

MINUTES OF THE TOWN OF FLORENCE COUNCIL MEETING OF THE FLORENCE TOWN COUNCIL WILL BE HELD ON TUESDAY, FEBRUARY 19, 2019, 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: Tara Walter, John Anderson, Bill Hawkins, Karen Wall, Kristen Larsen, *Michelle Cordes, Judy Hughes

*Attending by phone: Michelle Cordes

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. Rick Granell, Vice-President of Southern Arizona Business Coalition, Tucson, Arizona, stated that their organization started seven years ago to support junior and developing mining companies throughout southern Arizona. He stated that the need for copper has increased due to the increase in population. He stated that he has followed the Florence Copper Project for the last eight years and hopes Florence will find resolution with Florence Copper to move forward. He stated that Florence is spending \$134,000 annually for economic development. The Florence Copper Project will provide an additional \$2.3 million over the next 30 years. He stated that the need for copper touches everyone's lives in so many different ways to function as a society.

Mr. Peter Koulouris, Owner of Mount Athos Restaurant, congratulated the Town and the Greater Florence Chamber of Commerce for a great car show event, which brought a lot of people and business for Florence.

Mr. Koulouris stated that there was a water main break, and unfortunately, the businesses were not notified in a timely manner. Florence needs to upgrade its response system. The last time this happened, they had a \$30,000 loss because it blew up the soda machine and the entire upstairs of his building flooded. He did not receive any notification and attempted to contact the

Public Works Department. He was not able to prep his business and had to close their doors, which caused him to turn away approximately 70 customers.

Mr. Koulouris stated that the Town needs to come up with a system to notify businesses of emergency situations.

PUBLIC HEARINGS AND PRESENTATIONS

Public Hearing to receive citizen's comments on a text amendment to the Sign Regulations of the Development Code; and first reading of Ordinance No. 667-18: AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING THE TOWN OF FLORENCE CODE OF ORDINANCES TITLE XV "LAND USAGE" CHAPTER 150: DEVELOPMENT CODE, SECTION 150.031 "DEFINITIONS" AND REPEALLING AND REPLACING "PART 3 SIGN REGULATIONS," SECTIONS 150.092 TO 150.130 (CASE PZ 18-33 ORD).

Mr. Dana Burkhardt, Planning Consultant, provided a presentation in which he outlined the following:

- Why a code for signage?
 - To balance the needs of businesses, organizations, and individuals to convey messages through Signs with the Town's desire to maintain a safe and attractive environment.
- Amendment Timeline
 - 2016 Draft Sign Code Review
 - October 18, 2018 Planning and Zoning Commission Work Session
 - November 15, 2018 Planning and Zoning Commission Review/Discussion
 - December 4, 2018 Neighborhood Meeting (5-6:30PM Community Center)
 - December 20, 2018 Planning and Zoning Commission (public hearing)
 - January 2, 2019 Historic District Advisory Committee Review/Discussion
 - January 17, 2019 Planning and Zoning Commission (public hearing and action)
 - February 19, 2019 Town Council (public hearing and 1st reading)
 - *March 4, 2019 2nd Town Council (action)
- Applicability
 - Existing signage is grandfathered, these changes only affect new requests
 - Historic District is unique
- Overview of Changes
 - Update the terms and definitions related to signs
 - Re-organized for clarity
 - Address Reed v. Gilbert Supreme Court decision
 - Increased monument sign height for commercial uses along major transportation corridors
 - Single project monument sign up to 15-foot max
 - Arterial roadways are allowed up to a 10-foot monument sign for a single property
 - outside of arterials – up to 8 feet in height
 - Allowing one electronic/digital sign per parcel, but excluded from Historic District
 - Guaranteed minimum 16 square feet of wall signage
 - Drive-thru menu boards may be closer to street

- Maximum aggregate sign area for commercial is increased

Councilmember Larsen read Section I on page 16, which states that all signs shall be professionally constructed and installed and appears to include temporary signs and A-frames as well. She inquired if it is necessary for temporary signs and A-frame signs to be professionally constructed and installed.

Mr. Burkhardt stated that the existing sign criteria was not modified. He stated that he will research this further.

Vice-Mayor Anderson stated that the sign code is complicated and would prefer to have a work session to discuss this further.

Mayor Walter stated that she would prefer a work session as well. She stated that the sign code seems complex in comparison to other communities.

Mr. Burkhardt stated that the sign code was drafted in 2015 and went through the process. This is a continuation of the process.

Mayor Walter inquired if the businesses have provided any feedback.

Mr. Burkhardt stated that staff has communicated with the Greater Florence Chamber of Commerce on a number of occasions and they did not receive any individual comments. He stated that a representative of the Chamber was present at the neighborhood meeting and they had good conversation. He stated the proposed amendments are more business friendly than the existing Code.

Discussion included on the length of the document and the rationale as to why it is so descriptive.

Councilmember Wall stated that 10 pages are definitions only and suggested that the definitions can be its own separate document.

Mayor Walter opened the public hearing.

Mr. Larry Johnson, Executive Director, Greater Florence Chamber of Commerce, stated that they did not seek communication about the process. He stated that this is a very busy time of the year for everyone and many could not attend the public hearing. He suggested that these types of meetings be held in the summer months to allow for better attendance.

Mayor Walter closed the public hearing.

Public hearing to receive citizen's comments on a text amendment to the on-site parking and loading regulations of the Development Code; and first reading of Ordinance No. 668-19: AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING THE TOWN OF FLORENCE CODE OF ORDINANCES TITLE XV "LAND USAGE" CHAPTER 150: DEVELOPMENT CODE, SECTION 150.031 "DEFINITIONS" AND "PART 7 PARKING; LOADING AND UNLOADING," SECTIONS 150.156 TO 150.167 (CASE PZ 18-34 ORD.)

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

- Why update off-street parking and loading regulations?
 - Last update was 2006
 - Need for flexibility to effectively serve various scenarios
 - Establish minimum design standards (dimensions)
 - Applies to on-site or private property (off-street) parking
 - Changes in technology and development patterns
- Amendment Timeline
 - May 17, 2018 Planning and Zoning Commission Code Amendment Initiation
 - June 21, 2018 Planning and Zoning Commission Discussion
 - September 20, 2018 Planning and Zoning Commission Work Session
 - October 18, 2018 Planning and Zoning Commission Work Session
 - November 15, 2018 Planning and Zoning Commission Review/Discussion
 - December 4, 2018 Neighborhood Meeting (5-6:30PM Community Center)
 - December 20, 2018 Planning and Zoning Commission (public hearing)
 - January 2, 2019 Historic District Advisory Committee Review/Discussion
 - January 17, 2019 Planning and Zoning Commission (public hearing and action)
 - February 19, 2019 Town Council (public hearing and 1st reading)
 - *March 4, 2019 2nd Town Council (action)
- Overview of changes
 - Existing parking is grandfathered, these changes only affect new requests
 - Historic District is unique, and the design guidelines outline parking in certain ways
 - Expand the terms & definitions related to parking areas
 - Create flexibility in the existing parking requirements
 - Update existing standards to reflect best practices and new technologies
 - Enhance parking facilities and maintenance responsibilities
- Flexible Parking Regulations
 - Reduced requirements for parcels with parking areas of 20 spaces or less
 - Increase the maximum allowable parking spaces at the Town's discretion
 - Portions of parking areas may now be pervious
- Updated parking standards
 - Number of required spaces based on use
 - Landscape islands for shade and visual enhancement
 - Dimensions of parking entrances, drive aisles, and parking spaces.
 - Reduced minimum curb cut from 40' to 32'
 - Access and Maneuvering for Fire & Refuse
 - Parking & Drive Aisle dimensions

	Parking Angle				
	90°	60°	45°	30°	0°
	Required Aisle Width				
One-Way Traffic	24 feet (ft.)	18 ft.	13 ft.	12 ft.	13 ft.
Two Way Traffic	24 ft.	23 ft.	21 ft.	20 ft.	19 ft.

- Off-site & Joint Use parking expanded

- RV & Trailer storage on residential lots
- ADA space requirements
- Electric Vehicle provisions
- Enhanced Facilities and Maintenance
 - Changes of use on a site requiring <10% parking increase or <20 spaces are exempt from parking code improvements
 - Maintenance responsibilities
 - Timeliness of parking improvements for new or expanded uses.

Councilmember Hawkins stated that they he attended all of the meetings, except for the neighborhood meeting, and only one resident attended.

Vice-Mayor Anderson stated that there are no requirements for ingress or egress and inquired why there are none.

Mr. Burkhardt stated that the Code is written in a way that is reliant on the Fire Marshall, public safety, and all of the reviewers, to determine how many access points are required. The Fire Code goes in-depth regarding when and where fire lanes are required and multiple points of access etc.

Vice-Mayor Anderson stated that he is concerned about the use of recycled asphalt pavement materials being allowed to be used, such as recycled material, as it can contain gas, oil and other material and can have an environmental impact.

Vice-Mayor Anderson stated that in the maintenance section, he does not believe the Town can hold a lessee responsible.

Mr. Brent Billingsley, Town Manager, stated that the only way you can have a lessee responsible for a parking lot is if it is part of the terms in their rental agreement.

Vice-Mayor Anderson inquired what it means to be grandfathered.

Mr. Burkhardt explained what a grandfathered circumstance means.

Vice-Mayor Anderson inquired if they could use common language for certain words and it could reduce the definitions section.

Mr. Burkhardt explained that it is customary to have definitions because of the context that zoning, and land use laws use. There are several different meanings and different context for several of these words. Having a clear definition is advantageous.

Councilmember Larsen asked for clarification regarding parking standards for multi-family, non-residential, mixed use and PUDs and it being required to be screened from street view and residential development by a berm and/or wall with landscaping. She inquired if the Town is currently doing this.

Mr. Burkhardt explained that screening of parking areas is consistent with other communities. It is common to screen the bottom three feet of the parking area. It has been in the Town Code

since 1972. Landscaping is always required to provide frontage aesthetics and a walkable environment.

Mr. Burkhardt explained what a berm is and how it brings in more of a natural appearance. He stated that this does consume a lot more space and there are restrictions.

Mr. Billingsley stated that screen walls came to be in the 1970s to keep direct headlights from shining into traffic's eyes. He stated that here are screen wall requirements as well as distance requirements. If it is 150 feet from the street, there is no need to screen.

Vice-Mayor Anderson inquired about the minimum required spaces for churches. He would prefer that a different word be used. He suggested that assembly halls be used.

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

Recognition of the 34th Annual Historic Home Tour Committee.

Mr. John Nixon, Recreation Superintendent, thanked the Home Tour Committee for their time and commitment. He stated that the weather did not cooperate; however, they still had over 800 paid visitors who attended the Home Tour. He stated that the Committee is involved in the following:

- Selection and invitation of the homes
- Discussions with the homeowners
- Discussion about the route selection
- Assistance with obtaining sponsors
- Assist with edit and review the final booklet
- Go to speaking engagements to promote the event
 - Do so at their expense

Mr. Nixon stated that there are several other things that the Committee is involved in.

Mr. Nixon presented the following Committee members with a Certificate of Appreciation, and each member expressed how much they enjoyed being on the Committee:

- Chris Reid
- Lynn Smith
- Barbara Kelly
- Laurie Moore
- Maricella Benitez
- Larry Johnson
- Mandy Rogers
- Sandy Walker

Mr. Nixon thanked all the homeowners, businesses, government agencies and Town departments for making this event successful.

Mr. Nixon stated that Alison Feliz took over the Chairman position in August and has done a great job.

2017-2018 Police Annual Report

Mr. Dan Hughes, Police Chief, stated that there are two divisions:

- Operation Division
 - Under the control of Lieutenant Terry Tryon
 - Police Services
 - K-9
 - Field training
 - Narcotics Task Force
 - Patrol and uniformed officers
- Support Services
 - Under the control of Ms. Deanna Husk, Police Support Services Manager
 - Civilian Staff
 - Budgeting
 - Evidence collection
 - Records

Chief Hughes stated that Ms. Husk is also the Police Department's Public Information Officer.

Chief Hughes went over the crime statistics and there are three points to a crime: opportunity, perpetrator, and victim, and if they can break off one of those points, they are able to stop crime.

Chief Hughes discussed the following:

- Statistics
- Education on becoming crime free
- Home and business surveys for security
- Increase in assaults
 - Due to increase assaults in the prisons, which are part of Florence's statistical information
- Vehicular thefts have decreased this year
- Majority of misdemeanor offenses are traffic related
- Drug violations are low
- Florence is one of the safest cities in Arizona

Mayor Walter stated that she is proud that Florence is one of Arizona's safest cities.

Councilmember Hawkins inquired what type of vehicles were stolen.

Chief Hughes stated that the majority of vehicular thefts were due to a family member taking a vehicle and not returning them. There were a total of nine vehicular thefts for the year.

Vice-Mayor Anderson inquired if there are statistics regarding illegal aliens.

Mr. Hughes stated that statistics are not kept on illegal aliens, but rather if the person is a criminal or not.

Presentation by Pinal County United Way, Live United.

Mr. Braden Biggs, Community Programs Manager for United Way, provided a presentation on their 2018 Annual Report, in which he outlined the following:

- About Us
 - Working in Pinal County since 1981
 - We are your local payroll deduction processor
 - Three main focus areas
 - Family Wellness
 - Reading by Third Grade
 - Homelessness
 - Largest Fundraiser is Spring Golf Tournament for Reading by Third Grade Initiative
- Reading by Third Grade
 - Over 60 sock puppets
 - 50 Literacy Kits donated to Head Start
 - Mentoring young kids with reading
- Partnering with
 - Town of Florence
 - Florence Woman's Club
 - Florence Rotary Club
 - Florence Unified School District
- Family Volunteer Day – partnered with Town of Florence
 - 10 volunteers donated 3.5 hours
 - Value \$736 in labor
 - Bagged 125 literacy kits
 - Created 48 sock puppet
- Family Friends and Neighbors (FFN)
 - FTF Pinal Regional Partnership Grant of \$700,000
 - Quality Early learning is foundation for future success
 - Expect More Arizona benchmark (coming)
 - Currently, many children in Pinal County are in Family, Friend and Neighbor care for all or part of their day.
 - The goal of the FFN Program is to provide access to resources, training, networking and professional development opportunities for these home child care providers as well as to provide educational materials to the children in their care.
 - Currently there are 8 Florence providers participating
- Feed Pinal
 - September is Hunger Awareness Month
 - October is Hunger Action Month
 - Florence in Action
 - 40 volunteers donated 2 hours
 - \$1975 in labor value
 - Packed 10,000 servings of Minestrone
- Food Distributed
 - Elks Feeding Empty Little Tummys (EFELT)
 - Florence Unified School District
 - Eight Florence providers participating
 - Superior Food Bank
 - Apache Junction School District

- Leftovers were taken by local church to make extra kits
- Heat Relief Network
 - Unity Way Pinal County/Pinal County Government/Central Arizona Government
 - Over 70 partners
 - Collected and distributed 39 pallets of water
 - Help spread heat and freeze warnings that are issued
 - Collaborated with Arizona Public Service/Salt River Project for high heat days and cooling stations
- Volunteer Tax Assistance Program (VITA)
 - 1300 County-wide taxes prepared
 - \$1.5 Million dollars in refunds
 - \$430,000 in EITC Refunds
 - 100 residents of Florence assisted
- Annual Dinner
 - 2018 at Winery and 2019 confirmed at the Winery
 - Raised \$2,000 for Coolidge Unified School District Weekend food backpack program
 - 170 people in attendance
 - Packed 100 literacy kits and PBJ kits (donated to local schools in Florence and Coolidge)

Mayor Walter thanked United Way for all that they are do for the community.

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 Addendum Two Modification of the Lease Agreement dated October 1, 2016, between the Town of Florence, and Bucks 4 Style, LLC. (Jennifer Evans)

Award a contract to Right Away Disposal, LLC, for solid waste services (sludge hauling component only). (Ben Bitter)

Approval of the January 3, January 7, January 14, January 22 Regular, and January 22 Special Town Council Meeting minutes.

Receive and file the following board and commission minutes:

December 13, 2018 Arts and Culture Commission Meeting minutes

December 26, 2018 Historic District Advisory Commission Meeting minutes

October 17, 2018 Library Advisory Board Meeting minutes

July 26, 2018 Parks and Recreation Advisory Board Meeting minutes

December 20, 2018 and January 3, 2019 Planning and Zoning Commission Meeting minutes

On motion of Councilmember Larsen, seconded by Councilmember Hawkins, and carried (7-0) to approve the Consent Agenda, as written, with the exception of Item a.

Approval of Addendum Two Modification of the Lease Agreement dated October 1, 2016, between the Town of Florence, and Bucks 4 Style, LLC.

Vice-Mayor Anderson was under the impression that two agreements were being modified.

Ms. Jennifer Evans, Management Analyst, stated that there is one addendum being done at this Council meeting and the other will come before the Council at the next meeting. The client needed to be compliant with the existing lease before the addendum was brought before Council.

On motion of Vice-Mayor Anderson, seconded by Councilmember Hughes, and carried (7-0) to approve Addendum Two Modification of the Lease Agreement dated October 1, 2016, between the Town of Florence, and Bucks 4 Style, LLC.

UNFINISHED BUSINESS

Ordinance No. 670-19:

Mayor Walter read Ordinance No. 670-19 by title only.

AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA AMENDING TOWN OF FLORENCE CODE OF ORDINANCES, TITLE VII, CHAPTER 72, BY ADDING A NEW SECTION 72.05 RELATING TO THE USE OF PORTABLE WIRELESS COMMUNICATION DEVICES INCLUDING SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE AND REPEALING CONFLICTING ORDINANCES.

Mr. Brendan Lyons, Executive Director, Look Save a Life, stated that distracted drivers kill people every day and families are left to carry the burden of these preventable losses. He outlined the following:

- Three main areas of distracted driving
 - Anything that takes your eyes off of the road
 - Anything that takes your hands off of the wheel
 - Anything that takes your mind off the task of driving
- Cannot operate a motor vehicle without risking public safety while utilizing their phone while driving
- Discussed various car accidents that happened due to people utilizing their phone while driving and the devastating effects as a result

Mr. Lyons stated that as a firefighter, he responded to such accidents. He explained how he was hit from behind while riding his bike in a dedicated bike lane by a vehicle going 45 miles per hour. He sustained numerous spinal and pelvis fractures and suffered a traumatic brain injury and was forced to a lengthy hospital recovery. He also lost his fire career. He endured many types of therapy and rehabilitation. He had to use a wheelchair to get around and was unable to drive for approximately six months.

Mr. Lyons explained the pain and suffering he endured due to his injuries as a result of someone using their phone.

Mr. Lyons stated that 26 jurisdictions in Arizona have adopted ordinances that regulate distracted driving. He stated that 15 of the 26 ordinances have been adopted in 2018. He acknowledged the many individuals who have suffered as a result of distracted drivers.

Mr. Lyons stated that by passing the ordinance, the Town is sending a message to the State Legislature that local jurisdictions are now being forced to act because of the State's failure to do so. He stated that together, they can stop this deadly trend and stop distracted drivers.

Councilmember Wall stated that she has observed erratic driving as a result of distracted drivers. She inquired about the status of Senate Bill (SB)1165.

Mr. Lyons stated that SB 1165 is going before the Transportation Committee on February 20, 2019 for a vote.

Councilmember Hawkins stated that he is disappointed that you can utilize the phone while at a red light or at a railroad crossing. He would prefer that it not be allowed unless you are parked. He stated that the Town's ordinance may be overwritten by the State's ordinance.

Councilmember Hughes stated that she agrees with the ordinance.

Mr. Ben Bitter, Assistant to the Town Manager, stated that the Town's ordinance is mirrored after the State's ordinance, as to what is being proposed at the Capitol. He stated that there are two amendments in the Committee right now. The amendments include a provision of the enforcement of the State's distracted driving law which would not begin until January 2021. This would provide the Town time to repeal its own ordinance in favor of the State's. If SB 1165 passes, it would become a statewide concern and the State would set the policy.

Councilmember Larsen stated that a texting ban is long overdue. She stated that her primary concern is making it a primary offense in which a police officer can stop a citizen simply because they believe they saw a person on their phone. She stated that this opens a door to possible targeting by police officers. Many people may have basic phones and do not have Bluetooth capabilities. She stated that Bluetooth may cause distractions which could be avoided just by picking up the phone. She stated that hands free does not mean distraction free and can sometimes cause additional distractions. She prefers that this be a State issue so there is consensus as a whole.

Mr. Lyons stated that as secondary offense does not allow a police officer to pull over a motorist unless they are breaking a primary offense law too. It does not allow for the opportunity to educate, issue a warning or a citation at their discretion. Secondly, hands free is not risk free. Hands free does take the phone, which is a primary distraction, out of the driver's hands. Texting bans are not enforceable because the police officer cannot tell if you are sending or receiving a text message, or are on a social media site, without infringing upon your Fourth Amendment rights of privacy. He stated that he does encourage the hands-free ordinance.

On motion of Vice-Mayor Anderson, seconded by Mayor Walter, to adopt Ordinance No. 670-19

Roll Call Vote:

Councilmember Hughes: Yes
Councilmember Cordes: Yes
Councilmember Larsen: No
Councilmember Wall: Yes

Councilmember Hawkins: No
Vice-Mayor Anderson: Yes
Mayor Walter: Yes

Motion passed: Yes: 5; No: 2

Councilmember Hawkins explained his mistake in voting no for Ordinance No. 670-19. He stated that it was his understanding that the vote was to allow Councilmember Larsen to continue to speak.

NEW BUSINESS

Resolution No. 1687-19:

Mayor Walter read Resolution No. 1687-19 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 Resource Director, outlined the two changes to the Personnel Policy to include an overhaul of the current provisions related to workplace violence/harassment and the second is the addition of a new policy on unauthorized recording:

1. Workplace Violence/Harassment Policy: Both the legal and practical climate in regard to workplace harassment has changed pretty dramatically over the past couple of years. We've been monitoring this and believe it's appropriate to make changes to our current policy. Because of the extent of the changes, it was best to rewrite our current policy; ie. the attached policy is not red-lined to delineate what is being changed. The description of what constitutes harassment has been expanded and we've tried to provide clarity to what conduct would meet the legal standard of harassment, as opposed to what someone believes constitutes harassment. While this may seem like a narrow distinction, we believe it is nonetheless necessary to include. We also included language about false reporting as a legitimate expression of caution.
2. The Town does not currently have a policy that speaks to the issue of employees recording others without their knowledge. Arizona is a "one-party" state (one party to a conversation can record without other parties knowing about it). Everybody has a cell phone and we believe the Town has legitimate reasons to want this policy. Therefore, we have carefully crafted this policy with specialized legal oversight to generally bar an employee from secretly recording anyone in the workplace or while on duty.

Mr. Barber stated that staff is requesting adoption of the resolution but may also have a future work session should Council wish to discuss this item in further detail.

Mayor Walter inquired how other municipalities address these issues.

Mr. Barber stated that there is a wide range of ways that municipalities address these issues with some being very detailed and others being ambiguous. The Town's policy regarding harassment provides definition.

Discussion occurred on various scenarios regarding one employee recording another without his/her consent.

Mr. Brent Billingsley, Town Manager, stated that most municipalities have a recording policy. The Police Department has a recording policy.

Councilmember Hawkins inquired if there should be an exception for the Police Department since they record during the course of their work and the policy states that employees are not able to record.

Mr. Billingsley stated the intention of the policy is employee-to-employee recording.

Mayor Walter inquired if this policy is in conflict with State Statute which states that only one person needs to know of the recording.

Mr. Clifford L. Mattice, Town Attorney, stated that there may be a general statute that may allow one person to record a conversation; however, in the employment context there is a contractual relationship that the employee takes on with their employer. He stated that as long as it is in the Personnel Policy, the employee is put on notice and there would not be a conflict with the State Statute.

Mr. Barber stated that a person must be 40 years or older in order to be able to file an age discrimination claim in the workplace.

Discussion occurred on harassment.

Mr. Billingsley stated that the Equal Employment Opportunity Commission outlines what is defined as a special population, specifically age discrimination.

Councilmember Wall stated that she was an Affirmative Action Officer and Manager/Director of large groups of employees where these types of issues arose. A Policy, like the one being proposed is very important to protect the employees and the employer from unsubstantiated accusations.

On motion of Councilmember Hawkins, seconded by Councilmember Wall, and carried (6-0 - Councilmember Larsen was not present) to adopt Resolution No. 1687-19.

Discussion/Approval/Disapproval of Vice-Mayor John Anderson attending the 2019 Water Now Summit in Austin Texas.

Ms. Jennifer Evans, Management Analyst, stated that there are three different grant opportunities for funding for Vice-Mayor Anderson's travel expenses. She stated that there may also be some funding opportunities through the Bureau of Reclamation.

Vice-Mayor Anderson stated that part of the expenses will also be reimbursed. He does not anticipate the trip to cost more than \$1,000.

On motion of Councilmember Wall, seconded by Councilmember Hawkins, and carried (7-0) to approve Vice-Mayor Anderson to attend the 2019 Water Now Summit in Austin, Texas.

Discussion/Approval/Disapproval of appointing members to the Florence Youth Commission.

Appointment of Grace Diorio, Hanna Earl to a one-year term on the Florence Youth Commission with a term to expire October 31, 2019.

Appointment of Kendra Johnson, Cara Roberts, and Delores Vasquez to a two-year term on the Florence Youth Commission with a term to expire October 31, 2020.

Appointment of Jayden McMillin to a two-year term as Alternate of the Florence Youth Commission with a term to expire October 31, 2020.

Mr. John Nixon, Recreation Superintendent, stated that the Council approved the Youth Commission at the August 20, 2018 Town Council meeting. Staff started the recruitment process, they reached out to the High School Counselor and staff met with the Teen Council as well. Staff also used the Town's social media sites for advertising the openings.

Mr. Nixon stated that they will have an introduction meeting to review the process, review the by-laws and set their meeting date. The first meeting will be on February 27, 2019. The regular scheduled meetings will be set for the third Thursday of the month at 6:00 pm.

Grace Diorio, Hanna Earl, Kendra Johnson, Cara Roberts, Delores Vasquez, and Jayden McMillin introduced themselves and stated that they are eager to serve on the Commission.

Mayor Walter thanked them for volunteering. She looks forward working with them and hearing their ideas.

On motion of Councilmember Hawkins, seconded by Councilmember Larsen, and carried (7-0) to appoint the following members to the Florence Youth Commission; Grace Diorio and Hanna Earl to a term expiring October 31, 2019, Kendra Johnson, Cara Roberts and Delores Vasquez to a term expiring October 31, 2020, and Jayden McMillin as an alternate with a term expiring October 31, 2020.

LEGISLATIVE UPDATE

Mr. Ben Bitter, Assistant to the Town Manager, stated that Senate Bill 1460 is this year's version of the digital goods bill. The bill came up last year and had the potential to greatly impact cities and towns revenue. This bill is back and threatens cities and towns revenue. The bill would not allow any software that comes as a service or is delivered online to be taxable; however, it would still be taxable if you purchase it at a store. The Town opposes the bill.

MANAGER'S REPORT

Mr. Billingsley read the following into the record by Larry Johnson.

"The Greater Florence Chamber of Commerce regarding the Memories on Main Street Car Show would like to thank the Town and all of its sponsors for their support. They were fortunate to welcome over 250 cars and motorcycles into downtown Florence. Special thanks to Mayor Walter, Vice-Mayor Anderson, Councilmember Larsen, and Councilmember Wall for attending the event. They will have a Muscles on Main Car Show in the Fall."

Mr. Billingsley stated that Ms. Garcia has been selected as International Municipal Clerk's Association, Region VIII Director. Region VIII covers 11 states and it is a supreme honor to represent and serve in that capacity.

DEPARTMENT REPORTS

Community Development

Community Services

Finance

Fire

Police

Public Works

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 stated that she represents the people and her questions and concerns should not be silenced. Her hope is that the Council can work as a united group and with common respect.

Councilmember Wall stated the car show was an awesome event. The Chamber and the Town did a great job as well as the vendors. She is looking forward to the next show.

Councilmember Hawkins thanked Ruth Harrison for washing the windows of the vacant buildings prior to the start of the Home Tour. He stated that he hopes that they can have two car shows per year. He would like to see a bluegrass festival in conjunction with a car show.

Vice-Mayor Anderson thanked Ms. Harrison as well. He expressed his appreciation to all those involved in the car show. He invited everyone to the GI Bill event on March 30, 2019. He expressed his appreciation to the Arts and Culture Commission for the events that they put on, especially the concert at the Suter House.

Vice-Mayor Anderson asked to discuss the white paper on PSPRB in further detail at a future meeting.

Mayor Walter stated that she received an email from a Mr. Rally in appreciation, in which she read into the record:

"Just a short note, all changes to our deed restrictions passed. Within 10 days we should file with Pinal County. Thanks for the Town's assistance with the modifications of setbacks and the understanding of our needs. Please give a special thanks to Larry Harmer, Jim Allen, and the Town Council for their support."

Mayor Walter stated that the goal is to have 600 entries in the next car show and for the event to start at Heritage Park all the way through the downtown area. She stated that the Teen Council is doing amazing. She is excited to see what they do in the future.

ADJOURNMENT TO EXECUTIVE SESSION

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. **Town's position regarding use of the Town's real properties and related facility policy, procedures, current leases, rents due, and delinquent taxes.**
- b. **Update the Town Council on current and future nondisclosure agreements for economic development projects.**
- c. **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.**
- d. **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 Vice-Mayor Anderson, and carried (7-0) to adjourn to Executive Session.

ADJOURNMENT FROM EXECUTIVE SESSION

On motion of Vice-Mayor Anderson, seconded by Councilmember Hawkins, and carried (5-0; Councilmember Larsen and Councilmember Cordes were not present) to adjourn from Executive Session.

ADJOURNMENT

On motion of Vice-Mayor Anderson, seconded by Councilmember Wall, and carried (5-0; Councilmember Larsen and Councilmember Cordes were not present) to adjourn at 9:28 p.m.



Tara Walter, Mayor

ATTEST:



Town Council Meeting Minutes

February 19, 2019

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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 19, 2019, and that the meeting was duly called to order and that a quorum was present.



Lisa Garcia, Town Clerk