

MINUTES OF THE FLORENCE TOWN COUNCIL MEETING HELD ON TUESDAY, SEPTEMBER 8, 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, Hawkins, Guilin, Anderson, Wall
Absent: Woolridge

Ms. Lisa Garcia, Interim Town Manager/Town Clerk, explained that there were technical difficulties with the video equipment not properly working and that only the audio of the meeting was being recorded. She stated that if, and when, staff obtained a video camera, that portion of the meeting would be recorded.

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.

There were no public comments.

PUBLIC HEARING AND PRESENTATION

Public hearing on a request by Solar Star Arizona VII, LLC (a subsidiary of SunPower Corporation, Systems [SunPower]) for approval of an application proposing a zone change from initial comparable zoning, Single-Residential Ranchette (R1-R), to Planned Unit Development (PUD) zoning to develop a photovoltaic solar facility on approximately 282 acres of land. The Bonnybrooke Solar Project is a proposed utility-scale photovoltaic (PV) solar energy facility

planned for the subject site that is generally bounded by Diversion Dam Road to the south, the Bonnybrooke Road alignment to the north, Padilla Road to the west and the Quail Run Road alignment to the east; and First reading of Ordinance No. 637-15: AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING THE BONNYBROOKE SOLAR PROJECT PLANNED UNIT DEVELOPMENT (PZ 15-48 PUD).

Mr. Mark Eckhoff, Community Development Director, stated that the request from Solar Star Arizona VII, LLC, a subsidiary of SunPower Corporation Systems, is to develop the Bonnybrooke Solar Project on a portion of the property in the proposed annexation. He stated that the request is for a zone change from initial comparable zoning, Single-Residential Ranchette (R1-R), to Planned Unit Development (PUD) zoning which would allow for the proposed utility-scale photovoltaic (PV) solar energy facility to be constructed and operated. He stated that the project will cover roughly 282 acres of land that may produce up to 50 megawatts (MW) of energy.

Mr. Eckhoff stated that the project is concurrently proceeding through the construction plan review process to allow for the project to commence upon approval of the pending annexation and minor zone change by Town Council.

Councilmember Anderson thanked SunPower Corporation Systems for the information they had provided Council and staff and for providing an on-site tour to educate Council regarding their project.

Mayor Rankin opened the public hearing. There were no public comments. Mayor Rankin closed the public hearing.

Presentation of a Years of Service Award to Tom Rankin for 12 years of service and dedication to effective local government in Arizona.

Councilmember Anderson presented Mayor Tom Rankin his 12-year service award on behalf of the League of Cities and Towns and the Town.

Mayor Rankin stated that he started working for the Town of Florence in 1980 and at that time the Town had a volunteer Fire Department, a seven member Police Department, a Public Works Department staffed by relatives and a Parks and Recreation program that was mainly the baseball/softball fields. He stated in 1980 the Town of Florence was two square miles and today it is slightly over 63 square miles and as the Town annexes in more land and communities, it will continue to grow and ensure the future of Florence. He stated that he is blessed to have been able to serve the Town of Florence and its citizens who have entrusted him to lead their town.

Presentation of a Years of Service Award to Tom Smith for 12 years of service and dedication to effective local government in Arizona.

Mayor Rankin presented to Mr. Tom Smith his 12-year service award stating that Town Council, staff and the citizens of Florence appreciate his work and dedication to the Town.

Mr. Tom Smith accepted his award.

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.

Proclamation of the Mayor declaring the week of September 17 through 23, 2015, as Constitution Week.

Proclamation of the Mayor declaring September 2015 as Grandfamily/Kinship Care Month.

Approval of accepting the register of demands ending July 31, 2015, in the amount of \$6,449,280.36.

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

NEW BUSINESS

Ordinance No. 635-15:

Ms. Garcia read Ordinance No. 635-15 by title only.

AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, PURSUANT TO THE PROVISIONS OF TITLE 9, CHAPTER 4, ARTICLE 7, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO, BY ANNEXING CERTAIN TERRITORY CONTIGUOUS TO THE EXISTING TOWN LIMITS OF THE TOWN OF FLORENCE, ARIZONA (BONNYBROOKE SOLAR PROJECT ANNEXATION NO. 2015-02). (First Reading)

Ordinance No. 639-15:

Ms. Garcia read Ordinance No. 639-15 by title only.

AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING THE FLORENCE TOWN CODE BY STRIKING SECTION 10.15 AND 30.45 TO 30.51 AND CREATING NEW SECTION 10.15 AND 30.45 to 30.53 ENTITLED ORDINANCES AND RESOLUTIONS. (First Reading)

Ms. Garcia stated that staff is recommending modifications to the Town Code that better states how an ordinance or resolution is adopted, when publishing in the newspaper is required, where the posting locations are and which documents will be recorded in the Pinal County Recorder's Office. She stated that the ordinance sets standards for when an ordinance is required and specifies under what conditions.

Resolution No. 1560-15:

Ms. Garcia read Resolution No. 1560-15 by title only.

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, ESTABLISHING REGULAR MEETING LOCATIONS, DATES AND TIMES FOR TOWN OF FLORENCE TOWN COUNCIL AND TOWN BOARDS AND COMMISSIONS.

Ms. Garcia stated that this resolution would establish the regular meeting times for all Town boards and commissions moving their meeting location to the Library and Community Center, located at 778 N. Main Street, Florence, Arizona for the following:

- Arts and Culture Commission meetings
- Historic District Advisory Commission meetings
- Library Advisory Board meetings
- Parks and Recreation Advisory Board meetings

Ms. Garcia stated that Council Regular and Special Meetings and Planning and Zoning Commission Meetings will remain at Town Hall. Work Sessions and trainings that do not require filming will be moved to the Library and Community Center.

Mayor Rankin inquired if all board and commissions had been notified of the change in meeting location.

Ms. Garcia stated that all boards and commission have been advised of the location change and been provided a copy of the draft resolution, pending Council approval.

On motion of Vice-Mayor Walter, seconded by Councilmember Guilin, and carried to adopt Resolution No. 1560-15.

Resolution No. 1561-15

Ms. Garcia read Resolution No. 1561-15 by title only.

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING THE FLORENCE TOWN COUNCIL RULES OF PROCEDURE, EFFECTIVE OCTOBER 8, 2015.

Ms. Garcia stated that she and Clifford L. Mattice, Town Attorney, reviewed the Florence Town Council Rules of Procedure that were amended by Council at the March 2, 2015 Council meeting. She stated that with the relocation of the library, which is a posting site for the Town, it became necessary to review the Rules of Procedure. She stated that the changes comply with the suggestions of the Arizona Ombudsmen.

Mayor Rankin suggested that Council review the recommended changes for action at a future meeting.

Ms. Garcia stated that staff is requesting adoption and advised Council of a few key changes which include updates recommended by the Arizona Ombudsmen Office that are in compliance with recent changes to State law.

Ms. Garcia stated that the Call to Council at the end of a meeting may only contain current events and that at a future meeting, staff will be coming back to Council to address elections and politicking on the floor. She stated that the laws have become very strict regarding these actions.

Councilmember Wall inquired as to what the definition of current events was.

Ms. Garcia stated that per the Arizona Ombudsmen Office, current events are items that are on the agenda or in a report for that particular meeting. She stated that if an action was taken during a meeting that was not on the agenda, then Council would have to go back and ratify that action. She stated that congratulating a high school sports team is not an action but a statement thus the Open Meeting Law had not been violated.

Mayor Rankin stated that he does not believe Council has violated the Open Meeting Law by supporting or congratulating local youth sports.

Ms. Clifford Mattice, Town Attorney, stated that in the opinion of the Arizona Ombudsmen, as long as there is not a discussion of items related to Town business, the intent of the meaning of current events in the Open Meeting Law is being adhered to.

Councilmember Anderson inquired as to when during a meeting is it appropriate for a Councilmember to request an item be placed on a future agenda.

Ms. Garcia stated that a Councilmember may make a request during the Call to the Public or Council which is clearly stated in the State Statute.
No action was taken.

Discussion/Approval/Disapproval of renewal and extension of Prosecutor Legal LLC, for prosecutor services with a term extending through October 31, 2015.

Mr. Mattice stated that it would be prudent to have Mr. Richard Husk continue providing legal services to the Town to assist with ongoing matters and with current cases.

On motion of Councilmember Guilin, seconded by Councilmember Hawkins, and carried to approve the extension of the Prosecutor Legal Services Agreement with Richard V. Husk, of the Law Offices of Richard V. Husk, LLC, for prosecutor services, in an amount not to exceed \$10,000 with a term extended through October 31, 2015.

Discussion/Approval/Disapproval of an Administrative Memorandum to temporarily lessen the enforcement of sign code regulations.

Ms. Garcia stated that she requested that Mr. Eckhoff, Community Development Director, place this item on the agenda in light of a recent Supreme Court decision pertaining to sign code regulations. She stated that based on this decision, the Town will need to make changes to the Town's Sign Code to become compliant.

Mr. Eckhoff stated that in the past year and half, the Town has been watching the court case which called into question the constitutionality of most sign codes throughout the United States. Staff has begun the process of reviewing the Town's sign code regulations, researching applicable legal issues and looking for recently adopted and or amended model codes that the Town can use for reference. Staff will draft a complete re-write of the Town's Sign Code, addressing the legal and constitutional issues and to create a more user-friendly code. The process will take some time so staff has prepared an Administrative Memorandum that seeks to temporarily lessen the enforcement of sign code regulations for a period effective September 9, 2015 and extending to no later than April 30, 2016, to not enforce regulations on existing permanent or temporary on-site commercial signs, except where enforcement of such signs is necessary for life safety purposes. He stated that during this time, the Town will continue to permit new signs that comply with applicable sign regulations and consult with the Town Manager and Town Attorney on any requests for new signs that may not appear to be in strict compliance with applicable codes, but may be allowable under the auspices of the recent Supreme Court decision.

Mr. Eckhoff stated that staff would like to hold a public hearing and a work session to allow for input from business owners, citizens and with Council to ensure the Town's Sign Code is user friendly and in compliance with the Supreme Court ruling.

Councilmember Hawkins stated that he would like to have a work session with the Planning and Zoning Commission to ensure everyone has the same thought process regarding the re-write of the codes.

Councilmember Anderson inquired if enforcement is going to occur regarding temporary signs that are placed in right-of-ways or are obstructing vehicular vision on the roadways.

Mr. Eckhoff stated that signs that are placed obstructing vehicular vision or causing a safety concern will be addressed.

Mayor Rankin inquired as to how the information would be brought back to Council.

Mr. Eckhoff stated that staff will be utilizing the model ordinance it has. They hope to obtain additional model ordinances from other municipalities and continue to work with the Town Attorney to create an ordinance that is reflective of Florence as well as be compliant with the Supreme Court ruling. Staff will provide the revised draft copy of the ordinance to Council and the Planning and Zoning Commission during a combined work session. He stated at that session Councilmembers or Commissioners can suggest changes, additions or modifications that they believe are in the best interest of Florence and in compliance with the Supreme Court ruling.

Mayor Rankin inquired if the Arizona Planning Association is involved in any code development in light of the Supreme Court ruling.

Mr. Eckhoff stated that the Arizona Planning Association held a workshop that he and the Town Attorney attended, with colleagues and representatives from the sign industry, which advised the attendees to proceed with caution without a full moratorium on signs until codes can be rewritten. He stated that the Arizona Planning Association, the International Sign Association, and the Municipal Attorney Association are all working on sign codes, based on the Supreme Court ruling, but not too many communities have come forward as the first to rewrite their code.

Mayor Rankin inquired as to how long staff believed it would take to re-write the Town's Sign Code.

Mr. Eckhoff stated he estimates that it will take six to eight months to complete the full re-write of the code. He stated during this time, signs requests will be reviewed and extra caution will be taken to ensure the request is compliant with the Supreme Court ruling and is good for the Town of Florence.

Mr. Clifford Mattice, Town Attorney, stated that the International Municipal Attorney Association has created a first draft of a model code and each municipality throughout the Country may use the draft code or choose to write their own as their legal counsel and local government interpret the Supreme Courts' ruling.

Ms. Garcia stated that during the six to eight months to complete the re-write process, Council and the Planning and Zoning Commission will be meeting with staff prior to and during the process to ensure the code is being written in a user-friendly compliant manner with the best interest of Florence.

Mayor Rankin stated that he would like to keep in mind that signs are the best form of advertising for businesses and the best way to locate a business when driving through town.

Councilmember Anderson stated that he hoped that signs that are not in compliance with the new code be identified and a plan is put in place on how those signs will be addressed.

On motion of Councilmember Guilin, seconded by Councilmember Hawkins, and carried to approve the Administrative Memorandum to temporarily lesson the enforcement of sign code regulations.

DEPARTMENT REPORTS

Manager's Report

Department Reports

Community Development

Courts

Finance

Fire

Library

Parks and Recreation

Police

Public Works

Councilmember Hawkins inquired as to what the status was of the land along State Route 79 that has a handmade sign saying Casa Taco which is located directly across the street from the location of the new Taco Bell that has been approved.

Mr. Eckhoff stated that the owner of the property who also owns the adjacent property was in negotiations with the restaurant but it appears they have stalled and the owner was premature in putting the sign up. He stated that staff will contact the owner and obtain an update to see if negotiations are still occurring or if the sign needs to be removed. He stated that the Taco Bell across the street from this location is proceeding forward. He stated that the plans have been approved and the developer is working with the Historical Society to relocate the ice box on the property and are in their final plans in securing a general contractor and should start construction this month.

Councilmember Anderson inquired as to what the results were from the traffic control analysis Public Works conducted on Merrill Ranch Parkway, Sun City Boulevard and Constitution.

Mr. Wayne Costa, Public Works Director, stated that they installed oversized stop signs. Pavement markers have been scheduled for installation denoting a stop ahead. Stop a head sign have been installed along Merrill Ranch Parkway. He stated in conjunction with Pulte, landscaping has been trimmed back or removed to allow for better visibility of traffic control signs and that the balance of the intersections have been reviewed and it was determined that they have adequate traffic control signage.

CALL TO THE PUBLIC

There were no comments.

CALL TO THE COUNCIL

Councilmember Guilin stated that she would like to express her appreciation to Mr. Tom Smith and Mayor Tom Rankin who have worked hard and are dedicated to the Town of Florence.

Councilmember Wall stated that she recently took a tour of the new Library/Community Center and encouraged everyone to take a moment and visit the facility and take advantage of the many offerings it has.

Mayor Rankin thanks Councilmember Guilin for her kind words and stated that it has been his pleasure to serve the Town for the past 12 years as a member of Council or as Mayor.

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 6:58 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 September 8, 2015, and that the meeting was duly called to order and that a quorum was present.



Lisa Garcia, Town Clerk