

**MINUTES OF THE FLORENCE TOWN COUNCIL MEETING HELD ON MONDAY, DECEMBER 21, 2015, AT 6:00 P.M., IN THE CHAMBERS OF TOWN HALL, LOCATED AT 775 NORTH MAIN STREET, FLORENCE, ARIZONA.**

**CALL TO ORDER**

Mayor Rankin called the meeting to order at 6:01 pm.

**ROLL CALL:**

Present: Rankin, Walter, Hawkins, Guilin, Anderson, Wall.  
Absent: Woolridge

**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.

**PUBLIC HEARING AND PRESENTATIONS**

**Public Hearing on Resolution No. 1568-15:**

Ms. Lisa Garcia, Interim Town Manager, read Resolution No. 1568-15 by title only.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLORENCE, ARIZONA, PROPOSING A ONE-TIME SPECIFIC AMOUNT IN EXCESS OF THE STATE-IMPOSED EXPENDITURE LIMITATION AND SETTING A SPECIAL ELECTION FOR MAY 17, 2016.**

Ms. Garcia stated that the resolution will allow for \$15 million to be spent, which is more than the state imposed expenditure limitation. She said that Council was provided materials that staff will use to advertise the election, information for the publicity pamphlet and the letter from Mayor and Council to the citizens of Florence. She asked Council to review the materials and to forward any requested changes to her prior to the

January 4, 2016 Council meeting and a final draft will be presented to Council at that meeting.

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

**Presentation and acceptance of the Town's Comprehensive Annual Financial Report, Impact Fees Acceptable Use Policy Report and Annual Expenditure Limitation Report for Fiscal Year Ended June 30, 2015.**

Mr. Gabe Garcia, Finance Director, introduced Ms. Marilyn Mays, Henry and Horne, LLP, who discussed the Comprehensive Annual Financial Report (CAFR), Development Impact Fee Report, and Annual Expenditure Limitation Report (AELR).

Ms. Mays stated that Henry & Horne, LLP, performed that annual financial audit and are issuing an unmodified, or clean, opinion on the financials. The Town received over \$600,000 in federal funding, which prompted a single audit of those federal funds. The single audit report is attached to the back of the CAFR. The Town received an unmodified opinion on the single audit.

Ms. Mays said the financial statements are comparable to the prior year, but there was an accounting pronouncement that had to do with pension that was implemented this year. The net financial position was revised from the last audit in order to include the pension expense. The financials were adjusted down by \$7.8 million. She said in the current year there is an \$8.8 million pension liability on the financials.

Ms. Mays said they issued the AELR as well as the Development Impact Fee Report.

Mr. Garcia stated that one weakness was pointed out, which was user rights in the accounting software. Staff agrees with the statement issued by Henry & Horne, LLP, and has addressed the issue by only allowing management access.

On motion of Councilmember Guilin, seconded by Vice-Mayor Walter, and carried to accept the Town's Comprehensive Annual Financial Report, Impact Fees Acceptable Use Policy Report and Annual Expenditure Limitation Report for Fiscal Year Ended June 30, 2015.

**Presentation of appreciation to Jeff Moser for 25 years of service to the Town of Florence.**

Mayor Rankin presented Mr. Moser, Fire Captain, with a plaque and gift card, for his years of service with the Town. He thanked Captain Moser for his dedication and service to the Town. He stated that Captain Moser started in the Public Works Department in 1990 and became a full time firefighter in 1997. He was promoted to Fire Captain in 2007. He has also served as Interim Fire Chief on two separate occasions, and was Fire Chief from 2012 to 2013.

Mr. David Strayer, Fire Chief, stated that he has known Mr. Moser for over 20 years and provided examples of his dedication to the profession and to the community, and stated that he appreciates all that Mr. Moser does.

**Presentation by the Greater Florence Chamber of Commerce recognizing Power Tags Titles and More, LLC, as the Business of the Month.**

Mr. Jim Gilloon, Executive Director, Greater Florence Chamber of Commerce, recognized Power Tags Titles and More, LLC, as the Business of the Month for December 2015. He said that they became Chamber members in June 2015. Power Tags Titles and More, LLC recognized Florence as the best place to open their second location. He said they are active members of the Chamber and volunteers as well.

Mr. Gary Power, Owner, Power Tags Titles and More, LLC, thanked the Chamber for the recognition. He said their business is the local motor vehicle division and are located at 495 N. Pinal Parkway, Suite 105.

Mayor Rankin stated that Power Tags Titles and More, LLC, offers great service to Florence residents and he is proud that they are in Florence.

**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.**

**Adoption of Resolution No. 1571-15:**

Ms. Lisa Garcia, Interim Town Manager, read Resolution No. 1571-15 by title only.

**A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING AND AUTHORIZING MAYOR TOM J. RANKIN AND TOWN MANAGER BRENT BILLINGSLEY TO ACT AS SIGNATORIES FOR THE TRANSACTION OF BUSINESS ON THE POLICE EVIDENCE TRUST FUND AT NATIONAL BANK OF ARIZONA, AND DECLARING AN EMERGENCY.**

**Adoption of Resolution No. 1572-15:**

Ms. Lisa Garcia, Interim Town Manager, read Resolution No. 1572-15 by title only.

**A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AUTHORIZING MAYOR TOM J. RANKIN, TOWN MANAGER BRENT BILLINGSLEY 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.**

**Adoption of Resolution No. 1573-15:**

Ms. Lisa Garcia, Interim Town Manager, read Resolution No. 1573-15 by title only.

**A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, ACCEPTING A LIMITED, NON-EXCLUSIVE ACCESS EASEMENT FROM CEMEX CONSTRUCTION MATERIALS SOUTH, LLC, A DELAWARE LIMITED LIABILITY COMPANY, FOR EMERGENCY INGRESS AND EGRESS PURPOSES RELATED TO THE SANDSTONE SOLAR PROJECT AND AUTHORIZING EXECUTION BY THE TOWN MANAGER OF SUPPORTING DOCUMENTS.**

**Approval of the Florence Gardens Mobile Home Association applications for a Special Event License for January 7, January 14, January 26, February 4, February 18, March 3, March 17, November 17 and December 8, 2016, at Florence Gardens Club House.**

**Discussion/Approval/Disapproval of Change Order No. 3 to the Library/Recreation Complex design-build contract with Low Mountain Construction, increasing the Guaranteed Maximum Price by \$39,651, to \$13,178,876, and reimbursing \$6,960 from the CIP Fund to the HURF Fund.**

**Approval of a Municipal Effluent Purchase and Sales Agreement with Adamsville 650, LLC (Formerly Dobson Group Limited Partnership).**

**Approval of the October 13, November 2, November 12, November 13, November 16, and November 23, 2015 Council minutes.**

**Receive and file the following board and commission minutes:**

**September 10, and October 8, 2015 Arts and Culture Commission minutes.  
October 15, 2015 Planning and Zoning Commission minutes.**

On motion of Councilmember Hawkins, seconded by Vice-Mayor Walter, and carried to approve the Consent Agenda, as written, with the exception of item 7e. and 7f.

**Discussion/Approval/Disapproval of Change Order No. 3 to the Library/Recreation Complex design-build contract with Low Mountain Construction, increasing the Guaranteed Maximum Price by \$39,651, to \$13,178,876, and reimbursing \$6,960 from the CIP Fund to the HURF Fund.**

Councilmember Anderson asked for clarification on the change order.

Ms. Garcia stated that upon review of the files it was noted that some of the San Carlos Irrigation District (SCID) work was completed by the Public Works Department. When the minutes were cross-referenced, it was noted that the authorization for the work was issued to Low Mountain Construction. Staff is correcting the records to match how the money was spent. She said after the building was open, the Town received an

additional bill for SCID work that was completed. The change order will bring the Town up-to-date with regards to the SCID work as well as correctly allocates the funding.

Mr. Bryan Hughes, Parks and Recreation Director, stated that the issue with Information Technology (IT) was a miscommunication between the IT staff and Low Mountain Construction staff. Each thought that the other was doing the work and paying for it. When the bill was received, the funding had already been expensed.

Ms. Garcia stated that this will be the final change order. The building is now open and the project is complete. She noted that there is one item that will be received in March or April 2016 and the warranty will take place from that point forward.

Councilmember Anderson inquired if Public Works cost the Town more than Low Mountain Construction.

Ms. Garcia stated that the way the contract was issued originally was that work was awarded to Low Mountain and it was determined that the Public Works staff could do the work for less cost. The change order allows for reimbursement to the HURF fund.

Councilmember Anderson inquired if the project ran over by \$39,000.

Ms. Garcia confirmed that the project ran over by \$39,000.

**Approval of a Municipal Effluent Purchase and Sales Agreement with Adamsville 650, LLC (Formerly Dobson Group Limited Partnership).**

Mayor Rankin thanked Mr. Dobson for finalizing the agreement with the Town. He provided background as to how the sewer plant is located at its current location. He said that the flood in 1983 wiped out the sewer plant that was located in the river bed. He said Neeley Farms donated 40 acres of land to build a new sewer plant and in exchange would receive the reclaimed water.

Mayor Rankin stated that the Dobson Group has assisted the Town and he is thankful for their assistance.

On motion of Councilmember Anderson, seconded by Councilmember Guilin, and carried to approved items 7e. and 7f.

**NEW BUSINESS**

**Ordinance No. 644-15:**

Ms. Lisa Garcia, Interim Town Manager, read Ordinance No. 644-15 by title only.

**AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RELATING TO THE PRIVILEGE LICENSE TAX; AMENDING THE TOWN TAX CODE**

**BY DECREASING THE RATE OF USE TAXATION FROM THREE PERCENT (3%) TO TWO PERCENT (2%); PROVIDING PENALTIES FOR THE VIOLATION THEREOF; PROVIDING FOR SEVERABILITY; AND DESIGNATING AN EFFECTIVE DATE.**

Ms. Garcia stated that the ordinance will reduce the use tax from 3% to 2%. She said Mr. Gabe Garcia, Finance Director, received a call from the Arizona League of Cities and Towns, expressing their concern that the Town was out of compliance with state laws in which the use tax cannot be higher than the sales tax. The ordinance will correct the measure and only requires one reading because it is a regulatory ordinance.

On motion of Councilmember Guilin, seconded by Councilmember Anderson, and carried to adopt Ordinance No. 644.15.

**CALL TO THE PUBLIC**

There were no public comments.

**CALL TO THE COUNCIL – CURRENT EVENTS ONLY**

Councilmember Guilin wished everyone a Merry Christmas and Happy New Year.

Councilmember Anderson stated that this month is his one year anniversary on the Council and it has been a rewarding experience. He thanked the Council and staff for their assistance, guidance, and cooperation. He also thanked the citizens of Florence for the warmth and friendship.

Councilmember Hawkins wished everyone a happy holiday season and he appreciates the staff and all that has been accomplished.

Vice-Mayor Walter reminded everyone to stop and take time with their families and enjoy everything that is going on around. She is looking forward to 2016 and what is new for the Town and the vision of what the Town will accomplish. There are several events planned by the Parks and Recreation Department and invited all to participate.

Mayor Rankin stated that the Town has completed the aquatics center, library, and extended Main Street in 2015. He said the voters put a lot of faith in the Town when the Town went to the voters in the special election to do the projects. He said there is still a lot of work ahead of the Town and there will be another special election in 2016 in which the Town will ask for citizen support.

Mayor Rankin thanked the staff for making Florence one of the safest cities in Arizona. He is proud of the staff for working together and for being able to accomplish so much with a tight budget.

Mayor Rankin thanked Lisa Garcia for all that she has done while performing her duties as Town Clerk and Interim Town Manager. She has kept the Town inline and for getting things accomplished. Everything that she has done is much appreciated.

#### **ADJOURN TO EXECUTIVE SESSION**

**An Executive Session will be held during the Council Meeting for legal matters pursuant to A.R.S. Section 38-431.03(A)(3) and (A)(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 litigation in the U.S. District Court for the District of Arizona: Association of Florence Fire Fighters, International Association of Fire Fighters Local 4512 v. Town of Florence. (Case No. CV-15-00327-PHX-SPL)**

**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. CV2015-000325.**

**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 regards to pending litigation in the U.S. District Court for the District of Arizona: (Case No. CV-14-01304-PHX- BSB) Walt Hunter and Jarris A. H. Varnrobinson Von Zombie v. Town of Florence, et al.**

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

#### **ADJOURNMENT 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 Councilmember Wall, seconded by Councilmember Hawkins, and carried to adjourn the meeting at 7:30 pm.



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Tom J. Rankin, Mayor

**ATTEST:**



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Lisa Garcia, Town Clerk

I certify that the following is a true and correct copy of the minutes of the Florence Town Council meeting held on December 21, 2015, and that the meeting was duly called to order and that a quorum was present.



\_\_\_\_\_  
Lisa Garcia, Town Clerk