid to see what the oil market has done.

Non job specific exclusions: Alligator cracks, designed contraction or expansion joints. Concrete repair or remediation. Excavation or replacement of base course or sub-base material. Engineering, removal or relocation of any existing utilities, permits & fees (except those listed), hazardous materials, hard rock excavation, screening native material, gas utilities, phone utilities, cable, temporary utilities, backwater valves, meters, retaining/screen walls and/or excavation/backfill of retaining walls, weed or vegetation removal, export of any fill material, landscaping, slope re-vegetation, fence, wall or barricade removal, Pima County ROW permit, landscape pathway, seal coating streets.

All items of work required to complete the sitework on this project which are not specifically included in this proposal, are excluded.

Per AZ Regulation 32-1155, property owner has 2 years in which to file a written complaint about an unresolved issue or alleged violation of Section 32-1154, Sub. Sec. A with the Arizona Registrar of Contractors. Contact information is (877) 692-9762 or www.azroc.gov.

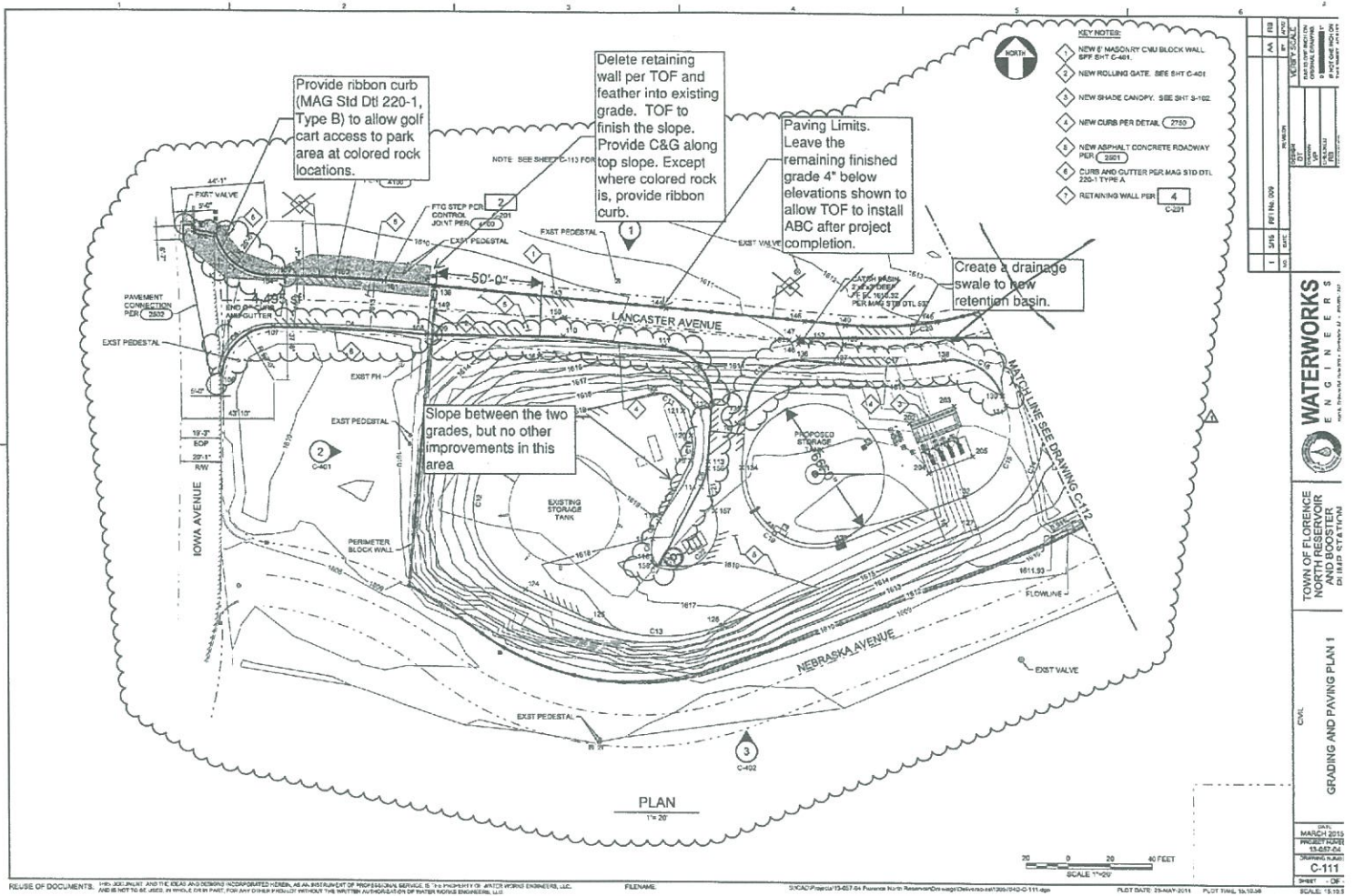
Respectfully Submitted,

Accepted by:

Date:

Tod L. Molesworth

Tod L. Molesworth, Estimator
Office: 520-682-4105
Cell: 520-305-6817



REUSE OF DOCUMENTS: THIS DOCUMENT AND THE IDEAS AND DESIGN INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, IS THE PROPERTY OF WATERWORKS ENGINEERS, LLC, AND IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF WATERWORKS ENGINEERS, LLC.

FILENAME:

S:\CADD\Projects\15-0017-001\15-0017-001_Planetree_North_Restroom\DWG\15-0017-001-15-0017-001-111.dwg

PLOT DATE: 28-MAY-2011 PLOT TIME: 15:10:26

TOWN OF FLORENCE NORTH RESTROOM AND BOOSTER DRAIN STATION	
CIVIL	GRADING AND PAVING PLAN 1
DATE: MARCH 2010 PROJECT NO: 15-0017-001 SHEET NO: C-111 SCALE: 1" = 20'	

WATERWORKS ENGINEERS

15-0017-001-15-0017-001-111.dwg



60 East Rio Salado Parkway, Suite 900 Tempe, AZ 85281
Phone: 602.470.0001
Fax: 602.470.0025
www.garney.com

July 31, 2015

Mr. Wayne Costa
Town of Florence
775 North Main Street
Florence, AZ 85132

RE: Town of Florence North Tank and Booster Pump Station
Project No. WU-26
Change Order Request #9 – Time Extension for Painting of the Existing Tank

Mr. Costa:

Per Items J and M in Addendum 2, the contract time required to complete the painting of the existing water storage tank and hydropneumatic tank was to be determined at a later date. As the work is getting ready to start on August 10, 2015, we will require 12 weeks to complete this scope of work. We are requesting a 50 day time extension to final completion in addition to the 30 day time extension approved in Change Order #5.

This is a no cost change order for the time extension.

Thanks

A handwritten signature in dark ink, appearing to read "Phil Naylor", followed by a long horizontal line extending to the right.

Phil Naylor
Senior Project Manager

North Florence 1MG Reservoir

Volume 2 of 2 (60%)

Dated: June, 2014

Sheet G-1

- 1 DELETE Town of Florence Public Works approval.
- PWD approval has been removed.
- 2 DELETE Public Works Department as Owner as well as DELETION of phone numbers.
- PWD approval has been removed.

Sheet G-005

- 1 Re: Note 2: A "Public Works Permit" is not needed just a Building Permit from others, unless work is performed on Iowa, in which case a ROW Permit is needed.
- Reference to PW has been removed.
- 2 Re: Note 4: Building Safety also should be added for appropriate inspections.
- Utilities and Building Divisions have been referenced for inspections.

Sheet C-100

- 1 Vista Hermosa's former HOA President indicated that HOA wanted color to match existing subdivision motif and that razor wire be hidden from view from exterior of wall. This note shall not appear on other drawings.
- The block wall has been changed to smooth-faced CMU with pilasters every 12ft. The security barrier will be lowered on the inside of the wall so that it is not visible from the outside of the site. Paint colors will be desert-neutral and will be selected by the Town during submittal time (Desert Tan is the preferred color). These items were discussed and agreed to during a Town Staff meeting on 9/8/14.

Sheet C-101

- 1 Nebraska Avenue has been vacated by plat.
- I believe the road to the north (Lancaster) has been vacated. Plans have been updated accordingly.

Sheet C-102

- 1 Should not the CMU wall extend around the entire perimeter, Re: chain link fence on Tract A?
- The CMU wall has been extended around the entire site.
- 2 Provide elevations, high water level, bottom elevation, volume required and volume provided of what appears to be a detention/retention area. This note shall not appear on other plans.
- Details have been added to this plan sheet for the retention basin.

Sheet C-201

- 1 Re: Note 2: Vista Hermosa's former HOA President indicated that HOA wanted "pilaster" aesthetic feature incorporated in CMU block wall.
- A pilaster is being provided every 12' that matched the project provided wall (same color, finish, etc) per 9/8/14 meeting.

Sheet C-401

- 1 Provide tank elevations on this Sheet and Sheet C-402.
 - *Elevations have been added for the tank elevations.*

Sheet C-402

- 1 See previous note by HOA on color of CMU wall.
 - *See previous response regarding finish and color of CMU wall.*

Sheet S-001

- 1 Re: Design criteria: Applicable code is 2006 IBC in Florence.
 - *2006 IBC reference added to S-001*
- 2 Re: Design criteria: Vanity seismic loads in Florence area, these factors appear incorrect and excessive in some criteria.
 - *Seismic loads per #CSE-3355 by Copper State Engineering. See Appendix B of the Specifications.*
- 3 Re: Foundations: Provide Geotechnical Investigation Report #1p1/307/231 by Taber.
 - *This note was in error. The site geotechnical report is included within Appendix B of the project specifications (#CSE-3355 by Copper State Engineering).*
- 4 Re: Concrete Note 8: Verify applicability of CBC Section 1905-1906 to Project or appropriate Florence Building Code.
 - *CBC reference has been changed to "ACI 318, Chapter 5 and the project specifications"*

Sheet S-002

- 1 Re: Epoxy Anchors Note 2: Verify applicability of CBC Section 1904 or whether Town of Florence Building Code is appropriate for Special Inspections.
 - *Special inspections have been revised to correspond with IBC Section 1704.4.*
- 2 Re: Special Inspection Note 5: Verify applicability of CBC Chapter 17 or whether Town of Florence Building Code is appropriate for Special Inspection.
 - *Special inspections have been revised to correspond with IBC Section 110.*
- 3 Re: Special Inspection, Table entitled "Required Structural Inspection (Concrete)": Verify applicability of "2010 CBC Reference" in the tabular requirements or Town of Florence Building Code.
 - *Table has been updated to reference 2006 IBC.*
- 4 Re: Structural Observation, Note 1: Verify applicability of CBC Section 1710 in Project.
 - *Structural Observation section has been removed and additional tables provided per 2006 IBC.*
- 5 Re: Deferred Submittals Note 1: Verify applicability of 2010 CBC 107.3.4.2 in Project.
 - *Note has been revised to reference 2006 IBC.*
- 6 Re: Metal Buildings: There does not appear to be any Metal Building on-site, DELETE Notes.
 - *Note has been deleted.*

Sheet M-002

- 1 Verify "Existing Storage Reservoir" capacity and its ripple effect on process if not 1,000,000 gallons. This note shall not be repeated on other sheets.
 - *The Existing tank is approximately 0.63MG, new tank is 0.68MG. The required tank size was determine by the following:*
 - o *3,500gpm x 3 hours light industrial fire flow + 15% of maximum day demand (equalizing storage) = 0.68MG*

Sheet M-310

- 1 Provide location of Emergency Shower/Eyewash, (may have missed it in review).
 - *Emergency eyewash/shower has been removed as there are not any chemicals being utilized at this site.*

Sheet M-312

- 1 Verify over-excavation of +/-11 feet under ring wall, seems excessive.
 - *Over-excavation is required due to the ~11ft of non-engineered fill where the new tank will be constructed. See geotechnical report.*
- 2 Re: Ring Wall Detail: What is Section 2300 in reference to within the over-excavation note?
 - *Over-excavation is required due to the ~11ft of non-engineered fill where the new tank will be constructed. See geotechnical report.*

Sheets E-211, E-212, E-213

- 1 These sheets show information that may not be located within the Project. Show appropriate P+ID and/or mechanical drawings.
 - *Sheets have been updated for this project.*

Sheet E-300

- 1 Show overall location of grounding grid and location of ground rods.

- *Grounding grids have been added to electrical overall plan sheets.*


General

- 1 A Drainage Report is required for the site and off-site influences.
 - *Drainage calculations have been included in the design report.*
- 2 It would be prudent to show the legal description and any on-site or adjacent utility easements and their location.
 - *This information is captured in the platting documents associated with this parcel. If the Town has information on the existing utility easements we can add this information to the documents.*
- 3 Provide Town notes related to grading and general items.
 - *We reviewed the Town's website and could not locate these notes. TOF to transmit notes via email to be incorporated.*
- 4 Provide benchmark to a Town benchmark for elevation.
 - *Horizontal and Vertical control sheet has been added to the plans.*
- 5 Show Street names and existing perimeter water and sewer lines adjacent to the Project.
 - *Existing perimeter utilities have been added to the plans.*
- 6 Provide Quantity Tabulation on the Cover Sheet.
 - *Quantity tabulation is not applicable to this project as it includes several hundred individual items.*
- 7 Provide a Utility Coordination Block on the Cover Sheet.
 - *A utility coordination block will not be provided as the entire project is within the Town's property and utilities will not perform coordination/blue-staking on private property.*
- 8 Provide a block for "Drainage Plan Approved" by the Town Engineer with Date.
 - *A drainage plan approval block has been provided on the cover sheet.*
- 9 Provide a block for "Approved" by the Town Engineer with Date.
 - *A Town Engineer approval block has been provided on the cover sheet.*
- 10 Provide an "As-Built Certification Block" by a RLS with Date and Seal on the Cover Sheet.
 - *An as-built certification block has been provided on the cover sheet.*
- 11 Provide perimeter transverse data for the Site boundaries.
 - *This information is captured in the platting documents associated with this parcel. Northing and easting points for the site boundaries have been listed on Sheet C-101.*
- 12 Show all existing fire hydrants adjacent to the property boundaries.
 - *All existing above grade items picked up during survey will be labeled.*
- 13 The following information is required for existing streets and alleys adjacent to the development:
 - a. Street name, or "alley" label.
 - b. Right-of-way width.
 - c. Driveway locations on both sides of the street with dimensional ties to the centerline.
 - d. Street light locations on both sides of the street with dimensional ties to the centerline.
 - e. Location of curb, gutter, and sidewalk by dimensional ties from the street centerline.
 - *The plans have been updated accordingly.*

- 14 The following information is required for existing utility lines in the streets/alleys surrounding the development:
- Location and size of water lines.
 - Location and size of sewer lines.
 - Dimensional ties to utility lines being tied into.
- *The plans have been updated accordingly.*
- 15 Construction details, cross-sections and/or profiles must be shown for all proposed drainage facilities such as:
- Retention basins. (Proposed 1' contours are required),
 - Drainage swales. (Proposed spot elevations every 50 feet and at grade breaks are required),
 - Storm drains. (Profiles are required),
 - Scupper. (Cross section w/elevations at all Grade Breaks)
- *The plans have been updated accordingly.*
- 16 Retention Basin Requirements:
- Maximum design storm depth shall not exceed 3 feet.
- *Depth in basin is 3 feet. .*
- Maximum 4: 1 side slope allowed.
- *Side slope is 4:1..*
- Contours shall be shown on side slopes.
- *Contours for retention basin are shown on plans.*
- Must percolate off in 24 hours if retention.
- *Percolation will occur within 36 hours per Pinal County drainage code (TOF adopted). This design will percolate in 27 hours.*
- 17 Cross-section must be shown across all property lines. All existing and proposed perimeter walls shall be shown on the plans and cross sections, with top of wall elevations and finished grade elevations on both sides of the wall at all critical points.
- *Site wall elevations are shown on the plans that provide this detail.*
- 18 The location of all proposed driveways to the site must be shown with dimensional ties to the street centerline. The driveway width must also be noted. All driveway locations and construction details must comply with the Town Standards.
- *Dimensional ties have been provided and driveway details comply with Town Standards.*
- 19 Suggest interface with current HOA president and/or HOA Directors to address their previous comments as well as access to a) pathways to their common area improvements and b) utilities.
- *Town Planning and Zoning Department is conducting this coordination.*



SCALE: 15:12:49

	<h2 style="text-align: center;">TOWN OF FLORENCE COUNCIL ACTION FORM</h2>	<h3 style="text-align: center;"><u>AGENDA ITEM</u> 7g.</h3>
<p>MEETING DATE: August 17, 2015</p> <p>DEPARTMENT: Public Works Department</p> <p>STAFF PRESENTER: Wayne J. Costa, P.E. Public Works Director</p> <p>SUBJECT: Approval of Change Order Requests to McCain Construction, LLC, for work associated with the construction of the Well #4 to Well #5 Transmission Main Project.</p>		<p> <input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance </p> <p style="margin-left: 40px;"> <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading </p> <p><input type="checkbox"/> Other</p>

RECOMMENDED MOTION/ACTION:

Motion to approve Change Order Requests No. 1, 2, 5, 7, 8 and 9 with McCain Construction, LLC, for a total of \$33,840, for a total project cost not to exceed \$717,434.

BACKGROUND/DISCUSSION:

The Well #4 to Well #5 Transmission Main Project had been designed to enhance water supply and availability to downtown Florence by providing a direct line between the new Well #3 to the Well #5 reservoir. This project is a precursor to future improvements to the Well #5 booster pump station and reservoir, as noted previously.

McCain Construction, LLC, has completed the work for the Well #4 to Well #5 Transmission Main Project. Several Change Orders Requests were all completed. These Change Orders are as follows:

	<u>Amount</u>	<u>Council Approval</u>
Contract Awarded:	\$683,594	April 20, 2015
Change Order No. 1 (Requested)	\$ 2,774	Pending Council Approval
Change Order No. 2 (Requested)	\$ 5,496	Pending Council Approval
Change Order No. 3	N/A	Deleted
Change Order No. 4	N/A	Deleted
Change Order No. 5 (Requested)	\$ 4,582	Pending Council Approval
Change Order No. 6	N/A	Deleted
Change Order No. 7 (Requested)	\$ 6,384	Pending Council Approval
Change Order No. 8 (Requested)	\$ 2,216	Pending Council Approval
Change Order No. 9 (Requested)	\$ 12,388	Pending Council Approval
Amended Amount	<u>\$717,434</u>	

The various Change Order Requests are enumerated in the following paragraphs depicting the needs for the Change Order, primarily due to unforeseen conditions encountered by the contractor and agreement by the Owner's Project Manager (the former Utilities Director) to pay extra either by his words, conduct or documentation.

Subject: Approval of CO's with McCain Construction

Meeting date: August 17, 2015

Most of the Change Order Requests notes are a result of a constructive change whereby the Contractor was forced to expend additional sums because of defective plans and/or specifications. The reason for each Change Order Request is explicitly provided based upon available information from the Engineer who, by Task Order, is required to review and approve Requests for Information (RFI's).

The reason for the Change Orders are as follows:

Change Order Request No. 1

Change Request No. 1 is to remove unforeseen concrete located at Ruggles Street, specifically at two locations. Institutional knowledge existed for this possibility that the underlying concrete existed and was noted in discussions with the Project Manager during initial design phases of the Project; and thus, it should have been included as an allowance. Based upon reasonable evaluation of the quantity and location involved, it is our opinion that the costs are typical of similar unforeseen conditions of subsurface feature known to the Contractor. This work was completed on May 7, 2015.

The Change Request No. 1 was recommended by the Engineer in accordance with Request for Information (RFI) No. 5 who provided support to the Owner's Representative, the former Utilities Director, who had directed McCain Construction, LLC, to apply for payment in the Final Application for payment.

Change Order Request No. 2

Change Request No. 2 is for the sewer services not typically shown on the plans, especially locations that were installed years ago. As mentioned, institutional knowledge in preparation of the plans would have prevented such an occurrence. These were seen as unforeseen conditions and were not blue staked for the Contractor who encountered eight sewer services requiring relocation of the waterlines in vertical alignment. Based upon a reasonable evaluation of the number of services involved and the elevation changes required, it is our opinion that the costs are typical of similar unforeseen conditions. This work was completed from the period May 7 through May 18, 2015.

Change Request No. 2 was recommended by the Engineer in accordance with Request for Information (RFI) No. 7 who provided support to the Owner's Representative, the former Utilities Director, who had directed McCain Construction, LLC, to apply for payment in the Final Application for payment.

Change Order Request No. 5

Change Request is for adjustment of a vertical realignment of the waterline at 8th Street and its angle in order to cross an existing storm drain which substantiated the need to reroute the line to accommodate the storm drain line. The existing location of the storm drain required the vertical realignment of the pipe. An immediate adjustment due to existing field conditions of the storm drain required relocation of the pipe. This work was completed on May 19 and May 20, 2015.

Change Request No. 5 was recommended by the Engineer without a Request for Information (RFI) who provided support to the Owner's Representative, the former Utilities Director, who had directed McCain Construction, LLC, to apply for payment in the Final Application for payment.

Change Order Request No. 7

Change Request No. 7 is for the necessary replacement of asphalt that was removed and eventually replaced due to poor existing pavement condition and also the Contractor's encounter with an abandoned wood waterline. The combination of the existing abandoned waterline and the sluffing of the asphalt caused by the adjacent waterline increased the pavement quantities necessary to patch the area in question. This work was completed on June 12, 2015.

Change Request No. 7 was recommended by the Engineer in accordance with Request for Information (RFI) No. 10 who provided support to the Owner's Representative, the former Utilities Director, who had directed McCain Construction, LLC, to apply for payment in the Final Application for payment.

Change Order Request No. 8

Change Request No. 8 is for the adding of a tapping sleeve and valve instead of cutting in a mechanical joint tee on an existing 8-inch waterline. This is due to the fact that the tie in of the 12-inch line could not be made since the 8-inch water main could not be isolated for shut down. This is due to the unforeseen conditions in locking a water shutdown located at Adamsville and Quartz. This work was completed on June 3, 2015.

Change Request No. 8 was recommended by the Engineer in accordance with Request for Information (RFI) No. 13 who provided support to the Owner's Representative, the former Utilities Director, who had directed McCain Construction, LLC, to apply for payment in the Final Application for payment.

Change Order Request No. 9

The Engineer requested the additional of extra asphalt placement due to a vertical realignment adjustment since the storm drain was not per plan and it was also blue staked improperly resulting in unforeseen conditions being encountered as well as additional asphalt since the relocated waterline was located more so in the road. The storm drain was routed between Butte and 8th Street. This work was completed on June 20, 2015.

The Change Request No. 9 was recommended by the Engineer without a Request for Information (RFI), who provided support to the Owner's Representative, the former Utilities Director, who had directed McCain Construction, LLC, to apply for payment in the Final Application for payment.

FINANCIAL IMPACT:

The costs associated with Change Order Request No. 1, 2, 5, 7, 8 and 9 are \$33,840.00 and the funding is available due to the completion of WU-38 in Fiscal Year 2014/2015 and anticipated budgetary underruns from WU-26, which is near completion.

STAFF RECOMMENDATION:

Staff recommends the approval of all six Change Order Requests for work completed by McCain Construction, LLC, for the Well #4 to Well #5 Transmission Main Project with costs as recommended herein for each Change Order Request.

ATTACHMENTS:

Change Order No. 1
Change Order Request No. 1
Change Order Request No. 2
Change Order Request No. 5
Change Order Request No. 7
Change Order Request No. 8
Change Order Request No. 9
Construction Meeting Notes dated June 22, 2015 (excerpt)
Emails dated July 23, July 29 and August 3, 2015

Date of Issuance: August 17, 2015

Effective Date: August 17, 2015

Owner: Town of Florence

Owner's Contract No.: WU-69

Contractor: McCain Construction

Contractor's Project No.: N/A

Engineer: EPS

Engineer's Project No.: N/A

Project: Well #4 to Well #5 Transmission Main

Contract Name: Well #4 to Well #5
Transmission Main

The Contract is modified as follows upon execution of this Change Order:

Description: Construction changes due to unforeseen conditions such as subsurface materials, sewer services, existing storm drain locations, valuing adjustments and additional asphalt.

Attachments: *[List documents supporting change]*

Change Request Nos. 1, 2, 5, 7, 8 and 9

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ <u>683,594.00</u>	Original Contract Times: Substantial Completion: _____ Ready for Final Payment: _____ days or dates
[Increase] [Decrease] from previously approved Change Orders No. ____ to No. ____: \$ _____	[Increase] [Decrease] from previously approved Change Orders No. ____ to No. ____: Substantial Completion: _____ Ready for Final Payment: _____ days
Contract Price prior to this Change Order: \$ <u>683,594.00</u>	Contract Times prior to this Change Order: Substantial Completion: _____ Ready for Final Payment: _____ days or dates
[Increase] of this Change Order: \$ <u>33,840.00</u>	[Increase] [Decrease] of this Change Order: Substantial Completion: _____ Ready for Final Payment: _____ days or dates
Contract Price incorporating this Change Order: \$ <u>717,434.00</u>	Contract Times with all approved Change Orders: Substantial Completion: _____ Ready for Final Payment: _____ days or dates

RECOMMENDED:

ACCEPTED:

ACCEPTED:

By: _____
Engineer (if required)By: _____
Owner (Authorized Signature)By: _____
Contractor (Authorized Signature)

Title: _____

Title: _____

Title: _____

Date: _____

Date: _____

Date: _____

Approved by Town

By: _____

Date: _____

Title: _____



McCain Construction LLC
3120 W Carefree Hwy Ste 1-690
Phoenix, Az 85086

Phone: 623 465-1151
Fax: 623 465-1161
www.McCainConstruction.com

CHANGE REQUEST

To: John Mitchell
520-251-1514
john.mitchell@florenceaz.gov

Cr # 1

Date : 5/13/2015

Job : 1678 - Well 4 to Well 5 Florence

Description: Remove approximately 80 square feet of
concrete, under asphalt.

Issued by: Kirk Hanna
602 904-2085
Kirk@McCainConstruction.com

We are pleased to offer the following specifications and pricing to make the following changes:

Cost to include labor and equipment to remove a layer of concrete under asphalt for approximately 20 LF. Remove
concrete width of trench only at STA 28+00 and again at STA 17+50.

Total amount to provide this work \$2,774

Approved by

_____ / _____ / _____		
Signature	Title	Date
_____ / _____		
Print Name	Company	

JOB: 1678 - Well 4 to Well 5 Florence
CHANGE REQUEST #: 1
DATE: 5/13/2015
DESCRIPTION: Remove approximately 80 square feet of concrete, under asphalt.

	QTY	HRS	RATE		Cost		OH & P 15%		Price
<u>EQUIPMENT</u>									
CREW TRUCK/ SMALL TOOLS	1	3	\$ 20.00	\$	60.00	\$	10.59	\$	70.59
950 LOADER	1	3	\$ 105.00	\$	315.00	\$	55.59	\$	370.59
200 EXCAVATOR	1	3	\$ 95.00	\$	285.00	\$	50.29	\$	335.29
E80 EXCAVATOR W/HAMMER	1	3	\$ 150.00	\$	450.00	\$	79.41	\$	529.41
EQUIPMENT TOTAL				\$	1,110	\$	196	\$	1,306
<u>LABOR</u>									
FOREMAN	1	3	\$ 50.00	\$	150.00	\$	26.47	\$	176.47
OPERATOR	3	3	\$ 40.00	\$	360.00	\$	63.53	\$	423.53
LABORER	1	3	\$ 36.00	\$	108.00	\$	19.06	\$	127.06
LABOR TOTAL		#REF!		\$	618	\$	109	\$	727
<u>MATERIALS</u>									
				\$	-	\$	-	\$	-
				\$	-	\$	-	\$	-
				\$	-	\$	-	\$	-
				\$	-	\$	-	\$	-
				\$	-	\$	-	\$	-
				\$	-	\$	-	\$	-
				\$	-	\$	-	\$	-
				\$	-	\$	-	\$	-
MATERIALS TOTAL				\$	-	\$	-	\$	-
<u>SUBCONTRACTORS</u>									
HAUL OFF	1	2	\$ 80.00	\$	160.00	\$	28.24	\$	188.24
MOBE FOR HAMMER	2	EA	\$ 150.00	\$	300.00	\$	52.94	\$	352.94
				\$	-	\$	-	\$	-
SALES TAX	1	LS	\$ 145.56	\$	145.56	\$	-	\$	145.56
BOND	1	LS	\$ 54.40	\$	54.40	\$	-	\$	54.40
SUBCONTRACTORS TOTAL				\$	660	\$	81	\$	741
TOTALS				\$	2,388	\$	386	\$	2,774



PRICING BREAKDOWN

JOB NAME: 1678 - Well 4 to Well 5 Florence

DATE: 5/13/2015

CHANGE REQUEST: 1

DESCRIPTION OF WORK: Remove approximately 80 square feet of concrete, under asphalt.

Description	Qty	U.O.M.	Labor	Equipment	Material	Subcontractor	Price
CATEGORY BREAKDOWN	1	LS	\$727	\$1,306	\$0	\$741	\$2,774
							\$0
							\$0
							\$0

Total

\$2,774



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Phoenix, Az 85086

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CHANGE REQUEST

To: John Mitchell
520-251-1514
john.mitchell@florenceaz.gov

Cr # 2

Date : 5/13/2015

Job : 1678 - Well 4 to Well 5 Florence

Description: Pot hole existing utilities not shown on plans.

Issued by: Kirk Hanna
602 904-2085
Kirk@McCainConstruction.com

We are pleased to offer the following specifications and pricing to make the following changes:

Cost to include labor and equipment to locate and excavate around existing utilities not shown on plans. Sewer Service STA 28+00, 26+00 and 25+50 all Sewer abandoned in place with concrete cap, Sewer Service STA 27+00 and 25+00 located 6" Sewer Service and raised pipe over. STA 23+50, 23+00 and 21+50 all sewer services we were able to maintain 5' of cover and go below

Total amount to provide this work \$5,496

Approved by

_____ / _____ / _____
Signature Title Date
_____ / _____
Print Name Company

JOB: 1678 - Well 4 to Well 5 Florence
CHANGE REQUEST #: 2
DATE: 5/13/2015
DESCRIPTION: Pot hole existing utilities not shown on plans.

	QTY	HRS	RATE	Cost	OH & P 15%	Price
<u>EQUIPMENT</u>						
CREW TRUCK/ SMALL TOOLS	1	10	\$ 20.00	\$ 200.00	\$ 30.00	\$ 230.00
200 EXCAVATOR	1	10	\$ 95.00	\$ 950.00	\$ 142.50	\$ 1,092.50
VAC TRAILER	1	10	\$ 85.00	\$ 850.00	\$ 127.50	\$ 977.50
EQUIPMENT TOTAL				\$ 2,000	\$ 300	\$ 2,300
<u>LABOR</u>						
FOREMAN	1	10	\$ 50.00	\$ 500.00	\$ 75.00	\$ 575.00
OPERATOR	3	10	\$ 40.00	\$ 1,200.00	\$ 180.00	\$ 1,380.00
LABORER	2	10	\$ 36.00	\$ 720.00	\$ 108.00	\$ 828.00
LABOR TOTAL		#REF!		\$ 2,420	\$ 363	\$ 2,783
<u>MATERIALS</u>						
				\$ -	\$ -	\$ -
				\$ -	\$ -	\$ -
				\$ -	\$ -	\$ -
				\$ -	\$ -	\$ -
				\$ -	\$ -	\$ -
				\$ -	\$ -	\$ -
				\$ -	\$ -	\$ -
TAX	1 EA		\$ 305.37	\$ 305.37	\$ -	\$ 305.37
BOND	1 EA		\$ 107.76	\$ 107.76	\$ -	\$ 107.76
MATERIALS TOTAL				\$ 413	\$ -	\$ 413
<u>SUBCONTRACTORS</u>						
				\$ -	\$ -	\$ -
				\$ -	\$ -	\$ -
SUBCONTRACTORS TOTAL				\$ -	\$ -	\$ -
TOTALS				\$ 4,833	\$ 663	\$ 5,496



PRICING BREAKDOWN

JOB NAME: 0 _____

DATE: 5/13/2015 _____

CHANGE REQUEST: 2

DESCRIPTION OF WORK: Pot hole existing utilities not shown on plans.

Description	Qty	U.O.M.	Labor	Equipment	Tax & Bond	Subcontractor	Cost	15%	Price
CATEGORY BREAKDOWN	1	LS	\$2,420	\$2,000	\$413	\$0	\$4,833	\$663	\$5,496
							\$0	\$0	\$0
							\$0	\$0	\$0
							\$0	\$0	\$0

Total \$5,496



McCain Construction LLC
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Phoenix, Az 85086

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Fax: 623 465-1161
www.McCainConstruction.com

CHANGE REQUEST

To: John Mitchell
520-251-1514
john.mitchell@florence.gov

Cr # 5

Date : 5/19/2015

Job : 1678 - Well 4 to Well 5 Florence

Description: Adjust vertical realignment at 8th Street.

Issued by: Kirk Hanna
602 904-2085
Kirk@McCainConstruction.com

We are pleased to offer the following specifications and pricing to make the following changes:

Cost to include labor, equipment and materials to adjust vertical realignment at 8th Street. Storm drain runs more to the south than plans show so the vertical realignment will have to start more to the north than plan and run a little longer because of the angle we are crossing storm drain pipes. Request that 1 day gets added to schedule.

Total amount to provide this work \$4,582

Approved by

_____/	_____/	_____
Signature	Title	Date
_____/	_____	
Print Name	Company	

JOB: 1678 - Well 4 to Well 5 Florence
CHANGE REQUEST #: 5
DATE: 5/19/2015
DESCRIPTION: Adjust vertical realignment at 8th Street.

	QTY	HRS	RATE		Cost		OH & P 15%		Price
<u>EQUIPMENT</u>									
CREW TRUCK/ SMALL TOOLS	1	8	\$ 20.00	\$	160.00	\$	28.24	\$	188.24
200 EXCAVATOR	1	8	\$ 95.00	\$	760.00	\$	134.12	\$	894.12
EQUIPMENT TOTAL				\$	920	\$	162	\$	1,082
<u>LABOR</u>									
FOREMAN	1	8	\$ 50.00	\$	400.00	\$	70.59	\$	470.59
OPERATOR	1	8	\$ 40.00	\$	320.00	\$	56.47	\$	376.47
PIPELAYER	1	8	\$ 38.00	\$	304.00	\$	53.65	\$	357.65
LABORER	1	8	\$ 36.00	\$	288.00	\$	50.82	\$	338.82
LABOR TOTAL		#REF!		\$	1,312	\$	232	\$	1,544
<u>MATERIALS</u>									
12" MJ 45 BEND	1 EA		\$ 170.94	\$	170.94	\$	30.17	\$	201.11
12" MEGA LUG	2 EA		\$ 71.97	\$	143.94	\$	25.40	\$	169.34
12" DIP	25 LF		\$ 42.67	\$	1,066.75	\$	188.25	\$	1,255.00
			\$		-	\$	-	\$	-
			\$		-	\$	-	\$	-
			\$		-	\$	-	\$	-
			\$		-	\$	-	\$	-
			\$		-	\$	-	\$	-
			\$		-	\$	-	\$	-
MATERIALS TOTAL				\$	1,382	\$	244	\$	1,625
TAX	1 LS		\$ 240.39	\$	240.39	\$	-	\$	240.39
BOND	1 LS		\$ 89.84	\$	89.84	\$	-	\$	89.84
			\$		-	\$	-	\$	-
			\$		-	\$	-	\$	-
SUBCONTRACTORS TOTAL				\$	330	\$	-	\$	330
TOTALS				\$	3,944	\$	638	\$	4,582



PRICING BREAKDOWN

JOB NAME: 1678 - Well 4 to Well 5 Florence

DATE: 5/19/2015

CHANGE REQUEST: 5

DESCRIPTION OF WORK: Adjust vertical realignment at 8th Street.

Description	Qty	U.O.M.	Labor	Equipment	Material	Subcontractor	Cost	15%	Price
CATEGORY BREAKDOWN	1	LS	\$1,312	\$920	\$1,382	\$330	\$3,944	\$638	\$4,582
							\$0	\$0	\$0
							\$0	\$0	\$0
							\$0	\$0	\$0

Total \$4,582



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CHANGE REQUEST

To: John Mitchell
520-251-1514
john.mitchell@florence.gov

Cr # 7

Date : 6/2/2015

Job : 1678 - Well 4 to Well 5 Florence

Description: Extra Asphalt Replacement

Issued by: Kirk Hanna
602 904-2085
Kirk@McCainConstruction.com

We are pleased to offer the following specifications and pricing to make the following changes:

Cost to include labor, equipment and materials to replace extra asphalt caused by poor existing pavement conditions and abandoned wood water line we encountered during water line excavation.

Total amount to provide this work \$6,384

Approved by

_____ / _____ / _____
Signature Title Date
_____ / _____
Print Name Company

JOB: 1678 - Well 4 to Well 5 Florence
CHANGE REQUEST #: 7
DATE: 6/2/2015
DESCRIPTION:

Extra Asphalt Replacement
QTY HRS RATE

Cost

OH & P
15%

Price

EQUIPMENT

EQUIPMENT TOTAL				\$	-	\$	-	\$	-
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LABOR

LABOR TOTAL	#REF!			\$	-	\$	-	\$	-
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TAX & BOND

TAX	1 LS	\$	335.00	\$	335.00	\$	-	\$	335.00
BOND	1 LS	\$	125.18	\$	125.18	\$	-	\$	125.18
				\$	-	\$	-	\$	-
				\$	-	\$	-	\$	-
				\$	-	\$	-	\$	-
				\$	-	\$	-	\$	-
				\$	-	\$	-	\$	-
				\$	-	\$	-	\$	-

MATERIALS TOTAL				\$	460	\$	-	\$	460
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SUBCONTRACTORS

EXTRA PAVING	202 SY	\$	25.50	\$	5,151.00	\$	772.65	\$	5,923.65
				\$	-	\$	-	\$	-
				\$	-	\$	-	\$	-
				\$	-	\$	-	\$	-

SUBCONTRACTORS TOTAL				\$	5,151	\$	773	\$	5,924
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TOTALS				\$	5,611	\$	773	\$	6,384
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PRICING BREAKDOWN

JOB NAME: 1678 - Well 4 to Well 5 Florence

DATE: 6/2/2015

CHANGE REQUEST: 7

DESCRIPTION OF WORK: Extra Asphalt Replacement

Description	Qty	U.O.M.	Labor	Equipment	Tax & Bond	Subcontractor	Cost	15%	Price
CATEGORY BREAKDOWN	1	LS	\$0	\$0	\$460	\$5,151	\$5,611	\$773	\$6,384
							\$0	\$0	\$0
							\$0	\$0	\$0
							\$0	\$0	\$0

Total \$6,384



McCain Construction LLC
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CHANGE REQUEST

To: John Mitchell
520-251-1514
john.mitchell@florence.gov

Cr # 8

Date : 6/1/2015

Job : 1678 - Well 4 to Well 5 Florence

Description: Add Tapping Sleeve instead of cut in Tee.

Issued by: Kirk Hanna
602 904-2085
Kirk@McCainConstruction.com

We are pleased to offer the following specifications and pricing to make the following changes:

Cost to include labor, equipment and materials to add 8x8 Tapping Sleeve and Valve instead of cutting in a 12x8 MJ Tee.

Total amount to provide this work \$2,216

Approved by

_____ / _____ / _____
Signature Title Date
_____ / _____
Print Name Company

JOB: 1678 - Well 4 to Well 5 Florence
CHANGE REQUEST #: 8
DATE: 6/1/2015
DESCRIPTION: Add Tapping Sleeve instead of cut in Tee.

QTY	HRS	RATE	Cost	OH & P 15%	Price
-----	-----	------	------	---------------	-------

EQUIPMENT

EQUIPMENT TOTAL			\$ -	\$ -	\$ -
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LABOR

LABOR TOTAL	#REF!		\$ -	\$ -	\$ -
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MATERIALS

DEDUCT 12"X8" TEE	1 EA	\$	(285.45)	\$ (285.45)	\$ (42.82)	\$ (328.27)
8"X8" TAPPING SLEEVE	1 EA	\$	777.87	\$ 777.87	\$ 116.68	\$ 894.55
8" MJXFLG GATE VALVE	1 EA	\$	834.31	\$ 834.31	\$ 125.15	\$ 959.46
12"X8" MJ REDUCER	1 EA	\$	102.93	\$ 102.93	\$ 15.44	\$ 118.37
			\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -	\$ -
TAX	1 LS	\$	116.27	\$ 116.27	\$ -	\$ 116.27
BOND	1 LS	\$	43.44	\$ 43.44	\$ -	\$ 43.44

MATERIALS TOTAL			\$ 1,589	\$ 214	\$ 1,804
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SUBCONTRACTORS

8" HOT TAP	1 EA	\$	350.00	\$ 350.00	\$ 61.76	\$ 411.76
			\$ -	\$ -	\$ -	\$ -

SUBCONTRACTORS TOTAL			\$ 350	\$ 62	\$ 412
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TOTALS			\$ 1,939	\$ 276	\$ 2,216
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PRICING BREAKDOWN

JOB NAME: 1678 - Well 4 to Well 5 Florence

DATE: 6/1/2015

CHANGE REQUEST: 8

DESCRIPTION OF WORK: Add Tapping Sleeve instead of cut in Tee.

Description	Qty	U.O.M.	Labor	Equipment	Material	Subcontractor	Cost	15%	Price
CATEGORY BREAKDOWN	1	LS	\$0	\$0	\$1,589	\$350	\$1,939	\$276	\$2,216
							\$0	\$0	\$0
							\$0	\$0	\$0
							\$0	\$0	\$0

Total \$2,216



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Fax: 623 465-1161
www.McCainConstruction.com

CHANGE REQUEST

To: John Mitchell
520-251-1514
john.mitchell@florence.gov

Cr # 9

Date : 6/16/2015

Job : 1678 - Well 4 to Well 5 Florence

Description: Extra asphalt replacement ON Willow &
20th Street

Issued by: Kirk Hanna
602 904-2085
Kirk@McCainConstruction.com

We are pleased to offer the following specifications and pricing to make the following changes:

Cost to include labor, equipment and materials for extra asphalt replacement due to vertical realignment adjustment because storm drain was not in per plan on Willow & 8th Street, and poor existing asphalt conditions on Willow and 20th Street. Andrew added 72 SY on 6/16/15 that he wanted removed because of poor asphalt conditions not related to our work.

Total amount to provide this work \$12,388

Approved by

_____/	_____/	_____
Signature	Title	Date
_____/	_____	
Print Name	Company	

JOB: 1678 - Well 4 to Well 5 Florence
CHANGE REQUEST #: 9
DATE: 6/16/2015
DESCRIPTION: Extra asphalt replacement ON Willow & 20th Street

	QTY	HRS	RATE		Cost		OH & P 15%		Price
<u>EQUIPMENT</u>									
EQUIPMENT TOTAL				\$	-	\$	-	\$	-
<u>LABOR</u>									
LABOR TOTAL		#REF!		\$	-	\$	-	\$	-
<u>TAX & BOND</u>									
TAX	1	LS	\$	650.04	\$	650.04	\$	-	\$ 650.04
BOND	1	LS	\$	242.90	\$	242.90	\$	-	\$ 242.90
				\$	-	\$	-	\$	-
				\$	-	\$	-	\$	-
				\$	-	\$	-	\$	-
				\$	-	\$	-	\$	-
				\$	-	\$	-	\$	-
				\$	-	\$	-	\$	-
				\$	-	\$	-	\$	-
MATERIALS TOTAL				\$	893	\$	-	\$	893
<u>SUBCONTRACTORS</u>									
EXTRA PAVING	392	SY	\$	25.50	\$	9,996.00	\$	1,499.40	\$ 11,495.40
				\$	-	\$	-	\$	-
SUBCONTRACTORS TOTAL				\$	9,996	\$	1,499	\$	11,495
TOTALS				\$	10,889	\$	1,499	\$	12,388



PRICING BREAKDOWN

JOB NAME: 1678 - Well 4 to Well 5 Florence

DATE: 6/16/2015

CHANGE REQUEST: 9

DESCRIPTION OF WORK: Extra asphalt replacement ON Willow & 20th Street

Description	Qty	U.O.M.	Labor	Equipment	Tax & Bond	Subcontractor	Cost	15%	Price
CATEGORY BREAKDOWN	1	LS	\$0	\$0	\$893	\$9,996	\$10,889	\$1,499	\$12,388
							\$0	\$0	\$0
							\$0	\$0	\$0
							\$0	\$0	\$0

Total \$12,388

<u>New Business</u>	<u>Items of Discussion</u>	<u>Responsible Party</u>	<u>Due Date</u>	<u>Status</u>
6/15/15	Slurry Seal – Mario expressed his concern with the slurry seal.			
6/15/15	Business Access on Willow – McCain has made sure that the businesses along Willow have access	McCain	ASAP	Open
6/15/15	Pave Willow – McCain is scheduled to pave Willow on Friday	McCain	6/19/15	Open
6/15/15	Sidewalk on Willow – Mario requested that the sidewalk on Willow be cleaned off. Kirk said he will get this done	McCain	ASAP	Open
6/15/15	Final – Kirk said that he would like to final the job out on Monday 6/22/15 sometime in the morning	McCain	ASAP	Open
6/15/15	Bacteria Results – Greg asked what the status was on getting results back on the bacteria samples. Kirk thought that they would get results today	McCain	ASAP	Open
<u>Continued Business</u>	<u>Items of Discussion</u>	<u>Responsible Party</u>	<u>Due Date</u>	<u>Status</u>
6/1/15	Existing FH to be removed – McCain said that there is an issue with removing the existing fire hydrants because the valves do not close. McCain said that they could remove the upper portion of the FH and just cap it under ground if the TOF is OK with that. The TOF will look at each fire hydrant case by case basis.	TOF/McCain	ASAP	Open
→ 5/26/15	Change Orders – John Mitchell to review change orders submitted by McCain John Mitchell said that he would like to submit all the change orders on the final pay application	John	ASAP	Open
<u>Closed Items</u>	<u>Closed Items for Reference Only</u>	<u>Responsible Party</u>	<u>Due Date</u>	<u>Status</u>
6/1/15	RFI 13 – McCain said that a TS&V will be necessary because the water line cannot be shut down. John Mitchell approved to use the TS&V	McCain	ASAP	Closed
5/11/15	T-Top limits – Kirk asked about clarification on the limits of the T-Top AC replacement. Kirk said that there is a lot of existing asphalt that may have to be replaced due to the condition of it. Greg said that no additional asphalt replacement will be approved without the approval by Town of Florence 5/26/15 – McCain has tried milling the asphalt and surrounding asphalt starting coming up. EPS stated that if milling damages the existing asphalt, then they may have to sawcut. EPS informed McCain that whether they mill or sawcut the asphalt, it is in their contract to do what is necessary so they do not damage surrounding asphalt. Kirk said that the quantities listed in the bid documents did not include the longitudinal quantity as stated in MAG. Greg said that he will get with the Engineer on this question. 6/1/15 – The TOF and EPS will walk these areas today	McCain/EPS	Ongoing	Closed

Wayne Costa

From: Kirk Hanna <kirk@mccainconstruction.com>
Sent: Thursday, July 23, 2015 1:06 PM
To: Joy Jonas
Cc: Wayne Costa; Marcia Goerd; Greg Hahn
Subject: WELL 4 TO WELL 5 FLORENCE
Attachments: McCain Construction Application for Payment JUNE.pdf

See attached revised pay app. John Mitchel had me put all change orders on the last pay app and Greg Hahn with EPS Group has all the documentation. Some of those change orders are from May, so they are way past due, please let me know what you will need from me to get this matter resolved as soon as possible.
Will you be able to cut a check soon, we were expecting payment on this app this week?

Thanks



Kirk Hanna
Project Manager
KA Dual Engineering 264676 - SBE Certified
Mobile: 602.904.2085
Office: 623.465.1151
Fax: 623.465.1161

3120 W Carefree Hwy Ste 1-690
Phoenix Arizona 85086
Kirk@McCainConstruction.com
www.MccainConstruction.com

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Disclaimer # 6955-149

Wayne Costa

From: Joy Jonas
Sent: Wednesday, July 29, 2015 3:09 PM
To: Wayne Costa
Subject: FW: WELL 4 TO WELL 5 FLORENCE

Wayne,

Just wanted you to see EPS' response regarding the Change Orders for McCain. John never provided approval in writing just verbally in meetings. Obviously the McCain Change Orders have NOT gone to council for approval.

Thank you.

Joy Jonas

Administrative Assistant
Water/Wastewater
Town of Florence
PO Box 2670
425 E. Ruggles Street
Florence, AZ 85132
Phone: 520-868-7503
Fax: 520-868-8326

From: Greg Hahn [mailto:greg.hahn@epsgroupinc.com]
Sent: Tuesday, July 28, 2015 10:40 AM
To: Joy Jonas
Subject: RE: WELL 4 TO WELL 5 FLORENCE

Joy,

John usually did not send emails approving anything. These RFI's/C.O. were talked about in the weekly meetings. It was in the meetings that John would approve these change orders. I believe he went by what the Engineer approved in the RFI.

Would it help if I emailed the RFI's that were responded to by the Engineer?

Let me know please.

Thanks,

Greg Hahn | EPS Group
Division Manager – Construction Management Division
2045 S. Vineyard, Suite 101 | Mesa, AZ 85210
T: 480.503.2250 | C: 602.527.1578 | F: 480.503.2258
greg.hahn@epsgroupinc.com

From: Joy Jonas [mailto:Joy.Jonas@florenceaz.gov]
Sent: Tuesday, July 28, 2015 10:09 AM

To: Greg Hahn <greg.hahn@epsgroupinc.com>

Subject: RE: WELL 4 TO WELL 5 FLORENCE

Greg,

I know Kirk is anxious to submit the next pay app to reflect the change orders... do you have any emails or anything showing the change orders approved by John Mitchell. We are trying to get everything ready to take to council so we can get McCain paid.

Thank you.

Joy Jonas

Administrative Assistant
Water/Wastewater
Town of Florence
PO Box 2670
425 E. Ruggles Street
Florence, AZ 85132
Phone: 520-868-7503
Fax: 520-868-8326

From: Greg Hahn [<mailto:greg.hahn@epsgroupinc.com>]

Sent: Monday, July 27, 2015 9:17 AM

To: Joy Jonas

Subject: RE: WELL 4 TO WELL 5 FLORENCE

Joy,

See attached,

Thanks,

Greg Hahn | EPS Group

Division Manager – Construction Management Division

2045 S. Vineyard, Suite 101 | Mesa, AZ 85210
T: 480.503.2250 | C: 602.527.1578 | F: 480.503.2258
greg.hahn@epsgroupinc.com

From: Joy Jonas [<mailto:Joy.Jonas@florenceaz.gov>]

Sent: Monday, July 27, 2015 7:44 AM

To: Greg Hahn <greg.hahn@epsgroupinc.com>

Subject: RE: WELL 4 TO WELL 5 FLORENCE

Greg,

Could you get this signed and back to me as soon as possible so I can get the check processed and released please.

Thank you.

Joy Jonas

Wayne Costa

From: Greg Hahn <greg.hahn@epsgroupinc.com>
Sent: Monday, August 03, 2015 9:05 AM
To: Wayne Costa; Timm Wainscott
Cc: Joy Jonas
Subject: Well 4 to Well 5 Transmission Main
Attachments: Weekly Meeting Agenda No 8 6.22.15.pdf; CR 5 ADJUST VERTICAL REALIGNMENT AT 8TH STREET.pdf; CR 7 EXTRA ASPHALT REPLACEMENT RUGGLES.pdf; CR 9 EXTRA ASPHALT REPLACEMENT ON WILLOW & 20TH.pdf

Wayne,

Attached are the change order requests that were sent to John Mitchel. Each of these change order requests were talked about in our weekly meeting or directly between John and the contractor.

Change order No. 3 (change order request No. 5) was for removing and replacing additional asphalt due to an old wooden waterline that was found running parallel to the new waterline and caused the trench to be wider than planned.

Change order No. 4 (change order request No. 7) was for additional asphalt to be removed and replaced per MAG specifications. MAG specified that any asphalt replacement running longitudinally and is within 4' of any existing curb, shall be removed and replaced. In talking with the Engineer, he did not believe this quantity was taken into account on the plans. Therefore, the additional asphalt to be removed and replaced was approved.

Change order No. 6 (change order request No. 9) was for removing and replacing additional asphalt due to the existing asphalt being in such poor condition. Since the existing asphalt was falling apart, the asphalt replacement was extended. These areas were determined by both EPS and Town of Florence inspectors.


Let me know if this is what you are looking for. I do not have anything in writing from John Mitchel approving these change orders. As mentioned above, the additional work was either approved in our weekly meetings or between John and the contractor in the field. I have attached the last weekly meeting for your information.

Thank you,

Greg Hahn | EPS Group
Division Manager – Construction Management Division
2045 S. Vineyard, Suite 101 | Mesa, AZ 85210
T: 480.503.2250 | C: 602.527.1578 | F: 480.503.2258
greg.hahn@epsgroupinc.com

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	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 7h.
MEETING DATE: August 17, 2015 DEPARTMENT: Public Works Department STAFF PRESENTER: Wayne J. Costa, P.E. Public Works Director SUBJECT: Approval of Change Order No. 1 to Visus Engineering Construction, for work associated with the construction of the Main Street Extension Temporary Access Road.		<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <div style="margin-left: 40px;"> <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading </div> <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Motion to approve Change Order No. 1 to Visus Engineering Construction, for the additional work associated with Change Order Requests during construction of the Main Street Extension Temporary Access Road, for a total of \$13,500, for a total project cost not to exceed \$252,500.

BACKGROUND/DISCUSSION:

The Main Street Extension Temporary Access Road had been designed to provide an alternate route for vehicular traffic to downtown Florence by providing a direct line between the new State Route 79 and the existing Main Street. This project is a precursor to future improvements to Territory Square.

Visus Engineering Construction has completed the work for the Main Street Extension Temporary Access Road Project. Several requests for change orders were made as follows:

	<u>Amount</u>	<u>Council Approval</u>
Contract Awarded:	\$ 239,000	April 20, 2015
Change Order No. 1	\$ 13,500	Pending Council Approval
Amended Amount	<u>\$ 252,500</u>	

The various requests for change orders are enumerated in the following paragraphs depicting their needs for the Change Order, primarily due to conditions encountered by the Contractor and Agreement by the Owner's Project Manager (the former Utilities Director) to reimburse the Contractor either by his words, conduct or documentation.

Request No. 1

This request is for the shouldering up of the shoulder adjacent to the Main Street Access Road which was not definitive in the plans as to what was to be done. The Town's Project Manager (at the time) reviewed the request and supported a

quantity of 430 cubic yards (cy) of aggregate base course (ABC) that was placed, the Contractor requested 557 cy. Based upon reasonable evaluation of the quantity involved, it is our opinion that the costs are typically unforeseen conditions anticipated by the Contractor. It is noted that the Contractor's requested amount appears to be low as the unit weight of ABC used in their calculation is high and more comparable to asphalt and near concrete unit weights versus an aggregate base course, typically about 115 pounds per cubic foot.

We are recommending a partial reimbursement to settle the disputed amount of material quantity requested which was \$11,697.00. A unit price provided with the Bid Schedule was an acceptable unit price for this week.

Request No. 2

This request is for the replacement of base course material associated with the installation of the base course as part of the structural section of the street section. Typically this provides most of the structural integrity when interacting with the asphalt section of the street section. The Town's former Project Manager did not review this request by the Contractor; the Town's Inspector, the Town's Street Superintendent, and the Town's Field Foreman all indicated that it was the responsibility of the Contractor to make the repairs to the base course. The Town's Inspection Report dated May 13, 2015 (attached) to the Project Manager clearly indicated that the ABC base course was pumping and had a washboard finish and it should be removed and replaced.

The Contractor's position was that it was the subgrade that failed; however, the subgrade had passed the proof roll and testing requirements, while the base course did not. Nevertheless, the Contractor removed the existing base course, geotextile fabric and prepared the subgrade for reinstallation of the base course.

The Town's Project Manager sent a Change Order No. 1 to Visus on May 19, 2015, for their execution; however, this was never brought to Council and occurred after the fact. Based upon inspection of the rehabilitation of the base course, it is our opinion that the costs are typical of a base course installation quantity and personnel/equipment involved. This work was completed on May 13, 2015.

We are recommending the payment of to settle the disputed costs which was \$4,128.

Request No. 3

This request was for interest payments to Visus for belated payment of their Application for Payment No. 1 as well as the change order noted in Request No. 2 above.

The Town's Project Manager received an Application for Payment on June 2, 2015 and approved said document. He did not take any action on the

aforementioned document; that is he retained the document unbeknown to anyone. The current Public Works Director was given the responsibility of completing uncompleted projects but may not be privy to all the circumstances of the Projects. On July 7, 2015, the Public Work's Director received a copy of an email from Visus and immediately responded and took action to resolve the issue of Application for Payment No. 1.

Payment of a revised Application for Payment No. 1 as agreed to via offer and acceptance by Visus based upon their email dated July 9, 2015. Contract Section 8, entitled "Payment" is cited by the Contractor in their email stated that the Town owed Visus interest payments on the belated payments made.

The basis for the Town not accepting the interest due on past due amount is based upon the following:

- a. The Application for Payment was incorrect in that the amount of retainage was non-compliant with the Contract; we found no documentation to indicate the Town's Project Manager agreed to a 1% retainage as alleged by Visus.

We are not recommending the payment for any interest to settle any amounts requested.

Summary

This is a lump sum contract and as such we are addressing a lump sum cost for Change Order No. 1 comprising of the components from Request Nos. 1 and 2 only. We had originally offered a fee of \$11,608 for these efforts which was rejected on July 30, 2015. After internal discussions with the Town Attorney we raised our offer to \$13,500 which they accepted on August 6, 2015.

The Total requested by the Contractor was \$18,012.36 of which interest of \$2,186.74 (plus "growing daily") was requested.

FINANCIAL IMPACT:

The costs associated with Change Order No. 1 are \$13,500.00 and the funding is available due to the completion of this Fiscal Year 2014/2015 Project and anticipated budgetary underruns from WU-26, which is near completion.

STAFF RECOMMENDATION:

Staff recommends the approval of Change Order No. 1 for work completed by Visus Engineering Construction, for the Main Street Temporary Access Road Project.

ATTACHMENTS:

Change Order No. 1
Email dated May 19, 2015
Daily Construction Report dated May 13, 2015

Date of Issuance: August 18, 2015

Effective Date: August 18, 2015

Owner: Town of Florence

Owner's Contract No.: T-13

Contractor: Visus Engineering Construction

Contractor's Project No.: N/A

Engineer: Baxter Design Group

Engineer's Project No.: N/A

Project: Main Street Extension Paving

Contract Name: Main Street Extension
Paving

The Contract is modified as follows upon execution of this Change Order:

Description: Reimbursement of costs associated with material (ABC) placed on shoulders as well as rehabilitation of base course of paving section.

Attachments: *[List documents supporting change]*

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ <u>239,000.00</u>	Original Contract Times: Substantial Completion: _____ Ready for Final Payment: _____ days or dates
[Increase] [Decrease] from previously approved Change Orders No. ____ to No. ____: \$ <u>0</u>	[Increase] [Decrease] from previously approved Change Orders No. ____ to No. ____: Substantial Completion: _____ Ready for Final Payment: _____ days
Contract Price prior to this Change Order: \$ <u>239,000</u>	Contract Times prior to this Change Order: Substantial Completion: _____ Ready for Final Payment: _____ days or dates
[Increase] of this Change Order: \$ <u>13,500.00</u>	[Increase] [Decrease] of this Change Order: Substantial Completion: _____ Ready for Final Payment: _____ days or dates
Contract Price incorporating this Change Order: \$ <u>252,500.00</u>	Contract Times with all approved Change Orders: Substantial Completion: _____ Ready for Final Payment: _____ days or dates

RECOMMENDED:

ACCEPTED:

ACCEPTED:

By: _____	By: _____	By: _____
Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Title: _____	Title _____	Title _____
Date: _____	Date _____	Date _____

Approved by Town

By: _____ Date: _____
Title: _____

Town of Florence
Project: Main St. Extension.



Daily Construction Report

Date: 5/13/15		Day: Thursday Time: 7:30 am	
Contract Day: Visus		Prepared By: Mario	
Site Conditions			
Weather: Cloud and Sun.		Temp: 73	
Labor Category	Number	Equipment	Number
man	5	blade & Scraper.	1
		w/ truck & tractor	1
		steel roller	1
Observations:			
a.- ABC is pumping (we marked areas)			
b.- Existing washboard in ABC.			
c.- String line pass.			
Problems/Issues : Proof roll not pass.		Onsite Discussions: proposed fix the washboard and pumping areas.	
Phone Discussions:		Notices, Letters, Memos Issued/Received:	

The above report was prepared based on observations made on site and represents to the best of the preparer's knowledge activities and events that occurred.

Prepared By: _____ Mario

Signed: _____ Date : 5/13/15

Wayne Costa

Subject: FW: Main Street CO #1
Attachments: Main Street CO No. 1.pdf

-----Original Message-----

From: John Mitchell [<mailto:John.Mitchell@florenceaz.gov>]
Sent: Tuesday, May 19, 2015 2:23 PM
To: Jeffrey Kerr
Cc: Joy Jonas
Subject: Main Street CO #1

Jeff,

CO #1 is attached for your signature. It will require Council approval and because of lead times, the approval will be scheduled for June 15. Please let me know if you have any questions. Thanks.

John V. Mitchell
Utilities Director
Town of Florence
PO Box 2670
425 E. Ruggles Street
Florence, AZ 85132
Phone: 520-868-8325

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Date of Issuance: June 15, 2015	Effective Date: June 15, 2015
Owner: Town of Florence, AZ	Owner's Contract No.: T-13
Contractor: Visus Engineering Construction, Inc.	Contractor's Project No.: NA
Engineer: Baxter Design Group, Inc.	Engineer's Project No.: NA
Project: Town of Florence Main Street Extension Temporary Access Roadway	Contract Name: Town of Florence Main Street Extension Temporary Access Roadway

The Contract is modified as follows upon execution of this Change Order:

Description: In areas where subgrade is pumping, excavate new ABC, remove fabric, redo subgrade, reinstall fabric and reinstall ABC.

Attachments: *[List documents supporting change]*

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ <u>239,000.00</u>	Original Contract Times: Substantial Completion: _____ Ready for Final Payment: _____ days or dates
[Increase] [Decrease] from previously approved Change Orders No. ___ to No. ___: \$ <u>NA</u>	[Increase] [Decrease] from previously approved Change Orders No. ___ to No. ___: Substantial Completion: _____ Ready for Final Payment: _____ days
Contract Price prior to this Change Order: \$ <u>239,000.00</u>	Contract Times prior to this Change Order: Substantial Completion: _____ Ready for Final Payment: _____ days or dates
Increase of this Change Order: \$ <u>4,128.62</u>	[Increase] [Decrease] of this Change Order: Substantial Completion: _____ Ready for Final Payment: _____ days or dates
Contract Price incorporating this Change Order: \$ <u>243,128.62</u>	Contract Times with all approved Change Orders: Substantial Completion: _____ Ready for Final Payment: _____ days or dates

RECOMMENDED:		ACCEPTED:		ACCEPTED:	
By: _____	By: _____	By: _____	By: _____	By: _____	By: _____
Engineer (if required)	Owner (Authorized Signature)	Utility Engineer	Contractor (Authorized Signature)		
Title: _____	Title: _____	Title: _____	Title: _____	Title: _____	Title: _____
Date: _____	Date: _____	Date: _____	Date: _____	Date: _____	Date: _____

Approved by Town

By: _____ Date: _____
Title: Town Manager

Main Street - Florence
Project: T-13

Excavate new ABC, remove fabric, redo subgrade, reinstall fabric and reinstall abc.
This is for the areas where the existing subgrade is pumping.

Equipment:

	Rate	Hours	Total
Blade	\$ 80.00	4.00	\$ 320.00
Scraper	\$ 85.00	4.00	\$ 340.00
Gannon	\$ 30.00	4.00	\$ 120.00
Roller	\$ 60.00	4.00	\$ 240.00
Subtotal			\$ 1,020.00

Labor:

	Rate	Hours	OT Rate	OT Hours	Total
Foreman	\$ 75.00	8	\$ 75.00	2	\$ 750.00
Operator	\$ 35.00	8	\$ 52.50	2	\$ 385.00
Operator	\$ 35.00	8	\$ 52.50	2	\$ 385.00
Operator	\$ 35.00	8	\$ 52.50	2	\$ 385.00
Laborer	\$ 30.00	8	\$ 45.00	2	\$ 330.00
Subtotal					\$ 2,235.00


Sub L & E \$ 3,255.00

Markup 15 \$ 488.25

Tax 7.605 \$ 284.67

Bond 2.5 \$ 100.70

Total Due \$ 4,128.62

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 7i.
MEETING DATE: August 17, 2015 DEPARTMENT: Administration STAFF PRESENTER: Jennifer Evans, Management Analyst SUBJECT: Silver King Marketplace Lease Agreement Renewal with the Florence Mosaic Church of the Nazarene (Florence Fudge Co.) for Suite 101.		<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <div style="margin-left: 20px;"> <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading </div> <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

A motion to approve a lease agreement with Florence Mosaic Church of the Nazarene, owner of the Florence Fudge Co., for Suite 101 in the Silver King Market Place.

BACKGROUND/DISCUSSION:

Florence Mosaic Church of the Nazarene seeks to renew the lease for Suite 101, located on the ground floor of the Silver King Marketplace. The lease also includes space in the Carriage House that the Florence Fudge Co. uses for storage. Florence Mosaic Church of the Nazarene has operated Florence Fudge Co. since the business was purchased from Door County Fudge Company, LLC, in February 2010.

There has been discussion about whether or not Florence Mosaic Church of the Nazarene should remit Transaction Privilege Tax on the revenue generated through sales at the Florence Fudge Co. While the Arizona Department of Revenue may choose to exempt some non-profit organizations from collecting state Transaction Privilege Tax, municipalities have a separate tax structure and may choose to collect Transaction Privilege Tax. The Town Attorney's Office has determined that Florence Mosaic Church of the Nazarene is required to remit Transaction Privilege Tax to the Town of Florence on income generated from retail sales unrelated to their exempt purpose. The current Transaction Privilege Tax rate for Florence is 2% of gross sales. Florence Mosaic Church of the Nazarene has indicated they will collect and remit Town of Florence Transaction Privilege Tax on sales made at the Florence Fudge Co.

FINANCIAL IMPACT:

The term of the lease is from September 1, 2015 to August 31, 2016. The rent will be \$142.50 per month. The tenant will pay for utilities as invoiced each month by the Town.

STAFF RECOMMENDATION:

Staff recommends approval of the lease with Florence Mosaic Church of the Nazarene, owner of the Florence Fudge Co.

ATTACHMENTS:

Silver King Market Place Lease Agreement

SILVER KING MARKET PLACE LEASE AGREEMENT

TOWN OF FLORENCE, ARIZONA,
an Arizona municipal corporation

AND

FLORENCE MOSAIC CHURCH OF THE NAZARENE, INC.
an Arizona non-profit corporation

(Florence Fudge Company)

SILVER KING MARKET PLACE LEASE AGREEMENT

This Silver King Market Place Lease Agreement (this "Lease") is made and entered into as of the **1st day of September, 2015** by Town of Florence, an Arizona municipal corporation, hereinafter called "Landlord", and Florence Mosaic Church of the Nazarene, Inc., an Arizona non-profit corporation, hereinafter called "Tenant".

1. LEASED PREMISES

For and in consideration of the rent to be paid and of the covenants and agreements of Tenant as hereinafter set forth, Landlord does hereby lease 570 square feet to Tenant of the premises located at 440 N. Main Street, Suite 101, Florence, Arizona, also known as the Silver King Market Place, and hereinafter referred to as the "Premises", or, the "Leased Premises". The Leased Premises are also described as Suite 101, which is located at the south end of the building in which the Premises are located (the "Building") on the ground floor. Tenant shall also have access to the central unit of the "Carriage House", adjacent to the Premises. The Carriage House is leased to Tenant in as-is condition; Tenant understands and agrees that the Landlord will not provide any interior improvements or maintenance services for the Carriage House. Further, the Landlord will provide only such exterior maintenance on the general structure of the Carriage House as to maintain the integrity of the overall structure. Tenant may only use the central unit of the Carriage House for storage. Any other use of the Carriage House must be approved by Landlord.

2. TERM

The Lease term shall begin on the **1st day of September, 2015** and end on the **31st day of August, 2016** (the "Initial Term"). Landlord shall use commercially reasonable efforts to put Tenant in possession of the Leased Premises at the beginning of the Initial Term. If Landlord is unable to timely provide the Leased Premises for occupancy by Tenant, rent shall abate for the period of delay. Tenant agrees it shall make no other claim against Landlord for any such delay.

3. EXTENSIONS

The parties hereto may elect to extend the Initial Term upon such terms and conditions as may be agreed upon in writing and signed by the parties at the time of any such election; provided that Tenant gives notice of its request to extend the Initial Term no later than sixty (60) days prior to the expiration of the Initial Term. If Tenant does not elect to extend the Initial Term in accordance with this paragraph, this Lease shall end on the **31st day of August, 2016** (the "Expiration Date") and thereafter Tenant may only occupy the Premises on a month-to-month basis. Such month-to-month tenancy may be terminated by Landlord upon thirty (30) days notice to Tenant. Landlord's acceptance of rent payments after the Expiration Date shall not constitute a renewal of this Lease Agreement.

4. RENTS

Rent shall be paid at the rate of **one hundred forty two dollars and fifty cents (\$142.50)** per month for the duration of this Lease. In addition to the rent, Tenant is responsible for any commercial property lease transaction privilege tax and government property lease excise tax. Each monthly payment of rent due thereafter shall be payable on the first day of each calendar month for the balance of the Initial Term, together with such taxes. Payment of rent shall be made to Landlord at Town of Florence, P.O. Box 2670, 775 North Main Street, Florence, Arizona 85132, or at such other place designated by written notice from Landlord. The rental payment amount for any partial calendar months included in the Lease term shall be prorated on a daily basis. If rent is not received by the close of the 5th business day then a late fee of \$25.00 will be added to Tenant's account and past-due rent shall bear interest at the rate of ten per cent (10%) per annum from the date due (i.e., the first day of each month) until paid.

5. SECURITY DEPOSIT

Tenant has deposited with Landlord the sum of **five hundred dollars (\$500.00)** as security for the full and faithful performance by Tenant of all the terms of this Lease required to be performed by Tenant. Such sum shall be returned to Tenant after the expiration of this Lease; provided Tenant has fully and faithfully carried out all of its terms. At the expiration of this Lease or such other time as Tenant may properly request the return of the Security Deposit, Landlord shall make an inspection of the Leased Premises and deduct from the Security Deposit such sums as are necessary to repair and refurbish the Leased Premises to the condition which existed prior to Tenant's occupancy thereof. In the event of a bona fide sale of the Building of which the Leased Premises are a part, Landlord shall have the right to transfer the security to the purchaser to be held under the terms of this lease, and Landlord shall be released from all liability for the return of such security to Tenant.

6. PURPOSE

A. Landlord is maintaining the Silver King Market Place for the development of new businesses within the historical/downtown area of the Town of Florence. It is Landlord's desire to endeavor to assist in the creation of new businesses by providing a leasing environment contemplated to assist such new businesses.

B. Tenant shall use the Leased Premises for the purpose of conducting the business of a fudge and sandwich shop and for no other purpose without Landlord's express prior written consent. This use also must be and remain consistent with Exhibit "A". In the event Tenant desires to use the Leased Premises for a different business purpose not described above, Tenant shall first apply, in writing, for approval for such use to the Town of Florence. As a further condition of this Lease, Tenant must also maintain regular business hours and be open for at least thirty five (35) hours per week with exception of holidays. When business enhancement classes are offered, free of

charge, Tenant shall make every effort to send one or more representatives to attend these programs.

C. If Tenant fails to meet any of these requirements, then Landlord may terminate this Lease after providing Tenant no less than thirty (30) days written notice of Landlord's intent to terminate this Lease. If Tenant does not satisfy the above conditions or otherwise cure the deficiencies indicated in the notice within thirty (30) days, Landlord may terminate this Lease as provided in Section 17 below.

The Premises shall not be used in violation of this Lease, any zoning laws applicable to the Premises, or in violation of any federal, state or local laws or regulations.

7. PROHIBITED USES

Notwithstanding the forgoing, Tenant shall not use the Leased Premises for the purposes of storing, manufacturing or selling any explosives, flammables or other inherently dangerous substance, chemical, thing or device. All uses must conform to the zoning code of the Town of Florence and the Landlord's Property Lease Policy, both as promulgated by Town from time to time.

8. SUBLEASE AND ASSIGNMENT

A. Tenant shall not sublet or assign this Lease without Landlord's consent. To assign this Lease to a business with which Tenant may merge or consolidate, to any subsidiary of Tenant, to any corporation under common control with Tenant, or to a purchaser of substantially all of Tenant's assets Tenant must receive either written consent from Landlord (not to be unreasonably withheld) or enter into a new lease agreement reasonably satisfactory to both parties.

B. Except as set forth above, neither Tenant nor any assignee may sublease all or any part of the Leased Premises, or assign this Lease in whole or in part, without Landlord's written consent.

9. REPAIRS

During the Lease term, Tenant shall make, at Tenant's expense, all necessary repairs and refurbishment of the Leased Premises. Repair and refurbishment shall include, but is not limited to, the repair and refurbishment of normal wear and tear to floors, walls, ceilings, and other parts of the Leased Premises caused by Tenant's use and enjoyment of the Leased Premises, except for major mechanical systems or the roof [(so long as damage thereto is not caused, in whole or in part, by the acts or omissions of Tenant, its invitees or those under Tenant's direction and control), subject to the obligations of the parties as may otherwise be set forth in this Lease.]

10. TENANT IMPROVEMENTS

A. Tenant, at Tenant's expense, shall have the right to remodel, redecorate, or make additions, improvements and replacements to all or any part of the Leased Premises from time to time as Tenant may deem desirable (the "Tenant Modifications"); provided the same are made in a workmanlike manner, lien free, in accordance with all codes and utilizing good quality materials. Tenant must obtain the written consent of Landlord prior to undertaking any such Tenant Modifications. Tenant shall have the right to place and install personal property, trade fixtures, equipment and other temporary installations in and upon the Leased Premises, and fasten the same to the Leased Premises. All personal property, equipment, machinery, trade fixtures and temporary installations, whether acquired by Tenant at the commencement of the Lease term or placed or installed on the Leased Premises by Tenant thereafter, shall remain Tenant's property free and clear of any claim by Landlord. Tenant shall have the right to remove the same at any time during the term of this Lease but not after ten (10) days after the expiration thereof, provided that such removal does not cause any damage to the Premises. Any damage caused by the removal of Tenant's personal property shall be repaired by Tenant at Tenant's expense. If Tenant fails to repair any such damage Landlord may repair the damage and deduct the costs thereof from Tenant's security deposit, with Tenant remaining liable for the excess, if any, over the security deposit. At the expiration of this Lease, at Landlord's direction, Tenant shall remove any such personal property from the Leased Premises at Tenant's sole cost and expense, repairing any damage to the Leased Premises occasioned thereby.

B. Tenant may have prepared plans and specifications for the construction of Tenant Modifications, and, if so, such plans and specifications are attached hereto as Exhibit "B" and incorporated herein by reference. Tenant shall obtain all certificates, permits, licenses and other authorizations of governmental bodies or authorities which are necessary to permit the construction of the improvements on the Leased Premises and shall keep the same in full force and effect at Tenant's cost.

C. Tenant shall negotiate, let and supervise all contracts for the furnishing of services, labor, and materials for the construction of Tenant Modifications on the Leased Premises at its sole cost and expense. All such contracts shall require the contracting party to guarantee performance and all workmanship and materials installed by it for a period of one year following the date of completion of construction. Tenant shall cause all contracts to be fully and completely performed in a good and workmanlike manner and lien free, all to the effect that the improvements shall be fully and completely constructed and installed in accordance with good engineering and construction practice. Tenant shall include in any contract for the construction of Tenant Modifications a requirement that bonds in the full amount of the contract sum be furnished guaranteeing the faithful performance of the contract requirements and the payment of any and all subcontractors.

D. During the course of Tenant Modifications, Tenant shall, at its cost, keep in full force and effect a policy of builder's risk and liability insurance in a sum equal to three

times the amount expended for construction of the improvements. All risk of loss or damage to the improvements during the course of construction shall be on Tenant with the proceeds from insurance thereon payable to Landlord.

E. Nothing herein shall alter the intent of the parties that Tenant shall be fully and completely responsible for all aspects pertaining to the construction of Tenant Modifications to Leased Premises and for the payment of all costs associated therewith. Landlord shall be under no duty to investigate or verify Tenant's compliance with the provisions contained herein. Moreover, neither Tenant nor any third party may construe the permission granted Tenant hereunder to create any responsibility on the part of Landlord to pay for any improvements, alterations or repairs occasioned by Tenant.

11. UTILITIES

Landlord shall pay the amount due for charges for water, sewer, gas, and electricity and separately invoice Tenant for Tenant's share of the charges as determined by Landlord in its reasonable judgment utilizing any reasonable method of apportionment. Tenant shall pay the utilities invoice upon the due date for the monthly payment of this Lease or the first of the month, whichever comes first. Tenant shall be responsible for all of its own telecommunications/cable/Internet charges.

Tenant acknowledges that the Leased Premises are designed to provide standard office or retail use electrical facilities and standard office lighting. Tenant shall not use any equipment or devices that utilize excessive electrical energy or which may, in Landlord's reasonable opinion, overload the wiring or interfere with electrical services to other tenants.

12. SIGNAGE

A. Exterior Signs. Landlord will provide one exterior sign located on the east side of the Building. Tenant shall have the right, at its sole risk and expense and in conformity with applicable laws and ordinances, to erect and thereafter, to repair or replace, if it shall so elect, signs on any portion of the Leased Premises, provided that Tenant shall remove any such signs upon termination of this Lease, and repair all damage occasioned thereby to the Leased Premises, all at Tenant's sole cost and expense.

B. Interior Signs. Tenant shall have the right, at its sole risk and expense and in conformity with applicable laws and ordinances, to erect, maintain, place and install its usual and customary signs and fixtures in the interior of the Leased Premises.

C. A fee of seventy five dollars (\$75.00) will be charged at the time of the security deposit. This deposit is non-refundable and will be used for the sign hanging from the east side of the building. Tenant will provide Landlord with the business name and if necessary, the services they will provide.

13. ENTRY

Landlord shall have the right to enter upon the Leased Premises at reasonable hours (absent emergency [during which Landlord may enter to inspect/endeavor to abate emergency]) to inspect the same, provided Landlord shall not thereby unreasonably interfere with Tenant's business on the Leased Premises.

14. PARKING

During the term of this Lease, Tenant shall have the non-exclusive use in common with Landlord, other tenants of the Premises, their guests and invitees, of the non-reserved common automobile parking areas, driveways, and footways, subject to rules and regulations for the use thereof as prescribed from time to time by Landlord. Landlord reserves the right to designate parking areas within the Premises or in reasonable proximity thereto, for Tenant and Tenant's agents and employees or for others within or utilizing the Building.

15. MECHANIC'S AND OTHER LIENS

Tenant shall pay before delinquent all sums of money which, if unpaid, would entitle any person to a mechanic's or material supplier's or laborer's lien against the Leased Premises, or on Tenant's interest under this Lease. Tenant agrees that it will neither do any act, nor fail to do any act, which would result in the recordation of any lien against the Leased Premises, the Building or the Silver King Market Place as a whole.

16. INSURANCE AND INDEMNIFICATION

A. INDEMNIFICATION

(i) To the fullest extent permitted by law, Tenant shall defend, indemnify and hold harmless Landlord (i.e., the Town of Florence), its agents, officers, officials (whether elected or not), attorneys and employees (collectively, the "Indemnified Parties") from, of and against all claims, damages, losses and expenses (including, but not limited to, attorneys' fees [whether or not suit is brought], court costs, and the cost of appellate proceedings), relating to, arising out of, or alleged to have resulted either wholly or in part from the acts, errors, mistakes, omissions, work or services of Tenant, its agents, employees, contractors, subcontractors or business invitees in the performance of this Agreement, and regardless of whether or not such claim, damages, loss or expenses are caused in part by Landlord.

(ii) Tenant's duty to defend, hold harmless and indemnify the Indemnified Parties and each of them shall arise in connection with any claims, damages, losses or expenses that are attributable to bodily injury, sickness, disease, death, or injury to, impairment, or destruction of property including loss of use resulting therefrom, caused either wholly or in part by Tenant's acts, errors, mistakes, omissions, work or services in the performance of this Agreement including any employee or business invitee of

Tenant or any other person for whose acts, errors, mistakes, omissions, work or services Tenant may be legally liable, and regardless of whether or not such claim, damages, losses or expenses are caused in part by Landlord.

(iii) The amount and type of insurance coverage requirements set forth herein will in no way be construed as limiting the scope of the indemnity in this paragraph 16A.

(iv) Landlord reserves the right to amend the requirements herein at any time during the Lease subject to at least 30 days written notice. Coverage provided by the Tenant shall not be limited to the liability assumed under the Indemnification provision of this Lease. To the extent permitted by law, Tenant waives all rights of subrogation or similar rights against Landlord. Landlord reserves the right to require complete copies of all insurance policies required by this Lease at any time. Failure to maintain the insurance policies required by this Lease, or to provide evidence of renewal, is a material breach of contract.

B. INSURANCE REQUIREMENTS

(i) Tenant, at Tenant's own expense, shall purchase and maintain the herein stipulated minimum insurance with companies duly licensed, possessing a current A.M. Best, Inc. rating of "A", or approved and licensed to do business in the State of Arizona with policies and forms satisfactory to Landlord.

(ii) All insurance required herein shall be maintained in full force and effect during any term of this Lease; failure to do so may, at the sole discretion of Landlord, constitute a material breach of this Lease.

(iii) Tenant's insurance shall be primary insurance, and any insurance or self-insurance maintained by Landlord shall not contribute to it. Any failure to comply with the claim reporting provisions of the policies or any breach of an insurance policy warranty shall not affect coverage afforded under the policy to protect Landlord.

(iv) The insurance policies required by this Agreement shall name Landlord and any other Indemnified Parties designated by Landlord as Additional Insured(s).

C. REQUIRED COVERAGES

(i) General Liability/Contractual Indemnity

(a) Tenant shall, at Tenant's expense, maintain a policy of comprehensive public liability insurance with a limit of not less than \$1,000,000 for each occurrence and with a \$1,000,000 General Aggregate Limit. The policy shall include coverage for bodily injury, broad form property damage, personal injury, and blanket contractual coverage including, but not limited to, the liability assumed under the indemnification provisions of this Agreement, which coverage will be at least as broad as Insurance Service Office,

Inc. Policy Form CG 000211093(October 2001 version). The coverage shall not exclude X, C, U.

(b) Such policy shall contain a severability of interest provision, and shall not contain a sunset provision or commutation clause, nor any provision, which would serve to limit third party action over claims.

(c) The Commercial General Liability additional insured endorsement shall be at least as broad as the Insurance Service Office, Inc.'s, Additional Insured, Form B, CG20101185 (October 2001 version).

(ii) Property Insurance

(a) Landlord shall obtain and keep in force during any term of this Lease, a policy or policies of insurance covering loss or damage to the Leased Premises, in the amount of the full replacement value thereof, providing protection against all perils included within the classification of fire, flood, extended coverage, vandalism, malicious mischief and special extended perils.

(b) Tenant shall obtain and keep in force during any term of this Lease, a policy or policies of insurance covering loss or damage to the contents of the Leased Premises. Tenant agrees that Landlord shall not be liable for injury to Tenant's business or any loss of income there from, or for loss or damage to goods, wares, merchandise or other property in or on the Leased Premises owned or belonging to Tenant, Tenant's employees, invitees, customers, or any other person in or about the Leased Premises; nor shall Landlord be liable for injury to the person of Tenant, Tenant's employees, invitees, agents or contractors, whether such damage or injury to persons or property is caused by or results from fire, steam, electricity, gas, water or rain, or from the breakage, leakage, obstruction, or other defects of pipes, sprinklers, wires, appliances, plumbing, air conditioning, or light fixtures or from any other cause; or whether the said damage or injury to person or property results from conditions arising upon the Leased Premises or from other sources or places, and regardless of whether the cause of such damage or injury or the means of repairing the same is inaccessible to Tenant.

(iii) Certificates of Insurance

(a) Prior to delivery of possession of the Leased Premises to Tenant, Tenant shall furnish Landlord with proof of payment acceptable to Landlord of any required coverages hereunder, together with Certificates of Insurance, or formal endorsements as required by this Lease, issued by Tenant's insurer(s), as evidence that policies providing the required coverage, conditions and limits required by this Lease are in full force and effect.

(b) In the event any insurance policy (ies) required by this Lease is (are) written on a "claims made" basis, coverage shall extend for two years past the expiration of any term of this Lease as evidenced by annual Certificates of Insurance.

- (c) If a policy does expire during any term of this Lease, a renewal certificate must be sent to Landlord fifteen (15) days prior to the expiration date.

17. DEFAULTS AND REMEDIES

A. DEFAULTS

The occurrence of any one or more of the following events shall constitute a material default and breach of this Lease by Tenant:

- (i) The vacating or abandonment of the Leased Premises by Tenant;
- (ii) The failure by Tenant to make any payment of rent or any other payment required to be made by Tenant hereunder, as and when due;
- (iii) The failure by Tenant to observe or perform any of the covenants, conditions, or provisions of this Lease to be observed or performed by Tenant, other than described in subsection (ii) above, where such failure shall continue for a period of fifteen (15) days after written notice hereof from Landlord to Tenant; provided, however, that if the nature of Tenant's default is such that more than fifteen (15) days are reasonably required for its cure, then Tenant shall not be deemed to be in default if Tenant commenced such cure within said fifteen (15) day period and thereafter diligently prosecutes such cure to completion, such additional time to complete not to exceed thirty (30) additional days.
- (iv) The making by Tenant of any general arrangement for the benefit of creditors; the filing by or against Tenant of a petition to have Tenant adjudged a bankrupt or a petition for reorganization or arrangement under any law relating to bankruptcy (unless, in the case of a petition filed against Tenant, the same is dismissed within sixty (60) days); the appointment of a trustee or receiver to take possession of substantially all of Tenant's assets, located at the Leased Premises, or, of Tenant's interest in this Lease, where possession is not restored to Tenant within thirty (30) days; or, the attachment, execution, or other judicial seizure of substantially all of Tenant's assets located at the Leased Premises or of Tenant's interest in this Lease where such seizure is not discharged within thirty (30) days; or
- (v) The filing or recordation of a lien against the Leased Premises, the Building or the Silver King Market Place as a whole due to any action or inaction of Tenant.

B. REMEDIES

- (i) In the event of any such default or breach by Tenant, Landlord may at any time thereafter, with or without notice or demand and without limiting Landlord in the exercise of any right or remedy which Landlord may have by reason of such default or breach:
- (ii) Terminate Tenant's right to possession of the Leased Premises by any lawful means, in which case this Lease shall terminate and Tenant shall immediately

surrender possession of the Leased Premises to Landlord. In such event Landlord shall be entitled to recover from Tenant all damages incurred by Landlord by reason of Tenant's default, including but not limited to, the cost or recovering possession of the Premises; expenses of reletting, including necessary renovation and alteration of the Premises; reasonable attorneys' fees; any real estate commission actually paid; and the worth at the time of award by the court having jurisdiction thereof of the amount by which the unpaid rent for the balance of the term after the time of such award exceeds the amount of such rental loss for the same period that Tenant provides could be reasonably avoided. In the event Tenant shall have abandoned the Premises, Landlord shall have the option of: 1) retaking possession of the Premises and recovering from Tenant the amount specified in this paragraph; or 2) proceeding under subsection (iii) immediately below.

(iii) Maintain Tenant's right to possession, in which case this Lease shall remain in effect whether or not Tenant shall have abandoned the Premises. In such event, Landlord shall be entitled to enforce all of Landlord's rights and remedies under this Lease, including the right to recover the rent as it becomes due hereunder.

(iv) Pursue any other remedy now or hereafter available to Landlord under the laws or judicial decisions of the State of Arizona, including the right to declare a landlord's lien on Tenant's personal property located on the Leased Premises. Where a landlord's lien is declared by Landlord, Landlord may, without notice or demand to Tenant, terminate Tenant's right to possession of the premises until Landlord has secured sufficient personal property or full payment of rent to satisfy the amount of rent owed. Should Landlord declare a landlord's lien on the Leased Premises pursuant to this paragraph, this Lease shall not be considered terminated, and Landlord shall have a right to recover rent as it becomes due.

C. DEFAULT BY LANDLORD

Landlord shall not be in default unless Landlord fails to perform obligations required of Landlord within a reasonable time, but in no event later than fifteen (15) days after written notice by Tenant to Landlord and to the holder of any first mortgage or deed of trust covering the Premises whose name and address shall have theretofore been furnished to Tenant in writing, specifying wherein Landlord has failed to perform such obligations; provided however, that if the nature of Landlord's obligation is such that more than fifteen (15) days are required for performance, then Landlord shall not be in default if Landlord commences performance within such thirty day period and thereafter diligently prosecutes the same to completion. If Landlord does not perform, the holder of any first mortgage may perform in Landlord's place and Tenant must accept such performance.

D. HOLDOVER BY TENANT

If Tenant shall hold over after expiration of the Initial Term, or any extension of the Initial Term, such tenancy shall be from month-to-month only upon such terms, covenants,

and conditions as set forth herein except for those relating to the term of the Lease. Any such month-to-month tenancy may be terminated by Landlord upon thirty (30) days notice to Tenant. However, nothing herein shall be construed as or deemed a waiver of any rights of Landlord to take such action in law or equity as Landlord may have under the provisions of this Lease or otherwise.

E. BANKRUPTCY OF TENANT

If Tenant should make a general assignment for the benefit of creditors, or file a voluntary petition in bankruptcy, or be adjudicated bankrupt or insolvent, or permit a receiver to be appointed to take possession of a substantial portion of the Tenant's assets or of this leasehold, and such bankruptcy, insolvency or receivership proceedings not be dismissed within thirty days, then Lessor may, without notice or demand, terminate this Lease and forthwith re-enter and repossess the demised premises and remove all persons, and under no circumstances shall this Lease be assigned or transferred by operation of law.

18. DAMAGE AND DESTRUCTION

Subject to the Insurance provisions contained herein, if the Leased Premises or any part thereof or any appurtenance thereto is so damaged by fire, casualty or structural defects that the same cannot be used for Tenant's purposes, then Tenant shall have the right within ninety (90) days following damage to elect by notice to Landlord to terminate this Lease as of the date of such damage. In the event of minor damage to any part of the Leased Premises, and if such damage does not render the Leased Premises unusable for Tenant's purposes, Landlord shall promptly repair such damage at the cost of Landlord. In making the repairs called for in this paragraph, Landlord shall not be liable for any delays resulting from strikes, governmental restrictions, inability to obtain necessary materials or labor or other matters which are beyond the reasonable control of Landlord. Tenant shall be relieved from paying rent and other charges during any portion of the Lease term that the Leased Premises are inoperable or unfit for occupancy, or use, in whole or in part, for Tenant's purposes. Rentals and other charges paid in advance for any such periods shall be credited on the next ensuing payments, if any, but if no further payments are to be made, any such advance payments shall be refunded to Tenant subject to the provisions of this Lease which may permit Landlord to retain such payments. The provisions of this paragraph extend not only to the matters aforesaid, but also to any occurrence which is beyond Tenant's reasonable control and which renders the Leased Premises, or any appurtenance thereto, inoperable or unfit for occupancy or use, in whole or in part, for Tenant's purposes.

19. TITLE

A. Subordination. Tenant shall, upon the request of Landlord in writing, subordinate this Lease to the lien of any present or future institutional mortgage/deed of trust upon the Leased Premises irrespective of the time of execution or the time of

recording of any such mortgage; provided, however, that as a condition to such subordination, the holder of any such encumbrance shall enter first into a written agreement with Tenant reasonably satisfactory to such encumbrancer in form suitable for recording to the effect that:

(i) In the event of foreclosure or other action taken under the encumbrance by the holder thereof, this Lease and the rights of Tenant hereunder shall not be disturbed but shall continue in full force and effect so long as Tenant shall not be in default hereunder; and

(ii) Such holder shall permit insurance proceeds and condemnation proceeds to be used for any restoration and repair required by the Damage and Insurance provisions of this Lease. Tenant agrees that if the encumbrancer or any person claiming under the encumbrancer shall succeed to the interest of Landlord in this lease, Tenant will attorn to and recognize said encumbrancer or person as its Landlord under the terms of this Lease; provided that said encumbrancer or person for the period during which said encumbrancer or person respectively shall be in possession of the Leased Premises and thereafter their respective successors in interest shall assume all of the obligations of Landlord hereunder, but shall not be liable for prior defaults of Landlord hereunder. The word "mortgage", as used herein includes mortgages, deeds of trust or other similar instruments, and modifications, and extensions thereof. The term "institutional mortgage" means a mortgage securing a loan from a bank (commercial or savings) or trust company, insurance company or pension trust or any other lender institutional in nature and constituting a lien upon the Leased Premises.

B. Quiet Enjoyment. Landlord covenants and agrees that upon Tenant paying the rent and observing and performing all of the terms, covenants and conditions on Tenant's part to be observed and performed hereunder, that Tenant may peaceably and quietly have, hold, occupy and enjoy the Leased Premises in accordance with the terms of this Lease without hindrance or molestation from Landlord or any persons lawfully claiming through Landlord.

20. ATTORNEYS' FEES

In the event of any legal action between Landlord and Tenant to enforce any of the provisions and/or rights hereunder, the unsuccessful party to such action agrees to pay to the other party all costs and expenses, including reasonable attorneys' fees incurred in prosecuting or defending such action, and if judgment is recovered in such action or proceeding, such costs, expenses and attorney's fees shall be included in and as a part of such judgment.

21. NOTICES

Any notice required to be given by or to either Landlord or Tenant pursuant to this Lease, shall be in writing and shall be forwarded by certified mail, postage prepaid, addressed as follows:

For Landlord:

Town of Florence
Town Manager
P.O. Box 2670
775 North Main Street
Florence, AZ 85132

For Tenant:

Pastor
Florence Mosaic Church of the Nazarene
2363 N. Smithsonian Dr.
Florence, AZ 85132

22. WAIVER

A waiver of any breach of this Lease, or of any of the terms or conditions by either party hereto, shall not be deemed a waiver of any repetition of such breach or in any way affect any other terms or conditions hereof. No waiver shall be valid or binding unless it shall be in writing and signed by the parties.

23. CANCELLATION OF AGREEMENT

Pursuant to A.R.S. § 38-511, the provisions of which are incorporated herein by reference, all parties are hereby put on notice that this Lease is subject to cancellation by Landlord if any person significantly involved in initiating, negotiating, securing, drafting or creating this Lease on behalf of Landlord is, at any time while this Lease or any extension of this Lease is in effect, an employee or agent of Tenant in any capacity or a consultant to Tenant with respect to the subject matter of this Lease.

{BALANCE OF THIS PAGE LEFT BLANK INTENTIONALLY; SIGNATURES AND
ACKNOWLEDGEMENTS APPEAR ON PAGE FOLLOWING}

IN WITNESS WHEREOF, Landlord and Tenant have executed this Lease as of the day and year first written above.

LANDLORD:

TOWN OF FLORENCE, an Arizona municipal corporation

Tom J. Rankin, Mayor

Date

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

Clifford L. Mattice, Town Attorney

TENANT:

_____, an Arizona non-profit corporation

By: _____

Its: _____

Date: _____

STATE OF ARIZONA)
) ss.
County of Pinal)

On this ____ day of _____, 2015, before me, the undersigned Notary Public, personally appeared _____, the _____ of Florence Mosaic Church of the Nazarene, an Arizona non-profit corporation, and that as such, being authorized so to do, executed the foregoing instrument for the purpose therein contained on behalf of the said company.

(Seal and Expiration Date)

My Commission Expires:

Notary Public

EXHIBIT A

Business Summary

Florence Fudge Co. is a fudge and sandwich shop located in Suite 101 of the Silver King Market Place in downtown Florence. The focus is on fast, quality lunches and fudge. By preparing menu items using a quick-service system, presenting a simple menu, and offering delivery to the downtown area, the Fudge Co. gives its customers a solution to their lunch desires. A variety of different fudges, up to 12 flavors, are offered each day. The restaurant is open Monday through Friday, from 8:00 a.m. until 4:00 p.m. during the winter months and from 10:00 a.m. until 3:00 p.m. during the summer months. On Saturdays, the restaurant is open from 10:00 a.m. until 2:00 p.m.

The Florence Church of the Nazarene purchased Door County Fudge Co. and changed the business name to Florence Fudge Co. in 2010. The Florence Fudge Co. is governed by the Board of Directors of Florence Mosaic Church of the Nazarene. Pastor Kevin McGuinness is the Chairman and the Board includes Merritt Strunk, Dee Jones, John MacKenzie, Fred MacKenzie, Gerrit Griffieon, Chris Terhaar, Jim Popp, Susan Kerestes, and Doretta Allison. General Manager is Doretta Allison who, as a volunteer, does the purchasing, payroll, financial records and helps out occasionally in the shop as needed. The Operations Manager is Cory Ecenbarger. Christin Kemplin and Emily Allee are employees.

Public relations, press releases, event promotions, fundraisers, and catering promotion are the core of the marketing strategy. The restaurant focuses on social media, public relations, and local events for lunch sales to the business target market. Advertising and sales incentives have been used with our target markets and loyal customers. Word of mouth has been the most important part of the marketing strategy because the target markets have become familiar with the restaurant and credibility has definitely been established. A website has been set up and is used as a sales tool to communicate the menu offerings, catering options, restaurant location, and concept. Business cards that feature a discount also are used to promote the business.


The Florence Fudge Co. is a ministry of the Florence Mosaic Church of the Nazarene. A percentage of the revenues go to help fund the Downtown Ministry of the Florence Mosaic Church that operates under the 501(c)3 non-profit status of the General Board of the Church of the Nazarene. Revenues generated by the Florence Fudge Co. funds virtually the entire annual budget of Love Works Pregnancy Resource Center which supplies clothing and provides education classes, etc. to the citizens of Florence who need help. Revenues also fund the Diaper Pantry that is an extension of Love Works.

EXHIBIT B

Tenant Modifications

[PLACE HOLDER FOR ALL PERMANENT TENANT IMPROVEMENTS]

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	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 7j.
MEETING DATE: August 17, 2015 DEPARTMENT: Administration STAFF PRESENTER: Jennifer Evans Management Analyst SUBJECT: Silver King Market Place Lease Agreement with Victor Fimbres (Silver King) for Suite 201.		<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <div style="margin-left: 20px;"> <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading </div> <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

A motion to approve a lease agreement with Mr. Victor Fimbres, dba Silver King, for Suite 201 in the Silver King Market Place.

BACKGROUND/DISCUSSION:

Mr. Fimbres seeks to lease Suite 201 for use as a hair salon called Silver King. Suite 201 is the south suite on the second floor of the Silver King Market Place. Mr. Fimbres is the son of Ms. Carol Johnson, owner of the Silver King Hair Co., who has occupied the space since 2011.

FINANCIAL IMPACT:

The term of the lease is from September 1, 2015 to August 31, 2016. The rent will be \$182 per month. The tenant will pay for utilities as invoiced each month by the Town.

STAFF RECOMMENDATION:

Staff recommends approval of the lease with Victor Fimbres, owner of Silver King.

ATTACHMENTS:

Silver King Market Place Lease Agreement

SILVER KING MARKET PLACE LEASE AGREEMENT

TOWN OF FLORENCE, ARIZONA,
an Arizona municipal corporation

AND

VICTOR FIMBRES,
a married man, on his own behalf

(Silver King)

DATE: As of September 1, 2015

SILVER KING MARKET PLACE LEASE AGREEMENT

This Silver King Market Place Lease Agreement (this "Lease") is made and entered into as of the **1st day of September, 2015** by Town of Florence, an Arizona municipal corporation, hereinafter called "Landlord", and Victor Fimbres, a married man on his own behalf, hereinafter called "Tenant".

1. LEASED PREMISES

For and in consideration of the rent to be paid and of the covenants and agreements of Tenant as hereinafter set forth, Landlord does hereby lease 728 square feet to Tenant of the premises located at 440 N. Main Street, Suite 201, Florence, Arizona, also known as the Silver King Market Place, and hereinafter referred to as the "Premises", or, the "Leased Premises". The Leased Premises are also described as Suite 201, which is located at the south end of the building in which the Premises are located (the "Building") on the second floor.

2. TERM

The Lease term shall begin on the **1st day of September, 2015** and end on the **31st day of August, 2016** (the "Initial Term"). Landlord shall use commercially reasonable efforts to put Tenant in possession of the Leased Premises at the beginning of the Initial Term. If Landlord is unable to timely provide the Leased Premises for occupancy by Tenant, rent shall abate for the period of delay. Tenant agrees it shall make no other claim against Landlord for any such delay.

3. EXTENSIONS

The parties hereto may elect to extend the Initial Term upon such terms and conditions as may be agreed upon in writing and signed by the parties at the time of any such election; provided that Tenant gives notice of its request to extend the Initial Term no later than sixty (60) days prior to the expiration of the Initial Term. If Tenant does not elect to extend the Initial Term in accordance with this paragraph, this Lease shall end on the **31st day of August, 2016** (the "Expiration Date") and thereafter Tenant may only occupy the Premises on a month-to-month basis. Such month-to-month tenancy may be terminated by Landlord upon thirty (30) days notice to Tenant. Landlord's acceptance of rent payments after the Expiration Date shall not constitute a renewal of this Lease Agreement.

4. RENTS

Rent shall be paid at the rate of **one hundred eighty two dollars (\$182.00)** per month for the duration of this Lease. In addition to the rent, Tenant is responsible for any commercial property lease transaction privilege tax and government property lease excise tax. Each monthly payment of rent due thereafter shall be payable on the first day of each calendar month for the balance of the Initial Term, together with such taxes.

Payment of rent shall be made to Landlord at Town of Florence, P.O. Box 2670, 775 North Main Street, Florence, Arizona 85132, or at such other place designated by written notice from Landlord. The rental payment amount for any partial calendar months included in the Lease term shall be prorated on a daily basis. If rent is not received by the close of the 5th business day then a late fee of \$25.00 will be added to Tenant's account and past-due rent shall bear interest at the rate of ten per cent (10%) per annum from the date due (i.e., the first day of each month) until paid.

5. SECURITY DEPOSIT

Tenant has deposited with Landlord the sum of **one hundred eighty two dollars (\$182.00)** as security for the full and faithful performance by Tenant of all the terms of this Lease required to be performed by Tenant. Such sum shall be returned to Tenant after the expiration of this Lease; provided Tenant has fully and faithfully carried out all of its terms. At the expiration of this Lease or such other time as Tenant may properly request the return of the Security Deposit, Landlord shall make an inspection of the Leased Premises and deduct from the Security Deposit such sums as are necessary to repair and refurbish the Leased Premises to the condition which existed prior to Tenant's occupancy thereof. In the event of a bona fide sale of the Building of which the Leased Premises are a part, Landlord shall have the right to transfer the security to the purchaser to be held under the terms of this lease, and Landlord shall be released from all liability for the return of such security to Tenant.

6. PURPOSE

A. Landlord is maintaining the Silver King Market Place for the development of new businesses within the historical/downtown area of the Town of Florence. It is Landlord's desire to endeavor to assist in the creation of new businesses by providing a leasing environment contemplated to assist such new businesses.

B. Tenant shall use the Leased Premises for the purpose of conducting the business of a hair salon and for no other purpose without Landlord's express prior written consent. This use also must be and remain consistent with Exhibit "A". In the event Tenant desires to use the Leased Premises for a different business purpose not described above, Tenant shall first apply, in writing, for approval for such use to the Town of Florence. As a further condition of this Lease, Tenant must also maintain regular business hours and be open for at least thirty five (35) hours per week with exception of holidays. When business enhancement classes are offered, free of charge, Tenant shall make every effort to send one or more representatives to attend these programs.

C. If Tenant fails to meet any of these requirements, then Landlord may terminate this Lease after providing Tenant no less than thirty (30) days written notice of Landlord's intent to terminate this Lease. If Tenant does not satisfy the above conditions or otherwise cure the deficiencies indicated in the notice within thirty (30) days, Landlord may terminate this Lease as provided in Section 17 below.

The Premises shall not be used in violation of this Lease, any zoning laws applicable to the Premises, or in violation of any federal, state or local laws or regulations.

7. PROHIBITED USES

Notwithstanding the forgoing, Tenant shall not use the Leased Premises for the purposes of storing, manufacturing or selling any explosives, flammables or other inherently dangerous substance, chemical, thing or device. All uses must conform to the zoning code of the Town of Florence and the Landlord's Property Lease Policy, both as promulgated by Town from time to time.

8. SUBLEASE AND ASSIGNMENT

A. Tenant shall not sublet or assign this Lease without Landlord's consent. To assign this Lease to a business with which Tenant may merge or consolidate, to any subsidiary of Tenant, to any corporation under common control with Tenant, or to a purchaser of substantially all of Tenant's assets Tenant must receive either written consent from Landlord (not to be unreasonably withheld) or enter into a new lease agreement reasonably satisfactory to both parties.

B. Except as set forth above, neither Tenant nor any assignee may sublease all or any part of the Leased Premises, or assign this Lease in whole or in part, without Landlord's written consent.

9. REPAIRS

During the Lease term, Tenant shall make, at Tenant's expense, all necessary repairs and refurbishment of the Leased Premises. Repair and refurbishment shall include, but is not limited to, the repair and refurbishment of normal wear and tear to floors, walls, ceilings, and other parts of the Leased Premises caused by Tenant's use and enjoyment of the Leased Premises, except for major mechanical systems or the roof [(so long as damage thereto is not caused, in whole or in part, by the acts or omissions of Tenant, its invitees or those under Tenant's direction and control) subject to the obligations of the parties as may otherwise be set forth in this Lease.]

10. TENANT IMPROVEMENTS

A. Tenant, at Tenant's expense, shall have the right to remodel, redecorate, or make additions, improvements and replacements to all or any part of the Leased Premises from time to time as Tenant may deem desirable (the "Tenant Modifications"); provided the same are made in a workmanlike manner, lien free, in accordance with all codes and utilizing good quality materials. Tenant must obtain the written consent of Landlord prior to undertaking any such Tenant Modifications. Tenant shall have the right to place and install personal property, trade fixtures, equipment and other temporary installations in and upon the Leased Premises, and fasten the same to the Leased

Premises. All personal property, equipment, machinery, trade fixtures and temporary installations, whether acquired by Tenant at the commencement of the Lease term or placed or installed on the Leased Premises by Tenant thereafter, shall remain Tenant's property free and clear of any claim by Landlord. Tenant shall have the right to remove the same at any time during the term of this Lease but not after ten (10) days after the expiration thereof, provided that such removal does not cause any damage to the Premises. Any damage caused by the removal of Tenant's personal property shall be repaired by Tenant at Tenant's expense. If Tenant fails to repair any such damage Landlord may repair the damage and deduct the costs thereof from Tenant's security deposit, with Tenant remaining liable for the excess, if any, over the security deposit. At the expiration of this Lease, at Landlord's direction, Tenant shall remove any such personal property from the Leased Premises at Tenant's sole cost and expense, repairing any damage to the Leased Premises occasioned thereby.

B. Tenant may have prepared plans and specifications for the construction of Tenant Modifications, and, if so, such plans and specifications are attached hereto as Exhibit "B" and incorporated herein by reference. Tenant shall obtain all certificates, permits, licenses and other authorizations of governmental bodies or authorities which are necessary to permit the construction of the improvements on the Leased Premises and shall keep the same in full force and effect at Tenant's cost.

C. Tenant shall negotiate, let and supervise all contracts for the furnishing of services, labor, and materials for the construction of Tenant Modifications on the Leased Premises at its sole cost and expense. All such contracts shall require the contracting party to guarantee performance and all workmanship and materials installed by it for a period of one year following the date of completion of construction. Tenant shall cause all contracts to be fully and completely performed in a good and workmanlike manner and lien free, all to the effect that the improvements shall be fully and completely constructed and installed in accordance with good engineering and construction practice. Tenant shall include in any contract for the construction of Tenant Modifications a requirement that bonds in the full amount of the contract sum be furnished guaranteeing the faithful performance of the contract requirements and the payment of any and all subcontractors.

D. During the course of Tenant Modifications, Tenant shall, at its cost, keep in full force and effect a policy of builder's risk and liability insurance in a sum equal to three times the amount expended for construction of the improvements. All risk of loss or damage to the improvements during the course of construction shall be on Tenant with the proceeds from insurance thereon payable to Landlord.

E. Nothing herein shall alter the intent of the parties that Tenant shall be fully and completely responsible for all aspects pertaining to the construction of Tenant Modifications to Leased Premises and for the payment of all costs associated therewith. Landlord shall be under no duty to investigate or verify Tenant's compliance with the provisions contained herein. Moreover, neither Tenant nor any third party may construe

the permission granted Tenant hereunder to create any responsibility on the part of Landlord to pay for any improvements, alterations or repairs occasioned by Tenant.

11. UTILITIES

Landlord shall pay the amount due for charges for water, sewer, gas, and electricity and separately invoice Tenant for Tenant's share of the charges as determined by Landlord in its reasonable judgment utilizing any reasonable method of apportionment. Tenant shall pay the utilities invoice upon the due date for the monthly payment of this Lease or the first of the month, whichever comes first. Tenant shall be responsible for all of its own telecommunications/cable/Internet charges

Tenant acknowledges that the Leased Premises are designed to provide standard office or retail use electrical facilities and standard office lighting. Tenant shall not use any equipment or devices that utilize excessive electrical energy or which may, in Landlord's reasonable opinion, overload the wiring or interfere with electrical services to other tenants.

12. SIGNAGE

A. Exterior Signs. Landlord will provide one exterior sign located on the east side of the Building. Tenant shall have the right, at its sole risk and expense and in conformity with applicable laws and ordinances, to erect and thereafter, to repair or replace, if it shall so elect, signs on any portion of the Leased Premises, provided that Tenant shall remove any such signs upon termination of this Lease, and repair all damage occasioned thereby to the Leased Premises, all at Tenant's sole cost and expense.

B. Interior Signs. Tenant shall have the right, at its sole risk and expense and in conformity with applicable laws and ordinances, to erect, maintain, place and install its usual and customary signs and fixtures in the interior of the Leased Premises.

C. A fee of seventy five dollars (\$75.00) will be charged at the time of the security deposit. This deposit is non refundable and will be used for the sign hanging from the east side of the building. Tenant will provide Landlord with the business name and if necessary, the services they will provide.

13. ENTRY

Landlord shall have the right to enter upon the Leased Premises at reasonable hours (absent emergency [during which Landlord may enter to inspect/endeavor to abate emergency]) to inspect the same, provided Landlord shall not thereby unreasonably interfere with Tenant's business on the Leased Premises.

14. PARKING

During the term of this Lease, Tenant shall have the non-exclusive use in common with Landlord, other tenants of the Building, their guests and invitees, of the non-reserved common automobile parking areas, driveways, and footways, subject to rules and regulations for the use thereof as prescribed from time to time by Landlord. Landlord reserves the right to designate parking areas within the Premises or in reasonable proximity thereto, for Tenant and Tenant's agents and employees or for others within or utilizing the Building.

15. MECHANIC'S AND OTHER LIENS

Tenant shall pay before delinquent all sums of money which, if unpaid, would entitle any person to a mechanic's or material supplier's or laborer's lien against the Leased Premises, or on Tenant's interest under this Lease. Tenant agrees that it will neither do any act, nor fail to do any act, which would result in the recordation of any lien against the Leased Premises, the Building or the Silver King Market Place as a whole.

16. INSURANCE AND INDEMNIFICATION

A. INDEMNIFICATION

(i) To the fullest extent permitted by law, Tenant shall defend, indemnify and hold harmless Landlord (i.e., the Town of Florence), its agents, officers, officials (whether elected or not), attorneys and employees (collectively, the "Indemnified Parties") from, of and against all claims, damages, losses and expenses (including, but not limited to, attorneys' fees [whether or not suit is brought], court costs, and the cost of appellate proceedings), relating to, arising out of, or alleged to have resulted either wholly or in part from the acts, errors, mistakes, omissions, work or services of Tenant, its agents, employees, contractors, subcontractors or business invitees in the performance of this Agreement, and regardless of whether or not such claim, damages, loss or expenses are caused in part by Landlord.

(ii) Tenant's duty to defend, hold harmless and indemnify the Indemnified Parties and each of them shall arise in connection with any claims, damages, losses or expenses that are attributable to bodily injury, sickness, disease, death, or injury to, impairment, or destruction of property including loss of use resulting therefrom, caused either wholly or in part by Tenant's acts, errors, mistakes, omissions, work or services in the performance of this Agreement including any employee or business invitee of Tenant or any other person for whose acts, errors, mistakes, omissions, work or services Tenant may be legally liable, and regardless of whether or not such claim, damages, losses or expenses are caused in part by Landlord.

(iii) The amount and type of insurance coverage requirements set forth herein will in no way be construed as limiting the scope of the indemnity in this paragraph 16A.

(iv) Landlord reserves the right to amend the requirements herein at any time during the Lease subject to at least 30 days written notice. Coverage provided by the Tenant

shall not be limited to the liability assumed under the Indemnification provision of this Lease. To the extent permitted by law, Tenant waives all rights of subrogation or similar rights against Landlord. Landlord reserves the right to require complete copies of all insurance policies required by this Lease at any time. Failure to maintain the insurance policies required by this Lease, or to provide evidence of renewal, is a material breach of contract.

B. INSURANCE REQUIREMENTS

(i) Tenant, at Tenant's own expense, shall purchase and maintain the herein stipulated minimum insurance with companies duly licensed, possessing a current A.M. Best, Inc. rating of "A", or approved and licensed to do business in the State of Arizona with policies and forms satisfactory to Landlord.

(ii) All insurance required herein shall be maintained in full force and effect during any term of this Lease; failure to do so may, at the sole discretion of Landlord, constitute a material breach of this Lease.

(iii) Tenant's insurance shall be primary insurance, and any insurance or self-insurance maintained by Landlord shall not contribute to it. Any failure to comply with the claim reporting provisions of the policies or any breach of an insurance policy warranty shall not affect coverage afforded under the policy to protect Landlord.

(iv) The insurance policies required by this Agreement shall name Landlord and any other Indemnified Parties designated by Landlord as Additional Insured(s).

C. REQUIRED COVERAGES

(i) General Liability/Contractual Indemnity

(a) Tenant shall, at Tenant's expense, maintain a policy of comprehensive public liability insurance with a limit of not less than \$1,000,000 for each occurrence and with a \$1,000,000 General Aggregate Limit. The policy shall include coverage for bodily injury, broad form property damage, personal injury, and blanket contractual coverage including, but not limited to, the liability assumed under the indemnification provisions of this Agreement, which coverage will be at least as broad as Insurance Service Office, Inc. Policy Form CG 000211093(October 2001 version). The coverage shall not exclude X, C, U.

(b) Such policy shall contain a severability of interest provision, and shall not contain a sunset provision or commutation clause, nor any provision, which would serve to limit third party action over claims.

(c) The Commercial General Liability additional insured endorsement shall be at least as broad as the Insurance Service Office, Inc.'s, Additional Insured, Form B, CG20101185 (October 2001 version).

(ii) Property Insurance

(a) Landlord shall obtain and keep in force during any term of this Lease, a policy or policies of insurance covering loss or damage to the Leased Premises, in the amount of the full replacement value thereof, providing protection against all perils included within the classification of fire, flood, extended coverage, vandalism, malicious mischief and special extended perils.

(b) Tenant shall obtain and keep in force during any term of this Lease, a policy or policies of insurance covering loss or damage to the contents of the Leased Premises. Tenant agrees that Landlord shall not be liable for injury to Tenant's business or any loss of income there from, or for loss or damage to goods, wares, merchandise or other property in or on the Leased Premises owned or belonging to Tenant, Tenant's employees, invitees, customers, or any other person in or about the Leased Premises; nor shall Landlord be liable for injury to the person of Tenant, Tenant's employees, invitees, agents or contractors, whether such damage or injury to persons or property is caused by or results from fire, steam, electricity, gas, water or rain, or from the breakage, leakage, obstruction, or other defects of pipes, sprinklers, wires, appliances, plumbing, air conditioning, or light fixtures or from any other cause; or whether the said damage or injury to person or property results from conditions arising upon the Leased Premises or from other sources or places, and regardless of whether the cause of such damage or injury or the means of repairing the same is inaccessible to Tenant.

(iii) Certificates of Insurance

(a) Prior to delivery of possession of the Leased Premises to Tenant, Tenant shall furnish Landlord with proof of payment acceptable to Landlord of any required coverages hereunder, together with Certificates of Insurance, or formal endorsements as required by this Lease, issued by Tenant's insurer(s), as evidence that policies providing the required coverage, conditions and limits required by this Lease are in full force and effect.

(b) In the event any insurance policy (ies) required by this Lease is (are) written on a "claims made" basis, coverage shall extend for two years past the expiration of any term of this Lease as evidenced by annual Certificates of Insurance.

(c) If a policy does expire during any term of this Lease, a renewal certificate must be sent to Landlord fifteen (15) days prior to the expiration date.

17. DEFAULTS AND REMEDIES

A. DEFAULTS

The occurrence of any one or more of the following events shall constitute a material default and breach of this Lease by Tenant:

- (i) The vacating or abandonment of the Leased Premises by Tenant;
- (ii) The failure by Tenant to make any payment of rent or any other payment required to be made by Tenant hereunder, as and when due;
- (iii) The failure by Tenant to observe or perform any of the covenants, conditions, or provisions of this Lease to be observed or performed by Tenant, other than described in subsection (ii) above, where such failure shall continue for a period of fifteen (15) days after written notice hereof from Landlord to Tenant; provided, however, that if the nature of Tenant's default is such that more than fifteen (15) days are reasonably required for its cure, then Tenant shall not be deemed to be in default if Tenant commenced such cure within said fifteen (15) day period and thereafter diligently prosecutes such cure to completion, such additional time to complete not to exceed thirty (30) additional days.
- (iv) The making by Tenant of any general arrangement for the benefit of creditors; the filing by or against Tenant of a petition to have Tenant adjudged a bankrupt or a petition for reorganization or arrangement under any law relating to bankruptcy (unless, in the case of a petition filed against Tenant, the same is dismissed within sixty (60) days); the appointment of a trustee or receiver to take possession of substantially all of Tenant's assets, located at the Leased Premises, or, of Tenant's interest in this Lease, where possession is not restored to Tenant within thirty (30) days; or, the attachment, execution, or other judicial seizure of substantially all of Tenant's assets located at the Leased Premises or of Tenant's interest in this Lease where such seizure is not discharged within thirty (30) days; or
- (v) The filing or recordation of a lien against the Leased Premises, the Building or the Silver King Market Place as a whole due to any action or inaction of Tenant.

B. REMEDIES

- (i) In the event of any such default or breach by Tenant, Landlord may at any time thereafter, with or without notice or demand and without limiting Landlord in the exercise of any right or remedy which Landlord may have by reason of such default or breach:
- (ii) Terminate Tenant's right to possession of the Leased Premises by any lawful means, in which case this Lease shall terminate and Tenant shall immediately surrender possession of the Leased Premises to Landlord. In such event Landlord shall be entitled to recover from Tenant all damages incurred by Landlord by reason of Tenant's default, including but not limited to, the cost of recovering possession of the Premises; expenses of reletting, including necessary renovation and alteration of the Premises; reasonable attorneys' fees; any real estate commission actually paid; and the worth at the time of award by the court having jurisdiction thereof of the amount by which the unpaid rent for the balance of the term after the time of such award exceeds the amount of such rental loss for the same period that Tenant provides could be reasonably avoided. In the event Tenant shall have abandoned the Premises, Landlord

shall have the option of 1) retaking possession of the Premises and recovering from Tenant the amount specified in this paragraph; or 2) proceeding under subsection (iii) immediately below.

(iii) Maintain Tenant's right to possession, in which case this Lease shall remain in effect whether or not Tenant shall have abandoned the Premises. In such event, Landlord shall be entitled to enforce all of Landlord's rights and remedies under this Lease, including the right to recover the rent as it becomes due hereunder.

(iv) Pursue any other remedy now or hereafter available to Landlord under the laws or judicial decisions of the State of Arizona, including the right to declare a landlord's lien on Tenant's personal property located on the Leased Premises. Where a landlord's lien is declared by Landlord, Landlord may, without notice or demand to Tenant, terminate Tenant's right to possession of the premises until Landlord has secured sufficient personal property or full payment of rent to satisfy the amount of rent owed. Should Landlord declare a landlord's lien on the Leased Premises pursuant to this paragraph, this Lease shall not be considered terminated, and Landlord shall have a right to recover rent as it becomes due.

C. DEFAULT BY LANDLORD

Landlord shall not be in default unless Landlord fails to perform obligations required of Landlord within a reasonable time, but in no event later than fifteen (15) days after written notice by Tenant to Landlord and to the holder of any first mortgage or deed of trust covering the Premises whose name and address shall have theretofore been furnished to Tenant in writing, specifying wherein Landlord has failed to perform such obligations; provided however, that if the nature of Landlord's obligation is such that more than fifteen (15) days are required for performance, then Landlord shall not be in default if Landlord commences performance within such thirty day period and thereafter diligently prosecutes the same to completion. If Landlord does not perform, the holder of any first mortgage may perform in Landlord's place and Tenant must accept such performance.

D. HOLDOVER BY TENANT

If Tenant shall hold over after expiration of the Initial Term, or any extension of the Initial Term, such tenancy shall be from month-to-month only upon such terms, covenants, and conditions as set forth herein except for those relating to the term of the Lease. Any such month-to-month tenancy may be terminated by Landlord upon thirty (30) days notice to Tenant. However, nothing herein shall be construed as or deemed a waiver of any rights of Landlord to take such action in law or equity as Landlord may have under the provisions of this Lease or otherwise.

E. BANKRUPTCY OF TENANT

If Tenant should make a general assignment for the benefit of creditors, or file a voluntary petition in bankruptcy, or be adjudicated bankrupt or insolvent, or permit a receiver to be appointed to take possession of a substantial portion of the Tenant's assets or of this leasehold, and such bankruptcy, insolvency or receivership proceedings not be dismissed within thirty days, then Landlord may, without notice or demand, terminate this Lease and forthwith re-enter and repossess the demised premises and remove all persons, and under no circumstances shall this Lease be assigned or transferred by operation of law.

18. DAMAGE AND DESTRUCTION

Subject to the Insurance provisions contained herein, if the Leased Premises or any part thereof or any appurtenance thereto is so damaged by fire, casualty or structural defects that the same cannot be used for Tenant's purposes, then Tenant shall have the right within ninety (90) days following damage to elect by notice to Landlord to terminate this Lease as of the date of such damage. In the event of minor damage to any part of the Leased Premises, and if such damage does not render the Leased Premises unusable for Tenant's purposes, Landlord shall promptly repair such damage at the cost of Landlord. In making the repairs called for in this paragraph, Landlord shall not be liable for any delays resulting from strikes, governmental restrictions, inability to obtain necessary materials or labor or other matters which are beyond the reasonable control of Landlord. Tenant shall be relieved from paying rent and other charges during any portion of the Lease term that the Leased Premises are inoperable or unfit for occupancy, or use, in whole or in part, for Tenant's purposes. Rentals and other charges paid in advance for any such periods shall be credited on the next ensuing payments, if any, but if no further payments are to be made, any such advance payments shall be refunded to Tenant subject to the provisions of this Lease which may permit Landlord to retain such payments. The provisions of this paragraph extend not only to the matters aforesaid, but also to any occurrence which is beyond Tenant's reasonable control and which renders the Leased Premises, or any appurtenance thereto, inoperable or unfit for occupancy or use, in whole or in part, for Tenant's purposes.

19. TITLE

A. Subordination. Tenant shall, upon the request of Landlord in writing, subordinate this Lease to the lien of any present or future institutional mortgage/deed of trust upon the Leased Premises irrespective of the time of execution or the time of recording of any such mortgage; provided, however, that as a condition to such subordination, the holder of any such encumbrance shall enter first into a written agreement with Tenant reasonably satisfactory to such encumbrancer in form suitable for recording to the effect that:

(i) In the event of foreclosure or other action taken under the encumbrance by the holder thereof, this Lease and the rights of Tenant hereunder shall not be disturbed but

shall continue in full force and effect so long as Tenant shall not be in default hereunder; and

(ii) Such holder shall permit insurance proceeds and condemnation proceeds to be used for any restoration and repair required by the Damage and Insurance provisions of this Lease. Tenant agrees that if the encumbrancer or any person claiming under the encumbrancer shall succeed to the interest of Landlord in this lease, Tenant will attorn to and recognize said encumbrancer or person as its Landlord under the terms of this Lease; provided that said encumbrancer or person for the period during which said encumbrancer or person respectively shall be in possession of the Leased Premises and thereafter their respective successors in interest shall assume all of the obligations of Landlord hereunder, but shall not be liable for prior defaults of Landlord hereunder. The word "mortgage", as used herein includes mortgages, deeds of trust or other similar instruments, and modifications, and extensions thereof. The term "institutional mortgage" means a mortgage securing a loan from a bank (commercial or savings) or trust company, insurance company or pension trust or any other lender institutional in nature and constituting a lien upon the Leased Premises.

B. Quiet Enjoyment. Landlord covenants and agrees that upon Tenant paying the rent and observing and performing all of the terms, covenants and conditions on Tenant's part to be observed and performed hereunder, that Tenant may peaceably and quietly have, hold, occupy and enjoy the Leased Premises in accordance with the terms of this Lease without hindrance or molestation from Landlord or any persons lawfully claiming through Landlord.

20. ATTORNEYS' FEES

In the event of any legal action between Landlord and Tenant to enforce any of the provisions and/or rights hereunder, the unsuccessful party to such action agrees to pay to the other party all costs and expenses, including reasonable attorneys' fees incurred in prosecuting or defending such action, and if judgment is recovered in such action or proceeding, such costs, expenses and attorney's fees shall be included in and as a part of such judgment.

21. NOTICES

Any notice required to be given by or to either Landlord or Tenant pursuant to this Lease, shall be in writing and shall be forwarded by certified mail, postage prepaid, addressed as follows:

For Landlord:

Town of Florence
Town Manager
P.O. Box 2670
775 North Main Street

For Tenant:

Victor Fimbres
Silver King
P. O. Box 355
Florence, AZ 85132

Florence, AZ 85132

22. WAIVER

A waiver of any breach of this Lease, or of any of the terms or conditions by either party hereto, shall not be deemed a waiver of any repetition of such breach or in any way affect any other terms or conditions hereof. No waiver shall be valid or binding unless it shall be in writing and signed by the parties.

23. CANCELLATION OF AGREEMENT

Pursuant to A.R.S. § 38-511, the provisions of which are incorporated herein by reference, all parties are hereby put on notice that this Lease is subject to cancellation by Landlord if any person significantly involved in initiating, negotiating, securing, drafting or creating this Lease on behalf of Landlord is, at any time while this Lease or any extension of this Lease is in effect, an employee or agent of Tenant in any capacity or a consultant to Tenant with respect to the subject matter of this Lease.

{BALANCE OF THIS PAGE LEFT BLANK INTENTIONALLY; SIGNATURES AND
ACKNOWLEDGEMENTS APPEAR ON PAGE FOLLOWING}

IN WITNESS WHEREOF, Landlord and Tenant have executed this Lease as of the day and year first written above.

LANDLORD:

TOWN OF FLORENCE, an Arizona municipal corporation

Tom J. Rankin, Mayor

Date

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

Clifford L. Mattice, Town Attorney

TENANT:

VICTOR FIMBRES, a married man on his own behalf

By: _____

Its: _____

Date: _____

STATE OF ARIZONA)
) ss.
County of Pinal)

On this ____ day of _____, 2015, before me, the undersigned Notary Public, personally appeared _____, the owner of Silver King, and that as such, being authorized so to do, executed the foregoing instrument for the purpose therein contained on behalf of the said company.

(Seal and Expiration Date)

My Commission Expires:

Notary Public

EXHIBIT A

Business Summary

Victor Fimbres is a licensed cosmetologist who works at the Silver King Hair Co. currently located in Suite 201 of the Silver King Market Place. Victor Fimbres, dba Silver King, is a sole proprietor who will take over the hair salon from the Silver King Hair Co. owner, Carol Johnson, on September 1, 2015. The Silver King Hair Co. has an established clientele and has been open since 2011. The hair salon provides a range of services that include hair cuts, hair styling, and nails.

The salon is fully equipped with three stations for hair and nails. The business is open Wednesday through Saturday from 9:00 a.m. until 5:00 p.m. during the summer months. During the winter months, the salon will be open additional days and hours by appointment.

Victor Fimbres, a fifth generation cosmetologist, will own and operate the salon. Two other cosmetologists work in the salon. There is space for additional cosmetologists to operate as the business expands its customer base. The salon has a steady clientele of local residents.

EXHIBIT B

Tenant Modifications

[PLACEHOLDER FOR ALL PERMANENT TENANT MODIFICATIONS]

MINUTES OF THE FLORENCE TOWN COUNCIL MEETING HELD ON MONDAY, JULY 6, 2015, AT 5:00 PM, 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 5:03 pm.

ROLL CALL:

Present: Rankin, Walter, Woolridge, Hawkins, Guilin, Anderson, Wall

WORK SESSION ON TOWN LEASING POLICY

Ms. Jennifer Evans, Management Analyst, stated that at the June 15, 2015 Town Council meeting, staff presented a draft Property Lease Policy. At that meeting, questions were raised regarding current lease rates for commercial properties on Main Street, operating costs for the Silver King Marketplace and conservation easements associated with the Silver King Marketplace and the Brunenkant building.

Ms. Evans stated that the average lease rate for properties on North Main Street is \$5.80 per square foot and the average lease rate for a suite at the Silver King Marketplace is \$3.00 per square foot. She stated that if the Town raised the lease rate it would experience up to a 36% increase in Suite 101 and an increase up to a 17% for Suite 201 based on the new rate. She stated that the average utility cost in 2014 for the Silver King Marketplace was \$955.27 and is averaging \$1,004.08 for 2015. The Town pays for the phone line that is required for the fire suppression system, which increased the Town's monthly utility costs to an average of \$1,093.84 in 2014 and \$1,143.98 in 2015, with the tenants contributing \$791.78 each month. The Town has been subsidizing the monthly utility costs at the Silver King Marketplace. Beginning this month, each suite has its own utility meter that tracks their actual usage and the tenants will be billed accordingly.

Ms. Evans stated that the Arizona State Parks Board places restriction on properties that benefit from Arizona Heritage Fund grants for historic preservation projects. Upon execution of the participant agreement, a conservation easement is recorded that runs with the property for a certain period of time. She stated that there are several deed restrictions in place on the Silver King Marketplace: one is for 15 years that will expire in November 2015 and there are two that were grouped together from 1993 and 1994 requiring a 30-year easement that was executed in 1995 and set to expire in 2025. She stated that the Brunenkant Building has two conservation easements with one easement expiring in December 2017 and the other in October 2025. She stated that the easements do not hinder the Town from selling the properties as the easements run with the land and would convey to the new owners.

Ms. Evans stated that staff is looking for a directive from Council if they would like to sell the buildings or to continue pursuing tenants and update the lease policy.

Councilmember Anderson inquired as to what is meant by not allowing non-retail businesses on the second floor of the Silver King Marketplace.

Ms. Evans explained that retail businesses are permitted on the first and second floors of the Silver King Marketplace and non-retail businesses are only permitted on the second floor, encouraging a greater amount of foot traffic to the building.

Mayor Rankin inquired as to what is considered normal for lease rates in the downtown area and along Highway 79.

Ms. Evans stated that the average lease rate in the downtown area is \$5.80 per square foot and the average lease rate along Highway 79 ranges from \$10.00 to \$12.00 per square foot. She stated that the leases along Highway 79 are triple-net leases which are not typically seen in the downtown area.

Mayor Rankin inquired as to how long the suites have been empty at the Silver King Marketplace.

Ms. Evans stated that Suite 102 had been vacant since March 2013 and Suite 202 has been vacant since January 2014.

Mayor Ranking inquired if there has been any interest in the suites.

Ms. Evans stated that there have been five to ten different businesses interested in the suites and two to three have inquired into the Brunenkant Building.

Mayor Rankin inquired if perspective tenants are being required to submit a business plan when they submit their request to lease and if this requirement is hindering leasing of the suites.

Ms. Evans stated that the lease requirements do request a business plan. She stated that only two interested parties, The Fudge Shop, and Bucks 4 Style, LLC, have reached the discussion phase of the lease and submitted a plan.

Mayor Rankin inquired if any other property owners are requesting a business plan from perspective tenants. He also inquired if the Town's Lease Agreement is too strict.

Ms. Evans stated that she did not have that information regarding requirements of other property owners in the downtown area. She stated that she does not believe the lease requirements are too strict. She explained that by developing a business plan it allows

a business owner to look at all the details of their business and plan how they are going to maintain and grow it.

Councilmember Woolridge stated that she agreed with Ms. Evans as the development of a business plan allows the individual to look at their business and to make sure the leasing of the space is the right thing to do at that time and for the longevity of the business they have or will be starting.

Ms. Evans stated that she has worked with small businesses for the past 15 year and the two weaknesses she has seen are the lack of market research and understanding their market and finances.

Mayor Rankin inquired if the utilities have been properly divided per suite.

Ms. Evans stated that there are five electrical meters at the Silver King Marketplace which allows for usage billing for each suite. There are now separate water meters for Suites 101, 201 and 102. She stated that there is no water access for suite 202.

Mayor Rankin stated that the Silver King has two leasers and they are paying \$0.61 per square foot for utilities and the Town is currently picking up a large portion of the utility bills for this building.

Ms. Evans stated that Mayor Rankin was correct as the Town is currently paying an average of \$352.20 per month for utilities at the Silver King Marketplace.

Mayor Rankin inquired if the 2,682 square feet for the Brunenkant Building included the loft and if the flooding issues in the basement had been rectified.

Ms. Evans stated that the 2,682 square feet includes the second floor and the basement as the basement is finished. She stated that she was not aware of any water collection issues in the basement and requested Mr. Costa to address that issue.

Mr. Wayne Costa, Public Works Director, stated that the basement has been sealed during the last restoration project on the building and there had not been any leakage since that time.

Mayor Rankin inquired if the basement was viable for business use or more appropriate for storage.

Ms. Evans stated that the basement space of the Brunenkant Building is climate controlled and could be utilized for a business but it is not ADA compliant as the access to the area is from a very steep staircase. She stated that it is functional and could be leased separately but would not recommend it as it would hinder the leasing of the main floor.

Mayor Rankin inquired if the basement is fire compliant as a stand-a-lone rental area.

Mr. David Strayer, Interim Fire Chief, stated that depending on the occupancy, you would need to have more than 50 people before a second ingress and egress would be required. The building would need to be inspected before he could provide a 100% accurate assessment of the Brunenkant Building with regards to ADA and other requirements.

Councilmember Hawkins inquired what the lengths of the leases were at the Silver King Marketplace.

Ms. Evans stated that the lease for the initial rental period is for one year with the option for two one-year renewals.

Mayor Rankin inquired if Ms. Evans had received comments from realtors regarding the lease fees.

Ms. Evans stated that she had not received any comments lately but had received comments in the past from property owners who are not happy with the low lease rates the Town is offering as it is perceived that the low rates are lowering the average market rate for the area and undermining the rate the owner can request for their building. She stated that the lease rates for downtown range from \$2 per square foot to \$9 per square foot.

Vice-Mayor Walter inquired as to what the monthly tax revenue is for the tenants at the Silver King Marketplace.

Ms. Evans stated that she would need to research the monthly tax revenue from the tenants and forward the information to the Council.

Councilmember Woolridge inquired if all the suites were filled, would the Town no longer need to subsidize the Silver King Marketplace on a monthly basis.

Ms. Evans stated that when the Town started renting out spaces at the Silver King Marketplace, it was with the philosophy that the space would be used to incubate businesses that would then move on to other locations to grow their businesses. She stated that the reality is that the Town has two stable tenants who have been there for several years. She stated that Council needs to determine if they want to continue with the incubator philosophy or continue with long-term rental goals and raise the lease rate.

Mayor Rankin inquired if the Town is subsidizing the utility use of the current tenants.

Ms. Evans stated that the current lease states that the tenants will pay the Town a specific cost per square foot of the suite they lease. The proposed lease changes would allow for each suite to pay the Town their actual usage of utilities as individual meters have been installed. She stated that the Town will continue to pay utility costs for all common areas and for the fire suppression system.

Mayor Rankin inquired as to how well the building is insulated.

Ms. Evans stated that the building is constructed of brick and has minimal insulation.

Councilmember Hawkins stated that the ceiling is insulated and the suites have double-pane windows. He stated that he believes the lease policy should remain on a yearly basis.

Ms. Evans stated that there is a weight capacity on the floors as the building has wood joists which limit what can be placed on them. She stated that one potential tenant wanted to operate a decorative tile business but the pallets of tiles would be too heavy for the floors. She stated another concern has been the dimension or size of the suite.

Councilmember Wall stated that she would like to see all tenants pay fair market lease rate and pay their actual usage of the utilities. She stated that she would like to see the rental philosophy for the Silver King Marketplace change from a business incubator subsidy program to a for-profit/break even business plan.

Mayor Rankin stated that he started the conversation on possibly selling the two historical buildings as they are costing the Town money to sustain them. He inquired if the cost outweighs the historical value of the buildings.

Councilmember Hawkins stated that both businesses have proven they are viable and it is time to negotiate a higher lease rate that will allow the Town to recoup its expenses and to make it more equitable with the other businesses in the area.

Councilmember Anderson stated that he would like to see the current and future tenants pay a competitive rate.

Mayor Rankin inquired if the current tenants were notified of the meeting this evening regarding the lease rate work session.

Ms. Evans stated that she did not specifically notify the tenants of the meeting as she was uncertain on how the conversation with Council would evolve and if their participation would be needed.

Mayor Rankin stated that he would like to speak with the tenants regarding lease rates and the length of the lease before any decision is made.

Vice-Mayor Walter stated that she agreed with Mayor Rankin and would like to have the information regarding tax revenues before a decision is made.

Councilmember Guilin stated that the Town cannot disclose what a tax payer is paying as it is against the law and comes with heavy fines.

Ms. Garcia stated that staff can verify if the tenants are paying taxes but cannot disclose the actual dollar amount collected by the tenants of the Silver King Marketplace as that would not be permitted by law. She reminded Council that the common area and corridors of the Silver King Marketplace are required to be open to the public, and as such, the Town is obligated to pay the expenses for those areas.

Councilmember Wall inquired if the Town's Attorney had reviewed the Property Lease Policy.

Ms. Evans stated that the Town's prior Attorney, Mr. Jim Mannato, had reviewed the policy when it was first drafted late last year.

Councilmember Wall stated that she believed staff was in a better position to negotiate lease increases with the tenants than Council.

Ms. Garcia stated that all leases are currently expired and are currently on a month-to-month contract with the Town pending approval of the new Property Lease Policy for which negotiations would be done in accordance with that policy.

Ms. Evans stated that the intent of the Property Lease Policy is to provide staff with general parameters on how Council would like staff to approach leases as it is in everyone's best interest that the businesses stay profitable and that the Town recoup their expenses, as stated in the lease.

Mayor Rankin stated that this is why he would like to speak with the tenants to determine if the businesses would need to relocate if the fees were raised.

Councilmember Woolridge stated that she can understand wanting to work with the tenants but also thinks it is Council's duty to ensure the Town is properly being paid for the space and the utilities based on the fair market rate.

Mayor Rankin stated that he agreed with Councilmember Woolridge but is concerned that an empty building is more of a concern than raising lease rates. He stated that losing two businesses on Main Street would not be in the best interest of the Town.

Councilmember Woolridge suggested that staff should have a conference with the tenants and report back to Council on what the positive and/or negative ramifications

would be to increasing the lease rates for Town owned properties. She stated that financial discussion pertaining to the profitability of the businesses is not a conversation that should occur during a Council meeting but during a one-on-one meeting with staff.

Ms. Garcia stated that the tenants are aware that the Town is working on updating the lease policy. The tenants are on a month-to-month lease until such time as a renewal of an annual lease can be provided.

Councilmember Anderson inquired if there would be any issues with scheduling another work session on this topic.

Ms. Garcia stated that a work session can be scheduled.

Mayor Rankin stated that a work session will be added to the agenda for July 20, 2015 with the meeting starting at 5:00 p.m.

MOMENT OF SILENCE

Mayor Rankin called for a moment of silence.

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 had a chance to tour the new Aquatic Center and wanted to thank all those who fought for it as it is a beautiful facility that the Town can be proud of. She stated that the pool usage has been great and that there were people waiting in line on July 4th as the pool reached capacity.

Mr. Damon Anderson, General Manager of the Holiday Inn Express, stated that Hunt Highway will soon be a four lane expressway leading up to Copper Basin. The East Valley is growing and will soon reach the levels experienced prior to the 2008 economic crisis. He congratulated Council for their ability to balance the preservation of historic Florence with the inevitable growth of the Town by identifying buildings and spaces that have significant historical value. He stated that Council is making the decision needed

to manage growth that will soon be knocking on the Town's front door. The community wants to preserve the small-town historical attributes of Florence and believes the beautification of Main Street, paving of roadways and building a regional aquatic center and heavy involvement by organizations planning the growth is exactly where the Town needs to be focused. He stated that the separation of population in Town is real and has been for so many years. The separation is quickly going to close as the Town will be contending with east valley residents and San Tan Valley. By preparing for building infrastructure today is key for when the expansion arrives. He commended Council and staff for preparing the Town for future growth and preserving the historical value of Florence.

Ms. Ruth Harrison, Florence resident, congratulated Council on a successful opening of the Aquatic Center. She stated that she would like to see the Town work with APS during their electrical pole replacement project to ensure the poles in the historic district are replaced with wood poles instead of metal poles, which is the intent of APS. She stated that HDAC Commissioners stated in their last meeting that they would like to see the Town take a more pro-active approach in preserving the historical buildings by taking the necessary steps to improve their condition and require owners to maintain them and resolve any deficiencies.

Mr. Gem Cox, Florence resident, stated that it is a pleasure to see the Town coming together and moving the Town forward. He stated that he was impressed with the quick opening of the Aquatic Center and the successful grand opening over the 4th of July. He recommended Council keep the lease rates low at the Silver King Marketplace as it is more beneficial to everyone that the businesses stay profitable and successful,. An empty building is never a good thing for anyone. He stated that he has a tenant for the grocery store building on Main Street and thanked Council and Town staff for all of their help in getting the project to this point.

PRESENTATIONS

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, read the proclamation for the record.

Proclamation declaring July 2015 as Parks and Recreation Month in the Town of Florence, Arizona.

Mr. Brian Hughes, Parks and Recreation Director, had Ms. Alison Feliz, Recreational Programmer, accept the award on behalf of the Department.

Mayor Rankin stated that the timing of the Proclamation could not be better with the opening of the Aquatic Center. The staff's marketing efforts for the facility was shown in the attendance numbers on 4th of July. He stated that the region knows about the Aquatics Center and is making Florence a destination for water recreation. He stated it

is not only the Aquatic Center but the programming that the Department is doing throughout Town. The programs are improving the lifestyle of the citizens, our neighbors and guests and this raising the Town above all others.

Mayor Rankin proclaimed July 2015 as Parks and Recreation Month in the Town of Florence, Arizona.

Presentation highlighting the designation of the Town of Florence as a Playful City USA Community.

Mr. John Nixon, Recreation Coordinator, stated that the Playful City USA is a program sponsored by the Humana Foundation, in partnership with KaBoom!, a national non-profit dedicated to children receiving balanced, daily active play. He stated that since 1996, KaBoom! has built, opened or improved 16,300 playgrounds nationwide and honors communities that make play a priority and demonstrates a commitment to ensuring all kids get the balance of play necessary to their physical and social development. He stated that selection criteria focused on community partnerships, infrastructure investments and a dedication to the social and physical benefits of active play for children.

Mr. Nixon stated that the national recognition as a Playful City USA community makes the Town eligible to apply for local and national grants and awards programs, funding support from KaBoom! and the Humana Foundation. KaBoom! also provides marketing recognition to the general public, national organizations and potential funders and the website provides educational and networking opportunities. He stated that one of the submittal requirements was to submit letters of support for which staff collected six.

Mr. Nixon read a letter to Council, on behalf of Mrs. Tracey Celaya, which spoke to the depth and breadth of activities offered by the Parks and Recreation Department for the citizens, neighbors and guests of Florence.

Mr. Nixon recognized the continued support from Council, Town staff and the citizens, stating that the Parks and Recreation Department is one of 14 Arizona communities and 241 national communities to receive this recognition.

Mayor Rankin congratulated the Parks and Recreation Department and stated that government is more than police and fire services; it is about providing a lifestyle for all members and ages of the community. He stated that he looks forward to seeing what new opportunities this recognition provides the Town to further enhance our facilities and services.

CONSENT: All items on the consent agenda 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.

- a. **Approval to ratify the Map of Dedication to allow the widening of the Adamsville Road right-of-way in accordance with Resolution No. 1517-15, adopted on April 20, 2015, thereby accepting non-exclusive public road right-of-way from the Florence Unified School District.**
- b. **Approval of accepting a \$10,000 donation from Mr. Arnold Salazar and proceed with Phase II of the cemetery expansion.**
- c. **Approval of accepting the register of demands ending May 31, 2015, in the amount of \$5,258,051.73.**

On motion of Councilmember Hawkins, seconded by Councilmember Guilin, and carried to approve the Consent Agenda, as written, with the exception of items 8b.

- b. **Approval of accepting a \$10,000 donation from Mr. Arnold Salazar and proceed with Phase II of the cemetery expansion.**

Councilmember Anderson stated that he is so pleased that the Salazar family made the donation to the Town's cemetery and wanted to recognize them for their generous donation.

Mayor Rankin stated that the Salazar family is a long-time member of the community.

On motion of Councilmember Anderson, seconded by Vice-Mayor Walter, and carried to approve item 8b of the Consent Agenda.

NEW BUSINESS

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk read Ordinance No. 630-15 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 \$100 OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE RECEIVED FROM FUNDS FOR GENERAL MUNICIPAL EXPENSES FOR THE FISCAL YEAR ENDING THE 30th DAY OF JUNE 2016, AND DECLARING AN EMERGENCY.

Mr. Charles Montoya, Town Manager, stated that the proposed property tax rate of \$1.1182 per \$100 of Net Assessed Valuation (NAV) is the same as what was levied last year. He stated that the Arizona Department of Revenue has calculated a rate of \$1.0982 per \$100 NAV and because the Town is recommending a higher rate, a Truth-in-Taxation (TNT) hearing is required. He stated that the TNT hearing will be held on

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July 13, 2015, at the current rate of \$1.1182, the proposed property tax levy for the 2015-2016 Fiscal Year is \$893,721.

Mr. Montoya stated that the Town levies a secondary property tax for the Merrill Ranch Streetlight Improvement Districts No. 1, No. 2, and No. 3, but due to adequate funding at this time, there will be no levy this year.

Councilmember Anderson stated that the advertisement that ran in the paper for the TNT hearing stated that there will be an increase. He explained that the increase will be over what the State has calculated; however, there will not be an increase over last year. He stated that he believes the advertisement is confusing to the citizens.

Mr. Montoya stated Councilmember Anderson is correct but by law the notice has to show that the Town will be charging a rate higher than the rate that was calculated by the State.

Mayor Rankin stated that the rate is staying the same but it is higher than what the State calculated. He stated if the value of one's property has increased then the owner would see an increase in their property tax bill.

Mr. Jess Knudson, Assistant Town Manager, stated that the State Statute clearly defines how the Truth-in-Taxation advertisement is to read and the municipality basically fills in the blanks.

Mayor Rankin stated that he is probably guilty for not clearly stating that the rate is not increasing and requested Mr. Knudson to place a notice clearly stating that the rate is not increasing.

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

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

Ordinance No. MRCFD1 112-15:

Ms. Garcia, District Clerk, read Ordinance No. MRCFD1 112-15 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 \$100 OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE RECEIVED FROM FUNDS FOR

COMMUNITY FACILITIES EXPENSES FOR THE FISCAL YEAR ENDING THE 30th DAY OF JUNE 2016, AND DECLARING AN EMERGENCY.

Mr. Montoya, District Manager, stated that the District Board has authorized a secondary property tax levy for the payment of debt service, infrastructure and operations and maintenance of the District. He stated that the current rate is \$3.55 per \$100 NAV, totaling \$602,400.

Mayor Rankin inquired if the rate is the same as last year.

Mr. Montoya stated that the rate is the same as last year.

Vice-Mayor Walter requested that an expenditure report be provided for the Community Facilities District (CFD) showing revenues versus expenses.

Councilmember Guilin stated that monthly expenditures can be located in the warrant register provided in Council's monthly packet.

Vice-Mayor Walter stated that she would like a separate report specific to the CFD that would be easy for citizens to identify CFD revenues and expenses.

Mr. Montoya stated that staff had previously requested a CFD work session to set up policies and procedures and specific reports can be created as a part of that directive.

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

On motion of Boardmember Woolridge, seconded by Vice-Chairman Walter, and carried to adjourn from the 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 Councilmember Guilin, and carried to adjourn to the Merrill Ranch Community Facility District No. 2 Board.

Ordinance No. MRCFD2 212-15:

Ms. Garcia, District Clerk, read Ordinance No. MRCFD2 212-15 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 \$100 OF VALUATION SUFFICIENT TO

RAISE THE AMOUNT ESTIMATED TO BE RECEIVED FROM FUNDS FOR COMMUNITY FACILITIES EXPENSES FOR THE FISCAL YEAR ENDING THE 30th DAY OF JUNE 2016, AND DECLARING AN EMERGENCY.

Mr. Montoya stated that this levy is the same as that of District No. 1 with the property tax rate being \$3.55 per \$100 of NAV, with a total of \$564,800 levied on the District.

Councilmember Anderson inquired as to why the Town is declaring an emergency regarding this ordinance.

Ms. Garcia stated that the law requires that the Town submit all tax information and valuations by a certain date to Pinal County and by declaring an emergency, it allows the Town a better timeline for a public hearing and two readings of the ordinance before adoption.

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

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

DEPARTMENT REPORTS

Manager's Report

Department Reports

Community Development

Courts

Finance

Fire

Library

Parks and Recreation

Police

Public Works

Vice-Mayor Walter inquired as to when the islands on Hunt Highway, in front of Anthem at Merrill Ranch, will be landscaped and is concerned that the trees that are currently being planted may interfere with the underground utility lines in the same location.

Mr. Costa stated that Pulte is responsible for landscaping the islands and the landscaping should be completed by September. He stated he would look into the concerns regarding the trees and report back to Council.

CALL TO THE PUBLIC

Ms. Delaine Coleman, Florence resident, submitted a list of questions for Council and staff and asked that she receive a response to her questions.

CALL TO THE COUNCIL

Councilmember Anderson expressed his appreciation to the Parks and Recreation staff for their hard work with the opening of the Aquatics Center and the success they had with their programming throughout Town. He stated that he appreciated the citizens who regularly attend and participate in the Council meetings.

Councilmember Guilin stating the Town has spent many years planning and saving for such a facility along with the library. She thanked staff for seeing the plans come to fruition and for Mayor Rankin promoting and not giving up on facility plans.

Councilmember Hawkins thanked Parks and Recreation for a great 4th of July celebration.

Councilmember Wall stated that as a new Councilmember, Ms. Garcia arranged for a tour of all Town facilities to allow her the opportunity to become familiar with the assets and responsibilities of the Town and obtain direct knowledge from each of the Department Heads. She expressed her gratitude to Wayne Costa, Public Works Director, Bryan Hughes, Parks and Recreation Director, Mark Eckhoff, Community Development Director, Dan Bennington, IT Director, Interim Fire Chief David Strayer and Police Chief Daniel Hughes.

Councilmember Woolridge agreed with all that had been said by Council.

Vice-Mayor Walter stated that the 4th of July festivities were delightful and well executed. She stated that at previous meetings she had expressed concerns regarding the employee structure and job classifications and asked that Council consider having an independent company review the departmental structure and employee classification for the betterment of the Town employees. She stated that the cost would be approximately \$30,000. She recommended that an Advisory Board be put in place for each CFD to allow the citizens and businesses living within a CFD to have a voice as to how the CFD business is handled.

Mayor Rankin stated that when you have a dream and you see it come to fruition, it is quite an amazing feeling. He stated that when people heard about the Aquatic Center project they could only envision a swimming pool but working with Mr. Montoya and together seeing the need of the Town, the center became a reality. He stated that the Main Street extension was also a dream that he had wanted to see completed for many years and having the connection to Highway 79 will serve the Town and its citizens as it provides an additional access route to Historic Downtown and Territory Square. He thanked staff and Council for supporting the Main Street Extension Project and the

Aquatic Center. He stated that the center will bring new visitors to Town who will support local businesses which will then increase tax revenues for the Town and provide for new business opportunities and growth. He thanked staff for their hard work and the Aquatic staff for their excellent training and dedication ensuring the facility is as safe as possible for the patrons. He did ask that the umbrellas for the lifeguards be expedited.

ADJOURN TO EXECUTIVE SESSION

An Executive Session, pursuant to A.R.S. Section 38-431.03(A)(1)(3) and (4) to discuss the following:

- 1. Effluent Agreement**
- 2. Position of Town Attorney**
- 3. Position of Town Magistrate**
- 4. Position of Town Manager**

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

ADJOURN FROM EXECUTIVE SESSION

On motion of Councilmember Wall, seconded by Councilmember Anderson, and carried to adjourn from Executive Session.

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 Anderson, seconded by Councilmember Hawkins, and carried to adjourn the meeting at 9:32 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 July 6, 2015, and that the meeting was duly called to order and that a quorum was present.

Lisa Garcia, Town Clerk

MINUTES OF THE FLORENCE TOWN COUNCIL MEETING HELD ON MONDAY, JULY 13, 2015, AT 5:00 PM, 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 pm.

ROLL CALL:

Present: Rankin, Walter, Woolridge, Hawkins, Guilin, Anderson, Wall

ADJOURN TO EXECUTIVE SESSION

An Executive Session, pursuant to A.R.S. Section 38-431.03(A)(1)(3) and (4) to discuss the following:

- 1. Position of Town Attorney**
- 2. Position of Town Manager**

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

ADJOURN FROM EXECUTIVE SESSION

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

Call to the Public

There were no comments.

MOTION TO ADJOURN TO MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1 BOARD.

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

Public hearing to receive public comment on the Merrill Ranch Community Facilities District No. 1 Budget; and for Discussion/Approval/Disapproval of Resolution No. MRCFD1 130-15:

Ms. Lisa Garcia, District Clerk, read Resolution No. MRCFD1 130-15 by title only.

A RESOLUTION OF THE MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1, PINAL COUNTY, ARIZONA, ADOPTING THE BUDGET FOR FISCAL YEAR 2015-2016.

Chairman Rankin opened the public hearing.

Mr. Bruce Fenstermaker, Florence resident, inquired if there was a breakdown available for the tax that is being levied. He stated that he believes the Homeowner's Association (HOA) is paying for a majority of the items that would be covered by the levy and would like see a full accounting of the District.

Mayor Rankin stated that the flood dike for Merrill Ranch is controlled by the Merrill Ranch Flood Control District which is a separate entity from the Merrill Ranch Community District No. 1. He requested staff to provide a report showing the revenues and expenses for District No. 1. He stated that the Board has not raised the tax levy on the District since it began.

Mr. Fenstermaker stated that it is an accounting trick to gain revenues by maintaining the same tax rate but increasing the value of a property.

Mayor Rankin stated that the District sets a levy rate and Pinal County set the valuation of the property.

Boardmember Guilin stated that the \$0.30 per \$100 Net Assessed Valuation (NAV) collected is to cover the costs of operations and maintenance of the District and the \$3.25 per \$100 NAV pays for the general obligation bonds for regional improvements, principal and interest.

Mr. Fenstermaker inquired if it is normal protocol to establish a Community Facilities District within new developments such as the master planned community Mr. Johnson will be developing south of Town.

Councilmember Guilin stated that if Mr. Johnson requests to have a Community Facilities District established then he would need to negotiate that with the Town of Florence. She stated that a request has not been made.

Mr. Fenstermaker inquired as to how the District can be disbanded to be fair and equitable to all members of the Town of Florence.

Councilmember Guilin stated that the \$3,500 can be paid in full at the time of closing on a home in the District. The \$3,500 is a special assessment to pay for the improvements of that specific unit in which the lot is located in.

Vice-Mayor Walter stated that it is her understanding if the \$3,500 is not paid at the time of closing and the buyer chooses to make payments, the total cost can be approximately \$25,000.

Councilmember Guilin stated that the buyer has the option to pay the \$3,500 up front at closing and then their obligation to the District is paid. If the buyer chooses to finance the \$3,500 for 25 years, it will cost them up to \$25,000. She stated that a buyer can pay off

the amount at any time but many chose to finance it as the assessment goes with the land and will transfer to the next owner.

Vice-Mayor Walter requested clarification on what the amount would be if the assessment is financed for a full 25 years.

Ms. Garcia stated that staff would provide Council with the clarification on what the full assessment amount would be if financed for a full 25 years after the meeting.

Mayor Rankin inquired as to how much of the \$0.30 per \$100 NAV goes to the Public Works Department.

Mr. Wayne Costa, Public Works Director, stated that a portion of the \$0.30 per \$100 NAV is used for the maintenance of the District. He stated a couple of years ago there was approximately \$100,000 in the maintenance fund for Sun City, in which \$86,000 was recently used for the pavement preservation in Units 4 and 6. He stated that no funds have been expensed on the Parkside portion of the community.

Mayor Rankin inquired if any additional tax payer funds or HURF funds were used for the project.

Mr. Costa stated that the Town has a one year warranty on the roads once they are turned over from Pulte. Approximately 24 units have been accepted by the Town. At the end of the warranty period, HURF funds are used for repairs such as repairing cracks and raised sidewalks.

Mr. Fenstermaker stated that he never sees Town vehicles in the Anthem Community completing maintenance work other than the street sweeper. He inquired as to whom is doing the maintenance of the roads and sidewalks. He also inquired as to what the levy amount covers.

Mr. Costa stated that a portion of Hunt Highway is located within the District and that any sidewalk, curb, gutter or crack sealing that is past the one-year warranty period is the responsibility of the District.

Mr. Fenstermaker stated that many sidewalks are lifting, roads are in need of repair and there is no sign of the District addressing these issues.

Mr. Costa stated that the landscaping located within the common areas and right-of-ways is the responsibility of Pulte and the HOA. He stated that the Town has spoken with the HOA and Pulte regarding the proper pruning and maintenance of these areas to ensure motorist visibility is not hindered. He stated that there is approximately 46 miles of roadway in the Anthem community and at the time of turnover, the Town reviews every section of sidewalk, all curbs, gutters and the streets to ensure they have been constructed properly. He stated once that turnover is completed, inspections are periodically done; however, they are not done on a daily basis due to limited resources. He stated that staff addresses concerns as they are received.

Ms. Garcia stated as a procedural reminder that during a public hearing, the Board is looking for input from citizens without a response. If the Board would like to have a work session at a later date to address the items brought up during the public hearing, a work session can be scheduled which would allow staff to provide accurate information regarding the specific items.

Mayor Rankin requested that a work session be held in the future in the Anthem area to allow for more citizens to attend regarding the Community Facilities Districts (CFDs).

Mr. Fenstermaker stated the citizens of the CFDs are confused and angry that they do not know how the money is being spent.

Mayor Rankin stated that the \$3.25 per \$100 NAV is for bond obligations and is returned to Pulte to pay off the bonds. He stated the Town receives the \$0.30 per \$100 NAV for operation and maintenance of the CFD.

Boardmember Guilin clarified that the \$3.25 per \$100 NAV goes to the CFD Debt Services Fund that pays off the bond obligations. Pulte did obtain the bonds but the CFD is a political subdivision of the Town, and as such, the Town pays the bank for the bonds.

Ms. Janet Ford, Florence resident, stated that she wanted to know what the increased funds are going to be used for.

Chairman Rankin stated that the District is not raising the levy of \$3.55 per \$100 NAV, which is the same amount that has been charged in past years.

Ms. Ford inquired as to why the Town is declaring an emergency on the ordinance.

Chairman Rankin explained that by stating there is an emergency, it allows the District to have two readings of the ordinance and a public hearing before the adoption, as well as forwarding the information to Pinal County.

Boardmember Woolridge stated that it is a timing issue for submission to Pinal County.

Boardmember Walter stated that she had received concerns that tax bills are increasing due to home valuations increasing based on Pinal County. She inquired if there is a way to lower the levy rate to offset home valuations from Pinal County to keep the end tax amount the same.

Boardmember Guilin stated that the bonding company prepares an amortization schedule for the bond that projects what fees will be needed to pay off the bond during its lifespan utilizing the rate set by the Board and the assessed value of the property which is set by Pinal County.

Boardmember Walter inquired as to what specific projects the CFDs are paying for.

Ms. Garcia asked Mr. Michael Cafiso, Attorney with Greenburg Traurig, to address the questions regarding the CFDs, the bonds and what the fees are covering. She recommended that a work session be scheduled to discuss the business of the CFDs in more detail.

Mr. Michael Cafiso, Attorney with Greenburg Traurig, stated that the \$0.30 per \$100 NAV collected per lot in the CFD which equates to an estimated \$47,000 a year total, is used to pay for the administrative costs associated with operating the CFD and the maintenance of the infrastructure within the CFD which includes; roads, curb, gutters and sidewalks. He stated that the \$3.25 that is collected goes towards the payment of the bonds or the debt services that were issued at the time the project was conceptualized for which those projects have been completed but still need to be paid for. Those projects could include major roadways and infrastructure in the existing units within the CFD. He stated that the interest rates on the bonds are usually low, ranging from 5% to 6%, and similar to a home loan, a majority of the early payments go towards the interest on the bonds which will over time level out and start paying more of the principle.

Chairman Rankin inquired as to how many miles of roadway there are in the CFD and how many roads have been accepted by the Town.

Mr. Costa stated that there is an estimated 43 miles of roadway of which 35 miles have been accepted by the Town that are past their one-year warranty.

Chairman Rankin stated that eventually those roads will need to be sealed and the funds are needed to complete those projects. The cost will exceed the amount in the CFD accounts.

Mr. Costa stated that Chairman Rankin is correct, and based on the urgency of the project; maintenance and repairs are priorities and are paid for by the CFD funds and HURF funds if they qualify.

Chairman Rankin requested a report from the CFD showing what projects have been completed, what projects are pending and what additional funds have been used to complete those projects.

Mr. Costa stated that a cost analysis will be forwarded to the Board.

Boardmember Anderson stated that the streets in Anthem need to be fixed and they are not getting the attention that they need.

Mr. Costa stated that currently road maintenance projects have not been planned due to budget constraints.

Boardmember Woolridge stated that she believes Ms. Garcia's recommendation for a work session would be the best way to answer the questions regarding the CFDs allowing staff to provide complete and accurate information.

Boardmember Walter stated that she requested information regarding the revenue and expenses of the CFDs and would have liked to have seen the information prior to adopting a budget.

Chairman Rankin closed the public hearing.

On motion of Boardmember Woolridge, seconded by Boardmember Hawkins and carried to adopt Resolution No. MRCFD1 130-15.

Public hearing to receive public comment on Merrill Ranch Community Facilities District No. 1 Property Tax Levy; and second reading of Ordinance No. MRCFD1 112-15:

Ms. Lisa Garcia, District Clerk, read Ordinance No. MRCFD1 112-15 by title only.

AN ORDINANCE OF THE 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 \$100 OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE RECEIVED FROM FUNDS FOR COMMUNITY FACILITIES EXPENSES FOR THE FISCAL YEAR ENDING THE 30th DAY OF JUNE, 2016, AND DECLARING AN EMERGENCY. (First reading on July 6, 2015)

Chairman Rankin opened the public hearing.

There were no comments.

Chairman Rankin closed the public hearing.

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

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

MOTION TO ADJOURN TO MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 2 BOARD.

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

Public hearing to receive public comment on the Merrill Ranch Community Facilities District No. 2 Budget; and for Discussion/Approval/Disapproval of Resolution No. MRCFD2 228-15:

Ms. Lisa Garcia, District Clerk, read Resolution No. MRCFD2 228-15 by title only.

A RESOLUTION OF THE MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 2, PINAL COUNTY, ARIZONA, ADOPTING THE BUDGET FOR FISCAL YEAR 2015-2016.

Boardmember Walter requested that Mr. Cafiso explain the difference between General Obligation (GO) Bonds and Special Assessment Lien Bonds.

Mr. Cafiso stated that General Obligation Bonds are backed by a credit and taxing power of the issuing jurisdiction rather than the revenue from a given project. He stated that Special Assessment Bonds are used to fund a development project where interest owed to lenders is paid by taxes levied on the community benefiting from the particular bond-funded project. He stated that GO Bonds are paid by all property owners within the District and Special Assessment Bonds are paid by a lump sum assessment that is levied on a lot and will run with the land until paid.

Mr. Cafiso stated that there are agreements in place that specify how funds will be used, how payments will be collected and how the administration of the bond will be done. He stated that a feasibility report is completed prior to obtaining a bond and those reports can be found at Town Hall and are available for public review.

Chairman Rankin opened the public hearing.

There were no comments.

Chairman Rankin closed the public hearing.

On motion of Boardmember Woolridge, seconded by Boardmember Guilin to adopt Resolution No. MRCFD2 228-15.

Roll Call:

Boardmember Woolridge: Yes
Boardmember Hawkins: Yes
Boardmember Guilin: Yes
Boardmember Anderson: No
Boardmember Wall: Yes
Boardmember Walter: No
Chairman Rankin: Yes

Motion Passed: Yes: 5; No: 2

Public hearing to receive public comment on Merrill Ranch Community Facilities District No. 2 Property Tax Levy; and second reading of Ordinance No. MRCFD2 212-15:

Ms. Lisa Garcia, District Clerk, read Resolution No. MRCFD2 212-15 by title only.

AN ORDINANCE OF THE 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 \$100 OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE RECEIVED FROM FUNDS FOR COMMUNITY FACILITIES EXPENSES FOR THE FISCAL YEAR ENDING THE 30th DAY OF JUNE 2016, AND DECLARING AN EMERGENCY. (First reading on July 6, 2015)

Chairman Rankin opened the public hearing.

There were no comments.

Chairman Rankin closed the public hearing.

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

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

NEW BUSINESS

Public hearing to receive citizen comments on the property tax levy of the Town of Florence, and second reading of Ordinance No. 630-15:

Ms. Lisa Garcia, Interim Town Manager, read Ordinance No. 630-15 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 \$100 OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE RECEIVED FROM FUNDS FOR GENERAL MUNICIPAL EXPENSES FOR THE FISCAL YEAR ENDING THE 30th DAY OF JUNE 2016, AND DECLARING AN EMERGENCY; and roll call vote to consider a motion to levy the increased property tax on July 27, 2015. (First reading on July 6, 2015)

Vice-Mayor Walter stated that Ordinance No. 630-15 is regarding the primary property tax that all residents of the Town of Florence pay verses the Special Property Tax that the residents residing within the CFD areas pay in additional to the primary property tax.

Mayor Rankin stated that Council has been able to keep the levy rate low in comparison to other cities and towns in the region. He stated that the \$1.1182 per \$100 of assessed value will provide the Town \$893,721 in property tax revenue whereas the budgeted expenses are \$45,000,000. He stated that Council has done a great job keeping the levy rate low but if the value of the home goes up which is determined by Pinal County, a citizen's tax bill could go up.

Councilmember Guilin stated that the property tax revenues go directly into the General Fund which helps pay for police and fire services, and general government expenditures. She stated that there is a State cap on the percentage a municipality can levy, which is 2% yearly.

Councilmember Anderson stated that the Town is currently operating in a deficit and both rates and revenues will need to be increased or services and budgets will have to be reduced.

Mayor Rankin opened the public hearing.

There were no comments.

Mayor Rankin closed the public hearing.

On motion of Vice-Mayor Walter, seconded by Councilmember Hawkins, to place Ordinance No. 630-15 for adoption on the July 27, 2015 agenda.

Roll Call:

Vice-Mayor Walter: Yes

Councilmember Hawkins: Yes

Councilmember Anderson: Yes

Councilmember Wall: Yes

Councilmember Woolridge: Yes

Councilmember Guilin: Yes

Mayor Rankin: Yes

Motion Passed: Yes: 7; No: 0

Public hearing to receive citizen comments on the Fiscal Year 2015-2016 Budget; and for Discussion/Approval/Disapproval of Resolution No. 1528-15: A RESOLUTION OF THE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, ADOPTING THE BUDGET FOR THE FISCAL YEAR 2015-2016.

Mayor Rankin opened the public hearing.

There were no comments.

Mayor Rankin closed the public hearing.

On motion of Councilmember Hawkins, seconded by Councilmember Anderson, to adopt Resolution No. 1528-15.

Roll Call:

Councilmember Hawkins: Yes
Councilmember Anderson: Yes
Councilmember Wall: Yes
Councilmember Guilin: Yes
Councilmember Woolridge: Yes
Vice-Mayor Walter: No
Mayor Rankin: Yes

Motion Passed: Yes: 6; No: 1

Discussion/Approval/Disapproval to enter into an employment agreement with Clifford L. Mattice for the position of Town Attorney.

On motion of Councilmember Woolridge, seconded by Councilmember Hawkins, and carried to approve entering into an employment agreement with Clifford L. Mattice for the position of Town Attorney.

Discussion/Approval/Disapproval of entering into a separation agreement and the terms thereof with the Town Manager.

On motion of Councilmember Anderson, seconded by Councilmember Woolridge, to enter into a separation agreement and the terms thereof with the Town Manager.

Roll Call:

Councilmember Anderson: Yes
Councilmember Woolridge: Yes
Councilmember Wall: Abstained
Councilmember Guilin: Yes
Councilmember Hawkins: Yes
Vice-Mayor Walter: No
Mayor Rankin: No

Motion Passed: Yes: 4; No: 2; Abstained: 1

Discussion/Approval/Disapproval of appointing an Interim Town Manager.

Vice-Mayor Walter stated that she is concerned with the cost associated with searching for a new Town Manager and would like those expenses reviewed as to how they will impact the budget and how an Interim Town Manager will be compensated during the search and hiring process.

Mayor Rankin stated he would like to appoint Ms. Garcia as the interim Town Manager. He requested staff to forward to Council a plan in two weeks on how the recruitment process of hiring a Town Manager, including a cost analysis of the process in relation to the budget.

On motion of Mayor Rankin, seconded by Councilmember Guilin, and carried to appoint Lisa Garcia as interim Town Manager.

Call to the Public

There were no comments.

MOTION TO ADJOURN TO MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1 AND 2 BOARD.

On motion of Councilmember Woolridge, seconded by Councilmember Hawkins, and carried to adjourn to Merrill Ranch Community Facilities District No. 1 and 2 Board.

ADJOURN TO EXECUTIVE SESSION

An Executive Session, pursuant to A.R.S. Section 38-431.03(A)(3) and (4) for discussion with the Community Facilities District Attorney related to contract matters.

On motion of Boardmember Woolridge, seconded by Boardmember Hawkins, and carried to adjourn to Executive Session.

ADJOURN FROM EXECUTIVE SESSION

On motion of Boardmember Walter, seconded by Boardmember Guilin, and carried to adjourn from Executive Session.

MOTION TO ADJOURN FROM MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1 AND 2 BOARD.

On motion of Boardmember Walter, seconded by Boardmember Hawkins, and carried to adjourn from the Merrill Ranch Community Facilities District No. 1 and 2 Board.

MOTION TO ADJOURN TO EXECUTIVE SESSION

For the purpose of discussion and consultation with the Town's attorneys for legal advice and to consider the Town's position and instruct its attorneys in regard to pending litigation in Maricopa County Superior Court: Town of Florence v. Florence Copper, Inc. CV 2015-0000325.

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

MOTION TO ADJOURN FROM EXECUTIVE SESSION

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

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 Hawkins, seconded by Councilmember Anderson, and carried to adjourn the meeting at 9:30 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 July 13, 2015, and that the meeting was duly called to order and that a quorum was present.

Lisa Garcia, Town Clerk

MINUTES OF THE FLORENCE TOWN COUNCIL MEETING HELD ON MONDAY, JULY 20, 2015, AT 5:00 PM, 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 5:03 pm.

ROLL CALL:

Present: Rankin, Walter, Woolridge, Hawkins, Guilin, Anderson, Wall

WORK SESSION ON TOWN LEASE POLICY

Ms. Evans, Management Analyst, stated the proposed Lease Policy addresses the concerns of Council that were previously stated at the prior work sessions. She stated that the lease rate range is from \$2.50 to \$6.00 per square foot for retail space and \$6.00 to \$10.00 per square foot for non-retail use, which are the same rates as those listed in the Silver King Marketplace Lease Policy. The proposed policy would have the Town continue to maintain the utility accounts and bill the tenants accordingly on a monthly basis. She stated that the Town will continue to pay for the costs associated with the common areas and for the telephone line needed for the fire suppression system. The tenants will contact and pay for their own cable and telephone.

Mayor Rankin inquired who were the tenants in Suites 102 and 202 in 2013.

Ms. Evans stated that Second Hand Rose was in Suite 102 and RZN8 Media, LLC, was in Suite 202.

Mayor Rankin inquired what the total loss has been year-to-date for the Silver King Marketplace.

Ms. Evans stated that the year-to-date loss for the Silver King Marketplace is \$3,200.

Mayor Rankin inquired if there was a tenant pending for Suite 102.

Ms. Evans stated that there is a tenant ready to sign a lease for Suite 102.

Councilmember Woolridge stated that utility bills are now being metered allowing for tenants to pay for their exact usage.

Mayor Rankin inquired what the anticipated increase would be for the tenant of each suite.

Ms. Evans stated that it is too early to track the water usage, but the electrical could increase or decrease, depending on the nature of their business.

Mayor Rankin asked if the HVAC unit can be shut off in Suite 202 while it is vacant. Ms. Evans stated that the unit can be shut off but staff does keep the temperature raised in the suite which is averaging an electric bill of \$25 per month.

Mayor Rankin inquired if staff has spoken with the tenants of the Silver King Marketplace in regards to their utility bills increasing.

Ms. Evans stated that she has spoken to the manager of The Fudge Shop and will be speaking with the owner of Silver King Hair Salon in the near future. She stated that the utility bill may or may not increase depending on the individual suite usage now that each suite will have its own meter so they will be billed according to usage and not square footage.

Ms. Lisa Garcia, Interim Town Manager/Town Clerk, stated that the leases for the tenants at the Silver King Marketplace are on a month-to-month basis at this time due to the following reasons: to allow for the new Lease Policy to be approved, to allow for the new meters to be in place, and to allow for a billing cycle to occur to allow the tenants to see what a monthly cycle would be. She stated the metered program allows for accurate billing based on usage.

Councilmember Hawkins inquired if staff had received any positive feedback on the new metered program.

Ms. Garcia stated that the tenants are still operating under the square-footage billing program as that is what the current lease requires. She stated the meters are in place and operating but they are not being used for billing purposes until the new Lease Policy is approved by Council and the new leases are in effect.

Ms. Doretta Allison, Manager of The Fudge Shop, stated that they have been tenants of the Silver King Marketplace for three years and only became fully sustainable this summer. She stated that they operate on a very small margin as 10% of all sales are donated to the Love Works Pregnancy Center servicing the citizens of Florence. She believes that Padilla Park is a great asset to the Silver King Marketplace and though the events are great at the park, the patronage to their establishment has not been profitable. She is confident the next season of events will prove to be a benefit to all businesses in the area.

Mayor Rankin thanked Ms. Allison for her continued support of the Town and the great work she and her team are doing at The Fudge Shop.

Ms. Kathy Adam, Florence resident, stated that she believes the two businesses currently in the Silver King Marketplace are the best businesses on Main Street. She stated that she is concerned about the health and wellbeing of Main Street. She is also concerned that the businesses stay successful as the Silver King Marketplace is the most desirable building on Main Street. She inquired if the shortfall currently being

experienced is due to the two suites not being leased out or is the Town not charging enough per suite.

Ms. Evans stated that the downfall is due to the two suites standing empty.

Ms. Adam inquired if the new utility meter billing program is direct billing or does it include a surcharge.

Ms. Evans stated that the meter program is billing exactly what the suite uses and is under control of the tenant.

Mayor Rankin asked Ms. Evans to explain the common area expense of \$2,400 year-to-date.

Ms. Evans stated that the common area is estimated at 800 square feet which multiplied by \$0.61 per square foot equals the Town's portion of the utilities for those areas which includes the bathrooms and the small hallway.

Mayor Rankin inquired if the common areas are being metered separately.

Ms. Evans stated that the common areas are being metered separately. She said that currently the common areas have the second highest utility bill without the meter reading.

Ms. Kim Ehlebracht, Owner for Bucks 4 Style, LLC, stated that she is the new tenant for Suite 102 and looks forward to the opportunities the Silver King Marketplace will afford her business. She hopes the lease rates will remain low as her business is new. She stated that the businesses work together and support each other's efforts and unique business offerings.

Ms. Carol Johnson, Owner of the Silver King Salon, stated that she was eager to switch over to the metered utility program as it will be a fair and equitable program for all tenants in the building. She stated that she was concerned about the handicap parking for the building as it is located by the dumpster corral and is far from the front doors for the businesses.

Mayor Rankin requested that Public Works look into the parking and determine if there is a better option for handicap parking.

MOMENT OF SILENCE

Mayor Rankin called for a moment of silence.

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. Ruth Harrison, Florence resident, suggested that Council have the meeting minutes transcribed by an outside agency to allow for the minutes to be approved by Council quicker and posted for the public in a timely fashion.

PUBLIC HEARINGS AND PRESENTATION

Public Hearing on an application received from Piero Buccellato for a zone change on approximately .36 acres, located at 680 East 1st Street, Florence, Arizona, from Neighborhood Multi-Family Zoning District to Highway Business Commercial Zoning District; and first reading of Ordinance No. 631-15.

Ms. Lisa Garcia, Interim Town Manager/Town Clerk read Ordinance No. 631-15 by title only.

AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING A ZONE CHANGE ON .36 ACRES, FROM NEIGHBORHOOD MULTIPLE FAMILY ZONING DISTRICT TO HIGHWAY BUSINESS COMMERCIAL ZONING DISTRICT (APN 200-47-001B).

Mr. Mark Eckhoff, Community Development Director, stated that the intent of the application is to rezone the subject lot from Neighborhood Multi-Family Zoning District (R-2) to Highway Business Commercial Zoning District (B-2). He said they would then expand onto the existing development on the B-2 lot by adding parking, landscaping and other needed improvements. The combination of the lots is vital to the proposed commercial/retail uses in order to accommodate site improvements, setbacks and Arizona Department of Transportation (ADOT) required right-of-way. The subject parcels are designated s Highway mixed Use (HMU) in the Town 2020 General Plan.

Mr. Eckhoff stated that the Town is starting to see movement in revitalization in the older areas of Town with this application and the recently approved Taco Bell rezoning a few blocks south of these lots.

Mayor Rankin stated that the addition of the traffic light on Highway 79 in this area should aid in making the lots safer and easier to access.

Chairman Rankin opened the public hearing.

There were no comments.

Chairman Rankin closed the public hearing.

Public Hearing on an application for a zone change to change existing zoning from Neighborhood Office, Highway Business Commercial and Multi-Family Residential to Downtown Commercial in an area bounded by Ruggles Street to the north, Butte Avenue to the south, Quartz Street to the west and Pinal Street to the east; and first reading of Ordinance No. 632-15.

Ms. Lisa Garcia, Interim Town Manager/Town Clerk read Ordinance No. 632-15 by title only.

AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING THE DOWNTOWN COMMERCIAL (DC) ZONE CHANGE LOCATED IN AN AREA GENERALLY BOUND BY RUGGLES STREET TO THE NORTH, BUTTE AVENUE TO THE SOUTH, QUARTZ STREET TO THE WEST AND PINAL STREET TO THE EAST (PZ-15-37 ZC/PZC-37-14-ZC).

Mr. Eckhoff stated that that in 2013 Council approved changes to the Downtown Commercial Zoning District (DC) to improve reinvestment opportunities and enhance economic development in the District. These changes included; allowing hotels, bed and breakfast facilities, movie theaters and grocery stores as principally permitted uses in the DC zone; providing consistency in setback requirements for commercial and residential uses; and eliminating most on-site parking requirements in the District.

Mr. Eckhoff stated that a range of uses permitted within the DC Zoning District are intended to encourage and promote pedestrian-oriented specialty retail by encouraging the improvement of the pedestrian environment, delineating the appropriate land uses within the District and ensuring that new buildings are designed to be compatible with the historic fabric of the area and development continues to occur at the appropriate scale.

Mr. Eckhoff stated that the requested changes to the DC District are in line with the goals of the 2020 General Plan and Redevelopment Plan and mirror the core of the Downtown Historic Business District. He stated that staff has been working with property owners to expand the DC District. The Town is sponsoring the application for a zone change which includes five private property owners, four Pinal County owned properties and one Town owned property.

Mr. Eckhoff stated that staff had presented the zone change to the Historic District Advisory Commission and they were supportive of this proposed rezoning. Public hearings were held on June 10, 2014, and at the Planning and Zoning Commission meeting held on June 18, 2015. He stated that the planning and Zoning Commission found that the DC zoning change request was in compliance with the Town's 2020 General Plan and is in the interest of general welfare, health and safety of the public

and forwarded a unanimous favorable recommendation on this zone change to the Mayor and Town Council, subject to the following conditions:

- The development of the subject sites shall be in conformance to any applicable Town Codes, Guidelines and Ordinances.
- Property owners agree to waive claims for diminution in value pursuant to Proposition 207 [A.R.S. §12-1134].

Mayor Rankin inquired if the value of a property increases or decreases if located within the Downtown Commercial Zoning District.

Mr. Eckhoff stated that in his opinion, the work that has been done in the downtown area and along Main Street have generated interest in the area and the Town is seeing positive growth opportunities. He stated that Main Street promotes pedestrian traffic and the environment is conducive to assist new or smaller boutique type businesses where as Highway 79 is geared for high-traffic vehicular businesses which both areas are seeing an increase in interest by business owners.

Mayor Rankin stated that he is concerned if a homeowner is in the Historic District and wanted to make improvements to their home, they would have additional requirements to follow then a home that is not in the Historic District.

Mr. Eckhoff stated that Mayor Rankin was correct that if a residential home in the Historic District wanted to exterior changes or changes that would change or alter the appearance of the building, the owner would have to go through HDAC to receive approval to ensure the historic validity of the building is preserved.

Chairman Rankin opened the public hearing.

There were no comments.

Chairman Rankin closed the public hearing.

a. Presentation by the Greater Florence Chamber of Commerce recognizing American Legion Post #9 as the Business of the Month.

Mr. Jim Gilloon, Office Manager, Greater Florence Chamber of Commerce, recognized the American Legion Post #9 as the Business of the Month for the continued service to the community, their youth programs and supporting homeless veterans.

Mr. David Wall, Commander of the American Legion Post #9 received the award and thanked the Greater Florence Chamber of Commerce and the community for their continued support of their programs and donations. He stated that this was the first in many years they have been able to sponsor a junior and senior baseball team. He stated that the organization will be sponsoring teen dance nights sporadically throughout the year for the high school students in the community.

Mayor Rankin thanked the American Legion for their service to our country and extended Councils support for the Armed Services.

CONSENT: All items on the consent agenda 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. 1530-15:

Ms. Lisa Garcia, Interim Town Manager/Town Clerk read Resolution No. 1530-15 by title only.

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING THE MAP OF DEDICATION FOR MAIN STREET AND FIRST STREET FOR INSTALLATION AND DEDICATION OF REQUIRED PUBLIC IMPROVEMENTS.

Resolution No. 1531-15:

Ms. Lisa Garcia, Interim Town Manager/Town Clerk read Resolution No. 1531-15 by title only.

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, ACCEPTING TRIBAL GAMING FUNDS GRANTED BY THE GILA RIVER INDIAN COMMUNITY.

Resolution No. 1532-15:

Ms. Lisa Garcia, Interim Town Manager/Town Clerk read Resolution No. 1532-15 by title only.

A RESOLUTION OF TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING AND AUTHORIZING MAYOR TOM J. RANKIN, INTERIM TOWN MANAGER LISA GARCIA, AND INTERIM FINANCE DIRECTOR MARCIA GOERDT TO ACT AS SIGNATORIES FOR THE TRANSACTION OF BUSINESS ON THE TOWN OF FLORENCE BANKING ACCOUNTS, AND DECLARING AN EMERGENCY.

Resolution No. 1533-15:

Ms. Lisa Garcia, Interim Town Manager/Town Clerk read Resolution No. 1533-15 by title only.

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING AND AUTHORIZING MAYOR TOM J. RANKIN AND INTERIM TOWN MANAGER LISA GARCIA TO ACT AS SIGNATORIES FOR THE TRANSACTION OF

BUSINESS ON THE POLICE EVIDENCE TRUST FUND AT NATIONAL BANK OF ARIZONA, AND DECLARING AN EMERGENCY.

Approval of the June 1, June 10, June 15, June 18, June 22 and June 22, 2015 Council minutes.

Receive and file the following board and commission minutes:

- i. April 9 and May 11, 2015 Arts and Culture Commission minutes.**
- ii. May 27, 2015 Historic District Advisory Board minutes.**
- iii. May 20 and June 17, 2015 Joint Use Library Advisory Board minutes.**
- iv. April 23, 2015 Parks and Recreation Advisory Board minutes.**
- v. May 7, 2015 Planning and Zoning Commission minutes.**

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

NEW BUSINESS

Discussion/Approval/Disapproval of the Property Lease Policy.

Ms. Garcia stated that this item was discussed previously in the meeting and staff is available to answer any questions.

Councilmember Wall stated that she did not believe the 5% administrative fee is in the best interest of all parties involved as the fee is not currently being charged. It appears that the Town is piling on fees to the lease rate. She stated that the administration and management of the leases is a part of staff's responsibility not an additional responsibility.

Mayor Rankin stated that he agreed with Councilmember Wall regarding the 5% administrative fee not being appropriate and inquired as to what the monthly amount would be if the fee were collected.

Ms. Jennifer Evans, Management Analyst, stated that the monthly administrative fee would range from \$7 to \$17 per month depending on the suite lease rate.

Mayor Rankin stated that he did not believe the accumulative fee amount would be something that would make a difference in the fiscal operations of the Silver King Marketplace and suggested that the fee be removed.

Vice-Mayor Walter agreed that the fee should be removed.

On motion of Councilmember Wall, seconded by Councilmember Anderson, and carried to approve the updates to the Property Lease Policy with the removal of a 5% administrative fee assessed on leases based on the lease rate located in Section 5.311.

Discussion/Approval/Disapproval to enter into a Lease Agreement with Bucks 4 Style, LLC, for Suite 102, in the Silver King Market Place.

Ms. Evans stated that Bucks 4 Style, LLC, is currently located just north of the Silver King Marketplace and approached the Town regarding Suite 102. The layout of the space better fits her business needs and her current location is going to be changing. She stated that a lease rate has been negotiated with Ms. Ehlebracht, and would be a welcome addition to the Silver King Marketplace.

On motion of Councilmember Guilin, seconded by Vice-Mayor Walter, and carried to enter into a Lease Agreement with Bucks 4 Style, LLC, for Suite 102, in the Silver King Marketplace.

MANAGER'S REPORT

Ms. Garcia introduced Mr. Gabe Garcia as the new Finance Director. She stated that Mr. Garcia grew up and graduated high school in Coolidge earning his Bachelor of Science degree in Finance from Arizona State University, and his MBA with an accounting emphasis from the University of Phoenix. She stated that for the past two and a half years, Mr. Garcia has worked for the Finance Department in the City of Coolidge. He has also served as a Senior Internal Auditor for the Gila River Indian Community, owned his own tax and accounting business, and was the Fiscal Service Manager at the Creighton School District in Phoenix.

Mr. Gabe Garcia, Finance Director, thanked Council and the Town for the opportunity to serve the community. He stated that he is excited to be a part of Finance Department, which has a very strong staff and hopes during his tenor as the Director that Council will find the Department excelling in accountability, transparency and accuracy as it provides excellent customer service to the citizens of Florence. He stated that he has been a life-long member of Pinal County and currently is a resident of Florence.

Mayor Rankin welcomed Mr. Garcia to the Town's staff and looks forward to seeing him direct and lead his team.

Councilmember Guilin stated that she appreciated the spreadsheet that staff put together regarding Districts.

Mr. Garcia stated that Mr. Ernie Feliz, Grants and Assessment Manager, created the spreadsheet for Council.

CALL TO THE PUBLIC

Mr. Fred Rudman, Magic Ranch resident, stated he was concerned that the lifeguards at the Aquatic Center have not been furnished with umbrellas that they need to be safe in the sun as they perform their duties and hopes they will be installed soon.

Mayor Rankin requested that Mr. Bryan Hughes, Parks and Recreation Director, to speak with Mr. Rudman after the meeting regarding the umbrellas.

CALL TO THE COUNCIL

Councilmember Anderson thanked Council for supporting the Budget Committee and the citizens of Florence for attending and participating in the budget work sessions and Councilmember Guilin for all her help and assistance. He stated that through the budget process, he learned that the Town has not had a balanced budget for several years and the expenditures exceed the revenues in the 2015/2016 Fiscal Year Budget by \$1,200,000. He stated that Council promised the citizens to not cut services if they approved Council to exceed the expenditure limitation. Council agreed to operate under an unbalanced budget with the understanding that next fiscal year the Town would balance the budget. He challenged staff and the Budget Committee to start working now to develop a balanced budget that provides adequate revenues identifying new revenue streams and addressing the need if applicable to increase fees then looking at expenses properly funding the reserves and capital improvement projects. He stated expenses cannot exceed revenues and it is now the time to balance the budget.

Councilmember Guilin stated it was a pleasure working with Councilmember Anderson as they had a hard task and many unpleasant recommendation to make but a budget was made and yes expenditures do need to be reviewed just as Council and the Budget Committee have committed to do. She thanked the Town staff for their hard work helping to develop a budget that allowed the Town to not have to lay anyone off and provided a 3% stipend to staff as a small token for all their hard work and efforts. She stated that many municipalities have not been able to provide raises or maintain a reasonable benefits plan for their staff. She stated that the Town's philosophy has always been to not harm the staff and in the benefits plan for staff, the Town picks up 100% of the employees medical insurance cost and 22% of the dependent cost which unusual in today's employment world.

Vice-Mayor Walter welcomed the Town's new employees and look forward to working with them. She stated that Parks and Recreation recently completed the Summer Camp program at both the Anthem K-8 and Florence K-8 and heard from parents that the program was successful. She stated that she looks forward to the next budget season having more opportunity to review the proposed budget and look for ways to make the budget balance.

Mayor Rankin agreed with Vice-Mayor Walter encouraging citizens to be careful and mindful around school zones watching for children. He stated that in his opinion the Town does have a balanced budget utilizing reserve funds to balance and it will be a tight year looking to cut expenditures whenever possible. He stated that staff is committed to the Town of Florence dedicated in making the Town a better place, a place to come to and play and invest in. He stated that there are possibly two new entities coming to Town later in the year that they will bring economic development with

them. He stated that the old hospital on Adamsville Road has been sold and the new owns are engaged in utilizing the facility and what would be the best use of it.

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 Hawkins, seconded by Councilmember Anderson, and carried to adjourn the meeting at 6:32 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 July 20, 2015, and that the meeting was duly called to order and that a quorum was present.

Lisa Garcia, Town Clerk

MINUTES OF THE FLORENCE TOWN COUNCIL SPECIAL MEETING HELD ON MONDAY, JULY 27, 2015, AT 6:00 PM, IN THE CHAMBERS OF TOWN HALL, LOCATED AT 775 NORTH MAIN STREET, FLORENCE, ARIZONA.

CALL TO ORDER

Mayor Rankin called the meeting to order at 6:02 pm

ROLL CALL:

Present: Rankin, Walter, Woolridge, Hawkins, Guilin, Anderson, Wall

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. Ruth Harrison, Florence resident, suggested that the public be involved earlier in the budgeting process to provide guidance in prioritizing projects. She stated that it has been a few years since the Town put out a survey to its residents and feels this type of information would be valuable in the budget process.

PLEDGE OF ALLEGIANCE

Mayor Rankin led the Pledge of Allegiance.

MOTION TO ADJOURN TO MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1 BOARD.

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

Ordinance No. MRCFD1 112-15:

Ms. Lisa Garcia, District Clerk read Ordinance No. 112-15 by title only.

AN ORDINANCE OF THE 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 \$100 OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE RECEIVED FROM FUNDS FOR COMMUNITY FACILITIES EXPENSES FOR THE FISCAL YEAR ENDING THE 30th

DAY OF JUNE 2016, AND DECLARING AN EMERGENCY. (First reading on July 6, 2015 and second reading on July 13, 2015)

Boardmember Walter requested an itemization of the expenditures for the Merrill Ranch Communities Facility District No. 1 (CFD) and requested Ms. Marcia Goerdt, Interim District Finance Manager, to provide detail of the expenditures.

Ms. Goerdt stated that the budget primarily has funds being directed to pay off bonds; principal and interest along with professional services. She stated that there have not been any expenses for maintenance items.

Boardmember Walter inquired if there were maintenance items budgeted in the proposed budget and where could they be reviewed by the public.

Mr. Goerdt stated that the tentative budget sets aside funding for a new bond if needed for infrastructure improvements.

Boardmember Walter stated that she is concerned that the budget material for this action item is not included in the agenda packet and it would require a member of the public to research the item for reference material.

Boardmember Hawkins inquired if the budget was posted on the Town's website.

Ms. Lisa Garcia, District Clerk, stated that the budget is on the website for public viewing.

Boardmember Walter inquired if any staff positions are paid for out of the CFD.

Ms. Goerdt stated that there are allocations for staff time in the budget, and in this budget, there was a reduction in those allocations. She stated that the budget last year was \$21,500 and this year the budget is \$4,600 with a majority of those funds covering the cost for the Finance Assessment Specialist.

Boardmember Hawkins stated that it is his understanding that Town employees are conducting work on behalf of the CFD and as such the CFD pays for those services.

Mr. Garcia stated that a portion of Town employee wages are allocated to the CFD which is tracked by the Finance Director based on the work that is performed. She stated that the volume of work performed for the CFD is lessening resulting in a decrease in the anticipated budget line item. She inquired if Council would like an itemized listing of these charges in the next Council packet and moving forward.

Chairman Rankin inquired if there were any other maintenance items in the CFD other than the streets once they become the Town's responsibility.

Mr. Wayne Costa, Public Works Director, stated that once the one-year warranty period is completed, the CFD is responsible for the maintenance of the streets, curbs, gutters and sidewalks.

Chairman Rankin inquired who is responsible for repairs made during the warranty period.

Mr. Costa stated that the developer is responsible for all repair needs with regards to the streets, curbs, cutters and sidewalks until the one-year warranty expires. He stated that a few years ago the CFD did expend \$86,000 for street maintenance in Units 4 and 6 as the warranty period had expired.

Chairman Rankin inquired when was the CFD was developed.

Boardmember Walter stated it was established in 2006.

Chairman Rankin inquired how much revenue is collected annually for maintenance and operations of the CFD.

Ms. Garcia stated that it is estimated that \$50,900 will be collected based on the maintenance levy of \$0.30 per \$100 Net Assessed Value (NAV). She stated that the revenue will be applied to operational costs including bond payments and prioritized maintenance items.

Mr. Dan Bonow, Director of Entitlements with Pulte Homes, stated that full assessment for the CFD is \$3.55 per \$100 of NAV of which \$0.30 is ear-marked for operations and maintenance of the CFD and those funds can be used for street, curb, gutter and sidewalk maintenance if the Board chooses.

Ms. Garcia stated that she would be able to provide the Board a historical review of the operations and maintenance account later in the week if the Board would like her to do so.

Chairman Rankin inquired if any portion of the revenues that were collected for operations and maintenance utilized for maintenance projects.

Boardmember Guilin stated that there are two components of a CFD. The first component is the debt service which pays for the principle and interest payments of General Obligation Bonds and the Assessment Bonds. She said the second component takes care of the operations and maintenance of the CFD which includes incidentals such as audit expenses, wages, Pinal County fees for tax services and bond credit rating services.

Chairman Rankin asked that staff provide the Board with a breakdown of expenses for the CFD in their mailboxes. He inquired if any General Fund monies have been used to supplement the CFD.

Ms. Garcia stated that the CFD is a separate entity, and as such, Town funds are not used for CFD business.

Boardmember Guilin stated that the Town has never supplemented a CFD as they are self-sustaining.

Boardmember Hawkins stated that the Town will hold informational meetings in the near future in the CFD areas to provide an opportunity for all residents to understand how the CFD operates.

Mr. Bonow stated that two information sessions are being planned in the Anthem area to get the information out and educate the residents on the business of the CFDs.

On motion of Boardmember Guilin, seconded by Boardmember Woolridge, to adopt Ordinance No. MRCFD1 112-15.

Roll Call:

Boardmember Guilin: Yes

Boardmember Woolridge: Yes

Boardmember Anderson: Yes

Boardmember Wall: Yes

Boardmember Hawkins: Yes

Boardmember Walter: Yes

Chairman Rankin: Yes

Motion passed: Yes: 7; No: 0

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

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

MOTION TO ADJOURN TO MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 2 BOARD.

On motion of Councilmember Woolridge, seconded by Councilmember Hawkins, and carried to adjourn to the Merrill Ranch Community Facility District No. 2 Board.

Ordinance No. MRCFD2 212-15:

Ms. Lisa Garcia, District Clerk read Ordinance No. 112-15 by title only.

AN ORDINANCE OF THE 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 \$100 OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE RECEIVED FROM FUNDS FOR COMMUNITY FACILITIES EXPENSES FOR THE FISCAL YEAR ENDING THE 30th DAY OF JUNE 2016, AND DECLARING AN EMERGENCY. (First reading on July 6, 2015 and second reading on July 13, 2015)

Boardmember Walter stated that she would like to see more accountability for the expenditures of the CFDs and provide its members with this information in one location allowing transparency.

Ms. Garcia stated that the information Boardmember Walter is requesting will be available moving forward for all Board meetings and for the informational meetings that are being scheduled in the month of October for the CFD residents.

On motion of Boardmember Hawkins, seconded by Boardmember Walter, to adopt Ordinance No. MRCFD2 212-15.

Roll Call:

Boardmember Hawkins: Yes

Boardmember Walter: Yes

Boardmember Wall: Yes

Boardmember Anderson: Yes

Boardmember Guilin: Yes

Boardmember Woolridge: Yes

Chairman Rankin: Yes

Motion passed: Yes: 7; No: 0

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

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

UNFINISHED BUSINESS

Ordinance No. 630-15:

Ms. Lisa Garcia, Interim Town Manager/Town Clerk read Ordinance No. 630-15 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 \$100 OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE RECEIVED FROM FUNDS FOR GENERAL MUNICIPAL EXPENSES FOR THE FISCAL YEAR

ENDING THE 30th DAY OF JUNE 2016, AND DECLARING AN EMERGENCY; and roll call vote to consider a motion to levy the increased property tax on July 27, 2015. (First reading on July 6, 2015 and second reading on July 13, 2015)

Vice-Mayor Walter stated that even though the levy rate is being proposed not to increase, property values have and as such, residents will see an increase in their tax bill. She stated that the residents in the CFD areas do pay this property tax along with the CFD tax and the Merrill Ranch Lighting Districts 1, 2 and 3. She stated that she has received inquiries as to what impact the new Aquatic Center and Library will have the NAV of their property. She requested staff to place information regarding the tax levy on the website. She requested that the tax base for the Town and the secondary tax base for Anthem be evaluated to ensure they are fair and equitable for all members of Florence.

Mayor Rankin stated that he does believe the tax base for the Town and the Anthem areas are fair and equitable and that the Town of Florence has one of the lowest tax bases in the region. He stated that Council has not raised the levy rate since the establishment of the CFDs but that tax bills have gone up as property values go up which is the goal of property ownership.

On motion of Councilmember Hawkins, seconded by Councilmember Guilin, to adopt Ordinance No. 630-15.

Roll Call:

Councilmember Hawkins: Yes

Councilmember Guilin: Yes

Councilmember Anderson: Yes

Councilmember Wall: Yes

Councilmember Woolridge: Yes

Councilmember Walter: Yes

Mayor Rankin: Yes

Motion passed: Yes: 7; No: 0

NEW BUSINESS

Public hearing on Annexation No. 2015-01, more commonly known as the Bonnybrooke Solar Plant Annexation, area encompasses a land area of approximately 312.97 acres. The subject area is generally bound by the Bonnybrooke Road alignment to the north, Padilla Road to the west, the Quail Run Road alignment to the east and existing irrigation canals and the CAP Canal to the south.

Ms. Garcia stated that due to a technical error, the request has been rescinded and will be brought back to Council at a later date.

Mr. Mark Eckhoff, Community Development Director, stated that the department is working on all aspects of the annexation request to ensure the process completes in the same time frame.

Discussion/Approval/Disapproval of entering into a contract with the City of Eloy for magistrate services through June 30, 2016, in an amount not to exceed \$42,000.

Ms. Garcia stated that the Town has negotiated with the City of Eloy to share magistrate services, working 2/3 of the week in the Eloy and 1/3 of the week in Florence covering bench and jury trials as well as handling prisoners on a daily basis. She stated that the Magistrate will also be available by phone to handle any questions or make any decisions or rulings.

Councilmember Anderson thanked Ms. Garcia for her work in negotiating this agreement as it does provide the Town with a cost savings and improves our services.

Vice-Mayor Walter stated that an IGA of this type is good for the Town and provides a saving to its citizens while not impacting services.

On motion of Councilmember Hawkins, seconded by Vice-Mayor Walter, and carried to approve entering into a contract with the City of Eloy for magistrate services through June 30, 2016, in an amount not to exceed \$42,000.

Discussion/Approval/Disapproval of authorizing the recruitment process for the position of Town Manager and setting a timeline.

Mr. Scott Barber, Human Resource Director, stated that in 2012, the Mayor and Council considered two proposals to conduct the last Town Manager recruitment; one from the League of Cities and Towns and one from the Mercer Group, an executive recruitment firm. He stated that staff is recommending the recruitment process be done in-house, providing job opening notifications to various posting sites. He stated that Council was presented with two timeline options, one with a more aggressive pace through the different hiring stages.

Mr. Barber stated that the Mayor and Council have the option to delay the process to some point in the future, and continue with the Deputy Town Manager/Town Clerk acting as interim Town Manager, or move to bring in someone from the outside the organization to fill the Town Manager role through a contract with a firm such as Interim Public Management.

Councilmember Anderson inquired as to how the posting of the job opening will occur.

Ms. Garcia stated that staff, based on the decision this evening by Council, will place job postings through various municipality organizations such as the League of Cities and Towns and the Arizona City and Managers Association.

Mr. Barber stated that there are several local and national sites that have posting services.

Vice-Mayor Walter inquired what the cost would be for the recruitment process through the League of Cities and Towns.

Mr. Barber stated the League's Director did reach out to him last week offering their services at which time he discussed the various plans with the Director and is confident that a cost negotiation would be comparable to that which was negotiated in 2012.

Vice-Mayor Walter stated that she would recommend either holding the position for a period of time or to utilize the services of the League of Cities and Towns. She stated that she believes holding the position would be appropriate at this time based on the \$90,000 severance agreement with the prior Town Manager and with the additional compensation to the Interim Town Manager. The current budget has limited contingency funds that may not have adequate funding for the Town to start the hiring process. She stated if the majority of Council would like to start the hiring process; she would recommend using the services of the League of Cities and Towns with an open till filled clause.

Ms. Garcia stated that if Council chooses to perform the recruitment process in-house, the only portion of the process that would change would be that staff would place the advertisement of the position with various organizations verses paying an outside source to do so. She stated once the applications are received, Council would be the ones to review all applications. She stated by having staff place the ads, collect the applications and forward them to Council, a cost savings would be experienced.

Ms. Garcia stated that four years ago she received a differential when she took on the additional responsibilities of being Deputy Town Manager. She stated has not and will not be receiving an additional differential while serving at the Interim Town Manager.

Vice-Mayor Walter inquired if Council would have an opportunity to review the Town Manager job description prior to it being released as she would like to have Council input prior to posting.

Ms. Garcia stated if Council would like to see the job description prior to posting, staff can provide that information to Council with the understanding that it will slow down the recruitment process.

Councilmember Hawkins inquired if the Town's job description for Town Manager is consistent with industry standards.

Councilmember Woolridge stated that she supports having staff place the advertisements, collect the resumes and provide them to Council. She said it will save the funds that would be spent if using the League of Cities and Towns.

Mayor Rankin stated that the job description is available upon request at Town Hall. He stated that he would like to see Council approve Option A as it provides more time to carefully select the right candidate and to be thorough in our selection process. He reminded Council that the selected candidate will most likely have to provide notice to their current employer which would push their start date to late December early January.

Councilmember Guilin stated that she has worked with staff that are highly qualified professionals knowledgeable in their fields and believes they will provide Council excellent support in the hiring process. She stated that she recommends option A as well, as it will provide the time needed to carefully and meticulously select the right candidate for the Town.

Councilmember Wall inquired if the Town provides traveling expenses for those candidates that currently live outside the State.

Mr. Barber stated that in the past, the Town has covered traveling expenses for candidates.

Vice-Mayor Walter stated that the Town did utilize technology to conduct interviews via Skype in an effort to save money.

Mayor Rankin stated that he believes it is beneficial to have face-to-face communication during an interview as body language and a person's demeanor is very important.

On motion of Councilmember Anderson, seconded by Councilmember Hawkins, and carried to authorize the recruitment process for the position of Town Manager using Option A with the search to be nationwide and to stay open until filled.

Discussion/Approval/Disapproval of using the Budget Committee's approach to the Fiscal Year 2015/2016 formation of the budget.

Ms. Garcia stated that staff is starting to work on the next fiscal year budget process and is asking Council if they would like to use the Budget Committee approach to format the Fiscal Year 2015/2016 budget or to have a manager's budget that would come to Council for adoption.

Mayor Rankin stated that he believes the committee approach is a good way to develop the budget as the Town has been using this process since 2008. He stated that the committee process allows various members of staff and Council to see how the budget is put together and provides a well vetted document to Council to review and fine-tune before its adoption.

Vice-Mayor Walter stated that in 2012 Council was much more involved in the process at an early point allowing for bigger changes than what has been afforded to Council since that time. She stated that her concerns year after year go unaddressed. She is

concerned that a decision to utilize a committee for the next fiscal year has already been decided. She stated that she would like to see more citizen and Council participation in the process and would like to be considered for serving on the Budget Committee for the upcoming fiscal year.

Ms. Garcia stated that the process that was utilized for this fiscal year budget is not what staff intends to proceed with in the future. She stated that staff is starting with the CIP process working backwards into the operating budget. She stated that staff intends to bring sections of the budget to Council to review, have updates throughout the budget process and develop a budget calendar that will show what steps must be completed before we get to the final budget review. She stated that the calendar will also include the expenditure limitation election.

Councilmember Hawkins stated that the process that Ms. Garcia explained is how the Town used to develop a budget and it has always worked. He stated that Council is always open and transparent and does not believe there has been a time that it has not been.

Ms. Garcia stated that with a new Finance Director joining staff, they will bring new ideas and help develop and expand our budgeting practices and policies for the better and staff is looking forward to those opportunities.

Councilmember Hawkins stated Councilmember Guilin should be on the Budget Committee as she was the Finance Director for many years. She knows how to maneuver through the various operations of the Town and is more than qualified to assist in bringing the budget back in line.

Mayor Rankin stated that he made the recommendation to have Councilmember Guilin on Budget Committee as she can assist the new incoming Finance Director with the nuances of the budget and within the Finance Department.

Councilmember Anderson stated that he enjoyed being on the Budget Committee last year and truly enjoyed learning how the budget is developed. Councilmember Guilin was of great assistance in educating him on various topics. He stated that he has spoken with Ms. Garcia regarding the budgeting process and has confidence that going forward the process will allow for more citizen involvement and a greater amount of transparency.

On motion of Councilmember Woolridge, seconded by Councilmember Hawkins, and carried to approve using the Budget Committee's approach of the Fiscal Year 2015/2016 formation of the budget.

Mayor's appointment of Fiscal Year 2015/2016 Budget Committee (2 members of Council).

Mayor Rankin appointed Councilmember Guilin and Councilmember Wall to participate on the Budget Committee for Fiscal Year 2015/2016.

CALL TO THE PUBLIC

There were no comments.

CALL TO THE COUNCIL

Councilmember Anderson stated that he would like to see changes to the budget policy.

Councilmember Guilin stated that she would like to make a clarification regarding a statement she made about the portion of dependent insurance the Town actually pays. She stated that the employee pays 22% of the costs and the Town pays 78% of the cost.

Councilmember Wall thanked Councilmember Guilin and Councilmember Anderson for their work on the Budget Committee this year and looks forward to participating on the Committee for next fiscal year. She stated that it may not be known that she has an extensive financial background, is detail oriented and is used to crunching numbers.

Vice-Mayor Walter stated that she is concerned with recent hiring practices and would like to have clarification how recent positions were filled in relation to the hiring policy of the Town. She requested to have an Executive Session to discuss Council conduct.

Councilmember Hawkins stated that the Town Manager approves all employees who are hired to work for the Town. He stated that Council only hires the Town Manager, the Town Clerk and the Town Magistrate.

Mayor Rankin stated that he always puts the best interest of the Town ahead of anything else and believes that Council and staff do the same.

ADJOURN TO EXECUTIVE SESSION

An Executive Session will be held during the Special Council Meeting for legal matters pursuant to A.R.S. Section 38-431.03(A)(3) and (4) as follows: For the purpose of discussion and consultation with the Town's attorneys for legal advice and to consider the Town's position and instruct its attorneys in regard to pending consolidated litigation: Hollins v. Town of Florence, et al; Pinal County Superior Court Case No. CV2014-02265/02266; Dantico v. Town of Florence, et al; Pinal County Superior Court Case No. CV2014-02327.

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

ADJOURN FROM EXECUTIVE SESSION

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

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 Vice-Mayor Walter, seconded by Councilmember Woolridge, and carried to adjourn the meeting at 8:30 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 July 27, 2015, and that the meeting was duly called to order and that a quorum was present.

Lisa Garcia, Town Clerk

**TOWN OF FLORENCE
HISTORIC DISTRICT ADVISORY COMMISSION
REGULAR MEETING MINUTES**

REGULAR MEETING OF THE HISTORIC DISTRICT ADVISORY COMMISSION OF THE TOWN OF FLORENCE HELD WEDNESDAY, JUNE 24, 2015, AT 6:00 PM, IN THE CHAMBERS OF TOWN HALL, LOCATED AT 775 N. MAIN STREET, FLORENCE, ARIZONA.

CALL TO ORDER

Chairwoman Wheeler called the meeting to order at 6:00 pm.

ROLL CALL

Present: Chairwoman Wheeler, Vice-Chairwoman Adam, Commissioner Smith, Commissioner Novotny, Commissioner Schmidt and Commissioner Reid

PLEDGE OF ALLEGIANCE

Vice-Chairwoman Adam led the Pledge of Allegiance.

DISCUSSION/APPROVAL/DISAPPROVAL of the minutes of the special meeting conducted on May 27, 2015.

On motion of Commissioner Reid, seconded by Commissioner Smith and carried to approve the minutes of the special meeting conducted on May 27, 2015.

NEW BUSINESS

CASE CUEN BUILDING DESIGN REVIEW (PZ-15-39 DR)

DISCUSSION/APPROVAL/DISAPPROVAL of a Design Review application for the Cuen Building located at 145 North Main Street in Florence, Arizona.

Gilbert Olgin, Senior Town Planner, stated as initially constructed, the Cuen building was L-shaped, with two one room wide wings. The building interior was extensively remodeled in 1910 for use as Florence's first telephone central office. For the past few decades, the building has been unoccupied and continually deteriorating.

Unfortunately, multiple penetrations into the building have allowed the elements to accelerate deterioration (bricks, plaster, adobe, etc.) and permitted pigeons to roost in the building. The north wall, roof and chimney cannot be saved. The building is gutted

inside. Beyond structural concerns, these conditions present aesthetic and other issues that are repeatedly noted by downtown visitors and patrons of the Fitness Center.

Over the past seven years, a few improvements have been made to stabilize the structure on an interim basis. A recent external and internal assessment of the facility with Town staff and Swan Architects confirmed that prompt action needs to be taken to demolish, rehabilitate or re-construct the subject building.

On April 6, 2015, the Town Council voted to turn over the deed for the Cuen Building to Stephen Smallidge, owner of the Happy Adobe, LLC. Mr. Smallidge was the highest bidder in a Town auction for the said property. The new owner of the building was required to follow a set of requirements for the recipient of the auctioned building that were described as Phase 1.

Phase 1: The subject building must be stabilized within one hundred days of the successful bidder taking title to the building. A one-time thirty day extension to complete the stabilization may be granted upon special circumstances authorized by the Town of Florence. Stabilization, at a minimum shall mean that the building is considered structurally safe and sound though not yet occupiable; the building is generally weather-proofed; the pigeon infestation is adequately addressed; windows and doors on the building are exposed; and exterior walls are repaired, surface and painted.

Staff contended that Mr. Smallidge did start the required HDAC design review process for the rehabilitation of the Cuen Building on May 22, 2015. On May 27, 2015, staff held a work session with the HDAC Commission on the application submitted by the property owner to determine the validity of the application. The HDAC Commission concluded the application, while a good start, was not adequate and required more information for the HDAC to make a decision.

Staff did not support the submitted Cuen Building rehabilitation application for the following:

- The narrative lacks details on basic stabilization information.
- An architect for this project was never identified.
- Architect approved drawings were never submitted.
- Submitted renderings of the rehabilitation lack too much information.
- The Secretary of the interior's Standards for the Treatment of Historic properties have never been addressed or mentioned on this rehab.
- A commercial contractor was never introduced to the planning side of this project.

Staff found that the request was not in compliance with applicable Town codes, policies and guidelines. Therefore, staffs recommended disapproval on Design Review

application PZ-15-39 DR to the Historic District Advisory Commission on the design review application of the Cuen Building.

The Commission inquired if they could make a recommendation requesting Mr. Smallidge to come forward with, at a minimum, an architectural stamp for the structural stabilization and bring the design before the Commission within the next thirty (30) days. Staff informed the Commission that they can make that recommendation a condition if they were to approve the design review. Staff also informed the Commission that Mr. Smallidge is aware of the 100 day condition already set by Town Council.

The Commission would rather not wait the 100 days set by Town Council for fear that the building may collapse within that time. Staff explained that if the design review is disapproved by the Commission, the applicant may resubmit at a later date once they have the required items in place.

Commission and staff speculated on a reason as to why Mr. Smallidge has not hired an architect.

On motion of Vice-Chairwoman Adam, seconded by Chairwoman Wheeler and carried to disapprove the Design Review case PZ-15-39, the Cuen Building application.

CASE D.C. ZONE CHANGE (INFORMATIONAL ONLY). (PZ-15-37 ZC/PZC-37-14 ZC)

PRESENTATION/DISCUSSION of a Zone Change request by the Town of Florence to change existing zoning from Neighborhood Office (NO), Highway Business Commercial (B-2) and Multi-Family Residential (MFR) to Downtown Commercial (DC) in an area bounded by Ruggles Street to the north, Butte Avenue to the south, Quartz Street to the west and Pinal Street to the east.

Gilbert Olgin, Senior Town Planner, explained the General Plan envisions that the Downtown Commercial (DC) Zoning District ultimately encompasses a land area that is generally bounded by Ruggles Street to the north, Butte Avenue to the south, Quartz Street to the west and Pinal Street to the east. The purpose of the DC Zoning District is to provide a legal zoning category that helps to maintain and enhance the character of the downtown historic core. The intent of the district is to promote a pedestrian-oriented specialty retail district by encouraging the improvement of the pedestrian environment, delineating the appropriate land uses within the district and ensuring that new buildings are designed to be compatible with the historic fabric of the area and development continues to occur at the appropriate scale.

A range of uses are permitted in the DC Zoning District that are intended to encourage and promote its pedestrian, specialty retail and historic character. Residential uses are encouraged as part of mixed use developments, ideally by being vertically or horizontally integrated into commercial and office environments. The range of uses

permitted in the DC Zoning District are intended to underscore the uniqueness of the area.

In 2013, the Mayor and Town Council of the Town of Florence approved multiple staff-initiated text changes to the DC Zoning District to improve reinvestment opportunities and enhance economic development in the District. These included: changes to allow hotels, bed and breakfast facilities, movie theaters and grocery stores as principally permitted uses in the DC Zone; providing consistency in setback requirements for commercial and residential uses; and eliminating most on-site parking requirements in the District.

Through Town Council and staff efforts, the boundaries of the DC District are being increased per the goals of the 2020 General Plan and Redevelopment Plan and to generally mirror the core of the Downtown Historic Business District.

Staff has been working with property owners to expand the DC District and the Town is sponsoring this application that includes five private property owners, four Pinal County owned properties and one Town owned property. This is now our third zoning case that is adding properties to the District.

Town Staff has complied with all applicable Town requirements and Arizona Revised Statutes regarding public participation. Staff has received one letter of opposition regarding this DC Zone Change. A notice for the Planning and Zoning Commission Public Hearing was mailed to all property owners within three hundred (300) feet of the site. Property posting for notice of public hearing for a Zone Change was posted on the sites per Town requirements. Advertisements in the local Town paper have been posted per Town requirements. Under Arizona Revised Statutes, Title 9, Section-462.04. In addition, Town of Florence Development Code; a public hearing is required for a Zone Change.

The Town conducted a neighborhood meeting on June 10, 2015 at the Town Fire Department building and one individual, in favor of this case, was present. No written comments have been received on this case. All verbal comments have been very supportive.

Planning staff offers the following findings for the consideration of the Planning and Zoning Commission and Town Council:

1. The proposed zoning is consistent with the Town of Florence 2020 General Plan.
2. The 2020 General Plan has the Downtown Mixed Use (DMU) designation on the site which supports the mix of land uses while respecting the value of the historic area.

3. The future development of the sites will be subject to all applicable Town codes.
4. The Zone Change to Downtown Commercial Zoning District (DC) will allow more pedestrian-oriented land uses and make the subject area more compatible with the Historic District.

Staff found that the proposed Zone Change was in compliance with the Town's General Plan and was in the interest of general welfare, health and safety of the public and therefore recommended that the Planning and Zoning Commission forward to the Town Council a favorable recommendation, subject to the following conditions:

1. The development of the subject sites shall be in conformance to any applicable Town codes and Ordinances.
2. Property owners agree to waive claims for diminution in value pursuant to Proposition 207 [A.R.S. 12-1134] pursuant to the waiver attached hereto as Exhibit B.

The Planning and Zoning Commission unanimously voted 4 – 0 at the June 18, 2015 public hearing in favor of the DC Zone Change.

Commissioners felt this was a move in a positive direction and stated they would look forward to hearing more about the DC zone change in the future.

No motions were taken.

OLD BUSINESS

2015 HISTORIC MARKER UPDATE

PRESENTATION/DISCUSSION regarding the Historic Markers.

- **MRA Carminatti-Perham House**
- **MRA W.Y. Price Residence**
- **F1-32 Jacob Suter Residence/Updating the Marker**

Gilbert Olgin, Senior Town Planner, stated that typically the Historic District Advisory Commission decides what is said on the markers. In this case, one of the Commission members owns one of the historic properties in question, therefore they are permitted to give comments and feedback, however the final decision was made by the two Commission members who volunteered to make the final decisions on marker verbiage. The total cost is approximately \$2,500 for three markers. Unfortunately, there is no current funding to rehabilitate the additional signs that had been discussed, however, it is being looked at as a future project.

Some Commission members had reservations regarding verbiage on a particular marker. Staff explained that the two volunteers would have the last say, however, staff would need any changes no later than the following day and the APN number needed to stay on the marker to assist in identifying which marker goes to which property.

It was also discussed to remove verbiage that states the Historic Advisory District purchased the markers and to state Town of Florence and the year the marker was erected in the bottom left corner of the marker instead. Staff requested that one of the Commission members please call or email that information by the following day so staff can call the company fabricating the markers to make those changes.

STAFF REPORT

Current Marker location project

Staff is going to keep track of properties that have markers and properties that do not.

Historic property count project

Additional areas will be broken up into quadrants and an inventory will be done on historic properties to see if there are enough properties in the quadrants to establish another district.

Update on Ruggles Street Rehab by Ernie Feliz

Ernie Feliz, Grants Coordinator, stated that the Town has until April 2016 to use the grant funding which will be used for the improvements of the home. Three (3) bids were received for the lead based paint abatement, however no bids were received for the rehabilitation. A second bid date was set for the rehabilitation and three (3) bids were received. Unfortunately, the lowest bid was still higher than where it can be to accomplish the project with the grant monies given. A waiver from the state is being sought in order to increase the limits set in the contract for the funding. The rehabilitation specialist has told those involved with the rehabilitation of the home that in situations similar to this they typically demolish the current building and build a new home, which costs approximately half of the bid that has been received. It was explained to the specialist that demolishing the building would not be approved. At this point, the bids are being reviewed and those involved are trying to obtain a waiver from the state so that staying within the limits set by the state will be possible.

CALL TO THE PUBLIC/COMMISSION RESPONSE

Call to the Public for Comment is limited to issues within the jurisdiction of the Town of Florence Historic District Advisory Commission. Individual Commission members may respond to criticism made by those commenting, may ask staff liaison to review a matter raised, or may ask that a matter be put on a future agenda.

Subject: HDAC Meeting Minutes

Date: June 24, 2015

Ruth Harrison, a Florence resident, stated she is hoping that something can be done to engage the construction company that had originally put in an offer on the Cuen building so something can be done as soon as possible with the building if the person in charge of it lets it go. She stated she is speaking about the company who is doing the work at Territory Square. She would like them to come on board as soon as possible if it is necessary.

CALL TO THE COMMISSION

Commissioner Smith stated she has had a bad week and was depressed for several days due to a large farm machine which came down Bailey Street last week and pulled down all of the electrical lines across the street from her residence. The farm machine cracked the electrical pole and residents were evacuated. Commissioner Smith and her family stayed at the Holiday Inn Express. When they returned the following morning they found a large metal pole with three cherry pickers and workers tying multiple things on it that were not previously there. She complained and inquired what happened to the wooden pole. An APS representative called Commissioner Smith back and stated when wooden poles need to be replaced, they are being replaced with metal poles, including in the Historic District. This is unacceptable to Commissioner Smith.

Commissioner Smith also stated that nobody seems to care about the house next door to the antique shop, previously Katie Montano's house. She explained that when she moved in, the house next door was a nice law office and today it is an empty derelict. Termites have taken over and brought down the beams, the windows are broken, the doors are failing, and she fears that vandals will start a fire inside of the building as has previously happened with another property several years ago. Termites are running rampant and have brought down the roof, the ceiling, and they are now spreading to neighboring properties, including Commissioner Smith's home. The owner does not seem to care, however the neighboring properties are concerned about a possible fire and the current serious termite infestation. Commissioner Smith went on to say that there is new zoning and locals want people to purchase within the district, however it is her belief that with something like this it is not a good thing and prospective buyers may think twice. She does not know what happened to the broken window theory, however she stated it is not working in her neighborhood.

Commissioner Reid agreed that she does not believe metal poles are acceptable. She understands that there may be little control over wooden poles being replaced with metal poles, however, she would like the Town to be more proactive in putting pressure on APS to realize what the goals are within the Historic District. She stated that APS has been willing to work with the Town on other topics and isn't sure that APS would say, "that is how it is going to be" if this was occurring in Prescott or Tombstone. She went on to state that she understands the Town's website is being redone, but she read the Commission portion and members are listed incorrectly, with some being members

that are no longer there and some current members missing. She would like someone to look into that issue if possible.

Commissioner Adam stated she is very upset that the Town is allowing the historic buildings to fall to the ground. After listening to Ernie Feliz speak regarding the high cost to rehabilitate the Ruiz house, she believes it only costs so much money because they have fallen into such disrepair over the course of so many years. She is concerned that the Town is not doing anything to proactively help the owners who wish to keep their homes up. She stated that she understands there is funding available to help do an inventory of the worst buildings before they get into the state that the Cuen building is in. She absolutely agrees with Commissioner Smith regarding the home she spoke about and that it is a beautiful old adobe building that is being allowed to fall down, the doors are not locked and the windows are broken. It was brought up during the Home Tour and bright orange stickers were put on it, however now they are ripped down with nothing having been done to her knowledge. Prior to expanding the Historic District, she would like the Town to do an inventory of the top ten (10) buildings that are in danger of falling down.

Chairwoman Wheeler stated that the building owned by Mr. Ritter next to Total Concept which is boarded up on the front is separating and the separation has become larger over the past couple of years since she noticed it. She stated nothing has been remedied and wonders if people think if they let things go and they get too bad that the Town will allow them to tear it down.

Commissioners requested that the Council liaison relay the concerns of the Historic District Advisory Commission to the Town Council.

ADJOURNMENT

Chairwoman Wheeler adjourned the meeting at 6:53 pm.

x 
Chairwoman Wheeler

TOWN OF FLORENCE PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES

REGULAR MEETING OF THE TOWN OF FLORENCE PLANNING AND ZONING COMMISSION HELD THURSDAY, JUNE 18, 2015 AT 6:00 PM AT TOWN HALL COUNCIL CHAMBERS LOCATED AT 775 NORTH MAIN STREET, FLORENCE, ARIZONA.

CALL TO ORDER

Chairman Pranzo called the meeting to order at 6:00 pm.

ROLL CALL:

Present: Chairman Pranzo, Vice-Chair Putrick, Commissioner Petty, Commissioner Garcia.

Absent: Commissioner Fenstermaker

PLEDGE OF ALLEGIANCE

Chairman Pranzo led the Pledge of Allegiance.

DISCUSSION/APPROVAL/DISAPPROVAL of the minutes of the regular meeting conducted on May 7, 2015.

On motion of Commissioner Garcia, seconded by Vice-Chair Putrick, and carried to approve the regular meeting minutes conducted May 7, 2015.

PUBLIC HEARINGS

1st STREET ZONE CHANGE (PZ-15-30 ZC)

PRESENTATION/DISCUSSION/RECOMMENDATION of a Zone Change request by Piero Buccellato to change the zoning on approximately .36 acres, located at 680 East 1st Street, Florence, Arizona from Neighborhood Multiple Family Zoning District (R-2) to Highway Business Commercial Zoning District (B-2).

Gilbert Olgin, Senior Town Planner, stated that the Buccellato family has operated the popular A & M Pizza restaurant for years. The family is now looking

at a potential opportunity to expand their business presence in Florence, on the subject and adjacent site.

Piero Buccellato and his father have purchased two properties off of 1st Street and State Route 79, one lot is zoned Highway Business Commercial Zoning District (B-2) and the other lot is zoned Neighborhood Multi-Family Zoning District (R-2).

The intent of this application is to rezone the subject R-2 zoned property and then expand on to the existing development on the B-2 lot by adding parking, landscaping and other needed improvements with the inclusion of the subject property. Finding suitable sites off of Highway 79 has been an ongoing task until the opportunity to combine these two parcels became a viable option.

This combination of lots is vital to the proposed restaurant/coffee shop in order to accommodate site improvements, setbacks and Arizona Department of Transportation (ADOT) required right-of-way. The subject parcels are designated as Highway Mixed Use (HMU) in the Town 2020 General Plan and the HMU designation is primarily intended to assist with the revitalization of older areas and to provide for a mix of highway-oriented retail goods and commercial services for commuters, workers and residents.

The overall development site consists of two parcels; one parcel is situated fronting State Route 79 and the second parcel is located behind the highway frontage property. The front lot is zoned Highway Business Commercial Zoning District (B-2) and the rear lot is zoned Neighborhood Multi-Family Zoning District (R-2). The subject R-2 parcel has no permanent structure(s) on site. The applicant will combine the two parcels if the zone change is approved by the Town Council.

The applicant has attended Technical Review Committee (TRC) meetings with staff and has worked diligently to respond to staff concerns. The Design Review application for the proposed restaurant will be presented to the Planning and Zoning Commission at a later date.

Staff offers the following findings for the consideration of the Planning and Zoning Commission and Town Council:

1. The proposed zoning is consistent with the Town of Florence 2020 General Plan, specifically the Highway Mixed Use (HMU) designation.
2. The proposed zoning and development of the site should facilitate ongoing revitalization and redevelopment efforts along the State Route 79 Corridor.

3. Minimal impact will result to surrounding property owners from proposed zone change.

A notice for the Planning and Zoning Commission public hearing was mailed to all property owners within three hundred (300) feet of the site. Property posting for notice of public hearings was posted on site and advertisements in the local Town paper per Town requirements. Under Arizona Revised Statutes, Title 9, Section-462.04 and Town of Florence Development Code, a public hearing is required for a Zone Change.

The applicant conducted a neighborhood meeting on June 11, 2015. Members of the public, at this meeting, were interested in understanding the applicant's plans. No opposition was expressed. Additionally, staff notes that as of this writing, no additional public comments have been received for or against the Zone Change.

All meetings, except for the neighborhood meeting, will be held at Town Hall Council Chambers – 775 North Main Street, Florence, Arizona 85132. The neighborhood meeting was held at 694 East 1st Street on June 11, 2015.

Staff found that the proposed 1st Street Zone Change (PZ-15-30 ZC) is in compliance with the Town's 2020 General Plan and is in the interest of general welfare, health and safety of the public and therefore recommended that the Planning and Zoning Commission forward to the Town Council a favorable recommendation for this Zone Change, subject to the following condition:

1. The development of the subject site, as described in Exhibit A attached, shall be in conformance to any applicable Town Codes and Ordinances.
2. Property owners agree to waive claims for diminution in value pursuant to Proposition 207 [A.R.S. 12-1134] pursuant to the waivers attached hereto as Exhibit B.

Chairman Pranzo opened the public hearing.

No public comment.

Chairman Pranzo closed the public hearing.

Commissioners questioned if there were any public objections in writing and if Piero Buccellato owned the property. Staff answered no and yes respectively.

On motion of Commissioner Petty, seconded by Commissioner Garcia, and carried to forward a favorable recommendation to Town Council on a zone

change from Neighborhood Multiple Family Zoning District (R-2) to Highway Business Commercial Zoning District (B-2) for PZ-15-30 ZC.

DOWNTOWN COMMERCIAL(DC) ZONE CHANGE (PZ-15-37 ZC/PZC-37-14 ZC)

PRESENTATION/DISCUSSION/RECOMMENDATION of a Zone Change request by the Town of Florence to change existing zoning from Neighborhood Office (NO), Highway Business Commercial (B-2) and Multi-Family Residential (MFR) to Downtown Commercial (DC) in an area bounded by Ruggles Street to the north, Butte Avenue to the south, Quartz Street to the west and Pinal Street to the east.

Gilbert Olgin, Senior Town Planner, stated that the General Plan envisions that the Downtown Commercial (DC) Zoning District ultimately encompasses a land area that is generally bounded by Ruggles Street to the north, Butte Avenue to the south, Quartz Street to the west and Pinal Street to the east. The purpose of the DC Zoning District is to provide a legal zoning category that helps to maintain and enhance the character of the downtown historic core. The intent of the district is to promote a pedestrian-oriented specialty retail district by encouraging the improvement of the pedestrian environment, delineating the appropriate land uses within the district and ensuring that new buildings are designed to be compatible with the historic fabric of the area and development continues to occur at the appropriate scale.

A range of uses are permitted in the DC Zoning District that are intended to encourage and promote its pedestrian, specialty retail and historic character. Residential uses are encouraged as part of mixed use developments, ideally by being vertically or horizontally integrated into commercial and office environments. The range of uses permitted in the DC Zoning District are intended to underscore the uniqueness of the area.

In 2013, the Mayor and Town Council of the Town of Florence approved multiple staff-initiated text changes to the DC Zoning District to improve reinvestment opportunities and enhance economic development in the District. These included: changes to allow hotels, bed and breakfast facilities, movie theaters and grocery stores as principally permitted uses in the DC Zone; providing consistency in setback requirements for commercial and residential uses; and eliminating most on-site parking requirements in the District.

Through Town Council and staff efforts, the boundaries of the DC District are being increased per the goals of the 2020 General Plan and Redevelopment Plan and to generally mirror the core of the Downtown Historic Business District.

Staff has been working with property owners to expand the DC District and the Town is sponsoring this application that includes five private property owners, four Pinal County owned properties and one Town owned property. This is now our third zoning case that is adding properties to the District.

Town Staff has complied with all applicable Town requirements and Arizona Revised Statutes regarding public participation. Staff has received one letter of opposition regarding this DC Zone Change. A notice for the Planning and Zoning Commission Public Hearing was mailed to all property owners within three hundred (300) feet of the site. Property posting for notice of public hearing for a Zone Change was posted on the sites per Town requirements. Advertisements in the local Town paper have been posted per Town requirements. Under Arizona Revised Statutes, Title 9, Section-462.04 and the Town of Florence Development Code; a public hearing is required for a Zone Change.

The Town conducted a neighborhood meeting on June 10, 2015 at the Town Fire Department station No.1 and one individual, in favor of this case, was present. No written comments have been received on this case. All verbal comments have been very supportive.

All meetings, except the neighborhood meeting, will be held at Town Hall Council Chambers – 775 North Main Street. The neighborhood meeting was held at the Town Fire Department station number 1 on June 10, 2015.

Planning staff offered the following findings for the consideration of the Planning and Zoning Commission and Town Council:

1. The proposed zoning is consistent with the Town of Florence 2020 General Plan.
2. The 2020 General Plan has the Downtown Mixed Use (DMU) designation on the site which supports the mix of land uses while respecting the value of the historic area.
3. The future development of the sites will be subject to all applicable Town codes.
4. The Zone Change to Downtown Commercial Zoning District (DC) will allow more pedestrian-oriented land uses and make the subject area more compatible with the Historic District.

Staff found that the proposed Zone Change as described in Exhibit A, is in compliance with the Town's General Plan and is in the interest of general welfare, health and safety of the public and therefore recommended that the Planning and Zoning Commission forward to the Town Council a favorable recommendation for this Zone Change, subject to the following conditions:

1. The development of the subject sites, as described in Exhibit A attached, shall be in conformance to any applicable Town codes and ordinances.
2. Property owners agree to waive claims for diminution in value pursuant to Proposition 207 [A.R.S. 12-1134] pursuant to the waiver attached hereto as Exhibit B.

Chairman Pranzo opened the public hearing.

No public comment.

Chairman Pranzo closed the public hearing.

Commissioners inquired if there were any comments in writing regarding the zone change, staff answered no. The question was raised on if this was going to be kept pedestrian friendly or have large businesses on the corner. Staff answered that it would keep the downtown area pedestrian friendly.

On motion of Commissioner Petty, seconded by Vice-Chair Putrick, and carried to forward a favorable recommendation to Town Council on a zone change from Neighborhood Office (NO), Highway Business Commercial (B-2) and Multi-Family Residential (MFR) to Downtown Commercial (DC) in an area bounded by Ruggles Street to the north, Butte Avenue to the south, Quartz Street to the west and Pinal Street to the east.

NEW BUSINESS

ANTHEM AT MERRILL RANCH UNIT 50 (PZ-15-29 PP)

DICUSSION/APPROVAL/DISAPPROVAL of a Preliminary Plat application for Anthem at Merrill Ranch Unit 50 submitted by Baxter Design Group on behalf of Pulte Home Corp. The subject site is approximately 43 acres in size and is located east of Hunt Highway, north of Merrill Ranch Parkway and west of Felix Road in Florence, Arizona.

Gilbert Olgin, Senior Town Planner, stated this Plat includes one hundred and eighteen (118) single-family residential lots with two points of ingress/egress into the subdivision and a third point of access is planned to the north. One of these access points are off of the main collector, Felix Road, and the other access

point is off of the minor arterial, Merrill Ranch Parkway. The subdivision will also be connected to a future subdivision to the north, Unit 56. The average lot will be 7,614 square feet (SF) in area. Lot sizes will range between 6,095 SF to 12,338 SF due to unit configuration.

The proposed density of this subdivision is 2.68 dwelling units per acre. This subdivision expands the current and planned network of green belts and walking trails for Anthem at Merrill Ranch with approximately 17.50 acres dedicated to open space within the community. The zoning for this Preliminary Plat is PUD (R-1), Planned Unit Development (Single-Family Residential), and this subdivision complies with said zoning.

- The Preliminary Plat is in conformance with all zoning codes within the Anthem at Merrill Ranch Planned Unit Development (PUD).
- The Preliminary Plat has two points of access into the community with a third planned for the future.
- The Preliminary Plat meets the density and open space requirements of the Anthem PUD.

Staff recommended that the Planning and Zoning Commission approve this AMR Unit 50 Preliminary Plat, subject to the following conditions of approval.

1. Development of subdivision shall comply with all applicable Town codes, including all applicable planning, building, fire, and engineering requirements.
2. The applicant shall address any final comments on the Preliminary Plat by the Town Engineer prior to the Final Plat going to Town Council.
3. Developer/Property owner responsible for all applicable street dedications and improvements at the time the subdivision is developed, except as otherwise approved by the Town of Florence.
4. Final plans for right-of-way and easement dedications and/or abandonments that may be provided for via the Final Plat or other means are subject to the review and approval of the Town Engineer.
5. Final street names for the Final Plat are subject to review and approval of the GIS Coordinator.

Commission members had a few questions for staff, which staff and Dan Bonow of Pulte Homes answered adequately.

On motion of Commissioner Petty, seconded by Commissioner Garcia, and carried to approve a preliminary plat application for Anthem at Merrill Ranch Unit 50.

CALL TO THE PUBLIC/ COMMISSION RESPONSE:

Call to the Public for public comment on issues within the jurisdiction of the Planning and Zoning Commission. Individual Commission members may respond to criticisms made, may ask staff to review a matter raised or may ask that a matter be put on a future agenda.

Mark Eckhoff, Community Development Director for the Town of Florence stated that a signal light at Diversion Dam Road and Highway 79 is still in the works as are improvements on Diversion Dam Road from Highway 79 to Bowling Road. There have been some difficulties, however the project is continuing and the signal light will be installed. Mr. Eckhoff also stated the projected date is July to open the interim Main Street extension. Staff is working with ADOT to complete the last portion of the roadway. The aquatics center is also projected to be open for the 4th of July activities. He also went on to state that Taco Bell should be submitting what is needed to issue building permits sometime in June and the project should start moving forward in the near future.

CALL TO THE COMMISSION


Vice-Chair Putrick stated that Pinal County gives their Commissioners an update on how the Board of Supervisors voted on agenda items that the Commission sent to them. He stated he would like it if Florence could do the same and give the Planning and Zoning Commission an update on how Town Council voted on items that they sent a recommendation to Council.

Chairman Pranzo asked if the audio recording of the meetings could be the official minutes instead of a written copy.

ADJOURNMENT

On motion of Commissioner Garcia, seconded by Vice-Chair Putrick, and carried to adjourn the meeting at 6:40 pm.

x  _____
Chairman Pranzo

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 8a.
MEETING DATE: August 17, 2015 DEPARTMENT: Administration STAFF PRESENTER: Jennifer Evans, Management Analyst SUBJECT: Regulating Farmers Market Vendors under Ordinance No. 549-10.		<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <ul style="list-style-type: none"> <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

A motion to approve regulating farmers market vendors under Ordinance No. 549-10.

BACKGROUND/DISCUSSION:

Special events held in the Town of Florence are governed by Title XI: Business Regulations, Chapter 112 Special Events of the Town Code. The Code describes the permits required and application process that must be followed to hold a special event in Florence. The Deputy Town Manager, or designee, administers the special event application process. Town staff seeks to uniformly enforce the Code for all special events held in Florence to promote public health and safety.

The Town Council adopted Ordinance No. 549-10 on January 3, 2011, that regulates special events and provides for discounted permit fees for non-profit organizations and vendors. Special event vendors are regulated by the Town at all events open to the public with the exception of the farmers market. Per Ordinance No. 546-10, all vendors must complete the special event vendor application and obtain a special event vendor permit for \$10. Businesses with valid business licenses, non-profits, religious organizations, hospitals, agricultural produce growers, and arts and craft vendors whose sales are less than \$3,000 annually may receive an exemption from the vendor permit fee.

Since 2002, the farmers market has been held weekly on Main Street except during summer months. The Town Code, related to payment of business license fees and special event vendor fees, has not been enforced since the market's inception. The Town Council last waived fees for vendors in 2003, as requested by the Florence Chamber of Commerce. The Chamber of Commerce opted not to be involved in the market several years ago so it has been coordinated by a few dedicated vendors since that time.

Staff has met with some of the vendors from the existing market to discuss draft rules, procedures, and a budget for a new and improved farmers market. The goal is to increase promotional activities and grow the market into a successful, sustainable operation. The vendors prefer to maintain the existing Saturday market with the hours of 8:00 a.m. to 1:00 p.m. in Arriola Square. The season runs from the end of September through mid-May. Another option would be to have a farmers market on Friday afternoons from 11:00 a.m. until 3:00 p.m. since every Friday is a payday for one or more of the major employers in Florence and there are a number of office workers in close proximity to the market on a week day. The risks and benefits will be evaluated of having the farmers market on either day to determine the best fit for the community.

FINANCIAL IMPACT:

The financial impact on the Town is minimal due to most vendors qualifying for a special event vendor exemption.

Revenue generated from stall fees, sponsorships, and merchandise sales will offset operating costs of the market and allow it to be self-sustaining.

STAFF RECOMMENDATION:

Staff recommends approval of regulating farmers market vendors under Ordinance No. 549-10.

ATTACHMENTS:

Ordinance No. 549-10

CHAPTER 112: SPECIAL EVENTS

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§ 112.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different

meaning.

BLOCK PARTY. A gathering of residents of a neighborhood for social purposes where the gathering is (i) limited to the residents of the immediate neighborhood and (ii) a public street will be used by the gathering.

BOUTIQUE. An event operated by a homeowner, religious organization, or not-for-profit organization for the purpose of selling local handmade arts and crafts.

CARNIVAL, LARGE-SCALE. A temporary event that generally includes activities such as amusement rides, entertainment, game booths, food stands, exhibitions, and animal displays located on one acre or more.

CARNIVAL, SMALL-SCALE. A temporary event that generally includes activities such as amusement rides, entertainment, game booths, food stands, exhibitions, and animal displays located on less than one acre.

CIRCUS. A temporary event or show at which a combination of attractions and exhibitions, such as rides, illusions, freak shows, eating concessions, and gaming booths, including a main tent attraction along with side shows, are available for the purpose of amusement and entertainment and at which the public pays either an admittance or participation fee.

CONDUCT. To commence, manage, own, solicit, canvass, practice, transact, engage in, or carry on.

ENGAGING. The exercise of corporate or franchise powers.

FIREWORKS EXHIBITION. An organized event open to the public or to which invitations have been issued to the public where pyrotechnics are exploded.

MULTIPLE SPECIAL EVENTS. More than one special event held at a single location.

PARADE. Any march, demonstration, procession, motorcade or race consisting of persons, animals, or vehicles or a combination thereof upon the streets, parks, or other public grounds within the town intended to attract public attention that interferes with the normal flow or regulation of pedestrian and/or vehicular traffic upon the streets, parks, or other public grounds.

PROMOTER. Any person who produces or conducts a special event.

PUBLIC ASSEMBLY. Any meeting, demonstration, picket line, rally, or gathering of more than 50 persons for a common purpose as a result of prior planning that interferes with the normal flow or regulation of pedestrian or vehicular traffic, exceeds parking capacity, or occupies any public area in a place open to the general public. **PUBLIC ASSEMBLY** does not include block parties.

SHOW. Any exhibition, display, production, or gathering intended to draw the public, including, but not limited to, musical and theatrical productions, merchandise booths, games of chance, amusements, flea markets, bazaars, circuses, large-scale carnivals, fairs, conventions, celebrations, promotions, rallies, and other public gatherings of this nature.

SIDEWALK. Any area or way set aside or open to the general public for purposes of pedestrian traffic, whether or not it is paved.

SPECIAL EVENT. Means, but is not limited to, events such as a boutique, large-scale carnival, circus, fireworks exhibition, multiple special events, single event swap meet and auction, parade, public assembly, or show.

SPECIAL EVENT PERMIT. A permit required by this chapter.

SPECIAL EVENT VENDOR. Any person, other than a show promoter or its employee, who occupies a space, cell, booth or other temporary structure or location in conjunction with, associated with, or attendant to an organized show.

STREET. Any place or way set aside or open to the general public for purposes of vehicular, including bicycle, traffic, including any berm or shoulder, parkway, right-of-way, or median strip thereof.

SWAP MEET AND AUCTION, SINGLE EVENT. Commercial activities held in an open area where one or more licensed sellers bring goods for auctioning to the public.

VENDOR. Any person, other than a promoter or its employee, who occupies a space, booth, or other temporary structure or location in conjunction with, associated with, or attendant to an organized boutique, single event swap meet and auction.

(Ord. 549-10, passed 1-3-2011)

§ 112.02 ADMINISTRATION.

(A) The Deputy Town Manager, or designee, shall uniformly administer the special event application process and consider each special event permit application upon its merits and shall not discriminate in granting, denying, modifying, revoking, or suspending permits based upon political, religious, ethnic, racial, disability, sexual orientation, or gender related grounds.

(B) Fees and business licenses fall under the jurisdiction of the Finance Director.

(Ord. 549-10, passed 1-3-2011)

PERMITS

§ 112.15 BUSINESS LICENSE REQUIRED.

It shall be unlawful for any person to participate as a special event vendor in a special event in the town without first obtaining and maintaining in effect, the proper business license.

(Ord. 549-10, passed 1-3-2011) Penalty, see § 112.55

§ 112.16 LICENSE FEES.

Every applicant for a license under this chapter shall pay the fees listed in the Town of Florence Fee Schedule. Any participant not listed as a special event vendor through the special event organization or organizer permitted by this chapter will pay the license fee per occupation. This section is for business license fees: see § 112.18 for special event application fees.

Special event vendor per event \$10.

(Ord. 549-10, passed 1-3-2011)

§ 112.17 REQUIRED; EXEMPTIONS.

(A) Unless exempted by division (D) below, it shall be unlawful for any person to conduct any special event within the town without a special event permit.

(B) All special events that require a special event permit pursuant to this chapter shall, as a condition of the special event permit, comply with the requirements of this chapter, the town zoning code, all other applicable codes and ordinances of the town, and all applicable federal and state laws.

(C) The issuance of a special event permit is not deemed evidence or proof that the permittee has complied with the provisions of this chapter, nor shall it prevent prosecution by the town of any violation of this chapter.

(D) A special event permit shall not be required when:

(1) The general law of the state or federal government precludes the town from requiring a special event permit for the event; or

(2) The event is conducted on property owned or leased by a school district and used for school purposes or is owned or leased by a religious institution and used for religious purposes. Examples are a school book fair, or Parent Teacher Organization (PTO) family night.

(Ord. 549-10, passed 1-3-2011)

§ 112.18 APPLICATION AND FEE.

(A) All special event permit applications shall be submitted to the Deputy Town Manager, who shall determine whether a special event permit is required. Except as provided in § 112.43 (Parades and public assemblies), an applicant for a special event permit shall submit such application at least 60 days prior to the proposed first day of the special event.

(B) Every applicant for a special event permit shall:

(1) Pay a nonrefundable application fee in an amount established by the town fee schedule. If, after submitting the application, it is determined that the event is not a special event, the fee shall be refunded. Special event application fee \$25; and

(2) Complete and submit a special event permit application.

(C) The special event permit application shall be forwarded to all appropriate town departments for review and approval. The application shall be approved or denied within 15 days from the date it is received.

(D) If the application is not approved or denied within the applicable review period, excluding completion of any required inspections which will occur on the date of the events, the reviewing official shall be deemed to have approved the application.

(E) Approval by individual town departments to which the application has been referred shall not prevent the application from being denied for other reasons.

(Ord. 549-10, passed 1-3-2011)

§ 112.19 GENERAL APPLICATION REQUIREMENTS.

Except public assemblies, which shall comply with § 112.43, all special event permit applications shall include the following information:

(A) The name, address, telephone numbers (including cellular telephone number, if possible), fax number and electronic mail address of the person or entity seeking to conduct the special event;

(B) If applicable, the names, addresses, telephone numbers (including cellular telephone number, if possible), fax number and electronic mail address of the headquarters of the organization for which the special event is to be conducted, if any, and the authorized and responsible heads of the organization;

(C) The requested date(s) of the special event;

(D) The location of the special event;

(E) The approximate number of persons or vendors who will participate in or constitute the special event. Large-scale carnivals, circuses, and shows shall also state the approximate number of and describe the animals and rides that will be included in the large-scale carnival, circus, or show;

(F) The hours when the special event will start and terminate on each day it is held;

(G) A site plan showing the location of all permanent and temporary structures (including tents or vendor booths) to be used, parking areas, public bathroom and trash facilities, and staging areas for the special event. Site plans for large-scale carnivals, circuses, fireworks exhibitions, or shows shall also indicate, as appropriate, the locations of fireworks detonation areas, spectator areas, and rides;

(H) A traffic and pedestrian circulation and control plan that identifies how many off-duty sheriff's office, police department, or other law enforcement personnel will be employed;

(I) A security plan describing how (including how many personnel will be used) to control crowds during the special event and ensure the safety of those who attend;

(J) The approximate number of attendees or spectators;

(K) A designation of any public facilities or equipment to be utilized; and

(L) Any additional information that is reasonably necessary to make a fair determination as to whether a special event permit should be issued and taking into consideration the proximity to residential uses.

(Ord. 549-10, passed 1-3-2011)

§ 112.20 ISSUANCE OF PERMIT.

(A) The town shall issue a permit as provided for herein when, from a consideration of the application and from such other information as may otherwise be obtained, it finds that:

(1) The conduct of the event will not substantially interrupt the safe and orderly movement of pedestrian or vehicular traffic contiguous to its location;

(2) The conduct of the event will not require the diversion of so great a number of town police officers to properly police the areas contiguous thereto as to prevent normal police protection of the town;

(3) The concentration of persons, vehicles, and/or animals at the location of the event will not unduly interfere with public works operations, proper fire and police protection of, or ambulance service to, areas contiguous to such location;

(4) The conduct of the event is not reasonably likely to cause injury to persons or property;

(5) Adequate sanitation and other required health facilities are or will be made available in or adjacent to the event location;

(6) There are sufficient parking places near or on the site of the event to accommodate the number of vehicles reasonably expected;

(7) The applicant has secured the police protection, if any, as required by Police Chief; and

(8) No event(s) is scheduled elsewhere in the town where the police resources required for that event(s) are so great that the deployment of police services for the proposed event would have an immediate and adverse effect upon the welfare and safety of persons and property.

(B) Immediately upon the issuance of a special event permit, the following will be notified:

(1) Town Manager;

(2) Code Enforcement Officer;

(3) Finance Director;

(4) Fire Chief;

(5) Chief of Police;

(6) Public Works Director/Street Superintendent; and

(7) Town Clerk.

(C) Each permit shall state the following information:

(1) Date(s);

(2) Location;

(3) Hours of operation; and

(4) Such other information as necessary to the enforcement of this chapter.

(D) A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(Ord. 549-10, passed 1-3-2011)

§ 112.21 PROHIBITED SPECIAL EVENT CONDUCT; REVOCATION.

(A) The following prohibitions shall apply to all special events:

(1) It shall be unlawful for any person to participate in a special event for which the person knows a permit has not been granted;

(2) It shall be unlawful for any person in charge of, or responsible for the conduct of, a duly permitted special event to knowingly fail to comply with any condition of the permit;

(3) It shall be unlawful for any person to engage in any special event activity that would constitute a substantial hazard to the

public safety or that would materially interfere with or endanger the public peace or rights of residents to the quiet and peaceful enjoyment of their property;

(4) It shall be unlawful for any person participating in a special event to utilize sound amplification equipment at decibel levels that exceed those limits imposed by Title XIII, § 132.02 herein unless specifically authorized by the permit; and

(B) The Deputy Town Manager shall have the authority to revoke a special event permit instantly upon violation of the conditions or standards for issuance as set forth in this section or when a public emergency arises where the police resources required for that emergency are so great that deployment of police services for the special event would have an immediate and adverse effect upon the welfare and safety of persons or property.

(Ord. 549-10, passed 1-3-2011) Penalty, see § 112.55

§ 112.22 MISTAKE; COLLECTION OF CORRECT AMOUNT.

In no case shall any mistake made in stating, fixing, or collecting the amount of any special event permit fee prevent or prejudice the town from collecting the correct amount due as provided in this chapter.

(Ord. 549-10, passed 1-3-2011)

§ 112.23 RIGHT OF ENTRY.

The Code Enforcement Officer, police officers, fire official and Deputy Town Manager shall have and exercise the power to enter, free of charge, during the special event and to demand the exhibition of the special event permit from any person conducting the special event. Denial of the right of entry by any person conducting a special event as required under this chapter shall be a civil violation.

(Ord. 549-10, passed 1-3-2011)

§ 112.24 DISPLAY; IDENTIFICATION; PERMISSION OF PROPERTY OWNER; EXHIBITION UPON DEMAND.

(A) Every person having a special event permit under the provisions of this chapter shall keep such permit openly posted and exhibited in a conspicuous part of such location.

(B) Every person having a special event under the provisions of this chapter shall produce and exhibit such permit, and, when applicable, written permission to conduct the event at the location or personal identification, whenever requested to do so by the Deputy Town Manager, any police officer, fire official or the Code Enforcement Officer.

(Ord. 549-10, passed 1-3-2011)

§ 112.25 OTHER CERTIFICATES OR PERMITS REQUIRED.

(A) When any business is required by federal, state, county, or local law to obtain any other license, permit, certificate, or examination, a special event permit shall not be issued until the applicant produces proof of such license, permit, certificate, or examination, including a use permit required by the zoning code of the town or any license, permit, certificate, or examination required by various health departments, as provided in A.R.S. §§ 36-101 *et seq.*

(B) Obtaining any license, permit, certificate, or examination required by federal, state, county, or local law shall be the sole responsibility of the applicant.

(C) The issuance of a special event permit shall not be evidence that the town knew or should have known that another permit, certificate, or examination was required or was otherwise improperly issued.

(Ord. 549-10, passed 1-3-2011)

§ 112.26 DENIAL, MODIFICATION, REVOCATION, OR SUSPENSION; APPEAL TO TOWN MANAGER.

(A) A special event permit application may be denied or a special event permit may be modified, suspended, or revoked for any of the following causes.

- (1) Fraud, misrepresentation, or false statement contained in the permit application.
- (2) Any violation of this chapter or failure to meet any licensing requirement, including timely payment of fees.
- (3) Conducting the permitted business in violation of any federal, state, county, or local law.
- (4) The permittee is convicted of untrue, fraudulent, misleading, or deceptive advertising.
- (5) The permittee is a corporation or similar entity and is no longer qualified to transact business in the State of Arizona.

(B) The applicant shall be notified in writing that the application has been denied or the permit has been modified, revoked, or suspended. The letter shall be personally delivered or mailed certified and shall specify the grounds or reasons for the denial, modification, revocation, or suspension.

(C) The applicant or permittee or any other aggrieved person may appeal the denial of the application or modification, revocation, or suspension of the permit to the Town Manager by filing a written statement fully describing the grounds for the appeal with the Town Clerk within five business days of the date of the denial letter.

(D) The Town Clerk shall set a time and place for a hearing to be held before the Town Manager within 15 business days of the filing of the appeal. A notice setting forth the date, time, and place of the hearing shall be personally delivered or mailed certified by the Town Clerk to the appellant.

(E) The Town Manager shall issue a written decision and mail notice thereof within five business days after the hearing setting forth the findings and grounds for the decision to the applicant or permittee.

(Ord. 549-10, passed 1-3-2011)

REQUIREMENTS

§ 112.40 GENERAL REQUIREMENTS.

(A) Special events to be conducted at a town park shall obtain a permit from the Parks and Recreation Department in addition to a special event permit.

(B) Special events to be conducted on private property shall obtain authorization from the property owner for the use of the property for such purpose.

(C) If the special event will include sale or service of alcohol, a special event liquor license is required.

(D) If the special event will include the sale of goods or food, a list of vendors and items to be sold shall be provided with the application and all applicable laws and regulations regarding transaction privilege taxes, vendor fee and license and the sale of food shall be complied with.

(E) Where a street closure is approved, the applicant must have written permission from the affected property owners.

(F) If the application is for the use of any town property or if any town services shall be required for the special event, the applicant shall pay, in addition to an application fee and prior to the issuance of a permit, the charges for those services in accordance the town fee schedule.

(G) The Deputy Town Manager shall consult with the Chief of Police to determine whether and to what extent additional police protection will be reasonably necessary for the special event for traffic control and public safety. This decision shall be based on the size, location, duration, time, and date of the special event; the expected sale or service of alcoholic beverages; the number of streets and intersections blocked; and the need to detour or preempt citizen travel and use of the streets and sidewalks. If possible, without disruption of ordinary police services or compromise of public safety, regularly scheduled on-duty personnel will police the special event. If additional police protection is deemed necessary by the Chief of Police, he or she shall so inform the Deputy Town Manager. The applicant shall furnish the town with a police special security services agreement to secure the police protection deemed

necessary by the Chief of Police at the sole expense of the applicant.

(H) No permit shall be granted that allows for the erection or placement of any structure, whether permanent or temporary, on a town street, sidewalk, or right-of-way.

(Ord. 549-10, passed 1-3-2011)

§ 112.41 SPECIAL PROVISIONS RELATED TO BOUTIQUES.

A boutique shall be required to obtain and maintain a special event permit if:

(A) The boutique is not carried on wholly within a dwelling unit, a religion related building, or within a commercial structure;

(B) The boutique operates for more than 15 days during a calendar year;

(C) The boutique produces offensive noise, vibration, smoke, dust, odors, heat, or glare;

(D) The boutique and any related activities are not limited to the hours between 8:00 a.m. and 10:00 p.m.

(E) The boutique does not provide adequate parking, and the activity generates additional traffic, which would create a traffic or safety hazard; or

(F) The boutique uses more than three off-site temporary signs. Signs may only be used during the hours that the boutique is open. Placement criteria and all other applicable sign code restrictions shall apply.

(Ord. 549-10, passed 1-3-2011)

§ 112.42 SPECIAL PROVISIONS RELATED TO FIREWORKS EXHIBITIONS.

The promoter, owner, or operator of a fireworks exhibition, and its employees, agents, and/or subcontractors, shall strictly comply with all applicable federal, state, county, and local laws, rules, regulations, and ordinances in conducting any fireworks exhibition.

(Ord. 549-10, passed 1-3-2011)

§ 112.43 SPECIAL PROVISIONS RELATED TO PARADES AND PUBLIC ASSEMBLIES.

(A) No person shall engage in or conduct any parade or public assembly unless a special event permit is issued by the town.

(B) This section shall not apply to the following:

(1) Funeral processions;

(2) Students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of school authorities;

(3) A governmental agency acting within the scope of its functions; and

(4) Spontaneous events occasioned by news or affairs coming into public knowledge within two days of such public assembly, provided that the organizer thereof gives written notice to the town at least 24 hours prior to such parade or public assembly.

(C) For single, non-recurring parades or public assemblies, an application for a permit shall be filed with the Deputy Town Manager at least 30 and not more than 180 days before the parade or public assembly is proposed to commence. The Deputy Town Manager may waive the minimum filing period and accept an application filed within a shorter period if, after due consideration of the date, time, place, and nature of the parade or public assembly, the anticipated number of participants, and the town services required in connection with the event, determines the waiver will not present a hazard to public safety.

(D) For parades or public assemblies held on a regular or recurring basis at the same location, an application for a permit covering all such parades or assemblies during that calendar year may be filed with the Deputy Town Manager at least 30 and not more than 180 days before the date and time at which the first such parade or public assembly is proposed to commence. The Deputy Town Manager may waive the minimum period after due consideration of the factors specified in division (C) of this section.

(E) The application for a parade or public assembly permit shall set forth the following information:

- (1) The name, address, and telephone number of the person seeking to conduct such parade or public assembly;
- (2) The names, addresses, and telephone numbers of the headquarters of the organization for which the parade or public assembly is to be conducted, if any, and the authorized and responsible heads of the organization;
- (3) The requested date(s) of the parade or public assembly;
- (4) The route to be traveled, including the starting and termination points;
- (5) The approximate number of persons, animals and vehicles that will constitute such parade or public assembly and the type of animals and description of the vehicles;
- (6) The hours when such parade or public assembly will start and terminate;
- (7) A statement as to whether the parade or public assembly will occupy all or only a portion of the width of the streets proposed to be traveled;
- (8) The location by street of any staging or assembly areas for such parade or public assembly;
- (9) The time at which units of the parade or public assembly will begin to assemble at any such staging or assembly area;
- (10) The intervals of space to be maintained between units of such parade or public assembly;
- (11) If the parade or public assembly is designed to be held by, or on behalf of, any person other than the applicant, the applicant for such permit shall file a letter from that person with the Deputy Town Manager authorizing the applicant to apply for the permit on his or her behalf;
- (12) The type of public assembly, including a description of activities planned during the event;
- (13) A description of any recording equipment, sound amplification equipment, banners, signs, or other attention-getting devices to be used in connection with the parade or public assembly;
- (14) The approximate number of participants (spectators are by definition not participants);
- (15) The approximate number of spectators;
- (16) A designation of any public facilities or equipment to be utilized; and
- (17) Any additional information that the town finds reasonably necessary to a fair determination as to whether a permit should issue.

(F) Persons engaging in parades or public assemblies conducted for the sole purpose of political or other speech protected under the First Amendment of the United States Constitution are not required to pay for any police protection provided by the town.

(G) The Deputy Town Manager shall issue a permit as provided for herein when, from a consideration of the application and from such other information as may otherwise be obtained, he or she finds that:

- (1) The conduct of the parade or public assembly will not substantially interrupt the safe and orderly movement of other pedestrian or vehicular traffic contiguous to its route or location;
- (2) The conduct of the parade or public assembly will not require the diversion of so great a number of town police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection of the town;
- (3) The concentration of persons, animals, and vehicles at staging or public assembly points of the parade or public assembly will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such staging and public assembly areas;
- (4) The conduct of the parade or public assembly is not reasonably likely to cause injury to persons or property;
- (5) The parade or public assembly is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays;
- (6) Adequate sanitation and other required health facilities are or will be made available in or adjacent to any staging and public assembly areas;

(7) There are sufficient parking places near the site of the parade or public assembly to accommodate the number of vehicles reasonably expected;

(8) The applicant has secured the police protection required, if any;

(9) Such parade or public assembly is not for the primary purpose of advertising any product, goods, or event that is primarily for private profit, and the parade itself is not primarily for profit. The prohibition against advertising any product, goods, or event shall not apply to signs identifying organizations or sponsors furnishing or sponsoring exhibits or structures used in the parade;

(10) No parade or public assembly permit application for the same time and location is already granted or has been received and will be granted;

(11) No parade or public assembly permit application for the same time but not location is already granted or has been received and shall be granted, and the police resources required for that prior parade or public assembly are so great that in combination with the subsequent proposed application, the resulting deployment of police services would have an immediate and adverse effect upon the welfare and safety of persons and property; and

(12) No event is scheduled elsewhere in the town where the police resources required for that event are so great that the deployment of police services for the proposed parade or public assembly would have an immediate and adverse effect upon the welfare and safety of persons and property.

(13) The Deputy Town Manager shall act promptly upon a timely filed application for a parade or public assembly permit but in no event shall grant or deny a permit less than ten days prior to the event. If the Deputy Town Manager disapproves the application, s/he shall notify the applicant either by personal delivery or certified mail at least ten days prior to the event of his or her action and state the reasons for denial.

(H) The Deputy Town Manager, in denying an application for a parade or public assembly permit, may authorize the conduct of the parade or public assembly at a date, time, location, or route different from that named by the applicant. The applicant must, within five days, file a written notice of acceptance. An alternate parade or public assembly permit shall conform to the requirements of, and shall have the effect of, a permit issued under this section.

(I) Any applicant shall have the right to appeal the denial of a parade or public assembly permit to the Town Manager. The denied applicant shall make the appeal within five days after receipt of the denial by filing a written notice with the Town Clerk. The Town Manager shall act upon the appeal within five days of receipt of the notice of appeal.

(J) Immediately upon the issuance of a parade or public assembly permit, the Deputy Town Manager shall send a copy thereof to the following:

- (1) Town Manager;
- (2) Finance Director;
- (3) Fire Chief;
- (4) Chief of Police;
- (5) Public Works Director;
- (6) Town Clerk; and
- (7) Postmaster.

(K) Each permit shall state the following information:

- (1) Starting and approximate ending time;
- (2) The portions of the streets that may be occupied by the parade or public assembly; and
- (3) Such other information as the town shall find necessary to the enforcement of this section.

(L) A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances. The parade or public assembly chairman or other person heading such activity shall carry the parade or public assembly permit upon his person during the conduct of the parade or public assembly.

(M) The following prohibitions shall apply to all parades and public assemblies:

(1) It shall be unlawful for any person to stage, present, or conduct any parade or public assembly without first having obtained a permit as herein provided; and

(2) It shall be unlawful for any person participating in a parade or public assembly to utilize sound amplification equipment at decibel levels that exceed those limits imposed by Title XIII, § 132.02 of this code unless expressly authorized by the permit.

(N) The public shall conduct itself as follows.

(1) No person shall unreasonably hamper, obstruct, impede, or interfere with any parade or public assembly or with any person, vehicle, or animal participating or used in a parade or public assembly.

(2) No driver of a vehicle shall drive between the vehicles or persons comprising a parade or public assembly when such vehicles or persons are in motion and are conspicuously designated as a parade or public assembly.

(Ord. 549-10, passed 1-3-2011) Penalty, see § 112.55

§ 112.44 WAIVER OF SPECIAL EVENT FEES.

The Town Council, by a majority vote, in a regularly scheduled Town Council meeting may waive special event fees, including business license fees and permit fees, for community-sponsored events. Community-sponsored events are town events or events that are scheduled by non-profit organizations, open to town-wide citizen participation, that collect vendor fees as part of their special event.

(Ord. 549-10, passed 1-3-2011)

PENALTIES

§ 112.55 VIOLATION OF CHAPTER.

(A) Any person found to be in violation of this chapter is guilty of a Class 3 misdemeanor. The conduct of any special event in violation of this chapter shall constitute a separate violation for each and every day that such special event is conducted.

(B) Any duly authorized officer of the Florence Police Department, the Florence Code Enforcement Officer and the Florence Town Prosecutor may cause complaints to be filed against persons violating any of the provisions of this chapter.

(Ord. 549-10, passed 1-3-2011)

§ 112.56 CONVICTION NOT TO EXCUSE NONPAYMENT OF FEE.

The finding of responsibility for a civil violation or the conviction of any person for conducting a special event without a permit, as required under this chapter, shall not excuse or exempt such person from the payment of any permit fee or penalty due and unpaid at the time of such conviction.

(Ord. 549-10, passed 1-3-2011)

§ 112.57 PROHIBITED SPECIAL EVENT LOCATIONS.


No person shall conduct a special event within the town in any structure or area where conducting such special event is prohibited by the zoning code of the town or is otherwise prohibited by fire or building code regulations.

(Ord. 549-10, passed 1-3-2011)

§ 112.58 COURT ACTION.

In any action brought under or arising out of any of the provisions of this chapter, the fact that the defendant is a person who conducted a special event for which a special event permit is required by this chapter, or exhibited a sign, business card, or other advertisement indicating such business, shall be prima facie evidence of the liability of such defendant to obtain a special event permit and pay a permit fee under this chapter.

(Ord. 549-10, passed 1-3-2011)

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 8b.
MEETING DATE: August 17, 2015 DEPARTMENT: Administration STAFF PRESENTER: Lisa Garcia, Interim Town Manager SUBJECT: Ordinance No. 633-15 rescinding Ordinance No. 619-14 with regard to Magic Ranch Annexation Petition No. 2013-01; Providing for Severability; and Declaring an Emergency		<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Motion to approve Ordinance No. 633-15 of the Town of Florence, Pinal County, Arizona rescinding Ordinance No. 619-14 with regard to Magic Ranch Annexation Petition No. 2013-01; Providing for Severability; and Declaring an Emergency.

BACKGROUND/DISCUSSION:

On September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Magic Ranch Annexation," Town of Florence Annexation No. 2013-01. The Annexation Petition, including 895 pages of attached signature sheets, regarding the Magic Ranch Annexation was filed with the Pinal County Recorder's Office on September 5, 2014.

Within the statutory 30-day challenge period following adoption of Ordinance 619-14, petitions were filed in Pinal County Superior Court challenging the validity of the Magic Ranch Annexation, which had been approved by Ordinance No. 619-14.

If the Mayor and Council believe it to be in the best interest of the residents of the Town of Florence, as well as, the residents of the unincorporated area included in the Magic Ranch Annexation area, the Mayor and Council may rescind Ordinance No. 619-14.

FINANCIAL IMPACT:

Not applicable.

STAFF RECOMMENDATION:

There is no staff recommendation for this item.

ATTACHMENTS:

Ordinance No. 633-15

Ordinance No. 633-15

AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING ORDINANCE NO. 619-14 WITH REGARD TO MAGIC RANCH ANNEXATION PETITION NO. 2013-01; Providing for Severability; and Declaring an Emergency.

WHEREAS, on September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Magic Ranch Annexation," Town of Florence Annexation No. 2013-01; and

WHEREAS, pursuant to A.R.S. §9-471(A)(4), an Annexation Petition including 895 pages of attached signature sheets regarding the "Magic Ranch Annexation" was filed with the Pinal County Recorder's Office under recording number 2014-051352 on September 5, 2014; and

WHEREAS, within the statutory 30-day challenge period following adoption of Ordinance No. 619-14, petitions were filed in Pinal County Superior Court challenging the validity of the Magic Ranch Annexation, which had been approved by Ordinance No. 619-14; and

WHEREAS, the Town Council of Florence believes it is in the best interest of the residents of the Town of Florence, as well as the residents of the unincorporated area included in the Magic Ranch Annexation area, to rescind Ordinance No. 619-14.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Florence, Arizona, as follows:

- Section 1.** That the Magic Ranch final annexation ordinance, Ordinance No. 619-14, dated September 2, 2014 (with respect to the annexation of the property referenced in Recording Fee Number 2014-051352) in the official records of Pinal County is hereby rescinded, voided and declared to be of no further force or effect.
- Section 2.** The Mayor, the Town Manager, the Town Clerk and the Town's Attorneys are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Ordinance.
- Section 3.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional, or unenforceable by a court of competent jurisdiction in a final non-appealable judgment, such portion shall be deemed a separate, distinct and an independent

provision and such holding shall not affect the validity or enforceability of the remaining portions of this Ordinance.

Section 4. That, inasmuch as it is necessity for the peace, health and safety of the Town of Florence, that this Ordinance be effective immediately upon its passage and approval according to A.R.S. §19-142 (B), this Ordinance is hereby declared to be an emergency measure and effective upon its passage and approval.

Section 5. The Town Clerk is hereby directed to record a certified copy of this Ordinance with the Pinal County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the Town of Florence, Arizona, this ____ day of August 2015 by ayes and nays:

AYES: _____

ABSENT: _____

NAYS: _____

ABSTAINED: _____


Tom J. Rankin, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

Clifford Mattice, Town Attorney

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 8c.
MEETING DATE: August 17, 2015 DEPARTMENT: Administration STAFF PRESENTER: Lisa Garcia, Interim Town Manager SUBJECT: Resolution No. 1535-15: Rescinding Resolution No. 1431-14 with regard to the Pre-Annexation and Development Agreement with Seville Investments, LLC; John C. Thomson, and Robert C. Mister Providing for Severability; and Declaring an Emergency		<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <div style="margin-left: 40px;"> <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading </div> <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Motion to approve Resolution No. 1535-15 of the Town of Florence, Pinal County, Arizona rescinding Resolution No. 1431-14 with regard to the Pre-Annexation and Development Agreement with Seville Investments, LLC; John C. Thomson, and Robert C. Mister. Providing for Severability; and Declaring an Emergency.

BACKGROUND/DISCUSSION:

On September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Magic Ranch Annexation," Town of Florence Annexation No. 2013-01.

If the Mayor and Council rescind the Magic Ranch Annexation Ordinance, all Pre Annexation Development Agreements filed with the Pinal County Recorder must also be rescinded. Adopting Resolution No. 1535-15 will rescind Resolution No. 1431-14 adopted April 7, 2014, approving a Pre-Annexation and Development Agreement between the Town and Seville Investments LLC.

FINANCIAL IMPACT:

Not applicable.

STAFF RECOMMENDATION:

If the Town Council rescinds the Magic Ranch Annexation, staff recommends that Resolution No. 1535-15 be adopted thereby rescinding Resolution No. 1431-14.

ATTACHMENTS:

Resolution No. 1535-15

Resolution No. 1535-15

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1431-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH SEVILLE INVESTMENTS, LLC, JOHN C. THOMSON, AND ROBERT C. MISTER (“OWNER”); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, on April 7, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Resolution No. 1431-14 (the “Resolution”) approving a Pre-Annexation and Development Agreement between the Town and Owner (the “PADA”), for the property described in the Resolution; and

WHEREAS, the Resolution, including the attached PADA, was filed with the Pinal County Recorder’s Office under Fee Number 2014-020510 on April 9, 2014; and

WHEREAS, on September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the “Magic Ranch Annexation,” Town of Florence Annexation No. 2013-01; and

WHEREAS, within the statutory 30-day challenge period following adoption of Ordinance No. 619-14, petitions were filed in Pinal County Superior Court challenging the validity of the Magic Ranch Annexation, which had been approved by Ordinance No. 619-14; and

WHEREAS, the Town Council of Florence believes it is in the best interest of the residents of the Town of Florence, as well as the residents of the unincorporated area included in the Magic Ranch Annexation area, to rescind the Resolution along with the rescission of Town of Florence Ordinance No. 619-14.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Florence, Arizona, as follows:

Section 1. Resolution No. 1431-14, dated April 7, 2014 (with respect to the Pre-Annexation and Development Agreement referenced in Fee Number 2014-020510) in the official records of Pinal County is hereby rescinded, voided and declared to be of no further force or effect.

Section 2. The Mayor, the Town Manager, the Town Clerk and the Town's Attorneys are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Resolution.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid, unconstitutional, or unenforceable by a court of competent jurisdiction in a final non-appealable judgment, such portion shall be deemed a separate, distinct and an independent provision and such holding shall not affect the validity or enforceability of the remaining portions of this Resolution.

Section 4. Inasmuch as it is necessary for the peace, health and safety of the Town of Florence that this resolution be effective immediately upon its passage and approval according to A.R.S. §19-142 (B), this Resolution is hereby declared to be an emergency measure and effective upon its passage and approval.

Section 5. The Town Clerk is hereby directed to record a certified copy of this Resolution with the Pinal County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the Town of Florence, Arizona, this ____ day of August 2015 by ayes and nays:

AYES: _____

ABSENT: _____

NAYS: _____

ABSTAINED: _____


Tom J. Rankin, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

Clifford Mattice, Town Attorney

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 8d.
MEETING DATE: August 17, 2015 DEPARTMENT: Administration STAFF PRESENTER: Lisa Garcia, Interim Town Manager SUBJECT: Resolution No. 1536-15 rescinding Resolution No. 1453-14 with regard to the Pre-Annexation and Development Agreement with Palms Magic Lake 80, LLC, Providing for Severability; and Declaring an Emergency		<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Motion to approve Resolution No. 1536-15 of the Town of Florence, Pinal County, Arizona rescinding Resolution No. 1453-14 with regard to the Pre-Annexation and Development Agreement with Palms Magic Lake 80, LLC; Providing for Severability; and Declaring an Emergency.

BACKGROUND/DISCUSSION:

On September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Magic Ranch Annexation," Town of Florence Annexation No. 2013-01.

If the Mayor and Council rescind the Magic Ranch Annexation Ordinance, all Pre-Annexation Development Agreements filed with the Pinal County Recorder must also be rescinded. Adopting Resolution No. 1536-15 will rescind Resolution No. 1453-14 adopted July 7, 2014, approving a Pre-Annexation and Development Agreement between the Town and Palms Magic Lake 80, LLC.

FINANCIAL IMPACT:

None.

STAFF RECOMMENDATION:

If the Town Council rescinds the Magic Ranch Annexation, staff recommends that Resolution No. 1536-15 be adopted thereby rescinding Resolution No. 1453-14.

ATTACHMENTS:

Resolution No. 1536-15

Resolution No. 1536-15

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1453-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH PALMS-MAGIC LAKE 80, LLC ("OWNER"); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, on July 7, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Resolution No. 1453-14 (the "Resolution") approving a Pre-Annexation and Development Agreement between the Town and Owner (the "PADA"), for the property described in the Resolution; and

WHEREAS, the Resolution, including the attached PADA, was filed with the Pinal County Recorder's Office under Fee Number 2014-040686 on July 14, 2014; and

WHEREAS, on September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Magic Ranch Annexation," Town of Florence Annexation No. 2013-01; and

WHEREAS, within the statutory 30-day challenge period following adoption of Ordinance No. 619-14, petitions were filed in Pinal County Superior Court challenging the validity of the Magic Ranch Annexation, which had been approved by Ordinance No. 619-14; and

WHEREAS, the Town Council of Florence believes it is in the best interest of the residents of the Town of Florence, as well as the residents of the unincorporated area included in the Magic Ranch Annexation area, to rescind the Resolution along with the rescission of Town of Florence Ordinance No. 619-14.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Florence, Arizona, as follows:

Section 1. Resolution No. 1453-14, dated July 7, 2014 (with respect to the Pre-Annexation and Development Agreement referenced in Fee Number 2014-040686) in the official records of Pinal County is hereby rescinded, voided and declared to be of no further force or effect.

Section 2. The Mayor, the Town Manager, the Town Clerk and the Town's Attorneys are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Resolution.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid, unconstitutional, or unenforceable by a court of competent jurisdiction in a final non-appealable judgment, such portion shall be deemed a separate, distinct and an independent provision and such holding shall not affect the validity or enforceability of the remaining portions of this Resolution.

Section 4. Inasmuch as it is necessary for the peace, health and safety of the Town of Florence that this Resolution be effective immediately upon its passage and approval according to A.R.S. §19-142 (B), this Resolution is hereby declared to be an emergency measure and effective upon its passage and approval.

Section 5. The Town Clerk is hereby directed to record a certified copy of this Resolution with the Pinal County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the Town of Florence, Arizona, this ____ day of August 2015 by ayes and nays:

AYES: _____

ABSENT: _____

NAYS: _____

ABSTAINED: _____


Tom J. Rankin, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

Clifford Mattice, Town Attorney

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 8e.
MEETING DATE: August 17, 2015 DEPARTMENT: Administration STAFF PRESENTER: Lisa Garcia, Interim Town Manager SUBJECT: Resolution No. 1537-15 rescinding Resolution No. 1454-14 with regard to the Pre-Annexation and Development Agreement with SFD Magic Ranch, LLC; Providing for Severability; and Declaring an Emergency		<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Motion to approve Resolution No. 1537-15 of the Town of Florence, Pinal County, Arizona rescinding Resolution No. 1454-14 with regard to the Pre-Annexation and Development Agreement with SFD Magic Ranch, LLC; Providing for Severability; and Declaring an Emergency.

BACKGROUND/DISCUSSION:

On September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Magic Ranch Annexation," Town of Florence Annexation No. 2013-01.

If the Mayor and Council rescind the Magic Ranch Annexation Ordinance, all Pre-Annexation Development Agreements filed with the Pinal County Recorder must also be rescinded. Adopting Resolution No. 1537-15 will rescind Resolution No. 1454-14 adopted July 7, 2014, approving a Pre-Annexation and Development Agreement between the Town and SFD Magic Ranch, LLC.

FINANCIAL IMPACT:

None

STAFF RECOMMENDATION:

If the Town Council rescinds the Magic Ranch Annexation, staff recommends that Resolution No. 1537-15 be adopted thereby rescinding Resolution No. 1454-14.

ATTACHMENTS:

Resolution No. 1537-15

Resolution No. 1537-15

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1454-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH SFD MAGIC RANCH, LLC (“OWNER”); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, on July 7, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Resolution No. 1454-14 (the “Resolution”) approving a Pre-Annexation and Development Agreement between the Town and Owner (the “PADA”), for the property described in the Resolution; and

WHEREAS, the Resolution, including the attached PADA, was filed with the Pinal County Recorder’s Office under Fee Number 2014-040677 on July 14, 2014; and

WHEREAS, on September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the “Magic Ranch Annexation,” Town of Florence Annexation No. 2013-01; and

WHEREAS, within the statutory 30-day challenge period following adoption of Ordinance No. 619-14, petitions were filed in Pinal County Superior Court challenging the validity of the Magic Ranch Annexation, which had been approved by Ordinance No. 619-14; and

WHEREAS, the Town Council of Florence believes it is in the best interest of the residents of the Town of Florence, as well as the residents of the unincorporated area included in the Magic Ranch Annexation area, to rescind the Resolution along with the rescission of Town of Florence Ordinance No. 619-14.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Florence, Arizona, as follows:

Section 1. Resolution No. 1454-14, dated July 7, 2014 (with respect to the Pre-Annexation and Development Agreement referenced in Fee Number 2014-040677) in the official records of Pinal County is hereby rescinded, voided and declared to be of no further force or effect.

Section 2. The Mayor, the Town Manager, the Town Clerk and the Town's Attorneys are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Resolution.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid, unconstitutional, or unenforceable by a court of competent jurisdiction in a final non-appealable judgment, such portion shall be deemed a separate, distinct and an independent provision and such holding shall not affect the validity or enforceability of the remaining portions of this Resolution.

Section 4. Inasmuch as it is necessary for the peace, health and safety of the Town of Florence that this Resolution be effective immediately upon its passage and approval according to A.R.S. §19-142 (B), this Resolution is hereby declared to be an emergency measure and effective upon its passage and approval.

Section 5. The Town Clerk is hereby directed to record a certified copy of this Resolution with the Pinal County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the Town of Florence, Arizona, this ____ day of August 2015 by ayes and nays:

AYES: _____

ABSENT: _____

NAYS: _____

ABSTAINED: _____


Tom J. Rankin, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

Clifford Mattice, Town Attorney

	<p align="center">TOWN OF FLORENCE COUNCIL ACTION FORM</p>	<p align="center"><u>AGENDA ITEM</u> 8f.</p>
<p>MEETING DATE: August 17, 2015</p> <p>DEPARTMENT: Administration</p> <p>STAFF PRESENTER: Lisa Garcia, Interim Town Manager</p> <p>SUBJECT: Resolution No. 1538-15 rescinding Resolution No. 1458-14 with regard to the Pre-Annexation and Development Agreement with Gem Land & Cattle, LLC and Empire West Title Agency, LLC; Providing for Severability; and Declaring an Emergency</p>		<p> <input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <div style="margin-left: 20px;"> <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading </div> <input type="checkbox"/> Other </p>

RECOMMENDED MOTION/ACTION:

Motion to approve Resolution No. 1538-15 of the Town of Florence, Pinal County, Arizona rescinding Resolution No. 1458-14 with regard to the Pre-Annexation and Development Agreement with Gem Land & Cattle, LLC and Empire West Title Agency, LLC; Providing for Severability; and Declaring an Emergency.

BACKGROUND/DISCUSSION:

On September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Magic Ranch Annexation," Town of Florence Annexation No. 2013-01.

If the Mayor and Council rescind the Magic Ranch Annexation Ordinance, all Pre Annexation Development Agreements filed with the Pinal County Recorder must also be rescinded. Adopting Resolution No. 1538-15 will rescind Resolution No. 1468-14 adopted July 7, 2014, approving a Pre-Annexation and Development Agreement between the Town and Gem Land & Cattle, LLC and Empire West Title Agency, LLC.

FINANCIAL IMPACT:

None.

STAFF RECOMMENDATION:

If the Town Council rescinds the Magic Ranch Annexation, staff recommends that Resolution No. 1538-15 be adopted thereby rescinding Resolution No. 1458-14.

ATTACHMENTS:

Resolution No. 1538-15

Resolution No. 1538-15

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1458-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH GEM LAND & CATTLE, LLC AND EMPIRE WEST TITLE AGENCY LLC (“OWNERS”); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, on July 7, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Resolution No. 1458-14 (the “Resolution”) approving a Pre-Annexation and Development Agreement between the Town and Owners (the “PADA”), for the property described in the Resolution; and

WHEREAS, the Resolution, including the attached PADA, was filed with the Pinal County Recorder’s Office under Fee Number 2014-040678 on July 14, 2014; and

WHEREAS, on September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the “Magic Ranch Annexation,” Town of Florence Annexation No. 2013-01; and

WHEREAS, within the statutory 30-day challenge period following adoption of Ordinance No. 619-14, petitions were filed in Pinal County Superior Court challenging the validity of the Magic Ranch Annexation, which had been approved by Ordinance No. 619-14; and

WHEREAS, the Town Council of Florence believes it is in the best interest of the residents of the Town of Florence, as well as the residents of the unincorporated area included in the Magic Ranch Annexation area, to rescind the Resolution along with the rescission of Town of Florence Ordinance No. 619-14.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Florence, Arizona, as follows:

Section 1. Resolution No. 1458-14, dated July 7, 2014 (with respect to the Pre-Annexation and Development Agreement referenced in Fee Number 2014-040678) in the official records of Pinal County is hereby rescinded, voided and declared to be of no further force or effect.

Section 2. The Mayor, the Town Manager, the Town Clerk and the Town's Attorneys are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Resolution.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid, unconstitutional, or unenforceable by a court of competent jurisdiction in a final non-appealable judgment, such portion shall be deemed a separate, distinct and an independent provision and such holding shall not affect the validity or enforceability of the remaining portions of this Resolution.

Section 4. Inasmuch as it is necessary for the peace, health and safety of the Town of Florence that this Resolution be effective immediately upon its passage and approval according to A.R.S. §19-142 (B), this Resolution is hereby declared to be an emergency measure and effective upon its passage and approval.

Section 5. The Town Clerk is hereby directed to record a certified copy of this Resolution with the Pinal County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the Town of Florence, Arizona, this ____ day of August 2015 by ayes and nays:

AYES: _____

ABSENT: _____

NAYS: _____

ABSTAINED: _____


Tom J. Rankin, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

Clifford Mattice, Town Attorney

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 8g.
MEETING DATE: August 17, 2015 DEPARTMENT: Administration STAFF PRESENTER: Lisa Garcia, Interim Town Manager SUBJECT: Resolution No. 1539-15 rescinding Resolution No. 1459-14 with regard to the Pre-Annexation and Development Agreement with RMG Arizona Properties Holding XVII, LLC; Providing for Severability; and Declaring an Emergency		<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <div style="margin-left: 40px;"> <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading </div> <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Motion to approve Resolution No. 1539-15 of the Town of Florence, Pinal County, Arizona rescinding Resolution No. 1459-14 with regard to the Pre-Annexation and Development Agreement with RMG Arizona Properties Holding XVII, LLC; Providing for Severability; and Declaring an Emergency.

BACKGROUND/DISCUSSION:

On September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Magic Ranch Annexation," Town of Florence Annexation No. 2013-01.

If the Mayor and Council rescind the Magic Ranch Annexation Ordinance, all Pre-Annexation Development Agreements filed with the Pinal County Recorder must also be rescinded. Adopting Resolution No. 1539-15 will rescind Resolution No. 1459-14 adopted July 7, 2014, approving a Pre-Annexation and Development Agreement between the Town and RMG Arizona Properties Holding XVII, LLC.

FINANCIAL IMPACT:

None

STAFF RECOMMENDATION:

If the Town Council rescinds the Magic Ranch Annexation, staff recommends that Resolution No. 1539-15 be adopted thereby rescinding Resolution No. 1459-14.

ATTACHMENTS:

Resolution No. 1539-15

Resolution No. 1539-15

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1459-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH RMG ARIZONA PROPERTIES HOLDING XVII, LLC, (“OWNER”); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, on July 7, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Resolution No. 1459-14 (the “Resolution”) approving a Pre-Annexation and Development Agreement between the Town and Owner (the “PADA”), for the property described in the Resolution; and

WHEREAS, the Resolution, including the attached PADA, was filed with the Pinal County Recorder’s Office under Fee Number 2014-040679 on July 14, 2014; and

WHEREAS, on September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the “Magic Ranch Annexation,” Town of Florence Annexation No. 2013-01; and

WHEREAS, within the statutory 30-day challenge period following adoption of Ordinance No. 619-14, petitions were filed in Pinal County Superior Court challenging the validity of the Magic Ranch Annexation, which had been approved by Ordinance No. 619-14; and

WHEREAS, the Town Council of Florence believes it is in the best interest of the residents of the Town of Florence, as well as the residents of the unincorporated area included in the Magic Ranch Annexation area, to rescind the Resolution along with the rescission of Town of Florence Ordinance No. 619-14.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Florence, Arizona, as follows:

Section 1. Resolution No. 1459-14, dated July 7, 2014 (with respect to the Pre-Annexation and Development Agreement referenced in Fee Number 2014-040679) in the official records of Pinal County is hereby rescinded, voided and declared to be of no further force or effect.

Section 2. The Mayor, the Town Manager, the Town Clerk and the Town's Attorneys are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Resolution.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid, unconstitutional, or unenforceable by a court of competent jurisdiction in a final non-appealable judgment, such portion shall be deemed a separate, distinct and an independent provision and such holding shall not affect the validity or enforceability of the remaining portions of this Resolution.

Section 4. Inasmuch as it is necessary for the peace, health and safety of the Town of Florence that this Resolution be effective immediately upon its passage and approval according to A.R.S. §19-142 (B), this Resolution is hereby declared to be an emergency measure and effective upon its passage and approval.

Section 5. The Town Clerk is hereby directed to record a certified copy of this Resolution with the Pinal County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the Town of Florence, Arizona, this ____ day of August 2015 by ayes and nays:

AYES: _____

ABSENT: _____

NAYS: _____

ABSTAINED: _____


Tom J. Rankin, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

Clifford Mattice, Town Attorney

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 8h.
MEETING DATE: August 17, 2015 DEPARTMENT: Administration STAFF PRESENTER: Lisa Garcia, Interim Town Manager SUBJECT: Resolution No. 1540-15 rescinding Resolution No. 1460-14 with regard to the Pre-Annexation and Development Agreement with RMG Residential 2010, LLLP; Providing for Severability; and Declaring an Emergency		<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Motion to approve Resolution No. 1540-15 of the Town of Florence, Pinal County, Arizona rescinding Resolution No. 1460-14 with regard to the Pre-Annexation and Development Agreement with RMG Residential 2010, LLLP; Providing for Severability; and Declaring an Emergency.

BACKGROUND/DISCUSSION:

On September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Magic Ranch Annexation," Town of Florence Annexation No. 2013-01.

If the Mayor and Council rescind the Magic Ranch Annexation Ordinance, all Pre-Annexation Development Agreements filed with the Pinal County Recorder must also be rescinded. Adopting Resolution No. 1540-15 will rescind Resolution No. 1460-14 adopted July 7, 2014, approving a Pre-Annexation and Development Agreement between the Town and RMG Residential 2010, LLLP.

FINANCIAL IMPACT:

None

STAFF RECOMMENDATION:

If the Town Council rescinds the Magic Ranch Annexation, staff recommends that Resolution No. 1540-15 be adopted thereby rescinding Resolution No. 1460-14.

ATTACHMENTS:

Resolution No. 1540-15

Resolution No. 1540-15

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1460-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH RMG RESIDENTIAL 2010, LLLP (“OWNER”); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, on July 7, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Resolution No. 1460-14 (the “Resolution”) approving a Pre-Annexation and Development Agreement between the Town and Owner (the “PADA”), for the property described in the Resolution; and

WHEREAS, the Resolution, including the attached PADA, was filed with the Pinal County Recorder’s Office under Fee Number 2014-040680 on July 14, 2014; and

WHEREAS, on September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the “Magic Ranch Annexation,” Town of Florence Annexation No. 2013-01; and

WHEREAS, within the statutory 30-day challenge period following adoption of Ordinance No. 619-14, petitions were filed in Pinal County Superior Court challenging the validity of the Magic Ranch Annexation, which had been approved by Ordinance No. 619-14; and

WHEREAS, the Town Council of Florence believes it is in the best interest of the residents of the Town of Florence, as well as the residents of the unincorporated area included in the Magic Ranch Annexation area, to rescind the Resolution along with the rescission of Town of Florence Ordinance No. 619-14.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Florence, Arizona, as follows:

Section 1. Resolution No. 1460-14, dated July 7, 2014 (with respect to the Pre-Annexation and Development Agreement referenced in Fee Number 2014-040680) in the official records of Pinal County is hereby rescinded, voided and declared to be of no further force or effect.

Section 2. The Mayor, the Town Manager, the Town Clerk and the Town's Attorneys are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Resolution.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid, unconstitutional, or unenforceable by a court of competent jurisdiction in a final non-appealable judgment, such portion shall be deemed a separate, distinct and an independent provision and such holding shall not affect the validity or enforceability of the remaining portions of this Resolution.

Section 4. Inasmuch as it is necessary for the peace, health and safety of the Town of Florence that this Resolution be effective immediately upon its passage and approval according to A.R.S. §19-142 (B), this Resolution is hereby declared to be an emergency measure and effective upon its passage and approval.

Section 5. The Town Clerk is hereby directed to record a certified copy of this Resolution with the Pinal County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the Town of Florence, Arizona, this ____ day of August 2015 by ayes and nays:

AYES: _____

ABSENT: _____

NAYS: _____

ABSTAINED: _____


Tom J. Rankin, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

Clifford Mattice, Town Attorney

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 8i.
MEETING DATE: August 17, 2015 DEPARTMENT: Administration STAFF PRESENTER: Lisa Garcia, Interim Town Manager SUBJECT: Resolution No. 1541-15 rescinding Resolution No. 1463-14 with regard to the Pre-Annexation and Development Agreement with RMG Lucky Hunt 65, LLC; Providing for Severability; and Declaring an Emergency		<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Motion to approve Resolution No. 1541-15. of the Town of Florence, Pinal County, Arizona rescinding Resolution No. 1463-14 with regard to the Pre-Annexation and Development Agreement with RMG Lucky Hunt 65, LLC; Providing for Severability; and Declaring an Emergency.

BACKGROUND/DISCUSSION:

On September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Magic Ranch Annexation," Town of Florence Annexation No. 2013-01.

If the Mayor and Council rescind the Magic Ranch Annexation Ordinance, all Pre Annexation Development Agreements filed with the Pinal County Recorder must also be rescinded. Adopting Resolution No. 1541-15 will rescind Resolution No. 1463-14 adopted July 21, 2014, approving a Pre-Annexation and Development Agreement between the Town and RMG Lucky Hunt 65, LLC.

FINANCIAL IMPACT:

None.

STAFF RECOMMENDATION:

If the Town Council rescinds the Magic Ranch Annexation, staff recommends that Resolution No. 1541-15 be adopted thereby rescinding Resolution No. 1463-14.

ATTACHMENTS:

Resolution No. 1541-15

Resolution No. 1541-15

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1463-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH RMG LUCKY HUNT 65, LLC, ("OWNER"); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, on July 21, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Resolution No. 1463-14 (the "Resolution") approving a Pre-Annexation and Development Agreement between the Town and Owner (the "PADA"), for the property described in the Resolution; and

WHEREAS, the Resolution, including the attached PADA, was filed with the Pinal County Recorder's Office under Fee Number 2014-042564 on July 23, 2014; and

WHEREAS, on September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Magic Ranch Annexation," Town of Florence Annexation No. 2013-01; and

WHEREAS, within the statutory 30-day challenge period following adoption of Ordinance No. 619-14, petitions were filed in Pinal County Superior Court challenging the validity of the Magic Ranch Annexation, which had been approved by Ordinance No. 619-14; and

WHEREAS, the Town Council of Florence believes it is in the best interest of the residents of the Town of Florence, as well as the residents of the unincorporated area included in the Magic Ranch Annexation area, to rescind the Resolution along with the rescission of Town of Florence Ordinance No. 619-14.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Florence, Arizona, as follows:

Section 1. Resolution No. 1463-14, dated July 21, 2014 (with respect to the Pre-Annexation and Development Agreement referenced in Fee Number 2014-042564) in the official records of Pinal County is hereby rescinded, voided and declared to be of no further force or effect.

Section 2. The Mayor, the Town Manager, the Town Clerk and the Town's Attorneys are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Resolution.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid, unconstitutional, or unenforceable by a court of competent jurisdiction in a final non-appealable judgment, such portion shall be deemed a separate, distinct and an independent provision and such holding shall not affect the validity or enforceability of the remaining portions of this Resolution.

Section 4. That, inasmuch as it is necessary for the peace, health and safety of the Town of Florence, that this Resolution be effective immediately upon its passage and approval according to A.R.S. §19-142 (B), this Resolution is hereby declared to be an emergency measure and effective upon its passage and approval.

Section 5. The Town Clerk is hereby directed to record a certified copy of this Resolution with the Pinal County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the Town of Florence, Arizona, this ____ day of August 2015 by ayes and nays:

AYES: _____

ABSENT: _____

NAYS: _____

ABSTAINED: _____


Tom J. Rankin, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

Clifford Mattice, Town Attorney

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 8j.
MEETING DATE: August 17, 2015 DEPARTMENT: Administration STAFF PRESENTER: Lisa Garcia, Interim Town Manager SUBJECT: Resolution No. 1542-15 rescinding Resolution No. 1464-14 with regard to the Pre-Annexation and Development Agreement with Magic Lake 80, LLC; Providing for Severability; and Declaring an Emergency		<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Motion to approve Resolution No. 1542-15. of the Town of Florence, Pinal County, Arizona rescinding Resolution No. 1464-14 with regard to the Pre-Annexation and Development Agreement with Magic Lake 80, LLC; Providing for Severability; and Declaring an Emergency.

BACKGROUND/DISCUSSION:

On September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Magic Ranch Annexation," Town of Florence Annexation No. 2013-01.

If the Mayor and Council rescind the Magic Ranch Annexation Ordinance, all Pre Annexation Development Agreements filed with the Pinal County Recorder must also be rescinded. Adopting Resolution No. 1542-15 will rescind Resolution No. 1464-14 adopted July 21, 2014, approving a Pre-Annexation and Development Agreement between the Town and Magic Lake 80, LLC.

FINANCIAL IMPACT:

None.

STAFF RECOMMENDATION:

If the Town Council rescinds the Magic Ranch Annexation, staff recommends that Resolution No. 1542-15 be adopted thereby rescinding Resolution No. 1464-14.

ATTACHMENTS:

Resolution No. 1542-15

Resolution No. 1542-15

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1464-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH MAGIC LAKE 80, LLC, ("OWNER"); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, on July 21, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Resolution No. 1464-14 (the "Resolution") approving a Pre-Annexation and Development Agreement between the Town and Owner (the "PADA"), for the property described in the Resolution; and

WHEREAS, the Resolution, including the attached PADA, was filed with the Pinal County Recorder's Office under Fee Number 2014-042563 on July 23, 2014; and

WHEREAS, on September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Magic Ranch Annexation," Town of Florence Annexation No. 2013-01; and

WHEREAS, within the statutory 30-day challenge period following adoption of Ordinance No. 619-14, petitions were filed in Pinal County Superior Court challenging the validity of the Magic Ranch Annexation, which had been approved by Ordinance No. 619-14; and

WHEREAS, the Town Council of Florence believes it is in the best interest of the residents of the Town of Florence, as well as the residents of the unincorporated area included in the Magic Ranch Annexation area, to rescind the Resolution along with the rescission of Town of Florence Ordinance No. 619-14.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Florence, Arizona, as follows:

Section 1. Resolution No. 1464-14, dated July 21, 2014 (with respect to the Pre-Annexation and Development Agreement referenced in Fee Number 2014-042563) in the official records of Pinal County is hereby rescinded, voided and declared to be of no further force or effect.

Section 2. The Mayor, the Town Manager, the Town Clerk and the Town's Attorneys are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Resolution.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid, unconstitutional, or unenforceable by a court of competent jurisdiction in a final non-appealable judgment, such portion shall be deemed a separate, distinct and an independent provision and such holding shall not affect the validity or enforceability of the remaining portions of this Resolution.

Section 4. That, inasmuch as it is necessary for the peace, health and safety of the Town of Florence, that this Resolution be effective immediately upon its passage and approval according to A.R.S. §19-142 (B), this Resolution is hereby declared to be an emergency measure and effective upon its passage and approval.

Section 5. The Town Clerk is hereby directed to record a certified copy of this Resolution with the Pinal County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the Town of Florence, Arizona, this ____ day of August 2015 by ayes and nays:

AYES: _____

ABSENT: _____

NAYS: _____

ABSTAINED: _____


Tom J. Rankin, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

Clifford Mattice, Town Attorney

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 8k.
MEETING DATE: August 17, 2015 DEPARTMENT: Administration STAFF PRESENTER: Lisa Garcia, Interim Town Manager SUBJECT: Resolution No. 1543-15 rescinding Resolution No. 1465-14 with regard to the Pre-Annexation and Development Agreement with Barclay Holdings XLIII, LLC; Providing for Severability; and Declaring an Emergency		<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Motion to approve Resolution No. 1543-15 of the Town of Florence, Pinal County, Arizona rescinding Resolution No. 1465-14 with regard to the Pre-Annexation and Development Agreement with Barclay Holdings XLIII, LLC; Providing for Severability; and Declaring an Emergency.

BACKGROUND/DISCUSSION:

On September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Magic Ranch Annexation," Town of Florence Annexation No. 2013-01.

If the Mayor and Council rescind the Magic Ranch Annexation Ordinance, all Pre-Annexation Development Agreements filed with the Pinal County Recorder must also be rescinded. Adopting Resolution No. 1543-15 will rescind Resolution No. 1465-14 adopted August 4, 2014, approving a Pre-Annexation and Development Agreement between the Town and Barclay Holdings XLIII, LLC.

FINANCIAL IMPACT:

None

STAFF RECOMMENDATION:

If the Town Council rescinds the Magic Ranch Annexation, staff recommends that Resolution No. 1543-15 be adopted thereby rescinding Resolution No. 1465-14.

ATTACHMENTS:

Resolution No. 1543-15

Resolution No. 1543-15

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1465-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH BARCLAY HOLDINGS XLIII, LLC, (“OWNER”); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, on August 4, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Resolution No. 1465-14 (the “Resolution”) approving a Pre-Annexation and Development Agreement between the Town and Owner (the “PADA”), for the property described in the Resolution; and

WHEREAS, the Resolution, including the attached PADA, was filed with the Pinal County Recorder’s Office under Fee Number 2014-045603 on August 7, 2014; and

WHEREAS, on September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the “Magic Ranch Annexation,” Town of Florence Annexation No. 2013-01; and

WHEREAS, within the statutory 30-day challenge period following adoption of Ordinance No. 619-14, petitions were filed in Pinal County Superior Court challenging the validity of the Magic Ranch Annexation, which had been approved by Ordinance No. 619-14; and

WHEREAS, the Town Council of Florence believes it is in the best interest of the residents of the Town of Florence, as well as the residents of the unincorporated area included in the Magic Ranch Annexation area, to rescind the Resolution along with the rescission of Town of Florence Ordinance No. 619-14.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Florence, Arizona, as follows:

Section 1. Resolution No. 1465-14, dated August 4, 2014 (with respect to the Pre-Annexation and Development Agreement referenced in Fee Number 2014-045603) in the official records of Pinal County is hereby rescinded, voided and declared to be of no further force or effect.

Section 2. The Mayor, the Town Manager, the Town Clerk and the Town's Attorneys are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Resolution.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid, unconstitutional, or unenforceable by a court of competent jurisdiction in a final non-appealable judgment, such portion shall be deemed a separate, distinct and an independent provision and such holding shall not affect the validity or enforceability of the remaining portions of this Resolution.

Section 4. That, inasmuch as it is necessary for the peace, health and safety of the Town of Florence, that this Resolution be effective immediately upon its passage and approval according to A.R.S. §19-142 (B), this Resolution is hereby declared to be an emergency measure and effective upon its passage and approval.

Section 5. The Town Clerk is hereby directed to record a certified copy of this Resolution with the Pinal County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the Town of Florence, Arizona, this ____ day of August 2015 by ayes and nays:

AYES: _____

ABSENT: _____

NAYS: _____

ABSTAINED: _____


Tom J. Rankin, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

Clifford Mattice, Town Attorney

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 8I.
MEETING DATE: August 17, 2015 DEPARTMENT: Administration STAFF PRESENTER: Lisa Garcia, Interim Town Manager SUBJECT: Resolution No. 1544-15 rescinding Resolution No. 1466-14 with regard to the Pre-Annexation and Development Agreement with CHI Construction Company; Providing for Severability; and Declaring an Emergency		<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Motion to approve Resolution No. 1544-15 of the Town of Florence, Pinal County, Arizona rescinding Resolution No. 1466-14 with regard to the Pre-Annexation and Development Agreement with CHI Construction Company; Providing for Severability; and Declaring an Emergency.

BACKGROUND/DISCUSSION:

On September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Magic Ranch Annexation," Town of Florence Annexation No. 2013-01.

If the Mayor and Council rescind the Magic Ranch Annexation Ordinance, all Pre-Annexation Development Agreements filed with the Pinal County Recorder must also be rescinded. Adopting Resolution No. 1544-15 will rescind Resolution No. 1466-14 adopted August 4, 2014, approving a Pre-Annexation and Development Agreement between the Town and CHI Construction Company.

FINANCIAL IMPACT:

None.

STAFF RECOMMENDATION:

If the Town Council rescinds the Magic Ranch Annexation, staff recommends that Resolution No. 1544-15 be adopted thereby rescinding Resolution No. 1466-14.

ATTACHMENTS:

Resolution No. 1544-15

Resolution No. 1544-15

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1466-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH CHI CONSTRUCTION COMPANY (“OWNER”); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, on August 4, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Resolution No. 1466-14 (the “Resolution”) approving a Pre-Annexation and Development Agreement between the Town and Owner (the “PADA”), for the property described in the Resolution; and

WHEREAS, the Resolution, including the attached PADA, was filed with the Pinal County Recorder’s Office under Fee Number 2014-045593 on August 7, 2014; and

WHEREAS, on September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the “Magic Ranch Annexation,” Town of Florence Annexation No. 2013-01; and

WHEREAS, within the statutory 30-day challenge period following adoption of Ordinance No. 619-14, petitions were filed in Pinal County Superior Court challenging the validity of the Magic Ranch Annexation, which had been approved by Ordinance No. 619-14; and

WHEREAS, the Town Council of Florence believes it is in the best interest of the residents of the Town of Florence, as well as the residents of the unincorporated area included in the Magic Ranch Annexation area, to rescind the Resolution along with the rescission of Town of Florence Ordinance No. 619-14.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Florence, Arizona, as follows:

Section 1. Resolution No. 1466-14, dated August 4, 2014 (with respect to the Pre-Annexation and Development Agreement referenced in Fee Number 2014-045593) in the official records of Pinal County is hereby rescinded, voided and declared to be of no further force or effect.

Section 2. The Mayor, the Town Manager, the Town Clerk and the Town's Attorneys are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Resolution.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid, unconstitutional, or unenforceable by a court of competent jurisdiction in a final non-appealable judgment, such portion shall be deemed a separate, distinct and an independent provision and such holding shall not affect the validity or enforceability of the remaining portions of this Resolution.

Section 4. That, inasmuch as it is necessary for the peace, health and safety of the Town of Florence, that this Resolution be effective immediately upon its passage and approval according to A.R.S. §19-142 (B), this Resolution is hereby declared to be an emergency measure and effective upon its passage and approval.

Section 5. The Town Clerk is hereby directed to record a certified copy of this Resolution with the Pinal County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the Town of Florence, Arizona, this ____ day of August 2015 by ayes and nays:

AYES: _____

ABSENT: _____

NAYS: _____

ABSTAINED: _____


Tom J. Rankin, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

Clifford Mattice, Town Attorney

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 8m.
MEETING DATE: August 17, 2015 DEPARTMENT: Administration STAFF PRESENTER: Lisa Garcia, Interim Town Manager SUBJECT: Resolution No. 1545-15 rescinding Resolution No. 1467-14 with regard to the Pre-Annexation and Development Agreement with D.R. Horton, Inc.; Providing for Severability; and Declaring an Emergency		<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Motion to approve Resolution No. 1545-15 of the Town of Florence, Pinal County, Arizona rescinding Resolution No. 1467-14 with regard to the Pre-Annexation and Development Agreement with D.R. Horton, Inc.; Providing for Severability; and Declaring an Emergency.

BACKGROUND/DISCUSSION:

On September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Magic Ranch Annexation," Town of Florence Annexation No. 2013-01.

If the Mayor and Council rescind the Magic Ranch Annexation Ordinance, all Pre-Annexation Development Agreements filed with the Pinal County Recorder must also be rescinded. Adopting Resolution No. 1545-15 will rescind Resolution No. 1467-14 adopted August 4, 2014, approving a Pre-Annexation and Development Agreement between the Town and D.R. Horton, Inc..

FINANCIAL IMPACT:

None

STAFF RECOMMENDATION:

If the Town Council rescinds the Magic Ranch Annexation, staff recommends that Resolution No. 1545-15 be adopted thereby rescinding Resolution No. 1467-14.

ATTACHMENTS:

Resolution No. 1545-15

Resolution No. 1545-15

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1467-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH D. R. HORTON, INC, ("OWNER"); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, on August 4, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Resolution No. 1467-14 (the "Resolution") approving a Pre-Annexation and Development Agreement between the Town and Owner (the "PADA"), for the property described in the Resolution; and

WHEREAS, the Resolution, including the attached PADA, was filed with the Pinal County Recorder's Office under Fee Number 2014-045594 on August 7, 2014; and

WHEREAS, on September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Magic Ranch Annexation," Town of Florence Annexation No. 2013-01; and

WHEREAS, within the statutory 30-day challenge period following adoption of Ordinance No. 619-14, petitions were filed in Pinal County Superior Court challenging the validity of the Magic Ranch Annexation, which had been approved by Ordinance No. 619-14; and

WHEREAS, the Town Council of Florence believes it is in the best interest of the residents of the Town of Florence, as well as the residents of the unincorporated area included in the Magic Ranch Annexation area, to rescind the Resolution along with the rescission of Town of Florence Ordinance No. 619-14.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Florence, Arizona, as follows:

Section 1. Resolution No. 1467-14, dated August 4, 2014 (with respect to the Pre-Annexation and Development Agreement referenced in Fee Number 2014-045594) in the official records of Pinal County is hereby rescinded, voided and declared to be of no further force or effect.

Section 2. The Mayor, the Town Manager, the Town Clerk and the Town's Attorneys are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Resolution.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid, unconstitutional, or unenforceable by a court of competent jurisdiction in a final non-appealable judgment, such portion shall be deemed a separate, distinct and an independent provision and such holding shall not affect the validity or enforceability of the remaining portions of this Resolution.

Section 4. That, inasmuch as it is necessary for the peace, health and safety of the Town of Florence, that this Resolution be effective immediately upon its passage and approval according to A.R.S. §19-142 (B), this Resolution is hereby declared to be an emergency measure and effective upon its passage and approval.

Section 5. The Town Clerk is hereby directed to record a certified copy of this Resolution with the Pinal County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the Town of Florence, Arizona, this ____ day of August 2015 by ayes and nays:

AYES: _____

ABSENT: _____

NAYS: _____

ABSTAINED: _____


Tom J. Rankin, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

Clifford Mattice, Town Attorney

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 8n.
MEETING DATE: August 17, 2015 DEPARTMENT: Administration STAFF PRESENTER: Lisa Garcia, Interim Town Manager SUBJECT: Resolution No. 1546-15 rescinding Resolution No. 1470-14 with regard to the Pre-Annexation and Development Agreement with CMG 900, LLC; Providing for Severability; and Declaring an Emergency		<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Motion to approve Resolution No. 1546-15 of the Town of Florence, Pinal County, Arizona rescinding Resolution No. 1470-14 with regard to the Pre-Annexation and Development Agreement with CMG 900, LLC; Providing for Severability; and Declaring an Emergency.

BACKGROUND/DISCUSSION:

On September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Magic Ranch Annexation," Town of Florence Annexation No. 2013-01.

If the Mayor and Council rescind the Magic Ranch Annexation Ordinance, all Pre-Annexation Development Agreements filed with the Pinal County Recorder must also be rescinded. Adopting Resolution No. 1546-15 will rescind Resolution No. 1470-14 adopted August 4, 2014, approving a Pre-Annexation and Development Agreement between the Town and CMG 900, LLC.

FINANCIAL IMPACT:

None

STAFF RECOMMENDATION:

If the Town Council rescinds the Magic Ranch Annexation, staff recommends that Resolution No. 1546-15 be adopted thereby rescinding Resolution No. 1470-14.

ATTACHMENTS:

Resolution No. 1546-15

Resolution No. 1546-15

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1470-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH CMG 900, LLC (“OWNER”); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, on August 4, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Resolution No. 1470-14 (the “Resolution”) approving a Pre-Annexation and Development Agreement between the Town and Owner (the “PADA”), for the property described in the Resolution; and

WHEREAS, the Resolution, including the attached PADA, was filed with the Pinal County Recorder’s Office under Fee Number 2014-045595 on August 7, 2014; and

WHEREAS, on September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the “Magic Ranch Annexation,” Town of Florence Annexation No. 2013-01; and

WHEREAS, within the statutory 30-day challenge period following adoption of Ordinance No. 619-14, petitions were filed in Pinal County Superior Court challenging the validity of the Magic Ranch Annexation, which had been approved by Ordinance No. 619-14; and

WHEREAS, the Town Council of Florence believes it is in the best interest of the residents of the Town of Florence, as well as the residents of the unincorporated area included in the Magic Ranch Annexation area, to rescind the Resolution along with the rescission of Town of Florence Ordinance No. 619-14.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Florence, Arizona, as follows:

Section 1. Resolution No. 1470-14, dated August 4, 2014 (with respect to the Pre-Annexation and Development Agreement referenced in Fee Number 2014-045595) in the official records of Pinal County is hereby rescinded, voided and declared to be of no further force or effect.

Section 2. The Mayor, the Town Manager, the Town Clerk and the Town's Attorneys are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Resolution.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid, unconstitutional, or unenforceable by a court of competent jurisdiction in a final non-appealable judgment, such portion shall be deemed a separate, distinct and an independent provision and such holding shall not affect the validity or enforceability of the remaining portions of this Resolution.

Section 4. Inasmuch as it is necessary for the peace, health and safety of the Town of Florence that this Resolution be effective immediately upon its passage and approval according to A.R.S. §19-142 (B), this Resolution is hereby declared to be an emergency measure and effective upon its passage and approval.

Section 5. The Town Clerk is hereby directed to record a certified copy of this Resolution with the Pinal County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the Town of Florence, Arizona, this ____ day of August 2015 by ayes and nays:

AYES: _____

ABSENT: _____

NAYS: _____

ABSTAINED: _____


Tom J. Rankin, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

Clifford Mattice, Town Attorney

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 8o.
MEETING DATE: August 17, 2015 DEPARTMENT: Administration STAFF PRESENTER: Lisa Garcia, Interim Town Manager SUBJECT: Resolution No. 1547-15 rescinding Resolution No. 1468-14 with regard to the Pre-Annexation and Development Agreement with El Dorado Arizona Farms, LLC; Providing for Severability; and Declaring an Emergency		<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Motion to approve Resolution No. 1547-15. of the Town of Florence, Pinal County, Arizona rescinding Resolution No. 1468-14 with regard to the Pre-Annexation and Development Agreement with El Dorado Arizona Farms, LLC; Providing for Severability; and Declaring an Emergency.

BACKGROUND/DISCUSSION:

On September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Magic Ranch Annexation," Town of Florence Annexation No. 2013-01.

If the Mayor and Council rescind the Magic Ranch Annexation Ordinance, all Pre Annexation Development Agreements filed with the Pinal County Recorder must also be rescinded. Adopting Resolution No. 1547-15 will rescind Resolution No. 1468-14 adopted August 4, 2014, approving a Pre-Annexation and Development Agreement between the Town and El Dorado Arizona Farms, LLC.

FINANCIAL IMPACT:

None

STAFF RECOMMENDATION:

If the Town Council rescinds the Magic Ranch Annexation, staff recommends that Resolution No. 1547-15 be adopted thereby rescinding Resolution No. 1468-14.

ATTACHMENTS:

Resolution No. 1547-15

Resolution No. 1547-15

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1468-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH EL DORADO ARIZONA FARMS, LLC (“OWNER”); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, on August 4, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Resolution No. 1468-14 (the “Resolution”) approving a Pre-Annexation and Development Agreement between the Town and Owner (the “PADA”), for the property described in the Resolution; and

WHEREAS, the Resolution, including the attached PADA, was filed with the Pinal County Recorder’s Office under Fee Number 2014-045602 on August 7, 2014; and

WHEREAS, on September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the “Magic Ranch Annexation,” Town of Florence Annexation No. 2013-01; and

WHEREAS, within the statutory 30-day challenge period following adoption of Ordinance No. 619-14, petitions were filed in Pinal County Superior Court challenging the validity of the Magic Ranch Annexation, which had been approved by Ordinance No. 619-14; and

WHEREAS, the Town Council of Florence believes it is in the best interest of the residents of the Town of Florence, as well as the residents of the unincorporated area included in the Magic Ranch Annexation area, to rescind the Resolution along with the rescission of Town of Florence Ordinance No. 619-14.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Florence, Arizona, as follows:

Section 1. Resolution No. 1468-14, dated August 4, 2014 (with respect to the Pre-Annexation and Development Agreement referenced in Fee Number 2014-045602) in the official records of Pinal County is hereby rescinded, voided and declared to be of no further force or effect.

Section 2. The Mayor, the Town Manager, the Town Clerk and the Town's Attorneys are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Resolution.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid, unconstitutional, or unenforceable by a court of competent jurisdiction in a final non-appealable judgment, such portion shall be deemed a separate, distinct and an independent provision and such holding shall not affect the validity or enforceability of the remaining portions of this Resolution.

Section 4. Inasmuch as it is necessary for the peace, health and safety of the Town of Florence, that this Resolution be effective immediately upon its passage and approval according to A.R.S. §19-142 (B), this Resolution is hereby declared to be an emergency measure and effective upon its passage and approval.

Section 5. The Town Clerk is hereby directed to record a certified copy of this Resolution with the Pinal County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the Town of Florence, Arizona, this ____ day of August 2015 by ayes and nays:

AYES: _____

ABSENT: _____

NAYS: _____

ABSTAINED: _____


Tom J. Rankin, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

Clifford Mattice, Town Attorney

	<p align="center">TOWN OF FLORENCE COUNCIL ACTION FORM</p>	<p align="center"><u>AGENDA ITEM</u> 8p.</p>
<p>MEETING DATE: August 17, 2015</p> <p>DEPARTMENT: Administration</p> <p>STAFF PRESENTER: Lisa Garcia, Interim Town Manager</p> <p>SUBJECT: Resolution No. 1548-15 rescinding Resolution No. 1472-14 with regard to the Pre-Annexation and Development Agreement with Smith's Food and Drug Centers, Inc.; Providing for Severability; and Declaring an Emergency</p>		<p> <input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance </p> <p> <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading <input type="checkbox"/> Other </p>

RECOMMENDED MOTION/ACTION:

Motion to approve Resolution No. 1548-15 of the Town of Florence, Pinal County, Arizona rescinding Resolution No. 1472-14 with regard to the Pre-Annexation and Development Agreement with Smith's Food and Drug Centers, Inc.; Providing for Severability; and Declaring an Emergency.

BACKGROUND/DISCUSSION:

On September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Magic Ranch Annexation," Town of Florence Annexation No. 2013-01.

If the Mayor and Council rescind the Magic Ranch Annexation Ordinance, all Pre-Annexation Development Agreements filed with the Pinal County Recorder must also be rescinded. Adopting Resolution No. 1548-15 will rescind Resolution No. 1472-14 adopted August 18, 2014, approving a Pre-Annexation and Development Agreement between the Town and Smith's Food and Drug Centers, Inc.

FINANCIAL IMPACT:

None.

STAFF RECOMMENDATION:

If the Town Council rescinds the Magic Ranch Annexation, staff recommends that Resolution No. 1548-15 be adopted thereby rescinding Resolution No. 1472-14.

ATTACHMENTS:

Resolution No. 1548-15

Resolution No. 1548-15

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1472-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH SMITH'S FOOD AND DRUG CENTERS, INC., ("OWNER"); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, on August 18, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Resolution No. 1472-14 (the "Resolution") approving a Pre-Annexation and Development Agreement between the Town and Owner (the "PADA"), for the property described in the Resolution; and

WHEREAS, the Resolution, including the attached PADA, was filed with the Pinal County Recorder's Office under Fee Number 2014-049648 on August 27, 2014; and

WHEREAS, on September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Magic Ranch Annexation," Town of Florence Annexation No. 2013-01; and

WHEREAS, within the statutory 30-day challenge period following adoption of Ordinance No. 619-14, petitions were filed in Pinal County Superior Court challenging the validity of the Magic Ranch Annexation, which had been approved by Ordinance No. 619-14; and

WHEREAS, the Town Council of Florence believes it is in the best interest of the residents of the Town of Florence, as well as the residents of the unincorporated area included in the Magic Ranch Annexation area, to rescind the Resolution along with the rescission of Town of Florence Ordinance No. 619-14.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Florence, Arizona, as follows:

Section 1. Resolution No. 1472-14, dated August 18, 2014 (with respect to the Pre-Annexation and Development Agreement referenced in Fee Number 2014-049648) in the official records of Pinal County is hereby rescinded, voided and declared to be of no further force or effect.

Section 2. The Mayor, the Town Manager, the Town Clerk and the Town's Attorneys are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Resolution.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid, unconstitutional, or unenforceable by a court of competent jurisdiction in a final non-appealable judgment, such portion shall be deemed a separate, distinct and an independent provision and such holding shall not affect the validity or enforceability of the remaining portions of this Resolution.

Section 4. Inasmuch as it is necessary for the peace, health and safety of the Town of Florence, that this Resolution be effective immediately upon its passage and approval according to A.R.S. §19-142 (B), this Resolution is hereby declared to be an emergency measure and effective upon its passage and approval.

Section 5. The Town Clerk is hereby directed to record a certified copy of this Resolution with the Pinal County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the Town of Florence, Arizona, this ____ day of August 2015 by ayes and nays:

AYES: _____

ABSENT: _____

NAYS: _____

ABSTAINED: _____


Tom J. Rankin, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

Clifford Mattice, Town Attorney

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 8q.
MEETING DATE: August 17, 2015 DEPARTMENT: Administration STAFF PRESENTER: Lisa Garcia, Interim Town Manager SUBJECT: Resolution No. 1549-15 rescinding Resolution No. 1475-14 with regard to the Pre-Annexation and Development Agreement with General Hunt Properties, Inc.; Providing for Severability; and Declaring an Emergency		<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Motion to approve Resolution No. 1549-15 of the Town of Florence, Pinal County, Arizona rescinding Resolution No. 1475-14 with regard to the Pre-Annexation and Development Agreement with General Hunt Properties, Inc.; Providing for Severability; and Declaring an Emergency.

BACKGROUND/DISCUSSION:

On September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Magic Ranch Annexation," Town of Florence Annexation No. 2013-01.

If the Mayor and Council rescind the Magic Ranch Annexation Ordinance, all Pre Annexation Development Agreements filed with the Pinal County Recorder must also be rescinded. Adopting Resolution No. 1549-15 will rescind Resolution No. 1475-14 adopted August 18, 2014, approving a Pre-Annexation and Development Agreement between the Town and General Hunt Properties, Inc.

FINANCIAL IMPACT:

None

STAFF RECOMMENDATION:

If the Town Council rescinds the Magic Ranch Annexation, staff recommends that Resolution No. 1549-15 be adopted thereby rescinding Resolution No. 1475-14.

ATTACHMENTS:

Resolution No. 1549-15

Resolution No. 1549-15

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1475-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH GENERAL HUNT PROPERTIES, INC., (“OWNER”); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, on August 18, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Resolution No. 1475-14 (the “Resolution”) approving a Pre-Annexation and Development Agreement between the Town and Owner (the “PADA”), for the property described in the Resolution; and

WHEREAS, the Resolution, including the attached PADA, was filed with the Pinal County Recorder’s Office under Fee Number 2014-049683 on August 27, 2014; and

WHEREAS, on September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the “Magic Ranch Annexation,” Town of Florence Annexation No. 2013-01; and

WHEREAS, within the statutory 30-day challenge period following adoption of Ordinance No. 619-14, petitions were filed in Pinal County Superior Court challenging the validity of the Magic Ranch Annexation, which had been approved by Ordinance No. 619-14; and

WHEREAS, the Town Council of Florence believes it is in the best interest of the residents of the Town of Florence, as well as the residents of the unincorporated area included in the Magic Ranch Annexation area, to rescind the Resolution along with the rescission of Town of Florence Ordinance No. 619-14.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Florence, Arizona, as follows:

Section 1. Resolution No. 1475-14, dated August 18, 2014 (with respect to the Pre-Annexation and Development Agreement referenced in Fee Number 2014-049683) in the official records of Pinal County is hereby rescinded, voided and declared to be of no further force or effect.

Section 2. The Mayor, the Town Manager, the Town Clerk and the Town's Attorneys are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Resolution.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid, unconstitutional, or unenforceable by a court of competent jurisdiction in a final non-appealable judgment, such portion shall be deemed a separate, distinct and an independent provision and such holding shall not affect the validity or enforceability of the remaining portions of this Resolution.

Section 4. Inasmuch as it is necessary for the peace, health and safety of the Town of Florence, that this Resolution be effective immediately upon its passage and approval according to A.R.S. §19-142 (B), this Resolution is hereby declared to be an emergency measure and effective upon its passage and approval.

Section 5. The Town Clerk is hereby directed to record a certified copy of this Resolution with the Pinal County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the Town of Florence, Arizona, this ____ day of August 2015 by ayes and nays:

AYES: _____

ABSENT: _____

NAYS: _____

ABSTAINED: _____


Tom J. Rankin, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

Clifford Mattice, Town Attorney

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 8r.
MEETING DATE: August 17, 2015 DEPARTMENT: Administration STAFF PRESENTER: Lisa Garcia, Interim Town Manager SUBJECT: Resolution No. 1550-15 rescinding Resolution No. 1476-14 with regard to the Pre-Annexation and Development Agreement with Oasis Solid Waste LLC, Providing for Severability; and Declaring an Emergency		<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Motion to approve Resolution No. 1550-15 of the Town of Florence, Pinal County, Arizona rescinding Resolution No. 1476-14 with regard to the Pre-Annexation and Development Agreement with Oasis Solid Waste LLC, Providing for Severability; and Declaring an Emergency.

BACKGROUND/DISCUSSION:

On September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Magic Ranch Annexation," Town of Florence Annexation No. 2013-01.

If the Mayor and Council rescind the Magic Ranch Annexation Ordinance, all Pre-Annexation Development Agreements filed with the Pinal County Recorder must also be rescinded. Adopting Resolution No. 1550-15 will rescind Resolution No. 1476-14 adopted August 18, 2014, approving a Pre-Annexation and Development Agreement between the Town and Oasis Solid Waste LLC.

FINANCIAL IMPACT:

None.

STAFF RECOMMENDATION:

If the Town Council rescinds the Magic Ranch Annexation, staff recommends that Resolution No. 1550-15 be adopted thereby rescinding Resolution No. 1476-14.

ATTACHMENTS:

Resolution No. 1550-15

Resolution No. 1550-15

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1476-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH OASIS SOLID WASTE, LLC (“OWNER”); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, on August 18, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Resolution No. 1476-14 (the “Resolution”) approving a Pre-Annexation and Development Agreement between the Town and Owner (the “PADA”), for the property described in the Resolution; and

WHEREAS, the Resolution, including the attached PADA, was filed with the Pinal County Recorder’s Office under Fee Number 2014-049684 on August 27, 2014; and

WHEREAS, on September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the “Magic Ranch Annexation,” Town of Florence Annexation No. 2013-01; and

WHEREAS, within the statutory 30-day challenge period following adoption of Ordinance No. 619-14, petitions were filed in Pinal County Superior Court challenging the validity of the Magic Ranch Annexation, which had been approved by Ordinance No. 619-14; and

WHEREAS, the Town Council of Florence believes it is in the best interest of the residents of the Town of Florence, as well as the residents of the unincorporated area included in the Magic Ranch Annexation area, to rescind the Resolution along with the rescission of Town of Florence Ordinance No. 619-14.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Florence, Arizona, as follows:

Section 1. Resolution No. 1476-14, dated August 18, 2014 (with respect to the Pre-Annexation and Development Agreement referenced in Fee Number 2014-049684) in the official records of Pinal County is hereby rescinded, voided and declared to be of no further force or effect.

Section 2. The Mayor, the Town Manager, the Town Clerk and the Town's Attorneys are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Resolution.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid, unconstitutional, or unenforceable by a court of competent jurisdiction in a final non-appealable judgment, such portion shall be deemed a separate, distinct and an independent provision and such holding shall not affect the validity or enforceability of the remaining portions of this Resolution.

Section 4. Inasmuch as it is necessary for the peace, health and safety of the Town of Florence, that this Resolution be effective immediately upon its passage and approval according to A.R.S. §19-142 (B), this Resolution is hereby declared to be an emergency measure and effective upon its passage and approval.

Section 5. The Town Clerk is hereby directed to record a certified copy of this Resolution with the Pinal County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the Town of Florence, Arizona, this ____ day of August 2015 by ayes and nays:

AYES: _____

ABSENT: _____

NAYS: _____

ABSTAINED: _____


Tom J. Rankin, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

Clifford Mattice, Town Attorney

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 8s.
MEETING DATE: August 17, 2015 DEPARTMENT: Administration STAFF PRESENTER: Lisa Garcia, Interim Town Manager SUBJECT: Resolution No. 1551-15 rescinding Resolution No. 1477-14 with regard to the Pre-Annexation and Development Agreement with Club at Oasis, LLC; Providing for Severability; and Declaring an Emergency		<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Motion to approve Resolution No. 1551-15. of the Town of Florence, Pinal County, Arizona rescinding Resolution No. 1477-14 with regard to the Pre-Annexation and Development Agreement with Club at Oasis, LLC; Providing for Severability; and Declaring an Emergency.

BACKGROUND/DISCUSSION:

On September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Magic Ranch Annexation," Town of Florence Annexation No. 2013-01.

If the Mayor and Council rescind the Magic Ranch Annexation Ordinance, all Pre-Annexation Development Agreements filed with the Pinal County Recorder must also be rescinded. Adopting Resolution No. 1551-15 will rescind Resolution No. 1477-14 adopted August 18, 2014, approving a Pre-Annexation and Development Agreement between the Town and Club at Oasis, LLC.

FINANCIAL IMPACT:

None.

STAFF RECOMMENDATION:

If the Town Council rescinds the Magic Ranch Annexation, staff recommends that Resolution No. 1551-15 be adopted thereby rescinding Resolution No. 1477-14.

ATTACHMENTS:

Resolution No. 1551-15

Resolution No. 1551-15

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1477-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH THE CLUB AT OASIS, LLC (“OWNER”); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, on August 18, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Resolution No. 1477-14 (the “Resolution”) approving a Pre-Annexation and Development Agreement between the Town and Owner (the “PADA”), for the property described in the Resolution; and

WHEREAS, the Resolution, including the attached PADA, was filed with the Pinal County Recorder’s Office under Fee Number 2014-049685 on August 27, 2014; and

WHEREAS, on September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the “Magic Ranch Annexation,” Town of Florence Annexation No. 2013-01; and

WHEREAS, within the statutory 30-day challenge period following adoption of Ordinance No. 619-14, petitions were filed in Pinal County Superior Court challenging the validity of the Magic Ranch Annexation, which had been approved by Ordinance No. 619-14; and

WHEREAS, the Town Council of Florence believes it is in the best interest of the residents of the Town of Florence, as well as the residents of the unincorporated area included in the Magic Ranch Annexation area, to rescind the Resolution along with the rescission of Town of Florence Ordinance No. 619-14.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Florence, Arizona, as follows:

Section 1. Resolution No. 1477-14, dated August 18, 2014 (with respect to the Pre-Annexation and Development Agreement referenced in Fee Number 2014-049685) in the official records of Pinal County is hereby rescinded, voided and declared to be of no further force or effect.

Section 2. The Mayor, the Town Manager, the Town Clerk and the Town's Attorneys are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Resolution.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid, unconstitutional, or unenforceable by a court of competent jurisdiction in a final non-appealable judgment, such portion shall be deemed a separate, distinct and an independent provision and such holding shall not affect the validity or enforceability of the remaining portions of this Resolution.

Section 4. Inasmuch as it is necessary for the peace, health and safety of the Town of Florence, that this Resolution be effective immediately upon its passage and approval according to A.R.S. §19-142 (B), this Resolution is hereby declared to be an emergency measure and effective upon its passage and approval.

Section 5. The Town Clerk is hereby directed to record a certified copy of this Resolution with the Pinal County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the Town of Florence, Arizona, this ____ day of August 2015 by ayes and nays:

AYES: _____

ABSENT: _____

NAYS: _____

ABSTAINED: _____


Tom J. Rankin, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

Clifford Mattice, Town Attorney

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 8t.
MEETING DATE: August 17, 2015 DEPARTMENT: Administration STAFF PRESENTER: Lisa Garcia, Interim Town Manager SUBJECT: Resolution No. 1552-15 rescinding Resolution No. 1478-14 with regard to the Pre-Annexation and Development Agreement with Johnson Utilities, LLC; Providing for Severability; and Declaring an Emergency		<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Motion to approve Resolution No. 1552-15 of the Town of Florence, Pinal County, Arizona rescinding Resolution No. 1478-14 with regard to the Pre-Annexation and Development Agreement with Johnson Utilities, LLC; Providing for Severability; and Declaring an Emergency.

BACKGROUND/DISCUSSION:

On September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Magic Ranch Annexation," Town of Florence Annexation No. 2013-01.

If the Mayor and Council rescind the Magic Ranch Annexation Ordinance, all Pre-Annexation Development Agreements filed with the Pinal County Recorder must also be rescinded. Adopting Resolution No. 1552-15 will rescind Resolution No. 1478-14 adopted August 18, 2014, approving a Pre-Annexation and Development Agreement between the Town and Johnson Utilities, LLC.

FINANCIAL IMPACT:

None

STAFF RECOMMENDATION:

If the Town Council rescinds the Magic Ranch Annexation, staff recommends that Resolution No. 1552-15 be adopted thereby rescinding Resolution No. 1478-14.

ATTACHMENTS:

Resolution No. 1552-15

Resolution No. 1552-15

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1478-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH JOHNSON UTILITIES, LLC (“OWNER”); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, on August 18, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Resolution No. 1478-14 (the “Resolution”) approving a Pre-Annexation and Development Agreement between the Town and Owner (the “PADA”), for the property described in the Resolution; and

WHEREAS, the Resolution, including the attached PADA, was filed with the Pinal County Recorder’s Office under Fee Number 2014-049686 on August 27, 2014; and

WHEREAS, on September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Ordinance No. 619-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the “Magic Ranch Annexation,” Town of Florence Annexation No. 2013-01; and

WHEREAS, within the statutory 30-day challenge period following adoption of Ordinance No. 619-14, petitions were filed in Pinal County Superior Court challenging the validity of the Magic Ranch Annexation, which had been approved by Ordinance No. 619-14; and

WHEREAS, the Town Council of Florence believes it is in the best interest of the residents of the Town of Florence, as well as the residents of the unincorporated area included in the Magic Ranch Annexation area, to rescind the Resolution along with the rescission of Town of Florence Ordinance No. 619-14.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Florence, Arizona, as follows:

Section 1. Resolution No. 1478-14, dated August 18, 2014 (with respect to the Pre-Annexation and Development Agreement referenced in Fee Number 2014-049686) in the official records of Pinal County is hereby rescinded, voided and declared to be of no further force or effect.

Section 2. The Mayor, the Town Manager, the Town Clerk and the Town's Attorneys are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Resolution.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid, unconstitutional, or unenforceable by a court of competent jurisdiction in a final non-appealable judgment, such portion shall be deemed a separate, distinct and an independent provision and such holding shall not affect the validity or enforceability of the remaining portions of this Resolution.

Section 4. Inasmuch as it is necessary for the peace, health and safety of the Town of Florence, that this Resolution be effective immediately upon its passage and approval according to A.R.S. §19-142 (B), this Resolution is hereby declared to be an emergency measure and effective upon its passage and approval.

Section 5. The Town Clerk is hereby directed to record a certified copy of this Resolution with the Pinal County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the Town of Florence, Arizona, this ____ day of August 2015 by ayes and nays:

AYES: _____

ABSENT: _____

NAYS: _____

ABSTAINED: _____


Tom J. Rankin, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

Clifford Mattice, Town Attorney

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 8u.
MEETING DATE: August 17, 2015 DEPARTMENT: Administration STAFF PRESENTER: Lisa Garcia, Interim Town Manager SUBJECT: Ordinance No. 634-15 rescinding Ordinance No. 620-14 with regard to Arizona Farms Annexation Petition No. 2013-02; Providing for Severability; and Declaring an Emergency		<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading

RECOMMENDED MOTION/ACTION:

Motion to approve Ordinance No. 634-15 of the Town of Florence, Pinal County, Arizona rescinding Ordinance No. 620-14 with regard to Arizona Farms Annexation Petition No. 2013-02; Providing for Severability; and Declaring an Emergency.

BACKGROUND/DISCUSSION:

On September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Ordinance No. 620-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Arizona Farms Annexation," Town of Florence Annexation No. 2013-02. The Annexation Petition, including attached signature sheets regarding the Arizona Farms Annexation was filed with the Pinal County Recorder's Office on September 5, 2014.

Within the statutory 30-day challenge period following adoption of Ordinance 620-14, petitions were filed in Pinal County Superior Court challenging the validity of the Arizona Farms Annexation, which had been approved by Ordinance No. 620-14.

If the Mayor and Council believe it to be in the best interest of the residents of the Town of Florence, as well as, the residents of the unincorporated area included in the Arizona Farms Annexation area, the Mayor and Council may rescind Ordinance No. 620-14.

FINANCIAL IMPACT:

Not applicable.

STAFF RECOMMENDATION:

There is no staff recommendation for this item.

ATTACHMENTS:

Ordinance No. 634-15

Ordinance No. 634-15

AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING ORDINANCE NO 620-14 WITH REGARD TO ARIZONA FARMS ANNEXATION PETITION NO. 2013-02; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, on September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Ordinance No. 620-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Arizona Farms Annexation," Town of Florence Annexation No. 2013-02; and

WHEREAS, pursuant to A.R.S. §9-471(A)(4), an Annexation Petition including signature sheets regarding the "Arizona Farms Annexation" was filed with the Pinal County Recorder's Office under recording number 2014-051353 on September 5, 2014; and

WHEREAS, within the statutory 30-day challenge period following adoption of Ordinance No. 620-14, petitions were filed in Pinal County Superior Court challenging the validity of the Arizona Farms Annexation, which had been approved by Ordinance No. 620-14; and

WHEREAS, the Town Council of Florence believes it is in the best interest of the residents of the Town of Florence, as well as the residents of the unincorporated area included in the Arizona Farms Annexation area, to rescind Ordinance No. 620-14.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Florence, Arizona, as follows:

Section 1. That the Magic Ranch final annexation ordinance, Ordinance No. 620-14, dated September 2, 2014 (with respect to the annexation of the property referenced in Recording Fee Number 2014-051353) in the official records of Pinal County is hereby rescinded, voided and declared to be of no further force or effect.

Section 2. The Mayor, the Town Manager, the Town Clerk and the Town's Attorneys are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Ordinance.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional, or unenforceable by a court of competent jurisdiction in a final non-appealable judgment, such portion shall be deemed a separate, distinct and an independent

provision and such holding shall not affect the validity or enforceability of the remaining portions of the Ordinance.

Section 4. That, inasmuch as it is necessity for the peace, health and safety of the Town of Florence, that this Ordinance be effective immediately upon its passage and approval according to A.R.S. §19-142 (B), this Ordinance is hereby declared to be an emergency measure and effective upon its passage and approval.

Section 5. The Town Clerk is hereby directed to record a certified copy of this Ordinance with the Pinal County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the Town of Florence, Arizona, this ____ day of August 2015 by ayes and nays:

AYES: _____

ABSENT: _____

NAYS: _____

ABSTAINED: _____


Tom J. Rankin, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

Clifford Mattice, Town Attorney

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 8v.
MEETING DATE: August 17, 2015 DEPARTMENT: Administration STAFF PRESENTER: Lisa Garcia, Interim Town Manager SUBJECT: Resolution No. 1553-15 rescinding Resolution No. 1418-14 with regard to the Pre-Annexation and Development Agreement with DQCrestfield, LLC; Providing for Severability; and Declaring an Emergency		<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Motion to approve Resolution No. 1553-15 of the Town of Florence, Pinal County, Arizona rescinding Resolution No. 1418-14 with regard to the Pre-Annexation and Development Agreement with DQCrestfield, LLC; Providing for Severability; and Declaring an Emergency.

BACKGROUND/DISCUSSION:

On September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Ordinance No. 620-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Arizona Farms Annexation," Town of Florence Annexation No. 2013-02.

If the Mayor and Council rescind the Arizona Farms Annexation Ordinance, all Pre-Annexation Development Agreements filed with the Pinal County Recorder must also be rescinded. Adopting Resolution No. 1553-15 will rescind Resolution No. 1418-14 adopted January 21, 2014, approving a Pre-Annexation and Development Agreement between the Town and DQCrestfield, LLC.

FINANCIAL IMPACT:

None

STAFF RECOMMENDATION:

If the Town Council rescinds the Arizona Farms Annexation, staff recommends that Resolution No. 1553-15 be adopted thereby rescinding Resolution No. 1418-14.

ATTACHMENTS:

Resolution No. 1553-15

Resolution No. 1553-15

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1418-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH DQCRESTFIELD, LLC, ("OWNER"); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, on January 21, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Resolution No. 1418-14 (the "Resolution") approving a Pre-Annexation and Development Agreement between the Town and Owner (the "PADA"), for the property described in the Resolution; and

WHEREAS, the Resolution, including the attached PADA, was filed with the Pinal County Recorder's Office under Fee Number 2014-006474 on February 4, 2014; and

WHEREAS, on September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Ordinance No. 620-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Arizona Farms Annexation" Town of Florence Annexation No. 2013-02; and

WHEREAS, within the statutory 30-day challenge period following adoption of Ordinance No. 620-14, petitions were filed in Pinal County Superior Court challenging the validity of the Arizona Farms Annexation, which had been approved by Ordinance No. 620-14; and

WHEREAS, the Town Council of Florence believes it is in the best interest of the residents of the Town of Florence, as well as the residents of the unincorporated area included in the Arizona Farms Annexation area, to rescind the Resolution along with the rescission of Town of Florence Ordinance No. 620-14.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Florence, Arizona, as follows:

Section 1. Resolution No. 1418-14, dated January 21, 2014 (with respect to the Pre-Annexation and Development Agreement referenced in Fee Number 2014-006474) in the official records of Pinal County is hereby rescinded, voided and declared to be of no further force or effect.

Section 2. The Mayor, the Town Manager, the Town Clerk and the Town's Attorneys are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Resolution.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid, unconstitutional, or unenforceable by a court of competent jurisdiction in a final non-appealable judgment, such portion shall be deemed a separate, distinct and an independent provision and such holding shall not affect the validity or enforceability of the remaining portions of this Resolution.

Section 4. Inasmuch as it is necessary for the peace, health and safety of the Town of Florence that this Resolution be effective immediately upon its passage and approval according to A.R.S. §19-142 (B), this Resolution is hereby declared to be an emergency measure and effective upon its passage and approval.

Section 5. The Town Clerk is hereby directed to record a certified copy of this Resolution with the Pinal County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the Town of Florence, Arizona, this ____ day of August 2015 by ayes and nays:

AYES: _____

ABSENT: _____

NAYS: _____

ABSTAINED: _____


Tom J. Rankin, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

Clifford Mattice, Town Attorney

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 8w.
MEETING DATE: August 17, 2015 DEPARTMENT: Administration STAFF PRESENTER: Lisa Garcia, Interim Town Manager SUBJECT: Resolution No. 1554-15 rescinding Resolution No. 1443-14 with regard to the Pre-Annexation and Development Agreement with MP Florence, LLC; Providing for Severability; and Declaring an Emergency		<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Motion to approve Resolution No. 1554-15 of the Town of Florence, Pinal County, Arizona rescinding Resolution No. 1443-14 with regard to the Pre-Annexation and Development Agreement with MP Florence, LLC; Providing for Severability; and Declaring an Emergency.

BACKGROUND/DISCUSSION:

On September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Ordinance No. 620-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Arizona Farms Annexation," Town of Florence Annexation No. 2013-02.

If the Mayor and Council rescind the Arizona Farms Annexation Ordinance, all Pre-Annexation Development Agreements filed with the Pinal County Recorder must also be rescinded. Adopting Resolution No. 1554-15 will rescind Resolution No. 1443-14 adopted May 19, 2014, approving a Pre-Annexation and Development Agreement between the Town and MP Florence, LLC.

FINANCIAL IMPACT:

None

STAFF RECOMMENDATION:

If the Town Council rescinds the Arizona Farms Annexation, staff recommends that Resolution No. 1554-15 be adopted thereby rescinding Resolution No. 1443-14.

ATTACHMENTS:

Resolution No. 1554-15

Resolution No. 1554-15

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1443-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH MP FLORENCE, LLC, (“OWNER”); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, on May 19, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Resolution No. 1443-14 (the “Resolution”) approving a Pre-Annexation and Development Agreement between the Town and Owner (the “PADA”), for the property described in the Resolution; and

WHEREAS, the Resolution, including the attached PADA, was filed with the Pinal County Recorder’s Office under Fee Number 2014-030498 on May 28, 2014; and

WHEREAS, on September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Ordinance No. 620-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the “Arizona Farms Annexation” Town of Florence Annexation No. 2013-02; and

WHEREAS, within the statutory 30-day challenge period following adoption of Ordinance No. 620-14, petitions were filed in Pinal County Superior Court challenging the validity of the Arizona Farms Annexation, which had been approved by Ordinance No. 620-14; and

WHEREAS, the Town Council of Florence believes it is in the best interest of the residents of the Town of Florence, as well as the residents of the unincorporated area included in the Arizona Farms Annexation area, to rescind the Resolution along with the rescission of Town of Florence Ordinance No. 620-14.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Florence, Arizona, as follows:

Section 1. Resolution No. 1443-14, dated May 19, 2014 (with respect to the Pre-Annexation and Development Agreement referenced in Fee Number 2014-030498) in the official records of Pinal County is hereby rescinded, voided and declared to be of no further force or effect.

Section 2. The Mayor, the Town Manager, the Town Clerk and the Town's Attorneys are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Resolution.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid, unconstitutional, or unenforceable by a court of competent jurisdiction in a final non-appealable judgment, such portion shall be deemed a separate, distinct and an independent provision and such holding shall not affect the validity or enforceability of the remaining portions of this Resolution.

Section 4. Inasmuch as it is necessary for the peace, health and safety of the Town of Florence that this Resolution be effective immediately upon its passage and approval according to A.R.S. §19-142 (B), this Resolution is hereby declared to be an emergency measure and effective upon its passage and approval.

Section 5. The Town Clerk is hereby directed to record a certified copy of this Resolution with the Pinal County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the Town of Florence, Arizona, this ____ day of August 2015 by ayes and nays:

AYES: _____

ABSENT: _____

NAYS: _____

ABSTAINED: _____


Tom J. Rankin, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

Clifford Mattice, Town Attorney

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 8x.
MEETING DATE: August 17, 2015 DEPARTMENT: Administration STAFF PRESENTER: Lisa Garcia, Interim Town Manager SUBJECT: Resolution No. 1555-15 rescinding Resolution No. 1446-14 with regard to the Pre-Annexation and Development Agreement with Howard L. Hawks; Providing for Severability; and Declaring an Emergency		<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Motion to approve Resolution No. 1555-15 of the Town of Florence, Pinal County, Arizona rescinding Resolution No. 1446-14 with regard to the Pre-Annexation and Development Agreement with Howard L. Hawks; Providing for Severability; and Declaring an Emergency.

BACKGROUND/DISCUSSION:

On September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Ordinance No. 620-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Arizona Farms Annexation," Town of Florence Annexation No. 2013-02.

If the Mayor and Council rescind the Arizona Farms Annexation Ordinance, all Pre-Annexation Development Agreements filed with the Pinal County Recorder must also be rescinded. Adopting Resolution No. 1555-15 will rescind Resolution No. 1446-14 adopted June 2, 2014, approving a Pre-Annexation and Development Agreement between the Town and Howard L. Hawks.

FINANCIAL IMPACT:

None

STAFF RECOMMENDATION:

If the Town Council rescinds the Arizona Farms Annexation, staff recommends that Resolution No. 1555-15 be adopted thereby rescinding Resolution No. 1446-14.

ATTACHMENTS:

Resolution No. 1555-15

Resolution No. 1555-15

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1446-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH HOWARD L. HAWKS (“OWNER”); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, on June 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Resolution No. 1446-14 (the “Resolution”) approving a Pre-Annexation and Development Agreement between the Town and Owner (the “PADA”), for the property described in the Resolution; and

WHEREAS, the Resolution, including the attached PADA, was filed with the Pinal County Recorder’s Office under Fee Number 2014-033405 on June 10, 2014; and

WHEREAS, on September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Ordinance No. 620-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the “Arizona Farms Annexation” Town of Florence Annexation No. 2013-02; and

WHEREAS, within the statutory 30-day challenge period following adoption of Ordinance No. 620-14, petitions were filed in Pinal County Superior Court challenging the validity of the Arizona Farms Annexation, which had been approved by Ordinance No. 620-14; and

WHEREAS, the Town Council of Florence believes it is in the best interest of the residents of the Town of Florence, as well as the residents of the unincorporated area included in the Arizona Farms Annexation area, to rescind the Resolution along with the rescission of Town of Florence Ordinance No. 620-14.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Florence, Arizona, as follows:

Section 1. Resolution No. 1446-14, dated June 2, 2014 (with respect to the Pre-Annexation and Development Agreement referenced in Fee Number 2014-033405) in the official records of Pinal County is hereby rescinded, voided and declared to be of no further force or effect.

Section 2. The Mayor, the Town Manager, the Town Clerk and the Town's Attorneys are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Resolution.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid, unconstitutional, or unenforceable by a court of competent jurisdiction in a final non-appealable judgment, such portion shall be deemed a separate, distinct and an independent provision and such holding shall not affect the validity or enforceability of the remaining portions of this Resolution.

Section 4. Inasmuch as it is necessary for the peace, health and safety of the Town of Florence that this Resolution be effective immediately upon its passage and approval according to A.R.S. §19-142 (B), this Resolution is hereby declared to be an emergency measure and effective upon its passage and approval.

Section 5. The Town Clerk is hereby directed to record a certified copy of this Resolution with the Pinal County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the Town of Florence, Arizona, this ____ day of August 2015 by ayes and nays:

AYES: _____

ABSENT: _____

NAYS: _____

ABSTAINED: _____


Tom J. Rankin, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

Clifford Mattice, Town Attorney

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 8y.
MEETING DATE: August 17, 2015 DEPARTMENT: Administration STAFF PRESENTER: Lisa Garcia, Interim Town Manager SUBJECT: Resolution No. 1556-15 rescinding Resolution No. 1461-14 with regard to the Pre-Annexation and Development Agreement with Superstition Springs R-14 Associates, Wolf's R.E. Holdings, LLC, and David C. Phillips; Providing for Severability; and Declaring an Emergency		<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <div style="margin-left: 40px;"> <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading </div> <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Motion to approve Resolution No. 1556-15 of the Town of Florence, Pinal County, Arizona rescinding Resolution No. 1461-14 with regard to the Pre-Annexation and Development Agreement with Superstition Springs R-14 Associates, Wolfy's R.E. Holdings, LLC, and David C. Phillips; Providing for Severability; and Declaring an Emergency.

BACKGROUND/DISCUSSION:

On September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Ordinance No. 620-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Arizona Farms Annexation," Town of Florence Annexation No. 2013-02.

If the Mayor and Council rescind the Arizona Farms Annexation Ordinance, all Pre-Annexation Development Agreements filed with the Pinal County Recorder must also be rescinded. Adopting Resolution No. 1556-15 will rescind Resolution No. 1461-14 adopted July 21, 2014, approving a Pre-Annexation and Development Agreement between the Town and Superstition Springs R-14 Associates, Wolfy's R.E. Holdings, LLC, and David C. Phillips .

FINANCIAL IMPACT:

None

STAFF RECOMMENDATION:

If the Town Council rescinds the Arizona Farms Annexation, staff recommends that Resolution No. 1556-15 be adopted thereby rescinding Resolution No. 1461-14.

ATTACHMENTS:

Resolution No. 1556-15

Resolution No. 1556-15

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1461-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH SUPERSTITION SPRINGS R-14 ASSOCIATES, WOLFY'S R.E. HOLDINGS, LLC, AND DAVID C. PHILLIPS, ("OWNERS"); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, on July 21, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Resolution No. 1461-14 (the "Resolution") approving a Pre-Annexation and Development Agreement between the Town and Owners (the "PADA"), for the property described in the Resolution; and

WHEREAS, the Resolution, including the attached PADA, was filed with the Pinal County Recorder's Office under Fee Number 2014-042562 on July 23, 2014; and

WHEREAS, on September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Ordinance No. 620-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Arizona Farms Annexation" Town of Florence Annexation No. 2013-02; and

WHEREAS, within the statutory 30-day challenge period following adoption of Ordinance No. 620-14, petitions were filed in Pinal County Superior Court challenging the validity of the Arizona Farms Annexation, which had been approved by Ordinance No. 620-14; and

WHEREAS, the Town Council of Florence believes it is in the best interest of the residents of the Town of Florence, as well as the residents of the unincorporated area included in the Arizona Farms Annexation area, to rescind the Resolution along with the rescission of Town of Florence Ordinance No. 620-14.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Florence, Arizona, as follows:

Section 1. Resolution No. 1461-14, dated July 21, 2014 (with respect to the Pre-Annexation and Development Agreement referenced in Fee Number 2014-042562) in the official records of Pinal County is hereby rescinded, voided and declared to be of no further force or effect.

Section 2. The Mayor, the Town Manager, the Town Clerk and the Town's Attorneys are hereby authorized and directed to take

all steps and to execute all documents necessary to carry out the purpose and intent of this Resolution.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid, unconstitutional, or unenforceable by a court of competent jurisdiction in a final non-appealable judgment, such portion shall be deemed a separate, distinct and an independent provision and such holding shall not affect the validity or enforceability of the remaining portions of this Resolution.

Section 4. Inasmuch as it is necessary for the peace, health and safety of the Town of Florence that this Resolution be effective immediately upon its passage and approval according to A.R.S. §19-142 (B), this Resolution is hereby declared to be an emergency measure and effective upon its passage and approval.

Section 5. The Town Clerk is hereby directed to record a certified copy of this Resolution with the Pinal County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the Town of Florence, Arizona, this ____ day of August 2015 by ayes and nays:

AYES: _____

ABSENT: _____

NAYS: _____

ABSTAINED: _____


Tom J. Rankin, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

Clifford Mattice, Town Attorney

	<p align="center">TOWN OF FLORENCE COUNCIL ACTION FORM</p>	<p align="center"><u>AGENDA ITEM</u> 8z.</p>
<p>MEETING DATE: August 17, 2015</p> <p>DEPARTMENT: Administration</p> <p>STAFF PRESENTER: Lisa Garcia, Interim Town Manager</p> <p>SUBJECT: Resolution No. 1557-15 rescinding Resolution No. 1462-14 with regard to the Pre-Annexation and Development Agreement with RES-AZ Crestview, LLC; Providing for Severability; and Declaring an Emergency</p>		<p> <input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance </p> <p> <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading <input type="checkbox"/> Other </p>

RECOMMENDED MOTION/ACTION:

Motion to approve Resolution No. 1557-15 of the Town of Florence, Pinal County, Arizona rescinding Resolution No. 1462-14 with regard to the Pre-Annexation and Development Agreement with RES-AZ Crestview, LLC; Providing for Severability; and Declaring an Emergency.

BACKGROUND/DISCUSSION:

On September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Ordinance No. 620-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Arizona Farms Annexation," Town of Florence Annexation No. 2013-02.

If the Mayor and Council rescind the Arizona Farms Annexation Ordinance, all Pre-Annexation Development Agreements filed with the Pinal County Recorder must also be rescinded. Adopting Resolution No. 1557-15 will rescind Resolution No. 1462-14 adopted July 21, 2014, approving a Pre-Annexation and Development Agreement between the Town and RES-AZ Crestview, LLC.

FINANCIAL IMPACT:

None

STAFF RECOMMENDATION:

If the Town Council rescinds the Arizona Farms Annexation, staff recommends that Resolution No. 1557-15 be adopted thereby rescinding Resolution No. 1462-14.

ATTACHMENTS:

Resolution No. 1557-15

Resolution No. 1557-15

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1462-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH RES-AZ CRESTVIEW, LLC (“OWNER”); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, on July 21, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Resolution No. 1462-14 (the “Resolution”) approving a Pre-Annexation and Development Agreement between the Town and Owner (the “PADA”), for the property described in the Resolution; and

WHEREAS, the Resolution, including the attached PADA, was filed with the Pinal County Recorder’s Office under Fee Number 2014-043928 on July 30, 2014; and

WHEREAS, on September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Ordinance No. 620-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the “Arizona Farms Annexation” Town of Florence Annexation No. 2013-02; and

WHEREAS, within the statutory 30-day challenge period following adoption of Ordinance No. 620-14, petitions were filed in Pinal County Superior Court challenging the validity of the Arizona Farms Annexation, which had been approved by Ordinance No. 620-14; and

WHEREAS, the Town Council of Florence believes it is in the best interest of the residents of the Town of Florence, as well as the residents of the unincorporated area included in the Arizona Farms Annexation area, to rescind the Resolution along with the rescission of Town of Florence Ordinance No. 620-14.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Florence, Arizona, as follows:

Section 1. Resolution No. 1462-14, dated July 21, 2014 (with respect to the Pre-Annexation and Development Agreement referenced in Fee Number 2014-043928) in the official records of Pinal County is hereby rescinded, voided and declared to be of no further force or effect.

Section 2. The Mayor, the Town Manager, the Town Clerk and the Town's Attorneys are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Resolution.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid, unconstitutional, or unenforceable by a court of competent jurisdiction in a final non-appealable judgment, such portion shall be deemed a separate, distinct and an independent provision and such holding shall not affect the validity or enforceability of the remaining portions of this Resolution.

Section 4. Inasmuch as it is necessary for the peace, health and safety of the Town of Florence that this Resolution be effective immediately upon its passage and approval according to A.R.S. §19-142 (B), this Resolution is hereby declared to be an emergency measure and effective upon its passage and approval.

Section 5. The Town Clerk is hereby directed to record a certified copy of this Resolution with the Pinal County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the Town of Florence, Arizona, this ____ day of August 2015 by ayes and nays:

AYES: _____

ABSENT: _____

NAYS: _____

ABSTAINED: _____


Tom J. Rankin, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

Clifford Mattice, Town Attorney

	TOWN OF FLORENCE COUNCIL ACTION FORM	<u>AGENDA ITEM</u> 8aa.
MEETING DATE: August 17, 2015 DEPARTMENT: Administration STAFF PRESENTER: Lisa Garcia, Interim Town Manager SUBJECT: Resolution No. 1558-15 rescinding Resolution No. 1471-14 with regard to the Pre-Annexation and Development Agreement with El Dorado Arizona Farms, LLC and Langley Arizona Farms 150 LLC; Providing for Severability; and Declaring an Emergency		<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <div style="margin-left: 40px;"> <input type="checkbox"/> Regulatory <input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading </div> <input type="checkbox"/> Other

RECOMMENDED MOTION/ACTION:

Motion to approve Resolution No. 1558-15 of the Town of Florence, Pinal County, Arizona rescinding Resolution No. 1471-14 with regard to the Pre-Annexation and Development Agreement with El Dorado Arizona Farms, LLC and Langley Arizona Farms 150 LLC. Providing for Severability; and Declaring an Emergency.

BACKGROUND/DISCUSSION:

On September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Ordinance No. 620-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Arizona Farms Annexation," Town of Florence Annexation No. 2013-02.

If the Mayor and Council rescind the Arizona Farms Annexation Ordinance, all Pre-Annexation Development Agreements filed with the Pinal County Recorder must also be rescinded. Adopting Resolution No. 1558-15 will rescind Resolution No. 1471-14 adopted August 4, 2014, approving a Pre-Annexation and Development Agreement between the Town and El Dorado Arizona Farms, LLC and Langley Arizona Farms 150, LLC.

FINANCIAL IMPACT:

None

STAFF RECOMMENDATION:

If the Town Council rescinds the Arizona Farms Annexation, staff recommends that Resolution No. 1558-15 be adopted thereby rescinding Resolution No. 1471-14.

ATTACHMENTS:

Resolution No. 1558-15

Resolution No. 1558-15

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RESCINDING RESOLUTION NO. 1471-14 WITH REGARD TO THE PRE-ANNEXATION AND DEVELOPMENT AGREEMENT WITH EL DORADO ARIZONA FARMS LLC AND LANGLEY ARIZONA FARMS 150, LLC ("OWNERS"); PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, on August 4, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Resolution No. 1471-14 (the "Resolution") approving a Pre-Annexation and Development Agreement between the Town and Owner (the "PADA"), for the property described in the Resolution; and

WHEREAS, the Resolution, including the attached PADA, was filed with the Pinal County Recorder's Office under Fee Number 2014-045592 on August 7, 2014; and

WHEREAS, on September 2, 2014, the Mayor and Council of the Town of Florence passed and adopted Town of Florence Ordinance No. 620-14 approving the annexation of the property described in the blank Town of Florence Annexation Petition for the "Arizona Farms Annexation" Town of Florence Annexation No. 2013-02; and

WHEREAS, within the statutory 30-day challenge period following adoption of Ordinance No. 620-14, petitions were filed in Pinal County Superior Court challenging the validity of the Arizona Farms Annexation, which had been approved by Ordinance No. 620-14; and

WHEREAS, the Town Council of Florence believes it is in the best interest of the residents of the Town of Florence, as well as the residents of the unincorporated area included in the Arizona Farms Annexation area, to rescind the Resolution along with the rescission of Town of Florence Ordinance No. 620-14.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Town of Florence, Arizona, as follows:

Section 1. Resolution No. 1471-14, dated August 4, 2014 (with respect to the Pre-Annexation and Development Agreement referenced in Fee Number 2014-045592) in the official records of Pinal County is hereby rescinded, voided and declared to be of no further force or effect.

Section 2. The Mayor, the Town Manager, the Town Clerk and the Town's Attorneys are hereby authorized and directed to take

all steps and to execute all documents necessary to carry out the purpose and intent of this Resolution.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid, unconstitutional, or unenforceable by a court of competent jurisdiction in a final non-appealable judgment, such portion shall be deemed a separate, distinct and an independent provision and such holding shall not affect the validity or enforceability of the remaining portions of this Resolution.

Section 4. Inasmuch as it is necessary for the peace, health and safety of the Town of Florence that this Resolution be effective immediately upon its passage and approval according to A.R.S. §19-142 (B), this Resolution is hereby declared to be an emergency measure and effective upon its passage and approval.

Section 5. The Town Clerk is hereby directed to record a certified copy of this Resolution with the Pinal County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the Town of Florence, Arizona, this ____ day of August 2015 by ayes and nays:

AYES: _____

ABSENT: _____

NAYS: _____

ABSTAINED: _____

Tom J. Rankin, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Garcia, Town Clerk

Clifford Mattice, Town Attorney

MEMORANDUM

To: Mayor and Town Council
From: Lisa Garcia, Interim Town Manager
Copy: Department Heads
Date: August 17, 2015
Re: Bi-Weekly Update



Arizona Forward

The Town of Florence entry for Silver King Marketplace/Padilla Park has been selected as a finalist in the Building and Structure (Historic Preservation) category of Arizona Forward's 35th Annual Environmental Excellence Award program. Finalists receive an Award of Merit or a first place Crescordia at the award gala, held on September 12, 2015, at the Chateau Luxe. Finalists will be spotlighted in a special section featured in the Phoenix Business Journal on Friday, August 21, 2015. Mark Eckhoff and I will be attending on the Town's behalf.

Budget/Election Calendar

The Budget, Special Election, and Primary and General Election Calendar is attached. The Calendar shows a black font for items that are solely handled by staff. The red font shows the dates the budget committee will meet. The blue font shows the meeting dates Council, as a whole, will meet. We have included quarterly meetings with Council to discuss the issues facing the budget committee, as well as Council goals and priorities. Please note that a public component has been added to the CIP (Capital Improvement Plan) process. The advertisements and draft citizen input form is attached for your review and comment.

Dates to Remember

August 17, 2015, Regular Meeting of Council, starting at 6 pm
August 24, 2015, Special Meeting of Council, starting at 6 pm
August 27, 2015, Ready, Set, Go Workshop 1: from 9 am to 12 pm OR 1 pm to 4 pm
August 31, 2015, Open Meeting Law Training: from 6 pm to 8 pm – please RSVP
September 3, 2015, Ready, Set, Go Workshop 2: from 9 am to 12 pm OR 1 pm to 4 pm
September 8, 2015, Regular Town Council Meeting
September 14, 2015 Special Meeting – Kick off to Council Retreat and Executive Session
to review Town Manager Applications
September 21, 2015 Regular Town Council Meeting
October 13, 2015, CFD Work Session Anthem Parkside: from 6 pm to 8 pm
October 26, 2015, CFD Work Session Anthem Sun City from 6 pm to 8 pm

League of Cities and Towns

I will be attending the League of Cities and Towns Conference August 18 to August 21, 2015. Jess Knudson will be Acting Manager while I am away. I will be in communication via email and cell phone. If you need to speak to me, do not hesitate to call. Councilmember Woolridge and Anderson will be attending the full conference. Mayor Tom Rankin and former Vice-Mayor Tom Smith will be attending the Wednesday, August 19,

2015 Award Ceremony. Both gentlemen will be receiving their 12 year service awards which will be presented at a future Council Meeting.

Project Updates

South Wastewater Treatment Plant Lagoon Closure

On May 4, 201, Council approved a contract with Blount Contracting, Inc., to construct grading and drainage improvements for the closure of three existing lagoons at the South Wastewater Treatment Plant in an amount not to exceed \$99,950. This work has been completed and the project closed out with a cost of \$89,950. The project was finalized on time with a \$10,000 savings. As Interim Town Manager, I approved a change order closing the project with a savings. This is in the authority of the Town Manager based on the project costs not exceeding the amount set by the Town Council.

South Wastewater Treatment Plant Filtration System

On February 17, 2015, Council approved a contract with Garney Construction for improvements to the South Wastewater Treatment Plant Filtration System Project with a total cost not to exceed \$859,000. As Interim Town Manager, I approved a change order for the incorporation of the Water Infrastructure Financing Authority required wage determination related to Loan Agreement No. 1, incorporating the specific wage rate requirements for compliance to be included with the contract clauses. This was in the authority of the Town Manager based on the compliance issues with the loan documents. This change order does not affect project costs or the scope of the project.

Retreat Details

September 14, 2015 will be a kick off to the upcoming Council retreats. This first session, I have invited all board and commission members to attend as well. Lance Decker will be presenting his book, "Over My Dead Body! A Workbook for Community Involvement". This meeting will focus on the difference between a toxic community and a healthy community, rules of engaging each other as well as citizens involved in the process, and Codes of Conduct. After everyone has been given a chance to read the book, each group will meet individually to discuss issues of concern amongst their board or commission members as well as the role of community involvement. The third session is for Council and will be held in November for goal setting and strategic planning.

Date		Ö Task	A.R.S	Comments
		B= Budget, SE = Special Election , P/G Primary General Election		
	8/7/2015	✓ Draft Calendar Complete - Dates may change. All dates with ARS notice must be completed by the date listed		
B	8/12/2015	✓ Budget Meeting to Review Calendar		
B	8/17/2015	Calendar Presented to Council at Manager's Report of Council Meeting		
B	8/21/2015	CIP Meeting with Public Works -		
B	8/25/2015	First CIP meeting with staff		
B	9/9/2015	Second CIP Meeting with Staff		
B	9/16/2015	Budget Committee Meeting for CIP		
B	9/23/2015	Public Forum on CIP - Input from Citizens 9 a.m. and 6 p.m.		
B	9/28/2015	Council CIP Meeting		
B	10/5/2015	Budgets to Department Heads		
B	10/16/2015	Budget Returned by Department Heads		
B	10/21/2015	Budget Committee Meetings (two weeks as Necessary)		
B	11/2/2015	Work Session with Council Budget update/Special Election Information		
B	11/18/2015	Budget Committee Meeting		
SE	12/3/2015	Ad to Paper on Public Hearing for Special Election		
SE	12/10/2015	Publish Public Hearing Notice on purposed action including amount and purpose		
B	12/16/2015	Budget Committee Meeting		
SE	12/17/2015	Publish Public Hearing Notice on purposed action including amount and purpose		
SE	12/21/2015	1st Public Hearing - on purposed action Special Election		
SE	12/21/2015	IGA with County for Election Services		
SE	12/21/2015	Resolution - All Mail Ballot Election May 2016		
SE	12/31/2015	Publish PH Notice on purposed action including amount and purpose		
SE	1/4/2016	2nd Public Hearing - Special Election purposed action		
SE	1/4/2016	Convene into a Special Meeting to Vote on Expenditure Limit Amount		
SE	1/4/2016	Call of Special Election		
SE	1/7/2016	Notice of Vote on Expenditure Limitation to paper (include amount and purpose)		
SE	1/14/2016	Notice of Expenditure Limitation Vote in paper		
B	1/20/2016	Budget Committee Meeting		

Town of Florence
2015/2016 Calendar of Events

	Date	Task	A.R.S	Comments
SE	1/31/2016	Call of Election to Florence Reminder		
SE	2/1/2016	Require all Political Committee to file Jan 31 Campaign finance reports		
B	2/1/2016	Budget Update to Council (Work Session) Budget Issues and Priorities		
B	2/1/2016	Town to receive estimated state-imposed expenditure limitation for coming year		
SE	2/4/2016	First Publication of Call of Election 1 of 2		
B	2/9/2016	Receive estimated Total Net Assessed Valuation from Assessor and property tax levy limit worksheet	42-17052	on or before 2/10
SE	2/11/2016	Second Publication of Call of Election 2 of 2		
B	2/12/2016	Make property values available for public inspection	42-17055	on or before 2/15
B	2/17/2016	Budget Committee Meeting		
B	2/20/2016	Notify PTOC if Disagree with Ptax levy limit	42-17054	within 10 days of receipt
SE	2/25/2016	Send publication of Argument for or against Special Election to Paper		
SE	3/2/2016	Presentation of information on vote to exceed state-imposed limitation to Council		
SE	3/3/2016	AD for Arguments in paper 1 of 2		
B	3/2/2016	Presentation of information on vote to exceed state-imposed limitation to employees		
B	3/16/2016	Budget Committee Meeting		
SE	3/17/2016	AD for Arguments in paper 2 of 2		
P/G	3/17/2017	Ad to Newspaper on Public Hearing for Home Rule Option (primary)		
P/G	3/24/2016	Publish first notice of public hearing for Home Rule Option (primary)		
SE/	Mar/Apr	Presentation of information on vote to exceed state-imposed limitation to citizen groups		
P/G	3/24/2016	Publish Notice of Town accepting Arguments for or against the Home Rule Option (publish again on 3/30/2016)		
P/G	3/30/2016	Publish second notice of public hearing for Home Rule Option (primary)		
B	4/1/2016	Town receives actual state imposed expenditure limitation numbers		
P/G	4/4/2016	Hold first public hearing on Home Rule option		
SE	4/15/2015	Post Notice of Sample Ballots Available		
SE	4/18/2016	County Voter Registration Closes		
SE	4/18/2016	Arguments for publicity pamphlets due		
P/G	4/18/2016	Hold second public hearing on Home Rule Option		
B	4/20/2016	Budget Committee Meeting		
P/G	4/18/2016	Council adjourns to Special Meeting to vote on the proposed Home Rule Option		Adopt by Resolution

Town of Florence
2015/2016 Calendar of Events

	Date	Ö Task	A.R.S	Comments
P/G	4/21/2016	Send publication of record of vote to the newspaper on Home Rule Option. Also include the amount of expenditure in excess of state imposed limitation and purpose for excess.		
P/G	4/22/2016	Submit to Auditor General's Office required Information, including summary and detailed analyses		Time starts when A/G receives
SE	4/22/2016	Send out Publicity Pamphlets		
SE	4/25/2016	Send out Mail Ballots		
P/G	4/30/2016	Post notice of intention to increase property tax on Town website	9-499.15	60 days before TNT public hearing
P/G	5/2/2016	Nomination paper packets must be ready for distribution	16-311	120 days before Primary Election
P/G	5/5/2016	Call of Election delivered to the Florence Reminder		
P/G	5/12/2016	Call of Election in Paper 1 of 2		
P/G	5/13/2016	Pre Election Campaign Report Due		
P/G	5/16/2016	Resolution Calling Election		
SE	5/17/2016	Election Day		
B	5/18/2016	Budget Committee Meeting		
P/G	5/19/2016	Call of Election in Paper 2 of 2		
P/G	5/19/2016	Receive reviewed details and summary analyses and summary analysis worksheets from Auditor General		
P/G	5/28/2015	Receive Arguments for or against Home Rule Option for Publicity Pamphlet		
P/G	6/1/2016	Candidate filing deadline	16-311	90 days before primary election
P/G	6/4/2016	Complete preparation of publicity pamphlet; send draft to Auditor General Office		
B	6/6/2016	Present Manager's recommended Annual Budget to Town Council (work session)		
SE	6/6/216	Canvas the votes		
B	6/13/2016	Recommended Annual Budget follow-up discussion (work session) - If necessary		
SE	6/16/2016	Post Election Campaign Report Due		
B	6/15/2016	Recommended Annual Budget follow-up discussion (work session) - If necessary		
B	6/17/2016	Send ad to publish TNT notice (Exhibit H) with Gen Fund est. rev/exp (two dates as shown below) and issue press release		Friday before publishing TNT ad
B	6/20/2016	Adopt tentative budget	42-17101	on or before 3rd Monday in July
B	6/20/2016	Adopt alternative expenditure limitation (not required, citizen vote on this at the Special Election)	Art. IX, §20(9)	not applicable this year; Home Rule election failed 8/2014
B	6/20/2016	First reading of property tax levy ordinance (TOF/CFDs)		meeting before 2nd reading
P/G	6/20/2016	IGA for Election Services with Pinal County	16-172	
B	6/23/2016	Publish 1st TNT notice	42-17107	between 14 and 20 days before TNT hearing
B	6/24/2016	Send ad to publish tentative budget, etc. for two consecutive weeks		Friday before 1st publication
B	6/24/2016	Post tentative budget on Town Web site for 60 months	42-17103	no later than 7 days following initial presentation to Council

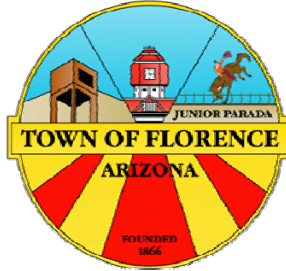
Town of Florence
2015/2016 Calendar of Events

	Date	Task	A.R.S	Comments
P/G	6/27/2016	Send Publicity Pamphlet to the Printer		
B	6/30/2016	Publish 2nd TNT notice	42-17107	between 7 and 10 days before TNT hearing
P/G	6/30/2016	Publish adopted tentative budget, notice of hearing, library/website addresses	42-17103	after tentative budget adopted, 2x
P/G	6/30/2016	Campaign Finance Reports due		
B	7/1/2016	Submit information of involuntary tort judgments and appropriate documentation to PTOC for consideration	A.C. 15-12-20	on or before 1st Monday in July
B	7/11/2016	Public hearing on TNT	42-17107	on or before final budget adoption
B	7/11/2016	Second reading of property tax levy ordinance (TOF/CFDs)		
B	7/11/2016	Public hearing on final budget (TOF/CFDs)	42-17104	on or before 14th day before adopting property tax levy
B	7/11/2016	Convene special meeting to adopt final budget	42-17105	after final budget public hearing
B	7/11/2016	Adopt property tax levy ROLL CALL VOTE (TOF/CFDs)	42-17107	on or after TNT hearing date
B	7/14/2016	Send property tax levy to County	42-17151	levy must be adopted by county supervisors by 3rd Monday in 3 days after final property tax levy
B	7/14/2016	Mail copy of TNT, statement of its publication and result of Council roll call vote to PTOC	42-17151	
B	7/15/2016	Post final budget on Town Web site for 60 months	42-17103	no later than 7 days after final budget adoption
P/G	7/15/2016	Prepare and mail proof of sample ballot to candidates	16-461	45 days before election
P/G	7/21/2016	Receive nomination papers from write-in candidates.	16-312	Not later than 5:00 p.m., 40 days before election
B	7/21/2016	Must adopt Tentative Budget	42-17101	Last day to adopt by Law
P/G	7/22/2016	Mail Publicity Pamphlets		
P/G	7/24/2016	Post notice that sample ballots are available in clerk's office	16-461	30 days before election - Post in all locations required by law
P/G	7/31/2015	Distribute Early Ballots		
P/G	8/1/2016	Voter Registration closes	County	29 days before election
P/G	8/19/2016	Publish financial statement in local newspaper	9-246	
P/G	8/26/2016	Political committees to file pre-primary campaign finance report	16-913	
P/G	8/30/2016	PRIMARY ELECTION DAY	16-551	
P/G	9/6/2016	\$500 Threshold Termination Statements Due		
P/G	9/19/2016	Canvas the votes	16-642	
P/G	9/20/2016	Inform Auditor General of Election Results		
P/G	9/23/2016	Prepare and mail proof of sample ballot to candidates	16-461	45 days before election
P/G	9/23/2016	Receive nomination papers from write-in candidates.	16-312	Not later than 5:00 p.m., 40 days before election
P/G	9/29/2016	Political committees to file post primary campaign finance report	16-913	30 days after primary elections
P/G	10/7/2016	Post sample ballots	16-461	30 days before election - Post in all locations required by law

Town of Florence
2015/2016 Calendar of Events

	Date	Ö Task	A.R.S	Comments
P/G	10/10/2016	Voter registration closes	County	29 days prior to election
P/G	11/4/2016	Political Committees to file post primary campaign finance report	16-913	
P/G	11/8/2016	GENERAL ELECTION DAY	16-551	
P/G	11/14-11/28	Canvas the votes	16-642	Not less then 6 days nor more than 20 after election.
P/G	12/8/2016	political committee statement of organization post election report	16-913	21 days after election
P/G	2/27/2017	political committee file termination statements \$500 thresholds.	16-904	

Town of Florence



News Release

August 13, 2015

For Immediate Release

Contact: Jess Knudson at (520) 868-7541

The Town Wants Your Input!

The Town of Florence is updating its Capital Improvement Plan (CIP) and we want your thoughts and ideas on projects the Town of Florence should address in the next 10 years.

Two public forums are scheduled for Wednesday, September 23, 2015. The first forum begins at 9:00 a.m. and the second forum begins at 6:00 p.m. The forums are held at Florence Town Hall, 775 N. Main Street, Florence, Arizona.

Eligible projects must have a total estimated cost of more than \$10,000 and an estimated life of 10 years or more. Examples of eligible projects include street, water, drainage, parks, renovation of existing facilities, construction of new facilities, and other similar projects.

When finalized by the Florence Town Council, the CIP is used to help shape the budget for fiscal year 2016/2017 and beyond. CIP projects have a wide range of funding sources, including grants, designated revenue, bond financing, fund balances, and development impact fees. CIP projects are paid for with one-time revenues, instead of ongoing revenues, including sales tax, property tax and other funds that are collected consistently every year.

Town staff will be present to listen and document your thoughts for inclusion in future meetings with the Florence Town Council on the creation of our new CIP. Those attending the public forum can share their thoughts verbally or by completing a survey.

For more information about the CIP and these public forums, please contact Gabe Garcia, Finance Director, at (520)868-7505.

Capital Improvement Plan Citizen Input

Check no more than three project areas that represent your three highest priorities.

- | | | |
|----------------------------------|---|---|
| <input type="radio"/> Streets | <input type="radio"/> Gym or Multi-Gen Center | <input type="radio"/> Territory Square |
| <input type="radio"/> Water | <input type="radio"/> Public Safety | <input type="radio"/> Downtown |
| <input type="radio"/> Wastewater | <input type="radio"/> Arts/Culture | <input type="radio"/> Public Works Facility |
| <input type="radio"/> Parks | <input type="radio"/> _____ | <input type="radio"/> _____ |

Funding

How should your proposed project(s) be funded? Please offer specifics.

General Comments

Include any comments about the Town's CIP and possible future projects.

Thank you for your input!