

# TOWN OF FLORENCE REGULAR MEETING AGENDA

Mayor Tara Walter  
Vice-Mayor Vallarie Woolridge  
Councilmember Bill Hawkins  
Councilmember Becki Guilin  
Councilmember John Anderson  
Councilmember Karen Wall  
Councilmember Kristen Larsen



Florence Town Hall  
775 N. Main Street  
Florence, AZ 85132  
(520) 868-7500  
www.florenceaz.gov  
Meet 1<sup>st</sup> and 3<sup>rd</sup> Mondays

**Monday, March 20, 2017**

**6:00 PM**

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Pursuant to A.R.S. § 38-431.02, notice is hereby given to the Town of Florence Council and to the general public that a Regular Meeting of the Florence Town Council will be held on Monday, March 20, 2017, at 6:00 p.m., in the Florence Town Council Chambers, located at 775 N. Main Street, Florence, Arizona. The agenda for this meeting is as follows:

**1. CALL TO ORDER**

**2. ROLL CALL:** Walter \_\_, Woolridge \_\_, Hawkins \_\_, Guilin \_\_, Anderson \_\_, Wall \_\_, Larsen \_\_.

**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 by Walter Richter**, Southwest Gas, of a monetary donation to be used towards the Florence Teen Council Program. (Bryan Hughes)
- b. Presentation on the Florence Teen Council promotional video. (Bryan Hughes)
- c. Update on the Council's Strategic Plan and adoption process. (Brent Billingsley)

**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. **Adoption of Resolution No. 1619-17:** A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, SUPPORTING AN APPLICATION FOR LIGHTING AT THE PINAL COUNTY HISTORICAL MUSEUM TO THE GILA RIVER INDIAN COMMUNITY. (Jennifer Evans)
- b. **Adoption of Resolution No. 1620-17:** A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, SUPPORTING AN APPLICATION FOR A 3,000 GALLON WATER TENDER FOR THE FIRE DEPARTMENT TO THE GILA RIVER INDIAN COMMUNITY. (Jennifer Evans)
- c. **Approval of the acceptance** of the improvements for the Anthem at Merrill Ranch Subdivision Unit 17C prior to the start of the warranty period which shall be retroactive to September 13, 2016. (Chris Salas)
- d. Approval of the **February 6, February 21,** and **February 24, 2017** Town Council meeting minutes.
- e. Receive and file the following board and commission minutes:
  - i. **February 9, 2017** Arts and Culture Commission minutes.
  - ii. **January 25, 2017** Historic District Advisory Commission minutes.
  - iii. **August 17, 2016** Library Advisory Board minutes.
  - iv. **December 15, 2016** Planning and Zoning Commission minutes.

## **8. NEW BUSINESS**

- a. **Reaffirmation of the** Professional Services Contract with Nu-Trend Architectural Services, LLC, for Building Official, Architectural Support and One-Stop Shop Consulting Services entered into on December 19, 2016, in an amount not to exceed \$150,000 (Chris Salas).
- b. **Discussion on the** Town of Florence Code of Ordinances as it relates to Council compensation. (Lisa Garcia)
- c. **Discussion on Council** Rules of Procedure. (Lisa Garcia)

## **9. LEGISLATIVE REPORT**

## **10. TOWN MANAGER'S REPORT**

## **11. CALL TO THE PUBLIC**

## **12. CALL TO THE COUNCIL – CURRENT EVENTS ONLY**

## **13. ADJOURN TO EXECUTIVE SESSION**

An Executive Session will be held during the Council Meeting for the purposes of discussions or consultations with designated representatives of the public body and/or legal counsel pursuant to A.R.S. Sections 38-431.03 (A)(3), (A)(4) and (A)(7) to consider its position and instruct its representatives and/or attorneys regarding:

- a. Possible contract negotiations related to Attaway Crossing proposed annexation.

- b. Enforcement of International Building and Fire Codes for property located at 374 N Main St, Florence, AZ 85132 including Order of Notice of Unsafe Structure, Suspension of Certificate of Occupancy.
- c. Negotiations regarding the Town of Florence providing utilities or contracting for areas east of Felix Road.
- d. Discussion regarding potential acquisition of utility.
- e. Street Light Improvement District procedures.
- f. Fire Certificate of Need (district): Fire Joint Powers Authority.

#### **14. ADJOURN FROM EXECUTIVE SESSION**

#### **15. 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 MARCH 17, 2017 BY LISA GARCIA, TOWN CLERK, AT 775 NORTH MAIN STREET, FLORENCE, ARIZONA, AND AT [WWW.FLORENCEAZ.GOV](http://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

### AGENDA ITEM 6a.

**MEETING DATE:** March 20, 2017

**DEPARTMENT:** Parks and Recreation

**STAFF PRESENTER:** Bryan Hughes, Parks and Recreation  
Director

**SUBJECT:** Donation by Southwest Gas to the Town of  
Florence for the Florence Teen Council

- Action
- Information Only
- Public Hearing
- Resolution
- Ordinance
  - Regulatory
  - 1<sup>st</sup> Reading
  - 2<sup>nd</sup> Reading
- Other

### RECOMMENDED MOTION/ACTION:

Accept donation by Southwest Gas to the Town of Florence for the Florence Teen Council Program.

### BACKGROUND/DISCUSSION:

Walter Richter, Southwest Gas, will be presenting a check to the Town of Florence to be used towards the Florence Teen Council program.

### FINANCIAL IMPACT:


None

### STAFF RECOMMENDATION:

None

### ATTACHMENTS:

None

	<b>TOWN OF FLORENCE COUNCIL ACTION FORM</b>	<b><u>AGENDA ITEM</u></b> <b>7a.</b>
<b>MEETING DATE:</b> March 20, 2017  <b>DEPARTMENT:</b> Administration  <b>STAFF PRESENTER:</b> Jennifer Evans, Management Analyst  <b>SUBJECT:</b> Resolution No. 1619-17 Gila River Indian Community Tribal Gaming Fund Application for Pinal County Historical Society.		<input checked="" type="checkbox"/> <b>Action</b> <input type="checkbox"/> <b>Information Only</b> <input type="checkbox"/> <b>Public Hearing</b> <input checked="" type="checkbox"/> <b>Resolution</b> <input type="checkbox"/> <b>Ordinance</b> <input type="checkbox"/> <b>Regulatory</b> <input type="checkbox"/> <b>1<sup>st</sup> Reading</b> <input type="checkbox"/> <b>2<sup>nd</sup> Reading</b> <input type="checkbox"/> <b>Other</b>

**RECOMMENDED MOTION/ACTION:**

Motion to adopt Resolution No. 1619-17: A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, SUPPORTING AN APPLICATION FOR LIGHTING AT THE PINAL COUNTY HISTORICAL MUSEUM TO THE GILA RIVER INDIAN COMMUNITY.

**BACKGROUND/DISCUSSION:**

This is a pass-through grant application for the Pinal County Historical Society (PCHS) to apply for funds from the Gila River Indian Community. They are requesting the Town of Florence receive the funds on their behalf in the amount of \$4,200. The application is due March 31, 2017. These funds will be used to replace and upgrade the lighting in the museum. PCHS received an assessment from APS which analyzed the replacement costs of the lights and the annual savings in utility costs with new lighting. With this project, PCHS will reduce their annual utility costs by \$1,590.79.

**FINANCIAL IMPACT:**

The application will be for \$4,200 in grant funds.

**STAFF RECOMMENDATION:**

Staff recommends the Town Council adopt Resolution No. 1619-17, authorizing the submission of the application.

**ATTACHMENTS:**

- Resolution No. 1619-17
- Letter from Pinal County Historical Society
- Gila River Indian Community Application Signature Page

Subject: Resolution No. 1619-17 Gila River Indian Community Grant  
 Application for Pinal County Historical Society

Meeting Date: March 20, 2017

**RESOLUTION NO. 1619-17**

**A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, SUPPORTING AN APPLICATION FOR LIGHTING AT THE PINAL COUNTY HISTORICAL MUSEUM TO THE GILA RIVER INDIAN COMMUNITY.**

**WHEREAS**, the Gila River Indian Community is accepting applications for the distribution of gaming revenues through their State Shared Revenue Program; and

**WHEREAS**, the Town of Florence wishes to sponsor an application for the Pinal County Historical Society, which seeks funding to complete a lighting replacement project in their museum; and

**WHEREAS**, the Town of Florence wishes to assist organizations such as the Pinal County Historical Society, which is dedicated to collecting, preserving, interpreting, and disseminating relevant and historical materials about the southwest and especially Florence; and

**WHEREAS**, the citizens of the Town of Florence will realize the benefit of this preservation effort because it will enhance the quality of life in the community.

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Florence, Arizona, as follows:

Support for the Pinal County Historical Society application to the Gila River Indian Community for \$4,200.00 in Shared Revenue Funds is granted.

**PASSED AND ADOPTED** by the Mayor and Town Council of the Town of Florence, Arizona, on this 20th day of March, 2017.

\_\_\_\_\_  
Tara Walter, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

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

\_\_\_\_\_  
Clifford L. Mattice, Town Attorney

I, the undersigned, being the duly appointed and qualified Town Clerk of the Town of Florence, Arizona, certify that the foregoing Resolution No. 1619-17 is a true, correct and accurate copy as passed and adopted at a regular meeting of the Florence Town Council, held on the 20<sup>th</sup> day of March, 2017 at which a quorum was present and voted in favor of said Resolution No. 1619-17.

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

*Pinal County Historical Society*  
*Museum, Inc*  
715 S. Main St.  
Florence AZ 85132  
520-868-4382

*Executive Board Officers*

President – Lynn Smith  
Vice President- Terri Bonesteel  
Secretary- Doris Hagemann  
Treasurer- Larry Pfeiffer

*Executive Board Members*

Betty Rieffer  
Margaret Clarey  
Laura Rendahl

*Board of Directors*

Cathy Adam  
Terri Bonesteel  
Margaret Clarey  
Doris Hagemann  
Laura Rendahl  
Larry Pfeiffer  
Betty Rieffer  
Lynn Smith  
Barbara Suttles  
Betty Wheeler

*Member-at-Large*

Lois Utt

March 7, 2017

Dear Jennifer Evans,

On behalf of the Pinal County Historical Society (PCHS) I have prepared a grant application to the Gila River Indian Community (GRIC). I am requesting that the town of Florence partner with PCHS to assist with the distribution of funds if the GRIC approves our grant request to support a changeover in lighting and fixtures throughout the museum.

Thank you for your support in this endeavor.

Sincerely,



Doris Hagemann

Pinal County Historical Society Secretary

520.868.8758 (home)  
520.450.8819 (cell)  
hagemann@centurylink.net




*Gila River Indian Community Grant Application  
Grant Cycle 2017*

**Cover Sheet**

Municipality Information	
1. Date of Application: 3/3/2017 (NOTE: Click or use up/down arrow keys to move among fields)	
2. Name of City, Town or County: Town of Florence	
3. Mayor (City or Town) or Board of Supervisor's Chairman (County): Tara Walter	
4. Mailing Address: 775 N. Main Street	
5. City: Florence	State: Arizona Zip Code: 85132
6. Acknowledgement of Submission by Authorized Municipality Representative:	
Typed Name/Title: Brent Billingsley	Signature:
Applicant Information	
7. Department/Organization Name: Pinal County Historical Society	
8. Is this a 501c non-profit Organization? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes If yes, attach IRS Determination Letter	
9. Application Contact Person: Doris Hagemann Title: Secretary of Pinal County Historical Society	
10. Phone Number: 520-868-8758	
11. Mailing Address: 715 S. Main St P.O. Box 851	
12. City: Florence	State: Arizona Zip Code: 85132
13. Email Address: hagemannnd@centurylink.net	Website Address: www.pinalcountyhistoricalmuseum.org
Project Information	
14. Project Name: Lights for Archival Preservation and Energy Economy	
15. Purpose of Grant: Convert to LED lighting and retrofitting of east entrance and bathroom lighting	
16. Priority Funding Area	Economic Development
17. Annual amount requested	\$4200
18. Number of years that funding is requested	1
19. Total amount requested (annual amount x number of years)	\$4200
20. Has your organization received past funding from GRIC? If yes, list each year and amount	no
21. Geographic area served	Florence, AZ and Pinal County

For Office Use Only:		
Data Entry	Receipt	Evaluation
Outcome <input type="checkbox"/> Approval Recommended/Amount \$		<input type="checkbox"/> Denial



	<b>TOWN OF FLORENCE COUNCIL ACTION FORM</b>	<b><u>AGENDA ITEM</u></b> <b>7b.</b>
<b>MEETING DATE:</b> March 20, 2017  <b>DEPARTMENT:</b> Administration  <b>STAFF PRESENTER:</b> Jennifer Evans, Management Analyst  <b>SUBJECT:</b> Resolution No. 1620-17: Gila River Indian Community Tribal Gaming Fund Application for a 3000 gallon water tender.		<input checked="" type="checkbox"/> <b>Action</b> <input type="checkbox"/> <b>Information Only</b> <input type="checkbox"/> <b>Public Hearing</b> <input checked="" type="checkbox"/> <b>Resolution</b> <input type="checkbox"/> <b>Ordinance</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Regulatory</li> <li><input type="checkbox"/> 1<sup>st</sup> Reading</li> <li><input type="checkbox"/> 2<sup>nd</sup> Reading</li> </ul> <input type="checkbox"/> <b>Other</b>

**RECOMMENDED MOTION/ACTION:**

Motion to adopt Resolution No. 1620-17: A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, SUPPORTING AN APPLICATION FOR A 3,000 GALLON WATER TENDER FOR THE FIRE DEPARTMENT TO THE GILA RIVER INDIAN COMMUNITY.

**BACKGROUND/DISCUSSION:**

The Florence Fire Department intends to purchase a 3,000 gallon water tender. The water tender will replace a 1984 Ford 1800 gallon water tender. The new water tender will provide water to fire apparatus that are in areas more than 1,000 feet from a fire hydrant. The goal is to enhance safety and reduce property damage in areas without fire hydrants.

**FINANCIAL IMPACT:**

The Florence Fire Department requests \$242,000 in grant funds.

**STAFF RECOMMENDATION:**

Staff recommends the Town Council adopt Resolution No. 1620-17 authorizing the submission of the application.

**ATTACHMENTS:**

- Resolution No. 1620-17
- Grant Application Request Form and Budget Worksheet
- Gila River Indian Community Application Signature Page

**RESOLUTION NO. 1620-17**

**A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, SUPPORTING AN APPLICATION FOR A 3,000 GALLON WATER TENDER FOR THE FIRE DEPARTMENT TO THE GILA RIVER INDIAN COMMUNITY.**

**WHEREAS**, the Gila River Indian Community is accepting applications for the distribution of gaming revenues through their State Shared Revenue Program; and

**WHEREAS**, the Town of Florence Fire Department wishes to submit an application for funding to purchase a 3000 Gallon Water Tender; and

**WHEREAS**, the citizens of the Town of Florence will realize the benefit of this purchase because it will enhance public safety in the community.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Florence as follows:

Support for the Florence Fire Department application to the Gila River Indian Community for \$242,000.00 in Shared Revenue Funds is granted.

**PASSED AND ADOPTED** by the Town Council of the Town of Florence on this 20<sup>h</sup> day of March, 2017.

\_\_\_\_\_  
Tara Walter, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

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

\_\_\_\_\_  
Clifford Mattice, Town Attorney

I, the undersigned, being the duly appointed and qualified Town Clerk of the Town of Florence, certify that the foregoing Resolution No. 1620-17 is a true, correct and accurate copy as passed and adopted at a regular meeting of the Florence Town Council, held on the 20<sup>th</sup> day of March, 2017 at which a quorum was present and voted in favor of said Resolution No. 1621-17.

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



Grant Application Request

Department: Fire/Medical Project Manager: Jake Sample

Grant Information

Application Deadline: April 1, 2017 Project Start: 08/01/2017 Project End: 01/01/2018  
(submit to Grants Manager no less than 21 days prior to deadline)

Grant/Project Title: 3000 Gallon Tender Fire Apparatus

Funding Source: Gila River Tribal Proposition 202 Funds

Federal  State  Other: Tribal Gaming Funds

Financial Information

Total Cost of Project: \$242,000.00

Grant Request Amt: \$242,000.00 \$0.00 \$0.00  
Year 1 Year 2 Year 3

Required Match: \$0.00 \$0.00 \$0.00  
Year 1 Year 2 Year 3

Budgeted?  Source: \_\_\_\_\_

Additional or Future Costs (for example – staff backfill, personnel retention, operations, maintenance):

\$0.00 \$0.00 \$0.00  
Year 1 Year 2 Year 3

Attachments

- Grant/Project Budget
- Grant Purpose and Project Description Summary
- Grant Documents/Application

Approvals

Department Head [Signature] Date 2-22-17  
Grants Manager Jennifer Evans Date 2/23/2017  
Finance Director [Signature] Date 3-8-17  
Town Manager [Signature] Date 3/12/17

# GRANT REQUEST PROPOSED BUDGET

## EXPENDITURES

Item Description	Cost Each	Quantity	Total Cost
Personnel			
Contractual			
Commodities			
Other Charges			
Capital Outlay			
Fire Department Water Tender	\$242,000	1	\$242,000
Total Expenditures:			\$242,000

## REVENUE

Source of Revenue	Amount
Grant from Funding Agency	\$242,000
Cash Match	\$0
In-Kind Labor	\$0
Other (describe)	
Total Revenue:	
	\$242,000

NOTE: Total Revenue must equal Total Expenditures




**Gila River Indian Community Grant Application  
Grant Cycle 2017**

**Cover Sheet**

Municipality Information	
1. Date of Application: 3/6/2017 (NOTE: Click or use up/down arrow keys to move among fields)	
2. Name of City, Town or County: Town of Florence	
3. Mayor (City or Town) or Board of Supervisor's Chairman (County): Tara Walter	
4. Mailing Address: P. O. Box 2670	
5. City: Florence	State: Arizona Zip Code: 85132
6. Acknowledgement of Submission by Authorized Municipality Representative:	
Typed Name/Title: Brent Billingsley	Signature:
Applicant Information	
7. Department/Organization Name: Florence Fire Department	
8. Is this a 501c non-profit Organization? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If yes, attach IRS Determination Letter	
9. Application Contact Person: Jennifer Evans Title: Management Analyst	
10. Phone Number: 520-868-7549	
11. Mailing Address: P. O. Box 2670	
12. City: Florence	State: Arizona Zip Code: 85132
13. Email Address: Jennifer.evans@florenceaz.gov Website Address: www.florenceaz.gov	
Project Information	
14. Project Name: Fire Apparatus Water Tender	
15. Purpose of Grant: To enhance safety and reduce property loss due to fire.	
16. Priority Funding Area	Public Safety
17. Annual amount requested	\$242,000
18. Number of years that funding is requested	1
19. Total amount requested (annual amount x number of years)	\$242,000
20. Has your organization received past funding from GRIC? If yes, list each year and amount	2015 \$66,014; 2012 \$63,802; 2011 \$126,000; 2007 \$15,829
21. Geographic area served	Town of Florence and mutual aid contracts with fire departments in Pinal County

For Office Use Only:		
Data Entry	Receipt	Evaluation
Outcome <input type="checkbox"/> Approval Recommended/Amount \$		<input type="checkbox"/> Denial

	<b>TOWN OF FLORENCE COUNCIL ACTION FORM</b>	<b><u>AGENDA ITEM</u></b> <b>7c.</b>
<b>MEETING DATE:</b> March 20, 2017  <b>DEPARTMENT:</b> Public Works  <b>STAFF PRESENTER:</b> Christopher A. Salas Public Works Director/Town Engineer  <b>SUBJECT:</b> Acceptance of the Public Improvements for the Anthem at Merrill Ranch Subdivision Unit 17C		<input checked="" type="checkbox"/> <b>Action</b> <input type="checkbox"/> <b>Information Only</b> <input type="checkbox"/> <b>Public Hearing</b> <input type="checkbox"/> <b>Resolution</b> <input type="checkbox"/> <b>Ordinance</b> <input type="checkbox"/> <b>Regulatory</b> <input type="checkbox"/> <b>1<sup>st</sup> Reading</b> <input type="checkbox"/> <b>2<sup>nd</sup> Reading</b> <input type="checkbox"/> <b>Other</b>

**RECOMMENDED MOTION/ACTION:**

Approve the acceptance of the improvements for the Anthem at Merrill Ranch Subdivision Unit 17C prior to the start of the warranty period which shall be retroactive to September 13, 2016.

The Town Engineer has found that all of the pavements, utilities, storm sewer, grading/drainage improvements and all other required improvements within the right-of-way/easements have been constructed in accordance with the requirements of the Town Code and specified Engineering Standards.

The following documentation represents the prerequisite for approval including the delivery of required certification together with test results and as-built drawings.

**DOCUMENTATION**

- Final Grading and Drainage As-Builts
- Final Paving and Profile Plans
- Final Water and Sewer Plan As-Builts
- Water Pressure, Leak, Chlorine and Bacteria Testing
- Sewer Pressure, Mandrel, Camera, Vacuum, Insecticide Testing
- Material Testing Package
- Engineers Certificates of Construction for Water and Sewer
- ADEQ Approval of Construction for Water and Sewer
- Fire Department Acceptance Document
- Johnson Utilities Acceptance Document
- Dry Utility Drawings

## **BACKGROUND/DISCUSSION:**

The property is located in the Anthem at Merrill Ranch Subdivision owned by Pulte Homes, Inc. Pulte Homes, Inc. has completed the public improvements necessary for the development of Unit 17C (consisting of Crestwood Ct. STA 10+00 thru 14+00 and Rushmore Way STA 10+40 thru 12+88.07) of the Anthem at Merrill Ranch subdivision and has requested the Town of Florence accept the completed improvements for ownership and maintenance. Due to internal processing adjustments, the start date for Unit 17C acceptance shall be retroactive to September 13, 2016.

All improvements in the public right-of-way or easements have been constructed under inspection and approval of the Town Engineer/Public Works Department and/or utility company having jurisdiction. The following improvements with regards to Unit 17C (consisting of Crestwood Ct. STA 10+00 thru 14+00 and Rushmore Way STA 10+40 thru 12+88.07) have been completed and are subject to a one-year warranty period prior to acceptance for maintenance; grading, paving, concrete, water, sewer, signing, pavement markings, and storm drain. Street lighting has been completed and is subject to a two-year warranty period prior to maintenance acceptance. Acceptance of maintenance of these improvements will be by separate document at the end of the warranty period.

The developer shall maintain the subdivision improvements, free from defects, for the warranty period and shall promptly correct any defect which they have noticed or which the Town discovers which occurs prior to the terminus of the warranty period from the date of the acceptance of all improvements.

## **FINANCIAL IMPACT:**

Acquisition of infrastructure assets will be based upon acceptance of assets by the Town Council recorded as specified in the Capital Asset Policy and Procedure prior to acceptance for maintenance/replacement by the Town. A summary of quantities for each asset will be accepted into the Town's maintenance system, (excepting water/sewer utilities).

## **STAFF RECOMMENDATION:**

Staff recommends approval of the action due to the potential social and economic impacts and affects of new subdivisions within Florence. The proposed acceptance of this development may change the lives of current and future residents by measurement of the potential socio-economic impacts such as:

- Change in demographics
- Resulting retail / service and housing benefits
- Change in employment and income levels
- Changes in quality of life in the community
- Satisfying current housing needs
- Specialty house meeting the needs of the groups considered

**ATTACHMENTS:**

Letter of Acceptance  
Map of Unit 17C



# Town of Florence

PO Box 2670  
775 North Main Street  
Florence, Arizona 85132

Phone (520) 868-7500  
Fax (520) 868-7501  
TDD (520) 868-7502

www.florenceaz.gov

## TOWN SERVICES

Building Safety  
868-7556

Community Development  
868-7575

Finance  
868-7624

Fire  
868-7609

Grants  
868-7513

Human Resources  
868-7545

Library  
868-8311

Municipal Court  
868-7514

Parks and Recreation  
868-7589

Police  
868-7681

Public Works  
868-7620

Senior Center  
868-7622

Town Attorney  
868-7557

Utility Billing  
868-7680

Water/Wastewater  
868-7695

September 13, 2016

Mr. Randy Christman, Manager of Planning & Entitlements  
Pulte Homes, Inc.  
16767 North Perimeter Dr. - Ste. 100  
Scottsdale, AZ 85260

Re: Letter of Acceptance: Anthem at Merrill Ranch Unit 17C

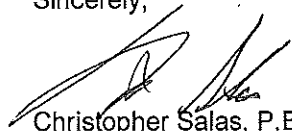
Dear Mr. Christman:

This letter is to indicate that the streets, street lights, sidewalks, curbs and gutters, storm drainage structures and appurtenances, and all other constructed infrastructure pertaining to Anthem at Merrill Ranch (AMR) Unit 17C (consisting of Crestwood Ct. STA 10+00 thru 14+00 and Rushmore Way STA 10+40 thru 12+88.07), is located within our dedicated rights-of-ways and/or platted easements. All traffic signs, pavement markings, and subdivision monuments have been placed. We have caused prudent onsite inspections, and other quality control measures at a frequency and of a number as required by the various sections of the Town of Florence standards to assure that among other things, dimensions have been met, correct materials have been used, and required densities of materials have been achieved. To the best of our knowledge (based upon my review of these investigations, tests, and inspections), all of the above improvements have been constructed in accordance with the approved plans, Town of Florence standards, and conform to the current Town Code of Florence.

It is understood that there is a 12-month minimum maintenance period that covers all of the public improvements and that said guarantee begins at the date of acceptance by Town Council. The developer understands that he is responsible for any discrepancies found in the subdivision improvements which are a result of defective design, workmanship, or materials for the maintenance period. Street lighting has a 24-month minimum maintenance period.

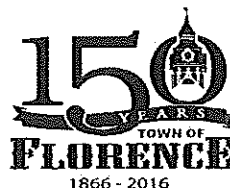
Prior to one (1) year, after appropriate inspection(s) and correction(s), the infrastructure will be accepted into the Town's maintenance system. Two (2) years for street lights.

Sincerely,



Christopher Salas, P.E.  
Director of Public Works/Town Engineer  
Town of Florence Arizona

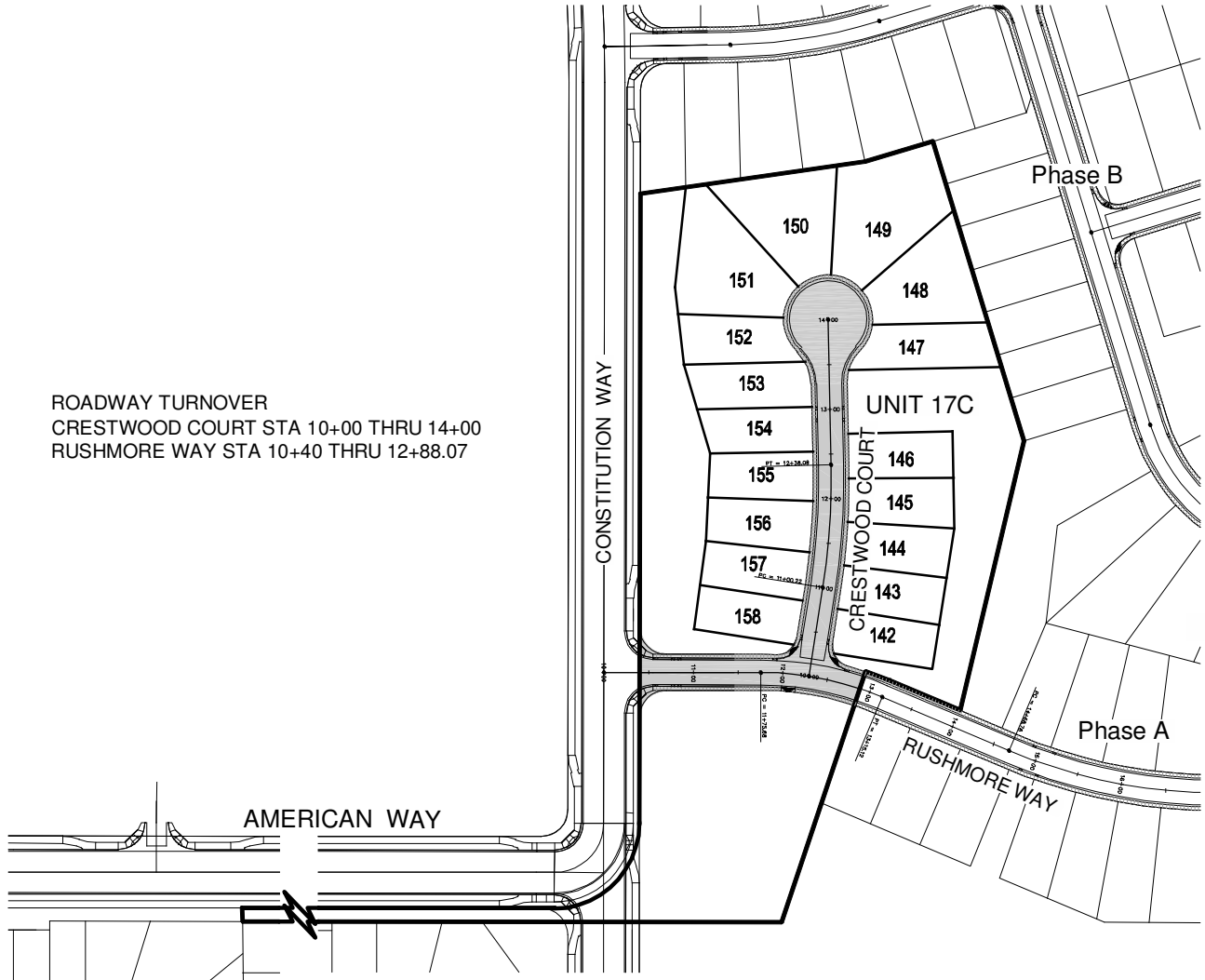
Cc: B. Billingsley, TOF  
M. Eckhoff, TOF  
J. Baxter, Baxter Design



*History Remembered; The Future Embraced; Celebrating 150 Years*

path: R:\742-AMR\UNITS\UNIT-17-AMR\09-EXHIBITS\Road Turnover 17C\ file name: UNIT-17C Road Turnover.dwg | plot date: September 14, 2016 | plotted by: ssanders

ROADWAY TURNOVER  
CRESTWOOD COURT STA 10+00 THRU 14+00  
RUSHMORE WAY STA 10+40 THRU 12+88.07



1"=200'

**BAXTER DESIGN GROUP**

7580 N. Dobson Rd.,  
Suite 200  
Scottsdale, AZ  
85256  
(480) 818-6001

ROADWAY TURNOVER  
**PULTE GROUP**  
 ANTHEM AT MERRILL RANCH  
 UNIT 17C  
 TOWN OF FLORENCE, AZ

**MINUTES OF THE TOWN OF FLORENCE COUNCIL MEETING HELD ON MONDAY, FEBRUARY 6, 2017, AT 6:00 P.M., IN THE FLORENCE TOWN COUNCIL CHAMBERS, LOCATED AT 775 N. MAIN STREET, FLORENCE, ARIZONA.**

**CALL TO ORDER:**

Mayor Walter called the meeting to order at 6:01 p.m.

**ROLL CALL:**

Present: Walter, Woolridge, Guilin, Wall, Larsen.

Absent: Hawkins, Anderson

**MOMENT OF SILENCE**

Mayor Walter called for a moment of silence.

**PLEDGE OF ALLEGIANCE**

Mayor Walter 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. Cathy Adam, Historic District Advisory Commissioner, invited the public to attend the many events happening throughout Florence on February 11, 2017.

**PRESENTATIONS**

**Pinal County Transportation Planning Update Presentation.**

Mr. Andy Smith, Principal Planner, Pinal County, provided a presentation in which he outlined the following:

- Pinal County as a region
  - 12 cities and towns
  - Three adjacent counties
  - 5,300 square miles of land mass
  - Over 2,000 miles of roadway maintenance
  - Three ADOT Engineering Districts
  - Two metropolitan planning organizations
  - One Council of Governments
  - Four Regional Transportation Plans

- Three Transportation Improvement Programs
- Three Strategic Transportation Safety Plans
- Two Highway Performance Monitoring Systems (HPMS) data collection and reporting processes
- Two air quality control reporting processes
- Limited federal funding divided by three planning agencies
- Looking Regionally
  - Population in Pinal County has grown from 180,000 in 2000 to 400,000 in 2015.
  - There is a lack of federal and state funding and no gasoline tax increase since 1991.
  - State transportation funds are used primarily for preservation and maintenance of existing roadways.
  - Since 2001, the state has diverted \$1.8 billion in Highway User Revenue Funds for other governmental programs.
  - A total of 19,159 crashes, with 323 fatal and 878 serious injuries, occurred within the Pinal region over the last 10 years.
  - There are limited north - south and east – west roadways to travel around Pinal County.
  - Over 16 transportation studies documenting transportation needs within the Pinal region have been completed the last 10 years.
  - Traffic projections state with a “no build” scenario that 47% of vehicles will encounter congestion by the year 2040.
  - Implementing regional improvements will improve that percentage to 20%.
- There is a need for regional solution.
  - Approval of this regional transportation plan and half-cent tax will be determined by Pinal County voters in November 2017.
  - The average cost impact to Pinal County residents is \$88.00 a year or \$7.33 a month (the cost of one fast food meal).
- PRTA – Purpose
  - Provides the governance for the county, cities, towns, and Indian communities to work collaboratively in developing a seamless countywide transportation system.
  - Requires a strong focus on developing a balanced regional transportation system.
  - Stipulates the development of a 20-year regional transportation plan (subject to voter approval).
  - Arizona Revised Statutes 48-5309
    - Provides a dedicated funding source to implement the regional transportation plan through an excise tax (subject to voter approval).
  - Arizona Revised Statutes 42-6106
    - Improves regional coordination and management of the transportation system.
- Pinal Regional Transportation Authority (PRTA)
  - Established on August 5, 2015
  - Presentations to Councils were done October – December 2015
  - Public Open Houses were done March – April 2016
  - Pinal RTA Approved Plan in May 2016
    - Headed for a November 2016 election
    - Arizona Automobile Association requested a change in the legislative language
  - Pinal RTA has rescinded the resolution for a vote prior (December 28, 2016)
    - The Pinal RTA has draft language for introducing – January 2017

- Additional rounds of open houses
- Pinal RTA will approve plan
- Pinal Board of Supervisors will place on November 2017 election

Councilmember Wall inquired if the revenues derived from the half-cent sales tax will be used for payment of the planning itself or for implementation of the plan.

Mr. Smith stated that the revenues will be utilized for the implementation of the projects that were identified on the Pinal Regional Transportation Plan. He stated that the half-cent sales tax will yield approximately \$640 million over the next 20 years. The projects on the plan total approximately \$625 million.

Councilmember Wall inquired if there was a sunset on the projects.

Mr. Smith stated that the sunset would be 20 years. Changes to the plan would need to go before the Pinal County voters.

Mr. Smith continued with his presentation, in which he outlined the following;

- Regionally Significant Routes
  - Began in 2006
  - Identified east-west and north-south corridors throughout Pinal County that would connect all of the cities and towns to the activity centers in the region.
  - Map adopted by Pinal County Board of Supervisors in 2008.
  - Obtained resolutions of support from cities and towns, ADOT, tribal communities and federal highways on the plan.
  - To ensure that right-of-way for regionally significant routes is preserved and the corridors are funded and implemented.
  - To coordinate and be consistent with adopted regional and local transportation plans and activities.
  - To define a process to update the preservation map as regional and local transportation plans are adopted and updated.
- Purpose
  - The Access Management Manual provides guidance on the implementation of access management for Regionally Significant Routes for Safety and Mobility (RSRSM) to Pinal County, local jurisdictions, Native American Communities, and private developers. The intent of the manual is to ensure consistent application of access criteria on RSRs across all entities in the County.
  - Project Approach Overview
    - Access Management Principals & Benefits
    - Existing Policies and Ordinances Review
    - Access Spacing Requirements – Best Practices Review
    - Review Design Standards and Develop New Standards as needed
    - Implementation Methods - Traffic Impact Analysis procedures, retrofit program, and granting variance
    - Access approval & Permit Process – Updates to Early Alert Process
- What's Next

- November 2016-February 2017
  - City-Town Council presentations
- March-May 2017
  - Final draft coordination and city-town resolutions of support
  - Request to come before Florence Town Council requesting a resolution of support on the revised map
- June-July 2017
  - Board of Supervisors Approval and Adoption
- Did You Know?
  - There is a lack of federal and state funding and no gasoline tax increase since 1991.
  - State transportation funds are used primarily for preservation and maintenance of existing roadways.
  - Since 2001, the State has diverted \$1.8 billion in Highway User Revenue Funds for other governmental programs.
  - Approval of this Regional Transportation Plan and half-cent tax will be determined by Pinal County voters in March 2017.
  - The average cost impact to Pinal County residents is \$88.00 a year or \$7.33 a month (the cost of one fast food meal).
  - Current sales tax ranges from 8.7% to 10.7% throughout Pinal County.
  - Regionally Significant Routes for Safety and Mobility
    - Access Management
      - Need to find ways for development to access the specific corridors
      - Safety is a concern and they needed to come up with better practices to access roads
      - Roadway classification under review
        - Parkway
        - Major arterial
        - Minor arterial
        - Major collector
        - Minor collector
- Next Steps
  - Pinal Regional Transportation Authority
  - No change based on Board of Supervisors
  - Change to Legislation to address \$10,000 single item
  - Evaluate revenue projections - \$10,000 single item; estimated \$22 million dollar impact
  - Stakeholder Outreach
  - Five additional public open houses
  - Prepare Ballot Language
  - Preparation for the Election

Mayor Walter thanked Mr. Smith for the informative presentation.

### **Presentation on the 2017 Legislative Update.**

Mr. Jess Knudson, Assistant Town Manager, provided a presentation in which he outlined the following:

- Legislative Overview
  - The Legislative session began on January 9, 2017.
  - Approximately 1500 bills are introduced each session.
    - Approximately 350 bills make it to the Governor's desk.
    - Fewer bills introduced this year than in previous years.
  - Bills are introduced into February.
  - Committee assignments for bills are set usually by 3<sup>rd</sup> week of February.
    - Bills that do not receive a committee assignment by the deadline are usually done for the year.
    - The 3<sup>rd</sup> week in March is the second chamber's committee deadline.
  - Session is supposed to last 100 days, but not always.
- Bill Process
  - Steps for a bill:
    - Bill is first assigned to a committee
      - Communities' chance to testify and address concerns or express support of bill
    - Bill then goes to the Rules Committee
      - Ensures compliance with existing rules and regulations
    - Bill is then forwarded to Caucus
    - Bill then goes to the Committee of the Whole (COW)
      - Reading of the bill on the floor
    - Bill is then voted on the third reading of the bill
    - Bill goes to other chamber (House or Senate) and the process repeats.
  - The two bills passed by each respective chamber must be identical and the bill then goes to the Governor.
    - Governor can sign, veto, or let allow bills to become law without a signature.
    - Bills become law 90 days after Sine Die, except when passed with an emergency clause.
- The Florence Way
  - Support legislation that positively affects the Town of Florence and its citizens.
    - Do no harm
  - Oppose legislation that negatively affects the Town's finances.
  - Transaction Privilege Tax (TPT), Highway User Revenue Fund (HURF), state-shared, impact fees, or other revenues received by the Town from various sources.
    - Since 2001, \$1.9 billion has been wiped away from cities and towns that was supposed to be spent on roads in infrastructure and are now being spent on other state agencies.
  - Support legislation that strengthens local control.
  - Support legislation that enhances the ability of the Town to improve economic development activities.
  - Support efforts to increase our ability to provide quality parks and library services.
  - Support legislation that increases our ability to plan, design and construct infrastructure projects.
    - Funding
    - Regulations
  - Support legislation that maximizes our ability to protect the health, safety and welfare of our residents
- Action required that allows the Town to work with its legislatures and counter parts.

- Guided by this legislative platform, staff takes action to influence legislation that positively affects the best interests of the Town of Florence.
  - Have the ability to sign in to oppose or in favor of the bill that is flowing through the legislative process
  - Can sign in that you are willing to testify on the bill
  - Enlist assistance from councilmembers
  - Work with aligned interests (cities, towns, and League of Cities and Towns)
- Staff updates Council at Town Council meetings, and by other means, to provide information to and seek direction from the Council.
- Bills of Interest
  - House Bill (HB) 2088 (incorporation; urbanized areas)
    - Companion in Senate is Senate Bill (SB) 1125
    - Affects possible corporation of San Tan Valley
    - Representative Farnsworth is sponsoring the bill
    - Seeks to remove the three and six-mile rule from State Statutes.
    - Since 1961, 30 cities and towns have been incorporated through the existing statutes.
    - If the area is 15,000 or larger than the surrounding cities and towns then the area would not have to come to Florence for a resolution and would not have to seek authorization from Florence to move forward with a vote for incorporation.
  - HB 2179 – (municipalities; counties; intergovernmental agreements; requirements)
    - Requires all cities and towns to catalog and review all their intergovernmental agreements (IGAs), to limit length of terms of all of them to eight years, and continually renew agreements.
  - HB 2212 (federal financial assistance; reports)
    - On October 31<sup>st</sup> of each year, cities run a report identifying any federal funds and report the findings to legislature by December 1<sup>st</sup>. Cities have to explain how you fund your programs without federal funding. This unfunded mandate is additional unnecessary regulation.
  - HB 2121 (immigration; prohibited acts; civil action)
    - If an undocumented immigrant is arrested then released after immigration is called but does not show up, and then commits a crime, city and state officials can be held responsible.
  - HB 2213 (GPLET reform; K-12 taxes)
    - GPLET (Government Property Lease Excise Tax) is an economic development tool that allows developers to abate taxes over eight years. This bill requires cities to pay K12 school taxes upfront which renders GPLET impractical. This removes one of the very few economic development tools available to cities and towns.
    - The tool attracts large projects to the communities.
    - Requires cities and towns to pay upfront any loss of property tax revenues to the schools.
  - Senate Bill 1214 an HB 2365
    - Cox and Verizon negotiating language with the League on a “small cell” bill.
    - Technology has changed where they want multiple small antennas with much shorter distance. This would replace the large towers.
    - Would allow consumers faster upload and download times.
    - Concerns with putting the equipment in the Town’s right-of-way.
    - Different bills being proposed by Cox and Verizon



- Governor's Budget Proposal
  - Continues the sweep of HURF (\$96 million)
  - Does not renew the one-time transportation money that was in last year's budget.
  - No proposed change to the continuation of local government payment for Arizona Department of Revenue services, this year expected to be approximately \$12 million for cities and towns.
  - Concerns exist because of continued trend of shifting responsibility of funding state to local governments.
  - Pushes the responsibility back on the cities and towns to provide the burden of the cost or provide services without any type of funding that is available to the cities and towns.
- HB 2143
  - Any maintenance or project that the Town conducts in excess of \$25,000 is required to go through a procurement process.
  - Would push work out to the project sector regardless of the cost or benefit to the citizens.
- HB 2022
  - Allows the discharge of small caliber ammunition to occur within the Town's boundaries.
- Helpful Resources
  - Arizona State Legislature – ALIS, [www.azleg.gov](http://www.azleg.gov)
    - Legislator Information, Bill Search, Bill Status, Bill Summaries, Committee Agendas, Watch Live Proceedings, Request to Speak (RTS)
  - League of Cities and Towns - [www.azleague.org](http://www.azleague.org)
    - Legislative Issues and Bulletin, Events and Training Schedule, Resource Library, General Counsel Opinions, Helpful Publications

Councilmember Larsen inquired about the signing in process.

Mr. Knudson explained the signing in process. He stated that you can view the proceedings and hear the discussions on the bills as well.

Mr. Brent Billingsley, Town Manager, stated that you must be registered with the State Legislature in order to create an account and can register as an individual or as a councilmember. He explained what the process entailed.

**Presentation to provide an update on the 2012 Police Operations and Data Analysis Report.**

Mr. Billingsley stated that the Town enlisted International Cities and County Managers Association (ICMA) to assist in conducting an audit of the Florence Police Department in 2012. Through this effort a large report was generated with milestones and goals to be achieved from leadership, to management staff, to the Police Department. Things continue to be implemented, based on the report and the implementation is nearly complete.

Mr. Dan Hughes, Police Chief, stated that the staff of the Florence Police Department stand firm in their pursuit for justice and public trust. They will stay true to their mission of providing

service and safety to their community with honor, respect, and integrity. They are committed to providing fair and equal treatment to those they encounter.

Chief Hughes provided a presentation in which he outlined the following:

- Created a mission statement
  - Not necessarily a recommendation but felt that the officers needed a mission statement that they created to truly adhere to.
- In early 2012 the International City/County Management Association (ICMA) Center for Public Safety Management was engaged to perform an analysis and evaluation of the Florence Police Department including its organizational structure, management processes, policies, staffing, and operations. Specifically, ICMA was asked to review the operations, policies, and practices of the department; analyze those operations, policies, and practices in light of current standards and practices of police organizations of similar size; identify major areas where the operations, policies, and practices of the department appeared to deviate from standard practice; and broadly recommend corrective actions that could be taken to correct any deficiencies.
- ICMA was asked to critically examine the department's capabilities regarding strategic planning, internal and external communications, decision making, record keeping, and overall command structure. ICMA was also charged with obtaining and analyzing performance information contained in the department's computer aided dispatch (CAD) system.
- Overall there were approximately 90 recommendations within the ICMA report. All reasonable and necessary recommendations have been addressed.
- Went through the ICMA report page by page and reviewed the recommendations in order to evaluate how quickly each could be accomplished.
- Recommendations were listed throughout the report.
- The following are highlights from the ICMA report.
- General Recommendations – Implementation:
  - It was recommended that the department communicate a coherent strategic plan.
    - A five year strategic plan has been developed for the department
    - A complete set of new policies and procedures were written and are available for the officers both in print and online.
      - Written to national standards should the Police Department seek accreditation
  - It was recommended that the department hold staff meetings for all supervisory personnel.
    - Staff meetings are held bi-weekly.
  - A complete shift schedule with a proposed personnel level of three officers per shift and one supervisor.
    - When required supervisors are adjusted to cover shifts.
  - Supervisors have specific areas of responsibility and assigned a geographical area with a squad of officers.
- Community Dashboard
  - Shows what crimes have happened in the last three days and they can go back one year
  - Can determine hot spots so they know where they need to spend their time at.
  - Staff reviews dashboard daily and discuss quality of life and the crimes that have occurred.

- The dashboard is available on the website and users can review their area and what is happening in their area
  - Some information is not available to the public
- Beat Maps
  - Broken down to three beats
  - Sergeants and officers are assigned to a beat.
  - Police officers are responsible for their areas
  - Gives them ownership of their areas and they look for strategies to keep crime down
- Supervisors develop annual goals which include: community meetings, manpower allocation, directed patrols, training, crime prevention and beat integrity.
  - Supervisors utilize the beat team sergeants and officers to promote Community policing programs.
  - We have provided technology to assist our supervisors as well.
- Recommendation – Implementation: Building
  - Have made numerous changes to the building.
    - Building has been repainted
    - Added covering parking area
  - Reconfigured the briefing area
  - Replaced the furniture for a more efficient work area.
  - Now have training area
  - Audio and video equipment has been added in the holding area and the interview room giving the capability to record for sight and sound.
  - Through grant funding a LiveScan machine was purchased to take digital fingerprints.
    - The LiveScan is connected to DPS where the prints are sent to the statewide data
  - Civilian personnel and volunteers play an important role.
    - Dispatchers are certified through the Association of Public Safety Officials (APCO certified).
    - Volunteers are recognized for their valuable service.
- General Recommendations – Implementation: Criminal Investigations
  - Investigators are assigned cases through Case Management where cases are tracked electronically eliminating paper logs.
  - Solvability factors are utilized when determining which cases should be assigned.
  - A Professional Standards Unit (PSU) Sergeant reports directly to the Chief on disciplinary matters and conducts investigations as necessary.
- 2013 - Florence was recognized as one of the top safest cities.
- 2016 - Florence was named one of the safest places in Arizona.
  - Florence was ranked as the number one safest place to live in Arizona.
  - In addition to a low rate of violent crime, it had the lowest rate of property crime in this study.
  - Florence was the only Arizona city with a crime score below 500.
- This information comes from Value Penguin a Consumer Research Company that has been featured in several major publications including CNN, CNBC, US News & World Report, USA Today, Associated Press, and more.
- General list of accomplishment for the Florence Police Department since 2013:
  - Revamped the volunteer program and recruited new volunteers (ongoing)
  - Assigned volunteers to take reports of minor thefts or incidents

- Completion of the Anthem substation
- Applied for and received grants from GOHS and Homeland Security
- Completed the Police Department's covered parking
- Providing superior fire dispatch services (part of regionalization)
- Completed two Citizen's Police Academies
- I was elected President of the Pinal County Law Enforcement Association Board of Directors for 2017
- Conducted a complete evidence audit yearly with all items accounted for

Mayor Walter inquired as to what the process is for becoming an accredited Police Department.

Chief Hughes explained that there are 400 standards that the Police Department has to meet. He stated that the policies also have to match exactly with what the Police Department does and explained how the verification process is done. The process takes approximately three years. He stated that there is a cost and it requires a lot of extra work, but is worth it.

Mayor Walter inquired if there are benefits associated with the accreditation.

Chief Hughes explained that the benefits include:

- Forces departments to keep up with the standards.
- Must continually update policies
- Assists in lawsuits (accreditation and meeting of national standards).

Mayor Walter inquired as to what the current training requirements are for the Police Department.

Chief Hughes stated that they are currently training on:

- Officer ambushes
- Dealing with unstable individuals
  - How to de-escalate
- Updates on current laws
- Search and seizure
  - Marijuana laws

Mr. Billingsley stated that he has been through the accreditation process while he was working in Maricopa and it is very expensive. Typically an agency hires an individual whose sole responsibility is to work on the paperwork regarding the accreditation. It is normally large agencies who go through the accreditation and not the small communities primarily due to the associated cost.

Mr. Billingsley stated that Chief Hughes was elected as President of the Pinal County Law Enforcement Association this year, which is a distinct honor for the Chief and the Town of 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.**

- a. Approval of the acceptance of the public improvements for the Anthem at Merrill Ranch Subdivision Unit 50 prior to the start of the warranty period beginning February 6, 2017.
- b. Approval of the acceptance of the public improvements of Anthem at Merrill Ranch Constitution Way Phase II, prior to the start of the warranty period beginning February 6, 2017.
- c. Approval of partial acceptance of the public improvements of Anthem at Merrill Ranch Spirit Loop III Station 10+00 thru 24+00 and Spirit Loop IV Station 10+00 thru 12+09.32, prior to the start of the warranty period beginning February 6, 2017.
- d. Favorable recommendation to the Arizona Department of Liquor Licenses and Control on the Elks Lodge of Coolidge/Florence #2350 application for a Special Event Liquor License for their participation in the Anthem at Merrill Ranch Spring Fling event on April 1, 2017.
- e. Approval of the Pinal County Property Use Agreement for use of the vacant lot, located at 383 N. Main Street, for the Road to Country Thunder event, on April 1, 2017.
- f. Suspension of the Special Event Vendor Permit rules on April 1, 2017, for the Road to Country Thunder Event.
- g. Approval of granting Steven Smallidge a 180-day extension, pursuant to the Special Warranty Deed, for completion of the rehabilitation of the Cuen Building.
- h. Adoption of Resolution No. 1614-17:

Mayor Walter read Resolution No. 1614-17 by title only.

**A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, ACCEPTING THE TRANSFER OF RIGHT-OF-WAY FOR A PORTION OF HUNT HIGHWAY, PURSUANT TO THE CONDITIONS CONTAINED IN PINAL COUNTY CONSENT AGREEMENT FOR TRANSFER OF COUNTY RIGHT-OF-WAY , AND AUTHORIZING THE MAYOR TO EXECUTE THE ATTACHED RIGHT-OF-WAY AGREEMENT.**

- i. Adoption of Resolution No. 1615-17:

Mayor Walter read Resolution No. 1615-17 by title only.

**A RESOLUTION OF TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING AND AUTHORIZING MAYOR TARA WALTER, TOWN MANAGER BRENT BILLINGSLEY, AND FINANCE DIRECTOR JOE JARVIS TO ACT AS SIGNATORIES FOR THE TRANSACTION OF BUSINESS ON THE TOWN OF FLORENCE BANKING ACCOUNTS, AND DECLARING AN EMERGENCY.**

- j. Re-appointment of Talma Harmon to a two-year term to the Library Advisory Board, with a term to expire December 31, 2018.**
- k. Appointment of Victoria A. Ruiz to fill the remaining one-year term on the Historic District Advisory Commission, with a term to expire December 31, 2017.**
- l. Appointment of Lonnie K. Frost to fill the remaining one-year term on the Planning and Zoning Commission, with a term to expire December 31, 2017.**
- m. Approval of accepting the register of demands ending December 31, 2016, in the amount of \$2,193,556.59.**
- n. Notice of Task Orders issued for On-Call Engineering pursuant to Council approved contract. This item is Information Only.**
  - i. Responses to the Request for Proposals were received on November 2, 2016, for the 1<sup>st</sup> Street Improvements Project and was awarded to Wilson and Company.**
  - ii. Responses to the Request for Proposals were received on December 14, 2016, for the design and permitting of a new recharge facility at the Town of Florence South Plant Wastewater Reclamation Facility (WRF), and for the design and permitting of a renewed recharge facility at the North WRF and was awarded to Westland Resources.**
  - iii. Responses to the Request for Proposals were received on December 16, 2016, for the Engineering and Design Services related to Improvements for Well #1 and Associated Equipment and was awarded to Hazen and Sawyer.**
  - iv. Responses to the Request for Proposals were received on January 5, 2017, for the Engineering and Design Services related to Improvements for Florence Gardens Phase IV and V and was awarded to EPS Group Inc.**
  - v. Responses to the Request for Proposals were received on January 12, 2017, for the Engineering and Design Services related to North West Florence Gardens Water Storage Tank Structural Assessment and was awarded to Hazen and Sawyer.**

Mayor Walter asked for clarification of item i. asking that the “declaring an emergency be stricken from the resolution.

Ms. Lisa Garcia, Deputy Town Manager/ Town Clerk, stated that since there are not enough councilmembers present to declare an emergency the Clerk’s Office will automatically remove that from the resolution and the resolution will become effective in 30 days.

Ms. Garcia also corrected the typographical error on Item n iv. which should have read Florence Gardens Phase IV and V in the description.

On motion of Councilmember Guilin, seconded by Vice-Mayor Woolridge, and carried to approve the Consent Agenda, as written, with the exception of Item 7g.

**g. Approval of granting Steven Smallidge a 180-day extension, pursuant to the Special Warranty Deed, for completion of the rehabilitation of the Cuen Building.**

Mayor Walter asked that the wording of the motion be specific to read: “approval of granting Steven Smallidge a one-time 180-day extension, pursuant to Section 3, Article ii of the Special Warranty Deed with Reverter, to complete the renovation and rehabilitation of the Cuen building and receive a Certificate of Occupancy no later than 11:59 pm, November 11, 2017”.

On motion of Councilmember Guilin, seconded by Vice-Mayor Woolridge, and carried for approval of granting Steven Smallidge a one-time 180-day extension, pursuant to Section 3, Article ii of the Special Warranty Deed with Reverter, to complete the renovation and rehabilitation of the Cuen building and receive a Certificate of Occupancy no later than 11:59 pm, November 11, 2017.

**NEW BUSINESS**

**Discussion/Approval/Disapproval of the Terms of Engagement for Legal Services and Engagement Agreement letter dated January 12, 2017 with Gust Rosenfeld, P.L.C., for legal representation of the Town in regulatory matters, including administrative appeals and potential litigation against county, state and federal environmental agencies with respect to the permitting process for the “Florence Copper Project”, including but not limited to permits for the proposed “Production Test Facility” and any future commercial operations.**

Mr. Cliff Mattice, Town Attorney, stated that Gust Rosenfeld, P.L.C., currently represents the Town as outside counsel in the litigation regarding the Florence Copper Project. The law firm is required to have a written Engagement Agreement clarifying the scope of engagement.

On motion of Councilmember Wall, seconded by Councilmember Guilin, and carried to approve the Terms of Engagement for Legal Services and Engagement Agreement letter dated January 12, 2017 with Gust Rosenfeld, P.L.C., for legal representation of the Town in regulatory matters.

**Resolution No. 1617-17**

Mayor Walter read Resolution No. 1617-17 by title only.

**A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT RELATING TO REAL PROPERTY FOR CONSTRUCTION OF A SINGLE-STORY MEDICAL OFFICE BUILDING LOCATED AT 174 WEST HIGHWAY 287, FLORENCE, ARIZONA.**

Mr. Billingsley stated that the project will help a local business in town to enhance the services they provided as well as enhancing the health care services for Florence. He stated that

adoption of the resolution will enact a development agreement that was presented to Council last month with respect to the healthcare facility.

Mr. Billingsley introduced Mr. Peter Crandall, SimonCRE Representative, and stated that they started a project for Sun Life Family Health Center in June 2016. They have gone through the design review process and the construction submittal process as well. During this time, it was discovered that they had a low fire flow. The minimum requirement for fire flow was 1,500 gallons per minute and they were approximately half of the minimum amount. He stated that the need for a development agreement came in order to increase the water flow to the site.

On motion of Councilmember Larsen, seconded by Councilmember Wall, and carried to adopt Resolution No. 1617-17.

**Discussion/Approval/Disapproval to approve the purchase of a Kaeser Omega 83P blower from James, Cooke & Hobson, Inc., in an amount not to exceed \$29,088.**

Mr. Billingsley stated that the Town had a catastrophic failure last week with one of the four blowers. The blowers are used to aid the sewage treatment plant in treating water. The Town is currently operating on the back up.

Mr. Billingsley stated that the Town did not go out for bid for this item because only a specific type and specific brand of blower will work at this plant.

On motion of Councilmember Wall, seconded by Councilmember Larsen, and carried to approve the purchase of a Kaeser Omega 83P blower from James, Cooke & Hobson, Inc., in an amount not to exceed \$29,088.

## **TOWN MANAGER'S REPORT**

Mr. Billingsley stated that a letter was received by the Parks and Recreation Department, which read: "I want to say thank you for all of your help on the set up for the Florence Football Banquet last week. It was a great night. The facilities are outstanding and the staff was super helpful. It was our first time going off campus for one of these events. The feedback that I have received has been nothing but positive. Everyone complimented the facilities. Thank you again for all of your help. I look forward to working with you in the future. Sincerely, Scott Howard, Florence High School Head Football Coach".

Mr. Billingsley stated that for the first time ever, the Town had twice as many patrons attend the monthly movie than they had space for. He stated unfortunately, approximately 20 patrons had to be turned away because they exceeded the capacity. The space was able to accommodate 100. He stated that staff had a second screening the following week and approximately 40 patrons attended. He thanked the staff for handling the situation professionally.

Mr. Billingsley stated that the Town closed on February 2, 2017, the refunding for Merrill Ranch Community Facilities District No. 1. The Town met the terms of refunding at 2.97%, as promised to Council.



Mr. Billingsley stated that the Town's Safe Routes to School Grant Applications were approved, and Florence was approved through Maricopa Association of Governments to receive \$39,606 for the Florence Frameworks Study which will look at all of the school zones around Florence and will work with a consultant to do a safe route to school plan for implementation in coordination between the Police Department, Fire Department, Florence Unified School District and the Town's Administration Department. He stated that the recommendations will be forwarded to the Arizona Department of Transportation, who administers the program.

Mr. Billingsley, stated that the APS Office of Corporate Giving and Community Affairs has provided funding, based on application to Florence for the following:

- \$2,000 for the Town's Board and Commissions Dinner
- \$1,500 to assist with the Electric Light Parade
- \$100 for trash boxes to be used at various events

Mr. Billingsley thanked APS for their generosity.

## **DEPARTMENT REPORTS**

**Community Development**

**Courts**

**Finance**

**Fire**

**Library**

**Parks and Recreation**

**Police**

**Public Works**

Mr. Billingsley stated that Mr. Jess Knudson, Assistant Town Manager, will provide a written and verbal report to Council throughout the legislative session on legislative issues.

The Department Reports were received and filed.

## **CALL TO THE PUBLIC**

There were no public comments.

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

Councilmember Larsen thanked everyone for attending the Council meeting.

Councilmember Wall thanked all of the board and commission members that were appointed at this evening's meeting. She appreciates their service to the Town. She thanked Mr. Bryan Hughes, Parks and Recreation Director, and the Arts and Culture Commission for the work done on the Suter Home in preparation of the Home Tour. She also thanked Mr. Hughes and staff for the great publicity on the Home Tour. She has seen advertisements in many locations.

Vice-Mayor Woolridge stated that she attended the Ak-Chin Indian Community First Tribal Council Inauguration. They now have a tribal council which will be another resource the Town has.

Mayor Walter stated that there is a Relay for Life event on April 21, 2017 for Coolidge and Florence. The Elks Lodge hosted a scavenger hunt between both communities. The Mayor of Coolidge participated and Florence won the scavenger hunt. She stated that in total there were approximately 15 spots between Coolidge and Florence in which clues were located. She learned some interesting facts about both communities.

Mayor Walter stated that she shared an invitation to those in attendance at the last Maricopa Association of Government meeting to the Home Tour so hopefully there will be officials from other communities attending.

#### **ADJOURNMENT TO EXECUTIVE SESSION**

**An Executive Session will be held during the Council Meeting for the purposes of discussions or consultations with designated representatives of the public body and/or legal counsel pursuant to A.R.S. Sections 38-431.03 (A)(3) and (A)(4) and (A)(7) to consider its position and instruct its representatives and/or attorneys regarding:**

**Town's position and instruct its attorneys in regard to Arizona Department of Environmental Quality proceedings and related Water Quality Appeals Board Case No. 16-002.**

**The U.S. Environmental Protection Agency, Region 9 ("EPA"), Class III Underground Injection Control ("UIC") Permit, No. R9UIC-AZ3-FY11-1, issued to Florence Copper, Inc. for an In-Situ Copper Production Test Facility ("PTF"), along with comments and the EPA's response to comments and the Permit proceedings and procedures.**

**Possible negotiations with government agencies and private entities involving the purchase, sale or lease of the Town's real property, and contracts and/or settlement discussions related to such real property, in the area of the Florence Gardens, Caliente and Casita Hermosa subdivisions.**

**Possible contract negotiations related to the proposed Johnson Estates development project.**

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

#### **ADJOURNMENT FROM EXECUTIVE SESSION**

On motion of Vice-Mayor Woolridge, seconded by Councilmember Larsen, and carried to adjourn from Executive Session.

#### **ADJOURNMENT**

On motion of Vice-Mayor Woolridge, seconded by Councilmember Larsen, and carried to adjourn the meeting at 8:43 p.m.

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Tara Walter, 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 February 6, 2017, and that the meeting was duly called to order and that a quorum was present.

---

Lisa Garcia, Town Clerk

**MINUTES OF THE TOWN OF FLORENCE COUNCIL MEETING HELD ON TUESDAY, FEBRUARY 21, 2017, AT 6:00 P.M., IN THE FLORENCE TOWN COUNCIL CHAMBERS, LOCATED AT 775 N. MAIN STREET, FLORENCE, ARIZONA.**

**CALL TO ORDER**

Mayor Walter called the meeting to order at 6:00 pm.

**ROLL CALL:**

Present: Walter, Woolridge, Hawkins, Guilin, Anderson, Wall, Larsen

**MOMENT OF SILENCE**

Mayor Walter called for a moment of silence in remembrance of Mr. Curtis Neal.

**PLEDGE OF ALLEGIANCE**

Mayor Walter 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.

**PRESENTATION**

**Recognition of the 32<sup>nd</sup> Annual Historic Home Tour Committee**

Mr. John Nixon, Recreation Coordinator, stated that the 32<sup>nd</sup> Annual Historic Home Tour, held on February 11, 2017, had approximately 800 paid visitors; however, the total amount of visitors to the Town was approximately 1,000 as many attended a variety of other events that were held on the same day.

Mr. Nixon stated that the Home Tour Committee worked diligently on the event since April 2016 and were pleased with the results. He stated that each committee member gave up their personal time and did an exceptional job of promoting the event. He recognized the following committee members and presented them with a Certificate of Appreciation: Chris Reid, Barbara Kelly, Lynn Smith, Cathy Adam, Sandy Walker, Larry Pfeiffer, Lori Wood, Will Randolph, Jared Carrell, and Alison Feliz.

Mr. Nixon stated that Mr. Pfeiffer has served on the Home Tour Committee for 25 years and this was his last year on the Committee.

Florence Town Council Meeting Minutes

February 21, 2017

Page 1 of 11

## **Recognition of the San Tan Foothills High School Drama Club “Sabercat Playmakers” for their participation in the Pearl Hart Historical Skits during the 32<sup>nd</sup> Annual Historic Home Tour.**

Mr. Nixon stated that the Home Tour Committee discussed other events that could be presented during the Home Tour that would not distract from it but would add to the overall experience. He stated that they added three events this year:

- Arts and Culture Commission presented a Quick Draw Art Event with an auction for the finished art projects.
- Pinal County Historical Museum had the Buffalo Soldiers Encampment Reenactment and presentation.
- Play presented by the San Tan Foothills High School Drama Club “Sabercat Playmakers”

Mr. Jared Carrell, Drama Teacher at San Tan Foothills High School, thanked the Committee for allowing the youth to be involved in the event. He recognized Morgana Laderer for her role as a “drummer” in the play and stated that a drummer was a person whose job was to drum up business during that time period. He stated that they look forward to participating in future events.

Councilmember Wall inquired if the presentation was videotaped.

Mr. Carrell stated that the play was videotaped and he will provide the Town a copy.

## **Recognition of Pulte Homes as 150<sup>th</sup> Anniversary Sponsor**

Ms. Alison Feliz stated that Pulte Homes is recognized as the Levi Ruggles sponsor for the 150<sup>th</sup> Anniversary Celebration for their \$10,000 donation that was used for the celebration. The Town produced several successful events throughout 2016 in honor of our 150<sup>th</sup> anniversary and the events attracted thousands of individuals to the community. She thanked Pulte Homes for their donation and partnership. As a token of the Town’s appreciation, Pulte was presented with a shadow box that contained memorabilia from the 150<sup>th</sup> celebration.

Mr. Randy Christman, Pulte Homes, accepted the shadow box.

## **Presentation on the Town of Florence ISO Rating.**

Mr. David Strayer, Fire Chief, stated that he is pleased with the ISO grading that occurred In October 2016. He provided a presentation in which he outlined the following:

- Insurance Services Office (ISO) Public Protection Classification
  - ISO is the leading supplier of data and analytics for the property/casualty insurance industry.
  - Rating occurs every ten years; however, from this point forward the rating will be done every four years.

- As a result of the October 2016 ISO survey, the Town of Florence will receive a community classification improvement from Class 4/9 to Class 03/3x, effective May 1, 2017.
- Benefits of an improved ISO grade
  - Most insurers use public protection classifications (PPC) for underwriting and calculating premiums for residential, commercial and industrial properties.
  - Each insurance company independently determines the premiums it charges its policyholders.
  - Communities whose Public Protection Classification (PPC) improves may get lower insurance premiums.
  - PPC provides fire departments with a valuable benchmark and is a valuable planning tool for fire protection improvements.
- The Community Classification: Improved from Class 4/9 to Class 03/3x.
  - The first class (e.g. "3") applies to properties within 5 road miles of recognized fire station and within 1,000 feet of a fire hydrant.
  - The second class (3x) applies to properties beyond 1,000 feet of a fire hydrant but within 5 road miles of a recognized fire station.

Prior Classification	New Classification
1/9	1/1X
2/9	2/2X
3/9	3/3X
4/9	4/4X
5/9	5/5X
6/9	6/6X
7/9	7/7X
8/9	8/8X
9	9

- Summary Report
  - Areas of improvement on the Summary Report

	2005	2007
Credit for Fire Department	28.63	35.00
Credit for Water Supply	25.42	28.46
Community Risk Reduction (added new criteria)		3.62
<b>Total Credit</b>	<b>60.14</b>	<b>72.45</b>

- All the departments have assisted in raising the points
- Points are hard-earned
- Town is committed to fire protection (i.e. new fire station, equipment, training)
- The payoff is the improved grade.
- Current Fire Department Rankings
  - Class 3 puts Florence in the top 10% of fire departments nationwide in terms of the rating.

Councilmember Anderson inquired about the scoring.

Chief Strayer stated that the way the rating is done has changed and this is reflected in the scores on the Summary Report.

Mr. Brent Billingsley, Town Manager, stated that everyone should be extremely proud of the Fire Department, Water Division within the Public Works Department and Police Dispatch. He stated that he has never heard of a town the size of Florence receiving a rating of a 3 before. There are many other fire departments with much larger budgets and more sophisticated equipment that have tried to receive a 3 rating and have been unsuccessful. He stated that being in the top 10% nationwide is a distinct honor.

### **Presentation on and Discussion/Approval/Disapproval of the Town of Florence 2017 General Plan Amendment application and hearing schedule.**

Mr. Mark Eckhoff, Community Development Director, stated that the General Plan Amendment Application and hearing schedule is a procedural matter that is acted upon on an annual basis. The process includes reviewing the previous year to see what changes were made to the General Plan as well as looking forward as to what the anticipated changes may be for the General Plan and setting the date for Major General Plan Amendments.

Mr. Eckhoff stated that the State Law requires the Town to identify what a minor amendment and a major amendment are. Major amendments to the General Plan can only be conducted once per year. Every year, the Town sets out an application and the dates for the meetings.

Mr. Eckhoff stated that they have not had an amendment to the General Plan in quite some time; however, the process is still done in case someone is contemplating a major change. He explained what the process entails.

Mr. Eckhoff stated that minor amendments can be taken throughout the year. He stated that staff is expecting that a minor amendment will be submitted regarding the location of the North-South Corridor.

Mr. Eckhoff stated that staff is gearing up for the ten year update to the General Plan. The Town is also in the process of completing the Strategic Plan. He stated that the General Plan Update takes approximately two years to complete in its entirety. The General Plan update will go before the voters in 2020.

Mayor Walter stated that the first meeting will be September 21, 2017 and the second meeting will be October 5, 2017. The Town Council meeting will be November 6, 2017. The submittal deadline for any proposals will be May 1, 2017.

On motion of Councilmember Anderson, seconded by Councilmember Wall, and carried to approve the Town of Florence 2017 General Plan Amendment application and hearing schedule.

### **Presentation of the 2016 Annual Report from the Greater Florence Chamber of Commerce.**

Ms. Jennifer Evans, Management Analyst, stated that the presentation by the Greater Florence Chamber of Commerce is part of the requirement through their annual contract.

Lori Wood, Greater Florence Chamber of Commerce Executive Director, provided the annual report for 2016, which included:

- Outlined the Businesses of the Quarter
- Completed revision of the 2016 Chamber membership directory
- Continued with the monthly luncheons
- Continued with monthly Mixers
- Held Special Events
  - Second Chance Prom
  - Chamber Casino Night
  - Meet the Candidate Forums (2)
- As of December 31, 2016, they have 218 paid members
- Received 37 new members for 2016
- Chamber and McFarland Park are fully staffed and keeping regular hours
- Florence Visitor Center had 7,984 visitors
- Partners with Arizona Workforce to create an access point for job seekers
- The McFarland Gift Shop began carrying ACI products including their baked goods
- McFarland Park hosted several events
  - Chamber Mixers
  - Veterans' Display
  - Home Tour
  - Various speakers throughout the year
- Offer three \$1,000 scholarships to Florence Unified School District seniors

**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.**

**Recommendation of approval to the Arizona Department of Liquor License and Control on the Kokopelli Moon Saloon's application for a Temporary Extension of Premises Patio Permit for the Road to Country Thunder event on April 1, 2017.**

**Recommendation of approval to the Arizona Department of Liquor Licenses and Control on the Pinal County Historical Society, Inc. application for a Special Event Liquor License for the Greater Florence Chamber of Commerce Mixer, to be held on April 11, 2017**

**Approval of the January 3, January 13, and January 17, 2017 Town Council meeting minutes.**

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

**December 8, 2016 Arts and Culture Commission minutes.**

**October 26, 2016 Historic District Advisory Commission minutes.**

**October 27, 2016 Parks and Recreation Advisory Board minutes.**



On motion of Councilmember Wall, seconded by Councilmember Hawkins, and carried to approve the Consent Agenda, as written.

## **NEW BUSINESS**

**Discussion/Approval/Disapproval of authorizing staff to commence Development Agreement negotiations with Artisan Acres, LLC, and other associated parties seeking to enter into a Development Agreement with the Town of Florence, in order to facilitate the proposed expansion of the Windmill Winery project in Florence, Arizona.**

Mr. Billingsley stated that the Town has received a comprehensive application packet and Mr. Harold Christ, Owner, and his partners would like to begin negotiations towards a development agreement for Artisan Acres. He stated that the packet contains detailed information of what is to be provided, such as a boutique hotel along with two other buildings. One of the buildings will be a repurposed cotton gin that would serve as an entertainment area as well as a bridal suite.

Mr. Christ stated that the project is to take the Windmill Winery into another phase. There is a need for a place for people to stay for an extended period of time along with a space for larger events. They are also receiving more corporate business, which will allow them to accommodate their needs.

Mr. Christ stated that the project is unique. The inside of the cotton gin is approximately 45 feet high and will have a crop duster hanging from the ceiling, which is reminiscent of what happens with cotton and what it meant to the community and agriculture.

Councilmember Wall inquired about the timeline.

Mr. Christ stated that they are ready to move forward upon approval from the Council. They have planned a groundbreaking in April and would like to be open by the end of 2017.

Mayor Walter stated that she is excited that Mr. Christ is bringing this project to Florence and advancing what he has already created in Florence. She stated that Mr. Christ has brought people to Florence from all over the place.

On motion of Councilmember Guilin, seconded by Councilmember Anderson, and carried to authorize staff to commence Development Agreement negotiations with Artisan Acres, LLC, and other associated parties seeking to enter into a Development Agreement with the Town of Florence, in order to facilitate the proposed expansion of the Windmill Winery project in Florence, Arizona.

**Discussion/Approval/Disapproval to enter into a contract with Holbrook Asphalt Company, to provide HA5 high density mineral bond pavement preservation treatment in various locations, in an amount not to exceed \$207,713.28.**

Mr. Chris Salas, Public Works Director, stated that he has evaluated the pavement throughout Florence and determined what technologies to use that would be most cost effective. He stated that the Town has previously used HA5 on two projects and is listed as one of the long term users in the industry.

Mr. Salas stated that he has thoroughly researched the product and determined it to be a great product that reduces the amount of cracks and oxidation and maintains its appearance. He stated that the product comes with a five year warranty, which no other product provides. The product has also been known to exceed the five years up to ten years. He stated that the cost benefit far outweighs the cost increase.

Mr. Salas stated that the project areas include Unit 11 and 13 in Anthem at Merrill Ranch, Florence Gardens Phase II and III and Sunrise Estates.

Mr. Salas stated that this product is used for surfaces that are not severely alligatored. He noted that the contract amount includes a contingency as well.

Mayor Walter asked that maps be included in the future.

On motion of Councilmember Guilin, seconded by Councilmember Larsen, and carried to enter into a contract with Holbrook Asphalt Company, to provide HA5 high density mineral bond pavement preservation treatment in various locations, in an amount not to exceed \$207,713.28.

**Discussion/Approval/Disapproval to enter into a contract with Cactus Asphalt, through a Pinal County Cooperative Contract, to provide polymer modified asphalt paving, in an amount not to exceed \$481,334.56.**

Mr. Salas stated that the Town has been using this product for approximately ten years. He stated that the product was last used approximately nine months ago and this project is an extension of that project. The work to be performed is to pre-sweep each street, apply polymer modified asphalt rubber, apply pre-coated MAG high volume aggregate, roll aggregate to imbed into PMAR binder, post sweep and apply fog seal. The streets include:

- Felix Road, from the railroad tracks to Pinto Pony Drive
- Willow Street , from the High School to Ruggles
- Circle Street , from Willow Street to the cul-de-sac
- Central, from 9<sup>th</sup> Street to Adamsville
- Van Haren, from Main Street to the High School
- Phoenix Street, from Ruggles to 1<sup>st</sup> Street
- King Street, from Ruggles to 1<sup>st</sup> Street
- Butte Avenue, from Main Street to Willow Street
- 3<sup>rd</sup> Street, from Pinal to Pinal Parkway
- 11<sup>th</sup> Street, from Main Street to Florence Street
- 13<sup>th</sup> Street, from Main Street to Florence Street

Mr. Salas stated that they will also complete Attaway, from Arizona Farms Road to Judd Road. He stated that the projects come under budget even with the contingencies built in. The true cost is based on the amount of material used and it would be impossible to determine the exact amount of material that will be used; however, the estimates should be very close to the actual cost.

Councilmember Anderson inquired when the project will start and end.

Mr. Salas stated that the project should start in March 2017 and should be finished by June 30, 2017.

On motion of Councilmember Guillin, seconded by Councilmember Anderson, and carried to enter in to a contract with Cactus Asphalt, through a Pinal County Cooperative Contract, to provide polymer modified asphalt paving, in an amount not to exceed \$481,334.56.

## **LEGISLATIVE REPORT**

Councilmember Wall inquired if there are any bills that the Council should be talking to their legislators about.

Mr. Jess Knudson, Assistant Town Manager, stated that bills are changing on a day-by-day basis. Staff will provide a list of the bills in advance of the legislative day and will have discussions prior to then.

Mr. Knudson stated some of the larger bills are:

- Small cell bills that are advancing
- CFD bills has language that makes is a little more palatable
- Legislative changes allowing the County to put on the ballot the ½ cent sales tax
- Representative Shope had a bill that would exclude purchases over \$10,000
- Bill than minimizes fire flow regulations for residential properties that are being constructed

Mr. Knudson stated that House Bill 2088 – Incorporation Bill with regards to San Tan Valley, passed both houses and was transmitted to the Governor last week.

Councilmember Hawkins stated that many cities and towns are against House Bill 2143 – Public Contracts, Procurement, because it will hold up repairs and projects if the bill passes. He is requesting that the Town speak out against this bill.

Mr. Knudson stated that the bill, if passed, would be devastating to many cities and towns, including Florence. It would cause excess waste of time if the Town had to go out to bid for anything over \$25,000 and would cause an undue burden. He stated that it appears that the bill has stalled in the House.

Mr. Billingsley stated that approximately 20 years ago, there was an instrumental lawsuit in Arizona. Pinal County was one of the largest land contractors in the western United States and had two independent paving crews that built their own roads. Pinal County was sued by Achen Gardner and they lost, which put into effect to what is called “Achen Gardner legislation”. He stated that any project more than \$150,000 had to be bid out to contractors and the counties and the cities could no longer do that work. There was an escalator clause included and over time the value is over \$200,000.

Mr. Billingsley stated that \$200,000 does not equate to a lot of work. The proposed legislation would slow the Town down and would take away the Town’s ability to do maintenance work. He stated that it would become very challenging to maintain the Town roads. The Town crew does a thorough job with regards to crack sealing and takes pride in their work.

## TOWN MANAGER'S REPORT

Mr. Billingsley stated that the Town received a FEMA Southern Arizona Community Risk Reduction Grant, specifically to the Fire Department. As part of the grant, the Town received 402 10-year tamper-proof smoke detectors, 96 carbon monoxide detectors, 12 ADA strobe smoke detectors for the hearing disabled, 16 fire extinguishers, two large containers of screws, 250 fire safety brochures, 1 I Pad Air Tablet, and 1 I Pad Air Ruggedized case. He stated that this is in addition to the 100 smoke detectors and 69 night lights already received from the grant. He thanked FEMA of Southern Arizona.

Mr. Billingsley stated that there were 149 people, for the Father Daughter Dance on February 11, 2017 and the total has exceeded all previous record numbers of attendees.

Mr. Billingsley stated that there are several events happening at the Florence Library and encouraged everyone to attend.

Mr. Billingsley stated that the Home Tour was a successful event and he is very proud of the team, the volunteers, and all those who contributed to its success. He stated that the Home Tour was very well planned and organized. He commended the Sabercat Playmakers for an awesome play and for entertaining the attendees.

Mr. Billingsley clarified information about Florence Copper. He stated that the Aquifer Protection Permit is being appealed. The Town itself, with Southwest Value Partners, filed an appeal to Arizona Department of Quality. The hearings are set for March 6 and 7, 2017 before the Water Quality Appeals Board. The Water Quality Appeals Board will issue a decision shortly thereafter the hearing.

Mr. Billingsley stated that Pinal County held a public hearing regarding the Air Quality Permit on January 4, 2017. The recording failed at the public hearing meeting and none of the public comments were recorded, as required per law. The public hearing has been rescheduled for February 22, 2017 at the Pinal County Superior Court, Jury Assembly Room. Pinal County will issue written responses to all comments received. Based on the comments, Pinal County can either modify the existing permit, issue the permit, or deny the permit.

Mr. Billingsley stated that the Federal EPA Underground Injection Permit was issued on December 20, 2016. Four parties have filed appeals, including the Town of Florence and the Gila River Indian Community. The EPA has extended the period to respond to April 7, 2017, in which it can respond to the four appeals. The replies are due on April 24, 2017. Once considered, the appeals will go before the US Environmental Appeals Board. The US Environmental Appeals Board has full discretion on whether it will grant a hearing on the appeals. He stated that the pending resolution of the appeals; the US Environmental Appeals Board stayed the entire UIC Permit, which means that none of the UIC Permit conditions can be implemented until the appeals are resolved.

Mr. Daniel Hughes, Police Chief, stated that Mr. Curtis Neal was missing and has been found; unfortunately, he was deceased. He had walked away from Anthem Hospital several weeks ago. He met with some officers while walking away from the hospital and was asked to return to the hospital. It was within his rights not to go back. Staff followed up and checked on him

several times. Several agencies assisted in looking for him once he came up missing and unfortunately, they were not able to find him.

He said many individuals gave of their time to search for Mr. Neal. He extended his condolences to the family.

Mayor Walter stated that she is very proud of all of the community for coming together to assist the Neal family.

### **CALL TO THE PUBLIC**

There were no public comments.

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

Councilmember Larsen thanked the staff for doing a great job on the Home Tour event. She enjoyed learning of Florence's history. She thanked Chief Strayer and the Fire Department for their service.

Councilmember Wall stated that the Home Tour was well organized. She thanked the Police, Fire, and Public Works Department for their work in increasing the ISO rating. She understands how critical it is with regards to the rates that homeowners pay for their insurance. It also reflects on the rates that businesses pay as well.

Councilmember Anderson stated that his neighbor thanked them for the Home Tour and the event at the courthouse. He stated that he attended the Pinal Partnership Meeting and the guest speakers were the Pinal County Supervisors. Pinal County has the same concerns as the Town such as transportation, schools, and water.

Councilmember Anderson stated that he received an invitation from the Commissioners to address any concerns they have.

Councilmember Anderson stated that he attended the Water Augmentation Authority Meeting and their concerns are the bills that are currently in the legislature. He stated that another issue is the ongoing saga about using non-federal water in the canals and they are positive that it will come to fruition.

Councilmember Guilin thanked Mr. Salas for his tenacity with regards to funding and the contracts. She appreciates his ability to get the contractors to provide maximize service for the best amount of money, saving the Town money.

Vice-Mayor Woolridge extended her condolences to the family of Ms. Delores Perkins, who passed away on February 18, 2017. Ms. Perkins worked for the Florence Unified School District for several years and was an esteemed member of the community.

Councilmember Hawkins stated that the staff was very pleasant during the Home Tour, even though they were working very hard. He appreciates all the work that went into having a successful event.

Mayor Walter stated that the Town Council has their Strategic Planning Retreat on Friday, February 24, 2017, at the Pinal County Historical Courthouse. She invited everyone to attend the Pinal County Public Re-Hearing on February 22, 2017. She stated that she participated in the Cowboys and Indian Days Parade on February 18, 2017.

## **ADJOURNMENT**

On motion of Councilmember Hawkins, seconded by Vice-Mayor Woolridge, and carried to adjourn the meeting at 7:15 pm.

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Tara Walter, 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 February 21, 2017, and that the meeting was duly called to order and that a quorum was present.

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Lisa Garcia, Town Clerk

**MINUTES OF THE TOWN OF FLORENCE COUNCIL WORK SESSION HELD ON FRIDAY, FEBRUARY 24, 2017, AT 9:00 A.M., IN THE PINAL COUNTY COURTHOUSE, LOCATED AT 135 N. PINAL STREET (IRONWOOD, PALO VERDE, CEREMONIAL COURT ROOM) FLORENCE, ARIZONA.**

**CALL TO ORDER**

Mayor Walter called the meeting to order at 9:09 am.

**ROLL CALL:**

Present: Walter, Woolridge, Hawkins, Guilin, Anderson, Wall, Larsen.

**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.

**CONTINUATION OF THE STRATEGIC PLANNING PROCESS**

- i. Visioning Session**
- ii. Determining Council's Priority Areas and Objectives.**
- iii. Next steps**

Ms. Karalea Cox, Planning Facilitator, Common Sense Facilitation Consultant, stated that most high school seniors hear that they should get out of Florence upon graduation or that they will work at the prisons, which causes them to feel unwanted. She said a better message to the seniors is that they are wanted.

Ms. Cox provided a power point presentation in which the following was discussed:

- The purpose of the Strategic Plan
  - o Identifies where we are and where we would like to be
  - o Is a guiding document
  - o Assists Council and staff to work in a unified and consistent manner for the benefit of Florence's future.
- Key elements that need to be included in the Strategic Plan
  - o Vision, mission, key priority areas, objectives, and action steps
- Context for Community Development
  - o Vision and mission = our dream and our purpose
    - Where will be when we have arrived?
- What is in the Town's future
- Vision for the General Plan
- Mission Statement

- What was learned from Florence's citizens
- What is the vision for the next five years
  - o Vision statement = the dream
  - o Should be brief, direct, and the future stated as a reality
- Key priority areas equal the what and why
  - o What is important in the next five year
- What we learned and things that need to be addressed
- Key priority areas identified by the Citizen's Advisory Group
  - o Communication, community vitality, economic prosperity, leadership, transportation and infrastructure

The Council had discussion on what they felt the key priority areas are. Priority areas included communication, community vitality, economic prosperity, leadership, governance, safety/security, marketing/promotion, strategic partnerships, and livability. Council decided what their top five priorities are.

Discussion occurred on the existing vision statement and the possibility of a new statement. The vision statement needs to reflect where the Council wants to see itself in the future and should be written as if it has already occurred. The Council discussed several ideas of what should be incorporated into the statement and a final draft was written, which states:

*“Florence provides a safe, diverse, family-friendly community in which to live, work and play. Florence strives for economic and environmental sustainability, while protecting and promoting its unique history and culture.”*

Ms. Cox had Council members rotate through Key Priority Area Stations. Mr. Billingsley, Town Manager, tasked Department Managers to be facilitators for each of the below stations in which a key priority area were discussed and objectives were identified by councilmembers. Staff was tasked with identifying specific action steps with benchmarks and measurable outcomes for each objective.

**Topic**

**Facilitators:**

Community Vitality

Dan Hughes, Police Chief  
Jasper Halt, Librarian

Economic Prosperity

Jennifer Evans, Management Analyst  
Mark Eckhoff, Community Development Director  
Brent Billingsley, Town Manager

Leadership

Lisa Garcia, Deputy Town Manager/Town Clerk  
Clifford L. Mattice, Town Attorney  
Scott Barber, Human Resources Director

Strategic Partnership

Joe Jarvis, Finance Director  
David Strayer, Fire Chief  
Jess Knudson, Assistant Town Manager



Transportation and Infrastructure

Bryan Hughes, Parks and Recreation Director  
Chris Salas, Public Works Director  
Trenton Schaffer, IT Manager

Mr. Joe Jarvis, Finance Director, provided a brief overview of the budget process. He discussed the reduction in revenues of approximately \$700,000 to \$1 million due to an error last year with regards to population figures. He stated that the Town has been fiscally responsible and the impact will be to the overall fund balance and not to the Town's operation.

Council inquired if there would be work sessions prior to the adoption of the budget.

Mr. Jarvis explained that the budget would be presented at the regular Council meeting but would be glad to have a work session should Council prefer.

The Department Managers provided an oral report to the Council for each of the priority objectives and outlined actions for the objectives.

Discussions included:

- Community Vitality
  - o Open Trails and Spaces
    - Create river walk
  - o Territory Square
    - Budget for \$500,000 annually for two years for its development
  - o Wi-Fi availability
    - Advertise locations of free existing Wi-Fi spots
  - o More programs for citizens
  - o Expansion of existing recreation programs
  - o Beautification of core
    - Façade Program
      - Post owners' information on vacant buildings
      - Require registration of vacant buildings and intent of what they plan to do with the building
    - Enforcement of Town Code
  - o F Mountain- provide access
  - o Electronic bulletin boards placed throughout Town
  - o True community newsletter, possibly called the Florence Flyer
    - Public Information Officer (PIO) to create newsletter
    - Can be mailed out with utility bills
    - Can be left with restaurants
  - o Utilize senior citizens' expertise
  - o Additional social services
    - Current services include free hearing test and tax preparation
  - o Better advertisement of current services and programs
    - Partner with media
  - o Dinner and play event at Town Hall
    - Partner with non-profit to host dinner
- Transportation and Infrastructure
  - o Infrastructure

Town Council Worksession Minutes

February 24, 2017

Page 3 of 6

- Assessment of public roadways
    - Create a three year pavement/management plan
  - One public service provider
    - Ensure Florence is provider for annexed properties
  - Create relationships with other utility providers to ensure standardized repairs
  - Maintain streets to provide comfortable and safe traveling surfaces.
  - Assess and replace all existing waterlines throughout the Town and install lines to accommodate future growth.
  - Implementation of Parks Master Plan for future growth
  - Information Technology (IT) - infrastructure for future growth and maintaining system E911 – expand existing services
  - Evaluate wastewater plan to ensure it meets present day standards and for future growth
  - Follow all plans, as adopted rather than to pay for studies and never move forward on them
  - Increase use of effluent water for parks
  - Dissolve Streetlight Improvement Districts in Anthem at Merrill Ranch
  - Utilize solar energy for future projects
  - Allocate appropriate resources to update plans
- Economic Prosperity
    - Territory Square
    - Business attraction
    - Marketing/promotion
    - Branding/Cowboy Cradle
    - Agritourism/value added – agriculture
    - Arts and Culture interface
    - Infill Development
    - Code compliance
    - Assisted living center
    - Opportunities for youth
    - Certified Site
    - Strategic Investment Infrastructure
    - Promote medical strength
    - Economic Development/Chamber (strengthen)
    - Grocery store in the downtown area
    - Powwow – Bountiful Baskets
    - Food hub study
    - Take credit for success – be effective
    - Tourism/history/culture
    - Event promotion
    - Horse stables/trail rides
    - Jeep Tours
  - Strategic Partnerships
    - Regional government partners
      - Education/training/CAVIT
      - Airport/Regional grants
    - County
      - Infrastructure, emergency , communication
      - ECON development, regional dispatch

- Housing development
- ADOT
  - Grant partnerships
- Strategic partners
  - Community Partners (economic partners, Chamber of Commerce, Pinal Partnership)
  - Businesses
  - Civic groups
  - Faith based
  - Homeowner's Associations
- Communicate with other organizations to partner for larger events
- Surveys
  - Training
  - Need to explore employment needs
  - Job Board
- Hospitals to serve prisons
- Leadership and Governance
  - Value of leadership
  - Leadership development
  - Governance
  - Outreach

Discussion occurred on the possibility of forwarding the draft plan to the Citizen Advisory Committee for review prior to adoption.

The consensus was to invite the Committee to the Council Meeting when the plan is to be adopted.

Mr. Russell Clark, Committee member, stated that it is important to find ways to get the residents involved. He stated that key partnerships are important.

Mr. Billingsley directed staff to complete the objectives and measurements for the priorities. He thanked everyone who has been involved in assisting in the creation of the Strategic Plan and for moving the process forward.

Ms. Cox stated that the draft plan will be ready for review on March 20, 2017. The final adopting will be in April 2017. She stated that in the future, all agenda items should be tied to the Strategic Plan. She thanked the Council and staff for meeting the objectives of the day.

## **CALL TO THE COUNCIL**

Councilmember Anderson stated that he is pleased with what was accomplished today.

Councilmember Guilin thanked the staff for their facilitation.

Councilmember Hawkins stated that he is proud of the staff and believes they are the best in the State.

Councilmember Wall stated that she has enjoyed the brainstorming sessions and there were several ideas shared. She liked that staff injected ideas that Council had not thought of.

Councilmember Larsen appreciated all of the input from everyone and for a very productive day.

Vice-Mayor Woolridge echoed all of the comments from the Council.

Mayor Walter stated an important indicator to see if they are moving in the right direction is the success of the local businesses. She thanked everyone for all that was done in putting the Strategic Plan together; it is much appreciated. She thanked the Council for coming together to create a vision of where they want to see Florence in the next five years.

## **ADJOURNMENT**

On motion of Councilmember Anderson, seconded by Councilmember Hawkins, and carried to adjourn the meeting at 3:17 pm.

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Tara Walter, 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 Worksession held on February 24, 2017, and that the meeting was duly called to order and that a quorum was present.

---

Lisa Garcia, Town Clerk

**MINUTES OF THE TOWN OF FLORENCE ARTS AND CULTURE COMMISSION  
REGULAR MEETING HELD ON THURSDAY, FEBRUARY 09, 2017 AT 6:00 P.M. IN  
RUGGLES ROOM 1, LOCATED AT 778 N. MAIN STREET, FLORENCE, AZ.**

**1. CALL TO ORDER**

Chair Cochran called the meeting to order at 6:01 p.m.

**2. ROLL CALL:**

Present: Cochran, Curran, Hagemann, Rankin

Absent:

**3. PLEDGE OF ALLEGIANCE**

**4. NEW BUSINESS**

- a. Discussion/Approval/Disapproval of nomination and election of a new Commission Chair.**

On motion by Commissioner Curran, seconded by Commissioner Rankin, and carried to approve Jo Cochran as Commission Chair.

- b. Discussion/Approval/Disapproval of nomination and election of a new Commission Vice-Chair.**

On motion by Chair Cochran, seconded by Commissioner Curran, and carried to approve Ann Rankin as Commissioner Vice-Chair.

- c. Discussion Discussion/Approval/Disapproval of the December 8, 2016 Regular Meeting.**

On motion by Vice-Chair Rankin, seconded by Commissioner Hagemann, and carried to approve the minutes from the December 8, 2016 Regular Meeting with corrections.

- d. Discussion/Approval/Disapproval of the 2017 Arts and Culture Commission meeting schedule.**

Liaison Bryan Hughes discussed the proposed meeting schedule with the Commission. Liaison Hughes stated that June, July and August were removed from the schedule because some Commissioners go out of State

during the summer months. Liaison Hughes also stated that he has proposed changing the meeting time from 6:00 P.M. to 3:00 P.M.

On motion by Commissioner Curran, seconded by Commissioner Hagemann, and carried to approve the 2017 Arts and Culture Commission meeting schedule.

**e. Discussion/Approval/Disapproval of the Arts and Culture Budget Priorities for FY18.**

Liaison Hughes discussed the ideas that were provided by the public at the Arts and Culture Community Forum. Liaison Hughes asked the Commissioners to prioritize the ideas and add them for the annual budget review. Liaison Hughes stated that the class with Louie Mendoza had to be cancelled due to lack of interest. Liaison Hughes stated that the Suter House is great during the day for programming. Vice-Chair Rankin suggested providing the space where artists may bring their own supplies and create their own paintings; possibly have an individual volunteer to conduct the program. Chair Cochran described Vice-Chair Rankin's idea as an Artist Guild. Vice-Chair Rankin suggested possibly having this event on a weekend from 6:00 P.M. to 8:00 P.M. Chair Cochran stated that musicians and writers would also be welcomed at these events. Chair Cochran suggested the Commission keep the Quick Draw and Pimp your Pony events. Chair Cochran expressed that she would like to have more activities for kids; one idea is having a Drama class. Liaison Hughes mentioned that the Parks and Recreation Dept., keeping in line with Arts & Culture, offer the Los Pequeños de Florence Folklorico Dance Group for children ages 4-17.

***No action taken***

**f. Discussion/Approval/Disapproval of the Suter House Enrichment Academy and Related Expenditures.**

Liaison Hughes stated that both Pastel and Drawing classes had been cancelled due to lack of sign-ups. Chair Cochran asked what the long Formica table located at the Suter House was for? Liaison Hughes stated that the table is not part of the Commission's fixtures and may have it moved to the garage.

***No action taken***

**g. Discussion of Upcoming Events**

Liaison Hughes discussed the details about Quick Draw.

## 5. CALL TO THE PUBLIC/BOARD RESPONSE

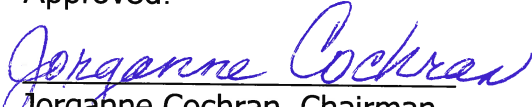
Call to the Public for Comment is limited to issues within the jurisdiction of the Town of Florence Arts and Culture Commission. Individual commission members may respond to criticism made by those commenting, may ask the staff liaison to review a matter raised, or may ask that a matter be placed on future agenda.

## 6. CALL TO THE COMMISSION

## 7. ADJOURNMENT

On motion by Commissioner Duncan, seconded by Chair Cochran, and carried to adjourn the meeting at 6:53 P.M.

Approved:

  
Jorganne Cochran, Chairman

Posted 10th day of March, 2017, by Maria Hernandez, Deputy Town Clerk, at 775 North Main Street and 1000 South Willow Street, Florence, Arizona 85132 and at [www.florenceaz.gov](http://www.florenceaz.gov).

**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 JANUARY 25, 2017, AT 6:00 PM, IN THE CHAMBERS OF TOWN HALL, LOCATED AT 775 N. MAIN STREET, FLORENCE, ARIZONA.**

**CALL TO ORDER**

Chairman Wheeler called the meeting to order at 6:00 pm.

**ROLL CALL:**

Present: Chairman Wheeler, Vice-Chairman Adam, Commissioner Smith, Commissioner Reid, Commissioner Schmidt, Commissioner Novotny

**PLEDGE OF ALLEGIANCE**

Chairman Wheeler led the Pledge of Allegiance.

**DISCUSSION/APPROVAL/DISAPPROVAL** of the minutes of the regular meeting conducted on October 26, 2016.

On motion of Commissioner Smith, seconded by Commissioner Reid, and carried to approve the regular meeting minutes of October 26, 2016.

**WORK SESSION**

**DISCUSSION/PRESENTATION** on design items for a Historic Design Review located at 390 N. Main Street for a historic building commonly known as the Cody Building or Charles Hardy Saloon.

Will Randolph, Town Planner, gave a brief presentation to the Historic District Advisory Commission on an existing historic building known as the Charles Hardy Saloon or the the Cody Building. Presentation was given on the location and current condition of the building.

Applicant Sammi Jo Beebe introduced herself and gave a presentation to the Commission on proposed property improvements. Mrs. Beebe gave a presentation on what types of proposed materials she'd like to use in altering the windows, doors, exterior paint, front awning materials, and for generally updating the building for a new



retail occupancy. Mrs. Beebe stated that she wanted the building to have a Spanish look and had full intentions of rehabilitating the building.

Commissioners had various questions for Mrs. Beebe and asked if she coordinated with the State Historic Preservation Office, as well as Town of Florence Planning staff. Staff informed the Commissioners about her business product and how they were working with the applicant in navigating the Design Review process. Staff mentioned how they worked with the applicant in identifying materials for building improvements and how to follow the historic design guidelines.

The applicant had various questions for the Commissioners that were answered appropriately. Commissioners and staff informed the applicant to have early discussions with the State Historic Preservation Office and they gave her the State Historic Preservation Office contact information. It was also suggested that the applicant visit the Pinal County Historical Society for additional information on the Town's history and maybe even to locate old images of the subject building.

Discussions were held regarding what type of materials could be used for the awning. While the applicant wants the use of Spanish tile, the Commission recommended researching alternative metal options for the awning.

Types of windows and doors were discussed, during which the applicant had various questions and the Commissioners gave recommendations. Suggestions were used in looking at window examples similar to what is on the American Legion building.

Various questions were asked and answered by the Commissioners regarding the roof and the HVAC equipment, which included the condition of the roof, weight of items on the roof and to consider the effects from surrounding uses.

Commissioners then gave suggestions towards various resources for finding contractors, and researching the various construction and rehabilitation techniques for the building.

Commissioners suggested coordinating with State Historic Preservation Office and research if any property tax incentives might be available with the historic property tax incentive program with Pinal County.

Commissioners concluded with saying to the applicant to follow up with any contact information needed from Community Development Department staff.

## **STAFF REPORT**

### **Historic property mapping tool update**

Will Randolph gave a presentation on the historic property mapping tool being developed by the Community Development GIS department. Mr. Randolph mentioned recreating the historic property sheets and having to generate new property sheets for various properties. Programming has also begun in creating the historic property inventory website tool.

### **2017 Home Tour**

Will Randolph, Town Planner gave update for the 2017 home tour stating there would be new and different homes on the tour compared to previous years. Emphasis was also placed on the homes for the 2017 tour, with additional structures being added as supplements to the tour. The 2017 Home Tour Map was presented to the Commission showing the property locations and the trolley route for the tour.

### **25 N. Bailey Property Improvements Update (Robles-Feliz-Lopez Residence).**

Will Randolph, Town Planner gave a brief presentation on the construction status for the 25 N. Bailey Historic Property. The property owner/contractor was issued their building permit and should begin construction during the Spring of 2017. Suggestions were also given to the owner/contractor to have displays explaining their rehabilitation efforts for pedestrians during the 2017 home tour.

### **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.

There was no public comment.

### **CALL TO THE COMMISSION-CURRENT EVENTS ONLY**

Vice-Chairwoman Adam had a question for Staff if supplemental information found on historic properties from the home tour could be added to the historic inventory sheets. Staff answered any added property information would be added as additional information. Commissioner Reid also asked to make sure any additional property information was designated as separate from original inventory data.

Vice-Chairwoman Adam had a question on the Jesus Martinez historic property modifications and what was the latest status. Staff informed Chairwoman Adam the residence is being operated as a homeowner occupied "Airbnb" type of facility under a Town of Florence business license.

### **ADJOURNMENT**

On motion of Chairwoman Wheeler, seconded by Vice-Chairwoman Adam, Chairman Wheeler adjourned the meeting at 6:57 pm.

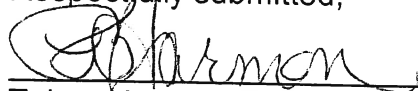
X  \_\_\_\_\_  
Betty Wheeler

FLORENCE COMMUNITY LIBRARY  
**Library Advisory Board**

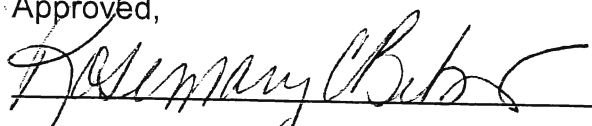
**Minutes of the Town of Florence Library Advisory Board Regular Meeting held on Wednesday, August 17, 2016, at 6:00 p.m., in Ruggles Room 1 of the Florence Community Library, located at 778 N. Main Street, Florence, Arizona.**

1. Chairperson Kollert called the meeting to order at 6:05 pm.
2. Members present were: Denise Kollert, Talma Harmon, Eugene Horan, and Trudy Kelm  
Members absent were: Sheree Berger, Kamian Harmon, Rosemary Bebris, and Vallarie Woolridge
3. A motion was made by Member Horan, seconded by Chairperson Kollert, and carried to approve the June 15, 2016 minutes.
4. Jasper Halt, Librarian, presented the Library Director's report. The Library Director's report included the following:
  - Gloria Moreno has filled the vacant FT Library Assistant position. Gloria has worked for the Town of Florence since November 2012 as the Library's PT Office Assistant.
  - Recruitment for the vacant PT Office Assistant position will begin soon.
  - One hundred eleven children and teens participating in the Summer Reading program read 93,310 minutes. They completely obliterated last summer's total of 25,864 minutes. Twenty adults completed one hundred twenty-two books during the months of June and July.
5. The next meeting was scheduled for September 21, 2016.
6. A motion was made by Member Horan, seconded by Member Talma Harmon, and carried to adjourn the meeting at 6:11 pm.

Respectfully submitted,

  
\_\_\_\_\_  
Talma Harmon, Secretary

Approved,

  
\_\_\_\_\_  
Rosemary Bebris, Director

**TOWN OF FLORENCE  
PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES**

**REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE TOWN OF FLORENCE HELD THURSDAY, DECEMBER 15, 2016 AT 6:00 PM, IN THE CHAMBERS OF TOWN HALL, LOCATED AT 775 N. MAIN STREET, FLORENCE, ARIZONA.**

**CALL TO ORDER**

Chairman Pranzo called the meeting to order at 6:16 pm.

**ROLL CALL**

Present: Chairman Pranzo, Vice-Chairman Putrick and Commissioner Bell.

**PLEDGE OF ALLEGIANCE**

Chairman Pranzo led the Pledge of Allegiance

**DISCUSSION/APPROVAL/DISAPPROVAL** of meeting minutes of the regular meetings conducted on September 15, 2016 and October 20, 2016.

On motion of Commissioner Bell, seconded by Vice-Chairman Putrick, and carried to approve the minutes of the regular meetings conducted on September 15, 2016 and October 20, 2016.

**NEW BUSINESS**

**PRESENTATION/APPROVAL/DISAPPROVAL** of a Preliminary Plat application for Anthem at Merrill Ranch Unit 52 (PZ-16-63) submitted by Pulte Group, Inc.

Will Randolph, Town Planner, stated Pulte Group, Inc. is well known for its AMR master planned community located within the Town of Florence, and Pulte Group, Inc. wanted to bring the subject area through the platting and engineering process in order to have more available lots ready for new homes within the Sun City area of the AMR community.

There are 125 single-family residential lots proposed for this 55 acre subdivision that will be strategically surrounded by open space. More specifically, this particular unit was circled by the Poston Butte Gold Course, creating an opportunity for a more private subdivision with prime view lots. Unit 52 has one main point of public ingress/egress into the subdivision, but a secondary emergency access roadway that connects to Bushwood Court ensuring minimal access requirements will be met while concurrently maintaining the intimacy of this subdivision.

Neighborhood streets in this unit were designed and constructed with a 40 foot wide right-of-way (ROW), which was consistent with the AMR PUD zoning. Though the 40 foot ROW will be utilized for this subdivision, the improvement plans for this unit will reflect modifications to the local street sidewalk standard to ensure ADA compliance. AMR 52 will be connected to surrounding subdivision 56A to the north and will use Balboa Drive which serves as a neighborhood street to the site.

The minimum lot area proposed for this subdivision was 6,095 square feet and the maximum lot area proposed was 23,151 square feet. The average lot size planned for this subdivision was 8,152 square feet. The resultant density for this particular unit will be very low at 2.05 dwelling units per acre. The low density factored in the abundant open space surrounding this particular unit. The AMR zoning permitted an overall single-family residential density of 3.5 dwelling units per acre for AMR.

Town of Florence Public Works and Fire Department staff reviewed the proposed subdivision and supported this unit advancing to the Final Plat process. Final comments from these departments will be addressed on the civil plans for this unit.

**STAFF FINDING:**

- The proposed preliminary plat was in conformance with the AMR PUD and Town Code requirements.
- Two points of vehicular access were proposed.
- AMR Unit 52 meet the density and open space requirements of the AMR PUD.

**STAFF RECOMMENDATION:**

Staff recommended that the Planning and Zoning Commission approve this 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, and fire and engineering requirements.
2. Developer/Property owner is responsible for all applicable street dedications and improvements at the time the subdivision is developed, except as otherwise approved by the Town of Florence.
3. The Fire and Public Works departments retain the right to address additional development details for this subdivision, such as, but not limited to, easements, dedications, storm water and drainage improvements, ADA compliance, and fire hydrant placements during the reviews of the civil plans and Final Plats for the subject unit.
4. Any additional conditions deemed necessary by the Planning and Zoning Commission.

On motion of Vice-Chairman Putrick, seconded by Chairman Pranzo, and carried to approve the Anthem at Merrill Ranch, Unit 52 (PZ-16-63) Preliminary Plat application submitted by Pulte Group, Inc.

Vice-Chairman Putrick had a question regarding the secondary emergency access and its location. Commissioner Bell had a question if the emergency access would be an all-weather maintained road. Staff answered by stating the location of the secondary emergency access on the provided presentation and the access would be an all-weather maintained road which will provide access into AMR Unit 50.

Chairman Pranzo had a question for Randy Christman representing Pulte Group, which he answered sufficiently. Mr. Pranzo asked if Randy had reviewed the staff recommendations with the staff report. Randy Christman, representing Pulte Group, Inc. stated he was in agreement with the conditions proposed by staff.

**PRESENTATION/APPROVAL/DISAPPROVAL** of a Preliminary Plat application for Anthem at Merrill Ranch Unit 56A (PZ-16-61) submitted by Pulte Group, Inc.

Will Randolph, Town Planner stated Pulte Group, Inc. is well known for its AMR master planned community located within the Town of Florence, and Pulte Group, Inc. wanted bring the subject area through the platting and engineering process in order to have more available lots ready for new homes within the Sun City area of the AMR community. There are 49 single-family residential lots proposed for this 23 acre subdivision that abuts the Poston Butte Golf Course to the south.

Neighborhood streets in this unit were designed and constructed with a 40 foot wide right-of-way (ROW), which is consistent with the AMR PUD zoning. Though the 40 foot ROW will be utilized for this subdivision, the improvement plans for this unit reflected modifications to the local street sidewalk standard to ensure ADA compliance. Unit 56A has multiple points of access and connectivity. Unit 56A will be connected to Unit 50 to the south using Presido Drive, and from Huntington Drive and Balboa Drive from the proposed Unit 56B to the north. Access from the south is via Balboa Drive, which connects this unit to Unit 52.

The minimum lot area proposed for this subdivision was 6,095 square feet and the maximum lot area proposed was 8,775 square feet. The average lot size planned for this subdivision was 7,231 square feet. The resultant density for this particular unit will be a very low 2.08 dwelling units per acre. The low density factored in the abundant open space adjacent to this particular unit. The AMR zoning permitted an overall single-family residential density of 3.5 dwelling units per acre for AMR.

Town of Florence Public Works and Fire Department staff reviewed the proposed subdivision and supported the unit advancing to the Final Plat process. Final comments from these departments will be addressed on the civil plans for this unit.

**STAFF FINDING:**

- The proposed preliminary plat was in conformance with the AMR PUD and Town Code requirements.
- Two points of vehicular access were proposed.
- AMR Unit 56A meet the density and open space requirements of the AMR PUD.

**STAFF RECOMMENDATION:**

Staff recommended that the Planning and Zoning Commission approve this Preliminary Plat, subject to the following conditions of approval.

Development of subdivision should comply with all applicable Town codes, including all applicable planning, building, and fire and engineering requirements.

1. Development of subdivision shall comply with all applicable Town codes, including all applicable planning, building, and fire and engineering requirements.
2. Developer/Property owner is responsible for all applicable street dedications and improvements at the time the subdivision is developed, except as otherwise approved by the Town of Florence.
3. The Fire and Public Works departments retain the right to address additional development details for this subdivision, such as, but not limited to, easements, dedications, storm water and drainage improvements, ADA compliance, and fire hydrant placements during the reviews of the civil plans and Final Plats for the subject unit.
4. Any additional conditions deemed necessary by the Planning and Zoning Commission.

On motion of Chairman Pranzo, seconded by Commissioner Bell, and carried to approve the Anthem at Merrill Ranch, Unit 56A (PZ-16-61) Preliminary Plat application submitted by Pulte Group, Inc.

Chairman Pranzo had a question for Randy Christman representing Pulte Group, which he answered sufficiently. Mr. Pranzo asked if Randy had reviewed the staff recommendations with the staff report. Randy Christman, representing Pulte Group, stated he was in agreement with the conditions proposed by staff.



**PRESENTATION/APPROVAL/DISAPPROVAL** of a Design Review application from Pulte Homes for a Dog Park to be located within the Community Park in Anthem at Merrill Ranch (AMR).

Will Randolph, Town Planner gave a presentation for a proposed AMR 98,000 square foot (2.2 acre) Dog Park to be located within the 62 acre Anthem Community Park, which serves as a central gathering place for the entire AMR community. This large park area already includes many amenities and is in close proximity to the major recreational facilities for AMR and the AMR Elementary School. The dog park will have an area for larger dogs and an area for smaller dogs. A third area will allow the fields to be alternated for maintenance purposes. The AMR Community Home Owners Association will own and operate the dog park.

The Dog Park has been thoughtfully and professionally designed to complement the community aesthetic. Hardscape features, canvas shade sails, benches, walls, fencing, fountains, LED lighting, regulatory signage and landscaping were all consistent with the expectations set for this community. Attractive entry monumentation was provided to show a clear direction into the Dog Park from the existing Community Park parking lot to the north. Pedestrians can access the overall Community Park a variety of ways and two convenient points of access lead directly to the Dog Park area.

Grading and retention was done in accordance with Town codes and the subject site will have primary retention basins in the southwest areas of the site. Existing retention basins currently exist between the site and the existing school to the south, and west of the proposed site. Surface retention basins will include attractive landscaping to aid in the appeal of the property to the automobile and pedestrian users along Anthem Way and from the school to the south.

## **FINDINGS**

- The proposed Dog Park was in compliance with the Anthem at Merrill Ranch PUD Design Guidelines.
- The proposed Dog Park meet all applicable Town codes.
- The proposed Dog Park landscaping and hardscaping fitted with the context of the Anthem at Merrill Ranch community.

## **PUBLIC PARTICIPATION:**

Under Arizona Revised Statutes, Title 9, Section-462.04. and per the Town of Florence Development Code, a public hearing is not required for a Design Review application.

## **STAFF RECOMMENDATION:**

Staff found the request was in compliance with the AMR PUD and was in conformance with the character established for the area. Therefore, staff hereby recommended approval of the Design Review application for Anthem at Merrill Ranch Dog Park (PZ-16-69), subject to the following conditions:

1. Design Review approval shall expire in one year from this approval (December 15, 2016) if a building permit is not issued for the subject construction within said period.
2. Project shall comply with all applicable AMR PUD requirements, including all applicable building, fire and engineering codes.
3. Any exterior lighting on the property and on the buildings shall be in compliance with applicable light control restrictions.
4. All utility boxes, back-flow preventers and similar equipment shall be painted to match the surrounding buildings.
5. Project to comply with applicable ADA requirements, which may include the necessity of designating convenient ADA compliant parking spaces in proximity to the Dog Park.
6. Compliance with this Design Review approval shall be required prior to issuance of Final Certificate of Occupancy.
7. Any additional conditions deemed necessary by the Planning and Zoning Commission.

On motion of Commissioner Bell, seconded by Vice-Chairman Putrick, and carried to approve the Anthem at Merrill Ranch Community Dog Park Design Review application

Chairman Pranzo had questions to staff regarding parking and access to the site. Staff answered parking would be on the north side of the site between the dog park and the existing amphitheater.

Commissioner Bell had a question regarding the construction timeline. Randy Christman with Pulte Group answered construction would proceed during the beginning of 2017.

Commissioners had various questions regarding signage and who could use the site. Randy Christman with Pulte homes stated there would be signage at the appropriate locations. The dog park would be open to AMR residents only and the AMR HOA would establish the rules and use of the park.

**PRESENTATION/APPROVAL/DISAPPROVAL** of a Design Review application by Pulte Homes for two new home plans and modifications to eight existing home plans proposed within the Sun City area of the Anthem at Merrill Ranch Community.

Planning and Zoning Commission

Meeting Minutes

December 15, 2016

Page 6 of 9

Will Randolph, Town Planner stated Pulte Homes submitted a new product book for the Commission's review in conjunction with their proposed re-grand opening of the model home complex at the Sun City portion of the Anthem at Merrill Ranch community. Two entirely new and eight updated plans have been designed as a result of extensive consumer research.

The new plans for Sun City showcased the latest floor plan designs and demonstrated energy efficient and technological features. New elevations were introduced into the community that complement existing homes, while also bringing exciting changes to housing product offered for the community. Pulte Homes was excited to introduce new optional exterior fireplaces and optional windows at the kitchen on their updated plans. The overall intent of adding and updating their housing product was to react to changing consumer preferences and advancements in design and construction.

The two new housing plans and eight existing updated housing plans presented in the Design Review book are consistent with the past offerings in this community. Pulte Homes will continue to implement these basic guidelines to the extent applicable for each plan:

- Multiple elevation themes are utilized for each housing plan to enhance the diversity of the elevations offered.
- The same plan elevation will not be allowed to be built next to or across the street from each other.
- No side elevations that have less than two windows will be allowed to face the street on a corner lot.
- Window pop out details will be built on all four sides of all homes.
- Contrasting paint colors on all window pop out details on all front, side and rear elevations.
- Four sided paint colors will be used per the already approved color palette schedule from the existing series.
- Window mullion patterns that varie per elevation style on all front elevations.
- Standard covered rear patios will be built on all homes. Patio columns will be stucco clad.
- Standard garage coach light over the address plate and standard coach light/s at the entry to match existing series.
- Stucco recesses, color blocking, and multiple roof tiles where appropriate.

The Design Review book also addressed the front yard landscaping offered by Pulte Homes. The landscape plans for each home features a relatively arid desert palette coordinated for compatibility with the approved plant palette for Anthem at Merrill Ranch. Materials, designs and plant selections have been designed for compatibility with the architectural theme established for Anthem at Merrill Ranch.

A Home Owners' Association (HOA) has been established for the maintenance, landscaping, improvements and preservation of all common areas and open space areas and landscaping within the Right-of-Way.

### **PUBLIC PARTICIPATION:**

Under Arizona Revised Statutes, Title 9, Section-462.04 and per the Town of Florence Development Code, a public hearing is not required for the Design Review process.

### **STAFF RECOMMENDATION:**

Staff found the application was in compliance of applicable Town codes and in keeping with the character established for this area. Therefore, staff hereby recommended approval of the Design Review application for PZ-16-70, subject to the following conditions:

1. Construction of the projects shall conform to the exhibits presented on December 15, 2016, as may be amended by the conditions of approval.
2. Project to comply with all applicable Town Codes, including all applicable planning, building, fire and engineering requirements.
3. Any additional conditions deemed necessary by the Planning and Zoning Commission.

On motion of Vice-Chairman Putrick, seconded by Chairman Pranzo, and carried to approve the Pulte Home Plans for Anthem at Merrill Ranch Design Review application.

Chairman Pranzo said he is in agreement with the architecture of the new and existing home plans, which are consistent rest of the Anthem community. Mr. Pranzo asked if Randy had reviewed the staff recommendations with the staff report. Randy Christman, representing Pulte Group, stated he was in agreement with the conditions proposed by staff.

### **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. However, members of the Commission 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.

No public comment.

## STAFF REPORT

### A. Community Development Department Update

Mark Eckhoff, Community Development Director, gave a verbal report explaining current projects and events within the Community Development Department.

### CALL TO THE COMMISSION- CURRENT EVENTS ONLY


No Commissioner Comments.

### ADJOURNMENT

On motion of Vice-Chairman Putrick, seconded by Commissioner Bell, and carried to adjourn the meeting at 6:44 pm.

X   
\_\_\_\_\_  
Gary Pranzo

  
\_\_\_\_\_  
Date

	<b>TOWN OF FLORENCE COUNCIL ACTION FORM</b>	<u><b>AGENDA ITEM</b></u> <b>8a.</b>
<b>MEETING DATE:</b> March 20, 2017  <b>DEPARTMENT:</b> Public Works Department  <b>STAFF PRESENTER:</b> Christopher A. Salas, Public Works Director/Town Engineer  <b>SUBJECT:</b> Nu-Trend Architectural Services, LLC, Contract for Public Works Building Official, Architectural Support and One-Stop Shop Consulting Services.		<input checked="" type="checkbox"/> <b>Action</b> <input type="checkbox"/> <b>Information Only</b> <input type="checkbox"/> <b>Public Hearing</b> <input type="checkbox"/> <b>Resolution</b> <input type="checkbox"/> <b>Ordinance</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Regulatory</li> <li><input type="checkbox"/> 1<sup>st</sup> Reading</li> <li><input type="checkbox"/> 2<sup>nd</sup> Reading</li> </ul> <input type="checkbox"/> <b>Other</b>

**RECOMMENDED MOTION/ACTION:**

Reaffirmation of the Professional Services Contract with Nu-Trend Architectural Services, LLC, for Building Official, Architectural Support and One-Stop Shop Consulting Services entered into on December 19, 2016, in an amount not to exceed \$150,000.

**BACKGROUND/DISCUSSION:**

On December 19, 2016, Council entered into a contract with Nu-Trend Architectural Services, LLC, (Nu-Trend) a full-service Building Official, Code Official, Architectural, and Plan Review & One-Stop Shop Consultant Firm, in an amount not to exceed \$150,000.

The Town of Florence has been using Nu-Trend since October 6, 2016. On December 19, 2016, the scope of work was expanded to allow for the adoption of the 2012 International Codes, as well as work with the development team responsible for the Windmill Winery Expansion, preliminary discussions to expedite review requirements. These fees are charged in accordance with the Town Fee Schedule and pay for the costs associated with Nu-Trend’s review.

Since December 19, 2016, the Town has experienced employee turnover in the Building Safety Division of the Community Development Department. As such, staff is reaffirming the contract and aligning budgetary costs to include responsibilities, pursuant to the contact that includes building inspections and plan review.

The Nu-Trend fees are as follows:

- \$880 per day for work done within the Community Development Services Building
- \$80 per hour for plan review done offsite

The term of the contract will remain June 30, 2017.

**FINANCIAL IMPACT:**

The fiscal impact is will not exceed the contracted amount of \$150,000.

**Procurement Process:**

This contract is for Professional Services and was procured following the Town's Purchasing Policy, Section 5.76 Professional Services.

**5.76 Professional Services**

The procurement of services from professional classifications, without regard to dollar amount of contract, is exempt from the competitive bid process. The selection of professional services is based on qualifications. Such professional services include, but are not limited to: engineer, management services for construction projects, architects, geologists, hydrologists, land surveyors, landscape architects, assayers, real estate, computers, accounting, actuaries, personnel and insurance consultants; psychologist, medical doctors and attorneys-at-law. See ARS for more info.

**RECOMMENDATION:**

Reaffirmation of the Professional Services Contract with Nu-Trend Architectural Services, LLC, for Building Official, Architectural Support and One-Stop Shop Consulting Services entered into on December 19, 2016.

**ATTACHMENTS:**

Professional Services Contract with Exhibit A

**TOWN OF FLORENCE  
PROFESSIONAL SERVICES CONTRACT**

THIS PROFESSIONAL SERVICES CONTRACT (“**Contract**”), is made and entered into as of December 19, 2016 (“**Effective Date**”), and is by and between the Town of Florence, a municipal corporation of the State of Arizona (“**Town**”), and Nu-Trend Architectural Services, L.L.C. (“**Contractor**”). The Town and the Contractor may be referred to in the Contract collectively as the “parties” and each individually as a “party”.

**RECITALS**

**WHEREAS**, the Town desires to contract for professional third-party inspection, plan review and Building Code Official services as specified in Exhibit “A” (“**Scope of Work**” or “**Services**”);

**WHEREAS**, Contractor is duly qualified to perform the requested Services;

**WHEREAS**, Contractor has agreed to perform the Services as set forth in Exhibit “A” attached hereto and incorporated herein.

**NOW THEREFORE**, in consideration of the mutual promises and obligations set forth herein, the parties hereto agree as follows:

**AGREEMENTS**

**1.0 DESCRIPTION, ACCEPTANCE, DOCUMENTATION**

Contractor shall act under the authority and approval of the Contract Administrator for the Town, further named herein, to provide the professional services required by this Contract.

1.1 Service Description. The Contractor shall provide the requested services as set forth in Exhibit “A” (the “**Services**”). Contractor shall perform the Services in conformance with generally accepted industry standards and the standard of care for like professionals in the same geographic area.

1.2 Acceptance and Documentation.

1.2.1 Each deliverable shall be reviewed and approved by the Town Manager or his designee to determine acceptable completion.

1.2.2. The Town shall provide all necessary information to the Contractor for timely completion of the tasks specified in Item 1.1 above.

1.2.3 All documents, including but not limited to, data compilations, studies, and/or reports, which are prepared in the performance of this Contract are to be and remain the property of the Town and are to be delivered to the Town Manager before final payment is made to the Contractor.

**2.0 FEES, CATEGORIES OF SERVICE AND PAYMENTS**

2.1 Contract: The contract shall not exceed \$150,000.00.

2.2. Fees. Contractor will be paid within 30 days of the receipt of an itemized invoice. Monthly payment based on the rates described herein may be made to Contractor on the basis of a progress report prepared and submitted by Contractor for



the Services completed through the last day of the proceeding calendar month and for the production of the deliverables as described in Exhibit "A".

2.3 Payment Approval. Amounts set forth in Section 1.1 and 2.1 represent the rates and entire amounts payable under this Contract and shall be paid upon the submission of monthly invoices to and approved by the Town.

2.4 Business License. Contractor will purchase and maintain a business license with the Town of Florence.

### **3.0 SCHEDULE AND TERMINATION**

3.1 Project Schedule. The Contractor shall perform the Scope of Work in accordance with the schedule attached as Exhibit "A".

#### **3.2 Termination**

3.2.1 Termination for Cause: Town may terminate this Contract with seven (7) days' prior written notice for cause in the event of any default by the Contractor, or if the Contractor fails to comply with any industry standards and customary practices terms and conditions of this Contract. Unsatisfactory performance as judged by industry standards and customary practices, and failure to provide Town, upon request, with adequate assurances of future performance shall all be causes allowing Town to terminate this Contract for cause. In the event of termination for cause, Town shall not be liable to Contractor for any amount, and Contractor shall be liable to Town for any and all damages sustained by reason of the default which gave rise to the termination.

3.2.2 Termination for Convenience. The Town may terminate performance of the Services under this Contract, in whole or, from time-to-time, in part, if Town determines termination is in Town's interest. Town shall effect such termination by delivering to Contractor a written Notice of Termination specifying the extent of termination and the effective date. Town may terminate this Contract, or any part thereof for its sole convenience, at any time, without penalty or recourse.

3.2.3 Termination for Violation of Law. In the event Contractor is in violation of any Federal, State, County or Town law, regulation or ordinance, the Town may terminate this Contract immediately upon giving notice to the Contractor.

3.3 Funds Appropriation. If the Town Council does not appropriate funds to continue this Contract and pay for charges hereunder, the Town may terminate this Contract at the end of the current fiscal period. The Town agrees to give written notice pursuant to Section 4.13 of termination to the Contractor at least thirty (30) days prior to the end of its current fiscal period and will pay to the Contractor all approved charges incurred through the end of such period.

3.4 Term. The term of this Contract shall be from the Effective Date through satisfactory completion of the Services and acceptance of the Services by the Town.

### **4.0 GENERAL TERMS**

4.1 Entire Contract. This Contract constitutes the entire understanding of the parties and supersedes all previous representations, written or oral, with respect to the Services specified herein. This Contract may not be modified or amended except by a written document, signed by authorized representatives of each party.

4.2 Arizona Law. This Contract shall be governed and interpreted according to the laws of the State of Arizona, without reference to choice of law or conflicts of laws principles thereof.

4.3 Modifications. Any amendment, modification or variation from the terms of this Contract shall be in writing and shall be effective only after approval of all parties signing the original Contract.

4.4 Assignment. Services covered by this Contract shall not be assigned or sublet in whole or in part without the prior written consent of the Public Works Director and Contract Administrator. The Town acknowledges the sub-consultant(s) listed in Exhibit "A" and consents to the use of that sub-consultant.

4.5 Successors and Assigns. This Contract shall extend to and be binding upon Contractor, its successors and assigns, including any individual, company, partnership or other entity with or into which Contractor shall merge, consolidate or be liquidated, or any person, corporation, partnership or other entity to which Contractor shall sell its assets.

4.6 Contract Administrator. The Contract Administrator for the Town shall be the Town Manager, or designee. The Contract Administrator shall oversee the execution of this Contract, assist the Contractor in accessing the organization, audit billings, and approve payments. The Contractor shall channel reports and special requests through the Contract Administrator.

4.7 Records and Audit Rights.

4.7.1 Contractor's records (hard copy, as well as computer readable data), and any other supporting evidence deemed necessary by the Town to substantiate charges and claims related to this Contract shall be open to inspection and subject to audit and/or reproduction by Town's authorized representative to the extent necessary to adequately permit evaluation and verification of cost of the Services, and any invoices, change orders, payments or claims submitted by the Contractor or any of his payees pursuant to the execution of the Contract. The Town's authorized representative shall be afforded access, at reasonable times and places, to all of the Contractor's records and personnel pursuant to the provisions of this section throughout the term of this Contract and for a period of three years after last or final payment.

4.7.2 Contractor shall require all subcontractors, insurance agents, and material suppliers to comply with the provisions of this section by insertion of the requirements hereof in a written agreement between the Contractor and such subcontractors, insurance agents, and material suppliers.

4.7.3 If an audit in accordance with this section, discloses overcharges, of any nature, by the Contractor to the Town in excess of one percent (1%) of the monthly billings, the actual cost of the Town's audit shall be reimbursed to the Town by the Contractor. Any adjustments and/or payments which must be made as a result of any such audit or inspection of the Contractor's invoices and/or records shall be made within a reasonable amount of time, not to exceed thirty (30) days from presentation of Town's findings to Contractor.

4.8 Attorneys' Fees. In the event either party brings any action for any relief, declaratory or otherwise, arising out of this Contract, or on account of any breach or default hereof, the prevailing party shall be entitled to receive from the other party reasonable attorneys'

fees and reasonable costs and expenses, determined by the court sitting without a jury, which shall be deemed to have accrued on the commencement of such action and shall be enforceable whether or not such action is prosecuted to judgment.

4.9 Ineligible Bidder. The preparer of specifications is not eligible to submit a bid or proposal on the solicitation for which they prepared the specification, nor is the preparer eligible to supply any product to a bidder or contractor on the solicitation for which they prepared the specification.

4.10 Independent Contractor.

4.10.1 The Services Contractor provides under the terms of this Contract to the Town are that of an Independent Contractor, not an employee, or agent of the Town. The Town will report the value paid for these services each year to the Internal Revenue Service (I.R.S.) using Form 1099.

4.10.2 Town shall not withhold income tax as a deduction from contractual payments. As a result of this, Contractor may be subject to I.R.S. provisions for payment of estimated income tax. Contractor is responsible for consulting the local I.R.S. office for current information on estimated tax requirements.

4.11 Conflict of Interest. The Town may cancel any contract or agreement, without penalty or obligation, if any person significantly involved in initiating, negotiating, securing, drafting or creating the contract on behalf of the Town's departments or agencies is, at any time while the contract or any extension of the contract is in effect, an employee of any other party to the contract in any capacity or a consultant to any other party to the contract with respect to the subject matter of the contract. The cancellation shall be effective when written notice from the Town is received by all other parties to the contract, unless the notice specifies a later time (A.R.S. § 38-511).

4.12 Compliance with Federal and State Laws.

4.12.1 The Contractor understands and acknowledges the applicability to it of the American with Disabilities Act, the Immigration Reform and Control Act of 1986 and the Drug Free Workplace Act of 1989.

4.12.2 Under the provisions of A. R. S. § 41-4401, Contractor hereby warrants to the Town that the Contractor and each of its subcontractors will comply with, and are contractually obligated to comply with, all Federal Immigration laws and regulations that relate to their employees and A. R. S. § 23-214 (A) (hereinafter "**Contractor Immigration Warranty**").

4.12.3 A breach of the Contractor Immigration Warranty shall constitute a material breach of this Contract and shall subject the Contractor to penalties up to and including termination of this Contract at the sole discretion of the Town.

4.12.4 The Town retains the legal right to inspect the papers of any Contractor or Subcontractor's employee who works on this Contract to ensure that the Contractor or Subcontractor is complying with the Contractor Immigration Warranty. Contractor agrees to assist the Town in regard to any such inspections.

4.12.5 The Town may, at its sole discretion, conduct random verification of the employment records of the Contractor and any subcontractors to ensure compliance with

Contractor's Immigration Warranty. Contractor agrees to assist the Town in regard to any random verifications performed.

4.12.6 Neither the Contractor nor any subcontractor shall be deemed to have materially breached the Contractor Immigration Warranty if the Contractor or subcontractor establishes that it has complied with the employment verification provisions prescribed by section 274A and 274B of the Federal Immigration and Nationality Act and the E-Verify requirements prescribed by A. R. S. § 23-214, Subsection A.

4.12.7 The provisions of this Section must be included in any contract the Contractor enters into with any and all of its subcontractors who provide Services under this Contract or any subcontract. "**Services**" are defined as furnishing labor, time or effort in the State of Arizona by a Contractor or subcontractor. Services include construction or maintenance of any structure, building or transportation facility or improvement to real property.

4.13 Notices. All notices or demands required to be given pursuant to the terms of this Contract shall be given to the other party in writing, delivered by hand or registered or certified mail, at the addresses set forth below, or to such other address as the parties may substitute by written notice given in the manner prescribed in this paragraph.

In the case of Contractor: Nu-Trend Architectural Services L.L.C.  
13102 N. 23<sup>rd</sup> Avenue  
Phoenix, Arizona 85029  
Attn: Donald E. Bent Sr.

In the case of Town: Town of Florence  
775 N, Main Street  
PO Box 2670  
Florence, AZ 85132  
Attn: Town Manager

Notices shall be deemed received on the date delivered, if delivered by hand, or on the delivery date indicated on receipt if delivered by certified or registered mail.

4.14 Force Majeure. Neither party shall be responsible for delays or failures in performance resulting from acts beyond their control. Such acts shall include, but not be limited to, acts of God, riots, acts of war, epidemics, governmental regulations imposed after the fact, fire, communication line failures, power failures, or earthquakes.

4.15 Taxes. Contractor shall be solely responsible for any and all tax obligations which may result out of the Contractor's performance of this Contract. The Town shall have no obligation to pay any amounts for taxes, of any type, incurred by the Contractor.

4.16 Advertising. No advertising or publicity concerning the Town using the Contractor's services shall be undertaken without prior written approval of such advertising or publicity by the Town Contract Administrator. Written approval is required until such time as the project is complete or any adjudication of claims relating to the Services provided herein is complete, whichever occurs later.

4.17 Counterparts. This Contract may be executed in one or more counterparts, and each originally executed duplicate counterpart of this Contract shall be deemed to possess the

full force and effect of the original, but all of which together shall constitute one and the same instrument, binding on the parties. The parties agree that this Contract may be transmitted between them via facsimile or so called "PDF" signature. The parties intend that faxed or "PDF" signatures constitute original signatures and that a fully collated agreement containing the signatures (original, faxed or PDF) of the parties is binding upon the parties.

4.18 Captions. The captions used in this Contract are solely for the convenience of the parties, do not constitute a part of this Contract and are not to be used to construe or interpret this Contract.

4.19 Subcontractors. During the performance of the Contract, the Contractor may engage such additional sub-consultants as may be required for the timely completion of this Contract. The addition of any sub-consultant shall be subject to the prior approval of the Town. In the event of subcontracting, the sole responsibility for fulfillment of all terms and conditions of this Contract rests with the Contractor. The Town acknowledges the sub-consultant(s) listed in Exhibit "A" and consents to the use of that sub-consultant.

4.20 Indemnification.

4.20.1 To the fullest extent permitted by law, Contractor, its successors, assigns and guarantors, shall indemnify, defend, hold harmless the Town of Florence, its Mayor and Council members and its agents, representatives, officers, directors, officials and employees from and against all allegations, demands, proceedings, suits, actions, claims, damages, losses, expenses, including but not limited to damages for personal injury or personal property damage, attorneys' fees, court costs, and the cost of appellate proceedings, and all claim adjusting and handling expenses, related to, arising from or out of, or resulting from any negligent or intentional actions, acts, errors, mistakes or omissions caused in whole or part by Contractor relating to the Services in the performance of this Contract, including but not limited to, any sub-consultant or anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable and any injury or damages claimed by any of Contractor's and sub-consultant's employees.

4.20.2 Insurance provisions set forth in this Contract are separate and independent from the indemnity provisions of this section and shall not be construed in any way to limit the scope and magnitude of the indemnity provisions. The indemnity provisions of this section shall not be construed in any way to limit the scope and magnitude and applicability of the insurance provisions.

4.21 Changes in the Services.

4.21.1 The Town may at any time, as the need arises, order changes within the scope of the Services without invalidating the Contract. If such changes increase or decrease the amount due under the Contract documents, or in the time required for performance of the work, an equitable adjustment shall be authorized by written Change Order.

4.21.2 The Town will execute a formal Change Order based on detailed written quotations from the Contractor for work related changes and/or a time of completion variance. All Change Orders are subject to the prior written approval by the Town.

4.21.3 Contract Change Orders are subject to the Rules and Procedures within the Town's Procurement Code.

4.22 Alternative Dispute Resolution. If a dispute arises between the parties relating to this Contract, the parties agree to use the following procedure prior to either party pursuing other available remedies:

4.22.1 A meeting shall be held promptly between the parties, attended by individuals with decision-making authority regarding the dispute, to attempt in good faith to negotiate a resolution of the dispute.

4.22.2 If, within 30 days after such meeting, the parties have not succeeded in negotiating a resolution of the dispute, they will jointly appoint a mutually acceptable neutral person not affiliated with either of the parties (the “neutral”), seeking assistance in such regard if they have been unable to agree upon such appointment within 40 days from the initial meeting. The fees of the neutral shall be shared equally by the parties.

4.22.3 In consultation with the neutral, the parties will select or devise an alternative dispute resolution procedure (“ADR”) by which they will attempt to resolve the dispute, and a time and place for the ADR to be held, with the neutral making the decision as to the procedure, and/or place and time (but unless circumstances require otherwise, not later than 60 days after selection of the neutral) if the parties have been unable to agree on any of such matters within 20 days after initial consultation with the neutral.

4.22.4. The parties agree to participate in good faith in the ADR to its conclusion as designated by the neutral. If the parties are not successful in resolving the dispute through the ADR, then the parties may agree to submit the matter to arbitration or a private adjudicator, or either party may seek an adjudicated resolution through the appropriate court.

4.23 Town Provided Information and Services. The Town shall furnish the Contractor available studies, reports and other data pertinent to the Contractor's Services; obtain or authorize the Contractor to obtain or provide additional reports and data as required; furnish to the Contractor services of others required for the performance of the Contractor's Services hereunder, and the Contractor shall be entitled to use and rely upon all such information and services provided by the Town or others in performing the Contractor's Services under this Agreement.

4.24 Estimates and Projections. In providing opinions of cost, financial analyses, economic feasibility projections, and schedules for potential projects, the Contractor has no control over cost or price of labor and material; unknown or latent conditions of existing equipment or structures that may affect operation and maintenance costs; competitive bidding procedures and market conditions; time or quality of performance of third parties; quality, type, management, or direction of operating personnel; and other economic and operational factors that may materially affect the ultimate project cost or schedule. Therefore, the Contractor makes no warranty that the Town's actual project costs, financial aspects, economic feasibility, or schedules will not vary from the Contractor's opinions, analyses, projections, or estimates.

4.25 Access. The Town shall arrange for access to and make all provisions for the Contractor to enter upon public and private property as required for the Contractor to perform Services hereunder.

4.26 Third Parties. The services to be performed by the Contractor are intended solely for the benefit of the Town. No person or entity not a signatory to this Agreement shall be entitled to rely on the Contractor's performance of its Services hereunder, and no right to assert a claim against the Contractor by assignment of indemnity rights or otherwise shall accrue to a

third party as a result of this Contract or the performance of the Contractor's Services hereunder.

4.27 Survival. All representations and indemnifications by Contractor shall survive the completion, expiration or termination of this Contract.

**5.0 RESERVED**

**6.0 SEVERABILITY**

6.1 Severability. If any term or provision of this Contract shall be found to be illegal or unenforceable, then notwithstanding such illegality or unenforceability, this Contract shall remain in full force and effect and such term or provision shall be deemed to be deleted.

**IN WITNESS WHEREOF**, the parties hereto have executed and caused to be signed by their duly authorized representatives, this Contract to be effective on or as of the day and year first above written.

TOWN OF FLORENCE

Jana Walter

**ATTEST:**

[Signature]  
Lisa Garcia, Town Clerk

**APPROVED AS TO FORM:**

[Signature]  
Clifford L. Mattice, Florence Town Attorney

By: Nu-TREND ARCHITECTURAL SERVICES  
Contractor L.L.C

By: DONALD E. BENT SR.

Name: Donald E. Bent Sr.

Its: D.E.B. 12/28/16

**Exhibit "A"**  
**Scope of Work/Services**




## Exhibit A

### Fee Proposal/Hourly Rates for Services Provided

I am pleased to submit an hourly rate fee proposal for various services to be provided, as listed below:

- A. Provide Building Official and Building Code Official services, to assist the Town of Florence with establishing a one-stop shop permitting process for convenient and friendly customer service. Interface, consult and assist the Fire Department, Public Works Department, and Community Development Department Directors and/or Managers, toward enacting proper protocol and procedures to insure consistency toward project plan reviews, inspections, etc., and assist, as needed, toward the Adoption of the 2012 International Codes and Town Amendments. Provide ongoing in-house code training sessions, and assist staff with individual career training programs to achieve code certifications, at an hourly rate of Eighty Dollars, (\$80.00) per hour for travel time and services provided for the Town of Florence.
- B. Provide Plan Review services for project submittals, as requested per Town of Florence, at an hourly rate of Sixty Five Dollars, (\$65.00) per hour. All plan review fee proposals, based on project scope, use and occupancy classification, shall be submitted to, reviewed and approval by the Town Manager.
- C. Third Party Inspections, as requested per Town of Florence, shall be provided at an hourly rate of One Hundred Twenty Five Dollars, (\$125.00) per hour based on project scope, and shall be submitted for review and approval by the Town Manager. All required fee proposals for third party inspections by others, not included. Fee proposals by others shall be obtained and submitted on an as needed basis.

	<b>TOWN OF FLORENCE COUNCIL ACTION FORM</b>	<u><b>AGENDA ITEM</b></u> <b>8b.</b>
<b>MEETING DATE:</b> March 20, 2017  <b>DEPARTMENT:</b> Administration  <b>STAFF PRESENTER:</b> Lisa Garcia, Deputy Town Manager/Town Clerk  <b>SUBJECT:</b> Council Travel/Compensation		<input type="checkbox"/> <b>Action</b> <input checked="" type="checkbox"/> <b>Information Only</b> <input type="checkbox"/> <b>Public Hearing</b> <input type="checkbox"/> <b>Resolution</b> <input type="checkbox"/> <b>Ordinance</b> <input type="checkbox"/> <b>Regulatory</b> <input type="checkbox"/> <b>1<sup>st</sup> Reading</b> <input type="checkbox"/> <b>2<sup>nd</sup> Reading</b> <input type="checkbox"/> <b>Other</b>

**RECOMMENDED MOTION/ACTION:**

Discussion on the Council compensation section of the Town Code. This item is being presented by Councilmember John Anderson.

**BACKGROUND/DISCUSSION:**

Councilmember Anderson has approached staff with a request to receive reimbursement for travel related to liaison duties. Staff was unable to process the request based on restrictions in the Town Code. Two members of the Town Council have requested this item be placed on the agenda for consideration.

The current Town of Florence Code of Ordinances reads as follows:

**30.04 COMPENSATION OF MAYOR AND COUNCIL.**

(A) The Mayor and each Council member shall receive the following compensation on a monthly basis:

- (1) The Mayor shall receive \$650 for each month of service.
- (2) Each Council member shall receive \$450 for each month of service.

(B) In addition to monthly compensation, each Council member shall, without prior approval of the Council, be reimbursed on the same basis as town employees for necessary expenses incurred in the attendance of up to three, in-state but out-of-county meetings each fiscal year. Each Council member may also, by prior Council approval, attend and be reimbursed for such out-of-state or excess in-state meetings and/or out-of-pocket expenses as are deemed beneficial to the town and as allowed by the annual budget.

Rules associated with compensation are clear. Council may not increase its own compensation; therefore, any approved salary increases do not take effect until after the next regular election. This item is not about direct compensation but reimbursement for travel related expenses. If Council directs staff to make adjustments to the Code or Ordinances, staff will create a new section that will be titled "reimbursement of expenses". The intent is to separate reimbursements from compensation.

In considering Councilmember Anderson's request, the following are suggested options that may be considered.

Option 1. Leave the Ordinance in place as is. Town vehicle are available for Council to check out for in-county and out-of-county travel. Gas cards are provided when a Town vehicle is used. Consideration should be made that many monthly meetings allow for members to attend telephonically and may not require travel. The original intent of the monthly payment is to reimburse all expenses related to costs associated with the duties of the position of Mayor or Council. This includes, but is not limited to travel within Pinal County.

Option 2. Amend the Ordinance with the sample language below.

(30.04 (B))In addition to monthly compensation, each Council member shall, ~~without prior approval of the Council,~~ be reimbursed on the same basis as town employees for necessary expenses incurred in the attendance of ~~up to three, in-state but out-of-county meetings each fiscal year.~~ Each Council member may also, by prior Council approval, ~~attend and be reimbursed for such out-of-state or excess in-state meetings and/or out-of-pocket expenses of~~ liaison duties, trainings and conferences as are deemed beneficial to the town and as allowed by the annual budget.

For ease of reading the following is 30.04 (B) without edits being stricken or underlined.

In addition to monthly compensation, each Council member shall be reimbursed on the same basis as town employees for necessary expenses incurred in the attendance of liaison duties, trainings and conferences as are deemed beneficial to the town and as allowed by the annual budget.

As this is a Council requested item, Council may desire to supply other options for consideration.

Once staff understands the Council's wishes, staff will complete a legal and fiscal analysis, as well as draft all documents necessary for the requested changes in policy for a future agenda.

### **FINANCIAL IMPACT:**


A fiscal analysis will be completed prior to an action item being placed on agenda for Council consideration.

**RECOMMENDATION:**

No staff recommendation is provided.

**ATTACHMENTS:**

None

	<b>TOWN OF FLORENCE COUNCIL ACTION FORM</b>	<u><b>AGENDA ITEM</b></u> <b>8c.</b>
<b>MEETING DATE:</b> March 20, 2017  <b>DEPARTMENT:</b> Administration  <b>STAFF PRESENTER:</b> Lisa Garcia, Deputy Town Manager/Town Clerk  <b>SUBJECT:</b> 2017 Town Council Rules of Procedure		<input type="checkbox"/> Action <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <ul style="list-style-type: none"> <li><input type="checkbox"/> Regulatory</li> <li><input type="checkbox"/> 1<sup>st</sup> Reading</li> <li><input type="checkbox"/> 2<sup>nd</sup> Reading</li> </ul> <input type="checkbox"/> Other

**RECOMMENDED MOTION/ACTION:**

Discussion on the Town Council Rules of Procedure.

**BACKGROUND/DISCUSSION:**

In December 2016, staff provided the Mayor and Town Council copies of the Town Council Rules of Procedure. Members of Council have provided written comments to the Clerk’s Office. All comments have been included and incorporated in the 2017 version of the Town Council Rules of Procedure.

Just for clarification, staff would like to discuss the follow topics.

- Do we want to keep the Council meetings on the first and third Mondays of each month? At the same time?
- Do we want to continue to earmark the second and fourth Mondays for Work Sessions?
- Do you want to have Executive Session independent from regular meeting at a set time?
- Do you want to continue to have Call of the Public at the beginning and end of the Council meeting? Shall we require forms for both?
- Do you want the election of Vice-Mayor to be for two or four years?
- Do you want to consider a summer recess or a winter recess?
- Do you want to consider changes to consent agenda rules?
- Do you like the form used to request Council action?

**FINANCIAL IMPACT:**

A fiscal analysis will be completed prior to an action item being placed on agenda for Council consideration.

**RECOMMENDATION:**

There is no staff recommendation. A resolution for adoption of revised Town Council Rules of Procedure will be brought back to Council at a later date.

**ATTACHMENTS:**

Council Rules of Procedure

**Town of Florence  
Town Council  
Rules of Procedure  
2017**

**SECTION 1. RULES OF PROCEDURE/AUTHORITY**

**1.1 PROCEDURES**

The following are the basis for and are used in conjunction with these Rules of Procedure for meetings of the Town Council:

- A. Arizona Open Meeting Law (ARIZ. REV. STAT. § 38-431 *et seq.*, as amended)
- B. Town Code
- C. Town of Florence Parliamentary Procedures Simplified
- D. Roberts Rules of Order, as amended

**1.2 PARLIAMENTARIAN**

Town Council Meetings: The Town Attorney shall serve as Parliamentarian for all Town Council Meetings. The Town Clerk shall act as Parliamentarian in the absence of the Town Attorney.

Boards/Commissions/Committees: The Council Liaison shall serve as Parliamentarian for each respective board, commission, or committee.

**SECTION 2. DEFINITIONS**

**2.1 AGENDA**

As set forth in Section 6 below, an Agenda is the formal description of items to be considered by the Town Council at a noticed meeting of the Town Council. The final Agenda must be posted at least 24 hours prior to the Town Council's meeting.

**2.2 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 Council members 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. This disclaimer will appear on the first Call to the Public listing on the agenda. The Mayor will read the disclaimer into the record at each meeting.

**2.3 COUNCIL PACKET**

The Town Council packet is comprised of documents supporting the items listed on the Agenda and requiring Council Action, which may be used by Town Council, staff, and

Rules of Procedure Adopted by Resolution No. xxx-17

the public for more in-depth information than may be presented in an oral report. The packet is organized as set forth in Section 7 below and is provided to the Town Council and made available to the public upon request.

#### **2.4 MEETINGS**

A meeting is the gathering, in person or by technological devices, of a quorum of members, at which they discuss, propose or take legal action, including any deliberations by a quorum with respect to such action. If a quorum is not present, those in attendance will be named for the record and in the absence of the Presiding Officer, the Town Clerk or departmental liaison will adjourn the meeting.

#### **2.5 NEWSPAPER**

Typically, a daily or weekly publication of general circulation within the Town of Florence containing recent news, feature articles, editorials, and general advertisements.

#### **2.6 NOTICE**

A formal announcement to the public that sets forth the name of the Town Council, date, time and place for which a meeting of the Town Council will be held. Giving formal notice of meetings is done as provided by Statute, Town Code, or other rules or regulations of the Town.

#### **2.7 ORDINANCE**

An ordinance is a Town Council action setting forth a rule of public conduct that is considered long-term and may prescribe a penalty for violations thereof. Long-term rules include, but are not limited to, zoning issues, annexations, abandonments and Town laws. The ordinance, in addition to being referenced by number in the minutes, will be recorded and maintained in numerical sequence as a permanent record of the Town in a separate set of books. Effective dates of ordinances shall be as provided by law.

#### **2.8 PUBLIC BODY**

Town Council, all boards, committees, and commissions of the Town, and any specially seated board, commission, committee, or sub-committee of the Town whose members are appointed by the Mayor with the approval of the Town Council.

#### **2.9 QUORUM**

A quorum is the minimum number of members of the Town Council that must be present in order for business to be legally transacted. With a seven-member body, a quorum (by State Statute) is four members.

A quorum for a board/commission/committee with five members is three.

#### **2.10 RESOLUTION**

A resolution is a more formal type of motion normally utilized to set forth policy of the Town. The resolution, in addition to being referenced by number and brief title in the minutes, will be recorded as provided by law and maintained in numerical sequence as



a permanent record of the Town in a separate set of books. Resolutions are used for various reasons, such as when specifically required by law, when needed as a separate evidentiary document to be transmitted to another governmental agency, or where the frequency of future references back to its contents warrants a separate document to facilitate such future reference and research. Effective dates of resolutions shall be as provided by law.

### **SECTION 3. PRESIDING OFFICER**

#### **3.1 PRESIDING OFFICER**

As provided by the Town Code, the Mayor, or in the Mayor's absence, the Vice-Mayor is the Presiding Officer of all meetings of the Town Council.

In the absence or disability of both the Mayor and the Vice-Mayor, the meeting shall be called to order by the Town Clerk, whereupon, the Town Clerk shall immediately call for the selection of a temporary Presiding Officer. The Council members present shall, by majority vote, select a Presiding Officer for that meeting.

Upon the arrival of the Mayor or the Vice Mayor, the Vice Mayor or the temporary Presiding Officer shall immediately relinquish the chair upon the conclusion of the business immediately before the Town Council.

#### **3.2 ROBERT'S RULES OF ORDER**

The Presiding Officer, or Town Council, may suspend strict observance of these Rules of Procedure, other policies and procedures, and any applicable provision of Robert's Rules for the timely and orderly progression of the meeting. In the event of a conflict between these rules and Robert's Rules of Order, these rules shall govern.

### **SECTION 4. MEETINGS**

#### **4.1 REGULAR MEETINGS**

- A. The Florence Town Council shall hold Regular Meetings at 6:00 p.m. on the first and third Monday of each month, in the Council Chambers, located at 775 N. Main Street, or another place, date or time as determined by the Town Council. Meetings are held for the purpose of discussion or action of the Town Council on various issues deemed necessary to further the business of the Town. These meetings may provide for "Citizen Comments/Call to the Public."
- B. When the Regular Meeting of the Town Council falls on a legal holiday, no meeting shall be held on such holiday, but said meeting may be held at the same time and the same location on the next succeeding business day thereafter that is not a holiday or at such other time as designated by the Town Council. The Town Council will take appropriate action to publicly announce such a change and will instruct the Town Clerk to publish the agenda in accordance with state law.

**Comment [LG1]:** Are the dates and times of meetings still good?

#### 4.2 ADJOURNED MEETINGS

Any meeting may be adjourned to a time, place and date certain, but not beyond the next Regular Town Council Meeting. Once adjourned, the meeting may not be reconvened except at the time, date, and place provided for in the motion. A motion to continue an item on the Council Agenda shall not be considered a motion to adjourn.

#### 4.3 SPECIAL MEETINGS

- A. A special meeting of the Town Council may be called by the Mayor or Town Manager or at the request of two Council members, for a time not earlier than 24 hours after the later of (i) the notice being given to all Council members or (ii) the Agenda being posted, except in the case of an actual emergency. In the case of an actual emergency, such notice as is practicable under the circumstances shall be given. Notice of all such Town Council meetings must be made pursuant to state law.
  
- B. Special Meetings are held for the purpose of presentations, discussion, citizen comment or formal action of the Town Council on various issues as deemed necessary to further the business of the Town.

#### 4.4 WORK SESSIONS

Work Sessions are held for the purpose of presentations and discussions on issues that require more in-depth consideration of the Town Council than may be possible at a Regular Meeting. No formal action of the Town Council may be taken at such meetings, other than general consensus or conveying direction to staff for further action. These meetings shall not provide for "Public Comment". Work Sessions shall be held on Mondays when necessary.

**Comment [LG2]:** Do we like Monday's for Work Sessions?

#### 4.5 EXECUTIVE SESSIONS

The Town Council may hold an Executive Session pursuant to Arizona Revised Statute § 38-431.01 *et seq.*

#### 4.6 EMERGENCY MEETINGS

As provided for in State Statutes, the Mayor, the Town Manager or two members of Town Council may call an Emergency Meeting to discuss or take action on an unforeseen issue where time is of the essence and there is not sufficient time for posting of a meeting notice 24-hours or more before the meeting. Notice of an Emergency Meeting will be posted within 24-hours following the holding of an Emergency Meeting. The notice will include the agenda and a brief but complete description of the nature of the emergency. Emergency Meetings shall not provide for a "Public Comment."

#### 4.7 MEETINGS TO BE OPEN TO THE PUBLIC

- A. With exception of Council Executive Sessions, all Regular Meetings, Special Meetings, Work Sessions and Emergency Meetings of the Town Council shall be open to the public.

- B. All Public Meetings may be recorded or photographed by means of audio, video or photographic equipment provided; however, that there is no interference in the orderly conduct of the meeting and that said equipment is placed in non-hazardous locations as designated by the Town's Staff.
- C. Public comment is not provided for at Work Sessions or Emergency Meetings.

#### **4.8 MINUTES OF COUNCIL MEETINGS**

- A. The Town Clerk's office shall provide staff support at all Regular, Special, Work Session and Emergency Meetings of the Town Council for the purpose of taking notes and/or audio recordation of the Meeting.
- B. Written action minutes, instead of verbatim minutes, shall be taken so that a brief accounting of the issues discussed and actions taken is compiled and entered into the permanent minute book of the Town and kept on file and of record in the Office of the Town Clerk. The minutes shall reflect Council member attendance for the entire meeting (if a Council member arrives late or leaves early, then the minutes should reflect when the Council member arrived/left).

Open Meetings may be recorded by means of audio or video technology. Audio or video recordings of meetings will be retained in accordance with the current State of Arizona approved Records Retention and Disposition Schedules.

- C. All minutes of the Town Council are deemed to be public records, with the exception of Executive Session minutes which, while they fall under the definition of and are considered public records by State Statute, are deemed confidential and are only available under limited conditions or by court order. Transcribed minutes, or the audio or video recording of all Open Meetings of the Town Council, must be on file in the Office of the Town Clerk and available for public review by 5:00 p.m. on the third working day following each meeting or as provided by Arizona Revised Statutes, whichever is sooner.
- D. Minutes of Executive Sessions shall be confidential, are maintained and secured by the Town Clerk and may be accessed only as provided by Arizona Revised Statutes.

### **SECTION 5. NOTICES AND AGENDAS**

#### **5.1 PREPARATION AND POSTING NOTICES**

- A. The Town Clerk shall prepare all Public Meeting Notices of the Town Council, and shall ensure posting of the meeting notices in accordance with Arizona Revised Statute. § 38-431.02.C.
- B. Formal notices, such as notices of public hearings, notice of bid, or other formal notices shall be posted on the town's website, <http://www.florenceaz.gov>.

## **5.2 PREPARATION AND POSTING OF AGENDAS**

- A. The Town Clerk shall prepare all Public Meeting Notices of the Town Council, and, except for permitted statutory exceptions, shall ensure posting of the meeting notices not less than 24 hours before the date and time set for said meetings, in accordance with Arizona Revised Statute. § 38-431.02.C.
- B. Town Council, Town Board and Commission agendas shall, at a minimum, be posted in the following locations:
  - 1. Town Hall, 775 N. Main Street, Florence, Arizona, 85132
  - 2. <http://www.florenceaz.gov>

## **5.3 POSTING OF ORDINANCES WITH A PENALTY CLAUSE:**

- A. Penalty Clause shall be posted in the following locations:
  - 1. Town Hall, 775 N. Main Street, Florence, Arizona 85132
  - 2. Florence Police Department, 425 N. Pinal Street, Florence, Arizona 85132
  - 3. Florence Fire Station No. 2, 2035 N. Hunt Highway, Florence, Arizona 85132

## **5.4 AGENDAS**

- A. The Town Clerk shall prepare the Agendas for all meetings of the Town Council as set forth in Section 6 below or as directed by the Mayor through the Town Manager. Agendas of all meetings of the Town Council shall be available to the public no later than 24 hours prior to said meetings, except for permitted statutory exceptions.
- B. Agendas are made available through the Town's web site as a convenience and, upon request, will be provided at no charge to political subdivisions or educational institutions.

## **5.5 DISTRIBUTION OF NOTICES AND AGENDAS**

- A. The Town Clerk shall ensure that the Mayor and Town Council receive copies of all Town Council Meeting Notices and Agendas, and any documentation provided for said meeting, not less than 24 hours prior to the meeting, except for permitted statutory exceptions.
- B. The Town Clerk shall provide the Town Council meeting notices, agendas and documentation, as deemed necessary, to the Town Manager and the Town Attorney. Courtesy copies will be available to the press, public subdivisions and educational institutions, and others upon request, not less than 24 hours prior to said meeting.
- C. The Town Clerk may amend a published agenda, but not less than 24 hours prior to the designated meeting and only upon receipt of direction from (i) the Mayor or two members of the Town Council acting through the Town Manager or (ii) the

Town Manager, or to correct minor errors. Amended agendas will indicate the date amended.

**SECTION 6. ORDER OF BUSINESS**

**6.1 ORDER OF BUSINESS**

The Order of Business of each meeting shall be as contained in the agenda as prepared by the Town Clerk. The Agenda shall be a sequentially numbered listing by topic and a brief description of business agenda items, including a dollar amount where appropriate, that shall be taken up for consideration.

**6.2 REGULAR MEETINGS**

The typical form of the agenda shall be as follows and may be changed as necessary:

- CALL TO ORDER**
- ROLL CALL**
- EXECUTIVE SESSION**
- COMMUNITY FACILITIES DISTRICT OR BOARD OF ADJUSTMENTS**
- MOMENT OF SILENCE**
- PLEDGE OF ALLEGIANCE**
- CALL TO THE PUBLIC** - Form (See Section 6.8)
- PUBLIC HEARINGS**
- RECOGNITION ITEMS/PRESENTATIONS**
- CONSENT AGENDA** ((See Section 6.9)
- UNFINISHED BUSINESS**
- NEW BUSINESS** (action or information items)
  - ITEMS SUBMITTED BY PUBLIC/APPLICANTS**
  - COUNCIL SUBMITTED ITEMS**
  - MANAGER SUBMITTED ITEMS**

**MANAGER REPORT/DEPARTMENT REPORTS\***

**CALL TO THE PUBLIC** Topics are limited to items under the jurisdiction of the Florence Town Council (speaker must fill out a form and give to Town Clerk prior to meeting)

- CALL TO THE COUNCIL- CURRENT EVENTS ONLY**
- EXECUTIVE SESSION**
- ADJOURNMENT**

\* Provided at the second meeting of the month

All agendas will have the following statement placed at the bottom of the agenda:

DATE/TIME POSTED:

**Comment [LG3]:** Are we going to require second call to the public to submit speaker forms? Speaker forms help the Clerk's Office take accurate minutes. Speakers also provide contact information so the Manager/Mayor/Council can make contact with them at a later date if necessary.

Any individual with a qualified disability may request a reasonable accommodation by contacting the ADA Coordinator at 520-868-7574 at least 72-hours prior to the Town Council meeting.

### **6.3 SPECIAL MEETINGS**

- A. If a Special Meeting is being held in place of a Regular Meeting, the agenda shall be as set forth for a Regular Meeting.
- B. For all other Special Meetings, the Agenda will typically be prepared in the following order:

**CALL TO ORDER**

**ROLL CALL**

**EXECUTIVE SESSION**

**PLEDGE OF ALLEGIANCE**

**CALL TO THE PUBLIC** (form required for speaking - See Section 6.8)

**PUBLIC HEARINGS**

**UNFINISHED BUSINESS**

**NEW BUSINESS**

**CALL TO THE PUBLIC** (form required for speaking – See Section 6.8)

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

**EXECUTIVE SESSION**

**ADJOURNMENT**

### **6.4 WORK SESSION MEETINGS**

Work Sessions provide the Town Council an opportunity to discuss items in a study session. No action may be taken at a Work Session. The meeting is open to the public but the public is not provided a platform to speak unless input is requested by the Presiding Officer. A Work Session agenda is prepared in the following order.

**CALL TO ORDER**

**ROLL CALL**

**AGENDA ITEMS FOR DISCUSSION:** No Action/Discussion only.

**ADJOURNMENT**

### **6.5 ITEMS TO BE TAKEN IN ORDER**

- A. The Presiding Officer, or the members by consensus, may consider items out of sequence from the printed Agenda for the meeting.
- B. Action may be taken on all items listed for action on the Agenda. In the event of an emergency, action may be taken on items not listed on the Agenda; however, the action must subsequently be noticed in accordance with Arizona Revised Statute § 38-431.02, as amended.

## 6.6 ROLL CALL ATTENDANCE

The Presiding Officer shall direct the Town Clerk to call the Roll, and the names of Council members both present and absent shall be entered into the minutes.

Roll Call shall be taken at the following times during a meeting:

- A. Calling the Meeting to Order.
- B. Entering into Executive Session.
- C. Adjourning to the Board of Adjustments.
- D. Adjourning to a Special Districts Board.

## 6.7 CITIZEN SCHEDULED PUBLIC APPEARANCES

**Scheduled Public Appearances** allow citizens to speak on a specific item before the Town Council, including presentation of petitions, according to the following process:

- A. A written request shall be submitted to the Town Clerk for review by the Town Manager not less than **five** days prior to the Town Council meeting at which the person desires the item to be heard.
- B. The Town Manager or designee shall research the issue to determine if it may be handled administratively or will require Town Council discussion. If it is determined that the matter should be placed before the Town Council, the Town Manager shall ensure that documentation, if any, is compiled and the material forwarded to the Town Clerk in the same manner as other issues presented to the Town Council.
- C. If the Town Manager determines that the subject should not be placed on a Council Agenda, the Town Clerk shall notify the citizen that their request for action/input will not be placed on the agenda but forwarded to the appropriate department.
- D. The Mayor, two members of the Town Council or the Town Manager may request that an item be placed on the Council's Agenda; the Town Clerk shall place the item on the next Regular Meeting Agenda and advise the citizen of the meeting date and time.

**Comment [LG4]:** Website states one week. Consistency.

## 6.8 NON-SCHEDULED APPEARANCES/CALL TO THE PUBLIC

- A. 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 Council members 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. This disclaimer will appear on the first Call to the

Public listing on the agenda. The Mayor will read the disclaimer into the record at each meeting.

- B. Call to the Public: Presentation of petitions, or public comments on agenda issues are heard under the first "Call to the Public". All citizens and interested parties will be limited to a maximum of three minutes to address the Town Council; however, the time limit may be waived by the Mayor or by consensus of the Town Council.
- C. Call to the Public/Non-Agenda Items: The second "Call to the Public" is for items under the jurisdiction of the Town of Florence that are Non-Agenda issues. All citizens and interested parties will be limited to a maximum of three minutes to address the Town Council on a Non-Agenda item; however, the time limit may be waived by the Mayor or by consensus of the Town Council. Items not listed on the agenda may not be discussed at the meeting. The Council may ask staff to schedule a future meeting on the topic.
- D. All citizens and interested parties wishing to speak before the Town Council at "Call to the Public" shall complete a speaker form located at the back of the Town Council chambers and submit the form to the Town Clerk, or designee.
- E. By policy, the Town Council will refrain from commenting on the remarks given during "Call to the Public". At the conclusion of all public comment sections of the meeting, the Mayor or any Council member may take any or all of the following actions:
  - 1. Respond to Criticism.
  - 2. Ask Staff to review the matter.
  - 3. Ask that the matter be put on a future Agenda.
  - 4. Thank the citizens for their comments.

**F. Limitations regarding Call to the Public:**

- 1. The Presiding Officer may limit the number of speakers heard on Non-Agenda topics at any single meeting to allow the meeting to proceed and end in a timely manner.
- 2. Oral communications during the Town Council Meeting may not be used to lodge charges or complaints against any employee of the Town, regardless of whether such employee is identified in the presentation by name or by any other reference that tends to identify him/her. Any such charges or complaints against employees shall be submitted during normal business hours to the Town Manager for appropriate action.

**6.9 CONSENT AGENDA**

- A. The Consent Agenda includes items that (i) are of such a nature that discussion may not be required or (ii) are included in the annual budget (iii) have been



previously studied by the Town Council. These items are adopted by a single motion and affirmative vote of a majority of the Town Council.

- B. There is no discussion on items listed under the Consent Agenda; however, a member of the Town Council or a member of the public may request that an item or items be removed for discussion.
- C. Items removed from the Consent Agenda are considered in their normal sequence as listed on the Agenda, unless called out of sequence as provided in Section 6.5 above.

#### **6.10 PUBLIC HEARINGS**

- A. Generally, Public Hearings, other than those of a quasi-judicial nature, shall be conducted in the following Order:
  - 1. The Presiding Officer will announce the matter that is set forth for a Public Hearing and, if appropriate, ask the staff to provide a short summary of the matter.
  - 2. The Presiding Officer will then ask the applicant, if appropriate, to speak.
  - 3. At the conclusion of the Staff Report and/or presentation by the applicant, the Presiding Officer will open the Public Hearing for comments from the public.
  - 4. After all public comments are heard; the Presiding Officer will close the Public Hearing and may ask staff or the applicant to respond to the comments.
  - 5. The Presiding Officer may then call for a motion and second, if applicable, and/or ask if Town Council wishes to discuss the motion/item. Town Council may then proceed to discuss the matter.
  - 6. Upon the conclusion of discussion, the Presiding Officer will call for action on the motion.
  - 7. Exhibits, letters, petitions and other documentary items presented or shown to the Town Council during a Public Hearing shall become part of the record of the Public Hearing and a copy thereof shall be submitted to the Town Clerk.
- B. Questions or comments from the public shall be limited to the subject under consideration. Depending upon the extent of the Agenda, and the number of persons desiring to speak on an Issue, the Presiding Officer may, upon consensus of the Town Council at the beginning of the hearing, limit testimony. Upon approval of the Town Council, persons may be allowed to speak longer

than three minutes. Council members may ask the individual speaker questions, and the speaker may respond.

- C. Quasi-judicial hearings shall be conducted in accordance with the principles of due process, and the Town Attorney shall advise the Town Council in this regard.

#### **6.11 BUSINESS ITEMS/ACTION ITEMS**

- A. At the time each Business Item is presented to Town Council, the staff will give a brief summary of the item, and the applicant, if applicable, may speak. The Mayor will then provide for citizen input and comments as requested prior to the meeting.
- B. Those speaking before the Town Council will be allowed three minutes to address the Council; time limits may be waived upon consensus of the Town Council. Such three-minute limit shall not apply to the applicant's presentation.
- C. The purpose of all public comments is to provide information and the speaker's views for Town Council consideration. It is not appropriate for the speakers to question directly or debate the matter under consideration with staff, other speakers, the audience or members of the Town Council. All comments shall be addressed through the Presiding Officer. After being recognized by the Presiding Officer, Council members may question the speakers, any applicant's representatives or Town staff. Except when answering a direct question from a Council member, all remarks shall be addressed to the Town Council as a whole, and not to individual members; provided; however, that all responses shall be directed through the Presiding Officer.
- D. Proper decorum must be observed by Council members, by speakers providing testimony and remarks and by the audience. In order to conduct an orderly business meeting, the Presiding Officer shall keep control of the meeting and shall require the speakers and audience to refrain from abusive or profane remarks, disruptive outbursts, applause, protests or other conduct that disrupts or interferes with the orderly conduct of the business of the meeting. Personal attacks on Council members, Town Staff or members of the public are not allowed. It is inappropriate to utilize the Public Hearing or other Agenda item for the purpose of making political speeches, including threats of political action. Engaging in such conduct and failing to cease such conduct upon request of the Presiding Officer will be grounds for ending a speaker's time at the podium or, at the direction of the Presiding Officer, for removal of any disruptive person from the Council Chambers.

#### **6.12 INFORMATION ITEMS**

Mayor and Council members may present or discuss information items only if the specific matter is listed on the posted Agenda.

### **6.13 ADJOURNMENT**

The meeting is adjourned by a motion to adjourn, a second and an affirmative vote of the majority.

### **6.14 RECESS/BREAK**

The Presiding Officer or a member of Council may call a recess/break if necessary during the course of a public meeting.

## **SECTION 7. AGENDA PREPARATION**

### **7.1 AGENDA ITEM SUBMITTALS: REGULAR/SPECIAL/WORK SESSION**

Items may be placed on the Agenda for Town Council discussion and possible action by (i) the Mayor acting through the Town Manager, (ii) two Members of Council acting through the Town Manager or (iii) the Town Manager.

### **7.2 AGENDA ITEM SUBMITTALS FOR TOWN COUNCIL EXECUTIVE SESSIONS**

Items may be placed on the Agenda for Council Executive Session discussion if in compliance with the Town Code and applicable State Statutes by the following process:

- A. Items may be placed on an Agenda for Executive Session discussion by (i) the Mayor acting through the Town Manager, (ii) two Council members acting through the Town Manager or (iii) the Town Manager.
- B. The Town Attorney shall review all items submitted for Executive Session discussion, prior to placement on the Agenda, to ensure that the item is legally permissible to be discussed in Executive Session, pursuant to Arizona Revised Statute § 38-431.03. If permissible, the Town Clerk shall place notice of such Executive Session discussion on the Agenda.

### **7.3 COUNCIL PACKETS**

Town Council packets contain the Agenda, unapproved Minutes of previous Town Council Meetings, Town Council communications and any ordinances, agreements or resolutions to be acted upon including documentation that may be attached to support items contained on an Agenda for all noticed meetings of the Town Council.

Agenda packets for ALL noticed Town Council Meetings (except Executive Session documentation) are made available to Council members by the Town Clerk's Office. Every effort will be made to distribute complete packets by the Thursday prior to each Regular Town Council Meeting and not less than 24 hours prior to any Special Town Council Meeting.

## **SECTION 8. PROCEDURES FOR CONDUCTING THE MEETING**

### **8.1 CALL TO ORDER**

All meetings of the Town Council shall be called to order by the Presiding Officer, (the Mayor or, in his/her absence, the Vice-Mayor).

Rules of Procedure Adopted by Resolution No. xxx-17

Page 13 of 29

## **8.2 PARTICIPATION OF PRESIDING OFFICER**

The Presiding Officer may move, second, debate and vote from the Chair, subject only to such limitations of debate as are imposed on all Council members, and he/she shall not be deprived of any of the rights and privileges of a Council member by reason of his/her acting as Presiding Officer; however, the Presiding Officer is primarily responsible for the conduct of the meeting.

## **8.3 QUESTION TO BE STATED**

The Presiding Officer shall verbally restate each question immediately prior to calling for discussion and/or the vote. Following the vote, the Presiding Officer shall verbally announce whether the question was carried or was defeated. The Presiding Officer may also publicly state the effect of the vote for the benefit of the audience before proceeding to the next item of business.

## **8.4 MAINTENANCE OF ORDER**

The Presiding Officer is responsible for the maintenance of order and decorum at all times. No person is allowed to speak unless they have first been recognized by the Presiding Officer. All questions and remarks shall be addressed to the Presiding Officer.

## **SECTION 9. RULES/DECORUM/ORDER**

### **9.1 POINTS OF ORDER**

The Presiding Officer shall, after consultation with the Parliamentarian, determine all Points of Order, subject to the right of any Council member to appeal to the entire Town Council. If any appeal is taken, the question (motion) shall be: "Shall the decision of the Presiding Officer be sustained?" In which event, following a second, a majority vote shall govern, and conclusively determine such question of order.

### **9.2 ORDER AND DECORUM**

#### **A. Council Members:**

1. Any Council member desiring to speak shall address the Presiding Officer and, upon recognition by the Presiding Officer, may speak. The Presiding Officer shall not unreasonably withhold such recognition; however, the Presiding Officer may choose to not recognize similar or repetitive discussions or motions which would delay the meeting.
2. When two or more Council members wish to speak, the Presiding Officer shall determine the order of speaking and recognize the first speaker.
3. While a Council member is speaking, no other Council member shall interrupt except to make a point of order or point of personal privilege.
4. When a motion is made and seconded, the Presiding Officer shall ensure that the debate is confined to the motion.

5. The Town Council may agree to limit debate on any matter before it. A limit may be formalized by a majority vote of the Town Council or the Presiding Officer may announce time limits on any Agenda item with the consensus of a majority of the Town Council,.
  6. Any Council member may call for a previous question on any issues under debate. The call for previous question must receive a second and then receive at least a two-thirds vote. Passage of a motion to address the previous question terminates all debate on the original motion. The Town Council shall immediately vote on such motion.
  7. The Town Council will not tolerate harassment, personal attacks or discrimination against each other or by members of appointed boards, commissions or committees. No one shall be subject to unwelcome verbal or physical conduct that shows hostility based upon gender, race, ethnicity, sexual orientation, religion, age, disability or national origin. Any Town Council member or appointee who violates this provision will be subject to removal from the meeting. Any Council member or appointee acting in violation of this policy will be subject to censure or other punishments prescribed in the Town Code.
  8. If a Council member acts in violation of these rules, the Presiding Officer shall, or any Council member may, call that Council member to order. The Council member so called shall immediately cease speaking, but may appeal to the Town Council. The Town Council shall decide the appeal without debate. If the appeal is granted, such Council member may continue speaking on the matter. If the appeal is denied, such Council member shall remain silent on the matter. Any Council member acting in violation of these rules is subject to censure or other punishment as the Town Council, by a three quarters vote of the other Council members present, deems just and proper under the law.
- B. Employees: Members of the administrative staff and employees of the Town shall observe the same rules of procedure and decorum applied to members of the Town Council. The Town Manager shall ensure that all Town employees observe such decorum. Any staff members, including the Town Manager, desiring to address the Town Council or members of the public shall first be recognized by the Presiding Officer.
- C. Public: Members of the public attending the Town Council Meetings shall observe the same rules of order and decorum applicable to the Town Council. Unauthorized remarks or demonstrations from the audience, such as applause, stamping of feet, whistles, boos, yells, and/or other demonstrations shall not be permitted. The Presiding Officer may, after issuing a verbal warning to persons causing such disturbances, direct a police officer to remove such offender/s from the meeting.

### **9.3 ENFORCEMENT OF DECORUM**

Proper decorum is to be maintained during all meetings by the Town Council, staff and guests. It is the responsibility of the Mayor or other person acting as Presiding Officer of the meeting to ensure compliance with this Policy. A police officer may be directed by the Mayor or Presiding Officer to remove from the meeting, after a verbal warning, any person whose conduct is disorderly or disruptive.

### **9.4 PROCEDURES IN ABSENCE OF RULES**

In the absence of a rule herein to govern a point or procedure, Robert's Rules of Order, Newly Revised, shall be used as a guide.

### **9.5 RULINGS OF PRESIDING OFFICER ARE FINAL, UNLESS OVERRULED**

In presiding over Town Council Meetings, the Presiding Officer shall decide all questions of interpretation of these rules, points of order, or other questions of procedure requiring rulings. In making such determinations, the Presiding Officer may solicit the opinion of the Town Attorney, or other such person serving as the Parliamentarian of the Town Council.

### **9.6 APPEAL THE RULING OF THE PRESIDING OFFICER**

Any procedural decision or ruling of the Presiding Officer shall be final; however, immediately following the Presiding Officer's ruling, a motion and second to appeal the ruling can be made and the ruling can be overridden or suspended by a majority vote of the Council members present and voting. If not appealed, the Presiding Officer's ruling shall be binding and legally effective for purposes of the matter under consideration.

## **SECTION 10. ADDRESSING THE COUNCIL**

### **10.1 PERSONS AUTHORIZED TO APPROACH COUNCIL DAIS AREA**

During a Town Council Meeting, no person except Town Officials shall be permitted within the area in front of the Town Council dais without the invitation or consent of the Presiding Officer.

### **10.2 MANNER OF ADDRESSING THE COUNCIL**

- A. Any member of the public desiring to address the Town Council shall proceed to the podium after having been recognized by the Presiding Officer. There shall be no loud vocalization (shouting or calling out) from the seating area of the Council Chamber. At the podium, he/she shall clearly state his//her name for the record.
- B. Within 72-hours advance notice, special assistance can be provided for any individual with a qualified disability. Please call the ADA Coordinator at 520-868-7574 to request an accommodation to participate in a Public Meeting.

### **10.3 ADDRESSING THE COUNCIL AFTER MOTION IS MADE**

After the motion has been made, or after a Public Hearing has been closed, public comment shall not be allowed without a request from a Council member or the Presiding Officer.

## **SECTION 11. MOTIONS**

### **11.1 PROCESSING OF MOTIONS**

- A. When a motion is made and seconded, it shall be stated by the Presiding Officer before debate.
- B. The maker has the right to modify his/her motion as he/she pleases, or to withdraw it entirely. If the motion is modified, the member who has seconded it has the right to withdraw his/her second.
- C. If a modification to a motion made by another Council member is accepted by the maker of the motion, then the Council member who seconded the unmodified motion shall be requested to reaffirm his/her second after modification. If the Council member refuses to reaffirm his/her second, the second is presumed made by the suggestor of the modification.
- D. In the case of a tie in votes on any motion, the motion shall be considered lost.

### **11.2 DIVISION OF QUESTION**

If the question contains two or more propositions that could be divided, the Presiding Officer may, upon the request of a Council member, divide the propositions into separate questions.

### **11.3 MOTION TO POSTPONE INDEFINITELY**

A motion to postpone indefinitely is used to dismiss an item on the Agenda. This motion is debatable, and because it can be applied only to the main question, it can, therefore, only be made while the main question is immediately pending (a motion and second is on the floor). This motion is commonly used to postpone an item until a more appropriate time.

### **11.4 MOTION TO TABLE**

A motion to table enables the Town Council to lay the pending question aside temporarily when something else of immediate urgency has arisen, in such a way that there is no set time for taking the matter up again. A motion to table shall be used to temporarily by-pass the subject. A motion to table shall be undebatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be "taken from the table" at any time prior to the end of the next Regular Meeting; provided, however, that such item is included on the duly posted Agenda of the Town Council.

### **11.5 MOTION TO CLOSE, LIMIT OR EXTEND DISCUSSION**

Such a motion shall be used to limit or close debate on, or further amend the main motion. This is referred to as "Call for the Question" and is the motion used to cut off

debate and to bring the group to an immediate vote on the pending motion. It requires a two-thirds vote. The vote on a motion to call for the question to terminate discussion shall be by roll call. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

#### **11.6 MOTION TO AMEND**

- A. A Motion to Amend shall be debatable only as to the amendment. A Motion to Amend an amendment shall be in order, but a Motion to Amend an amendment to the amendment shall not be in order.
- B. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order.
- C. A substitute motion on the same subject shall be acceptable and shall be voted on before a vote on the amendment.
- D. Amendments shall be voted on first, then the main motion as amended.

#### **11.7 MOTION TO CONTINUE**

Motions to continue to a definite time shall be amendable and debatable only as to propriety of postponement and the time set.

### **SECTION 12. VOTING PROCEDURE**

#### **12.1 CASTING A VOTE**

- A. In acting upon every motion, the vote shall be taken by casting an aye/nay vote by voice, roll call or any other method as determined by the Presiding Officer from which the vote of each Council member can be clearly ascertained.
- B. If a Council member has declared a Conflict of Interest, he/she must abstain during the vote.
- C. If the roll call method of voting is used, the Town Clerk shall call the names of all members with the Presiding Officer called last. Council members shall respond "Aye" or "Nay". It shall be out of order for members to explain their vote during the roll call. Comments should be made during the discussion. There shall be no additional debate or speaking on the subject after the vote is taken.

#### **12.2 FAILURE TO VOTE**

All members of the Town Council in attendance at a duly called meeting that requires formal Town Council action are required to vote, unless the issue involves the conduct of that Council member or a matter upon which that Council member has declared a conflict of interest. In all other cases, a failure to vote shall be entered in the Minutes as an affirmative vote.

#### **12.3 RECONSIDERATION**



Any Council member who voted with the majority may move for reconsideration of any action at the same or the next available Town Council Meeting. Motions must be seconded. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without the unanimous consent of the Town Council.

#### **12.4 TIE VOTES**

On a tie vote, a motion requiring a majority vote for adoption is a lost motion. A tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal, unless Town Council takes other action to further consider the matter.

### **SECTION 13. CONFLICT OF INTEREST**

#### **13.1 INTRODUCTION**

Occasionally, a Council member may find himself/herself in a situation which requires that Council member to abstain from participating and voting on a matter before the Town Council. This situation exists when the Council member has a "conflict of interest" as defined by the Arizona Conflict of Interest Law. This law establishes minimum standards for the conduct of public officers and employees who, in their official capacity, are, or may become, involved with a decision which might unduly affect their personal interests or those of their close relatives.

#### **13.2 PURPOSE OF CONFLICT OF INTEREST LAWS**

The purpose of Arizona's Conflict of Interest Law is to prevent self-dealing by public officials and to remove or limit any improper influence, direct or indirect, which might bear on an official's decision, as well as to discourage deliberate dishonesty.

#### **13.3 APPLICABILITY OF THE ARIZONA CONFLICT OF INTEREST LAW**

The Arizona Conflict of Interest Law, as now set forth or as amended in the future, applies to all actions taken by Council members.

#### **13.4 DISCLOSURE OF INTEREST**

Any Council member who may have a conflict of interest may seek the opinion of the Town Attorney as to whether a conflict exists under the State law and final opinions shall be filed with the Town Clerk. Any Council member who has a conflict of interest in any decision must disclose that interest and declare the existence of the conflict. Minutes containing conflict of interest disclosures will be on file in the Clerk's Office. The Town Clerk shall maintain for public inspection all documents necessary to memorialize all disclosures of a conflict of interest by a Council member.

#### **13.5 RULE OF IMPOSSIBILITY**

In the unlikely situation that a majority of Council members have a conflict of interest and the Town Council is unable to act in its official capacity, members may participate in the Town Council's decision after making known their conflicts of interest in the official records.

### **13.6 IMPROPER USE OF OFFICE FOR PERSONAL GAIN**

Public officers and employees are prohibited from using or attempting to use their official positions to secure valuable things or benefits for themselves, unless such benefits are part of the compensation they would normally be entitled to for performing their duties.

### **13.7 SANCTIONS FOR VIOLATIONS**

Violations of the conflict of interest provisions set forth herein shall be punished as provided for in state law.

### **13.8 NON-STATUTORY CONFLICTS OF INTEREST**

Occasionally, a Council member may feel that he/she should ethically refrain from participation in a decision even though the circumstances may not amount to a conflict of interest under the state law described above. It is the policy of the Town Council to encourage Council members to adhere to strongly held ethical values which are exercised in good faith; however, Council encourages participation in the decision making process unless the matter involves the Council member's personal conduct or a conflict of interest set forth by Statute. **Therefore, failure to vote on a matter for any reason other than a conflict of interest under state law shall be considered a vote in favor of such matter.**

## **SECTION 14. ELECTION OF VICE MAYOR**

The Town Council shall designate one of its members as Vice-Mayor who shall serve in such capacity for a **four-year** term at the pleasure of the Town Council. The Vice-Mayor shall perform the duties of the Mayor during the absence or disability of the Mayor.

**Comment [LG5]:** Does Council want an election of Vice Mayor after each election ( 2 year term)?

Nomination and selection process for Vice-Mayor is as follows:

- A. The Mayor will open the floor for nominations.
- B. Any member may offer a nomination for the position of Vice-Mayor, in accordance with prior Council practice, with no second required.
- C. The member must accept the nomination.
- D. Votes for Vice-Mayor shall then be cast and recorded, in the order that the nomination occurred.
- E. If at least four affirmative votes are cast for a candidate, the candidate assumes the position and duties of Vice-Mayor for a four-year term.

## **SECTION 15. BOARDS, COMMISSIONS AND COMMITTEES**

The Town Council may create such boards, commissions and committees as it deems necessary to assist in the conduct of the operation of Town government.

### **15.1 REGULARLY SCHEDULED OR UNSCHEDULED BOARDS, COMMISSIONS AND COMMITTEES**

- A. All boards, commissions and committees of the Town shall be classified as regularly scheduled or unscheduled boards, commissions and committees. Regularly scheduled boards, commissions and committees are those that meet on a regularly scheduled basis or may be quasi-judicial in nature. Unscheduled boards, commissions and committees meet on an as called basis.
  
- B. Regularly scheduled boards, commissions and committees include:
  - 1. Art and Culture Commission
  - 2. Historic District Advisory Commission
  - 3. Library Advisory Board
  - 4. Parks and Recreation Advisory Board
  - 5. Planning and Zoning Commission
  
- C. Unscheduled boards, commissions and committees:
  - 1. Board of Adjustment
  
- D. Other separate legal entities that also address the needs of the Town, including:
  - 1. Industrial Development Authority
  - 2. Community Facilities District Boards
  
- E. Any board, commission or committee created shall cease to exist (i) upon the accomplishment of the special purpose for which it was created (ii) when abolished by a majority vote of the Town Council, (iii) as dictated by the Town Code, (iv) when disbanded or dissolved through legal authority.

### **15.2 RECOMMENDATIONS FOR APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**

- A. The Mayor may designate an appointing committee. This appointing committee shall be made up of three members (from members of the Council or appropriate board/commission). The Mayor may appoint himself/herself to this committee. If no such committee is appointed, the entire Town Council shall conduct interviews and appoint citizens to the various boards, commissions and committees.
  
- B. The purpose of this appointing committee is to interview applicants and recommend to the Town Council possible candidates as described in Section 15.3.

### **15.3 SELECTION OF BOARD, COMMISSION OR COMMITTEE MEMBERS**

- A. A call for applications to fill vacant seats to boards, commissions and committees shall be duly published for at least one week via newspaper advertising, website (<http://www.florenceaz.gov>) and other means as available to the Town.

- B. Individuals applying for boards, commissions or committees must fill out and submit the Town application form to the Town Clerk by the published deadline. The Town Clerk will forward the applications to the appropriate staff liaison.
- C. The Town Clerk will review the applications and prepare support materials for the Appointing Committee. Staff will schedule an appropriate time for an open meeting in order that the committee may interview in person, or via telephone, applicants for the open seat(s) to any Town board, commission or committee.
- D. After review and consideration, the appointing committee members shall announce a recommendation and prepare a memorandum recommending candidates to fill the vacancies. This memorandum shall include copies of all the applications received.
- E. The Town Clerk shall prepare an agenda item for the next appropriate Town Council meeting after the appointing committee has communicated its recommendation(s) to fill open board, commission or committee seat(s).
- F. The Town Clerk will notify the appointee(s) in writing as to their appointment and the next meeting date of the new member's board, commission or committee scheduled meeting. Any official literature, agendas, minutes or other materials specific to the committee, board, or commission appointment will be included in the notification.
- G. Unsuccessful applicants will be notified that they have not been selected.

#### **15.4 QUALIFICATIONS FOR APPOINTMENTS; EMPLOYEES OR APPOINTED OFFICERS AS MEMBERS**

- A. All members of boards, commissions and committees shall meet the following minimum qualifications upon their appointment to any board, commission or committee. Each member must be:
  - 1. Eighteen years of age or older, except for members appointed to any board, commission or committee seats designated by Town Council for youth representation.
  - 2. A registered voter, except those under 18 years of age.
- B. Town employees or appointed officers shall not be eligible for appointment to any boards, commissions, and committees but may be requested to provide staff support thereto.

#### **15.5 TERMS, VACANCIES, REMOVAL**

- A. All members of boards, commissions and committees shall serve a term of up to three years, or until the board, commission or committee is dissolved, unless terms are specifically designated by Town Council action, Town Code or Arizona Revised Statutes.

- B. For boards, commissions and committees having five members or less, the terms of office shall be staggered so that no more than three terms shall expire in any single year when possible; provided, however, that no staggering of terms shall be required for any board, commission or committee that will be in existence for a single term.
- C. For those boards, commissions and committees having more than five members but less than eight members, the terms of office shall be staggered so that no more than four terms shall expire in any single year when possible; provided, however, that no staggering of terms shall be required for any board, commission or committee that will be in existence for a single term.
- D. A vacancy on a board, commission or committee shall be deemed to have occurred upon the following:
  - 1. Death or resignation of a member of a board, commission or committee.
  - 2. A member ceasing to be a Florence resident unless the Town Council has provided that such member may be a non-resident.
  - 3. Three consecutive unexcused absences by a member from board, commission or committee meetings.
  - 4. Convictions of a felony or an offense involving a violation of his official duties.
- E. Whenever a vacancy has occurred on one board, commission or committee, the Subcommittee for Board, Commission and Committee Appointments shall meet to recommend a candidate to complete the remainder of the term. Procedures described in 15.3 above will be used to generate applicants, interview applicants, and make a recommendation.
- F. An incumbent member of a board, commission or committee seeking reappointment shall submit a new application under the provisions set forth in Section 15.3 above and shall be considered for appointment by the Town Council in the same manner as all other applicants for such position.

#### **15.6 ALTERNATES**

The Town Council may appoint alternates to serve on boards, commissions and committees in the event of vacancy. Such alternates may attend meetings of the board, commission or committee but shall not participate until such time as a vacancy has occurred and the alternate has filled such vacancy. If the Town Council appoints more than one alternate for a particular board, commission or committee, the Town Council shall designate the alternates as first alternate, second alternate and so on such that immediately upon a vacancy occurring in a board, commission or committee, the first alternate shall fill such vacancy without the need for further Town Council action.

### **15.7 APPLICABILITY OF THE ARIZONA OPEN MEETING LAW**

All boards, commissions and committees are subject to the Arizona Open Meeting Law.

### **15.8 RESIDENCY REQUIREMENTS**

Members shall be residents of the Town of Florence. All members shall be bona fide residents of the municipality, unless a motion, resolution or ordinance creating a board, commission or committee specifies otherwise, and shall serve without pay or compensation, except that a member shall be reimbursed for his/her actual and necessary expenses incurred in the performance of their official duties, provided that such expenses are approved by the Council or Town Manager, within budgetary limitations, prior to being incurred.

### **SECTION 16. COUNCIL BUDGET, EXPENSES AND TRAVEL**

- A. Council members shall adhere to the adopted Town of Florence travel policy except as otherwise set forth herein.
  
- B. The Town Council shall adopt, as part of the annual budget, specific travel budget amounts for each Council member. The Town Council may also establish a fund from which an individual member may draw additional travel funds upon approval of the Town Council acting upon an item listed upon a duly published agenda and taking place during an Open Public Meeting

### **SECTION 17. CODE OF ETHICS**

Council/Board/Commission/Committee members shall conduct themselves so as to bring credit upon the Town as a whole, and to set an example of good ethical conduct for all citizens of the community. Council members should constantly bear in mind these responsibilities to the entire electorate and refrain from actions benefiting any individual or special interest group at the expense of the Town as a whole.

Council members should likewise do everything in their power to ensure impartial application of the law to all citizens, and equal treatment of each citizen before the law, without regard to race, religion, national origin, sex, social standing or economic position. This Code assures public confidence in the integrity of local government and its effective and fair operations, and therefore the members will:

- A. Act in the Public Interest. Recognizing that stewardship of the public interest must be their primary concern. Members will work for the common good of the people of the Town of Florence and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Town Council, commissions, boards and committees.
  
- B. Comply with the Law. Members will comply with the laws of the nation, the State of Arizona and the Town of Florence in the performance of their public duties. These laws include, but are not limited to, the United States and Arizona Constitutions, the Florence Town Code and Policies, laws pertaining to conflicts of interest, election campaigns, financial disclosure and the Public Open Meeting Law.

- C. Conduct of Members. The professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. Members will refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the Council, commissions, boards, committees, staff and the public.
- D. Respect for Process. Members will perform their duties in accordance with the processes and rules of order established by the Town Council and commissions, boards and committees governing the deliberation of public policy issues, meaningful involvement of the public in public hearings, and implementation of policy decisions of the Town Council by Town staff.
- E. Conduct of Public Meetings. Members will prepare themselves for public issues, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They will refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of business.
- F. Decisions Based on Merit. Members will base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.
- G. Communication. Members will publicly share substantive information that is relevant to a matter under consideration by the Council, commissions, boards or committees, which they may have received from sources outside of the public decision-making body.
- H. Conflict of Interest. In order to assure their independence and impartiality on behalf of the common good, members will not use their official positions to influence government decisions in which they have a material financial interest or a relationship that may give the appearance of a conflict of interest.

In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts..

Members will abstain from participating in deliberations and decision-making where conflicts may exist as defined under Arizona Statutes. **Members should discuss any issues of conflict of interest with the Town Attorney.**

- I. Gifts and Favors. Members will not take any special advantage of services or opportunities for personal gain, by virtue of their public office, which is not available to the public in general. They will refrain from accepting any gifts, favors or promises of future benefits that might compromise their independence of judgment or action or give the appearance of being compromised.
- J. Confidential Information. Members will respect the confidentiality of information concerning the property, personnel or affairs of the Town. They will not disclose

confidential information without proper legal authorization or Council majority approval. They will not use such information to advance their personal, financial or other private interests.

- K. Use of Public Resources. Members will not use public resources unavailable to the public in general, such as Town staff time, equipment, supplies or facilities for private gain or personal purposes.
- L. Representation of Private Interests. In keeping with their role as stewards of the public interest, Council members will not appear on behalf of private interests of third parties before the Council or any commission, board or committee or proceeding of the Town, nor will members of commissions, boards and committees appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.
- M. Advocacy. Members will represent the official policies or positions of the Town Council, commissions, boards or committees to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members will explicitly state they do not represent the Town, nor will they infer that they do.
- N. Policy Role of Members. Members will respect and adhere to the Council-Manager structure of government as outlined in the Town Code. In this structure, the Town Council determines the policies of the Town with the advice, information and analysis provided by the public, commissions, boards, committees and staff. Except as provided by the Town Code, members therefore will not interfere with the administrative functions of the Town or the professional duties of Town staff, nor will they impair the ability of staff to implement Council policy decisions.
- O. Independence of Commission, Boards and Committees. Because of the value of the independent advice of commissions, boards, and committees to the public decision-making process, Council members will refrain from using their position to unduly influence the deliberations or outcomes of commission, board and committee proceedings.
- P. Positive Work Place Environment. Members will support the maintenance of a positive and constructive work place environment for Town employees and for citizens and businesses dealing with the Town. Members will recognize that their special role dealing with Town employees is not to create the perception of inappropriate direction to staff.
- Q. Public Speaking. Members of Council shall declare they are speaking as a Council member, but it is their individual opinion, and may or may not be the opinion of the majority of Council members.



- R. Implementation. As an expression of the standards of conduct for members expected by the Town, the Code of Ethics is intended to be self-enforcing. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

Members entering office shall sign a statement affirming they read and understood the Code of Ethics. In addition, the Code of Ethics shall be regularly reviewed by the Town Council, boards, commissions and committees, and the Town Council shall consider recommendations from boards, commissions and committees and update as necessary.

- S. The Code of Ethics will be included in the regular orientations for candidates for Town Council, applicants to boards, commissions and committees, and newly elected and appointed officials.

#### **17.1 COMPLIANCE AND ENFORCEMENT**

Compliance with this Code of Ethics is expected for members of the Town Council, commissions, boards, and committees. Members themselves have the primary responsibility to assure that standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The chairs of commissions, boards, and committees and the Mayor have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics are brought to their attention. They are responsible to gather more information about the alleged Code of Ethics violation and present the Town Council with a memo detailing the findings. Any Town Council member may then ask that the item be placed on the Council agenda.

The Town Council may impose sanctions on members of the Council, boards, commission, or committee whose conduct does not comply with the Town's standards, such as reprimand, formal censure, loss of seniority or committee assignment, or budget restrictions.

A violation of the Code of Ethics will not be considered a basis for challenging the validity of Council, commission, board, committee decisions, or removal.



### **Model of Excellence Member Statement**

As a member of the Florence Town Council or of a Florence board, commission, or committee, I agree to uphold the Code of Ethics for elected and appointed officials adopted by the Town and conduct myself by the following model of excellence. I will:

Recognize the worth of individual members and appreciate their individual talents, perspectives and contributions;

Help create an atmosphere of respect and civility where individual members, Town staff and the public are free to express their ideas and work to their full potential;

Conduct my personal and public affairs with honesty, integrity, fairness and respect for others;

Respect the dignity and privacy of individuals and organizations;

Keep the common good as my highest purpose and focus on achieving constructive solutions for the public benefit;

Avoid and discourage conduct which is divisive or harmful to the best interest of Florence;

Treat all people with whom I come in contact in the way I wish to be treated;

I affirm that I have read and understood the Town of Florence Code of Ethics.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



**Speakers Request Form  
For  
Public Comment  
Call to the Public**

Meeting Date: \_\_\_\_\_ Topic: \_\_\_\_\_

Full Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
(Please Print)

Physical Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

I am a spokesperson for: \_\_\_\_\_  
(self, business, religious group, non-profit, govt. agency)

TITLE: \_\_\_\_\_

I am representing (Number of people) \_\_\_\_\_

- I wish to address the Council:
- Elected Official
  - In Favor of the Topic
  - Opposed to the Topic

-----  
(Tear here: keep information below for reference)

**Please give this form to the Town Clerk. Forms may be submitted at any time before or during the meeting.**

How to address the Council:

- Must speak directly about an item on the agenda.
- The Mayor or Presiding Officer will call your name when it is your turn to speak.
- Citizens must limit comments to three minutes\*.
- Groups wishing to speak should elect a spokesperson to represent the views of the group.
- The Mayor may limit the number of speakers heard on non-agenda topics at any single meeting to allow the meeting to proceed and end in a timely manner.

**\* Prior approval is required for presentations longer than three minutes.**