MINUTES OF THE TOWN OF FLORENCE COUNCIL MEETING HELD ON MONDAY, MAY 1, 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.

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.

Mr. Harold Douglas Carlson, Florence Resident, stated that he is concerned about the $300,000 that the Town is budgeting in next fiscal year for legal expenses to fight the Florence Copper Project. He stated that Florence Copper has never initiated a lawsuit against the Town and has only defended itself against the Town's challenges. He stated many residents are perplexed about the Town's actions known as the imminent domain lawsuit. Florence lost the first part of the imminent domain lawsuit and the Town is now trying to prove that Florence Copper doesn't have the grandfathered zoning rights to operate, even though there has been mining activities on the site for decades.

Mr. Carlson stated that some people do not understand the issue. They say that Florence Copper is trying to illegally mine in an area that is zoned for housing, but the truth is that the Town Council is denying them the grandfathered rights to continue the same activity that has been there since the 1960s. He stated that just because the Town annexed the property does not give it the right to force different zoning on the owners.

Mr. Carlson stated that Florence is going to lose the lawsuit and for the Town to not be surprised if Florence Copper goes after the Town for legal fees, which is their right. If the Town wins the imminent domain lawsuit the Town will be required to purchase the Florence Copper property with the two major regulatory permits which could be valued at over $1 billion dollars. He inquired if the Town of Florence is prepared to compensate Florence Copper for that amount of

money. He stated that Florence Copper will appeal the decision if Florence wins, and the Town will still have to continue to spend money. The Town Council is putting itself in a lose-lose situation. He stated that the Council 's legacy may be the financial ruin of Florence along with the loss of jobs and the elimination of many popular programs. As a Florence resident, he supports Florence Copper's endeavors to bring an economic and productive presence to the Town.

Mr. Charles Watson, Florence Resident, stated that he does not understand why the Town is not in support of the mine. He stated that nothing will be visible above ground and they will not pollute the water. He stated that the Town is not concerned about the gravel pits on Attaway Road which pollute the air and water. The issues all boil down to politics and money. He stated that the good of the people needs to be looked at and not just some of the people. He inquired what will be left for the people once Pulte is done selling homes. Florence Copper can help offset some of the costs for projects that the Town wants to do. He asked the Town to sit down with Florence Copper and negotiate an agreement.

Councilmember Hawkins responded to criticism and stated that the mine was not in Florence the first time that he was elected onto the Council. The mine had nothing to do with him being elected. He stated that the mine has approached each Councilmember and staff and the Town has had meetings with the mining company.

Mr. Watson spoke and it was inaudible.

Councilmember Hawkins stated that if someone wants the mine to go forward, he suggested that they run for Council. He has not had any financial gain from the mine or for voting against the mine.

Mr. Wilbur Freeman, Florence Resident, stated that he served as a former Mayor and Councilmember of Florence for 16 years. He stated that the Town has spent $1.2 million in legal fees opposing Florence Copper and has budgeted $300,000 in the upcoming fiscal year to continue the fight. He stated that if the Town spends the budgeted amount, the Town will spend $1.5 million in legal fees opposing Florence Copper. He stated that this is wasteful spending.

Mr. Freeman stated that all of the legal action has been initiated by the Town of Florence. Florence lost the condemnation lawsuit, sulfuric acid lawsuit and part of the imminent domain lawsuit. He stated that Florence is going to lose the second part of the imminent domain lawsuit as well. Florence has nothing to show for the money that has been spent fighting Florence Copper. He suggested that Florence reallocate the $300,000 back to the General Fund for some good benefit or put the money into the contingency fund.

Ms. Barbara Manning, Florence Resident, stated that Florence Copper has become an issue. There have been the candidates that have been victorious in the Town's elections are people who have promised to protect the Town's aquifer. The people who voted for the Council understand that the Council has had to spend money for legal fees. She stated that Florence has had to go to court because Florence Copper does not do the right thing. She stated that it took a court order to force Florence Copper to disclose some of the data on the BHP mine. If the Town had not moved forward with the hearing, the Town would have never known that the

mine was unable to maintain hydraulic control of the sulfuric acid. She stated that the other lawsuit forced Florence Copper to put more monitoring into the system.

Ms. Manning stated that it was suggested that Florence work with Florence Copper, but the Council needs to be very careful and work with companies that have credibility. She stated that time and time again, Florence Copper makes inaccurate statements and referenced an article that was submitted to Cronkite News by the Florence Copper Manager of Communications and Public Affairs. She asked the Council to continue to follow that mandate of the people that elected them.

PRESENTATION

Proclamation declaring May 2017 as National Water Safety Month in the Town of Florence, Arizona.

Mr. Bryan Hughes, Parks and Recreation Director, stated that the aquatic center will open on May 6, 2017 with their water safety day to kick off the season. They will be open every weekend in May and once school is out for the summer, they will be open Tuesday through Sunday from 12:00 pm to – 5:00 pm. They also have an array of swimming lessons available. All the events are listed in their summer brochure.

Mr. Hughes introduced Nathan Lamas and Nathan Molina, two of the Town's Head Lifeguards. Mr. Lamas is taking the lead on the swim lessons.

Mr. Hughes stated that the Town has always followed the American Red Cross guidelines. The Town was fortunate this year to have six of their staff members go through the Water Safety Instructor course and are now WSI certified.

Mayor Walter read the proclamation for the record and declared May 2017 as National Water Safety Month in the Town of Florence, Arizona.

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.

Appointment of John McLaughlin to the Industrial Development Authority with a term to expire December 31, 2019.

Adoption the Town of Florence Title VI Implementation Plan.

Approval of accepting the register of demands ending March 31, 2017, in the amount of $1,683,244.82.

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

NEW BUSINESS

Resolution No. 1624-17:

Mayor Walter read Resolution No. 1624-17 by title only.

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, ADOPTING REVISIONS TO THE TOWN OF FLORENCE PERSONNEL POLICY.

Mr. Scott Barber, Human Resources Director, stated that the adoption of the resolution will amend the sick leave provision in the Town's Personnel Policy. He stated that the voters, in the November 2016 General Election, approved the Fair Wages and Healthy Families Act, known as Proposition 206. He stated that the publicity was geared to the increase of the minimum wage to $10.00 per hour starting in January 1, 2017; however, another portion of the proposition was to provide sick leave benefits to their employees.

Mr. Barber stated that the Town currently provides sick leave to our full-time employees; however, the Town does not provide sick leave to part time, temporary, or seasonal employees. He stated that effective July 1, employers must provide one hour of sick leave for every 30 hours of work. Those exempted include federal government, state government and family members or babysitters.

Mr. Barber stated that compliance with the specific requirements of the law requires modifications to our current Personnel Policy, along with the creation of a new administrative policy for temporary, part-time and seasonal employees who are not covered by the Personnel Policy. There are three major policy changes needed for compliance:

1. Expanded reasons for taking earned sick leave.
2. Expanded definition of family member and hours allowed to be used for family member needs.
3. Change in when the Town can require documentation to support an absence.

Mr. Barber stated that for the first time the Town will now provide sick leave for temporary, part-time and seasonal employees. The Town is drafting an Administrative Policy, which is issued under the authority granted to the Town Manager and does not require Council action. The new policy being created will ensure compliance for temporary, part-time and seasonal employees.

Mr. Barber stated that the amendments to the Personnel Policy for full-time employees and the new administrative policy for temporary, part-time and seasonal employees will have a fiscal impact only to the extent that an employee absent from work has to be replaced by another employee. That means the Police and Fire Departments will be the only departments that are likely to experience an actual dollar impact based on the new law, and primarily the Fire Department due to staffing with part-time employees.

Mayor Walter read Section 803 – Sick Leave, Section 4, which states:

Section 803 - Sick Leave

4. For care of a family member (as defined in ARS 23-371(H) with a mental or physical illness, injury or health condition; or who needs medical diagnosis, care or treatment of a

mental or physical illness, injury or health condition; or preventive medical care; or for the circumstances enumerated in ARS 23-373(A)(3 and 4), subject to a limitation of 40-hours per occurrence.

Mayor Walter requested clarification with regards to hours per occurrence because the Fire Department runs 48 hour shifts and inquired how this will impact the employees who work 48 hour shifts.

Mr. Barber stated that the Personnel Policy has always referenced three days, as far back as 2002. The Town has allowed for the use of three sick days, per occurrence, to be used for the care of a family member. The new State Law requires that they allow up to a minimum of 40 hours to be utilized for that purpose. The change is necessary to come into compliance with the law. The Town can choose to specify days instead of hours, should Council elect to do so. They can also add something for those employees who do not work an eight-hour shift. It is staff's recommendation to specify 40 hours.

Mayor Walter proposed that the time frame be changed to 48 hours instead of 40 hours.

Discussion occurred on firefighters' schedule and hours allowed.

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, clarified that employees will be allowed to utilize 40 hours of sick leave and 8 hours of vacation leave to compensate them for their time off.

Councilmember Wall inquired about the backfilling of Police and Fire positions when someone is off work.

Councilmember Guilin stated that she does not agree with an employee to have to utilize vacation hours for this type of event.

Mr. David Strayer, Fire Chief, stated that the reserves are scheduled one month in advance. He stated that there are minimal staffing levels that are required and the backfilling of employees when they are off.

Mayor Walter stated that the policy needs to be applied equally to all employees and she does not agree with an employee having to utilize their vacation time.

Discussion occurred on how the policy can be amended.

The consensus is to change the wording to be 48 hours instead of 40 hours.

On motion of Councilmember Guilin, seconded by Councilmember Hawkins, and carried to adopt Resolution No. 1624-17 with modifications to Item No. 4, subject to a limitation of 48 hours per occurrence.

Resolution No. 1625-17:

Mayor Walter read Resolution No. 1625-17 by title only.

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AUTHORIZING THE TOWN CLERK TO MAKE RECOMMENDATIONS TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSING AND CONTROL REGARDING SPECIAL EVENT LIQUOR LICENSE APPLICATIONS.

Ms. Garcia stated this policy will establish a procedure to be followed clarifying the processing of a Special Event Liquor License application to adhere to the changes by the Arizona Department of Liquor and their intent to shorten the process of waiting time for the organizations putting on an event. The process will be more expeditious and efficient to have special event liquor license applications submitted to the Town Manager and Town Clerk to review.

Ms. Garcia stated that it has been an accepted practice for cities, towns and counties to have a designee sign the approval for special events, fair/festival licenses and extension of premise. The resolution will authorize the Town Clerk to sign recommended approval to the Arizona Department of Liquor License and Control. In making this decision, the application will be reviewed by the Police Chief, Parks Director, as well as the Town Clerk. If it is an application that is approved by all, the application will be signed by the Town Clerk and forwarded to the Arizona Department of Liquor to process. If the event is a new organization, a new location or an event using outside tents, canopies or other temporary equipment, it will be necessary to forward it to the Development Services Coordinator and to Fire as well.

Ms. Garcia stated that if the Town Clerk does not recommend approval, the applicant may request that the special event liquor license application be placed on the next available Town Council meeting agenda for consideration and action by the Town Council.

Councilmember Anderson inquired who the Development Services Coordinator is.

Ms. Garcia explained that the Development Services Coordinator is a team comprised of members for various departments who will review the application to ensure compliance with each of their respective department's policies and procedures.

Mr. Anderson stated that the policy does not specify the time frame in which the Town has to approve/disapprove their application.

Ms. Garcia stated that the Town has 15 days in which to review the application. She explained what the process is for processing the application.

On motion of Councilmember Hawkins, seconded by Councilmember Wall, and carried to adopt Resolution No. 1625-17.

Resolution No. 1626-17:

Mayor Walter read Resolution No. 1626-17 by title only.

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

Ms. Garcia stated that the Town posts regular meeting dates and times of Town Council, Board and Commission meetings on the bulletin board outside of Town Hall so that the public knows when the regularly scheduled meeting will be held. The revised schedule will move the meeting location of the following boards and commissions to the Library and Community Center, located at 778 N. Main Street, Florence, Arizona:

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

Council Regular and Special Meetings, Board of Appeals, and Planning and Zoning Commission Meetings will remain at Town Hall, 775 N. Main Street, Florence, Arizona. Work Sessions and trainings that do not require filming may be moved to the Library and Community Center, located at 778. N. Main Street, Florence, Arizona. Location of meetings will be posted on the Town website and at the official location of agenda postings.

Ms. Garcia stated that the changes include the following:

- Parks and Recreation Advisory Board is requesting to go to quarterly meetings.
- The Arts Commission is requesting the meeting times be changed to 3:00 pm from 6:00 pm.
- The Boards of Appeals has been added and will meet as needed.
- Council will not have meetings on the first Monday in July nor the third Monday in December. Special meetings will during those days if necessary.

On motion of Councilmember Anderson, seconded by Councilmember Guilin, and carried to adopt Resolution No. 1626-17.

Discussion/Approval/Disapproval to enter into an Intergovernmental Agreement with the City of Eloy for magistrate services through June 30, 2019, in an amount not to exceed $44,000.

Ms. Garcia stated that the Town is in discussions with the City of Eloy to continue the partnership for Magistrate services. They are requesting a $2,000 increase to assist with the increase that the Judge received from the City of Eloy. This contract will begin July 1, 2017 and will be for two fiscal years. The Town has experienced a savings since they have shared a Judge with the City of Eloy.

Ms. Garcia stated that the Town will continue to receive the following services: 16 hours per week to cover bench and jury trials as well as handling prisoners on a daily basis. The Magistrate will also be available by phone to handle any questions or make any decisions or rulings. The Town is pleased with the services that have been provided and wish to continue to have a shared Judge.

On motion of Councilmember Hawkins, seconded by Councilmember Guilin, and carried to enter into an Intergovernmental Agreement with the City of Eloy for magistrate services through June 30, 2018, in an amount not to exceed $44,000.

Councilmember Wall stated that the motion was for services for June 30, 2018; however, the agreement states the service will be through June 30, 2019.

Ms. Garcia stated that the services should be through June 30, 2019 and asked for Council to correct the motion.

On motion of Councilmember Guilin, seconded by Councilmember Anderson, and carried to correct the previous motion to be: to enter into an Intergovernmental Agreement with the City of Eloy for magistrate services through June 30 2019, in an amount not to exceed $44,000.

Review of updated Request for Council Action form.

Ms. Garcia stated that during the Strategic Planning discussions it was recommended that the Request for Council Action Forms (RCA) be modified to include information such as Strategic Plan Reference and the impacts of a yes or no vote. The RCA has been amended to include the suggested changes.

Ms. Garcia explained that the person completing the RCA would select the appropriate Strategic Plan Reference as how the agenda item relates to the Strategic Plan. She stated that there is also an option to choose statutory requirement or none if the agenda item is not related to the Strategic Plan. The revised RCA will also include the budgetary line item in which the expense will be allocated from as well as the impacts of a yes or no vote.

Mayor Walter stated that all the information requested has been incorporated onto the form.

Ms. Garcia stated the form will be used when the Strategic Plan is adopted.

LEGISLATIVE REPORT

Mr. Jess Knudson, Assistant Town Manager, stated the session is in its 111th day and is very close to its completion. The only decision being made that affect cities and towns is with regards to budgets. The problem that cities and towns have is the State funding the universities with monies that are earmarked for cities and towns. The Town has no issue with the State spending money on universities so long as it does not impact the Town's funding.

Mr. Knudson stated that 283 bills have been passed this Legislative session, of which 211 have been signed into law, and four were vetoed by the Governor. The remaining bills are still being reviewed by the Governor.

MANAGER'S REPORT

Ms. Garcia announced the following events:

Library:

- May 10, 2017 Early Release Day (Movie - A Dog's Purpose)
- May 13, 2017 May Film Program (La La Land)
- May 29, 2017 Summer Reading Program Pre-Registration Begins
- May 31, 2017 Early Release Day (Summer-themed craft)

Parks and Recreation

- May 5, 2017 Mother-Daughter Tea Party
- May 13, 2017 Movies in the Park - Moana

Fire Department

- Has installed 276 smoke detectors and have approximately 300 available. They will begin a community-wide campaign to inform its citizens in the near future.

Ms. Garcia stated that Florence was selected to host the Smithsonian's Water/Ways Traveling Exhibition. It will be on view November 17, 2018 through December 30, 2018. Ms. Jennifer Evans, Management Analyst, will be starting a campaign on this event.

Ms. Garcia stated that Florence was showcased at the 4th Annual Pinal County Business and Education Summit on Friday, April 28, 2017. The summit is a partnership between Pinal County Schools, Pinal Partnerships, local government and businesses to look at economic development opportunities.

Ms. Garcia stated that the Town has started the National Water and Sewer line campaign.

DEPARTMENT REPORTS

Community Development
Courts
Finance
Fire
Library
Parks and Recreation
Police
Public Works

Councilmember Guilin inquired if the six dispatcher positions are still open or if they have been filled. She inquired how dispatching is being addressed.

Mr. Dan Hughes, Police Chief, stated that the positions are still open. He stated that the Town has approximately 10 dispatchers allocated. He stated that they have lifted the peak calls for service and times to ensure coverage. There are two dispatchers during peak times and one dispatcher during off peak hours.

Mr. Hughes stated that it is difficult to fill the positions as the competition is stiff amongst other law enforcement agencies.

Councilmember Guilin asked that Chief Hughes relay to the dispatchers her deep appreciation for all that they do especially during this time.

Mayor Walter asked Chief Hughes to outline the Dispatcher position requirements for anyone who may be seeking employment in this field.

Chief Hughes stated that the applicant must be able to type 20 – 25 words per minute and can multi-task. He stated that once hired, training is offered for them to become certified.

Councilmember Anderson inquired what BPG stands for. It was listed in the Community Development Report as fulfilled three public records requests for BPG.

Mr. Mark Eckhoff, Community Development Director, stated that BPG is for a public records request that was completed by the GIS Coordinator with regards to a gas line to address parking in a right-of-way.

The Department Reports were received and filed.

CALL TO THE PUBLIC

There were no calls to the public.

CALL TO THE COUNCIL – CURRENT EVENTS ONLY

Councilmember Anderson asked for EMS calls versus Fire Calls to be added to the agenda for discussion. No member of Council seconded it.

Mayor Walter thanked Councilmember Guilin and Councilmember Wall for participating on the Budget Committee.

ADJOURNMENT

On motion of Vice-Mayor Woolridge, seconded by Councilmember Guilin, and carried to adjourn the meeting at 7:04 p.m.

Tara Walter

Tara Walter, Mayor

ATTEST:

Lisa Garcia, Town Clerk

I certify that the following is a true and correct copy of the minutes of the Florence Town Council meeting held on May 1, 2017, and that the meeting was duly called to order and that a quorum was present.

Lisa Garcia, Town Clerk