

**MINUTES OF THE TOWN OF FLORENCE COUNCIL MEETING HELD ON MONDAY, NOVEMBER 19, 2018, 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, Anderson, Larsen.

Absent for meeting: Wall (Present via Phone Call for Executive Session)

**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.**

There were no public comments.

**PRESENTATIONS**

**Presentation celebrating Laura Carter's retirement on November 30, 2018, after 20 years of service.**

Mayor Walter thanked Ms. Laura Carter for her service to the community stating that she has done so much for the community and has touched so many people.

Mr. Bryan Hughes, Community Services Director, stated that he has worked with Ms. Carter for over four years and wished it could be longer. She has had a major impact on many people.

Ms. Tonya Jaquette, Recreation Programmer, thanked her for doing so much for her staff. She stated that Ms. Carter is leaving a very large hole at the Senior Center, not only amongst staff, but with the seniors as well.

Ms. Rhoda Feierstein, Recreation Programmer, stated that there will be many people who are going to miss her.

Ms. Laura Carter, Recreation Coordinator, stated that the 20 years have gone by fast. It has been an awesome job which was very rewarding. She stated that Mr. Hughes has been a great boss and she has had a great staff.

Mr. Hughes presented Ms. Carter with an appreciation plaque.

**Presentation on the Fiscal Year 2018-2019 First Quarter results and forecast for the remainder of the year.**

Mr. Joe Jarvis, Finance Director, provided a presentation in which he outlined the following:

- General Fund Revenue
  - Focused on seven revenue sources that make up 80% of the revenue to develop a trend analysis
    - City Sales Tax
    - Food Tax
  - Property Taxes
    - Building Permits
    - State Shared Sales Tax
    - State Shared Income Tax
    - Auto License Tax
- General Fund- Revenue Fiscal Year 2018-2019
  - Make up 80% of the General Fund Revenue

TITLE	1 <sup>st</sup> Quarter FY17-18	BUDGET	1 <sup>st</sup> Quarter FY18-19	FORECAST	Quarter comparison
City Sales Tax	\$562,367	\$2,700,000	\$731,120	\$2,700,000	▲
City Food Tax	\$0	\$300,000	\$0	\$300,00	
Property Tax	\$1,522	\$1,000,000	\$2,329	\$1,000,000	▲
Building Permits	\$185,757	\$700,000	\$171,445	\$685,780	▼
State Sales Tax	\$479,443	\$2,599,550	\$412,949	\$2,580,932	▼
State Income Tax	\$798,244	\$3,157,450	\$789,374	\$3,157,450	▼
Auto License Tax	\$246,774	\$1,568,630	\$334,022	\$1,568,630	▲

- General Fund Expense Fiscal Year 2018-2019

TITLE	1 <sup>st</sup> Quarter FY17-18	BUDGET	1 <sup>st</sup> Quarter FY18-19	FORECAST	Quarter comparison
General Fund	\$3,367,019	\$15,185,620	\$3,446,897	\$15,185,620	▲

- Other Funds-Major Revenue Fiscal Year 2018-2019

TITLE	1 <sup>st</sup> Quarter FY17-18	BUDGET	1 <sup>st</sup> Quarter FY18-19	FORECAST	Quarter comparison
General Capital Fund	\$0	\$1,200,000	\$0	\$1,200,000	
Streets Fund	\$556,839	\$3,163,530	\$535,143	\$3,482,674	▼
Water Fund	\$635,811	\$2,800,000	\$873,650	\$2,800,000	▲
Sewer Fund	\$725,549	\$3,800,000	\$1,136,023	\$4,200,000	▲
Sanitation Fund	\$184,287	\$854,700	\$201,576	\$854,700	▲

- Other Funds-Expenses Fiscal Year 2018-2019

TITLE	1 <sup>st</sup> Quarter FY17-18	BUDGET	1 <sup>st</sup> Quarter FY18-19	FORECAST	Quarter comparison
General Capital Fund	\$0	\$1,457,640	\$76,489	\$1,457,640	▲
Streets Fund	\$807,030	\$7,966,495	\$1,501,092	\$7,966,495	▲
Water Fund	\$691,523	\$4,276,360	\$463,077	\$4,276,360	▼
Sewer Fund	\$1,004,429	\$7,823,320	\$970,253	\$7,823,320	▼
Sanitation Fund	\$122,787	\$841,290	\$190,713	\$841,290	▲

Mr. Jarvis stated that he will present the six-month results in January, which will provide a better indicator of how the revenue will do for the remainder of the year. He stated that the State has indicated an increase in sales tax, but it may not trickle down to the Town.

**ADJOURN TO BOARD OF ADJUSTMENTS**

On motion of Vice-Mayor Woolridge, seconded by Councilmember Anderson, and carried (5-0) to adjourn to the Board of Adjustments.

**Public Hearing on the Burger King application to receive citizen's comments on an application received from Angie Chiv, of 80 Florence Investment, LLC for a sign variance for Burger King to allow an electronic message center on the new replacement monument sign.**

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, swore in Angie Chiv and Larry Harmer.

Mr. Larry Harmer, Community Development Director, provided a presentation in which he outlined the following:

- Case # BOA-18-01
  - Request is for a variance from: Section 150.117 *Reader Panel Signs* of the Town of Florence Code of Ordinances (more specifically, Title XV Land Usage): Theaters, municipal uses, religious and academic institutions, or quasi-government organizations may also have, in addition to §150.116, one freestanding reader panel sign not to exceed 24 square feet in area and six feet in height.
    - Churches and Schools are also permitted elsewhere in the Code.
- Background
  - Similar Businesses
    - McDonalds via Variance
      - Staff Approval 2004/2009
    - Sonic via Design Review 2008
    - Taco Bell via staff declared sign moratorium 2015/2016 regarding signage in the rights-of-way
- ARS §9-462-06 delineates the requirements for the granting of a Variance by a municipal Board of Adjustment. This includes specific 'Findings' that must be addressed by the Board.
  - There are special circumstances or conditions applying to the land, building or use referred to in the application which do not apply to other properties in the District.
    - B2 District and is an irregular site
      - On curve with limited access and limited visibility
      - Fairly unique circumstances
  - The special circumstances were not created by the owner or applicant.
    - Single parcel and has not been subdivided or combined with other parcels
  - The condition or situation of the specific piece of property for which the variance is sought is not of so typical or recurrent a nature as to make reasonably practicable the formulation of a general regulation for the conditions or situations.
  - The authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights.
    - Unjustifiable not to have this business have similar rights as its competitors
  - The authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, the neighborhood or the public welfare in general.
  - Last element of a significant major update to facility
- Electronic Message Center
  - Height is 18', width is 8'5", depth is 2'4"
- Community Development staff has reviewed the complete application and concurs with the applicant's response to the "Findings".

- This application for a variance has been properly noticed and the site posted in compliance with Section §150.009 Variances of the Town of Florence Development Code.

Chairman Walter opened the public hearing.

Mr. Vince Acosta, Royal Signs, stated that they appreciate the business opportunity and looks forward to the long-term relationship with the community.

On motion of Boardmember Anderson, seconded by Boardmember Larsen, and carried (5-0) to close the public hearing.

**Discussion and possible action on authorizing a variance on an application received from Angie Chiv, of 80 Florence Investment, LLC, for a sign variance for Burger King to allow an electronic message center on the new replacement monument sign.**

Chairman Walter stated that their competitors have the electronic message boards and with moving into the 21<sup>st</sup> century, she is glad that Burger King has done the improvements. She stated that the residents appreciate the changes made to the establishment.

On motion of Boardmember Woolridge, seconded by Boardmember Hawkins, and carried (5-0) to authorize a variance on an application received from Angie Chiv, of 80 Florence Investment, LLC, for a sign variance for Burger King to allow an electronic message center on the new replacement monument sign.

#### **ADJOURN FROM BOARD OF ADJUSTMENTS**

On motion of Boardmember Woolridge, seconded by Boardmember Anderson, and carried (5-0) to adjourn from the Board of Adjustments.

**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.**

**Approval of the Intergovernmental Agreement with The Florence Industrial Development Authority for use of the Suter House. (Bryan Hughes)**

**Approval of a Non-Exclusive License Agreement with the Arizona National Guard. (Daniel Hughes)**

**Authorization to increase the not to exceed amount for Fester and Chapman's annual audit services by \$4,500, from \$41,150 to \$45,650. (Joe Jarvis)**

**Approval of the upfit of three Police Interceptors by Motorola Solutions, for an amount not to exceed \$47,200. (Joe Jarvis)**

**Approval of the October 1 and October 15, 2018 Town Council Meeting minutes.**

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

Town of Florence Council Meeting Minutes

November 19, 2018

Page 5 of 9

## August 29, 2018 Historic District Advisory Commission Minutes

On motion of Councilmember Larsen, seconded by Councilmember Hawkins, and carried (5-0) to approve the Consent Agenda, as written.

### NEW BUSINESS

#### Resolution No. 1684-18:

Mayor Walter read Resolution No. 1684-18 by title only.

#### **A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING THE FINAL PLAT FOR ANTHEM AT MERRILL RANCH UNIT 35B; AND AUTHORIZING EXECUTION BY THE TOWN MANAGER OF SUPPORTING DOCUMENTS.**

Mr. Harmer provided a presentation in which he outlined the following:

- Anthem at Merrill Ranch Unit 35B Final Plat
- Located on west side of Hunt Highway, immediately north and east of Unit 35A.
- Some grading has been done to the site
- 57 Single-Family Lots
- Has two points of access
- 17.66+/- Acres
- 3.22 Dwelling units per acre
- Totals for AMR including 35B
  - 3767 Single-Family Lots Total
  - 1213.5 +/- developed acres
  - 3.10 dwelling units per acre
    - Below maximum density allowed for all of Merrill Ranch
- Will be part of the DR Horton portion of Merrill Ranch

Mayor Walter inquired if there is enough room for parking and that it will not go into the sidewalk.

Mr. Harmer stated that the lot depths meet the minimum standards.

On motion of Vice-Mayor Woolridge, seconded by Councilmember Larsen, and carried (5-0) to adopt Resolution No. 1684-18.

#### **Discussion/Approval/Disapproval of a Professional Services Agreement with GreenPlay LLC, for the Parks and Recreation Comprehensive Plan and Site-Specific Master Plan, in an amount not to exceed \$241,969.**

Mr. Bryan Hughes, Community Services Director, stated that a Request for Qualifications was issued in August 2018. The Town received three Statements of Qualifications, and based on interviews and reviewing materials submitted, GreenPlay, LLC, emerged as the most qualified Team. Their team includes J2 Engineering, and Environmental Design, which did the original masterplan 10 years ago. They are also working with the Town on the Poston Butte Project, so the Town has some familiarity with them. Another member of their team is the Matrix Design

Group, which will assist with the inventory, level of service analysis and community input facilitation. Lastly, RRC Associates will help with the statistically valid community surveys so staff will understand what the community needs as far as parks, facilities, programs and special events.

Mr. Hughes stated that there is so much going on with the surveys and public comments. Updates of the site-specific master plans are being made to allow staff to determine how different sites are being used, how they can be upgraded, and look at their current conditions to see what needs to be improved due to declining infrastructure.

Mr. Hughes stated they will provide feedback and analysis as well as cost estimates so that any future improvements on existing facilities can be included in the existing Capital Improvement Plan.

Mr. Hughes stated that the timeline in the proposal calls for everything to be completed by July 2019, which is in alignment with the General Plan Update.

On motion of Councilmember Anderson, seconded by Councilmember Larsen, and carried (5-0) to approve a Professional Services Agreement with GreenPlay LLC, for the Parks and Recreation Comprehensive Plan and Site-Specific Master Plan, in an amount not to exceed \$241,969.

## **MANAGER'S REPORT**

Mr. Billingsley stated the Town received a new 15 passenger van for the Senior Center as part of the 5310 Grant. He invited everyone to the unveiling of the 1953 reconditioned fire truck on November 29, 2018. The town has been awarded \$331,031 in CDBG funds for the Town's Phase 3 Waterline Extension Project.

Mr. Billingsley stated that Pinal County Economic Development Forum will be held on December 6, 2018, at Robson Ranch, in Eloy, Arizona.

## **CALL TO THE PUBLIC**

There were no public comments.

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

Councilmember Larsen wished everyone a Happy Thanksgiving and hopes everyone attends the Jr. Parada event.

Councilmember Anderson stated that the Pinal County Historical Society had a waterways meeting, which was informative, and he learned a lot about the history of canals in our area. The Arts and Culture Committee had an art show on Pedro Guerrero's works. He complimented Alison Feliz, Recreation Coordinator, for her article in the local newspaper.

Councilmember Hawkins invited everyone to the Jr. Parada parade as well as the rodeo.

Mayor Walter stated that there have been several volunteer opportunities this past month. Which included:

- Sock puppets were made for the literacy kits that were made at the library.
- Make a Difference Day
  - The goal was to make 5,000 meals; however, 10,000 meals were made due to the high turnout of volunteers
  - 5,000 meals will be donated locally and the other 5,000 will be donated to the surrounding communities.

Mayor Walter thanked everyone for the partnerships that have been formed and to those who participated.

Mayor Walter stated that there are several resources available to those who need food. She wished everyone a Happy Thanksgiving.

Mayor Walter invited everyone to the Meet and Greet event for the new Councilmembers and farewell to exiting Councilmembers on December 3, 2018, prior to the Council meeting.

### **ADJOURN TO EXECUTIVE SESSION**

**Discussion and possible action to authorize the holding of an Executive Session 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)(1), (A)(3), (A)(4) and (A)(7) to consider its position and instruct its representatives and/or attorneys regarding:**

- a. **Town's position and instruct its attorneys regarding the Petition for Review of Underground Injection Control Permit, issued by USEPA Region 9, for the Florence Copper Project, UIC Appeal 17-03, and related proceedings, including Ninth Circuit appeals of the 1997 Aquifer Exemption (Case No. 17-73170), and the decision of the Environmental Appeals Board (Case No. 17-73168).**
- b. **Town's position and instruct its attorneys regarding Arizona Department of Environmental Quality proceedings, related to Water Quality Appeals Board Case No. 16-002, including appellate proceedings to reviewing courts.**
- c. **Town's position and instruct its attorneys regarding pending litigation in Maricopa County Superior Court: Town of Florence v. Florence Copper, Inc. CV2015 -000325.**

On motion of Councilmember Hawkins, seconded by Councilmember Anderson, and carried (5-0) to adjourn to Executive Session.

### **AJDOURN FROM EXECUTIVE SESSION**

On motion of Councilmember Hawkins, seconded by Vice-Mayor Woolridge, and carried (6-0) to adjourn from Executive Session. (Councilmember Wall appeared telephonically for the Executive Session only).

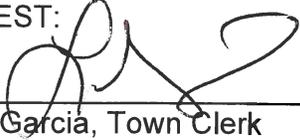
### **ADJOURNMENT**

On motion of Councilmember Hawkins, seconded by Vice-Mayor Woolridge, and carried (5-0) to adjourn the meeting at 7:58 pm.



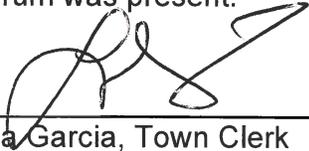
Tara Walter, Mayor

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 November 19, 2018, and that the meeting was duly called to order and that a quorum was present.



Lisa Garcia, Town Clerk