

# TOWN OF FLORENCE REGULAR MEETING AGENDA

Mayor Tara Walter  
Vice-Mayor John Anderson  
Councilmember Bill Hawkins  
Councilmember Karen Wall  
Councilmember Kristen Larsen  
Councilmember Michelle Cordes  
Councilmember Judy Hughes



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

**Tuesday, February 18, 2020**

**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 Tuesday, February 18, 2020, 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:** Tara Walter\_\_\_, John Anderson\_\_\_, Bill Hawkins\_\_\_, Karen Wall\_\_\_, Kristen Larsen\_\_\_, Michelle Cordes\_\_\_, Judy Hughes\_\_\_

**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. ADJOURN TO MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1.**

- a. **Discussion and possible** approval of a Professional Services Agreement with Stifel, Nicolaus & Company, Inc. ("Stifel"), to serve as Financial Advisor for the Merrill Ranch Community Facilities District No. 1 for a variety of potential future bond financings and related services. (Rebecca Jimenez)
- b. **Discussion and possible** action to approve Merrill Ranch Community Facilities District No. 1 January 21, 2020 Special Meeting minutes.

**7. ADJOURNMENT FROM MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO 1.**

**8. ADJOURNMENT TO MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO 2.**

- a. Discussion and possible approval of a Professional Services Agreement with Stifel, Nicolaus & Company, Inc. (“Stifel”), to serve as Financial Advisor for the Merrill Ranch Community Facilities District No. 2 for a variety of potential future bond financings and related services. (Rebecca Jimenez)
- b. Discussion and possible action to approve Merrill Ranch Community Facilities District No.2 January 21, 2020 Special Meeting minutes.

## 9. ADJOURNMENT FROM MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO 2.

## 10. PRESENTATIONS

- a. Public hearing to receive public comments on proposed increase to water and wastewater rates and fees. (Rebecca Jimenez)
- b. Recognition of the 35<sup>th</sup> Annual Historic Home Tour Committee. (Alison Feliz)
- c. Introduction and recognition of the Town of Florence’s Community Emergency Response Team Class of 2020. (Dave Strayer)

## 11. 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 a Professional Services Agreement for Stifel, Nicolaus & Company, Inc., to serve as the Financial Advisor for the Town of Florence for a variety of potential future bond financings and related services. (Rebecca Jimenez)
- b. Resolution No. 1733-20: Adoption of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD CERTAIN TEXT AMENDMENTS TO THE TOWN OF FLORENCE CODE OF ORDINANCES TITLE XV “LAND USAGE” FILED WITH THE TOWN CLERK AND ENTITLED “CHAPTER 150: DEVELOPMENT CODE, ADMINISTRATION AND PROCEDURES SECTIONS 150.000 TO 150.019” AND “PART 1. GENERAL PROVISIONS, SECTIONS 150.080 AND 150.081”. (Lisa Garcia)
- c. Authorization to enter into an Intergovernmental Agreement with Pinal County for provision of service by the Pinal County Elections and Records Department. (Lisa Garcia)
- d. Approval of the January 6, January 13, and January 21, 2020 Town Council Meeting minutes.
- e. Receive and file the following board and commission minutes:
  1. April 11, April 18, April 28, May 30, June 21, and July 5, 2017 Board of Appeals Meeting minutes.
  2. December 18, 2019 and January 13, 2020 Historic District Advisory Commission Meeting minutes.
  3. November 14, 2019 Parks and Recreation Advisory Board Meeting minutes.

## 12. NEW BUSINESS

- a. **Ordinance No. 690-20**: first reading of AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING THE TOWN OF FLORENCE CODE OF ORDINANCES BY STRIKING SECTIONS 32.030, 32.032, 32.033, 32.120, 32.121, 32.121, 32.200, 32.201, 32.202 ELIMINATING THE PARKS AND RECREATION ADVISORY BOARD, THE LIBRARY ADVISORY BOARD, THE ARTS AND CULTURE BOARD, AND THE FLORENCE YOUTH COMMISSION AND ESTABLISHING THE COMMUNITY SERVICES ADVISORY BOARD MEMBERSHIP SECTION 32.085 ESTABLISHED 32.086, POWERS AND DUTIES SECTION 32.087 AND MEETING SECTION 32.015. (Lisa Garcia)
- b. **Discussion/Approval/Disapproval** of establishing an ad hoc committee titled the Florence Strategic Plan Advisory Committee, and assigning the following members: Roger Biede, Harold Christ, Peter Koulouris, Henry Padilla, Mike Shoppell, and Betty Wheeler. (Lisa Garcia)
- c. **Discussion/Approval/Disapproval** to correct the date for a public hearing on an increase of Sanitation rates and fees from March 16, 2020 to April 20, 2020, to be in compliance with Statutory Law. (Rebecca Jimenez)
- d. **Discussion/Approval/Disapproval** of a Professional Services Agreement with the James Vincent Group (JVG), to conduct a Certificate of Necessity Feasibility Study for Ambulance Services, in an amount not to exceed \$30,000. (David Strayer)

## 13. LEGISLATIVE REPORT

## 14. MANAGER'S REPORT

## 15. CALL TO THE PUBLIC

## 16. CALL TO THE COUNCIL – CURRENT EVENTS ONLY

## 17. ADJOURN 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 and instruct its attorneys regarding pending litigation in Maricopa County Superior Court: Town of Florence v. Florence Copper, Inc. CV2015-000325, including counterclaims.
- 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. Discussion on possibility of purchasing land.
- d. Discussion on a pending claim arising out of the Town's Judgement Lien affecting property at 79001 W. Desert Blossom Way.
- e. Discussion on the following development agreements:
  1. Project Foresight
  2. Project Trailblazer
  3. Project Whitesock

## **18.ADJOURN FROM EXECUTIVE SESSION**

## **19.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). One or more members of Council may appear for part or all of the meeting including Executive Session telephonically.

**POSTED ON FEBRUARY 12, 2020, 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.\*\*\***

# MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1 AGENDA

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Pursuant to A.R.S. § 38-431.02, notice is hereby given to the Merrill Ranch Community Facility District No. 1 Members and to the general public that a Special Meeting of the District Board will be held on Tuesday, February 18, 2020 at 6:00 p.m., or immediately following the Town of Florence Council Meeting, 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: Tara Walter \_\_, John Anderson\_\_, Bill Hawkins\_\_, Karen Wall\_\_\_\_, Kristen Larsen\_\_\_\_, Michelle Cordes\_\_, Judy Hughes\_\_.

## 3. NEW BUSINESS

- a. Discussion and possible approval of a Professional Services Agreement with Stifel, Nicolaus & Company, Inc. ("Stifel"), to serve as Financial Advisor for the Merrill Ranch Community Facilities District No. 1 for a variety of potential future bond financings and related services. (Rebecca Jimenez)
- b. Discussion and possible action to approve Merrill Ranch Community Facilities District No. 1 January 21, 2020 Special Meeting minutes.

## 4. ADJOURNMENT

The Merrill Ranch Community Facilities District No. 1 (MRCFD1) Board may go into Executive Session at any time during the meeting for the purpose of obtaining legal advice from the District's Attorney(s) on any of the agenda items pursuant to A.R.S. § 38-431.03(A)(3). One or more members of MRCFD1 Board may appear for part or all of the meeting including Executive Session telephonically.

**POSTED ON FEBRUARY 12, 2020, BY LISA GARCIA, DISTRICT CLERK, AT 775 N. MAIN STREET, ARIZONA AND [WWW.FLORENCEAZ.GOV](http://WWW.FLORENCEAZ.GOV).**

**\*\*\*PURSUANT TO TITLE II OF THE AMERICANS WITH DISABILITIES ACT (ADA), THE MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1 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.\*\*\***

# MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 2 AGENDA

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Pursuant to A.R.S. § 38-431.02, notice is hereby given to the Merrill Ranch Community Facility District No. 2 Members and to the general public that a Special Meeting of the District Board will be held on Tuesday, February 18, 2020 at 6:00 p.m., or immediately following the Town of Florence Council Meeting, 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: Tara Walter \_\_, John Anderson \_\_, Bill Hawkins \_\_, Karen Wall \_\_\_\_, Kristen Larsen \_\_\_\_, Michelle Cordes \_\_, Judy Hughes \_\_.

## 3. NEW BUSINESS

- a. Discussion and possible approval of a Professional Services Agreement with Stifel, Nicolaus & Company, Inc. (“Stifel”), to serve as Financial Advisor for the Merrill Ranch Community Facilities District No. 2 for a variety of potential future bond financings and related services. (Rebecca Jimenez)
- b. Discussion and possible action to approve Merrill Ranch Community Facilities District No.2 January 21, 2020 Special Meeting minutes.

## 4. ADJOURNMENT

The Merrill Ranch Community Facilities District No. 2 (MRCFD2) Board may go into Executive Session at any time during the meeting for the purpose of obtaining legal advice from the District’s Attorney(s) on any of the agenda items pursuant to A.R.S. § 38-431.03(A)(3). One or more members of MRCFD2 Board may appear for part or all of the meeting including Executive Session telephonically.

**POSTED ON FEBRUARY 12, 2020, BY LISA GARCIA, DISTRICT CLERK, AT 775 N. MAIN STREET, ARIZONA AND [WWW.FLORENCEAZ.GOV](http://WWW.FLORENCEAZ.GOV).**

**\*\*\*PURSUANT TO TITLE II OF THE AMERICANS WITH DISABILITIES ACT (ADA), THE MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1 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.\*\*\***

<b>DISTRICT NO.</b> <b>1</b>	<b>MERRILL RANCH COMMUNITY FACILITIES ACTION FORM</b>	<b><u>AGENDA ITEM</u></b> <b>6a.</b>
<b>MEETING DATE:</b> February 18, 2020  <b>DEPARTMENT:</b> Finance  <b>STAFF PRESENTER:</b> Rebecca Jimenez Interim District Treasurer  <b>SUBJECT:</b> Financial Advisor Agreement		<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"/> Regulatory <input type="checkbox"/> 1 <sup>st</sup> Reading <input type="checkbox"/> 2 <sup>nd</sup> Reading <input type="checkbox"/> <b>Other</b>
<b>STRATEGIC PLAN REFERENCE:</b> <input type="checkbox"/> Community Vitality <input type="checkbox"/> Economic Prosperity <input checked="" type="checkbox"/> Leadership and Governance <input type="checkbox"/> Partnership and Relationships <input type="checkbox"/> Transportation and Infrastructure <input type="checkbox"/> Statutory <input type="checkbox"/> None		

**RECOMMENDED MOTION/ACTION:**

Discussion and possible approval of a Professional Services Agreement with Stifel, Nicolaus & Company, Inc. (“Stifel”), to serve as Financial Advisor for the Merrill Ranch Community Facilities District No. 1, for a variety of potential future bond financings and related services.

**BACKGROUND/DISCUSSION:**

Merrill Ranch Community Facilities District No. 1 is interested in hiring Stifel as the District’s Financial Advisor. State law requires that the financial consultant and underwriters must function independent of each other.

The General Scope of Services has been prepared for your review and is included within the body of the agreement. This includes the overall responsibility for financial guidance and recommendations to management in bonding and financing matters of Merrill Ranch Community Facilities District No. 1.

Exhibit A provides disclosures as related to Municipal Securities Rule Making Board (MSRB). Any questions related to this will be answered by Mark Reader, Managing Director of Stifel.

Exhibit B provides the Compensation schedule for financial services and expenses related to the bonds. A subsequent table for Services and Fees is also included in this presentation.

This agreement does not have a term but may be terminated by either party by providing thirty (30) days written notice.

**A VOTE OF NO WOULD MEAN:**

Merrill Ranch Community Facilities District No. 1 would be without a Financial Advisor.

**A VOTE OF YES WOULD MEAN:**

Acceptance of Stifel, Nicolaus & Company, Inc. as Financial Advisor for Merrill Ranch Community Facilities District No. 1.

**FINANCIAL IMPACT:**

Financial advisory services and expenses related to the bonds shall be paid a fee at the completion of the sale and closing of the bonds. These costs are included in the distribution of bond proceeds.

**ATTACHMENTS:**

Financial Advisor Agreement



February 10, 2020

Mr. Brent Billingsley, District Manager  
Merrill Ranch Community Facilities District No. 1 (MRCFD No. 1)  
775 N. Main Street  
Florence, AZ 85232

RE: FINANCIAL ADVISORY SERVICES  
Possible Consideration of New Money General Obligation Bonds and Special Assessment Bonds –size, structure and timing to be determined

Stifel, Nicolaus & Company, Incorporated (“Stifel”) presents for your acceptance this agreement to retain Stifel as financial advisor to the Merrill Ranch Community Facilities District No. 1 (“Issuer”) for the proposed New Money General Obligation Bonds and Special Assessment Bonds, size, structure and timing to be determined (the “Bonds”). This agreement will be effective on the date signed by an authorized representative of Issuer and will authorize Stifel to act as financial advisor through the completed sale of the proposed Bonds, at which time this agreement will terminate. This agreement may also be terminated on thirty (30) days written notice by either party.

1. Scope of Work. Stifel agrees to perform the following services for Issuer with respect to the Bonds:
  - a. Assume overall responsibility for the financial analysis and structuring recommendations for the Bonds, including assistance with the selection of an underwriter as required and with the completion of the Feasibility Reports as required;
  - b. Assist the Issuer, counsel to the underwriter and Issuer in preparation of the preliminary and final official statements for the Bonds consistent with all federal and state requirements;
  - c. Assist Issuer, as requested, in a Private Placement transaction or if a negotiated public sale of bonds, assist Issuer in the preparation of the preliminary and final official statements for the Bonds consistent with all federal and state requirements;
  - d. Coordinate with consultants, accountants, bond counsel, other attorneys and staff in connection with the sale of the Bonds;
  - e. Coordinate financing time schedule, distribution of documents, preliminary and final official statement printing, wire-transfer of funds, delivery of bonds and bond closing;

- f. Assist Issuer on the matter of bond rating(s) for the proposed issue and coordinate the preparation of credit information for submission and presentation to the rating agency(ies);
  - g. Coordinate pre-pricing discussions of bond pricing and structuring, supervise the negotiated sale process, and advise on acceptability of offer to purchase bonds by the underwriter;
  - h. Assist with the annual secondary tax levy and excess tax collections to defease prior bonds to meet secondary tax rate objectives of the Issuer. If requested, assist Issuer in procuring any appropriate ancillary financing-related products and services including, credit enhancement (e.g., bond insurance), paying agent/registrar/trustee, escrow agent (if applicable), escrow investments, and other such products and services as Issuer may deem necessary or desirable in connection with any financing.
  - i. Attend Issuer meetings as requested, with reasonable advance notice;
  - j. Provide such other services as are mutually agreed upon in writing by Issuer and Stifel.
2. Issuer's Obligations. Issuer agrees that, with respect to the Bonds, its staff and consultants will cooperate with Stifel and make available any data in the possession of Issuer necessary to perform Stifel's financial advisory services and regulatory obligations as described in Exhibit A to this agreement.
3. Regulatory Disclosures:
- a. Issuer is aware of Section 975 of the Dodd-Frank Wall Street Reform and Consumer Protection Act and the Securities and Exchange Commission's adopted rule commonly known as the "Municipal Advisor Rule" (SEC Rule 15Ba1-1 to 15Ba1-8 - "the Rule"). Stifel will be serving as a municipal advisor to the Issuer under the Rule and this agreement documents the municipal advisory relationship between Stifel and the Issuer.
  - b. MSRB Rule G-42 requires that a municipal advisor provide its client with certain written disclosures. Please see Exhibit A to this agreement for those disclosures.

4. Compensation:

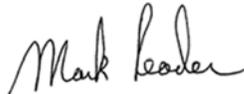
Stifel's compensation for its services and expenses pursuant to this agreement are set forth in Exhibit B to this agreement.

5. Authority to Direct Financial Advisor:

The following individuals have the authority to direct Stifel's performance of its scope of work under this agreement: District Treasurer Becki Jimenez, or District Manager Brent Billingsley.

Respectfully submitted this 10<sup>th</sup> day of February 2020

STIFEL, NICOLAUS & COMPANY, INCORPORATED

By:   
Name: Mark Reader  
Title: Managing Director

ACCEPTANCE

I, Brent Billingsley, District Manager, upon approval by the governing body of Merrill Ranch Community Facilities District No. 1, pursuant to the SAVE RFP C-005-1718 hereby accept the agreement as submitted by Stifel, Nicolaus & Company, Incorporated relative to the financial advisory services, as described herein.

By: \_\_\_\_\_  
Name: Brent Billingsley  
Title: District Manager

Date: \_\_\_\_\_

## EXHIBIT A

### **Merrill Ranch Community Facilities District No. 1 (Town of Florence, Arizona) Financial Advisory Engagement General Obligation Bonds and Special Assessment Bonds, Size, Structure and Timing To Be Determined**

#### **MSRB Rue G-42 Disclosures**

As municipal advisor to Merrill Ranch Community Facilities District No. 1 (Town of Florence, Arizona) (“you”), Stifel Nicolaus (“Stifel” or “we”) is subject to the rules of the Municipal Securities Rulemaking Board (MSRB), including MSRB Rule G-42. The rule directs us to make certain disclosures to you. Please review the following disclosures and contact your Stifel municipal advisor if you have any questions.

#### **Our Duties as Your Municipal Advisor**

Rule G-42 describes our basic duties to you. Most importantly, we owe you a fiduciary duty, the principal element of which is a duty of loyalty. Under the duty of loyalty, we are required to deal honestly and in the utmost good faith with you and to act in your best interests without regard to our financial or other interests. We may not serve as your municipal advisor if we believe that we have any conflicts of interest that we cannot manage or mitigate so that we can act in your best interests.

Rule G-42 also provides that we owe you a duty of care. As part of that duty, we must possess the degree of knowledge and expertise needed to provide you with informed advice. Also, under that duty, when we make recommendations to you or help you to evaluate the recommendations of others, we may need to ask questions to make sure that we have all the relevant facts.

#### **Disclosure of Conflicts**

Rule G-42 requires us to disclose to you any known material, actual or potential conflicts of interest that could reasonably be expected to impair our ability to provide you with advice, including any conflicts associated with contingent fee arrangements. As described in our engagement letter, the payment of our fee will be contingent on the closing of the bond issue described in the engagement letter and the amount of compensation will be based on a percentage of the principal amount of the bond issue. While this form of compensation is customary in the municipal securities market, it presents a conflict of interest since we may have an incentive to recommend a transaction to you that is unnecessary or to recommend that the size of the bond issue be larger than is necessary. We would, of course, be willing to discuss an alternative fee arrangement, if that is your preference.

Stifel has not identified any additional potential or actual material conflicts that require disclosure.

### **Legal and Disciplinary Event Disclosures**

Each firm that is registered as a municipal advisor with the U.S. Securities and Exchange Commission (SEC) is required to file Form MA with the SEC and update that form periodically and as events change. The firm is also required to file a Form MA-I for each of its employees who is engaged in municipal advisory activities. Stifel's most recent Form MA and the Form MA-1 for each current Stifel municipal advisor employee may be found on the SEC's EDGAR website using the following hyperlink: <http://www.sec.gov/cgi-bin/browse-edgar?CIK=0000094403&owner=exclude&action=getcompany&Find=Search>.

Item 9 of Form MA requires each municipal advisor firm to disclose any criminal, regulatory violations, or self-regulatory violations and certain civil litigation. Because we are a broker-dealer firm, Form MA permits us to cross-reference to our Form BD, which is available on the website of the Financial Industry Regulatory Authority (FINRA), and our Form ADV, which is available on the SEC website. For your convenience, you may access our Form BD by using the following hyperlink: <http://brokercheck.finra.org/Firm/Summary/793>. You may access our Form ADV by using the following hyperlink: <https://www.adviserinfo.sec.gov/IAPD/IAPDSearch.aspx> and entering Firm 793 in the search field. Item 6 of each Form MA-I requires comparable disclosure about a municipal advisor individual, as well as customer complaint, arbitration, investigation, termination, financial, and judgment/lien disclosure. When an individual has a disciplinary history, Form MA-1 permits us to cross-reference to that individual's Form U-4. The disciplinary history on an individual's Form U-4 is accessible entering the individual's name in FINRA's "Broker-Check" service, using the following hyperlink: <http://brokercheck.finra.org/>.

Our Form MA was amended on July 14, 2017 to reflect the following settlement with FINRA:

In June 2017, Stifel agreed to pay a fine of \$125,000 to settle an alleged violation of MSRB Rule G-23. Stifel determined that a private placement with the county in which Stifel's school district client was located was a lower cost alternative for the school district than a public offering. Stifel presented the idea to the school district, which agreed to hire Stifel as its placement agent. Nevertheless, two months elapsed before Stifel provided disclosure to the school district that, in its role as placement agent, it was not a fiduciary to the school district as required by MSRB Rule G-23. The FINRA settlement document states that: "Because it failed to provide the role disclosure required by MSRB Rule G-23 in a timely manner, Stifel acted as both financial advisor and placement agent for the [school district] in connection with the [Bonds], in violation of MSRB Rule G-23." The alleged violation took place in 2012. Stifel now has robust procedures in place that are designed to result in timely G-23 disclosures to underwriting/placement clients.

We do not believe that any of the legal or disciplinary event disclosures described in our Form MA is material to our ability to serve as your municipal advisor.

### **Evaluation of Recommendations/Suitability**

As provided in our engagement letter, we will assist you in evaluating recommendations, whether made by Stifel or, upon your written request, by third-parties, such as underwriters. We will provide you with our evaluation of the material risks, potential benefits, structure, and other characteristics of the transaction or product. We will discuss with you why we think a recommendation we make is suitable for you. In the case of recommendations made by an underwriter or other third-party that you request in writing that we review, we will discuss with you why we think the recommended transaction or product is or is not suitable for you. We will also inform you of any other reasonably feasible alternatives considered.

In order for us to evaluate whether we think a recommendation is suitable for you, we are required to consider the following factors and we may need information from you about those factors, much as if you were opening a brokerage account:

- financial situation and needs,
- objectives,
- tax status,
- risk tolerance,
- liquidity needs,
- experience with municipal securities transactions or municipal financial products generally or of the type and complexity being recommended,
- financial capacity to withstand changes in market conditions during the term of the municipal financial product or the period that municipal securities to be issued in the municipal securities transaction were reasonably expected to be outstanding, and
- any other material information known by the municipal advisor about the client and the municipal securities transaction or municipal financial product, after reasonable inquiry.

### **Additional Information**

We also wish to inform you that Stifel is registered as a municipal advisor with both the SEC and the MSRB. Information about the duties of a municipal advisor, as well as the procedures for filing a complaint, may be found on the MSRB's website by clicking on the following link: <http://www.msrb.org/~media/Files/Resources/MSRB-MA-Clients-Brochure.ashx?la=en>. The general website for the MSRB is [www.msrb.org](http://www.msrb.org). If you have any questions, please contact your municipal advisor.

## EXHIBIT B

### Compensation

For Stifel’s financial advisory services and expenses related to the Bonds, Stifel shall be paid a fee at the completion of the sale and closing of the Bonds.

The fees below are shown per \$1,000 of proceeds, excluding premium used for any costs. See notes on this form for additional information.

	Less than 2 Million	2 to 9.999 Million	10 to 24.999 Million	25 to 49.999 Million	50 to 74.999 Million	75 to 99.999 Million	100 Plus Million
<b>New General Obligation</b>							
Fee for Financial Advisor	up to \$35,000	\$35,000	\$2.50 (minimum \$40,000)	\$1.75 (minimum \$62,500)	\$1.30 (minimum \$87,500)	\$1.25 (minimum \$97,500)	\$0.75 (minimum \$100,000)
<b>New Revenue Bonds</b>							
Fee for Financial Advisor	up to \$40,000	\$40,000	\$3.00 (minimum \$45,000)	\$2.50 (minimum \$75,000)	\$1.80 (minimum \$125,000)	\$1.55 (minimum \$135,000)	\$0.85 (minimum \$135,000)

#### Services and Fees

Other Charges for Services you may provide\	Debt Defeasance - \$7,500 minimum plus \$1,000 for each additional debt issue.
	Privately placed bonds or obligations including lease purchases, federal tax credit financings and direct purchases with the County Treasurer, - Financial Advisor fee: up to 2% of total loan. Placement Agent fee: up to 2% of total loan.
	Escrow Restructuring - Lesser of 0.25% of escrow value and 10% of net cost savings (\$25,000 minimum).
	Tax Anticipation Notes – Financial Advisor: \$1.00 per \$1,000, \$10,000 min; Underwriter: \$2.00 per \$1,000, \$10,000 min; including direct purchases with the County Treasurer.
List all items that you would expect to be reimbursed for during the course of the resulting contract	<ul style="list-style-type: none"> <li>● Assembly and publishing of Official Statement or placement memorandum (typically not exceeding \$25,000)</li> <li>● Costs of issuance that we pay at the request of the issuer, such as rating agency (subject to Firm Compliance review and approval)</li> <li>● DTC/CUSIPs/Other Industry Fees</li> <li>● Travel expenses (subject to Firm compliance review and approval) (i.e., ratingtrips)</li> <li>● Fed Ex/UPS Charges</li> <li>● Telephone conference calls</li> <li>● Auditor’s Consent (if requested)</li> <li>● Assembly of term sheet or other disclosure documentation (when applicable)</li> </ul>

**Notes:**

Adjustments to fees listed above for underwriting, placement agent or financial advisor (as applicable):

- The underwriting and financial advisor fee for any issuance will not be lower than fees stated for smaller financing sizes.
- Fee rates stated herein will be applied to each \$1,000 of financing proceeds, excluding premium used for any costs.
- Amortizations of longer than 10 years – add up to \$0.30 per \$1,000 for each year above 10 years.
- Financings with a lowest underlying rating less than AAA– add up to:
  - \$1.75 per \$1,000 and \$5,000 to the minimum for lowest underlying credit rating at AA or Aa2
  - \$2.50 per \$1,000 and \$5,000 to the minimum for lowest underlying credit rating at AA- or Aa3
  - \$5.00 per \$1,000 and \$10,000 to the minimum for lowest underlying credit rating at A category
  - \$10.00 per \$1,000 and \$15,000 to the minimum for lowest underlying credit rating at BBB or Baa category
  - \$20.00 per \$1,000 and \$20,000 to the minimum without any underlying credit rating
- Supplemental interest certificates, capital appreciation securities, convertible capital appreciation securities, stepped coupon securities or securities with taxable interest – add up to \$2.50 per \$1,000.
- Securities sold more than 6 weeks prior to delivery (forward delivery securities) – add up to \$2.50 per \$1,000 to reflect market rates at the time of the sale, as negotiated with and approved by the issuer.
- For large volume underwriting clients, in excess of \$80 million every two years, the Firm may be able to negotiate somewhat reduced underwriting fees, depending on market conditions at the time.
- Underwriting or placement agent fees do not include the cost of underwriter’s or placement agent’s counsel.

For assistance with complex financings in any role or unique requests outside traditional value added services, the Firm would negotiate a fair amount of additional compensation with the issuer. Complex financings include, but not limited to: (1) title or real estate issues, (2) utility company acquisitions, (3) tax increment or land based security (special districts), (4) public/private partnerships (for-profit, non- profit, governmental purpose facilities), (5) financings involving federal and/or state agencies, or (6) other circumstances requiring a significantly higher degree of effort, complexity or risk.

# **MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1**

**MINUTES OF THE MERRILL RANCH COMMUNITY FACILITY DISTRICT NO. 1 SPECIAL MEETING HELD ON MONDAY, JANUARY 21, 2020 AT 6:00 P.M. IN THE FLORENCE TOWN COUNCIL CHAMBERS, LOCATED AT 775 N. MAIN STREET, FLORENCE, ARIZONA.**

## **CALL TO ORDER:**

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

## **ROLL CALL:**

Present: Walter, Anderson, Hawkins, Wall, Larsen, Cordes, Hughes

## **NEW BUSINESS**

**Discussion and possible action to approve Merrill Ranch Community Facilities District No. 1 December 16, 2019 Special Meeting minutes.**

On motion of Vice-Chairman Anderson, seconded by Boardmember Wall, and carried (7-0) to approve the Merrill Ranch Community Facilities District No. 1 December 16, 2019 Special Meeting minutes.

## **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) and (A)(4) to consider its position and instruct its representatives and/or attorneys regarding a Notice of Claim filed by Merrill Ranch Owner's Agent, L.L.C., CMR/Casa Grande, L.L.C., Roadrunner Resorts, L.L.C. and Florence Copper, Inc. against Merrill Ranch Community Facilities Districts No. 1 and No. 2 and the Town of Florence.**

On motion of Boardmember Larsen, seconded by Boardmember Wall, and carried (7-0) to adjourn to Executive Session.

## **ADJOURNMENT FROM EXECUTIVE SESSION**

On motion of Boardmember Wall, seconded by Boardmember Cordes, and carried (7-0) to adjourn from Executive Session.

## **ADJOURNMENT**

**The Merrill Ranch Community Facilities District No. 1 (MRCFD1) Board may go into Executive Session at any time during the meeting for the purpose of obtaining legal advice from the District's Attorney(s) on any of the agenda items pursuant to A.R.S. § 38-431.03(A)(3). One or more members of MRCFD1 Board may appear for part or all of the meeting including Executive Session telephonically.**

On motion of Boardmember Wall, seconded by Boardmember Cordes, and carried (7-0) to adjourn the meeting.

---

Tara Walter, Chairman

**ATTEST:**

---

Lisa Garcia, District Clerk

I certify that the following is a true and correct copy of the minutes of the Merrill Ranch Community Facilities District No. 1 meeting held on January 21, 2020 and that the meeting was duly called to order and that a quorum was present.

---

Lisa Garcia, District Clerk

<b>DISTRICT NO. 2</b>	<b>MERRILL RANCH COMMUNITY FACILITIES ACTION FORM</b>	<b><u>AGENDA ITEM</u> 8a.</b>
<b>MEETING DATE:</b> February 18, 2020  <b>DEPARTMENT:</b> Finance  <b>STAFF PRESENTER:</b> Rebecca Jimenez Interim District Treasurer  <b>SUBJECT:</b> Financial Advisor Agreement		<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>
<b>STRATEGIC PLAN REFERENCE:</b> <input type="checkbox"/> Community Vitality <input type="checkbox"/> Economic Prosperity <input checked="" type="checkbox"/> Leadership and Governance <input type="checkbox"/> Partnership and Relationships <input type="checkbox"/> Transportation and Infrastructure <input type="checkbox"/> Statutory <input type="checkbox"/> None		

**RECOMMENDED MOTION/ACTION:**

Discussion and possible approval of a Professional Services Agreement with Stifel, Nicolaus & Company, Inc. ("Stifel"), to serve as Financial Advisor for the Merrill Ranch Community Facilities District No. 2 for a variety of potential future bond financings and related services.

**BACKGROUND/DISCUSSION:**

Merrill Ranch Community Facilities District No. 2 is interested in hiring Stifel as the District's Financial Advisor. State law requires that the financial consultant and underwriters must function independent of each other.

The General Scope of Services has been prepared for your review and is included within the body of the agreement. This includes the overall responsibility for financial guidance and recommendations to management in bonding and financing matters of Merrill Ranch Community Facilities District No. 2.

Exhibit A provides disclosures as related to Municipal Securities Rule Making Board (MSRB). Any questions related to this will be answered by Mark Reader, Managing Director of Stifel.

Exhibit B provides the Compensation schedule for financial services and expenses related to the bonds. A subsequent table for Services and Fees is also included in this presentation.

This agreement does not have a term but may be terminated by either party by providing thirty (30) days written notice.

**A VOTE OF NO WOULD MEAN:**

Merrill Ranch Community Facilities District No. 2 would be without a Financial Advisor.

**A VOTE OF YES WOULD MEAN:**

Acceptance of Stifel, Nicolaus & Company, Inc. as Financial Advisor Advisor for Merrill Ranch Community Facilities District No. 2.

**FINANCIAL IMPACT:**

Financial advisory services and expenses related to the bonds shall be paid a fee at the completion of the sale and closing of the bonds. These costs are included in the distribution of bond proceeds.

**ATTACHMENTS:**

Financial Advisor Agreement



February 10, 2020

Mr. Brent Billingsley, District Manager  
Merrill Ranch Community Facilities District No. 2 (MRCFD No. 2)  
775 N. Main Street  
Florence, AZ 85232

RE: FINANCIAL ADVISORY SERVICES  
\$3,500,000 (Estimated) General Obligation Refunding Bonds, Series 2020 and Estimated  
New Money General Obligation Bonds – timing and amount to be determined

Stifel, Nicolaus & Company, Incorporated (“Stifel”) presents for your acceptance this agreement to retain Stifel as financial advisor to the Merrill Ranch Community Facilities District No. 2 (“Issuer”) for the proposed General Obligation Refunding Bonds, Series 2020 (the “Bonds”) estimated to be issued in the aggregate principal amount of approximately \$3,500,000 and new money bonds the amount and timing to be determined. This agreement will be effective on the date signed by an authorized representative of Issuer and will authorize Stifel to act as financial advisor through the completed sale of the proposed Bonds, at which time this agreement will terminate. This agreement may also be terminated on thirty (30) days written notice by either party.

1. Scope of Work. Stifel agrees to perform the following services for Issuer with respect to the Bonds:
  - a. Assume overall responsibility for the financial analysis and structuring recommendations for the Bonds, including assistance with the selection of an underwriter as required and with the completion of the Feasibility Reports as required;
  - b. Assist the Issuer, counsel to the underwriter and Issuer in preparation of the preliminary and final official statements for the Bonds consistent with all federal and state requirements;
  - c. Assist Issuer, as requested, in a Private Placement transaction or if a negotiated public sale of bonds, assist Issuer in the preparation of the preliminary and final official statements for the Bonds consistent with all federal and state requirements;
  - d. Coordinate with consultants, accountants, bond counsel, other attorneys and staff in connection with the sale of the Bonds;
  - e. Coordinate financing time schedule, distribution of documents, preliminary and final official statement printing, wire-transfer of funds, delivery of bonds and bond closing;

- f. Assist Issuer on the matter of bond rating(s) for the proposed issue and coordinate the preparation of credit information for submission and presentation to the rating agency(ies);
  - g. Coordinate pre-pricing discussions of bond pricing and structuring, supervise the negotiated sale process, and advise on acceptability of offer to purchase bonds by the underwriter;
  - h. Assist with the annual secondary tax levy and excess tax collections to defease prior bonds to meet secondary tax rate objectives of the Issuer. If requested, assist Issuer in procuring any appropriate ancillary financing-related products and services including, credit enhancement (e.g., bond insurance), paying agent/registrar/trustee, escrow agent (if applicable), escrow investments, and other such products and services as Issuer may deem necessary or desirable in connection with any financing.
  - i. Attend Issuer meetings as requested, with reasonable advance notice;
  - j. Provide such other services as are mutually agreed upon in writing by Issuer and Stifel.
2. Issuer's Obligations. Issuer agrees that, with respect to the Bonds, its staff and consultants will cooperate with Stifel and make available any data in the possession of Issuer necessary to perform Stifel's financial advisory services and regulatory obligations as described in Exhibit A to this agreement.
3. Regulatory Disclosures:
- a. Issuer is aware of Section 975 of the Dodd-Frank Wall Street Reform and Consumer Protection Act and the Securities and Exchange Commission's adopted rule commonly known as the "Municipal Advisor Rule" (SEC Rule 15Ba1-1 to 15Ba1-8 - "the Rule"). Stifel will be serving as a municipal advisor to the Issuer under the Rule and this agreement documents the municipal advisory relationship between Stifel and the Issuer.
  - b. MSRB Rule G-42 requires that a municipal advisor provide its client with certain written disclosures. Please see Exhibit A to this agreement for those disclosures.

4. Compensation:

Stifel's compensation for its services and expenses pursuant to this agreement are set forth in Exhibit B to this agreement.

5. Authority to Direct Financial Advisor:

The following individuals have the authority to direct Stifel's performance of its scope of work under this agreement: District Treasurer Becki Jimenez and District Manager Brent Billingsley.

Respectfully submitted this 10<sup>th</sup> day of February 2020

STIFEL, NICOLAUS & COMPANY, INCORPORATED

By:   
Name: Mark Reader  
Title: Managing Director

ACCEPTANCE

I, Brent Billingsley, District Manager, upon approval by the governing body of Merrill Ranch Community Facilities District No. 2, pursuant to the SAVE RFP C-005-1718 hereby accept the agreement as submitted by Stifel, Nicolaus & Company, Incorporated relative to the financial advisory services, as described herein.

By: \_\_\_\_\_  
Name: Brent Billingsley  
Title: District Manager

Date: \_\_\_\_\_

## EXHIBIT A

### **Merrill Ranch Community Facilities District No. 2 (Town of Florence, Arizona), Financial Advisory Engagement G.O. Refunding Bonds, Series 2020**

#### **MSRB Rule G-42 Disclosures**

As municipal advisor to Merrill Ranch Community Facilities District No. 2 (Town of Florence, Arizona) (“you”), Stifel Nicolaus (“Stifel” or “we”) is subject to the rules of the Municipal Securities Rulemaking Board (MSRB), including MSRB Rule G-42. The rule directs us to make certain disclosures to you. Please review the following disclosures and contact your Stifel municipal advisor if you have any questions.

#### **Our Duties as Your Municipal Advisor**

Rule G-42 describes our basic duties to you. Most importantly, we owe you a fiduciary duty, the principal element of which is a duty of loyalty. Under the duty of loyalty, we are required to deal honestly and in the utmost good faith with you and to act in your best interests without regard to our financial or other interests. We may not serve as your municipal advisor if we believe that we have any conflicts of interest that we cannot manage or mitigate so that we can act in your best interests.

Rule G-42 also provides that we owe you a duty of care. As part of that duty, we must possess the degree of knowledge and expertise needed to provide you with informed advice. Also, under that duty, when we make recommendations to you or help you to evaluate the recommendations of others, we may need to ask questions to make sure that we have all the relevant facts.

#### **Disclosure of Conflicts**

Rule G-42 requires us to disclose to you any known material, actual or potential conflicts of interest that could reasonably be expected to impair our ability to provide you with advice, including any conflicts associated with contingent fee arrangements. As described in our engagement letter, the payment of our fee will be contingent on the closing of the bond issue described in the engagement letter and the amount of compensation will be based on a percentage of the principal amount of the bond issue. While this form of compensation is customary in the municipal securities market, it presents a conflict of interest since we may have an incentive to recommend a transaction to you that is unnecessary or to recommend that the size of the bond issue be larger than is necessary. We would, of course, be willing to discuss an alternative fee arrangement, if that is your preference.

Stifel has not identified any additional potential or actual material conflicts that require disclosure.

### **Legal and Disciplinary Event Disclosures**

Each firm that is registered as a municipal advisor with the U.S. Securities and Exchange Commission (SEC) is required to file Form MA with the SEC and update that form periodically and as events change. The firm is also required to file a Form MA-I for each of its employees who is engaged in municipal advisory activities. Stifel's most recent Form MA and the Form MA-1 for each current Stifel municipal advisor employee may be found on the SEC's EDGAR website using the following hyperlink: <http://www.sec.gov/cgi-bin/browse-edgar?CIK=0000094403&owner=exclude&action=getcompany&Find=Search>.

Item 9 of Form MA requires each municipal advisor firm to disclose any criminal, regulatory violations, or self-regulatory violations and certain civil litigation. Because we are a broker-dealer firm, Form MA permits us to cross-reference to our Form BD, which is available on the website of the Financial Industry Regulatory Authority (FINRA), and our Form ADV, which is available on the SEC website. For your convenience, you may access our Form BD by using the following hyperlink: <http://brokercheck.finra.org/Firm/Summary/793>. You may access our Form ADV by using the following hyperlink: <https://www.adviserinfo.sec.gov/IAPD/IAPDSearch.aspx> and entering Firm 793 in the search field. Item 6 of each Form MA-I requires comparable disclosure about a municipal advisor individual, as well as customer complaint, arbitration, investigation, termination, financial, and judgment/lien disclosure. When an individual has a disciplinary history, Form MA-1 permits us to cross-reference to that individual's Form U-4. The disciplinary history on an individual's Form U-4 is accessible entering the individual's name in FINRA's "Broker-Check" service, using the following hyperlink: <http://brokercheck.finra.org/>.

Our Form MA was amended on July 14, 2017 to reflect the following settlement with FINRA:

In June 2017, Stifel agreed to pay a fine of \$125,000 to settle an alleged violation of MSRB Rule G-23. Stifel determined that a private placement with the county in which Stifel's school district client was located was a lower cost alternative for the school district than a public offering. Stifel presented the idea to the school district, which agreed to hire Stifel as its placement agent. Nevertheless, two months elapsed before Stifel provided disclosure to the school district that, in its role as placement agent, it was not a fiduciary to the school district as required by MSRB Rule G-23. The FINRA settlement document states that: "Because it failed to provide the role disclosure required by MSRB Rule G-23 in a timely manner, Stifel acted as both financial advisor and placement agent for the [school district] in connection with the [Bonds], in violation of MSRB Rule G-23." The alleged violation took place in 2012. Stifel now has robust procedures in place that are designed to result in timely G-23 disclosures to underwriting/placement clients.

We do not believe that any of the legal or disciplinary event disclosures described in our Form MA is material to our ability to serve as your municipal advisor.

### **Evaluation of Recommendations/Suitability**

As provided in our engagement letter, we will assist you in evaluating recommendations, whether made by Stifel or, upon your written request, by third-parties, such as underwriters. We will provide you with our evaluation of the material risks, potential benefits, structure, and other characteristics of the transaction or product. We will discuss with you why we think a recommendation we make is suitable for you. In the case of recommendations made by an underwriter or other third-party that you request in writing that we review, we will discuss with you why we think the recommended transaction or product is or is not suitable for you. We will also inform you of any other reasonably feasible alternatives considered.

In order for us to evaluate whether we think a recommendation is suitable for you, we are required to consider the following factors and we may need information from you about those factors, much as if you were opening a brokerage account:

- financial situation and needs,
- objectives,
- tax status,
- risk tolerance,
- liquidity needs,
- experience with municipal securities transactions or municipal financial products generally or of the type and complexity being recommended,
- financial capacity to withstand changes in market conditions during the term of the municipal financial product or the period that municipal securities to be issued in the municipal securities transaction were reasonably expected to be outstanding, and
- any other material information known by the municipal advisor about the client and the municipal securities transaction or municipal financial product, after reasonable inquiry.

### **Additional Information**

We also wish to inform you that Stifel is registered as a municipal advisor with both the SEC and the MSRB. Information about the duties of a municipal advisor, as well as the procedures for filing a complaint, may be found on the MSRB's website by clicking on the following link: <http://www.msrb.org/~media/Files/Resources/MSRB-MA-Clients-Brochure.ashx?la=en>. The general website for the MSRB is [www.msrb.org](http://www.msrb.org). If you have any questions, please contact your municipal advisor.

**EXHIBIT B**

**Compensation**

For Stifel’s financial advisory services and expenses related to the Bonds, Stifel shall be paid a fee at the completion of the sale and closing of the Bonds.

The fees below are shown per \$1,000 of proceeds, excluding premium used for any costs. See notes on this form for additional information.

	Less than 2 Million	2 to 9.999 Million	10 to 24.999 Million	25 to 49.999 Million	50 to 74.999 Million	75 to 99.999 Million	100 Plus Million
<b>New General Obligation</b>							
Fee for Financial Advisor	up to \$35,000	\$35,000	\$2.50 (minimum \$40,000)	\$1.75 (minimum \$62,500)	\$1.30 (minimum \$87,500)	\$1.25 (minimum \$97,500)	\$0.75 (minimum \$100,000)
<b>Refinancing General Obligation</b>							
Fee for Financial Advisor	up to \$40,000	\$40,000	\$2.60 (minimum \$45,000)	\$1.85 (minimum \$65,000)	\$1.40 (minimum \$92,500)	\$1.35 (minimum \$105,000)	\$0.85 (minimum \$110,000)

**Services and Fees**

Other Charges for Services you may provide\	Debt Defeasance - \$7,500 minimum plus \$1,000 for each additional debt issue.
	Privately placed bonds or obligations including lease purchases, federal tax credit financings and direct purchases with the County Treasurer, - Financial Advisor fee: up to 2% of total loan. Placement Agent fee: up to 2% of total loan.
	Escrow Restructuring - Lesser of 0.25% of escrow value and 10% of net cost savings (\$25,000 minimum).
	Tax Anticipation Notes – Financial Advisor: \$1.00 per \$1,000, \$10,000 min; Underwriter: \$2.00 per \$1,000, \$10,000 min; including direct purchases with the County Treasurer.
List all items that you would expect to be reimbursed for during the course of the resulting contract	<ul style="list-style-type: none"> <li>• Assembly and publishing of Official Statement or placement memorandum (typically not exceeding \$25,000)</li> <li>• Costs of issuance that we pay at the request of the issuer, such as rating agency (subject to Firm Compliance review and approval)</li> <li>• DTC/CUSIPs/Other Industry Fees</li> <li>• Travel expenses (subject to Firm compliance review and approval) (i.e., rating trips)</li> <li>• Fed Ex/UPS Charges</li> <li>• Telephone conference calls</li> <li>• Auditor’s Consent (if requested)</li> <li>• Assembly of term sheet or other disclosure documentation (when applicable)</li> </ul>

**Notes:**

Adjustments to fees listed above for underwriting, placement agent or financial advisor (as applicable):

- The underwriting and financial advisor fee for any issuance will not be lower than fees stated for smaller financing sizes.
- Fee rates stated herein will be applied to each \$1,000 of financing proceeds, excluding premium used for any costs.
- Amortizations of longer than 10 years – add up to \$0.30 per \$1,000 for each year above 10 years.
- Financings with a lowest underlying rating less than AAA– add up to:
  - \$1.75 per \$1,000 and \$5,000 to the minimum for lowest underlying credit rating at AA or Aa2
  - \$2.50 per \$1,000 and \$5,000 to the minimum for lowest underlying credit rating at AA- or Aa3
  - \$5.00 per \$1,000 and \$10,000 to the minimum for lowest underlying credit rating at A category
  - \$10.00 per \$1,000 and \$15,000 to the minimum for lowest underlying credit rating at BBB or Baa category
  - \$20.00 per \$1,000 and \$20,000 to the minimum without any underlying credit rating
- Supplemental interest certificates, capital appreciation securities, convertible capital appreciation securities, stepped coupon securities or securities with taxable interest – add up to \$2.50 per \$1,000.
- Securities sold more than 6 weeks prior to delivery (forward delivery securities) – add up to \$2.50 per \$1,000 to reflect market rates at the time of the sale, as negotiated with and approved by the issuer.
- For large volume underwriting clients, in excess of \$80 million every two years, the Firm may be able to negotiate somewhat reduced underwriting fees, depending on market conditions at the time.
- Underwriting or placement agent fees do not include the cost of underwriter’s or placement agent’s counsel.

For assistance with complex financings in any role or unique requests outside traditional value added services, the Firm would negotiate a fair amount of additional compensation with the issuer. Complex financings include, but not limited to: (1) title or real estate issues, (2) utility company acquisitions, (3) tax increment or land based security (special districts), (4) public/private partnerships (for-profit, non- profit, governmental purpose facilities), (5) financings involving federal and/or state agencies, or (6) other circumstances requiring a significantly higher degree of effort, complexity or risk.

# **MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 2**

**MINUTES OF THE MERRILL RANCH COMMUNITY FACILITY DISTRICT NO. 2 SPECIAL MEETING HELD ON MONDAY, JANUARY 21, 2020 AT 6:00 P.M., IN THE FLORENCE TOWN COUNCIL CHAMBERS, LOCATED AT 775 N. MAIN STREET, FLORENCE, ARIZONA.**

## **CALL TO ORDER**

Chairman Walter called the meeting to order at 6:00 pm

## **ROLL CALL:**

Present: Walter, Anderson, Hawkins, Wall, Larsen, Cordes, Hughes

## **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) and (A)(4) to consider its position and instruct its representatives and/or attorneys regarding a Notice of Claim filed by Merrill Ranch Owner's Agent, L.L.C., CMR/Casa Grande, L.L.C., Roadrunner Resorts, L.L.C. and Florence Copper, Inc. against Merrill Ranch Community Facilities Districts No. 1 and No. 2 and the Town of Florence.**

On motion of Boardmember Cordes, seconded by Boardmember Hughes, and carried (7-0) to adjourn to Executive Session.

## **ADJOURNMENT FROM EXECUTIVE SESSION**

On motion of Boardmember Wall, seconded by Boardmember Cordes, and carried (7-0) to adjourn from Executive Session.

## **NEW BUSINESS OF MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO 2.**

### **Public Hearing on Feasibility Report for Merrill Ranch Community Facilities District 2- Assessment Area 8, Unit 32**

Ms. Rebecca Jimenez, Interim District Treasurer, stated that the request is to hold a public hearing for the Feasibility Report for Merrill Ranch Community Facilities District No. 2 Assessment Area 8, Unit 32 and adopt Resolution No. MRCFD2 240-20 which approves the Feasibility Report Eight Amendment and Waivers, authorizes the sale and issuance of bonds in the amount of \$280,000.

Ms. Jimenez stated that Assessment Area 8, Unit 32 which is a new sub-district of Merrill Ranch Community Facilities District No. 2. The sub-district consists of 24.25 acres and is located off Spirit Loop west and north, then to the east along Walker Butte Wash and to the south starting along W. Merriweather Way and intersecting Walker Butte Wash. It is composed of 80 individual lots which have been platted. The total cost of improvements is \$679,000 and its estimated completion date is March 1, 2020.

Ms. Jimenez stated that the assessment amount is \$3,500 per unit. The Developer is contributing an estimated \$30,000 for costs or Issuance. Interest for this issue is estimated at 6% and is subject to change. The term of financing is for 25 years. The estimated annual payment to the property owners is \$272.50 plus the administrative fee, for a total of approximately \$307 per year. Chairman Walter opened the public hearing. There being comments, Chairman Walter closed the public hearing.

Chairman Walter opened the public hearing. Chairman Walter closed the public hearing.

**Discussion and possible action on Resolution No. MR CFD2 240-20 to approve the Feasibility Report and for the execution and delivery of Special Assessment Installment Purchase Agreement (Assessment Area 8) and related matters in the amount not to exceed \$280,000 for Merrill Ranch Community Facilities District 2- Assessment Area 8, Unit 32. (Rebecca Jimenez)**

On motion of Vice-Chairman Anderson, seconded by Boardmember Larsen, and carried (7-0) to adopt Resolution No. MR CFD2 240-20.

**Discussion and possible action to approve Merrill Ranch Community Facilities District No. 2 December 16, 2019 Special Meeting minutes.**

On motion of Boardmember Wall, seconded by Boardmember Cordes, and carried (7-0) to approve the Merrill Ranch Community Facilities District No. 2 December 16, 2019 Special Meeting minutes.

## **ADJOURNMENT**

**The Merrill Ranch Community Facilities District No. 2 (MR CFD2) Board may go into Executive Session at any time during the meeting for the purpose of obtaining legal advice from the District's Attorney(s) on any of the agenda items pursuant to A.R.S. § 38-431.03(A)(3). One or more members of MR CFD1 Board may appear for part or all of the meeting including Executive Session telephonically.**

On motion of Boardmember Cordes, seconded by Boardmember Hughes, and carried (7-0) to adjourn the meeting.

---

Tara Walter, Chairman

**ATTEST:**

---

Lisa Garcia, District Clerk

I certify that the following is a true and correct copy of the minutes of the Merrill Ranch Community Facilities District No. 2 meeting held on January 21, 2020 and that the meeting was duly called to order and that a quorum was present.

---

Lisa Garcia, District Clerk

	<b>TOWN OF FLORENCE COUNCIL ACTION FORM</b>	<b><u>AGENDA ITEM</u> 10a.</b>
<b>MEETING DATE:</b> February 18, 2020  <b>DEPARTMENT:</b> Finance  <b>STAFF PRESENTER:</b> Rebecca Jimenez, Interim Finance Director  <b>SUBJECT:</b> Public Hearing on increase to water and wastewater rates and fees		<input type="checkbox"/> Action <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Public Hearing <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Regulatory <input type="checkbox"/> 1 <sup>st</sup> Reading <input type="checkbox"/> 2 <sup>nd</sup> Reading <input type="checkbox"/> Other
<b>STRATEGIC PLAN REFERENCE:</b> <input type="checkbox"/> Community Vitality <input type="checkbox"/> Economic Prosperity <input type="checkbox"/> Leadership and Governance <input type="checkbox"/> Partnership and Relationships <input type="checkbox"/> Transportation and Infrastructure <input checked="" type="checkbox"/> Statutory <input type="checkbox"/> None		

**RECOMMENDED MOTION/ACTION:**

Public Hearing to receive public comments on proposed increase to water and wastewater rates and fees. This is a public hearing only.

**BACKGROUND/DISCUSSION:**

Willdan and Economists.com conducted a Utility Rate Study in 2018, which was adopted by the Town Council. It set forth rate assumptions for the next 10 years. The first rates were implemented in April 2019 and the next increase is due in April 2020. This will be the second year of the rate increases.

There are three components to rate studies: Operational expenses, Capital Outlay and Debt Service. All three of these components were identified and included in the rate study. Historically, rate studies have been done every three to five years. Changes in operations, capital and economics drive the need to look at rates and their ability to support the individual funds.

Enterprise Funds are considered business funds and are treated as such in the financial records of the Town. The funds have their own cash, assets and liabilities, fund balance and must be self-sustaining. The rates are based upon budgets and capital plans that extend several years.

Arizona Revised Statute § 9-511-01 requires that the study be prepared and posted supporting the increased rate or rate component, fee or service charge. The Town's Rates Study is posted, and remains posted, under the *Town of Florence website, Departments, Finance, Reports, Studies and Documents, Rate Studies*. The document contains the Willdan/Economists.com Rate Study for 2018 with all supporting documents and full details of the study. The study is also filed in the office of the Town Clerk.

If the notice of intention is approved, a public hearing must be held to receive citizen comments, which is tentatively scheduled for February 18, 2020. Staff will advertise on the Town's website as well as in the Florence Reminder Blade Tribune. A copy of the notice of intention showing the date, time and place of the hearing shall be published one time in a newspaper of general circulation within the boundaries of the municipality not less than 20s days before the public hearing date.

The public hearing must be held within 60 days of the adoption of the notice of intention.

After holding the public hearing, the Council may adopt, by ordinance or resolution, the proposed rate or rate component, fee or service charge increase or any lesser increase. The increased rate or rate component, fee or service charge shall become effective 30 days after adoption of the ordinance or resolution. The rates shall become effective April 1, 2020 as per the schedule.

The attached schedule of the next four years rates and fees are presented for your review and a sample of rate increase to usage.

Staff had scheduled a second Public Hearing for February 21, 2020 at 4:00 p.m. Council is not available to attend this meeting. A meeting will not be posted but, staff will be present to receive comment from citizens. Comments received will be presented to Council at the March 2, 2020 meeting prior to possible action being taken.

**A VOTE OF NO WOULD MEAN:**

Rates and fees would not be increased. This may prohibit capital projects to go forward in the water and wastewater funds and may provide less revenue to pay for scheduled debt service payments in the wastewater fund. Operational costs may need to be decreased to compensate for loss revenue.

**A VOTE OF YES WOULD MEAN:**

Continued progression in both water and wastewater funds with capital projects as scheduled. Operations and debt service would be fully funded.

**FINANCIAL IMPACT:**

Water rates are being increased 6%, and meter fees inside the municipality are being increased 8%, and outside the municipality 8%. Wastewater rates are being increased 3% and base fee 3% inside and outside of the municipality.

Additional Revenue to Water Fund is estimated at \$217,900

Additional Revenue to Wastewater Fund is estimated at \$270,300

Additional Revenue to Securing Future Water is estimated at \$3,350

**ATTACHMENTS:**

Water and Wastewater Incremental Increase schedule, Sample Rate Increase, Public Notice

## WATER RATES AND FEES

### Securing Water Future Charge - Per Month

Customer Category	Effective Date				Units
	4/1/2019	4/1/2020	4/1/2021	4/1/2022	
Inside City	\$ 1.62	\$ 1.72	\$ 1.80	\$ 1.89	Single Charge
Outside City	\$ 2.11	\$ 2.23	\$ 2.34	\$ 2.46	Single Charge

### Monthly Volume Charges - Inside Municipality

Customer Category	Effective Date				Units
	4/1/2019	4/1/2020	4/1/2021	4/1/2022	
Under 5,000 gallons	\$ 1.57	\$ 1.67	\$ 1.75	\$ 1.84	1,000 gallons
5,001 to 10,000 gallons	\$ 2.37	\$ 2.51	\$ 2.64	\$ 2.77	1,000 gallons
10,000 to 20,000 gallons	\$ 3.55	\$ 3.76	\$ 3.95	\$ 4.14	1,000 gallons
Over 20,001 gallons	\$ 5.32	\$ 5.64	\$ 5.92	\$ 6.22	1,000 gallons
Under 668 Cubic Feet	\$ 1.18	\$ 1.25	\$ 1.31	\$ 1.38	Cubic Feet
668 to 1,337 Cubic Feet	\$ 1.77	\$ 1.88	\$ 1.97	\$ 2.07	Cubic Feet
1,337 to 2,673 Cubic Feet	\$ 2.65	\$ 2.81	\$ 2.95	\$ 3.10	Cubic Feet
Over 2,673 Cubic Feet	\$ 3.98	\$ 4.22	\$ 4.43	\$ 4.65	Cubic Feet

### Monthly Volume Charges - Outside Municipality

Customer Category	Effective Date				Units
	4/1/2019	4/1/2020	4/1/2021	4/1/2022	
Under 5,000 gallons	\$ 2.05	\$ 2.17	\$ 2.28	\$ 2.39	1,000 gallons
5,001 to 10,000 gallons	\$ 3.08	\$ 3.26	\$ 3.43	\$ 3.60	1,000 gallons
10,000 to 20,000 gallons	\$ 4.61	\$ 4.89	\$ 5.13	\$ 5.39	1,000 gallons
Over 20,001 gallons	\$ 6.91	\$ 7.33	\$ 7.70	\$ 8.08	1,000 gallons
Under 668 Cubic Feet	\$ 1.53	\$ 1.62	\$ 1.70	\$ 1.79	Cubic Feet
668 to 1,337 Cubic Feet	\$ 2.30	\$ 2.44	\$ 2.56	\$ 2.69	Cubic Feet
1,337 to 2,673 Cubic Feet	\$ 3.45	\$ 3.65	\$ 3.84	\$ 4.03	Cubic Feet
Over 2,673 Cubic Feet	\$ 5.17	\$ 5.48	\$ 5.76	\$ 6.04	Cubic Feet

**WATER RATES AND FEES (continued)**

Monthly Base Charges - Inside Municipality

Meter Sizes	Effective Date				
	Current	4/1/2019	4/1/2020	4/1/2021	4/1/2022
5/8" - 3/4"	\$ 24.13	\$ <b>26.06</b>	\$ 27.62	\$ 29.00	\$ 30.45
1"	\$ 40.22	\$ <b>43.44</b>	\$ 46.04	\$ 48.35	\$ 50.76
1 1/2"	\$ 120.64	\$ <b>130.29</b>	\$ 138.10	\$ 145.01	\$ 152.26
2"	\$ 160.87	\$ <b>173.74</b>	\$ 184.16	\$ 193.37	\$ 203.04
3" Compound	\$ 257.41	\$ <b>278.00</b>	\$ 294.68	\$ 309.41	\$ 324.80
3" Turbine	\$ 281.53	\$ <b>304.06</b>	\$ 322.30	\$ 338.42	\$ 355.34
4" Compound	\$ 402.18	\$ <b>434.36</b>	\$ 460.42	\$ 483.44	\$ 507.61
4" Turbine	\$ 506.75	\$ <b>547.29</b>	\$ 580.12	\$ 609.13	\$ 639.59
6" Compound	\$ 804.36	\$ <b>868.71</b>	\$ 920.83	\$ 966.88	\$ 1,015.22
6" Turbine	\$ 1,126.11	\$ <b>1,216.19</b>	\$ 1,289.17	\$ 1,353.62	\$ 1,421.30
8" Turbine	\$ 1,930.47	\$ <b>2,084.91</b>	\$ 2,210.00	\$ 2,320.50	\$ 2,436.52
10" Turbine	\$ 3,056.58	\$ <b>3,301.11</b>	\$ 3,499.18	\$ 3,674.14	\$ 3,857.84
12" Turbine	\$ 4,021.82	\$ <b>4,343.57</b>	\$ 4,604.18	\$ 4,834.39	\$ 5,076.11

Monthly Base Charges - Outside Municipality

Meter Sizes	Effective Date				
	Current	4/1/2019	4/1/2020	4/1/2021	4/1/2022
5/8" - 3/4"	\$ 31.36	\$ <b>33.87</b>	\$ 35.90	\$ 37.70	\$ 39.58
1"	\$ 52.27	\$ <b>56.45</b>	\$ 59.84	\$ 62.83	\$ 65.97
1 1/2"	\$ 156.82	\$ <b>169.36</b>	\$ 179.52	\$ 188.50	\$ 197.92
2"	\$ 209.13	\$ <b>225.86</b>	\$ 239.41	\$ 251.38	\$ 263.95
3" Compound	\$ 334.62	\$ <b>361.39</b>	\$ 383.07	\$ 402.22	\$ 422.33
3" Turbine	\$ 358.74	\$ <b>387.44</b>	\$ 410.69	\$ 431.22	\$ 452.79
4" Compound	\$ 522.84	\$ <b>564.67</b>	\$ 598.55	\$ 628.47	\$ 659.90
4" Turbine	\$ 627.40	\$ <b>677.60</b>	\$ 718.25	\$ 754.17	\$ 791.87
6" Compound	\$ 1,045.68	\$ <b>1,129.33</b>	\$ 1,197.09	\$ 1,256.95	\$ 1,319.79
6" Turbine	\$ 1,367.41	\$ <b>1,476.80</b>	\$ 1,565.41	\$ 1,643.68	\$ 1,725.87
8" Turbine	\$ 2,509.61	\$ <b>2,710.38</b>	\$ 2,873.00	\$ 3,016.65	\$ 3,167.48
10" Turbine	\$ 3,973.56	\$ <b>4,291.44</b>	\$ 4,548.93	\$ 4,776.38	\$ 5,015.19
12" Turbine	\$ 4,938.41	\$ <b>5,333.48</b>	\$ 5,653.49	\$ 5,936.16	\$ 6,232.97

## WASTEWATER RATES AND FEES

### Monthly Variable Charges per 1,000 Gallons

Customer Category	Effective Date				
	Current	4/1/2019	4/1/2020	4/1/2021	4/1/2022
Residential/Mobile Homes	\$ 4.48	\$ <b>4.61</b>	\$ 4.85	\$ 5.23	\$ 5.55
Commercial	\$ 4.50	\$ <b>4.64</b>	\$ 4.87	\$ 5.26	\$ 5.57
Institutional	\$ 7.15	\$ <b>7.36</b>	\$ 7.73	\$ 8.35	\$ 8.85
Outside Municipality (Residential)	\$ 4.48	\$ <b>4.61</b>	\$ 4.85	\$ 5.23	\$ 5.55

Commercial: Includes but not limited to office, multi-family, school, and government facilities.

Institutional: Includes but not limited to multi-bed, self-contained facilities with or without kitchen.

### Monthly Variable Charges per 100 Cubic Feet

Customer Category	Effective Date				
	Current	4/1/2019	4/1/2020	4/1/2021	4/1/2022
Residential/Mobile Homes	\$ 3.35	\$ <b>3.45</b>	\$ 3.63	\$ 3.91	\$ 4.15
Commercial	\$ 3.37	\$ <b>3.47</b>	\$ 3.64	\$ 3.93	\$ 4.17
Institutional	\$ 5.35	\$ <b>5.51</b>	\$ 5.78	\$ 6.25	\$ 6.62
Outside Municipality (Residential)	\$ 3.35	\$ <b>3.45</b>	\$ 3.63	\$ 3.91	\$ 4.15

### Monthly Base Charges

Customer Category	Effective Date				
	Current	4/1/2019	4/1/2020	4/1/2021	4/1/2022
Residential/Mobile Homes	\$ 19.11	\$ <b>19.68</b>	\$ 20.66	\$ 22.32	\$ 23.66
Commercial	\$ 19.11	\$ <b>19.68</b>	\$ 20.66	\$ 22.32	\$ 23.66
Institutional	\$ 19.11	\$ <b>19.68</b>	\$ 20.66	\$ 22.32	\$ 23.66
Outside Municipality (Residential)	\$ 19.11	\$ <b>19.68</b>	\$ 20.66	\$ 22.32	\$ 23.66

### Pretreatment Program

#### Volume Charges per Excess Pound Treated

Customer Category	Current	4/1/2019	4/1/2020	4/1/2021	4/1/2022
Biochemical Oxygen Demand (BOD)	\$ 1.00	\$ <b>1.03</b>	\$ 1.06	\$ 1.10	\$ 1.13
Suspended Solids (TSS)	\$ 0.83	\$ <b>0.86</b>	\$ 0.88	\$ 0.94	\$ 0.97
Effluent Monthly Volume Charges Per 1,000 Gallons	\$ 2.16	\$ 2.16	*Based upon the cost of replacing CAGR water with reuse water		

**Rate Increase Impact  
2020**

5/8" or 3/4" Residential Service

	Old Rate	New Rate	Increase
<b>Water</b>			
Water Base Fee	\$26.06	\$27.62	\$1.56
Rate			
Under 5,000 gallons	\$1.57	\$1.67	\$0.10
5,0001 to 10,000 gallons	\$2.37	\$2.51	\$0.14
10,000 to 20,000 gallons	\$3.55	\$3.76	\$0.21
Over 20,0001 gallons	\$5.32	\$5.64	\$0.32
<b>Sewer</b>			
Sewer Base Fee	\$19.68	\$20.66	\$0.98
Rate per 1,000 gallons	\$4.61	\$4.85	\$0.24
Residential Sewer Charge based on 75% of water usage Commerical/Institutional based on 100% of water usage			

**Residential Impact**

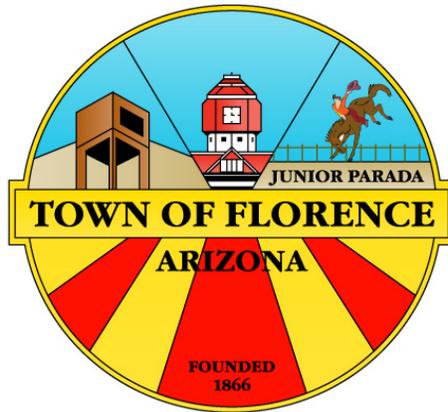
<b>Usage-5,000 gallons</b>	Old Rate	New Rate	Increase
<b>Water</b>			
Base	\$26.06	\$27.62	\$1.56
Usage-5,000 gallons	\$7.85	\$8.35	\$0.50
Sales Tax @.092%	\$3.12	\$3.31	\$0.19
<b>Sewer</b>			
Base	\$19.68	\$20.66	\$0.98
Usage-3,750 gallons	\$17.29	\$18.19	\$0.90
<b>Total Bill</b>	<b>74.00</b>	<b>78.13</b>	<b>\$4.13</b> 5.58%

**Residential Impact**

<b>Usage-15,000 gallons</b>	Old Rate	New Rate	Increase
<b>Water</b>			
Base	\$26.06	\$27.62	\$1.56
Usage-5000 gallons	\$7.85	\$8.35	\$0.50
Usage - 5000	\$11.85	\$12.55	\$0.70
Usage-10000	\$35.50	\$37.60	\$2.10
Sales Tax .092%	\$7.48	\$7.92	\$0.45
<b>Sewer</b>			
Base	\$19.68	\$20.66	\$0.98
Usage-11,250 gallons	\$51.86	\$54.56	\$2.70
<b>Total Bill</b>	<b>160.28</b>	<b>169.27</b>	<b>\$8.99</b> 5.61%

<b>Residential Impact</b>			
<b>Usage-22,000 gallons</b>	<b>Old Rate</b>	<b>New Rate</b>	<b>Increase</b>
<b>Water</b>			
Base	\$26.06	\$27.62	\$1.56
Usage-5000 gallons	\$7.85	\$8.35	\$0.50
Usage - 5000	\$11.85	\$12.55	\$0.70
Usage-10000	\$35.50	\$37.60	\$2.10
Usage -20000-9999999	\$10.64	\$11.28	\$0.64
Sales Tax .092%	\$8.45	\$8.96	\$0.51
<b>Sewer</b>			
Base	\$19.68	\$20.66	\$0.98
Usage-16,500 gallons	\$76.07	\$80.03	\$3.96
<b>Total Bill</b>	<b>196.10</b>	<b>207.05</b>	<b>\$10.95</b>
			5.58%

# Notice of Intention to Increase Water and Wastewater Rates and Fees



**The Town of Florence is notifying citizens of its intention to Increase Water and Wastewater Rates and Fees. A Public Hearing will be held to receive citizens comments on February 18, 2020 at 6:00 P.M. and on February 21, 2020 at 4:00 P.M., at 775 N. Main Street, Florence, AZ 85132, in the Town Council Chambers.**

**\*\*\*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.**

Date of posting: January 24, 2020

**Resolution No. 1664-18  
Scenario 3**

**A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING THE FEE SCHEDULE OF TERMS, RATES, FEES AND CHARGES FOR TOWN-OWNED WATER AND WASTEWATER UTILITIES AND CONTRACTED SANITATION SERVICES, EFFECTIVE JULY 1, 2018**

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

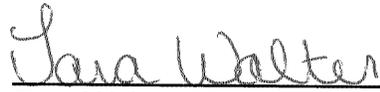
Section 1: That the Fee Schedule of Terms, Rates, Fees and Charges for Town-Owned water and wastewater utilities and contracted sanitation services are hereby amended per Scenario 3 (included below) and adopted to be applicable for the billing of utilities as of July 1, 2018.

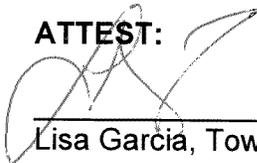
Section 2: All fees for Town-Owned water and wastewater utilities and contracted sanitation services previously approved and adopted and not amended or increased by this Resolution remain in effect.

Section 3: All Resolutions or parts of Resolutions in conflict herewith with respect to Scenario 3 are hereby repealed to the extent of such conflict.

Section 4: The various Town officers and employees are hereby authorized and directed to perform all acts necessary to give effect to this Resolution.

**PASSED AND ADOPTED** by the Mayor and Town Council of the Town of Florence, Arizona, this 21<sup>st</sup> day of May 2018.

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

**ATTEST:**  
  
\_\_\_\_\_  
Lisa Garcia, Town Clerk

**APPROVED AS TO FORM:**  
  
\_\_\_\_\_  
Clifford L. Matice, Town Attorney

## Scenario 3 WATER RATES AND FEES

### Securing Water Future Charge – Per Month

Customer Category	Effective Date					Units
	5/1/2018	4/1/2019	4/1/2020	4/1/2021	4/1/2022	
Inside City	\$ 1.50	\$ 1.62	\$ 1.72	\$ 1.80	\$ 1.89	Single Charge
Outside City	\$ 1.95	\$ 2.11	\$ 2.23	\$ 2.34	\$ 2.46	Single Charge

### Monthly Volume Charge -- Inside Municipality

Customer Category	Effective Date					Units
	5/1/2018	4/1/2019	4/1/2020	4/1/2021	4/1/2022	
Under 5,000 gallons	\$ 1.46	\$ 1.57	\$ 1.67	\$ 1.75	\$ 1.84	1,000 Gallons
5,001 to 10,000 gallons	\$ 2.19	\$ 2.37	\$ 2.51	\$ 2.64	\$ 2.77	1,000 Gallons
10,001 to 20,000 gallons	\$ 3.28	\$ 3.55	\$ 3.76	\$ 3.95	\$ 4.14	1,000 Gallons
Over 20,001 gallons	\$ 4.92	\$ 5.32	\$ 5.64	\$ 5.92	\$ 6.22	1,000 Gallons
Under 668 cubic feet	\$ 1.09	\$ 1.18	\$ 1.25	\$ 1.31	\$ 1.38	Cubic Feet
668 to 1,337 cubic feet	\$ 1.64	\$ 1.77	\$ 1.88	\$ 1.97	\$ 2.07	Cubic Feet
1,337 to 2,673 cubic feet	\$ 2.46	\$ 2.65	\$ 2.81	\$ 2.95	\$ 3.10	Cubic Feet
Over 2,673 cubic feet	\$ 3.68	\$ 3.98	\$ 4.22	\$ 4.43	\$ 4.65	Cubic Feet

### Monthly Volume Charge -- Outside Municipality

Customer Category	Effective Date					Units
	5/1/2018	4/1/2019	4/1/2020	4/1/2021	4/1/2022	
Under 5,000 gallons	\$ 1.90	\$ 2.05	\$ 2.17	\$ 2.28	\$ 2.39	1,000 Gallons
5,001 to 10,000 gallons	\$ 2.85	\$ 3.08	\$ 3.26	\$ 3.43	\$ 3.60	1,000 Gallons
10,001 to 20,000 gallons	\$ 4.27	\$ 4.61	\$ 4.89	\$ 5.13	\$ 5.39	1,000 Gallons
Over 20,001 gallons	\$ 6.40	\$ 6.91	\$ 7.33	\$ 7.70	\$ 8.08	1,000 Gallons
Under 668 cubic feet	\$ 1.42	\$ 1.53	\$ 1.62	\$ 1.70	\$ 1.79	Cubic Feet
668 to 1,337 cubic feet	\$ 2.13	\$ 2.30	\$ 2.44	\$ 2.56	\$ 2.69	Cubic Feet
1,337 to 2,673 cubic feet	\$ 3.19	\$ 3.45	\$ 3.65	\$ 3.84	\$ 4.03	Cubic Feet
Over 2,673 cubic feet	\$ 4.79	\$ 5.17	\$ 5.48	\$ 5.76	\$ 6.04	Cubic Feet

### Monthly Base Charges -- Inside Municipality

Meter Sizes	Effective Date					
	Current	5/1/2018	4/1/2019	4/1/2020	4/1/2021	4/1/2022
5/8" -- 3/4"	\$ 22.34	\$ 24.13	\$ 26.06	\$ 27.62	\$ 29.00	\$ 30.45
1"	\$ 37.24	\$ 40.22	\$ 43.44	\$ 46.04	\$ 48.35	\$ 50.76
1 1/2"	\$ 93.10	\$ 120.64	\$ 130.29	\$ 138.10	\$ 145.01	\$ 152.26
2"	\$ 148.95	\$ 160.87	\$ 173.74	\$ 184.16	\$ 193.37	\$ 203.04
3" Compound	\$ 238.34	\$ 257.41	\$ 278.00	\$ 294.68	\$ 309.41	\$ 324.88
3" Turbine	\$ 260.68	\$ 281.53	\$ 304.06	\$ 322.30	\$ 338.42	\$ 355.34
4" Compound	\$ 372.39	\$ 402.18	\$ 434.36	\$ 460.42	\$ 483.44	\$ 507.61
4" Turbine	\$ 469.21	\$ 506.75	\$ 547.29	\$ 580.12	\$ 609.13	\$ 639.59
6" Compound	\$ 744.78	\$ 804.36	\$ 868.71	\$ 920.83	\$ 966.88	\$ 1,015.22
6" Turbine	\$ 1,042.69	\$ 1,126.11	\$ 1,216.19	\$ 1,289.17	\$ 1,353.62	\$ 1,421.30
8" Turbine	\$ 1,787.47	\$ 1,930.47	\$ 2,084.91	\$ 2,210.00	\$ 2,320.50	\$ 2,436.52
10" Turbine	\$ 2,830.17	\$ 3,056.58	\$ 3,301.11	\$ 3,499.18	\$ 3,674.14	\$ 3,857.84
12" Turbine	\$ 3,723.91	\$ 4,021.82	\$ 4,343.57	\$ 4,604.18	\$ 4,834.39	\$ 5,076.11

### Monthly Base Charges -- Outside Municipality

Meter Sizes	Effective Date					
	Current	5/1/2018	4/1/2019	4/1/2020	4/1/2021	4/1/2022
5/8" -- 3/4"	\$ 29.04	\$ 31.36	\$ 33.87	\$ 35.90	\$ 37.70	\$ 39.58
1"	\$ 48.40	\$ 52.27	\$ 56.45	\$ 59.84	\$ 62.83	\$ 65.97
1 1/2"	\$ 121.02	\$ 156.82	\$ 169.36	\$ 179.52	\$ 188.50	\$ 197.92
2"	\$ 193.64	\$ 209.13	\$ 225.86	\$ 239.41	\$ 251.38	\$ 263.95
3" Compound	\$ 309.83	\$ 334.62	\$ 361.39	\$ 383.07	\$ 402.22	\$ 422.33
3" Turbine	\$ 332.17	\$ 358.74	\$ 387.44	\$ 410.69	\$ 431.22	\$ 452.79
4" Compound	\$ 484.11	\$ 522.84	\$ 564.67	\$ 598.55	\$ 628.47	\$ 659.90
4" Turbine	\$ 580.93	\$ 627.40	\$ 677.60	\$ 718.25	\$ 754.17	\$ 791.87
6" Compound	\$ 968.22	\$ 1,045.68	\$ 1,129.33	\$ 1,197.09	\$ 1,256.95	\$ 1,319.79
6" Turbine	\$ 1,266.12	\$ 1,367.41	\$ 1,476.80	\$ 1,565.41	\$ 1,643.68	\$ 1,725.87
8" Turbine	\$ 2,323.71	\$ 2,509.61	\$ 2,710.38	\$ 2,873.00	\$ 3,016.65	\$ 3,167.48
10" Turbine	\$ 3,679.22	\$ 3,973.56	\$ 4,291.44	\$ 4,548.93	\$ 4,776.38	\$ 5,015.19
12" Turbine	\$ 4,572.60	\$ 4,938.41	\$ 5,333.48	\$ 5,653.49	\$ 5,936.16	\$ 6,232.97

Ordinance No. 453-07, Ordinance No. 510-09, Ordinance No. 559-11



	<b>TOWN OF FLORENCE COUNCIL ACTION FORM</b>	<b><u>AGENDA ITEM</u> 10b.</b>
<b>MEETING DATE:</b> February 18, 2020  <b>DEPARTMENT:</b> Community Services  <b>STAFF PRESENTER:</b> Alison Feliz, Recreation Coordinator  <b>SUBJECT:</b> Recognition of the 35 <sup>th</sup> Annual Historic Home Tour Committee		<input type="checkbox"/> Action <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Regulatory <input type="checkbox"/> 1 <sup>st</sup> Reading <input type="checkbox"/> 2 <sup>nd</sup> Reading <input type="checkbox"/> Other
<b>STRATEGIC PLAN REFERENCE:</b> <input checked="" type="checkbox"/> Community Vitality <input type="checkbox"/> Economic Prosperity <input type="checkbox"/> Leadership and Governance <input checked="" type="checkbox"/> Partnership and Relationships <input type="checkbox"/> Transportation and Infrastructure <input type="checkbox"/> Statutory <input type="checkbox"/> None		

**RECOMMENDED MOTION/ACTION:**

Recognition of the 35<sup>th</sup> Annual Historic Home Tour Committee.

**BACKGROUND/DISCUSSION:**

The 35<sup>th</sup> Annual Florence Historic Home Tour was held on Saturday, February 8<sup>th</sup>. Homes and historic buildings were on display and open from 10:00 a.m. until 4:00 p.m. The tour began downtown at Jaques Square, 8<sup>th</sup> Street and Main.

Visitors walked the tour route, drove their vehicles or rode trolleys to the outlying historical structures.

The theme for the Home Tour 2020, “Vision of Past and Present”. In addition to the Home Tour, the Pinal County Historical Museum hosted a special presentation of the Wild Horse and Burro Inmate Program lead by program supervisor Randy Helm. The Museum also had a vintage toy display from 10:00 a.m. to 4:00 p.m.

The Florence Arts and Culture Commission held its 5<sup>th</sup> Annual Quick Draw Artist Contest and Silent Auction. Artists had 90 minutes to complete a portrait or landscape and the finished products were auctioned off at the end of the contest. The contest was held at the Jacob Suter House located at 270 North Pinal Street.

Santa Cruz Valley Union High Schools Mariachi Cielito Lindo group performed from 11:30 a.m. to 1:00 p.m. at Padilla Park.

San Tan Valley Artist Guild had Art on the Veranda of McFarland State Park from 10:00 a.m. to 4:00 p.m.

All these things would not have been possible without the staff and volunteers on the Home Tour Committee. The Committee began meeting last year in October to plan for this year's event and worked together to showcase Florence to those attending the Home Tour.

**A VOTE OF NO WOULD MEAN:**

Not Applicable

**A VOTE OF YES WOULD MEAN:**

Not Applicable

**FINANCIAL IMPACT:**

Not Applicable

**ATTACHMENTS:**

None



## TOWN OF FLORENCE COUNCIL ACTION FORM

## AGENDA ITEM 10c.

**MEETING DATE:** February 18, 2020

**DEPARTMENT:** Fire Department

**STAFF PRESENTER:** David Strayer, Fire Chief

**SUBJECT:** Community Emergency Response Team  
Presentation

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

**STRATEGIC PLAN REFERENCE:**

- Community Vitality
- Economic Prosperity
- Leadership and Governance
- Partnerships and Relationships
- Transportation and Infrastructure
- Statutory
- None

**RECOMMENDED MOTION/ACTION:**

This is a special presentation to introduce the Town of Florence's Community Emergency Response Team (CERT) Class of 2020. This is the 2<sup>nd</sup> class to complete this training and join Florence's CERT.

**BACKGROUND/DISCUSSION:**

The Community Emergency Response Team Program educates volunteers about disaster preparedness for the hazards that may impact their area and trains them in basic disaster response skills, such as fire safety, light search and rescue, team organization, and disaster medical operations. CERT offers a consistent, nationwide approach to volunteer training and organization that professional responders can rely on during disaster situations, which allows them to focus on more complex tasks. Through CERT, the capabilities to prepare for, respond to and recover from disasters is built and enhanced.

**A VOTE OF NO WOULD MEAN:**

Special recognition only

**A VOTE OF YES WOULD MEAN:**

Special recognition only

**FINANCIAL IMPACT:**

None

	<b>TOWN OF FLORENCE COUNCIL ACTION FORM</b>	<b><u>AGENDA ITEM</u> 11a.</b>
<b>MEETING DATE:</b> February 18, 2020  <b>DEPARTMENT:</b> Finance  <b>STAFF PRESENTER:</b> Rebecca Jimenez Interim Finance Director  <b>SUBJECT:</b> Stifel Nicolaus & Company, Inc., Financial Advisory Professional Service		<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>
<b>STRATEGIC PLAN REFERENCE:</b> <input type="checkbox"/> Community Vitality <input type="checkbox"/> Economic Prosperity <input checked="" type="checkbox"/> Leadership and Governance <input type="checkbox"/> Partnership and Relationships <input type="checkbox"/> Transportation and Infrastructure <input type="checkbox"/> Statutory <input type="checkbox"/> None		

**RECOMMENDED MOTION/ACTION:**

Approval of a Professional Services Agreement for Stifel, Nicolaus & Company, Inc., to serve as the Financial Advisor for the Town of Florence for a variety of potential future bond financings and related services.

**BACKGROUND/DISCUSSION:**

The Town is interested in hiring Stifel, Nicolaus & Company (Stifel) as the Town’s Financial Advisor. Per the Town’s Purchasing Policy, under *section 5.76-Professional Services*, the Town may, at their discretion, choose a consultant without going out to competitive bid for a professional services contract. The selection of professional services is based on qualifications.

State law requires that the financial consultant and underwriters must function independent of each other.

Stifel, in the past, has been the Town’s financial consultant, and most recently, provided underwriting services for our Community Facilities Districts. There is a long history and relationship with Stifel serving the Town of Florence. They are also on the State Procurement list as approved financial consultants and underwriters.

The General Scope of Services has been prepared for your review and is included within the body of the agreement. This includes the overall responsibility for financial

guidance and recommendations to management in bonding and financing matters of the Town.

Exhibit A provides disclosures as related to Municipal Securities Rule Making Board (MSRB). Any questions related to this will be answered by Mark Reader, Managing Director of Stifel.

Exhibit B provides the Compensation schedule for financial services and expenses related to the bonds. A subsequent table for Services and Fees is also included in this presentation.

This agreement does not have a term but may be terminated by either party by providing thirty (30) days written notice.

**A VOTE OF NO WOULD MEAN:**

The Town would be without a Municipal Advisor and would have to provide another alternate firm.

**A VOTE OF YES WOULD MEAN:**

Acceptance of Stifel, Nicolaus & Company, Inc. as Municipal Advisor for the Town of Florence.

**FINANCIAL IMPACT:**

Financial advisory services and expenses related to the bonds shall be paid a fee at the completion of the sale and closing of the bonds. These costs are included in the distribution of bond proceeds.

**ATTACHMENTS:**

Financial Advisor Agreement

February 4, 2020

Mr. Brent Billingsley, Town Manager  
Town of Florence  
775 North Main Street  
Florence, AZ 85132

RE: MUNICIPAL ADVISORY SERVICES – GENERAL FINANCIAL ADVISORY SERVICES

Dear Mr. Billingsley:

Stifel, Nicolaus & Company, Inc., (“Stifel Nicolaus”) presents for your acceptance this agreement to retain Stifel Nicolaus as municipal advisor to the Town of Florence, Arizona (the “Town”) for a variety of potential future bond financings and related services. This agreement may be terminated on thirty (30) days written notice by either party. We have outlined below, in two separate sections, our general municipal advisor services to the Town. As specific financings are identified to work on, Stifel will prepare a separate Financial Advisor Engagement letter for each transaction.

In connection with providing municipal advisor services on the Town in connection with future transactions, the following represents our general scope of services:

1. **Municipal Advisor’s Obligations:** Stifel Nicolaus agrees to perform the following services for Town with respect to the Bonds:
  - a. Assume overall responsibility for the municipal analysis and structuring recommendations for the Bonds or debt obligations including making complete analyses and recommendations to the Town with respect to amortization, interest rates, optimum issuance date, costs of issuance, reserve funds, investment of bond proceeds (if requested), and other terms and market conditions;
  - b. In connection with a negotiated sale of bonds, we would assist in the selection of a underwriter(s), work with Underwriter’s Counsel and Town to prepare the preliminary and final official statements consistent with all Federal and State requirements, including the gathering of all information with respect to municipal, tax and other statistical and factual information relative to Issuer;
  - c. Assist Issuer, as requested, in the selection of an underwriting syndicate. Coordinate all activities of the underwriter(s);
  - d. Coordination and cooperation with consultants, accountants, bond counsel, other attorneys and staff in connection with the sale of the Bonds;
  - e. Coordination of financing time schedule, distribution of documents, preliminary and final official statement printing, wire-transfer of funds, delivery of bonds and bond closing;
  - f. Make reasonable efforts to obtain any appropriate credit enhancement commitment for the Bonds and analyze with Issuer the benefits of purchasing such credit enhancement, if any;

- g. Make recommendations to Issuer on the matter of bond rating(s) for the proposed issue and coordinate the preparation of credit information for submission and presentation to the rating agency(ies);
- h. At the time of sale, provide Issuer with descriptions and interest rates on comparable issues recently and currently being sold in area and nationwide;
- i. Coordinate pre-pricing discussions of bond pricing and structuring, supervise the negotiated sale process (if applicable), advise on acceptability of offer to purchase bonds by the underwriters;
- j. Assist Issuer in procuring any ancillary financing-related products and services including, credit enhancement (i.e. bond insurance), paying agent/registrar/trustee, escrow agent (if applicable), escrow investments, and other such products and services as Issuer may deem necessary or desirable in connection with any financing. Such assistance may include, but is not limited to, the taking of bids, negotiation of terms and conditions, and coordination of all activities with all other parties involved in the financing;
- k. Assist Issuer (working on conjunction with bond counsel as appropriate) on proposed and actual changes in tax laws and municipal market developments that could affect bond financing plans;
- l. Attend Issuer meetings as requested, with reasonable advance notice;
- m. Make all necessary printing and advertising arrangements for documents associated with the financing transactions, including but not limited to official statement printing costs;
- n. Provide ongoing general advisory services as requested by the Town;

2. **Issuer's Obligations:** Issuer agrees that, with respect to the Bonds, its staff and consultants will cooperate with Stifel and make available any data in the possession of Issuer necessary to perform Stifel's financial advisory services and regulatory obligations as described in Exhibit A to this agreement.

3. **Regulatory Disclosures:**

- a. Issuer is aware of Section 975 of the Dodd-Frank Wall Street Reform and Consumer Protection Act and the Securities and Exchange Commission's adopted rule commonly known as the "Municipal Advisor Rule" (SEC Rule 15Ba1-1 to 15Ba1-8 – "the Rule"). Stifel will be serving as a municipal advisor to the Issuer under the Rule and this agreement documents the municipal advisory relationship between Stifel and the Issuer.
- b. MSRB Rule G-42 requires that a municipal advisor also provide its client with certain written disclosures. Please see Exhibit A to this agreement for those disclosures.

4. **Compensation:**

Stifel's compensation for its services and expenses pursuant to this agreement are set forth in Exhibit B to this agreement.

5. **Authority to Direct Financial Advisor:**

The following individuals have the authority to direct Stifel's performance of its scope of work under this agreement: Brent Billingsley, Town Manager and Becki Jimenez, Finance Director.

Respectfully submitted this 4<sup>th</sup> day of February, 2020

STIFEL, NICOLAUS & COMPANY, INC.

By: Mark Reader

Name: Mark Reader

Title: Managing Director

**ACCEPTANCE**

I, Brent Billingsley, Town Manager, upon approval by the governing body of the Town of Florence, Arizona, hereby accept the agreement as submitted by Stifel, Nicolaus & Company, Incorporated relative to the municipal advisory services, as described herein.

By: \_\_\_\_\_

Name: Brent Billingsley

Title: Town Manager

Date: \_\_\_\_\_

## EXHIBIT A

### Town of Florence, Arizona Financial Advisory Engagement General Obligation Bonds and General Obligation Refunding Bonds

#### MSRB Rule G-42 Disclosures

As municipal advisor to the Town of Florence, Arizona (“you”), Stifel Nicolaus (“Stifel” or “we”) is subject to the rules of the Municipal Securities Rulemaking Board (MSRB), including MSRB Rule G-42. The rule directs us to make certain disclosures to you. Please review the following disclosures and contact your Stifel municipal advisor if you have any questions.

#### **Our Duties as Your Municipal Advisor**

Rule G-42 describes our basic duties to you. Most importantly, we owe you a fiduciary duty, the principal element of which is a duty of loyalty. Under the duty of loyalty, we are required to deal honestly and in the utmost good faith with you and to act in your best interests without regard to our financial or other interests. We may not serve as your municipal advisor if we believe that we have any conflicts of interest that we cannot manage or mitigate so that we can act in your best interests.]

Rule G-42 also provides that we owe you a duty of care. As part of that duty, we must possess the degree of knowledge and expertise needed to provide you with informed advice. Also, under that duty, when we make recommendations to you or help you to evaluate the recommendations of others, we may need to ask questions to make sure that we have all the relevant facts.

#### **Disclosure of Conflicts**

Rule G-42 requires us to disclose to you any known material, actual or potential conflicts of interest that could reasonably be expected to impair our ability to provide you with advice, including any conflicts associated with contingent fee arrangements. As described in our engagement letter, the payment of our fee will be contingent on the closing of the bond issue described in the engagement letter [and the amount of compensation will be based on a percentage of the principal amount of the bond issue]. While this form of compensation is customary in the municipal securities market, it presents a conflict of interest since we may have an incentive to recommend a transaction to you that is unnecessary or to recommend that the size of the bond issue be larger than is necessary. We would, of course, be willing to discuss an alternative fee arrangement, if that is your preference.

Stifel has not identified any additional potential or actual material conflicts that require disclosure.

#### **Legal and Disciplinary Event Disclosures**

Each firm that is registered as a municipal advisor with the U.S. Securities and Exchange Commission (SEC) is required to file Form MA with the SEC and update that form periodically and as events change. The firm is also required to file a Form MA-I for each of its employees who is engaged in municipal advisory activities. Stifel’s most recent Form MA and the Form MA-1 for each current Stifel municipal advisor employee may be found on the SEC’s EDGAR website using the following hyperlink: <http://www.sec.gov/cgi-bin/browse-edgar?CIK=0000094403&owner=exclude&action=getcompany&Find=Search>.

Item 9 of Form MA requires each municipal advisor firm to disclose any criminal, regulatory violations, or self-regulatory violations and certain civil litigation. Because we are a broker-dealer firm, Form MA permits us to cross-reference to our Form BD, which is available on the website of the Financial Industry Regulatory Authority (FINRA), and our Form ADV, which is available on the SEC website. For your convenience, you may access our Form BD by using the following hyperlink: <http://brokercheck.finra.org/Firm/Summary/793>. You may access our Form ADV by using the following hyperlink: <https://www.adviserinfo.sec.gov/IAPD/IAPDSearch.aspx> and entering Firm 793 in the search field. Item 6 of each Form MA-I requires comparable disclosure about a municipal advisor individual, as well as customer complaint, arbitration, investigation, termination, financial, and judgment/lien disclosure. When an individual has a disciplinary history, Form MA-1 permits us to cross-reference to that individual's Form U-4. The disciplinary history on an individual's Form U-4 is accessible entering the individual's name in FINRA's "Broker-Check" service, using the following hyperlink: <http://brokercheck.finra.org/>.

Our Form MA was amended on July 14, 2017 to reflect the following settlement with FINRA:

In June 2017, Stifel agreed to pay a fine of \$125,000 to settle an alleged violation of MSRB Rule G-23. Stifel determined that a private placement with the county in which Stifel's school district client was located was a lower cost alternative for the school district than a public offering. Stifel presented the idea to the school district, which agreed to hire Stifel as its placement agent. Nevertheless, two months elapsed before Stifel provided disclosure to the school district that, in its role as placement agent, it was not a fiduciary to the school district as required by MSRB Rule G-23. The FINRA settlement document states that: "Because it failed to provide the role disclosure required by MSRB Rule G-23 in a timely manner, Stifel acted as both financial advisor and placement agent for the [school district] in connection with the [Bonds], in violation of MSRB Rule G-23." The alleged violation took place in 2012. Stifel now has robust procedures in place that are designed to result in timely G-23 disclosures to underwriting/placement clients.

We do not believe that any of the legal or disciplinary event disclosures described in our Form MA is material to our ability to serve as your municipal advisor.

#### **Evaluation of Recommendations/Suitability**

As provided in our engagement letter, we will assist you in evaluating recommendations, whether made by Stifel or, upon your written request, by third-parties, such as underwriters. We will provide you with our evaluation of the material risks, potential benefits, structure, and other characteristics of the transaction or product. We will discuss with you why we think a recommendation we make is suitable for you. In the case of recommendations made by an underwriter or other third-party that you request in writing that we review, we will discuss with you why we think the recommended transaction or product is or is not suitable for you. We will also inform you of any other reasonably feasible alternatives considered.

In order for us to evaluate whether we think a recommendation is suitable for you, we are required to consider the following factors and we may need information from you about those factors, much as if you were opening a brokerage account:

- financial situation and needs,
- objectives,
- tax status,

- risk tolerance,
- liquidity needs,
- experience with municipal securities transactions or municipal financial products generally or of the type and complexity being recommended,
- financial capacity to withstand changes in market conditions during the term of the municipal financial product or the period that municipal securities to be issued in the municipal securities transaction were reasonably expected to be outstanding, and
- any other material information known by the municipal advisor about the client and the municipal securities transaction or municipal financial product, after reasonable inquiry.

### **Additional Information**

We also wish to inform you that Stifel is registered as a municipal advisor with both the SEC and the MSRB. Information about the duties of a municipal advisor, as well as the procedures for filing a complaint, may be found on the MSRB's website by clicking on the following link: <http://www.msrb.org/~media/Files/Resources/MSRB-MA-Clients-Brochure.ashx?la=en>. The general website for the MSRB is [www.msrb.org](http://www.msrb.org). If you have any questions, please contact your municipal advisor.

**EXHIBIT B**

**Compensation**

For Stifel’s financial advisory services and expenses related to the Bonds, Stifel shall be paid a fee at the completion of the sale and closing of the Bonds.

The fees below are shown per \$1,000 of proceeds, excluding premium used for any costs. See notes on this form for additional information.

	<b>Less than 2 Million</b>	<b>2 to 9.999 Million</b>	<b>10 to 24.999 Million</b>	<b>25 to 49.999 Million</b>	<b>50 to 74.999 Million</b>	<b>75 to 99.999 Million</b>	<b>100 Plus Million</b>
<b>New General Obligation Bonds</b>							
Fee for Financial Advisor	up to \$35,000	\$35,000	\$2.50 (minimum \$40,000)	\$1.75 (minimum \$62,500)	\$1.30 (minimum \$87,500)	\$1.25 (minimum \$97,500)	\$0.75 (minimum \$100,000)
<b>Refinancing General Obligation Bonds</b>							
Fee for Financial Advisor	up to \$40,000	\$40,000	\$2.60 (minimum \$45,000)	\$1.85 (minimum \$65,000)	\$1.40 (minimum \$92,500)	\$1.35 (minimum \$105,000)	\$0.85 (minimum \$110,000)
	<b>Less than 2 Million</b>	<b>2 to 9.999 Million</b>	<b>10 to 24.999 Million</b>	<b>25 to 49.999 Million</b>	<b>50 to 74.999 Million</b>	<b>75 to 99.999 Million</b>	<b>100 Plus Million</b>
<b>New Revenue Bonds</b>							
Fee for Financial Advisor	up to \$40,000	\$40,000	\$3.00 (minimum \$45,000)	\$2.50 (minimum \$75,000)	\$1.80 (minimum \$125,000)	\$1.55 (minimum \$135,000)	\$0.85 (minimum \$135,000)
<b>Refinancing Revenue Bonds</b>							
Fee for Financial Advisor	up to \$45,000	\$45,000	\$3.10 (minimum \$50,000)	\$2.60 (minimum \$77,500)	\$1.90 (minimum \$130,000)	\$1.65 (minimum \$142,000)	\$0.95 (minimum \$145,000)
	<b>Less than 2 Million</b>	<b>2 to 9.999 Million</b>	<b>10 to 24.999 Million</b>	<b>25 to 49.999 Million</b>	<b>50 to 74.999 Million</b>	<b>75 to 99.999 Million</b>	<b>100 Plus Million</b>
<b>New Certificates of Participation (Lease Purchase)</b>							
Fee for Financial Advisor	up to \$40,000	\$40,000	\$3.00 (minimum \$45,000)	\$2.50 (minimum \$75,000)	\$1.80 (minimum \$125,000)	\$1.55 (minimum \$135,000)	\$0.85 (minimum \$135,000)
<b>Refinancing Certificates of Participation (Lease Purchase)</b>							
Fee for Financial Advisor	up to \$45,000	\$45,000	\$3.10 (minimum \$50,000)	\$2.60 (minimum \$77,500)	\$1.90 (minimum \$130,000)	\$1.65 (minimum \$142,500)	\$0.95 (minimum \$145,000)

<b>Services and Fees</b>	
Other Charges for Services you may provide	Debt Defeasance - \$7,500 minimum plus \$1,000 for each additional debt issue.
	Privately placed bonds or obligations including lease purchases, federal tax credit financings and direct purchases with the County Treasurer, - Financial Advisor fee: up to 2% of total loan. Placement Agent fee: up to 2% of total loan.
	Escrow Restructuring - Lesser of 0.25% of escrow value and 10% of net cost savings (\$25,000 minimum).

	Tax Anticipation Notes – Financial Advisor: \$1.00 per \$1,000, \$10,000 min; Underwriter: \$2.00 per \$1,000, \$10,000 min; including direct purchases with the County Treasurer.
List all items that you would expect to be reimbursed for during the course of the resulting contract	<ul style="list-style-type: none"> <li>● Assembly and publishing of Official Statement or placement memorandum (typically not exceeding \$25,000)</li> <li>● Costs of issuance that we pay at the request of the issuer, such as rating agency (subject to Firm Compliance review and approval)</li> <li>● DTC/CUSIPs/Other Industry Fees</li> <li>● Travel expenses (subject to Firm compliance review and approval) (i.e., rating trips)</li> <li>● Fed Ex/UPS Charges</li> <li>● Telephone conference calls</li> <li>● Auditor’s Consent (if requested)</li> <li>● Assembly of term sheet or other disclosure documentation (when applicable)</li> </ul>

**Notes:**

Adjustments to fees listed above for financial advisor:

- The underwriting and financial advisor fee for any issuance will not be lower than fees stated for smaller financing sizes.
- Fee rates stated herein will be applied to each \$1,000 of financing proceeds, excluding premium used for any costs.
- Impact Aid Revenue Bonds less than \$25 million -- add up to \$3.00 per \$1,000 and \$6,000 to the minimum.
- Amortizations of longer than 10 years – add up to \$0.30 per \$1,000 for each year above 10 years.
- Financings with a lowest underlying rating less than AAA– add up to:
  - \$1.75 per \$1,000 and \$5,000 to the minimum for lowest underlying credit rating at AA or Aa2
  - \$2.50 per \$1,000 and \$5,000 to the minimum for lowest underlying credit rating at AA- or Aa3
  - \$5.00 per \$1,000 and \$10,000 to the minimum for lowest underlying credit rating at A category
  - \$10.00 per \$1,000 and \$15,000 to the minimum for lowest underlying credit rating at BBB or Baa category
  - \$20.00 per \$1,000 and \$20,000 to the minimum without any underlying credit rating
- Supplemental interest certificates, capital appreciation securities, convertible capital appreciation securities, stepped coupon securities or securities with taxable interest – add up to \$2.50 per \$1,000.
- Securities sold more than 6 weeks prior to delivery (forward delivery securities) – add up to \$2.50 per \$1,000 to reflect market rates at the time of the sale, as negotiated with and approved by the issuer.
- For large volume underwriting clients, in excess of \$80 million every two years, the Firm may be able to negotiate somewhat reduced underwriting fees, depending on market conditions at the time.
- Underwriting or placement agent fees do not include the cost of underwriter’s or placement agent’s counsel.

For assistance with complex financings in any role or unique requests outside traditional value added services, the Firm would negotiate a fair amount of additional compensation with the issuer. Complex financings include, but not limited to: (1) title or real estate issues, (2) utility company acquisitions, (3) tax increment or land based security (special districts), (4) public/private partnerships (for-profit, non-profit, governmental purpose facilities), (5) other circumstances requiring a significantly higher degree of effort, complexity or risk (e.g., requests to attend unusually large number of meetings).



## TOWN OF FLORENCE COUNCIL ACTION FORM

### AGENDA ITEM 11b.

**MEETING DATE:** February 18, 2020

**DEPARTMENT:** Administration

**STAFF PRESENTER:** Lisa Garcia, Deputy Town Manager/  
Town Clerk

**SUBJECT:** Resolution No. 1733-20

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

#### **STRATEGIC PLAN REFERENCE:**

- Community Vitality
- Economic Prosperity
- Leadership and Governance
- Partnership and Relationships
- Transportation and Infrastructure
- Statutory
- None

#### **RECOMMENDED MOTION/ACTION:**

Resolution No. 1733-20: Adoption of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD CERTAIN TEXT AMENDMENTS TO THE TOWN OF FLORENCE CODE OF ORDINANCES TITLE XV "LAND USAGE" FILED WITH THE TOWN CLERK AND ENTITLED "CHAPTER 150: DEVELOPMENT CODE, ADMINISTRATION AND PROCEDURES SECTIONS 150.000 TO 150.019" AND "PART 1. GENERAL PROVISIONS, SECTIONS 150.080 AND 150.081".

#### **BACKGROUND/DISCUSSION:**

This resolution does not adopt changes to the Town Code, it merely makes the proposed text changes a public record to allow public notification by reference. In March Council will hold a public hearing on the topic, and after two readings, the item will come before Council for action, with a recommendation from the Planning & Zoning Commission.

Declaring the document, a public record will allow the Council to adopt ordinance changes by reference. This authority is used for lengthy ordinances to cut down on publication costs. The Ordinance after adoption is published in full, copies of the public record must be filed in the office of the clerk and kept available for public use and inspection.

**A VOTE OF NO WOULD MEAN:**

Exhibit A would not be adopted as a public record. The 24-page exhibit would be drafted in the form of an ordinance and if adopted by Council, the ordinance and text amendment language would be published for two consecutive weeks in the local paper.

**A VOTE OF YES WOULD MEAN:**

Exhibit A would be declared a public record. In March, the Council would hold a public hearing, if adopted a two-page ordinance would be published in the local paper for two consecutive weeks.

**FINANCIAL IMPACT:**

The fiscal impact includes the cost of codifying the Town Code and publishing in the local newspaper.

**ATTACHMENTS:**

Resolution No. 1799-20  
Exhibit A

**RESOLUTION NO. 1733-20**

**A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD CERTAIN TEXT AMENDMENTS TO THE TOWN OF FLORENCE CODE OF ORDINANCES TITLE XV "LAND USAGE" FILED WITH THE TOWN CLERK AND ENTITLED "CHAPTER 150: DEVELOPMENT CODE, ADMINISTRATION AND PROCEDURES SECTIONS 150.000 TO 150.019" AND "PART 1. GENERAL PROVISIONS, SECTIONS 150.080 AND 150.081"**

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Town of Florence, Arizona, that certain documents entitled "Chapter 150: Development Code, Administration and Procedures, Sections 150.000 to 150.019" and "Part 1. General Provisions, Sections 150.080 and 150.081", one copy of which are on file in the office of the Town Clerk, are hereby declared to be public records, and said copies are ordered to remain on file with the Town Clerk.

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Town of Florence, Arizona, that certain documents entitled "Exhibit A", one copy of which are on file in the office of the Town Clerk, are hereby declared to be public records, and said copies are ordered to remain on file with the Town Clerk.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** by the Mayor and Council of the Town of Florence, Arizona, that certain documents entitled "Chapter 150: Development Code, Administration and Procedures, Sections 150.000 to 150.019" and "Part 1. General Provisions, Sections 150.080 and 150.081", attached as "Exhibit A", one copy of which are on file in the office of the Town Clerk, are hereby declared to be public records, and said copy is ordered to remain on file with the Town Clerk and will be codified in the Code of Ordinance.

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Florence, Pinal County, Arizona, this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

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

**ATTEST:**

**APPROVED AS TO FORM:**

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

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

**CERTIFICATION OF RECORDING OFFICER**

STATE OF ARIZONA        )

) ss.

County of Pinal         )

I, the undersigned Lisa Garcia, being the duly appointed, qualified Town Clerk of the Town of Florence, Pinal County, Arizona, certify that the foregoing Resolution No. 1733-20 is a true, correct and accurate copy of Resolution No. 1693-19, passed and adopted at a regular meeting of the Council of the Town of Florence, Pinal County, Arizona, held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, at which a quorum was present and, by a \_\_\_\_\_ vote, \_\_\_\_\_ voted in favor of said resolution.

Given under my hand and sealed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

seal

\_\_\_\_\_  
Town Clerk

# EXHIBIT A

Text Amendment to the Town of Florence Code of Ordinances Title XV Land Usage Chapter 150: Development Code Administration and Procedures Sections 150.001 through 150.019 and Part 1. General Provisions Sections 150.080 and 150.081.

Proposed new or relocated text is shown in red, blue or green underline, text with a red, blue or green strike through is proposed for deletion.

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## TITLE XV: LAND USAGE

### Chapter 150: Development Code

#### *Table of Contents:*

#### Section 150.000 Administration and Procedures (0 Series)

- 150.001 Title
- 150.002 Purpose
- 150.003 Effective date, repeal and severability
- 150.004 Enforcement, interpretation and conflict
- 150.005 Compliance
- 150.006 Injunction
- 150.007 Planning and Zoning Commission
- 150.008 Historic District Advisory Commission
- 150.~~008~~~~009~~ Board of Adjustment; appeals
- 150.~~009~~~~010~~ Variances
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- 150.~~011~~~~012~~ Technical Advisory Committee
- 150.013 Pre-Application Conference
- ~~150.012 Site plan: Application, content and review~~
- 150.~~013~~~~014~~ Design Review
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- 150.~~015~~~~016~~ Conditional Use Permits

150.017 Temporary Use Permits

~~150.016-018~~ Exceptions and modifications

~~150.017 Applications and fees~~

~~150.018-019~~ Building permits and Certificates of Occupancy

150.020 Nonconforming use

150.021 Enlargement of building or land; destruction

~~150.019-022~~ Citizen review process

~~150.01723~~ Applications and fees

150.024 Claim for Diminution in Value

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## Section 150.000 Administration and Procedures (0 Series)

### 150.001 Title

These regulations shall be known and cited as “The Development Code of the Town of Florence” (hereinafter known as the “Development Code”).

(Prior Code, Ch. 4, Art. I, § 4-1) (Ord. 432-06, passed 6-19-2006)

### 150.002 Purpose

This Development Code of the Town of Florence, Arizona, (hereinafter “town”) is hereby adopted for the following purposes:

- I. ~~(A) (1)~~ To promote and protect the health, safety and welfare of the residents of the town by:
  - ~~(A) and to e~~Establishing land use classifications;~~;~~ ~~d~~
  - ~~(B) Dividing the town into districts;~~
  - ~~(C) i~~Imposing regulations, prohibitions and restrictions for the promotion of health, safety, convenience, aesthetics and welfare;~~;~~
  - ~~(D) ,g~~Governing the use of land for residential and nonresidential purposes;~~;~~ ~~f;~~
  - ~~(E) Regulating and limiting the height and bulk of buildings and other structures, limiting lot occupancy and the size of yards and other open spaces;~~ ~~;~~
  - ~~(F) E~~establishing standards of performance and design;~~;~~ ~~a~~
  - ~~(G) Adopting a map of the districts; and~~
  - ~~(A)(H) ,p~~Prescribing penalties for violations of the Code and repealing all codes in conflict therewith.
- II. ~~(2)~~ Furthermore, these regulations are deemed necessary to ensure orderly growth and harmonious development of the municipality to:
  -

- (A) ~~e~~Ensure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions and public facilities;~~;-a~~
- (B) ~~A~~chieve individual property lots of reasonable utility and livability;~~;-r~~
- (C) ~~S~~ecure adequate provisions for water supply, drainage, sanitary sewerage and other health requirements;~~;-e~~
- (D) ~~E~~nsure consideration for adequate sites for schools, recreation areas and other public facilities;~~;-p and~~
- (E) ~~P~~romote the conveyance of land by accurate legal description and to provide logical procedures for the achievement of this purpose.

‡ In its interpretation and application, the provisions of this Development Code are intended to provide a common ground of understanding and equitable working relationship between public and private interests to the end that both independent and mutual objectives can be achieved in the subdivision of land.

- III. ~~-(B)-~~This Development Code shall be considered the minimum requirements necessary for the promotion of the general plan as amended from time to time, for the protection of the citizens of the town.

(Prior Code, Ch. 4, Art. I, § 4-2) (Ord. 432-06, passed 6-19-2006) ~~(Ord. XXX-XX, passed X-X-201X)~~

**150.003 Effective date, repeal and severability**

This chapter shall be in full force and effect from and after July 19, 2006.

(Prior Code, Ch. 4, Art. I, § 4-3) (Ord. 432-06, passed 6-19-2006)

**150.004 Enforcement, interpretation and conflict**

- I. ~~(A)~~*Enforcement.* The Office of ~~Planning Director~~Community Development Director shall have the responsibility for enforcement of this Development Code.
- II. ~~(B)~~*Interpretation.* When the provisions of this Development Code are interpreted or applied, they shall be held to be the minimum requirements for the promotion of the public safety, health and general welfare.
- III. ~~(C)~~*Conflict.* The provisions of this Development Code are not intended to interfere with, abrogate or annul any code, rule, regulation or permit previously adopted or issued, and not in conflict with any provision of this Development Code, or which shall be adopted or issued pursuant to law relating to the use of building or Code not in conflict with this Development Code; nor is it intended by this Development Code to interfere with, abrogate or annul any easement, covenant or other agreement between parties, except when this Development Code imposes a greater restriction, this Development Code shall control.

(Prior Code, Ch. 4, Art. I, § 4-4) (Ord. 432-06, passed 6-19-2006) ~~(Ord. XXX-XX, passed X-X-201X)~~

**150.005 Compliance**

No building or land shall be devoted to any use other than a use permitted in the zoning district in which the building or land shall be located, with the exception of the following:

- I. ~~—(A)—~~ Uses lawfully established as of the effective date of this comprehensive amendment, [see § 150.019 and 150.020](#);
- II. ~~—(B)—~~ Analogous uses;
- III. ~~—(C)—~~ Accessory uses customarily incidental to the permitted uses; and
- IV. ~~—(D)—~~ Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period that the building is being constructed, but the temporary buildings shall be removed upon completion or abandonment of the construction work.

(Prior Code, Ch. 4, Art. I, § 4-5(b)) (Ord. 432-06, passed 6-19-2006) [\(Ord. XXX-XX, passed X-X-201X\)](#)

**150.006 Injunction**

- I. ~~—(A)—~~ *Injunction.* If any building or maintained structure is constructed, reconstructed, altered, repaired, converted or any building, structure or land is used in violation of this Development Code, the town, any owner or tenant of real property affected by the building or structure in question, in addition to other remedies, may institute any appropriate action or proceedings:
  - (A) ~~—(1)—~~ To prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance or use;
  - (B) ~~—(2)—~~ To prevent the illegal act, conduct, business or use in or about the premises;
  - (C) ~~—(3)—~~ To prevent occupancy of the building, structure or land whether improved or otherwise; and
  - (D) ~~—(4)—~~ To restrain, correct or abate the violation.
- II. ~~(B)~~—When any action is instituted by an owner or tenant, notice of the action shall be served upon the municipality at the time suit is begun by serving a copy of the complaint on the Manager or designee thereof.
- III. In any action or proceeding, the court with jurisdiction thereof has the power ~~and in its discretion~~ and, in its discretion, may issue a restraining order, or a preliminary injunction, as well as a permanent injunction, upon the terms and under the conditions as will do justice and enforce the purpose of this Development Code.

(Prior Code, Ch. 4, Art. I, § 4-6) (Ord. 432-06, passed 6-19-2006) [\(Ord. XXX-XX, passed X-X-201X\)](#)

**150.007 Planning and Zoning Commission**

See § [32.105](#) and [32.106](#).

(Prior Code, Ch. 4, Art. I, § 4-7) (Ord. 432-06, passed 6-19-2006)

**150.008 Historic District Advisory Commission**

See § [32.070](#).

[\(Ord. XXX-XX, passed X-X-201X\)](#)

**150.008150.009 Board of Adjustment; appeals**

- I. ~~—(A)—~~ *Creation.* There is hereby created a Board of Adjustment, the membership of which shall consist of the Mayor and Town Council of the town and, the word BOARD when used in

this Development Code, shall mean the Mayor and Council when sitting as the Board of Adjustment.

- II. ~~—(B)—~~ *Meetings, oaths and witnesses.* All meetings of the Board shall be held at the call of the Chairperson and at the other times as the Board may determine. All meetings of the Board shall be open to the public. The Chairperson, or in the Chairperson's absence, the acting Chairperson may administer oaths and compel the attendance of witnesses in accordance with the laws of the state.
- III. ~~—(C)—~~ *Procedure.* The Board shall make and publish rules and regulations to govern its proceedings. The presence of four members shall constitute a quorum. The concurring vote of a majority of the Board shall be necessary to reverse an order or decision of an administrative official, or to ~~effect~~affect any variations from the terms and conditions of this Development Code. The minutes and records of all Board proceedings shall be kept and filed as public record in the office of the Town Clerk. The Board may call on the administrative staff of the municipality for assistance in the performance of its duties, and it shall be the duty of the departments to render the assistance to the Board as may be reasonably required.
- IV. ~~—(D)—~~ *Powers and duties.* The Board of Adjustment shall have the power and jurisdiction to hear those matters set forth in this Development Code.
- V. ~~—(E)—~~ *Appeals of administrative decisions.*
  - (A) ~~—(1)—~~ Appeals may be taken to the Board of Adjustment by persons aggrieved or by any officer, department, commission, board or bureau of the municipality affected by a decision of an administrative official within 30 calendar days from the date of the decision. Within this 30-day timeframe, the aggrieved person or body by filings shall file with the officer from whom the appeal is taken and with the Town Clerk, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.
  - (B) ~~—(2)—~~ An appeal shall stay all proceedings in the matter appealed from, unless the officer from whom the appeal is taken certified to the Board that, by reason of the fact stated in the certificate, the stay would in the officer's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, except by a restraining order granted by the Board or by a court of record on application and notice to the officer from whom the appeal is taken. The Board shall fix a reasonable time for hearing the appeal and give notice thereof to the parties in interest and the public.

(Prior Code, Ch. 4, Art. I, § 4-8) (Ord. 432-06, passed 6-19-2006) ~~(Ord. XXX-XX, passed X-X-201X)~~

**Cross-reference:**

For other town boards and commissions, see [Ch. 32](#)

**150.009150.010 Variances**

- I. ~~—(A)—~~ *Application.* Application for a variance to property development standards ~~shall be made to the Board of Adjustment in the form of a written application. The application~~ shall be filed with the Office of the Community Development Director Town Clerk upon a form prepared by the Community Development Department pursuant to subsection 150.023 of

~~this code. The completed application form provided by the Town Clerk, and~~ shall be accompanied by:

- ~~(A) —(1)—~~ Plans. Plans and description sufficient to indicate the nature of the project involved and the proposed use with ~~ground-site plans~~ and elevations of all proposed buildings, together with an estimate of cost.
- ~~(B) —(2)—~~ Period of approval. Evidence satisfactory to the Board of Adjustment of the ability and intention of the applicant to proceed with actual construction work in accordance with the plans within six months after issuance of the variance.
- II. ~~(B)—~~ Fee. A filing fee pursuant to the town fee schedule shall accompany each application. If the Board of Adjustment finds that it has no jurisdiction to hear the matter, the filing fee shall not be refunded to the applicant. From the time of filing the application until the time of the hearing, the application and all maps, plans and other accompanying data shall be available for public inspection during office hours at the office of the Town Clerk.
- III. ~~(C)—~~ Hearing and notice. Upon receipt in proper form of any application, the Board of Adjustment shall proceed to hold a public hearing upon the application within 45 ~~calendar~~ days after the filing at which time all persons shall be given an opportunity to be heard. The Board of Adjustment shall cause one notice of the hearing to be published in a newspaper of general circulation in the area of the municipality and shall cause to be posted three notices of hearing, one of which shall be on the subject property and the other two within 300 feet thereof, giving at least ~~tenfifteen-~~days' notice of the hearing, and the time and place where the hearing will be held. The notice, both as published and posted, shall also show the nature of the variance or exception requested and state that anyone wanting to be heard may appear in person or by writing.
- IV. ~~(D)—~~ Findings. A variance from the provisions of this Development Code shall not be authorized unless the Board shall find upon sufficient evidence:
  - ~~(A) —(1)—~~ 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;
  - ~~(B) —(2)—~~ The special circumstances were not created by the owner or applicant;
  - ~~(C) —(3)—~~ 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 (if, in the Board's opinion, the formulation of a general regulation is more appropriate than a variance, the Board shall table its consideration of the application and communicate to the Council its recommendation for a general regulation; should the Council not act upon the recommendation within 30 ~~calendar~~ days, the Board shall reconsider the application);
  - ~~(D) —(4)—~~ The authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights; and
  - ~~(E) —(5)—~~ The authorizing of the ~~variance~~ 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.
- V. ~~(E)—~~ Action. The Board shall prescribe in connection with any variance the conditions, as the Board may deem necessary in order to fully carry out the provisions and intent of this Development Code. The conditions may include, among other things, a limitation of the

time for which the variance shall be valid. Violation of any condition shall be a violation of this Development Code, and the violation shall render the variance null and void.

- VI. ~~—(F)—~~ *Review.* Any person aggrieved by a decision of the Board may, within 30 days after the decision of the Board, and not thereafter, petition the Superior Court to review the Board's decision pursuant to A.R.S. § 9-462.06, as amended, and the Superior Court Rules for Special Actions.

(Prior Code, Ch. 4, Art. I, § 4-9) (Ord. 432-06, passed 6-19-2006) (Ord. ~~XXX-XX~~, passed ~~X-X-201X~~)

~~150.010~~**150.011** Administrative staff

- I. ~~—(A)—~~ *Creation.* There is hereby created the position of ~~Planning Director~~Community Development Director who shall be hired by the town. The ~~Planning Director~~Community Development Director shall be responsible with enforcement of this Development Code. As used in this Development Code, ~~PLANNING DIRECTOR~~Community Development Director shall include staff authorized by the ~~Planning Director~~Community Development Director.
- II. ~~—(B)—~~ *Powers and duties.* The ~~Planning Director~~Community Development Director shall perform the following functions:
- (A) ~~—(1)—~~ Enforce this Development Code by ensuring that all activities, construction and development within the town are in conformance with the town zoning regulations;
- (B) ~~—(2)—~~ Accomplish all administrative tasks required by this Development Code including informing and processing applications for all persons requesting a re-zoning, use permit, plan review, variance, appeal or other action of the Planning and Zoning Commission, Board of Adjustment or Town Council; and
- (C) ~~—(3)—~~ Subject to the policies of the Planning and Zoning Commission and Town Council, interpret this Development Code to members of the public, town departments and other branches of government. Serve as planning staff to the Town Council ~~and~~, Planning and Zoning Commission, Board of Adjustment, Historic District Advisory Commission, and, as necessary, attend meetings of these and other organizations and agencies.

(Prior Code, Ch. 4, Art. I, § 4-10) (Ord. 432-06, passed 6-19-2006) (Ord. ~~XXX-XX~~, passed ~~X-X-201X~~)

~~150.011~~**150.012** Technical Advisory Committee

- I. ~~—(A)—~~ *Creation and composition.* The Technical Advisory Committee (hereinafter "Committee" or "TAC") is created ~~which and~~ shall consist of ~~a maximum of nine members, which may include~~ the Town Manager, ~~Planning Director~~Community Development Director, Building Official, Town Engineer, Senior Planner, Economic Development Director, Fire Chief, Police Chief and the Public Works Director, or their designees. The TAC may also include members of utility companies and agencies impacted by the specific request at hand.
- II. ~~—(B)—~~ *Conflict.* When any Committee member has direct pecuniary or proprietary interest in any matter before the Committee, the member shall be excused and refrain from participating in voting on any matters over which the conflict occurs while being considered by the Committee.
- III. ~~—(C)—~~ *Meetings.* Meetings shall be at the call of the ~~Planning Director~~Community Development Director, or designee, or on an as-needed basis. Minutes showing the actions of the Committee shall be compiled, distributed to Committee members and a copy shall be

kept in the Planning and Zoning Department. The ~~Planning Director~~Community Development Director, or designee, shall serve as Chairperson to the Committee and a person designated by the ~~Planning Director~~Community Development Director shall serve as Secretary.

- IV. ~~—(D)—~~Intent. The Committee review of development plans and proposals is intended to provide guidance and direction to a prospective applicant, developer or builder in order to achieve site development that conforms with the town's general plan, Town Code and regulations and its goals for quality development in the community. Technical review is intended to promote safe, attractive, harmonious and compatible development within the town and is, therefore, considered to be in the interest of the public health, safety and general welfare. Complete submittal requirements for technical review are outlined ~~in § 150.015(B)~~for the various applications and procedures referenced throughout this Development Code. Additional information and exhibits may be required to explain the full scope and impacts of a proposal. Additional information and exceptions to the minimum submittal requirements are subject to the discretion of the Community Development Director.
- V. ~~—(E)—~~*Powers, duties and jurisdiction.* The Committee shall have power to recommend, conditionally recommend or deny any application, not in compliance with this Development Code. The applicant shall be responsible for proving that the intent and purpose of this Development Code and other applicable provisions of the Town Code will be satisfied.
- (A) ~~—(1)—~~The Committee, upon hearing an application, may impose reasonable conditions to carry out the intent of this Development Code. Violation of any of these conditions shall be considered a violation of this Development Code, and shall render any permit null and void.
- (B) ~~—(2)—~~Prior to development, construction, remodel, change or alteration of any project subject to technical review, the property owner or designated agent shall secure written approval from the ~~Planning Director~~Community Development Director or designee. Technical review is required for design review applications, multi-family projects, manufactured home subdivisions, recreational vehicle parks, commercial and industrial developments, public facilities, public and private utilities and other uses identified in zoning districts as required by this Development Code
- VI. ~~—(F)—~~*Review.* The Committee shall review and comment on all residential development which contain four or more dwelling units, commercial or industrial developments ~~which contain four or more dwelling units~~, and businesses or buildings ~~but~~ which do not constitute a subdivision.
- VII. ~~—(G)—~~*Planning Commission review.* ~~Subsequent to the review by the Committee, and prior to submission to the Town Council, all projects requiring technical review shall appear before and present their case to the Planning Commission. The Planning Commission shall forward the case (with its recommendation for approval or denial) and any suggested stipulations and/or changes to the submission to the Town Council for its review.~~
- VIII. ~~—(H)—~~*Town Council review.* ~~Where required by the provisions of this Development Code, or as stipulated to by a Council action on a zoning amendment or otherwise, applications for technical review shall also be submitted to the Town Council for consideration following the required review by the Committee. When Council review and approval is required of the~~

~~applications, the action of the Committee on the project shall constitute only a recommendation. If the Council finds that a site plan does not meet the intent of this Development Code or the review criteria, the Council may disapprove the site plan.~~

~~IX.—(I) *Period of approval.* An approved plan shall be valid for a period of 180 days from the date of approval and shall become invalid if a building permit has not been issued in that time. Up to an additional 180 days may be granted by the Planning Director or designee, upon written request of the applicant or Council, when Council review and approval is required.~~

~~X.—(J) *Appeal procedure.* An applicant may appeal the decision of the Committee to the Town Council if that appeal is made in writing and filed with the Town Clerk within 60 days of the Committee's written decision. The appeal shall give the reasons for that appeal and the relief requested. The Town Council may affirm, modify or reverse the decision of the Committee. Appeals from a Town Council decision shall be heard by a state court of competent jurisdiction.~~

(Prior Code, Ch. 4, Art. I, § 4-11) (Ord. 432-06, passed 6-19-2006) (Ord. ~~XXX-XX~~, passed ~~X-X-201X~~)

#### 150.012150.013 ~~Site Plan: Application, content and review~~ **Pre-Application Conference**

~~The pre-application conference stage of the planning approval process is an exploratory period preceding actual preparation of detailed development plans by the applicant. During this time, applicants, developers and builders make their intentions known informally to the town, are advised of specific public objectives related to the proposed development and are given detailed information regarding approval procedures and requirements. At a minimum, the applicant shall submit a site plan (or floor plan for tenant improvements), building elevations, and proposed uses to sufficiently convey the scope of the applicant's intentions for the subject property.~~

~~I.—(A) *Application.* The Town Planning Department shall prescribe the form and content of applications and necessary accompanying data. Application shall be filed with the Planning Director or designee. Applications shall be made by the owner of the property or an agent authorized by a letter from all owners of the property.~~

~~II.—(B) *Content.* A site plan shall include the following information:~~

~~(A)—(1) *Technical review.* An accurate site plan on a minimum 18-inch by 24-inch sheet (or other as determined by the Planning Director) drawn at an appropriate scale showing the boundaries and dimensions of the site, acreage of the site, a north arrow, existing zoning of the site and contiguous property, dimensions and center lines of all streets, dimensions of all alleys and easements bounding or touching the site, dimensions from all street center lines to existing curb, gutter, sidewalk, water lines, sewer lines and irrigation lines, location, dimensions, direction and bearing of any major physical features such as railroads or drainage ways and existing topographic contours at intervals of not more than two feet.~~

~~(B)—(2) *Development information.* Proposed grading of the site, proposed public dedications, if any, within the site, proposed location, proposed grade, dimensions and use of all buildings, structures and signs to be located on the site.~~

~~(C)—(3) *Provisions of services.* Location, quantity and typical stall dimensions of off-street parking and loading facilities, points of ingress to and egress from the site,~~

~~including width of curb cuts, water, sewer, electric, gas and other public and private utility line sizes and locations, internal circulation, refuse collection areas, fire lanes and fire hydrants, off-site improvements and street lighting.~~

~~(D) — (4) **Provision of amenities.** Proposed location of open space and recreational facilities on the site, location and type of landscaping, location and height of screen walls and, location and specifications for any other proposed features of development contributing to the use of the site and to the compatibility of the proposed development with the surrounding area.~~

~~(E) — (5) **Calculations.** As applicable to the proposed development, calculations shall be tabulated on the map for storm water retention, parking spaces, number of dwelling units, compute density of dwelling units as provided in the town general plan, area of open space, building floor area by category of use and percentage and area of coverage of the site.~~

(Prior Code, Ch. 4, Art. I, § 4-12) (Ord. 432-06, passed 6-19-2006) (Ord. XXX-XX, passed X-X-201X)

#### **150.013150.014 Design Review**

- I. ~~(A)~~—The purpose of design review is to:
  - ~~(A) — (1)~~—Promote development consistent with the town’s codes, policies, guidelines, zoning regulations and overall goals and vision per the town’s general plan;
  - ~~(B) — (2)~~—Ensure that development is compatible and in character with the surrounding area;
  - ~~(C) — (3)~~—Provide an opportunity to address site plan, architectural, engineering and other development issues at a preliminary level, as requested by the Technical Advisory Committee, to facilitate the subsequent preparation of construction plans, and to assist in expediting permitting and development activities; and
  - ~~(D) — (4)~~—Allow an opportunity to review the aesthetic and functional aspects of a proposed development or project.
- II. ~~(B)~~—Projects within planned unit developments, including single-family homes; multiple-family developments, including condominiums and townhomes; office; commercial; mixed-use; institutional; and industrial projects, are subject to the design review process if any one of the following requirements is met:
  - ~~(A) — (1)~~—Project or development includes new or modified vertical (above grade) development or construction components, including permanent signs, that require a building permit, except as noted in divisions ~~(CIII)~~ and ~~(DIV)~~ below; and/or
  - ~~(B) — (2)~~—Project includes new or modified horizontal project components, such as parking areas, driveways, circulation areas, landscape areas, outdoor storage areas, retention basins, parks and/or similar site elements, except as noted in divisions ~~(CIII)~~ and ~~(DIV)~~ below.
- III. ~~(C)~~—Grading plans, civil improvement plans, underground utility installations and similar projects, as may be determined by the ~~Planning Director~~Community Development Director, are exempt from the design review process.
- IV. ~~(D)~~—Interior remodels or tenant improvements that do not alter the exterior dimensions or physical appearance of a structure and/or the historical integrity of a structure within the town’s historic district, are exempt from the design review process.

- V. ~~(E)~~ Applications for design review shall be submitted to the Planning Community Development Department and shall contain, where applicable:
- (A) ~~(1)~~ Completed design review application forms and fee;
  - (B) ~~(2)~~ Site plan showing all existing and proposed improvements; rights of way; and easements; An accurate site plan on a minimum 24-inch by 36-inch sheet (or other as determined by the Community Development Director) drawn at an appropriate scale showing the boundaries and dimensions of the site, acreage of the site, a north arrow, existing zoning of the site and contiguous property, dimensions and center-lines of all streets, dimensions of all alleys and easements bounding or touching the site, dimensions from all street center lines to existing curb, gutter, sidewalk, water lines, sewer lines and irrigation lines, location, dimensions, direction and bearing of any major physical features such as railroads or drainage ways and existing topographic contours at intervals of not more than two feet, or in a manner acceptable to the Community Development Director;
  - (C) ~~(3)~~ Parcel data, including parcel number and/or legal description; lot dimensions; setbacks; floor area ratio; building heights; lot coverage; and other relevant data As applicable to the proposed development. ~~Calculations shall be tabulated on the map for storm water retention, parking spaces, number of dwelling units, compute density of dwelling units as provided in the town general plan, area of open space, building floor area by category of use and percentage and area of coverage of the site;~~
  - (D) ~~(4)~~ Building elevations;
  - (E) ~~(5)~~ Conceptual landscape plan ~~Proposed location of open space and recreational facilities on the site, location and type of landscaping, location and height of screen walls and, location and specifications for any other proposed features of development contributing to the use of the site and to the compatibility of the proposed development with the surrounding area;~~
  - (F) ~~(6)~~ Preliminary grading and drainage plan for site and development context Proposed grading of the site, showing all proposed public dedications, if any, within the site. ~~Site plan shall also include the proposed location, proposed grading and drainage, dimensions and use of all buildings, structures and signs to be located on the site;~~
  - (G) ~~(7)~~ Materials and colors exhibits;
  - (H) ~~(8)~~ Signage plan;
  - (I) ~~(9)~~ Applicable utility information ~~Location, quantity and typical stall dimensions of off-street parking and loading facilities, points of ingress to and egress from the site, including width of curb cuts, water, sewer, electric, gas and other public and private utility line sizes and locations, internal circulation, refuse collection areas, fire lanes and fire hydrants, off-site improvements and street lighting;~~ and
  - (J) ~~(10)~~ Other ancillary documentation required to complete the review as supported by applicable town code and guidelines.
- VI. ~~(F)~~ Town staff shall review the design review application for the following:
- (A) ~~(1)~~ The proposed development complies with all provisions of this Development Code and all other ordinances, master plans, general plans, guidelines, goals, objectives and standards of the town;

- (B) —~~(2)~~ Building heights, building locations, access points and parking areas of the proposed development will not negatively impact adjacent properties or the surrounding neighborhood;
  - (C) —~~(3)~~ The proposed development promotes a functional relationship of structures to one another, to open spaces and to topography, both on the site and in the surrounding neighborhood;
  - (D) —~~(4)~~ The height, location, materials, color, texture, area, setbacks and mass, as well as parts of any structure (buildings, walls, signs and lighting) and landscaping is appropriate to the development, the neighborhood and the community;
  - (E) —~~(5)~~ Ingress, egress, internal and external traffic circulation, off-street parking facilities, loading and service areas, and pedestrian ways are designed as to promote safety and convenience;
  - (F) —~~(6)~~ The architectural character of the proposed structure is in harmony with, and compatible to, structures in the neighboring environment and the architectural character desired for the town; avoiding excessive variety or monotonous repetition; and
  - (G) —~~(7)~~ All mechanical equipment, appurtenances and utility lines are concealed from view and integral to the building and site design.
- VII. —~~(G)~~ Town staff will review the design review application materials ~~and will to~~ determine ~~whether if~~ the design review application ~~shall be reviewed by~~ falls within the final decision making authority of the town staff for an administrative decision, or if the application forwarded to requires final action by the Planning and Zoning Commission and/or the Historic District Advisory Committee.
- VIII. —~~(H)~~ Design review applications reviewed administratively by town staff shall include applications for:
- (A) —~~(1)~~ Standard architectural plans for single-family, two family, and three-family attached production homes, ~~a~~ Attached signs, except where required by the planned unit development or comprehensive sign plan or within the historic district;
  - (B) —~~(2)~~ Landscaping, parks and recreational fields, except for commercial recreational facilities; and/or
  - (C) —~~(3)~~ Projects on less than one acre and/or involving less than 10,000 square feet of floor/building area, except for projects within the historic district.
- IX. —~~(I)~~ Design review applications can be approved, approved with conditions, or denied. Design review decisions rendered by town staff are administrative and can be appealed within 15 calendar days from the date of the decision, to the Planning and Zoning Commission.
- X. —~~(J)~~ A Design design review applications that ~~are ineligible for staff review or staff reviewed receive an administrative design review determination~~ are subject to appeal pursuant to subsection IX above, and shall be forwarded for consideration and recommendation to the Planning and Zoning Commission. The Planning and Zoning Commission shall hear the application at a scheduled meeting, shall review the findings of staff, and shall either:
- (A) —~~(1)~~ Approve the application;
  - (B) —~~(2)~~ Deny the application; or

- (C) —~~(3)~~ Approve the application with conditions.
- XI. —~~(K)~~ If the application is found to be lacking, or in noncompliance with any of the items of this Development Code, and adequate resolution cannot be ensured by the applicant, the application shall be denied, and the applicant shall be provided a written response by the Planning Community Development Department, stating the reasons for denial. The applicant may appeal the Planning and Zoning Commission's decision to the Council within 15 calendar days of the decision. The appeal letter shall describe the unresolved issues and describe what design solutions are proposed by the applicant. The applicant shall be notified of the date of the Town Council meeting to consider the appeal a minimum of 15 calendar days prior to the public meeting. The decision of the Town Council shall be final.

(Prior Code, Ch. 4, Art. V, § 4-461) (Ord. 432-06, passed 6-19-2006; Ord. 605-13, passed 2-3-2014) (Ord. ~~XXX-XX~~, passed ~~X-X-201X~~)

#### 150.014150.015 **Zone changes; amendments**

- I. —~~(A)~~ *Intent.* Regulations set forth in this Development Code and boundaries of zoning districts established by the town may be amended, supplemented, changed, modified or repealed when deemed necessary to best serve the public interest, health, comfort, convenience, safety and general welfare of the citizens of the town.
- II. —~~(B)~~ *Review.* Upon receipt of an application for an amendment, including requests for use permits and special use permits, the Planning DirectorCommunity Development Director or designee, shall review the application for completeness and applicability to this Development Code and the general plan, comment on the proposal and shall adhere to the posting and publication requirements required by state law, including compliance with the citizen review process provided in § 150.~~019022~~, prior to the public hearing before the Planning CommissionPlanning and Zoning Commission. Requests for amendments shall be considered by the Planning CommissionPlanning and Zoning Commission for the purpose of making a written recommendation, which shall, after holding a public hearing at which parties of interest and citizens have been heard, include the reasons for the recommendations to the Mayor and Council.
- (A) —~~(1)~~ The Town Council may adopt the recommendation of the Commission without holding a second public hearing if there is no objection, request for public hearing or other protest.
- (B) —~~(2)~~ The Town Council shall hold a public hearing if requested in writing by the applicant, or by any person appearing in opposition at the Commission hearing, or by any person who has filed a written protest, in accordance with state law.
- (C) —~~(3)~~ If an application for amendment is denied by Council, or the application is withdrawn after Commission hearing, the Commission shall not consider an application for the same amendment within one year from the date of the original hearing.
- III. —~~(C)~~ *Adoption.* Adoption of an amendment may be subject to the conditions as the Council deems applicable to enforce this Development Code. If one condition is a schedule for development of specific uses for which zoning is requested, and at expiration of that period the property has not been developed according to the schedule, it may be reverted to its former zoning classification by the Town Council.
- IV. —~~(D)~~ *Application.* An application for an amendment shall be filed and signed by:

- (A) ~~—(1)~~ The owner of the property;
  - (B) ~~—(2)~~ One or more of several joint owners of property whose ownership constitutes a majority interest in the property;
  - (C) ~~—(3)~~ Seventy-five percent or more of the owners of property in the area to be affected, when the application affects more than one property; or
  - (D) ~~—(4)~~ An agent of any property owner(s) authorized to sign as above, when the authority of the agent is in writing and filed with the application.
- V. ~~—(E)~~ *Protests*. If the owners of 20% or more of ~~either the area of the lots included in a proposed ordinance or zoning map change, or those immediately adjacent in the rear or any side extending 150 feet therefrom, or those directly opposite extending 150 feet from the street frontage of opposite lots,~~ the property by area and number of lots, tracts and condominium units within the Zoning Area of the affected property file a protest in writing against a proposed ordinance amendment, the amendment shall not become effective except by favorable vote of three-fourths of the Council. If any member of the Council is unable to vote because of a conflict of interest, then the required number of votes shall be three-fourths of the remaining Council members (provided that required number of votes shall not be less than a majority of the full Council). For the purposes of this subsection, the vote shall be rounded to the nearest whole number.
- VI. ~~—(F)~~ *Annexation*. Areas, when annexed to the town, shall, until officially zoned by the Council, be considered to be zoned to densities and uses no greater than those permitted by the county immediately prior to the annexation.

(Prior Code, Ch. 4, Art. I, § 4-13) (Ord. 432-06, passed 6-19-2006)

**150.015150.016 ~~Exceptions and modifications.~~ Conditional Use Permits**

- I. ~~—(A)~~ *Purpose*. Because there are some uses, which may be beneficial to have within certain zones, and because these uses may not be completely compatible with adjoining or nearby permitted uses if not specifically controlled, this division permits these uses after certain conditions have been met. The process outlined here will allow the Planning and Zoning Commission and Council to review and approve or disapprove applications for these uses. It will also allow for the modification of an application, if desired, to make it more harmonious and compatible with adjoining and/or nearby uses.
- II. ~~—(B)~~ *Permitted uses*. Only those uses listed in the conditional use section of each zone, or as otherwise specified in this Development Code, shall be permitted under the process provided for by this division.
- III. ~~—(C)~~ *Application*. Application for a conditional use permit shall be made by a property owner or authorized agent upon forms provided by the municipality. All information requested on the application form must be completed before the application will be processed.
- IV. ~~—(D)~~ *Public hearing*. After receipt of a completed application form under this division, including filing fee and list of property owners within 300 feet of the property, items shall be placed on the Planning and Zoning Commission's agenda for public hearing within 60 days after receipt of the application.
- V. ~~—(E)~~ *Notice*. Notice of the public hearing before the Planning and Zoning Commission shall be given in the manner established in § 150.014015. In proceedings that are not initiated by

the property owner, notice of the public hearing shall also be mailed to the owners of property within 300 feet of the subject property boundary, as recorded with Pinal County. This mailing shall occur at least 15 days prior to the public hearing.

- VI. ~~(F)~~ *Action by Commission*. Within 35 calendar days of the public hearing under this division, the Planning and Zoning Commission shall recommend approval, approval with conditions or disapproval of the application. Notice of the recommendation shall be sent to the Council and the applicant.
- VII. ~~(G)~~ *Review*. In reviewing an application for a conditional use permit, the Planning and Zoning Commission shall consider:
- (A) ~~(1)~~ The site of the proposed use and the surrounding land uses;
  - (B) ~~(2)~~ Access to the site; and
  - (C) ~~(3)~~ The impact on adjoining and surrounding property if the application is approved.
- VIII. ~~(H)~~ *Conditions*. In making its recommendation, the Planning and Zoning Commission may include conditions which are deemed necessary to protect the public health, safety and general welfare. These conditions may include, but are not limited to:
- (A) ~~(1)~~ Regulation of use;
  - (B) ~~(2)~~ Special yard requirements;
  - (C) ~~(3)~~ Special buffers, fences or walls;
  - (D) ~~(4)~~ Special parking areas;
  - (E) ~~(5)~~ Street dedications and/or improvements or appropriate bonds;
  - (F) ~~(6)~~ Regulation of access points;
  - (G) ~~(7)~~ Sign restrictions;
  - (H) ~~(8)~~ Required maintenance of yard;
  - (I) ~~(9)~~ Regulations of odors, noise, light or other special environmental factors;
  - (J) ~~(10)~~ Restrictions of hours of activity;
  - (K) ~~(11)~~ Duration of use;
  - (L) ~~(12)~~ Completion of development; and
  - (M) ~~(13)~~ Other conditions which will make the proposed use more compatible and harmonious with the surrounding land uses. In no case, however, shall these conditions be less restrictive than those found in the existing zoning classification.
- IX. ~~(I)~~ *General requirements*. In addition to any of the above special conditions, the Planning and Zoning Commission and Council shall impose the following general requirements on every conditional use permit which is granted:
- (A) ~~(1)~~ No conditional use approval shall be final until all conditions imposed have been met;
  - (B) ~~(2)~~ All of the special conditions shall constitute restrictions which run with the land and which shall be binding upon the owner of the land, successors or assigns;
  - (C) ~~(3)~~ The special conditions imposed by the Planning and Zoning Commission and/or Council shall be consented to in writing by the applicant prior to issuance of a conditional use permit; and
  - (D) ~~(4)~~ The resolution of the Council granting the application together with all consent forms shall be recorded by the Recorder of the county.
- X. ~~(J)~~ *Action by Council*. Upon receipt of a recommendation under this division from the Planning and Zoning Commission, the Council shall approve, approve with conditions or

deny the application. Before acting on the application, the Council may hold a public hearing on the application. If it does, notice of the hearing will be in compliance with § 150.014015. If it does or does not hold a public hearing, the Council will approve, approve with conditions or disapprove the application within 30 days of receiving a recommendation from the Planning and Zoning Commission.

- XI. ~~(K)~~ *Protests.* If written protests are received to an application filed under this Development Code, the regulations of § 150.014015(EV.) shall apply.
- XII. ~~(L)~~ *Revocation.* The Council, acting on the recommendation of the Planning and Zoning Commission or on its own, may revoke any conditional use permit for noncompliance with any of the conditions set forth in the resolution granting the permit. This revocation shall occur by resolution of the Council after a public hearing, notice for which shall be in accordance with § 150.014015. Written notice of the possibility of revocation shall be mailed to the applicant or successor not less than 30 days prior to the Council meeting at which the issue will be discussed. The revocation of a conditional use permit shall have the effect of denying all rights and privileges granted by the approval of the conditional use permit.
- XIII. ~~(M)~~ *Time limit.* If an established time limit for development expires or if a time limit for the duration of the carrying on of the conditional use has been established as a ~~of the~~ condition of approval, the permission for the use shall be considered to be revoked upon the date of expiration without any notification to the applicant or successor.
- XIV. ~~(N)~~ *Alteration of structures.* Any proposed changes, either additions, enlargements or modifications of the structures approved in any conditional use permit or any proposed extension of the uses into areas approved in any permit shall follow the same process as outlined in this division. No building permit for any change shall be issued unless the Council has approved the change.

(Prior Code, Ch. 4, Art. I, § 4-14) (Ord. 432-06, passed 6-19-2006) (Ord. XXX-XX, passed X-X-201X)

### **150.017 Temporary Use Permits**

- I. *Purpose.* Because there are certain uses intended to be temporary in nature, this section establishes a process for review and approval of certain uses that are intended to be a limited duration of time and will not permanently alter the character or physical facilities of the site where they occur. The process outlined here will allow the Community Development Director and the Planning and Zoning Commission to review and approve or disapprove applications for temporary uses. It will also allow for the modification of an application, if desired, to make it more harmonious and compatible with adjoining and/or nearby uses.
- II. *Permitted uses.* Only those uses listed in the temporary use section of each zone, or as otherwise specified in this Development Code, shall be permitted under the process provided for by this division.
- III. *Permit Procedures.*
  - (A) *Application.* Application for a temporary use permit shall be made by a property owner or authorized agent upon forms provided by the municipality. All information requested on the application form must be completed before the application will be processed.

Applicant may apply for approval of a temporary use not less than 45 days before the use is intended to begin accompanied by payment of the required fee.

(B) Required Findings. The decision-making authority (Community Development Director, Planning and Zoning Commission, or Town Council, as applicable) may approve an application for a Temporary Use Permit to allow a temporary use for a period of time, only upon making all of the following findings:

- (1) The proposed use will not unreasonably affect or have a negative impact on adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the Town;
- (2) The proposed use is consistent with a land use permitted by the present Zoning District within which the site is located, or a land use considered permitted by a Zoning District listed in the General Plan as being consistent with the General Plan land use designation of the site;
- (3) The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use, and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas; and
- (4) Appropriate controls are in place that will ensure the premises will be kept clean, sanitary, free of litter, and all circulation and parking surfaces will include a suitable dust-controlled surface.

(C) Approvals. The Community Development Director may approve an application for a Temporary Use Permit to allow a temporary use for a period of time not to exceed 45 days. All temporary use requests for a period of time exceeding 45 days may be approved by the Planning and Zoning Commission. Temporary Use Permits shall be valid for a maximum period of two years.

(D) Conditions. In approving a Temporary Use Permit, the decision-making authority may impose reasonable conditions deemed necessary to achieve the findings for a Temporary Use Permit listed above, including but not limited to:

- (1) Regulation of vehicular ingress and egress and traffic circulation;
- (2) Regulation of dust control surfaces;
- (3) Regulation of lighting;
- (4) Regulation of solid waste removal;
- (5) Regulation of hours, total number of events/duration for the permit, and other characteristics of operation;
- (6) Submission of final plans to ensure compliance with conditions of approval;
- (7) Requirement of bonds or other guarantees for cleanup or removal of structure or equipment; and
- (8) Such other conditions as the decision-making authority may deem necessary to carry out the intent and purpose of this section.

(E) Appeals. The Director's decision may be appealed to the Planning and Zoning Commission if a written request from the applicant is received by the Community Development Department within 15 calendar days after the Director's final decision is

rendered. Appeals will be heard, and a final decision will be rendered by the Planning and Zoning Commission at their next regular meeting after seven (7) calendar days from receipt of the appeal. The Planning and Zoning Commission's decision may be appealed to the Town Council if a written request from the applicant is received by the Community Development Department within 15 calendar days after the Commission's final decision. Council's consideration of the appeal will be scheduled at a time to be determined by the Town Clerk.

IV. Notice. Notice of the proposed Temporary Use Permit shall be posted on the subject property for a period of 15 days prior to the date scheduled for final decision of the request. Notice shall also be mailed to property owners within 300 feet of the property boundaries proposed for the Temporary Use. Additional notification may be required at the Community Development Director's discretion.

V. Revocation. The decision-making authority may revoke any Temporary Use Permit for noncompliance with any of the conditions set forth in granting the permit. This revocation shall occur after a public hearing, notice for which shall be in accordance with §150.015. Written notice of the possibility of revocation shall be mailed to the applicant and property owner not less than 30 days prior to the meeting at which the issue will be discussed. The revocation of a Temporary Use Permit shall have the effect of denying all rights and privileges granted by the approval of the use permit.

VI. Time limit. If an established time limit for the Temporary Use Permit expires or if a time limit for the duration of the carrying on of the use has been established as a of the condition of approval, the permission for the use shall be considered to be revoked upon the date of expiration without any notification to the applicant.

VII. Effective Dates.

(A) Permit Period 45 Days or Less. A Temporary Use Permit issued for 45 days or less shall become effective on the date the permit is approved by the decision-making authority.

(B) Permit Period More than 45 Days. A Temporary Use Permit for more than 45 days shall become effective seven days from the date the permit is approved by the decision-making authority.

(Ord. XXX-XX, passed X-X-201X)

#### 150.016~~150.018~~ **Applications and fees.** ~~Exceptions and modifications~~

Regulations specified in this Development Code shall be subject to the following exceptions, modifications and interpretations:

- I. ~~—(A)—~~*Extension of time.* Under special conditions, the Council may grant extensions of time unless otherwise set forth in this Development Code.
- II. ~~—(B)—~~*Use of existing lots of record.* In any district where dwellings are permitted, a single-family dwelling may be located on any lot or plot of official record that existed on the effective date of this Development Code, which does not meet area and/or width requirements of this Development Code.
- III. ~~—(C)—~~*Structures permitted above the height limit.* Building height limitations of this Development Code may be modified as follows: public, semi-public or public service

buildings, sanitariums, schools, churches and temples, when permitted in a district, may have the applicable height limit waived by the Town Council, provided that each setback is increased one foot for each foot of additional building height above the height limit otherwise provided in that district.

- IV. ~~(D)~~ *Area requirements.* In any residential district where neither the public water supply nor public sanitary sewer is accessible, lot area and frontage requirements shall be consistent with county or state health requirements and meet the minimum requirements of the zone district in which it is located.
- V. ~~(E)~~ *Other exceptions to yard requirements.* Every part of a required yard shall be open to the sky, unobstructed by any structure, except for permitted accessory buildings, and except for ordinary projections of sills, bay windows, cornices and other features permitted elsewhere in this Development Code.
- VI. ~~(F)~~ *Mixed-use yard requirements.* When buildings are erected containing two or more uses housed vertically, required side yards for the first floor use shall control.

(Prior Code, Ch. 4, Art. I, § 4-15) (Ord. 432-06, passed 6-19-2006)

#### 150.017150.019 **Building Permits and Certificates of Occupancy**

Neither building permits nor certificates of occupancy may be issued until the use of building(s) and land conforms with this Development Code and all other applicable codes and ordinances.

(Prior Code, Ch. 4, Art. I, § 4-17) (Ord. 432-06, passed 6-19-2006) ~~(Ord. XXX-XX, passed X-X-201X)~~

- I. ~~(A) *Applications.* Applications for use permits, appeals, variances, amendments and design review shall be made in the Office of the Planning Director on forms provided. Applications shall contain the following information supplied by the applicant:~~
  - ~~(A) (1) *Vicinity ownership map.* Drawn to scale, at least eight and one-half inches by 11 inches, showing all parcels adjacent to and surrounding the property within a radius of 150 feet from exterior boundaries.~~
  - ~~(B) (2) *Ownership lists.* Typed in the form of mailing labels, containing complete names and mailing addresses of owners and parcel designations within a radius of 300 feet of the boundaries of the property.~~
  - ~~(C) (3) *Plot plan.* Drawn to scale, at least eight and one-half inches by 11 inches by 17 inches, or as otherwise required by this Development Code, showing dimensions of the property, name and width of the internal and abutting streets, roads or alleys and existing buildings, fences and easements (with distances to property lines).~~
  - ~~(D) (4) *Legal description of property.* Either lot or tract of a recorded subdivision, or metes and bounds description prepared by a registered Engineer and licensed land surveyor and map of the same.~~
  - ~~(E) (5) *Letter of explanation.* Explaining the nature and intent of the proposed development, reasons justifying the request and expected effects upon surrounding neighborhoods and the town at large.~~
  - ~~(F) (6) *Additional materials.* Development plans, elevations, maps and other materials may be required (in accordance with other stipulations of this Development Code).~~

~~II. (B) Fees. Fees for all matters pertinent to the administration of this Development Code will be set from time to time by resolution of the Town Council, including but not limited to the following:~~

- ~~(A) (1) General plan amendment;~~
- ~~(B) (2) Request for re-zoning or special use;~~
- ~~(C) (3) Code text amendment;~~
- ~~(D) (4) Design review;~~
- ~~(E) (5) Appeal of site plan decision to Town Council;~~
- ~~(F) (6) Amendment to an approved site plan;~~
- ~~(G) (7) Use permit;~~
- ~~(H) (8) Variance;~~
- ~~(I) (9) Code interpretation;~~
- ~~(J) (10) Extension of re-zoning, special use, use permit or variance;~~
- ~~(K) (11) Continuance of application hearing at applicant's request;~~
- ~~(L) (12) Landscape plans review;~~
- ~~(M) (13) Landscape inspection fee;~~
- ~~(N) (14) Right-of-way and easement abandonment fee; and~~
- ~~(O) (15) Annexation initiated by land owner.~~

~~III. (C) Refunds. Application fees shall not be refundable.~~

~~(Prior Code, Ch. 4, Art. I, § 4-16) (Ord. 432-06, passed 6-19-2006)~~

~~150.018150.020 Building Permits and Certificates of Occupancy Nonconforming use~~

- ~~I. (A) Continuance of use of land; abandonment. The lawful use of land existing on July 19, 2006, although not conforming to the provisions hereof for the land, may be continued, but if the nonconforming use is abandoned, and a nonconforming use discontinued for a period of three months, it is presumed abandoned, then any future use of the land shall be in conformity with the provisions of this Development Code.~~
- ~~II. (B) Continuance of use of building or land. The lawful use of a building or land existing on July 19, 2006 may be continued, although the use does not conform with the provisions of this Development Code for the building or land and the use may be continued providing only reasonable repairs and alterations are made. Whenever a nonconforming use of a building or land has been changed to a more restricted use or to a conforming use, the use shall not thereafter be changed to a less restricted use or a nonconforming use.~~
- ~~III. (C) Abandonment of use of building or land. In the event that a nonconforming use of any building is abandoned, and a nonconforming use discontinued for a period of three months is presumed abandoned, then any future use of the building or land shall be in conformity with the provisions of this Development Code.~~

~~(Prior Code, Ch. 4, Art. IV, § 4-91) (Ord. 432-06, passed 6-19-2006) (Ord. XXX-XX, passed X-X-201X)~~

~~Neither building permits nor certificates of occupancy may be issued until the use of building(s) and land conforms with this Development Code and all other applicable codes and ordinances.~~

~~(Prior Code, Ch. 4, Art. I, § 4-17) (Ord. 432-06, passed 6-19-2006)~~

~~150.019~~150.021 ~~Citizen Review Process~~Enlargement of building or land; destruction

- I. ~~—(A)~~—Enlargement, extension, reconstruction or structural alteration of building or land. No existing building or land designed, arranged or intended for or devoted to a use not permitted under the regulations of this Development Code for the district in which the building or land is located shall be enlarged, extended, reconstructed or structurally altered unless the building and the enlargement, extension, reconstruction and structural alterations, and further use hereof, conform in every respect with the regulations specified by this Development Code for the district in which the building or land is located, provided nothing herein shall prohibit any reasonable repairs or alterations in a building or land used for the existing purposes.
- II. ~~—(B)~~—Destruction of building ~~or land~~. If at any time any building ~~or land~~ in existence or maintained on July 19, 2006, which does not conform to the regulations for the district in which it is located, shall be destroyed by fire, explosion, during modification, remodeling, renovation or acts of God or acts of the public enemy to the extent of 50% of its value as determined by three competent appraisers, then and without further action by the Council, the building ~~and the land on which the building was located or maintained~~ shall from and after the date of the destruction be subject to all the regulations specified by this Development Code for the district in which the land and building are located.

(Prior Code, Ch. 4, Art. IV, § 4-92) (Ord. 432-06, passed 6-19-2006) ~~(Ord. XXX-XX, passed X-X-201X)~~

- ~~III. —(A) Neighborhood meeting. Prior to any public hearing, as required under § 150.014, on any application for any zoning ordinance that changes any property from one zoning district to another, a use or special use permit application that imposes any regulation not previously imposed, or that removes or modifies any regulation previously imposed, the Planning Director or designee, shall require the applicant to conduct a neighborhood meeting or an acceptable alternative prior to a public hearing to consider the proposal. A written notice of the application shall be mailed to all adjacent landowners of the property that is subject to a re-zoning, use or special use permit application and to the other persons as the Planning Director or designee reasonably determines to be other potentially affected citizens. In determining the number of potentially affected citizens, the Planning Director or designee, shall review the density and intensity of residential development in the general vicinity, the existing street system and other factors that may be related to the zoning or use permit's impact on the character of the neighborhood.~~
- ~~IV. —(B) Written notice. The written notice shall also include a general explanation of the substance of the proposed re-zoning, use permit or special use permit application and shall state the date, time and place scheduled for a neighborhood meeting, at which any adjacent landowner(s) or those other potentially affected citizens, will be provided a reasonable opportunity to express any issues or concerns that the landowner or citizen may have with the proposed zoning or use permit application.~~
- ~~V. —(C) Publication. At the discretion of the Planning Director, written notice shall be given at least 15 days before the neighborhood meeting in at least one of the following methods:
  - ~~(A) —(1) The notice shall be published once in a newspaper of general circulation published or circulated in the town.~~~~

~~(B) — (2) The notice shall be posted upon the sign required in § 150.014 unless waived by the Planning Director or designee.~~

~~(C) — (3) The notice shall be mailed in accordance with the same procedures, and delivered in accordance with the provisions of § 150.014.~~

~~VI. — (D) *Time, date and location.* The Planning Director, upon consultation with the applicant, shall establish a time, date and place for the neighborhood meeting that provides a reasonable opportunity for the applicant, adjacent landowners and those other potentially affected citizens to discuss and express their respective views concerning the application and any issues or concerns that they may have with the zoning or re-zoning ordinance and use permit proposed by the application. The Planning Director or designee shall attend the meeting, but is not required to conduct the meeting. The Planning Director or designee shall report the results of the neighborhood meeting to the Planning and Zoning Commission and Mayor and Town Council at the time as they take action on the application.~~

(Prior Code, Ch. 4, Art. I, § 4-18) (Ord. 432-06, passed 6-19-2006) (Ord. ~~XXX-XX~~, passed ~~X-X-201X~~)

### **150.022 Citizen Review Process**

~~I. *Neighborhood meeting.* Prior to any public hearing, as required under § 150.015, on any application for any zoning ordinance that changes any property from one zoning district to another, a use or conditional special-use permit application that imposes any regulation not previously imposed, or that removes or modifies any regulation previously imposed, the Community Development Director or designee, shall require the applicant to conduct a neighborhood meeting or an acceptable alternative prior to a public hearing to consider the proposal. A written notice of the application shall be mailed to all adjacent landowners of the property that is subject to a re-zoning, use or special use permit application and to the other persons as the Community Development Director or designee reasonably determines to be other potentially affected citizens. In determining the number of potentially affected citizens, the Community Development Director or designee, shall review the density and intensity of residential development in the general vicinity, the existing street system and other factors that may be related to the zoning or use permit's impact on the character of the neighborhood.~~

~~II. *Written notice.* The written notice shall also include a general explanation of the substance of the proposed re-zoning, use permit or special use permit application and shall state the date, time and place scheduled for a neighborhood meeting, at which any adjacent landowner(s) or those other potentially affected citizens, will be provided a reasonable opportunity to express any issues or concerns that the landowner or citizen may have with the proposed zoning or use permit application.~~

~~III. *Publication.* At the discretion of the Community Development Director, written notice shall be given at least 15 days before the neighborhood meeting in at least one of the following methods:~~

~~(A) The notice shall be published once in a newspaper of general circulation published or circulated in the town.~~

~~(B) The notice shall be posted upon the sign required in § 150.015 unless waived by the Community Development Director or designee.~~

(C) The notice shall be mailed in accordance with the same procedures, and delivered in accordance with the provisions of § 150.015.

IV. Time, date and location. The Community Development Director, upon consultation with the applicant, shall establish a time, date and place for the neighborhood meeting that provides a reasonable opportunity for the applicant, adjacent landowners and those other potentially affected citizens to discuss and express their respective views concerning the application and any issues or concerns that they may have with the zoning or re-zoning ordinance and use permit proposed by the application. The Community Development Director or designee shall attend the meeting, but is not required to conduct the meeting. The Community Development Director or designee shall report the results of the neighborhood meeting to the Planning and Zoning Commission and Mayor and Town Council at the time as they take action on the application.

(Prior Code, Ch. 4, Art. I, § 4-18) (Ord. 432-06, passed 6-19-2006) (Ord. ~~XXX-XX~~, passed ~~X-X-201X~~)

**150.023 Applications and fees**

- I. Applications. Applications for use permits, appeals, variances, amendments and design review shall be made in the Office of the Community Development Director on forms provided. Applications shall contain the following information supplied by the applicant:
  - (A) Vicinity ownership map. Drawn to scale, at least eight and one-half inches by 11 inches, showing all parcels adjacent to and surrounding the property within a radius of 150 feet from exterior boundaries.
  - (B) Ownership lists. Typed in the form of mailing labels, containing complete names and mailing addresses of owners and parcel designations within a radius of 300 feet of the boundaries of the property.
  - (C) Plot plan. Drawn to scale ~~on eight and one-half 24 17 by 36 inch sheet(s), or as otherwise required by this Development Code,~~ showing dimensions of the property, name and width of the internal and abutting streets, roads or alleys and existing buildings, fences and easements (with distances to property lines).
  - (D) Legal description of property. Either lot or tract of a recorded subdivision, or metes and bounds description prepared by a registered Engineer or licensed land surveyor and map of the same.
  - (E) Letter of explanation. Explaining the nature and intent of the proposed development, reasons justifying the request and expected effects upon surrounding neighborhoods and the town at- large.
  - (F) Additional materials. Development plans, elevations, maps and other materials may be required (in accordance with other stipulations of this Development Code).
- II. Fees. Fees for all matters pertinent to the administration of this Development Code will be set from time to time by resolution of the Town Council, including but not limited to the following:
  - (A) General plan amendment;
  - (B) Request for re-zoning or special use;
  - (C) Code text amendment;
  - (D) Design review;
  - (E) Appeal of site plan decision to Town Council;

- (F) Amendment to an approved site plan;
- (G) Use permit;
- (H) Variance;
- (I) Code interpretation;
- (J) Extension of re-zoning, special use, use permit or variance;
- (K) Continuance of application hearing at applicant's request;
- (L) Landscape plans review;
- (M) Landscape inspection fee;
- (N) Right-of-way and easement abandonment fee; and
- (O) Annexation initiated by land owner.

III. Refunds. Application fees shall not be refundable.

(Prior Code, Ch. 4, Art. I, § 4-16) (Ord. 432-06, passed 6-19-2006) (Ord. XXX-XX, passed X-X-201X)

**150.024 Claim for Diminution in Value pursuant to A.R.S. §12-1134**

- I. Filing of claim. All claims for diminution in value pursuant to A.R.S. § 12-1134 shall be filed with the Town Clerk on a form prescribed by the Town.
- II. Review. After a claim is filed, Town staff shall review the claim to determine whether the enactment or application of a land use law has diminished the value of the claimant's property. A certified land appraiser, economist, or other qualified expert may be consulted to determine the amount of the diminishment of value, if any.
- III. Staff recommendation. The Community Development Director shall prepare a recommendation to the Town Council to deny the claim, pay compensation for diminishment in value or rescind or modify the land use regulation.
- IV. Town Council determination. Within 90 days of the filing of the claim, Town Council shall make a determination whether to deny the claim, pay compensation, modify or rescind the land use law or its application to the claimant's property. The Town Council's determination shall be made in writing and a copy shall be provided to the claimant. Any rescission or modification of the application of a land use law to an individual property shall be recorded against the property in the office of the Pinal County Recorder.
- V. Satisfaction of Notice of Claims requirements. Filing a claim pursuant to this Section shall be deemed to satisfy the requirements set forth in A.R.S. § 12-821.01 for filing an administrative claim against the Town.

	<b>TOWN OF FLORENCE COUNCIL ACTION FORM</b>	<b><u>AGENDA ITEM</u></b> <b>11c.</b>
<b>MEETING DATE</b> February 18, 2020  <b>DEPARTMENT:</b> Administration  <b>STAFF PRESENTER:</b> Lisa Garcia, Deputy Town Manager/ Town Clerk  <b>SUBJECT:</b> Intergovernmental Agreement for Provision of Services by the Pinal County Elections and Recorder Department		<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>
<b>STRATEGIC PLAN REFERENCE:</b> <input type="checkbox"/> Community Vitality <input type="checkbox"/> Economic Prosperity <input type="checkbox"/> Leadership and Governance <input type="checkbox"/> Partnerships and Relationships <input type="checkbox"/> Transportation and Infrastructure <input checked="" type="checkbox"/> Statutory <input type="checkbox"/> None		

**RECOMMENDED MOTION/ACTION:**

Authorization to enter into an Intergovernmental Agreement for provisions of services with the Pinal County Recorder for elections and voter registration services.

**BACKGROUND/DISCUSSION:**

The Primary Election will be held on August 4, 2020, and the General Election will be held on November 3, 2020. Both the Primary and General Elections will be consolidated elections. This Intergovernmental Agreement allows the Town to use both Pinal County Election and Voter Registration Services.

The Primary and General Elections will be ground elections, using county polling places. Those voters who are on the permanent early voting list will continue to receive ballots by mail. As of February 10, 2020, there are 6,772 active voters, of which 4,644 are on the permanent early voting list. The Town has 354 voter who are on the inactive list.

The following is a breakdown of active voters by Precinct:

Precinct 23:	1,693	
Precinct 24	1,248	
Precinct 27:	<u>3,829</u>	
	6,772	Active Voters

**A VOTE OF NO WOULD MEAN:**

A no vote would mean that the Town of Florence would not enter into an Intergovernmental Agreement with Pinal County to provide election and voter registration services.

**A VOTE OF YES WOULD MEAN:**

A Yes vote would mean that the Town of Florence would enter into an Intergovernmental Agreement with Pinal County to provide election and voter registration services.

**FINANCIAL IMPACT:**

The Town agrees to pay Pinal County \$0.75 per registered voter. Tentatively, including active and inactive voters, as of today, the cost equals \$5,344.50 per election. Voters may continue to register to vote until July 6, 2020 for the Primary Election and October 5, 2020 for the General Election. The Town will not incur costs associated with printing and mailing of a publicity pamphlet and educational materials for the 2020 Election. Newspaper advertisements or a get out the vote campaign are not included in this cost.

**ATTACHMENTS:**

Pinal County Intergovernmental Agreement  
Precinct Map

# PINAL COUNTY ELECTIONS

## MICHELE FORNEY

### *Subject: Intergovernmental Agreements*

In order to supply your Municipality with Election and Voter Registration services, please complete the attached Intergovernmental Agreement (IGA).

Fill in all applicable areas and obtain signatures from the appropriate parties (including your legal counsel).

Upon completion, please return the IGA to the address listed on the upper right hand corner of the Agreement. To ensure that all statutory and legal requirements are met (by all parties), the signed IGA must be in our office at least one hundred twenty days prior to the Election Date.

After all signatures have been obtained, and the IGA is approved by the Pinal County Board of Supervisors, you will receive an approved copy. If you have any questions, please contact our Elections Department at (520) 866-7557.

188 S. MAIN STREET \* COOLIDGE, AZ 85128  
P. O. BOX 1592 \* FLORENCE, AZ 85132  
PH (520) 866-7557 \* FAX (520) 866-7551 \* TDD (520) 866-6851  
[pinalcountyz.gov/Departments/Elections](http://pinalcountyz.gov/Departments/Elections)

**To be completed by Municipality:**

Contact name \_\_\_\_\_

Title \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Phone Number \_\_\_\_\_

**Completed Agreement filed and**

**returned to:**

Pinal County Elections Dept.

P. O. Box 1592

Florence, AZ 85132

**INTERGOVERNMENTAL AGREEMENT FOR PROVISION OF SERVICES  
BY THE PINAL COUNTY ELECTIONS  
AND RECORDER DEPARTMENT**

**THIS AGREEMENT** is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
between Pinal County, a political subdivision of the State of Arizona, hereinafter referred to as “County”,  
and \_\_\_\_\_, hereinafter referred to as “Municipality”.

**WHEREAS**, A.R.S. Section 11-952 allows public agencies to contract for services and enter into  
agreements; and,

**WHEREAS**, Municipality may hold Special/Regular elections for bond issues, recalls, overrides,  
etc. pursuant to A.R.S. Sections 9-231, 9-523, 19-201 et seq., and,

**WHEREAS**, County is authorized, pursuant to A.R.S. Sections 11-251(3), 16-172, and 16-511, et  
seq., to perform services concerning elections, and,

**WHEREAS**, County and Municipality have determined that the use of certain services of the  
Pinal County Elections Department and the Pinal County Recorder’s Office is in the public interest, and  
the County agrees to provide such services.

**NOW, THEREFORE**, in consideration of the mutual covenants of and stipulations set forth  
herein, the parties agree as follows:

1. The purpose of this Agreement is to secure the services of the County for the preparation and  
conduct of \_\_\_\_\_ election (s) to be held on \_\_\_\_\_.  
Name of election Date of election

**2. The Services provided by the County Elections Department are:**

- a. Prepare ballot formats for the Municipality to be approved by the Jurisdiction.
- b. Provide the sample ballots with the Municipality measures' positions according to precincts within the boundaries of the Municipality.
- c. Provide sample ballots, if required, for public distribution and issue them through the Municipality.
- d. Provide ballots to be used in each precinct, which will allow qualified electors to vote for the Municipality Candidates and/or Measures.
- e. Conduct logic and accuracy tests as required by law and publishing all legal notices in connection therewith.
- f. Tally official results of the election(s), utilizing paper ballots or electronic ballot counting equipment as mutually agreed upon between Municipality and County.
- g. Cause the precinct election boards to utilize the copies of precinct registers, prepared from the records of the County Recorder, for the purpose of identifying the electors qualified to vote in the above-mentioned election(s).

**3. The Services provided by the County Recorder are:**

- a. Provide copies of precinct registers of qualified electors for precincts contained partially or wholly within the Municipality limits. Said registers shall be prepared from the voter registration records of the County Recorder

**b. Early Voting – Indicate only one below:**

**Municipality authorizes County Recorder to handle all Early Voting Functions.**

**Municipality will be handling Early Voting functions. The County Recorder will provide the following:**

- ◆ A list of qualified electors who are eligible to vote early: such lists are to be used solely by the Municipality for Early Voting, or such other election related purposes as may be specifically authorized by law.
- ◆ A list of permanent early voters within the Municipality that are to automatically be mailed an early ballot. Said lists shall be generated from the voter registration records of the County Recorder.

**4. Obligation of Municipality. The Municipality or designate thereof agrees to:**

- a. Provide the Elections Department with a certification of the measures to appear on the official ballot for the Special/Regular election.
- b. Provide a certified list of measures and the order of appearance of the measures to the Elections Department ninety (90) days prior to the election.
- c. Provide nomination petitions and other necessary information to prospective candidates for council positions.
- d. Accept candidates' nomination documents for filing.
- e. Accept candidates' financial disclosure statements.
- f. Accept all campaign finance statements and expenditure reports from candidates and/or candidates' campaign committees.
- g. Provide the County Elections Office with the names of any Write-in candidates as prescribed by law.
- h. Prepare and Issue certificates of the result of the election.
- i. Publish all legal notices in connection with a municipal election with the exception of the logic and accuracy test notification as described in Section 2(e) of this agreement.
- j. If the Municipality chooses to conduct their own early voting, provide the County Recorder, upon receipt and prior to processing early ballots, copies of the complete Applications of Early Ballots for signature comparison by the County Recorder or other officer in charge of elections as required by A.R.S. Section 16-550(A). These copies can be provided by mail, hand delivery, or fax as time constraints dictate.
- k. Pay to County, on a reimbursable basis, all costs of personnel, election materials, and supplies expended by County pursuant to this Agreement. Municipality will make said payment to County within fourteen (14) days after presentation by County of demand for said payment.
- l. If the Municipality chooses to conduct their own early voting, a list of all "Inactive Status" electors who voted in the election pursuant to A.R.S. Section 16-583 shall be provided to the County Recorder.
- m. Agree to be a point of contact regarding conditional provisional ballots – in that a voter of a conditional provisional ballot can take an acceptable type of personal identification to qualify the subject conditional provisional ballot; document what type of identification is provided indicating any identification numbers and issue dates; provide a daily receipt of identification forms from conditional provisional ballot holders by the Municipality

Clerk's office that will be forwarded to the Voter Registration Department of the Pinal County Recorder. This can be done by fax or hand-carried.

5. **Manner of Financing and Budgeting.** Each party represents that it has sufficient funds available in its current fiscal year budget to discharge the funding obligation imposed by this Agreement, and agrees that such funds shall be solely available therefore.
6. **Termination.** This Agreement shall terminate upon all matters connected with the election being resolved, legal challenges excepted or upon written notice by either party to the other within thirty (30) days of the effective date of this Agreement. Should the election herein be challenged or questioned for any reason whatsoever, then, in such event, Municipality shall be solely responsible for defending, legally or otherwise, said election.
7. **Indemnification of County.** To the extent allowed by law, the County agrees to indemnify and hold harmless the Municipality from all injuries to persons or property caused by the acts or omissions of the County arising out of the County's activities under this Agreement. To the extent allowed by law, the Municipality agrees to indemnify and hold harmless the County from all injuries to persons or property caused by the acts or omissions of the Municipality arising out of the Municipality's activities under this Agreement.
8. **Conflict of Interest.** The parties have been advised of and are aware that the Pinal County Attorney's Office represents both Pinal County and also the Municipality and have been informed to seek the advice of outside counsel. The parties expressly and mutually waive any adverse interest that may exist and also waive any allegations of conflict of interest by the Pinal County Attorney's Office and expressly approve of the Pinal County Attorney's Office dual representation.
9. **Effective Date and Term of Agreement.** This Agreement shall be effective upon approval by the Pinal County Board of Supervisors, and shall terminate as provided in 6 above.

- 10. Nondiscrimination.** The parties shall comply with Executive Order 2009-9 and all other applicable State and Federal employment laws, rules, and regulations, mandating that all persons shall have equal access to employment opportunities, and that no person shall be discriminated against due to race, creed, color, religion, sex, national origin or disability.
- 11. Severability.** If any provisions of this Agreement or application thereof to the County, Municipality, person or circumstances is held invalid; such invalidity shall not affect other provisions or applications of this Agreement, which can be given effect, without the invalid provision or application and to the end the provisions of the Agreement are declared to be severable.
- 12. E-Verify/Immigration.** The parties warrant and represent to each other that they are in compliance with the Federal Immigration and Nationality Act (FINA), A.R.S. Sections 41-4401 and 23-214, and all other federal and state immigration laws and regulations.
- 13. Cancellation.** This Agreement may be canceled by either party for conflict of interest pursuant to A.R.S. Section 38-511.
- 14. Governing Law.** This Agreement shall be construed under the laws of the State of Arizona and by applicable federal law.
- 15. Entire Agreement.** This Agreement contains the entire agreement between parties concerning its subject matter and any amendment to this Agreement shall not be made except by mutual written agreement of the parties.
- 16. Notices.** All notice required by this Agreement, such as notice of termination, shall be sent by U.S certified mail, return receipt requested, or delivered by hand to the party at the address indicated or such other address requested by notice to the other party. A notice shall be considered given when received.

County: Pinal

Municipality:

Name, Title: Pinal County Elections Dept.

Name, Title:

Address: P. O. Box 1592, Florence, AZ 85132

Address:

Notwithstanding the above, any routine communications between the parties that do not affect the rights of obligations of the parties, such as communications regarding the election(s), results, canvass, or otherwise may be sent and received via email.

**17. Waiver.** A waiver by either party of any of the terms, conditions and covenants to be performed by the other shall not be construed to be a waiver of any succeeding breach, nor of any other term, condition, or covenant contained in this Agreement.

**IN WITNESS WHEREOF**, the parties hereby have executed this Agreement the day and year first above written.

**MUNICIPALITY**

\_\_\_\_\_  
Printed Municipality Name

**BY:** \_\_\_\_\_  
Name/Title

**ATTEST:**

**BY:** \_\_\_\_\_  
Clerk, Municipality

**Approved as to form:**

And within the powers and authority granted under the laws of this State to the District

**BY:** \_\_\_\_\_  
Attorney, Municipality

**PINAL COUNTY**

**BY:** \_\_\_\_\_  
Michele Forney  
Pinal County Elections Director

**PINAL COUNTY BOARD OF SUPERVISORS**

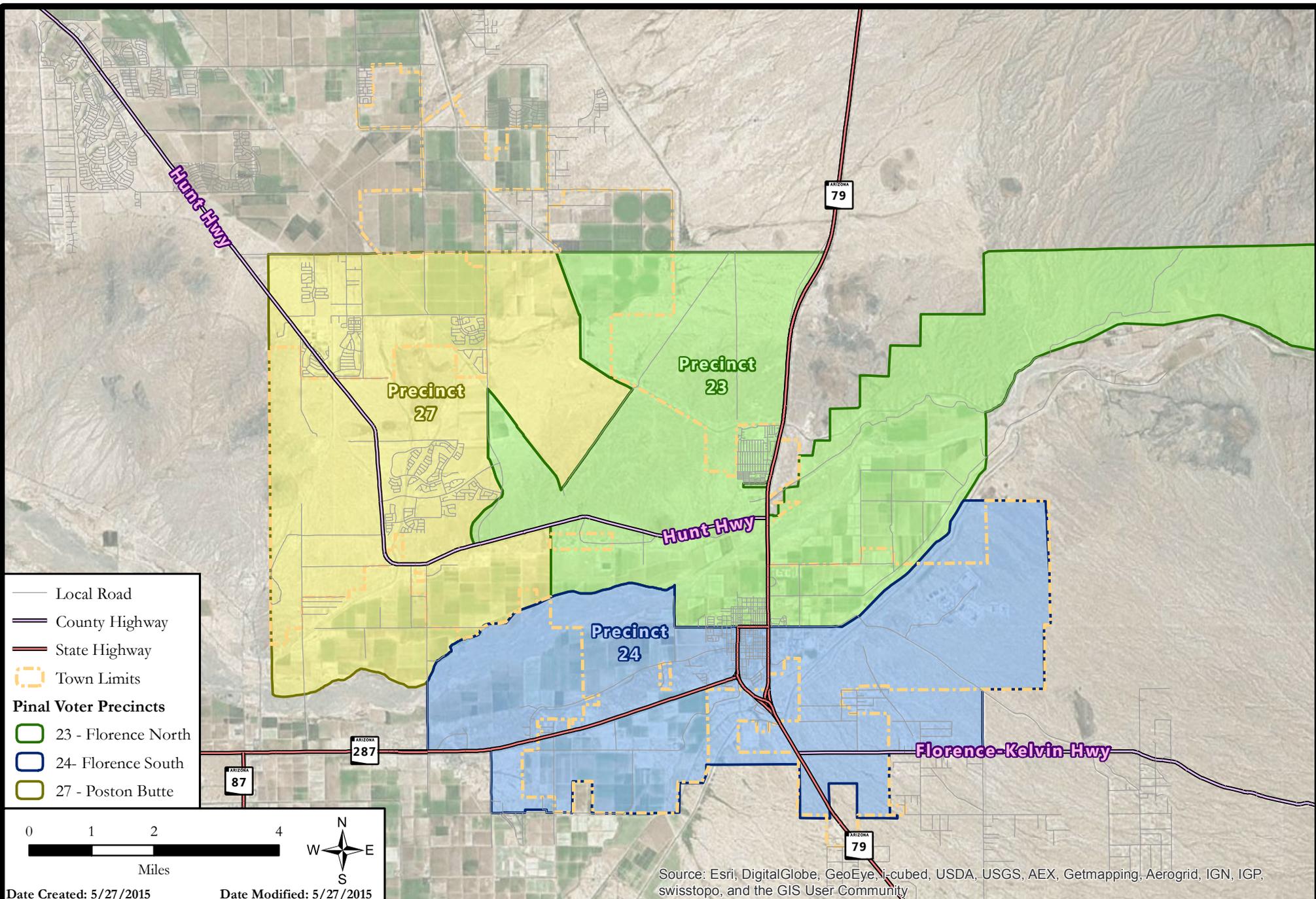
**BY:** \_\_\_\_\_  
Chairman

**ATTEST:**

**BY:** \_\_\_\_\_  
Clerk, Board of Supervisors

**Approved as to form:**

**BY:** \_\_\_\_\_  
Deputy County Attorney



Date Created: 5/27/2015 Date Modified: 5/27/2015

This map is created for reference purposes only and is to be used at your own risk. The Town of Florence makes no warranty as to the accuracy or completeness of the information contained in this map and assumes no liability for any errors or omissions contained therein, nor for any direct, indirect, or consequential damages which may be caused by its use. It is the user's responsibility to verify all information contained herein. 2015-76

# Pinal Voter Precincts



Town of Florence

**MINUTES OF THE TOWN OF FLORENCE COUNCIL MEETING HELD ON MONDAY, JANUARY 6, 2020, 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 6:02 p.m.

**ROLL CALL:**

Present: Tara Walter, John Anderson, Karen Wall, Kristen Larsen, Michelle Cordes (arrived late), Judy Hughes

Absent: Bill Hawkins

**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.

**PUBLIC HEARING AND PRESENTATIONS**

**Swearing in of Police Chief Bruce Walls.**

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, swore in Police Chief Bruce Walls.

Mr. Bruce Walls, Police Chief, thanked the Town for allowing him to be the Town's Police Chief and stated that it will be his privilege to serve the community. He recognized his family and friends who attended his swearing, some of which who flew in from Georgia and Florida.

**Swearing in of Human Resource Director Catherine Wilson.**

Ms. Garcia swore in Human Resources Director Catherine Wilson.



- The Planning and Zoning Commission sent the Town Council a favorable recommendation for this Conditional Use Permit request subject to the following Conditions of Approval:
  - The development of the subject site shall be in conformance with any applicable Town Codes, Ordinances, Building Codes and Fire Codes.
  - A final dimensioned site plan shall be submitted to accommodate required setbacks, building separations and parking lot layouts.
  - The final site plan, building elevations, material, signs and other elements of use will require Design Review approval from the Planning and Zoning Commission prior to issuance of building permits.
  - The subject building shall meet all occupancy requirements for this use as determined by the Town upon the review of building permit submittals.
  - Property owner shall combine APNs 200-24-0470 and 200-24-0480 into one parcel before issue of building permit.
  - The building is allowed to use a septic system until sanitary sewer is provided along Franklin Road within 350 feet of the property, at which time, the site must be connected to the sanitary sewer.
  - The owner must dedicate forty feet of right-of-way along the property's frontage of Franklin Road.
  - Access to the site will be provided by 28 feet of pavement material acceptable to Fire Marshall and Town Engineer.
  - This Conditional Use Permit may be revoked by the Town of Florence and become null and void if the conditions of approval are not met.
  - No Conditional Use approval shall be final until all conditions imposed have been met.
  - All the special conditions shall constitute restrictions that run with the land and that shall be binding upon the owner of the land, successors or assigns.
  - The special conditions imposed by the Planning and Zoning Commission and/or Town Council shall be consented to in writing by the applicant prior to issuance of a Conditional Use Permit.
  - The Resolution of the Town Council granting the application shall be recorded by the recorder of the County.
- The applicant is in agreement with the conditions.
  - Agree to improvements on the property and Franklin Road.
  - Shared contact information with the applicant and the two property owners on Franklin Road to see if they want to form a partnership to do additional improvements in the area.

Pastor Joe Bilbrey, Desert Rock Church, stated that they launched in 2018 and have grown rapidly. They are excited about continuing to be involved in the community but doing more by having their own building. He has pastored in the area since 2001 and is excited to continue to serve the community.

Mayor Walter opened the Public Hearing.

Councilmember Cordes asked for the timeframe for the building to be completed.

Pastor Bilbrey stated they have funding and would like to build as soon as possible. Their lease expires in May.

Vice-Mayor Anderson inquired if Franklin Road will be paved.

Mr. Harmer stated that the improvements will need to be approved by the Fire Department and Town Engineer as the road will need to handle fire equipment. He noted that it will not be fully paved. This may open up opportunities from the Walker Butte Planned Unit Development.

Mayor Walter closed the Public Hearing.

On motion of Councilmember Wall, seconded by Councilmember Hughes, and carried (6-0), to adopt Resolution No. 1730-20.

### **Florence Teen Council 2019 End-of-Year Presentation. (Stevie Lopez)**

Mr. Estevan “Stevie” Lopez, Recreation III Leader, Mr. Kim “Koko” Hunter, Consultant, and the Florence Teen Council (FTC) members provided a presentation in which they outlined the following:

- Mr. Lopez took over the FTC in October 2020
  - Learned that the teens are enthusiastic, talented and enjoy giving back to the community.
- The FTC participated in the following:
  - 1<sup>st</sup> Annual Spirit Show in conjunction with the Greater Florence Women’s Club
    - Community members assisted the teens prepare and dress for the fashion show
    - FTC provided thank you cards to the sponsors
    - FTC was presented with a check to help with the FTCs future
  - Halloween Fright Fest
    - Created graveyard raid on Main Street
  - Produce on Wheels without Waste (P.O.W.W.O.W.)
    - Assisted participants with carrying their produce to their vehicles
  - Brown Bag Bingo at the Senior Center
    - Assisted the senior with their bingo cards, distribution of gifts, and serving their Thanksgiving meal
  - Jr. Parada Parade
    - Built float for Council to ride on
    - Continual rain made it difficult to assemble the float
  - Christmas on Main
    - Built float for Ms. Float, her elves and the Grinch
    - Had games available and provided gifts for winners
  - Breakfast with Santa
    - Set up props, built gingerbread kits, helped children with crafts
  - Christmas Party for FTC participants
    - Appreciation party for the FTC participants
  - Holiday Hoedown
    - Christmas party at the Senior Center
    - Catered by Kiss the Chef Catering and FTC served those in attendance.
      - Possible partnership with caterer for students to obtain part-time employment
- Upcoming events:
  - Mother Son Dance
  - Make a Difference Day
  - Cupid’s Ball
  - Teen Leadership Symposium
    - Great motivational speakers are scheduled

- Invited a member of the Council to sit on the panel
- College Readiness Program
  - Have had a loss of members
  - Will offer a program that rewards teens with micro-scholarships
  - Students can earn money for their higher education for the events they participate in
  - Would like to offer a shadow program

Mayor Walter recognized the teens for their work. She offered to attend an FTC meeting, as an educator to discuss available programs and the possibility of college tours.

Mr. Hunter stated that he will be circulating letters to the local businesses requesting donations for college visits.

Councilmember Cordes stated she was part of the fashion show and commended the teen participants. The teens did a great job and is excited for the upcoming year.

Councilmember Larsen stated that Mr. Lopez will be an asset to the FTC and looks forward to what the teens will be doing this year.

### **Presentation on Arizona Traffic and Criminal Software**

Mr. Bruce Walls, Police Chief, provided a presentation, in which he discussed the following:

- What is TraCS
  - Traffic and Criminal Software (TraCS) is a mobile crash reporting software system, that can be used for electronic traffic citations, developing traffic crash reports, other Police templates, and other forms.
  - Auto populates ticket
  - Provides accurate information
- Benefits of TraCS
  - Reduces paperwork that takes away from valuable patrol time
  - Eliminates messy handwriting, misspellings, and incomplete or incorrectly filled in forms
  - Allows data (accidents, arrests, e-citations, e-crashes, etc.) to be collected accurately in the field where the incident happens instead of after the fact through the use of scanners, barcode/strip readers and signature tablets
  - Reduces the burden of manual paperwork on our partners
- Arizona Department of Transportation's (ADOT) Involvement
  - ADOT pays the yearly \$75,000 TraCS licensing fee
  - ADOT also provides tech support to TraCS users free of charge.
  - No cost to the Town
- Where are we?
  - IT and Police have completed testing
  - IT currently installing software on 3 MDCs (Ballard, Kennard and Chavez)
  - Projected start date of January 13, 2020
    - 30 Day Review (work out the bugs)
  - Full implementation (March 2020)

Vice-Mayor Anderson inquired if every officer would have the device.

Chief Halls stated that each police officer will have a device.

**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 to purchase seven Public Safety radios/chargers and programming in an amount not to exceed \$51,490.00 using the Gila River Indian Community Fund Grant funds.**
- b. Approval to purchase six Public Safety radios/chargers and programming, in an amount not to exceed \$43,506 using the AZ Department of Homeland Security Grant Funds.**
- c. Approval of accepting the register of demands ending November 30, 2019, in the amount of \$2,267,544.96.**

On motion of Councilmember Cordes, seconded by Councilmember Wall and carried (6-0) to approve the items as listed on the consent agenda with removal of item A.

- a. Approval to purchase seven Public Safety radios/chargers and programming in an amount not to exceed \$51,490 using the Gila River Indian Community Fund Grant funds.**

Vice-Mayor Anderson question if this will fully outfit the Police Department. He also inquired if they are the same units that the Fire Department is considering.

Chief Walls stated that all officers will have new radios. They are the same radios that the Fire Department is considering.

On motion of Vice-Mayor Anderson, seconded by Councilmember Cordes and carried (6-0) to approve the purchase of seven Public Safety radios/charges and programming in an amount not to exceed \$51,490 using the Gila river Indian Community Fund Grant funds.

## **NEW BUSINESS**

**Discussion/Approval/Disapproval of accepting the Municipal Court Audit for Fiscal Year ending June 30, 2019 and the Correction Plan to address audit findings.**

Ms. Rebecca Jimenez, Interim Finance Director, stated the audit for the Courts is completed every three years.

An audit of the Municipal Court for Performance of Agreed-Upon Procedures must be done every three years. The procedures are set forth by the Arizona Supreme Court and must also follow the audit of the Town of Florence. This year we had some exceptions noted in receipts, which was for cash handling of voided receipts. The court established a written procedure to address voiding of receipts. There were also issues with the receipt books so new receipt books have been ordered.

On motion of Councilmember Cordes, seconded by Councilmember Wall and carried (6-0) to accept the Municipal Court Audit for Fiscal Year ending June 30, 2019 and the Corrections Plan to address the audit finding.

## **MANAGER'S REPORT**

Mr. Brent Billingsley, Town Manager, stated that the Fire Department has become a Premier Level EMA Agency, which is a prestigious recognition and received their certificate. The Town has met the new 2018 standards, which many agencies have not yet met. They are several criteria factors that are considered in becoming a Premier EMA Agency.

Mr. David Strayer, Fire Chief, explained all the elements that were needed in order for the certification to happen.

Mayor Walter inquired how many agencies have the certification.

Chief Strayer stated that there are 60 agencies who have the certification based on the 2009 standards; however, the total is much smaller for those who have received the certification based on the 2018 standards. It is a very elite group who have this designation.

The Town Manager thanked the Council for providing the funds to increase the Technology and allow the Town to meet the standards to receive the certificate.

## **DEPARTMENT REPORTS**

**Community Services**

**Courts**

**Finance**

**Fire**

**Police**

Vice-Mayor Anderson inquired if they have scheduled the volunteer meeting for the Home Tour.

Mr. Billingsley stated that he will contact Community Services to find out when the meeting will be held and will advise Council of that date.

## **CALL TO THE PUBLIC**

There were no public comments.

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

Councilmember Wall wished everyone a Happy New Year and hopes 2020 is filled with lots of vision.

Councilmember Cordes apologized for her late arrival. She stated that Chief Walls has made a big impact on her son and hopes he makes a great impact on all of the youth.

Vice-Mayor Anderson stated that he is proud of Florence and for the support that Council receives.

Mayor Walter thanked everyone for attending the Council meeting. She congratulated the two new Department Directors. She stated that there are several upcoming events and invited

everyone to participate. The Make a Difference Day is fast approaching and asked if anyone has any ideas for projects to please contact Alison Feliz.

## **ADJOURN 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:**

- Town’s position and instruct its attorneys regarding pending litigation in Maricopa County Superior Court: Town of Florence v. Florence Copper, Inc. CV2015-000325, including counterclaims.**
- 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.**
- Request for Proposal for the area of land west of Heritage Park for work force housing.**
- Discussion on possibility of purchasing land.**

On motion of Vice-Mayor Anderson, seconded by Councilmember Cordes, and carried (6-0) to adjourn to Executive Session.

## **ADJOURN FROM EXECUTIVE SESSION**

On motion of Vice-Mayor Anderson, seconded by Councilmember Larsen, and carried (6-0) to adjourn from Executive Session.

## **ADJOURNMENT**

On motion of Vice-Mayor Anderson, seconded by Councilmember Cordes, and carried (6-0) to adjourn to adjourn the meeting at 7:50 p.m.

---

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 January 6, 2020, 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 AND HISTORIC DISTRICT ADVISORY COMMISSION JOINT WORK SESSION HELD ON MONDAY, JANUARY 13, 2020, AT 5:30 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 5:35 p.m.

**ROLL CALL:**

Town Council:

Present: Tara Walter, John Anderson, Bill Hawkins, Kristen Larsen (arrived at 5:44 p.m.), Michelle Cordes

Absent: Karen Walls, Judy Hughes

Historic District Advisory Commission:

Present: Betty Wheeler, Cathy Adam, Christine Reid, Lynn Smith, Debbie Novotny, Victoria Knight (arrived at 6:55 pm)

Absent: Carroll Michael

**WORK SESSION WITH MEMBERS OF THE HISTORIC DISTRICT ADVISORY COMMISSION REGARDING THE FUTURE OF HISTORIC DOWNTOWN FLORENCE.**

**Introduction of the purpose of the Work Session**

Mr. Larry Harmer, Community Development Director, provided a brief explanation as to the process that led up to tonight's meeting. Four members of the Historic District Advisory Commission, Council Liaison Cordes and himself attended the State Historic Preservation Conference in June of 2019. There they heard a variety of speakers with examples of successful historic downtown revitalization projects. Of prime interest was hearing Kimber Lanning of the Local First Arizona Foundation speak regarding the economic impact on rural Arizona communities of revitalization. He stated that the HDAC has met on several occasions to solidify the discussion set for tonight.

Mr. Harmer explained that Ms. Lanning and her team have spent the day in Florence visiting the retailers and speaking with some of the residents. They also had a community session with the Historic District Advisory Commission, Greater Florence Chamber of Commerce and downtown property owners, earlier in the day. The discussions from the day were included in this presentation.

Councilmember Cordes stated that the purpose of this meeting is to gain an understanding of the importance of the Town's Historic District, the impact it will make on economic development moving forward and what be the driving force for the Town. She stated that everyone needs to provide support in helping the Town move forward and support local businesses.

## **Presentation by Kimber Lanning, Local First Arizona Foundation and Liza Noland, Arizona Rural Development Council**

Ms. Kimber Lanning, Local First Arizona Foundation, stated that Florence has a lot to build on. The stores are a great, friendly, well-kept and have stocked shelves.

Ms. Lanning provided a presentation titled “The Economics of Historic Preservation”, in which they outlined the following:

- Why Localism?
  - Connecting people to the place where they live
  - Create jobs
  - Economics
  - Self-Reliance – keep dollars circulating locally
- When you spend here, your money stays here
  - For every \$100 spent, \$43 stays local when you spend at a local business
    - Local professional services are used by local businesses
  - For every \$100 spent \$13 stays local when you spend at a non-local business
    - Less price per item; however, the healthcare cost gets transferred to the customers because they do not offer healthcare to employees
    - Businesses defer employee healthcare to taxpayers because the employees have state healthcare at the cost of the public
- Jobs per \$10 million in sales in the US
  - 110 job – independent retailers
  - 50 jobs – chain retailers
  - 14 jobs – Amazon
- Strategies for Building Self-Reliance
  - Reduce economic leakage
  - Avoid the ‘Big Whale’ strategy
    - Lots of small businesses
  - Leverage local talent
  - Focus on retention/expansion
  - Tourism and Events
    - Florence has the most historic buildings in the State
    - Must place priority on preservation
  - Establish unique position in the market
  - Invest in business corridor, cluster
  - Food systems development
- Economic Gardening
  - The secret to job growth in America: Think small
- Five key components of developing entrepreneurship and self-reliance
  - Adequate building stock
    - Adaptive reuse
      - Giving community character
      - Providing vital incubators space to ensure that your entrepreneurs have an opportunity of entry level affordable opportunity to get their doors open
      - Economic development strategy
  - Access to capital

- Collaboration
- Strong and Competitive Business Community
- Develop the Marketplace
- Adequate building stock
- Why is Adaptive Reuse so Important?
  - The greenest building of all is an existing building.
- Old Pasadena outperforms new two to one in sales tax revenue
  - Old
    - Privately funded
    - Grew organically
    - Almost 100% locally owned businesses
    - Located in primarily older buildings
    - Limited parking
  - New
    - Publicly funded
    - Planned
    - Almost 100% national brands
    - Located in all new development
    - Maximum planned parking
- Key Findings
  - Where you find older, smaller buildings and mixed-vintage blocks, you see significantly:
    - Greater walkability
    - Younger residents and a greater mix of people at different stages of life
    - Greater nightlife and cultural vitality
    - More jobs, creative jobs, and businesses per square foot
    - More women and minority-owned businesses, non-chain businesses, small businesses, and new businesses
- Policy Guidance
  - Preservation and reuse of older buildings (historic and non-historic) should be supported by city planning and policies.
  - When possible, city fabric with high character score should be retained where it exists, and its development should be encouraged where there are opportunities for infill and redevelopment.
  - The urban design lessons from “Older, Smaller, Better” city fabric can also be applied to foster “Newer, Smaller, Better” fabric that is dense, economically high performing, livable, and compatible with older fabric.
- The Case for Preservation
  - Town centers are gaining population across the US
  - Attraction of older, mixed-use, walkable neighborhoods, including many historic districts
  - Move of tech and creative office market to older buildings
  - Areas with older, smaller buildings, areas with a mix of newer and older buildings, and historic districts all play important roles in supporting a more livable, socially diverse, and economically resilient community.
- Performance Merits
  - Measure What Makes Sense for Your Community
    - Intensity of human activity
    - Economic and cultural vitality
    - Diversity and inclusion

- Real estate performance
- Alternative transportation options
- Sales Tax Generated
- Shade Cover/Tree Canopy
- Business Licenses (locations and startups)
- Building permit activity (new vs. existing buildings)
- Walkability
- Access to capital
- Community banks are integral to main streets
  - Invest your dollars in your home, bank local.
- Deposits & Local Decision-Making
  - *“First Bank invests heavily at the local level because we recognize that nonprofit organizations and small businesses are integral to the social fabric of Colorado. When you consider the dynamics, investing in the community is not only the right thing to do, it's also good business.” – John Ikard, CEO*
  - Arizona
    - Total deposits in non-local banks: 96%
    - Total deposits in the three biggest banks: 76%
    - Number of AZ counties with no local banking option: 8
    - Number of local community banks in the entire state: 13
  - Colorado
    - Of the top three banks, one is a community bank, First Bank
    - First Bank has \$15B in assets over 122 locations in CO
    - First Bank was a partner in redevelopment of downtown Denver
    - 4<sup>th</sup> wealthiest private bank in US
- Collaboration
- Modified arts
  - Roosevelt Row
    - 12 Years Later
    - 22 galleries
    - 5 restaurants
    - 3 wine bars
    - 2 coffee shops
    - 4 retailers
    - 1 light rail stop
- Strong and competitive business community
  - **Develop the Locally Owned Business Community**
    - Be different
    - Have better customer service
    - Have more expertise on staff
    - Have a wider variety
    - Go the extra mile
    - Be convenient and consistent
    - Offer products big guys don't have
    - Tell Your Story
- Develop the marketplace
  - Examples of community that have done so
    - Bisbee

- Camp Verde
  - Casa Grande
  - Clarkdale
  - Cottonwood
  - Globe
- Five Key Components of Developing Entrepreneurship and Self-Reliance
- Adequate building stock
  - Access to capital
  - Collaboration
  - Strong and Competitive Business Community
  - Develop the Marketplace

Councilmember Cordes inquired how the Town can assist a person who wants to start a business in Florence get the building up to Code and assist with the associated fees, specifically, if the building is in disarray,

Mayor Walter inquired if there were any recommendations made for changes in policy that would be helpful to the prospective business owners.

Boardmember Cathy Adam stated that she spoke at a council meeting about the need of an ombudsman, or an advocate, between the property owners and the Town. She stated that it is very difficult for property owners to know all the questions to ask. It would be nice to have someone who understands and can assist. It would be nice to have a checklist available for those who wish to restore a building.

Ms. Lanning stated that she has seen where some entities have an Office of Customer Advocacy which can assist the customer navigate the process and what is needed. She stated that there needs to be more communication between the Fire Marshall and the Planning and Development Department. There is also a need for broader and more in-depth advice and benefits of district bathrooms. They could better benefit the current business owners that what they are. She stated that there needs to be more coaching with staff. She stated that Florence has developed a poor reputation around the state for being particularly cumbersome to open a new business or to move into an older building.

Councilmember Cordes stated that it was suggested that there can be capacity limits that can be modified as the building expands or as improvements are made. This would help them build their business, their capital and help them be successful.

Councilmember Hawkins stated that this has all been discussed in years past. It was his understanding that a brochure was to be created to assist the applicants.

Mr. Brent Billingsley, Town Manager, stated that staff has done several things to address these issues such as training staff, updated the Town Code, reduced some of the Code requirements, and allows for flexibility. Florence personnel will also walk through the building and provide advice, free of charge. Staff also created a step-by-step document titled "Permit Manual" which explains what is needed for various types of improvements. It is easy to read and announces all the various requirements such as meetings, permits, costs and timelines. It is available electronically as well as hard copy. The Community Development Department meets with Fire,

Public Works, Planning, Police and Building Safety weekly to discuss pre-applications and will meet with anyone who wishes to do a project in Florence.

Mr. Harmer stated that a checklist for someone who is purchasing an existing building has also been created.

Mayor Walter stated that the Town has a matching fund grant available for the fire suppression system as well as the façade grant.

Mr. Billingsley stated that he has met with someone who specializes in historic districts and historic preservation and discussed Florence's tools, which exceeds what Tucson has. He stated that Florence's property values are very low, and sometimes it is hard to get passed the stigma. There are several programs that can assist financially; however, the Town needs assistance in getting word out.

Mr. Billingsley outlined the many things that the Town has done on Main Street such as maintain buildings and bringing them up to Code, new LED system streetlights, benches and trash receptacles along the downtown area and more special events. The Council has also earmarked \$200,000 to assist with improvements on Main Street.

Vice-Mayor Anderson asked that staff be very proactive and mail the checklist to all business owners in Florence.

Mr. Harmer stated that the Town has many absentee owners and it is difficult to get contact information and sometimes there is no one to send it to. There is legislation that the Town is involved in; if approved, would allow cities and towns to require a registry of contact individuals for vacant or abandoned buildings. He along with Ben Bitter, Assistant to the Town Manager, have been working with the League of Arizona Cities and Towns to draft the legislation. They have sponsors and are waiting for the bill number. This will be presented to the Council at the next meeting.

Mr. Billingsley asked for Ms. Lanning's assistance with the bill. He stated that Superior, Globe and other small towns have provided input. He stated that it is time to start contacting our State Representatives and Senators asking for support on this bill.

Ms. Lanning commended the staff for the infrastructure the Town has invested in, in the downtown area.

Commissioner Wheeler stated that there needs to be public education and more outreach regarding the rules, regulations and programs to the business owners. The public needs to be made aware of what the Town offers and what is available.

Mayor Walter stated that the Chamber of Commerce shares the information with the businesses. She asked Commissioner Wheeler what more can be done to provide the information to the businesses.

Commissioner Wheeler stated that having small gatherings or asking assistance from those who are more affluent to share the information may be helpful. Currently, the Town does not have a good reputation with what the Town has done; mistakes were made and need to be corrected.

Councilmember Hawkins stated that the Town has been proactive to disseminate information and assist the businesses. He stated that business owners can always come and talk to the staff or Council about what is available; they must be proactive as well.

Ms. Lanning stated that many business owners were outraged by the way they were treated in the past. Prospective business owners are speaking with the existing owners, and unfortunately, they are sharing their past experiences with them. She stated that in her opinion, an apology and acknowledgment that there were some incredibly difficult things that happened in the past. The Town first needs to be accountable for what happened and apologize for it before they can move forward.

Councilmember Hawkins asked for specifics on what mistakes Ms. Lanning believes the Town has made.

Ms. Lanning stated that the mistake was causing property owners to almost go into bankruptcy over-achieving certain levels of Code that are not even logical or practical. This is not reflective of current staff. There is still some open hostility and lack of trust.

Councilmember Cordes stated that there may be times that one can become defensive, but it is important to listen to what they have to say. The first step is to stop defending our actions and listen to what they have to say. She stated that what she heard is that the businesses are frustrated with the Town and it does not create a good environment for new businesses to come in. The businesses don't intentionally speak bad about the Town, but it comes out in conversations. She agrees that it is important to acknowledge how the property owners feel, apologize and figure out how to move forward.

Councilmember Larsen inquired how she determined what the Town needed.

Ms. Lanning stated that she has personal experience as a building and business owner, she has served on a Development Advisory Board for the City of Phoenix, as the Executive Director for the Arizona Rural Development and is currently working with Councils in rural communities across Arizona. She made her determinations based on discussions with staff and business owners.

Councilmember Larsen explained that many of the items outlined by Ms. Lanning that needed to be done are things that have been previously discussed and staff is currently working on. She appreciated Mr. Billingsley clarifying this as well. She stated that it is important when listening to the property owners, that they have actionable items. She stated that she would like to know what policy revisions are being referenced, where is the Town too strict, where does the Town have flexibility and how is the restroom policy being interpreted.

Councilmember Larsen stated that there have been some zoning applications that she would have liked to come before Council and asked if this is something that can happen in the future so that they may discuss zoning laws. She stated that the Town needs to also reduce its economic

leakage and attract small businesses. She also asked for Ms. Lanning's insight on what policies need to be reviewed.

Ms. Lanning clarified that she did not share her opinion, but rather shared the comments that she received from speaking with the business owners and staff as well as comments that were shared in the earlier meeting.

Ms. Lanning stated that it would take more time for her to do a comprehensive study. Mr. Billingsley is the key figure who can discuss the work that has already been done. She stated that what she reflected on is that the businesses owners are rejecting what has been done or are not aware of what has been done. She is not able to respond to the comment regarding policy revisions but noted that the Town has excellent staff who has great ideas and she is happy to be a resource.

Councilmember Larsen inquired about her comment that the Town apologize to the business owners and inquired what Ms. Lanning envisioning what that would look like.

Ms. Lanning explained that she did not recommend that any councilmember apologize individually, but rather a staff member meet with individual property owners and meet with business owners to listen to them, so they feel heard.

Councilmember Hawkins explained that Florence needs to be made into a destination city. Florence is the fourth oldest community in Arizona and needs to sell its history. Florence is in a good location and it needs to capture the tourists.

Councilmember Cordes stated that the community would like Council to be the marketing tool. She requested that the Council continue to promote Florence and its events. She also asked that the maps be updated to include current businesses. Florence needs a brand and all businesses need to tie into that brand. It is important to create an experience when visitors come to visit. Florence needs to build a partnership with Ms. Lanning and her organization to assist Florence in building the vision.

Councilmember Cordes stated that several ideas were presented such as biking, ghost tours, etc. It is important to invest in the Town.

Mayor Walter inquired if anyone has ever gone through the underground tunnels.

Mr. Billingsley stated that the Town has done ground penetrating radar throughout Main Street and there are no underground tunnels.

Mr. Harmer stated that Florence is recognized as a historical community. Staff needs to look at areas that Florence is not recognized for. It is important to market the Town and there are several opportunities that the Town can tap into.

Vice-Mayor Anderson stated that it is important to advertise in the Anthem area.

Commissioner Adam stated that the advertisements need to be consistent. She would like to see the Town help fund various efforts to promote Florence through the Chamber of Commerce.

Commissioner Knight stated that it is important to partner with other entities to help promote each other and maximize resources to create interesting maps and brochures that can be distributed at every visitor center in the State.

Councilmember Larsen stated that she feels that the Town is heading in the right direction. She stated that it is important to personally invite the business owners to join in the conversation regarding the branding of Florence.

Councilmember Cordes stated that Ms. Lanning can assist with how to market Florence so it can be a destination place. Florence needs to fill in the areas in which they are lacking such as more restaurant and entertainment.

Ms. Lanning explained that Councilmember Cordes is referring to the rural community profiles. She stated that her company has a partnership with USDA to develop different areas of the State; Florence is not included on the list. They are also going to partner with Veterans Affairs to inform returning veterans on rural entrepreneurial opportunities in different communities.

Mr. Billingsley stated that a partnership with the Chamber of Commerce is critical to assist the community. The Town has seen a lot of improvement in the last two years. The Town has partnered with the Chamber to host breakfasts/lunches to have Q and A sessions and help disseminate information.

Mayor Walter inquired what other communities have partnered with Ms. Lanning and what type of investment would Florence have if they partnered with her.

Ms. Lanning stated that they have partnered with Safford, Clifton, Morenci, Thatcher, Globe, Miami, Superior, Ajo, Clarkdale, Cottonwood, Sedona, Bisbee, Tuba City, Nogales, Douglas and Pinetop. She stated that every community needs customized work. She stated that there would need to be discussions with regards to what the Town's vision is and how to accomplish that.

Councilmember Hawkins stated that Florence has a brand called Cowboy Cradle of the Great Southwest and the Town hosts the oldest junior rodeo in the world. He stated that other communities have similar things and have brought tourists in from all over. The brand has to go with what you have and what you are selling. Florence does not advertise their brand.

Councilmember Cordes stated that she has never heard of that brand before.

Mayor Walter asked that staff research to see if the brand has been trademarked.

Councilmember Cordes stated that it was suggested that Council take a field trip to a community that Ms. Lanning has worked with and meet with the Council to discuss the hurdles they encountered and how they overcame them.

Councilmember Hawkins suggested that businesses owners be invited to go on the field trip as well so they can see what needs to be done.

Commissioner Reid stated that the Cowboy Cradle of the Southwest fits the image of the Town years ago; however, Florence no longer has multiple rodeos nor cattle ranches, like they did years ago. She stated that Florence has wonderful history, but it isn't something that the Town can move to the future with. She would like to showcase Florence as being authentic with original buildings. It is important to remember the history, but the millennials may not be interested in the rodeos and cowboys, but the buildings are something that they can see.

Mr. Harmer stated that branding and marketing are huge topics to discuss. He stated that Commissioner Reid made a good point that the Town is authentic, and that may be a good way to brand Florence. The HDAC will digest all the conversations to develop a more specific work program as related to the HDAC, which will then be presented to Council.

Mayor Walter stated that she would like to invite the HDAC and business owners on the trip when they meet with another community.

### **MANAGER'S REPORT**

Mr. Billingsley stated that the League of Arizona Cities and Towns will be hosting the 29<sup>th</sup> Annual Central Arizona Governance and the Sun Corridor Metropolitan Organization Legislative Day on February 3, 2020. The Governor's Office issued a press release titled "We Are Shutting Down a State Prison" which is the Florence prison. Staff will put out a press release regarding what this means to the Town and the ramifications.

### **CALL TO THE PUBLIC**

Ms. Ruth Harrison, Florence Resident, stated that the following issues need to be addressed:

- Sidewalks on Main Street need to be pressure washed to remove the stains and gum
- Graffiti needs to be removed
- Curbs need to be painted regularly as well as parking spaces
- Litter needs to be picked up
- Trash containers along Main Street need to be cleaned

Ms. Harrison made a trifold publication that listed all the local businesses. She passed them around town and received positive feedback. She suggested that the Town offer a free newsletter than can be distributed at various locations.

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

Councilmember Cordes thanked everyone who attended and looks forward to watching Florence grow. She stated that if Florence loses a prison, the town will still rally and be known for something other than prisons.

Councilmember Hawkins stated the sign advertising the music festival is great and offers great exposure. The Town is adding a lot of new events and the Town is improving. He stated that there are things that need to be addressed with the business community.

Councilmember Larsen stated that she appreciates the feedback and ideas that have been brought forward. Council works hard to overcome the negative perception of the Town and is proud of the growth. She stated that Florence is on the right path.

Vice-Mayor Anderson thanked the HDAC members for all the work they do. He invited everyone to the groundbreaking of the Pinal Building on Florence Street. He stated that Pinal County is building two new buildings and is helping Florence grow.

Vice-Mayor Anderson stated that there may be an opportunity for a historical site in Florence, similar to Alcatraz, with the closure of the prison.

Mayor Walter stated that Florence received notice from the Arizona Heritage Alliance regarding the proposing legislation that will appropriate \$10 million to the State's Heritage Fund to support local, regional and state parks, trails and historic preservation. The League also supported this by adoption of a resolution. The Alliance is circulating a letter for the Mayors to sign in support of the state funding request, which she signed. It is important to invest in projects that were taken away long ago.

Mayor Walter stated that Vice-Mayor Anderson and Councilmember Cordes will serve on the Budget Committee.

## **TOWN COUNCIL WORK SESSION TO DISCUSS CHAPTER 32 OF THE FLORENCE CODE OF ORDINANCE.**

Mayor Walter stated that there is a need to revitalize or amend some of the boards and commissions.

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, stated that the boards and commissions have been created by ordinance. If changes were to be made, staff will need to rewrite the ordinance, have two readings of the ordinance and adoption. She stated that the HDAC Commission and Planning and Zoning Commission are very active and will remain status quo.

Ms. Garcia stated that the Community Services Department has three boards: Arts and Culture Commission, Library Advisory Board and Parks and Recreation Advisory Committee. Currently, there are openings on these boards.

Ms. Garcia stated that staff wanted to meet with Council to see if they wanted to consolidate the boards so they can share one vision and one set of priorities. This will provide a unified approach and it will also be easier for staff to have one larger board. She stated that the board will be a nine-member board with two alternates. This board would be a working board and will assist the Community Services team. She explained that this would be an advisory board and there would be discussions with each of the existing members. She inquired if this is something that Council would like staff to proceed on.

Ms. Garcia stated there has to be action or advocacy to have meetings. There needs to be action and goals set forth by the Council and the board forwarding recommendations back to the Council.

Ms. Garcia stated that Florence has a very active and successful teen council. Many of the teens believe in the program. The Council created a youth commission; however, it did not have the same feeling. Staff is suggesting that the youth commission not be included in the Code nor be appointed by Council, but rather be a true leadership program for the Florence Teen Council. They would no longer be bound by the open meeting laws. In the new program, the students would elect their own officials and thus, become their own commission. A program can be set up so the Council can mentor the teens. Ms. Garcia stated that she would also like to work with the school to have the sophomore students go through the HOBI program at ASU, and juniors go to Girls and Boys State. This will help develop our youth into leaders.

Councilmember Larsen stated that the students have had difficulty in managing the meeting through open meeting law, and the changes will allow for flexibility in discussions and the ability to grow. She stated that the changes will be beneficial and give the students more purpose of what the intention behind what the Commission was designed to be.

Ms. Garcia would like to see the students be mentored and participate in speaking competitions.

Vice-Mayor Anderson inquired if there will be Council liaisons assigned to this group.

Ms. Garcia stated that Mayor Walter could appoint two liaisons to the group.

Mr. Bryan Hughes, Community Services Director, stated that there is overlap between the boards and commissions and they could be more efficient if combined. This would eliminate some of the overlap and make the group more efficient. He stated that it may also attract more members to be on the combined board.

Ms. Garcia explained the process of how the boards/commissions would be combined. The current board and commission members would have the opportunity to be on the new board, with the understanding that this would be an active board and the time that would be required to be a member.

Councilmember Cordes inquired if members who live outside of the municipal boundary are eligible to be a board/commission member.

Ms. Garcia stated that it is up to the Council, by ordinance to determine who is allowed to be on a board/commission. Council can change the residency requirement, if it so chooses. Mr. Hughes is suggesting that one member be an artist, one a musician, one affiliated with Little League, etc. Council could allow for a certain percentage of members be non-residents.

Councilmember Larsen would like to keep the authenticity of having the group comprised of local residents but can appreciate having a few members from residents outside of Florence.

Ms. Garcia stated that she, and Mr. Hughes, will work on this and present to Council later.

Ms. Garcia stated that the Florence Leadership Academy are in a difficult place with the Arizona Corporation Commission (ACC). They still have their non-profit status and \$350. They would like to come back under Florence's umbrella. Initially, they were part of the Town of Florence, and requesting Council's consideration to be included in the Town as an Ad Hoc Board until such time

as they can be self-sufficient. She stated that the Ad Hoc Committee is not bound by the Code. Council can do a motion to appoint the Ad Hoc Committee as the Florence Leadership Academy until such time that they can stand on their own.

Vice-Mayor Anderson inquired if they would be Florence's citizens.

Ms. Garcia stated that one member lives in Cactus Forest.

Ms. Garcia stated that she, along with Ms. Jennifer Evans, Management Analyst; and Mr. Ben Bitter, Assistant to the Town Manager have worked as the Strategic Plan liaisons for the Council. They are requesting that Council consider appointing the Blue-Ribbon Committee (Citizens' Advisory Committee) as a committee to review the Strategic Plan and goals moving forward. They would be an Ad Hoc Committee that would meet on a quarterly basis. They met with the group and the group liked what the Town was doing, how the community looks, the improvements that are taking place, but feel that the Town is still lacking in communication. Staff wants to do mouth-to-mouth communication with the business owners.

Ms. Garcia stated that there is an opportunity to brag about how well the community is doing and garner input from the community. The committee group is comprised of Harold Christ, Peter Koulouris, Mike Shoppell, the Greater Florence Chamber of Commerce, Betty Wheeler, and Henry Padilla. There were three members who elected not to remain on the committee. Council can elect to add more members if it so chooses.

Mayor Walter stated that she likes that they would be an Ad Hoc Committee. She likes the idea of appointing the existing members with the option to appoint new members. One member asked that the committee be called the Blue-Ribbon Committee.

Mr. Billingsley stated that it is customary for special government appointed committees be called Blue Ribbon Committees (Panels).

Discussion occurred if Council would prefer the items to come before them for a vote.

It was the consensus of the Council that it be added to the next regular meeting.

Mayor Walter discussed healthy initiatives. Currently, the Town has the P.O.W.W.O.W. and Jingle Bell Jog. Anthem Hospital has offered to have their physicians to come and teach classes on various health topics and free screenings for the community. There are several opportunities to partner with the Town's stakeholders for health initiatives.

Discussion occurred on growing the events to include health and wellness. The goal is to provide various free services at various special events and partnering with other stakeholders to do so.

Ms. Garcia explained that Ad Hoc committees are not bound by the Town Code, its members can reside outside of the municipal boundary and can serve on more than one committee.

## **ADJOURNMENT**

The meeting adjourned at 8:32 p.m.

Town of Florence Council Meeting Minutes

January 13, 2020

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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 January 13, 2020, 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 MEETING HELD ON MONDAY, JANUARY 21, 2020, 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 p.m.

**ROLL CALL:**

Present: Walter, Anderson, Hawkins, Wall, Larsen, Cordes, Hughes

**ROLL CALL: MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1.**

Present: Walter, Anderson, Hawkins, Wall, Larsen, Cordes, Hughes

**NEW BUSINESS OF MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1.**

**Discussion and possible action to approve Merrill Ranch Community Facilities District No. 1 December 16, 2019 Special Meeting minutes.**

On motion of Vice-Chairman Anderson, seconded by Boardmember Wall, and carried (7-0) to approve the Merrill Ranch Community Facilities District No. 1 December 16, 2019 Special Meeting minutes.

**ROLL CALL: MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 2**

Present: Walter, Anderson, Hawkins, Wall, Larsen, Cordes, Hughes

**ADJOURNMENT TO JOINT EXECUTIVE SESSION BETWEEN THE TOWN OF FLORENCE AND MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1 AND MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 2 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) to consider its position and instruct its representatives and/or attorneys regarding a Notice of Claim filed by Merrill Ranch Owner's Agent, L.L.C., CMR/Casa Grande, L.L.C., Roadrunner Resorts, L.L.C. and Florence Copper, Inc. against Merrill Ranch Community Facilities Districts No. 1 and No. 2 and the Town of Florence.**

**Motion of Florence Town Council.**

On motion of Councilmember Cordes, seconded by Councilmember Wall, and carried (7-0) to adjourn to Executive Session.

**Motion of Merrill Ranch Community Facilities District No. 1**

On motion of Boardmember Larsen, seconded by Boardmember Wall, and carried (7-0) to adjourn to Executive Session.

## **Motion of Merrill Ranch Community Facilities District No. 2**

On motion of Boardmember Cordes, seconded by Boardmember Hughes, and carried (7-0) to adjourn to Executive Session

## **ADJOURNMENT FROM EXECUTIVE SESSION**

### **Motion of Florence Town Council.**

On motion of Councilmember Wall, seconded by Councilmember Hughes, and carried (7-0) to adjourn from Executive Session.

### **Motion of Merrill Ranch Community Facilities District No. 1**

On motion of Boardmember Wall, seconded by Boardmember Cordes, and carried (7-0) to adjourn from Executive Session.

### **Motion of Merrill Ranch Community Facilities District No. 2**

On motion of Boardmember Wall, seconded by Boardmember Cordes, and carried (7-0) to adjourn from Executive Session.

## **ADJOURNMENT FROM MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1.**

On motion of Boardmember Larsen, seconded by Boardmember Hughes, and carried (7-0) to adjourn to Merrill Ranch Community Facilities District No. 1.

## **NEW BUSINESS OF MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO 2.**

### **Public Hearing on Feasibility Report for Merrill Ranch Community Facilities District 2- Assessment Area 8, Unit 32.**

Ms. Rebecca Jimenez, Interim District Treasurer, stated that the request is to hold a public hearing for the Feasibility Report for Merrill Ranch Community Facilities District No. 2 Assessment Area 8, Unit 32 and adopt Resolution No. MRCFD2 240-20 which approves the Feasibility Report Eight Amendment and Waivers, authorizes the sale and issuance of bonds in the amount of \$280,000.

Ms. Jimenez stated that Assessment Area 8, Unit 32 is a new sub-district of Merrill Ranch Community Facilities District No. 2. The sub-district consists of 24.25 acres and is located off Spirit Loop west and north, then to the east along Walker Butte Wash and to the south starting along W. Merriweather Way and intersecting Walker Butte Wash. It is composed of 80 individual lots which have been platted. The total cost of improvements is \$679,000 and its estimated completion date is March 1, 2020.

Ms. Jimenez stated that the assessment amount is \$3,500 per unit. The Developer is contributing an estimated \$30,000 for costs or Issuance. Interest for this issue is estimated at 6% and is subject to change. The term of financing is for 25 years. The estimated annual payment to the property owners is \$272.50 plus the administrative fee, for a total of approximately \$307 per year.

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Chairman Walter opened the public hearing. There being comments, Chairman Walter closed the public hearing.

**Discussion and possible action on Resolution No. MRCFD2 240-20 to approve the Feasibility Report and for the execution and delivery of Special Assessment Installment Purchase Agreement (Assessment Area 8) and related matters in the amount not to exceed \$280,000 for Merrill Ranch Community Facilities District 2- Assessment Area 8, Unit 32.**

On motion of Vice-Chairman Anderson, seconded by Boardmember Larsen, and carried (7-0) to adopt Resolution No. MRCFD2 240-20.

**Discussion and possible action to approve Merrill Ranch Community Facilities District No. 2 December 16, 2019 Special Meeting minutes.**

On motion of Boardmember Wall, seconded by Boardmember Cordes, and carried (7-0) to approve the Merrill Ranch Community Facilities District No. 2 December 16, 2019 Special Meeting minutes.

## **ADJOURNMENT FROM MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO 2.**

On motion of Boardmember Cordes, seconded by Boardmember Hughes, and carried (7-0) to adjourn from Merrill Ranch Community Facilities District No. 2.

## **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**

### **Florence Transportation Study Presentation**

Mr. Chris Salas, Public Works Director, stated that the Planning Assistance for Rural Areas (PARA) Grant is developed and administered by ADOT. He stated that it is a competitive grant, so staff did their due diligence to apply and win the grant. He thanked Mr. Jason Bottjen, ADOT

for his assistance in helping the Town with the award of the grant. He explained that the study will assist with the following:

- Modeling of projected traffic volumes
- Projected levels of service
- Areas of deficiencies projected out, which feed into the Town’s Capital Improvement Plan and Development Impact Fee Studies
- Deficiencies in the network for bicycle and pedestrian facilities
- Includes cost of improvement(s)

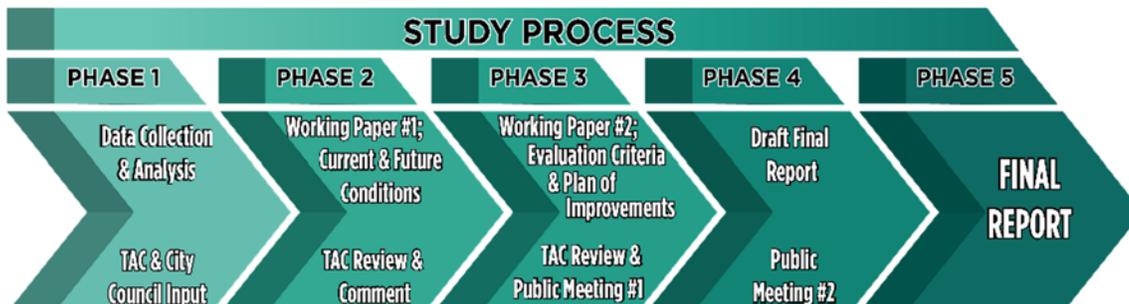
Mr. Salas explained that the study will contain guidelines that will assist when a development comes in. It will also help staff write size improvement plans for future development including preservation of right-of-way corridors. He asked that Council review the draft study and provide their feedback as they are in the comment phase.

Jason Bottjen, Planning Project Manager, and Kevin Kugler, Project Manager, provided a presentation in which they outlined the following:

ADOT Multimodal Planning Division

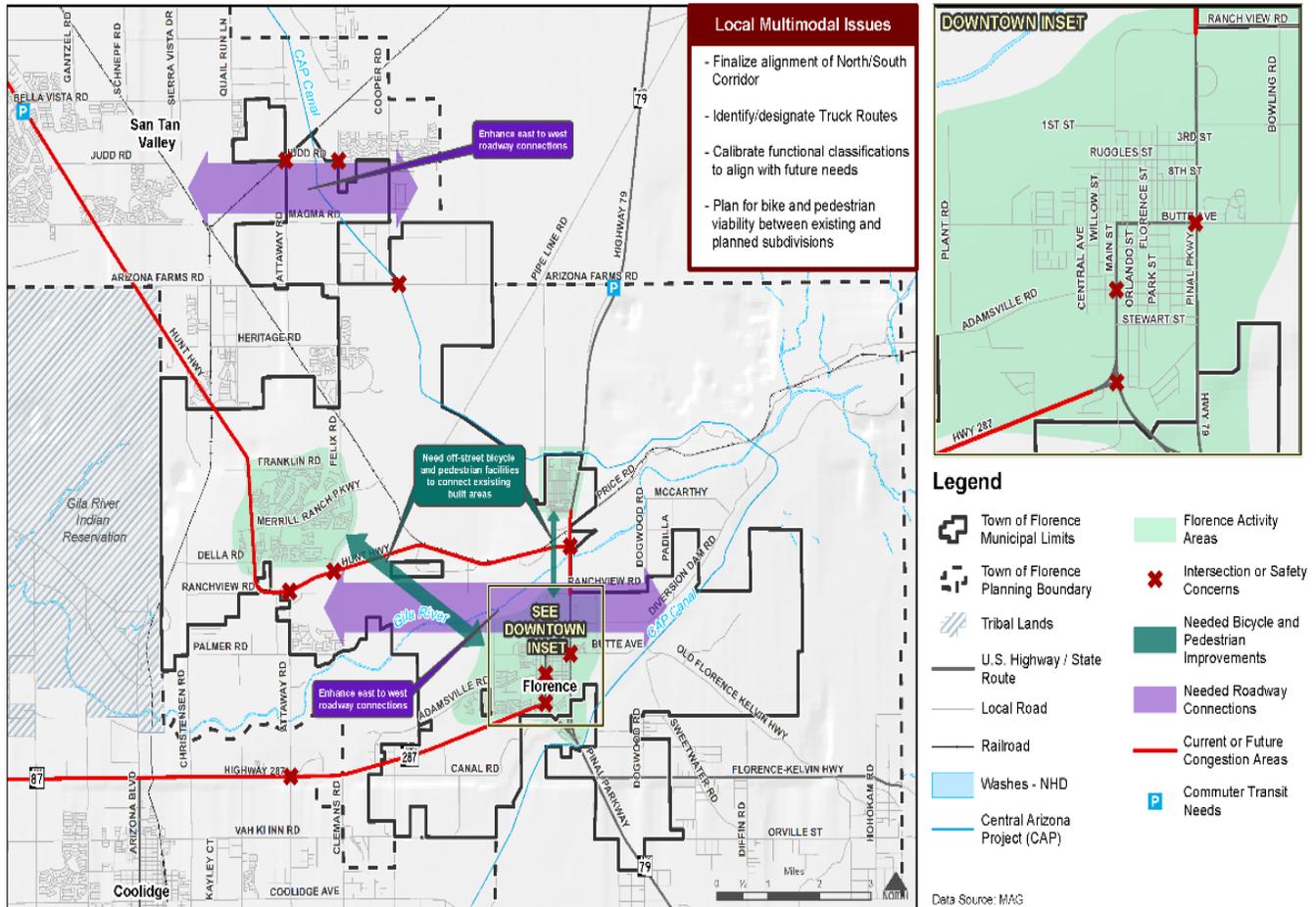
### Florence Transportation Planning Study - Town Council Briefing

- Project Status
  - TASK 1: Develop Project Work Plan
  - TASK 2: TAC Meeting # 1
  - TASK 3: Town Council Briefing
  - TASK 4: Working Paper #1
  - TASK 5: TAC Meeting #2
  - TASK 6: Working Paper #2
  - TASK 7: TAC Meeting #3
  - TASK 8: Public Meeting #1
  - TASK 9: Draft Final Report
  - TASK 10: Public Meeting #2
  - TASK 11: Town Council Briefing -**CURRENTLY AT THIS TASK**
  - TASK 12: Public Involvement Summary
  - TASK 13: Final Report



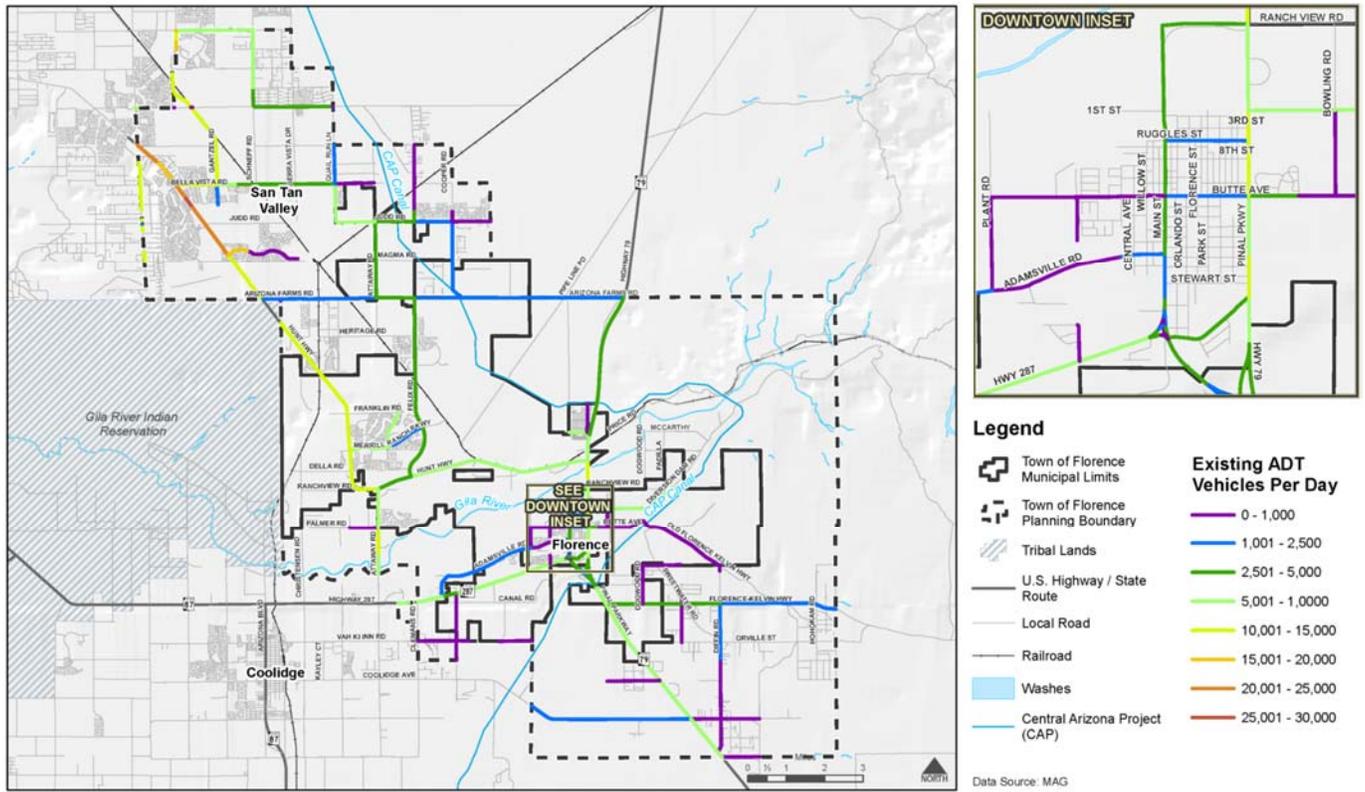
- **Transportation Needs and Issues**
  - Improve East/West connectivity
  - Functional Classifications

- Roadway Cross sections
- Safety Considerations
- Bike and Pedestrian Mobility – connection Merrill Ranch, Five Parks and downtown
- Town Regulations and Policies – site triangle, bus bay, truck routes, subdivision connectivity

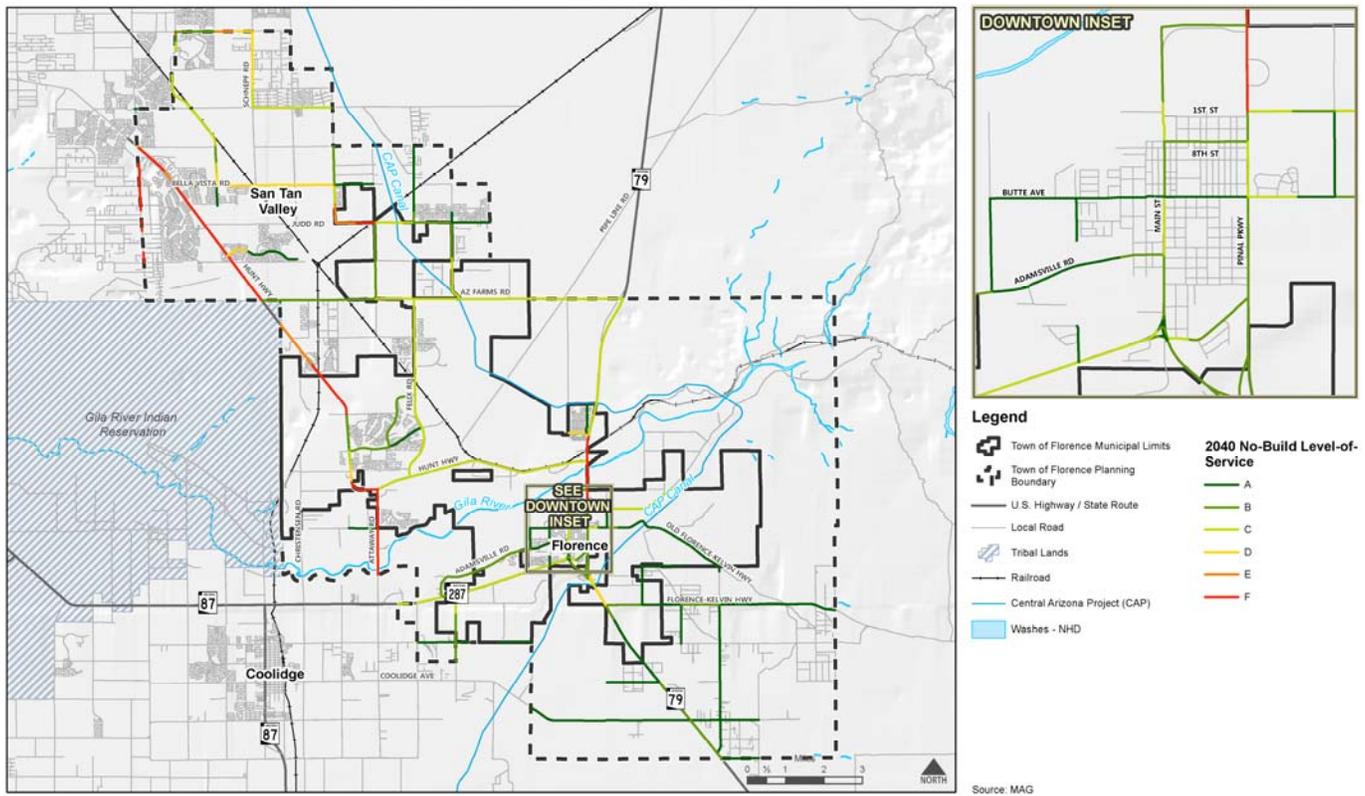


- Future Growth and Vehicle Trip Projections
  - Evaluated existing average daily traffic and roadway level of service
  - Existing transportation plan reflects surplus capacity – pre-recession condition
  - Collaborated with MAG in preparing the travel demand model for Florence
  - Process included sorting out some glitches in MAG data sets, led to delays
  - LOS is determined by the ratio of traffic volume on the roadway versus the capacity of the roadway
  - Apply 2040 growth projections against the 2015 roadway network
  - Analysis of growth rates for every roadway conducted = average annual growth rate of 4%
  - 4% growth rate if fairly progressive and exceeds annual population growth rate = confidence in the results

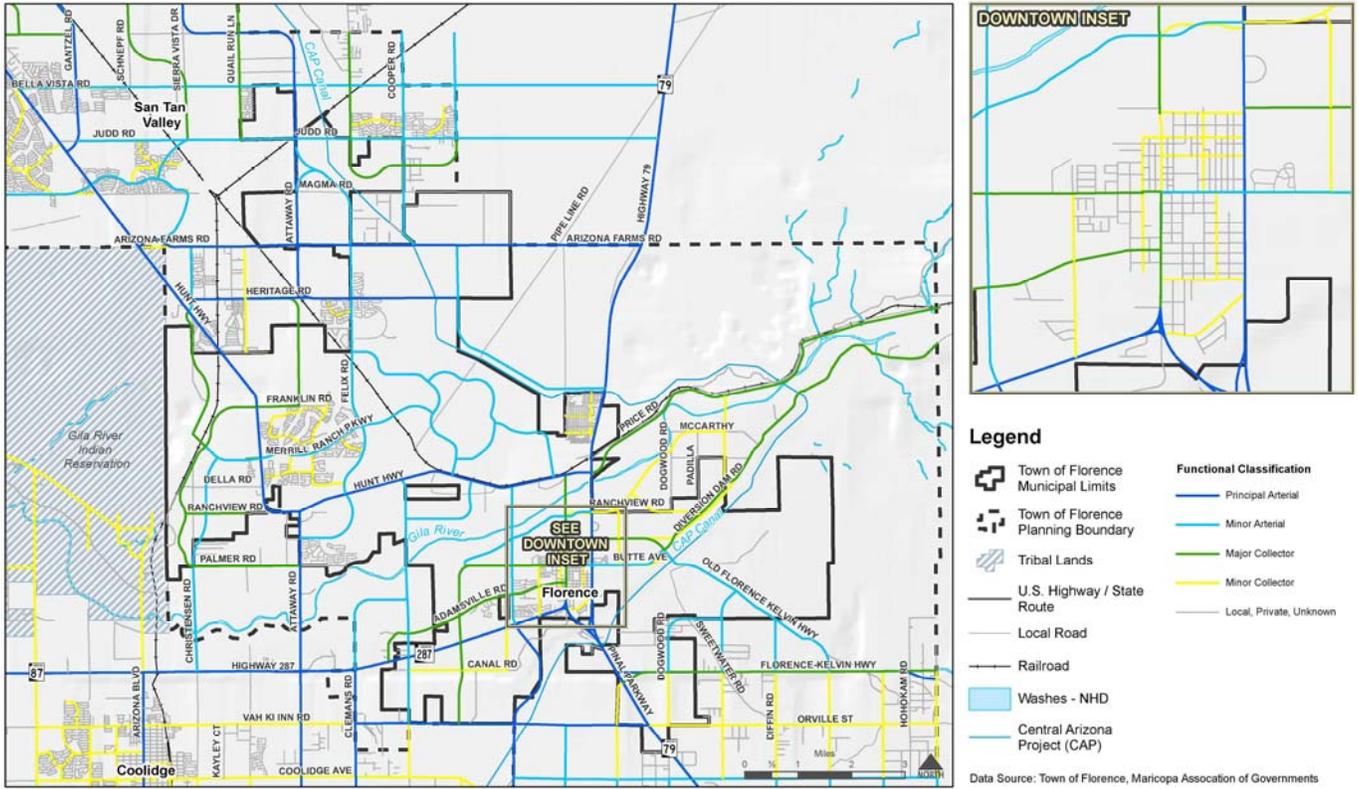
– Existing Average Daily Traffic (ADT)



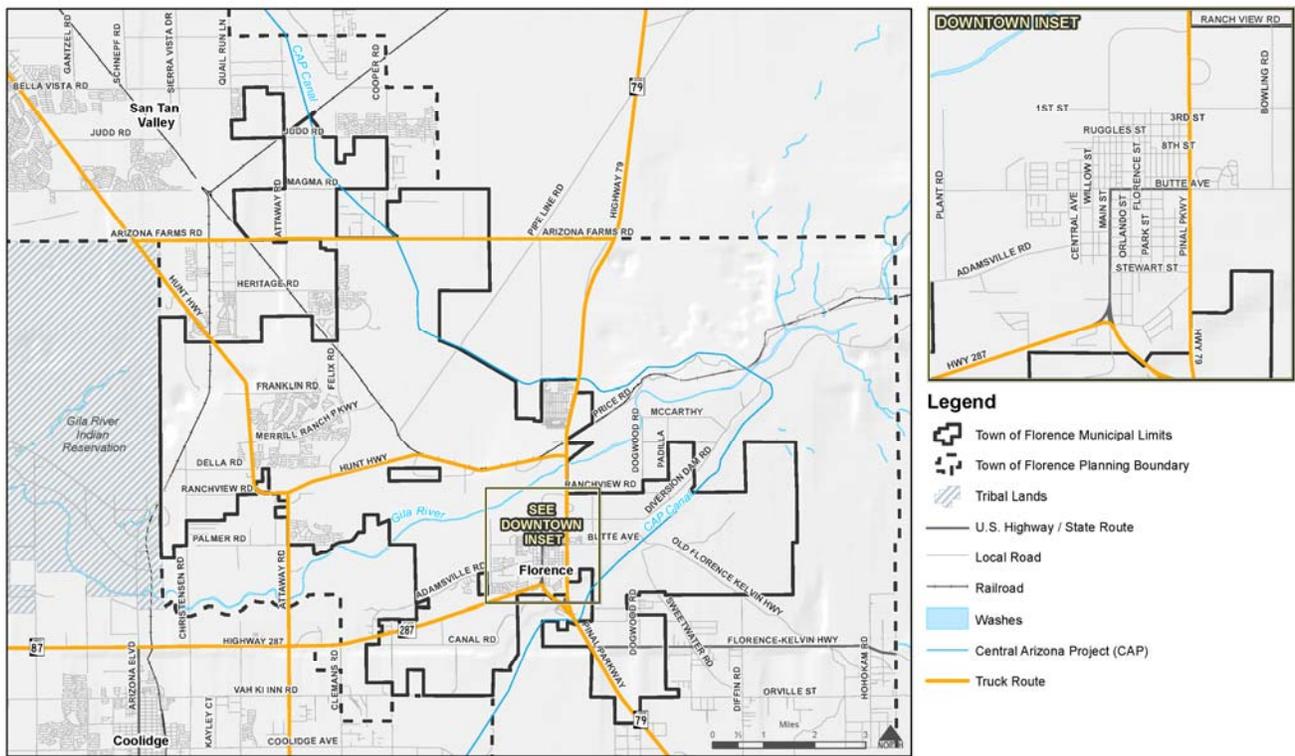
– 2040 No-Build Level of Service



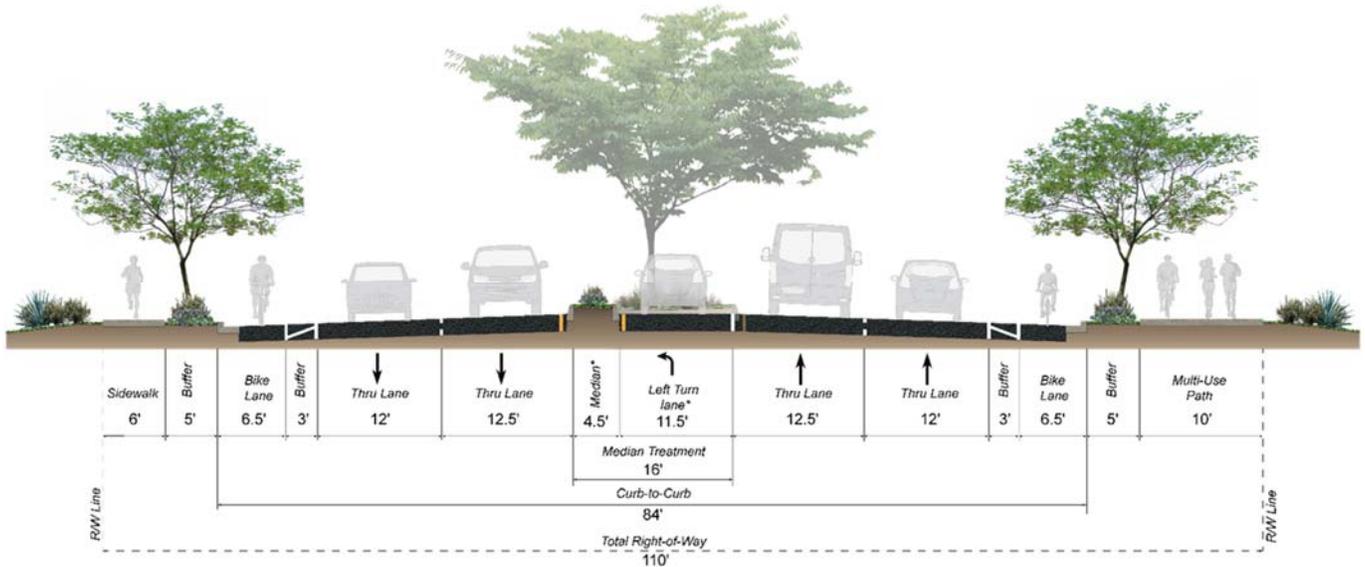
– 2040 Functional Classification Map



– Truck Routing Plan



– **Sample Roadway Cross Section**



Typical Design Features					
Right-of-Way Width	Number of Lanes	Average Daily Traffic	Design Speed Limit	Posted Speed Limit	Cost Per Mile
110 feet	4 Lanes (1 Turn Lane)	25,000 – 30,000 ADT	45 MPH	35 MPH	\$5,428,997

– **Recommended Roadway Improvements**

Roadway Segment	2040 No-Build		2040 Built		Implementation Phase <sup>1</sup>	Cost <sup>2</sup>
	# of Lanes	LOS	# of Lanes	LOS		
<b>Judd Road:</b> Quail Run Road to Attaway Road	2	E	4	B	Short-Term: Coordinate with Pinal County	\$2,714,498
					Mid-/Long-Term: Construct upon annexation	
<b>Quail Run Road:</b> Judd Road to 0.5 miles North	2	E	3	B	Short-Term: Coordinate with Pinal County	\$1,141,980
					Mid-/Long-Term: Construct upon annexation	

<b>Hunt Highway:</b> Stone Creek Drive to Paseo Fino Way	4	F	6	C	Short-Term: Coordinate with Pinal County	\$2,128,878
					Mid-/Long-Term: Construct upon annexation	
<b>Hunt Highway:</b> Paseo Fino Way to Bella Vista Road	3	E	6	B	Short-Term: Coordinate with Pinal County	\$1,232,508
					Mid-/Long-Term: Construct upon annexation	
<b>Hunt Highway:</b> Bella Vista to Arizona Farms Road	2	F	6	B	Short-Term: Coordinate with Pinal County	\$10,644,387
					Mid-/Long-Term: Construct upon annexation	
<b>Hunt Highway:</b> S. of AZ Farms Road to Mirage Avenue	2	E	4	B	Short-Term: Coordinate with Pinal County	\$4,885,214
					Mid-/Long-Term: Construct upon annexation	
<b>Hunt Highway:</b> Mirage Avenue to Franklin Road	2	F	4	C	Near-Term Construction	\$3,473,432
<b>Hunt Highway:</b> Fire Station #2 to Attaway Road	2	F	4	C	Near-Term Construction	\$1,747,920
<b>SR 79:</b> Gila Drive to Hunt Highway	2	F	4	C	Mid-Term Construction	\$1,568,647
<b>SR 79:</b> Hunt Highway to Ranch View Road	2	F	4	D	Long-Term Construction	\$1,680,693
<b>SR 79:</b> Ranch View Road to 1 <sup>st</sup> St	2	F	4	C	Long-Term Construction	\$1,187,690
<b>Attaway Road:</b> South of Hunt Highway <sup>3</sup>	2	F	4	C	Mid-Term Construction	\$13,653,927
<b>Total Cost</b>						<b>\$21,787,071</b>

<sup>1</sup> The Implementation Phase is a recommendation and is subject to change. Near-Term refers to 0-5 years, Mid-Term is 5-10 years, and Long-Term is 10+ years after publication

<sup>2</sup> Cost estimates are to be considered preliminary planning-level cost estimates

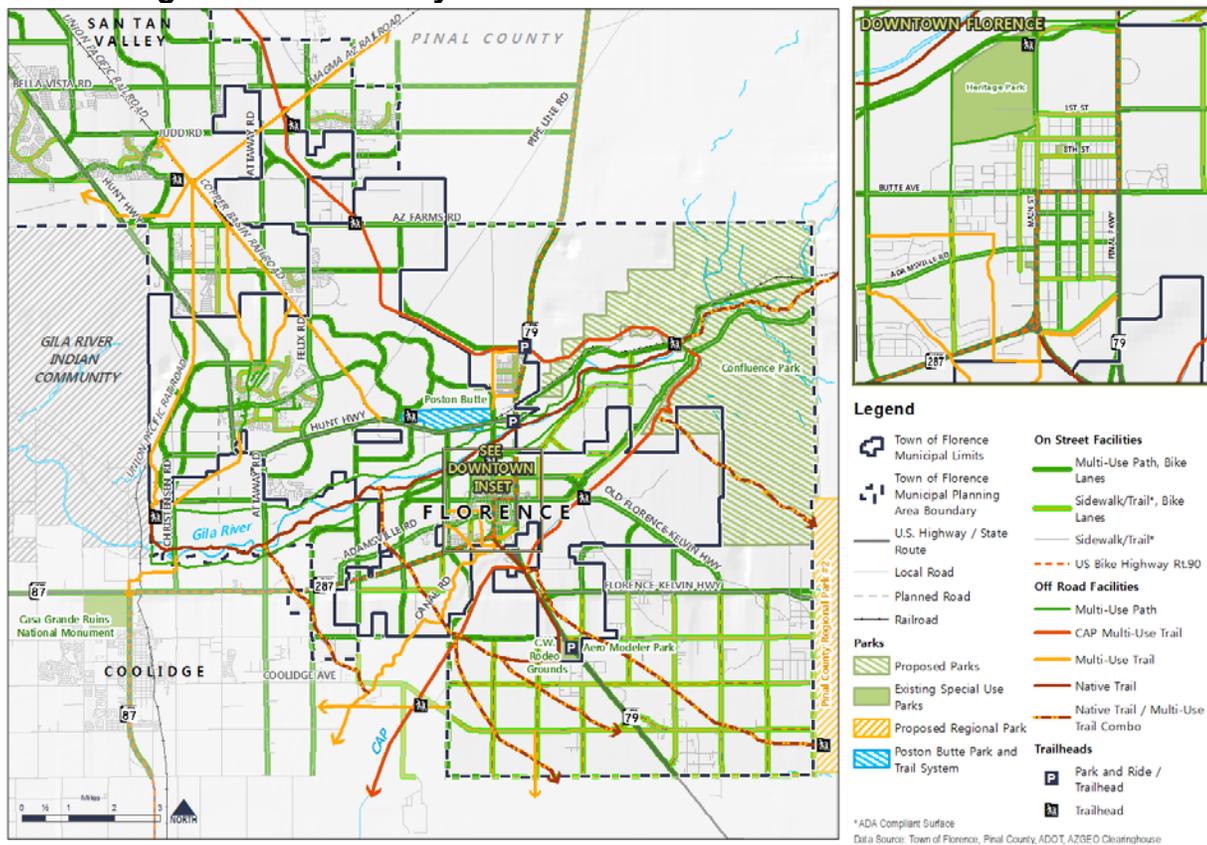
<sup>3</sup> First half-mile of this recommendation is within Town of Florence limits and coordination with Pinal County is required for the southern extension.

**– Recommended Intersection Safety Improvements**

<b>Intersection Location</b>	<b>Concern</b>	<b>Recommendation</b>	<b>Implementation Phase<sup>1</sup></b>	<b>Cost<sup>2</sup></b>
Hunt Highway/ Felix Road	Incomplete Intersection, poor lighting, sight visibility.	Install lighting at the intersection, refresh painting, install edge lines, intersection improvements to increase visibility.	Short-Term (design currently underway)	\$65,100
Hunt Highway/ Arizona Farms Road	Elevated intersection, no lighting, tight radius.	Reevaluate radii, install lighting, refresh pavement marking.	Short-Term (Pinal County design currently underway)	\$37,580
Felix Road/ Judd Road	Lighting, sight visibility.	Intersection improvement to improve sight visibility, lighting on the west side of Felix Road and on Judd Road	Long-Term	\$50,174
Hunt Highway/ Attaway Road	Sight visibility, high northbound right-turn volumes.	Install a northbound right-turn lane, install stop bars/crosswalks, refresh striping.	Short-Term	\$32,777
Hunt Highway/ SR 79	Heavy eastbound right-turn traffic volumes, safety.	Install an eastbound right-turn lane, install a traffic signal, restripe the intersection, install rumble strips.	Short-Term (In conjunction with ADOT bridge project to signalize the intersection in 2021)	\$39,645
SR 287/ Attaway Road	High number of crashes, education and enforcement issues.	Coordinate with Coolidge to complete an RSA.	Short-Term	\$25,000
SR 79/ SR 287	Capacity issues.	Roundabout is currently in the design phases.	Short-Term	N/A

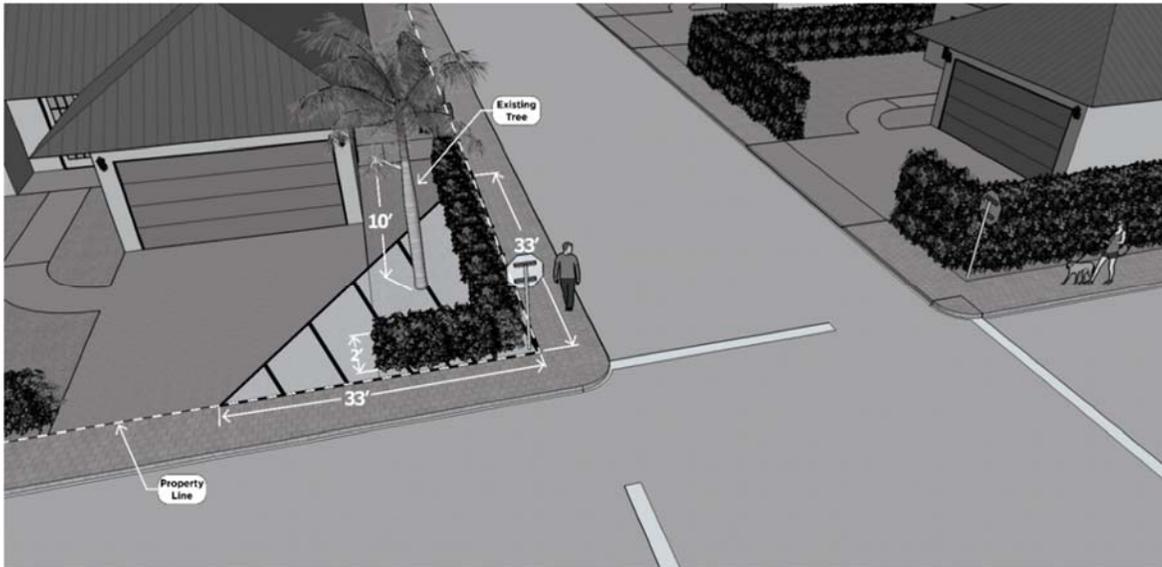
Hunt Highway/ Bella Vista Road	Safety - high number of crashes, lot of rear-ends and left-turns.	Coordinate with Pinal County to complete an RSA, evaluate left-turn phases, review signal timing and clearance intervals.	Short-Term	\$25,000
Bella Vista Road/ Gantzel Road	Safety – high number of crashes, lot of rear-ends.	Complete an RSA, review signal timing and clearance intervals.	Short-Term: Conduct RSA Mid-Term: Construction	\$25,000
			Total Cost	\$300,276

– Existing and Planned Bicycle Facilities



– Additional Recommendations

- Site Visibility Triangle
- Bus Bay Spec's – MAG and ADOT
- Adaptive Streets – low investment aesthetic and traffic operational improvements to surplus ROW streets (80-ft vs. 100 ft)
- Policies to connect existing and planned neighborhoods



– Next Steps

- Public Meeting #2 – January 21, 2020
- Incorporate any changes, public comments, edits
- Prepare Final Report
- Draft Final Report available for review at: [www.azdot.gov/planning/transportation-studies/town-Florence-transportation-planning-study](http://www.azdot.gov/planning/transportation-studies/town-Florence-transportation-planning-study)

Councilmember Hughes asked that the link be added to the Town’s website.

Mayor Walter asked that the website also be placed on the Town’s social media pages.

**Presentation on Fiscal Year 2019-2020 Second Quarter Financial Report.**

Ms. Rebecca Jimenez, Interim Finance Director, provided a presentation, in which she outlined the following:

- Fiscal Year 2019-2020 Second Quarter Results and Forecast for the remainder of the Fiscal Year
  - Overview
    - Forecast is based on data as of December 31, 2019
- General Fund Revenue
  - Focused on seven revenue sources that make up 80% of the Town’s revenue
    - City Sales Tax
    - Food Tax
    - Property Taxes
    - Building Permits
    - State Shared Sales Tax
    - State Shared Income Tax
    - Auto License Tax

– General Fund Revenue FY 19-20

TITLE	2nd Quarter FY18-19	BUDGET	2nd Quarter FY19-20	FORECAST	Quarter comparison
City Sales Tax	\$1,213,766	\$2,862,437	\$984,087	\$2,862,437	▼
City Food Tax	\$133,189	\$310,686	\$79,348	\$310,686	▼
Property Tax	\$564,505	\$1,166,611	\$541,574	\$1,166,611	▼
Building Permits	\$351,387	\$809,822	\$814,371	\$1,200,000	▲
State Sales Tax	\$1,068,609	\$2,721,685	\$1,197,701	\$2,721,685	▲
State Income Tax	\$1,578,769	\$3,416,358	\$1,708,180	\$3,416,358	▲
Auto License Tax	\$725,234	\$1,633,773	\$748,873	\$1,633,773	▲
<b>Total General Fund Revenue</b>	<b>\$7,141,587</b>	<b>\$16,369,437</b>	<b>\$7,459,007</b>	<b>\$16,369,437</b>	<b>▲</b>

- City Sales tax is lower than anticipated
- Major taxpayer needs to be monitored

Ms. Jimenez stated that there is always a lag in receiving revenues. Furthermore, a taxpayer had a revision done to their classification of taxes and the Town must now refund the taxpayer approximately \$30,000. The building permit revenues is up; however, she cautioned that they are one-time revenues and can change from year to year.

– General Fund Expenses FY 19-20

TITLE	2nd Quarter FY18-19	BUDGET	2nd Quarter FY19-20	FORECAST	Quarter comparison
General Fund	\$7,241,745	\$17,012,550	\$6,936,668	\$17,012,550	▼

- Legal fees have decreased from last year.

– Other Funds-Major Revenue FY 19-20

<b>TITLE</b>	<b>2nd Quarter FY18-19</b>	<b>BUDGET</b>	<b>2nd Quarter FY19-20</b>	<b>FORECAST</b>	<b>Quarter comparison</b>
General Capital Fund	\$720,302	\$2,253,000	\$1,273,078	\$2,253,000	▲
HURF Fund	\$1,353,750	\$3,605,915	\$1,674,839	\$3,605,915	▲
Water Fund	\$1,373,030	\$4,326,237	\$2,194,754	\$4,326,237	▲
Sewer Fund	\$2,162,415	\$4,530,200	\$2,001,249	\$4,530,200	▼
Sanitation Fund	\$437,035	\$921,300	\$477,333	\$921,300	▲

– Other Funds-Expenses FY 19-20

<b>TITLE</b>	<b>2nd Quarter FY18-19</b>	<b>BUDGET</b>	<b>2nd Quarter FY19-20</b>	<b>FORECAST</b>	<b>Quarter comparison</b>
General Capital Fund	\$160,803	\$4,314,198	\$487,017	\$4,314,198	▲
HURF Fund	\$2,170,425	\$6,893,944	\$1,812,357	\$6,893,944	▼
Water Fund	\$1,529,018	\$7,560,536	\$1,984,178	\$7,560,536	▲
Sewer Fund	\$1,745,296	\$5,472,821	\$1,348,826	\$5,472,821	▼
Sanitation Fund	\$450,322	\$1,279,252	\$505,259	\$1,279,252	▲

– Cash in Bank-FY 19-20

Cash in Bank-General Checking	\$20,511,604	Interest in Sweep - .5%
Cash in Bank-Credit Cards in Transit	\$37,696	
LGIP	\$277,304	Interest Rate 1.5%
PFM Investments	\$40,485,874	Interest Rate 1.3%
Police Evidence	\$4,530	
<u>Total Cash in Bank</u>	<u>\$61,317,008</u>	

– Finance Department Activities

- Completed Annual Audit and Comprehensive Financial Report for the Town, Community Facilities Districts and Municipal Court
- October 1 - Sent out first phase of Budget-Capital Projects
- Implemented Electronic Payroll Timekeeping Processing-Phase One-Electronic Submission-Addressing Leave-time submissions and approvals
- Sent out second phase of Budget-Operational Budget on December 6, working on electronic submission, on-site training scheduled for early February
- Departmental training with accountants and various staff members continues
- Sanitation analysis completed and a report has been written
- Water and Wastewater rate increases proposed to Council

Councilmember Hawkins inquired how will the closing of the prison affect the Towns' budget.

Ms. Jimenez stated that the budget will need to be adjusted, specifically the Sewer Fund, which will sustain the largest impact. The rates will need to be reviewed again. The population will also decrease depending on how many inmates are shipped out, which will affect revenue; thus, expenditures will need to be decreased as well. She stated that adjustments will need to be made in phases.

Mayor Walter stated that she, along with Town Manager Mr. Billingsley and Assistant to the Town Manager Mr. Bitter, met with the two wardens, the director and others in which other opportunities were discussed.

Mr. Brent Billingsley, Town Manager, stated that the Town understands the impact can be approximately \$1.3 million loss in revenue based on loss of population. When considering primary and secondary impacts, the estimated loss is approximately \$2.5 million.

Mr. Billingsley stated that as part of the discussions with the Wardens and Director, they discussed mitigation measures that can be put in place with regards to timing of what happens to the inmates and phasing of that process, as well as partnering for enhancements of value of facilities and potential financial impact. He thanked the Director for the opportunity to have a meeting. He also thanked Mr. Bitter and staff for their assistance in the possible impacts.

Vice-Mayor Anderson inquired if the Town was still going to move money to the PFN Investment Fund.

Ms. Jimenez stated that they recently met with another firm, but they will need to move some money.

**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 to enter into a contract with Cactus Transport, Inc., dba Cactus Asphalt, to sweep, prepare and apply fog seal and rejuvenate existing roads, in an amount not to exceed \$66,455.96 (Proposal for \$57,787.79, with a 15% contingency, \$8,668.17).**
- b. **Approval to enter into a professional services contract with Best Environmental Subsurface Sampling Technologies (BESST), for zonal sampling for a Dynamic Spinner Log – USGA Tracer Flowmeter and Packer Feasibility Report, in an amount not to exceed \$75,000.**
- c. **Approval to enter into a Professional Services Agreement with Ninyo and Moore Geotechnical and Environmental Sciences Consultants for Geotechnical Services, for on-call engineering services, in an amount not to exceed \$100,000.**
- d. **Approval of the annual software renewal for the Microsoft Office 365 E3 Government, in an amount not to exceed \$26,595.25.**
- e. **Approval of December 16, 2019 Town Council Meeting minutes.**
- f. **Receive and file the following board and commission minutes:**
  1. **November 14 and December 12, 2019 Arts and Culture Commission minutes.**
  2. **October 30, 2019 Historic District Advisory Commission Meeting minutes.**

On motion of Councilmember Larsen, seconded by Vice-Mayor Anderson, and carried (7-0) to approve the Consent Agenda, as written, with the exception of Item 15b and 15c.

- b. **Approval to enter into a professional services contract with Best Environmental Subsurface Sampling Technologies (BESST), for zonal sampling for a Dynamic Spinner Log – USGA Tracer Flowmeter and Packer Feasibility Report, in an amount not to exceed \$75,000.**

Vice-Mayor Anderson inquired what “analysis will calculate the flow rate within the well” means.

Mr. Salas explained that it is the water flowing in the strata.

On motion of Vice-Mayor Anderson, seconded by Councilmember Larsen, and carried (7-0) to enter into a professional services contract with Best Environmental Subsurface Sampling Technologies (BESST), for zonal sampling for a Dynamic Spinner Log – USGA Tracer Flowmeter and Packer Feasibility Report, in an amount not to exceed \$75,000.

**c. Approval to enter into a Professional Services Agreement with Ninyo and Moore Geotechnical and Environmental Sciences Consultants for Geotechnical Services, for on-call engineering services, in an amount not to exceed \$100,000.**

Vice-Mayor Anderson inquired why a service agreement is needed. He stated that staff is qualified to write the specs and do the request for statements.

Mr. Salas stated that staff writes the scope of work. He explained that the consultants provide various testing for CIP projects.

Vice-Mayor Anderson inquired if this contract is premature if there is no current project.

Mr. Salas stated they would only be used for projects that move forward.

Mr. Billingsley stated that the staff is unable to do this work in-house. The Town does not have a geotechnical lab nor does the Town have licensed geotechnical engineers. The technical aspect of engineering design and construction is very specific, which is why the Town contracts it out.

Mr. Billingsley stated that the contract is not specific to a project, but rather, so that the Town has a consultant available when they have projects to obtain a best price. Staff can do an individual statement of qualifications process to ensure that the Town receives the best deal on each project, while still being able to move quickly without having to go through individual bid processes or individual or smaller contracts.

Mr. Billingsley stated that the contracts are for “do not exceed amounts”; however, each individual project comes before Council, via the Consent Agenda, prior to proceeding. He discussed other similar contracts that the Council has approved along with some that have since expired.

Vice-Mayor Anderson asked for a copy of current on-call contracts along with any that are being proposed.

Mr. Billingsley stated that he will be provided all of the existing contracts that have expired. He noted that Council has approved each of the contracts.

Vice-Mayor Anderson stated that he does not want copies of each of the contracts, but rather a listing along with a brief description of each.

On motion of Vice-Mayor Anderson, seconded by Councilmember Larsen, and carried (7-0) to enter into a Professional Services Agreement with Ninyo and Moore Geotechnical and Environmental Sciences Consultants for Geotechnical Services, for on-call engineering services, in an amount not to exceed \$100,000.

**NEW BUSINESS**

**First reading of Ordinance No. 687-20: AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING 30.45 ENTITLED ACTION TAKEN BY ORDINANCE.**

Mr. Billingsley stated this ordinance refers to how ordinances are used and how the Town handles rental of real property. Council requested that the rental agreements take place as part of an ordinance. This would define when ordinances would be required for those types of transactions.

Mr. Clifford L. Mattice, Town Attorney, stated that the idea is to remove the text that states "leased". It will no longer be required to be approved by Ordinance, which would require two separate readings. If approved, this would allow for efficiency, quicker and with less process.

**Discussion/Approval/Disapproval of approving the notice of intention to increase water and wastewater rates, per the 2018 rate study adopted May 21, 2018, Resolution No. 1664-18 and scheduling a Public Hearing February 21, 2020 to receive citizen comment.**

Ms. Jimenez stated that the first increase was done on April 19, 2019 based on the 2018 Utility Rate Study for water and wastewater. The next scheduled rate increase is for April 2020. Every year you have to provide a notice of intent to increase rates. She completed a financial impact, which depicts the following:

- Additional Revenue to Water Fund is estimated at \$217,900
- Additional Revenue to Wastewater Fund is estimated at \$270,300
- Additional Revenue to Securing Future Water is estimated at \$3,350

Ms. Jimenez stated that this will provide the statutory notification to increase the rates. She also did a rate increase impact based on the following usages for water and wastewater combined:

<u>Usage</u>	<u>Increase</u>
5,000 gallons	\$ 4.13
15,000 gallons	\$ 8.99
22,000 gallons	\$10.95

Ms. Jimenez stated that the rate increases are necessary to support the expenditures for each of the funds. There are three components that the utility rate study is based on: operations, debt service and capital outlay. The study is projected for ten years; however, it should be revisited every three to five years depending on the changes that occur within the municipality.

Vice-Mayor Anderson inquired if the prison closing needs to be factored into the rates. He inquired if there has been an increase in expenditures that would justify the rate increases.

Mr. Billingsley stated that the closure may impact the sewer fund approximately \$650,000 annually. He stated that the Town would need to conduct another rate study to be able to adjust the methodology.

Ms. Jimenez stated that there have been increases in expenditures which warrant rate increases, specifically capital projects. She stated that the funds are considered enterprise funds which shall be self-supporting.

On motion of Councilmember Wall, seconded by Councilmember Larsen, and carried (7-0) to approve the notice of intention to increase water and wastewater rates, per the 2018 rate study

adopted May 21, 2018, Resolution No. 1664-18 and scheduling a Public Hearing February 21, 2020 to receive citizen comment.

**Discussion/Approval/Disapproval for a Professional Services Agreement with Westland Resources, Sunrise Engineering and Hazen and Sawyer, for On-call utility services, in an amount not to exceed \$350,000 for each.**

Mr. Salas stated that in 2016, the Town placed an advertisement for on-call services for general on-call engineering as well as utility on call services. Council approved three contracts for on call services for general for \$500,000 each and three contracts for utility on call services for \$350,000 each.

Mr. Salas stated that they had to do a modification to Westland Resources contract because they were very successful in getting work and exceeded their amount. Hazen Sawyer also had several projects awarded to them.

Mr. Salas explained how a project is determined, how the scope is completed and how the scope of service is sent to each of the on-call engineering firms. Each of the firms has to comply with the five-page proposal limit. They are provided the problem, and they need to outline how they will solve the problem. The proposal needs to entail three pages for scope, one page for the schedule and one page for the cost proposal. He stated that all of the proposals are ranked and are forwarded to the procurement officer. He provides a scoring matrix for each of the firms. This two-step process allows to evaluate cost proposals and save money. This also saves time because staff does not have to go back for approval for each small project. The process is competitive and fair.

Councilmember Hughes inquired how long are the contracts for.

Mr. Salas stated that the contract is good for three years with two one-year extensions.

On motion of Councilmember Hawkins, seconded by Councilmember Wall, and carried (7-0) to approve a Professional Services Agreement with Westland Resources, Sunrise Engineering and Hazen and Sawyer, for On-call utility services, in an amount not to exceed \$350,000 for each.

**Discussion/Approval/Disapproval for a Professional Services Agreement with Sunrise Engineering, and EPS Group, for land surveying, in an amount not to exceed \$75,000 for each.**

Mr. Salas stated that they chose to separate surveying from the general on-call engineering to create for the ability of smaller firms to apply.

On motion of Councilmember Hawkins, seconded by Vice-Mayor Anderson, and carried (7-0) to approve a Professional Services Agreement with Sunrise Engineering, and EPS Group, for land surveying, in an amount not to exceed \$75,000 for each.

**MANAGER'S REPORT**

There was no Manager's Report.

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## **CALL TO THE PUBLIC**

There were no public comments.

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

Councilmember Larsen stated that the 3<sup>rd</sup> Friday on Main Street was a great event and it was great to see Main Street come to life. She invited everyone to the P.O.W.W.O.W. event and Make A Difference Day event.

Councilmember Hawkins stated that there was good turnout for the 3<sup>rd</sup> Friday event, and thanked everyone for supporting the event.

Councilmember Cordes stated that the Council had a good work session with the Historic District Advisory Commission and Kimber Lanning to discuss the importance of Main Street and revitalization of the old buildings and investing in our history. This will increase the Town's economic growth. She stated that she is excited to see the progress.

Councilmember Hughes stated that she attended the Pinal Partnership's Economic Development Committee Meeting, in which all cities/towns from Pinal County attended, which encourages her. She apologized for not attending some of the events but has been under the weather and is doing better. She stated that she is looking forward to attending future events.

Vice-Mayor Anderson stated that he attended the Pinal Partnership's Economic Development Committee Meeting as well. It was exciting to hear of all the projects that the neighboring communities are doing. It was very interesting to hear what Eloy and Coolidge are doing in their downtown areas. He attended the 3<sup>rd</sup> Friday event and enjoyed it.

Vice-Mayor Anderson thanked the Florence Fire Department for assisting with a rattlesnake issue in the Anthem area.

Mayor Walter stated that the Town offers several free programs, such as:

- Free Identification Kits - The Fire Department partnered with the Greater Florence Women's Club to distribute the kits. The information gathered would be useful to agencies in the event a person is lost or missing. The Florence K-8 students volunteered to assist for this event.
- Lift Program – Service offered at the Senior Center in which a person may obtain a ride to/from a medical appointment. The drivers are all volunteers.
- Angel Alert Program - This program is managed by the Police Department. The Police volunteers check on the individuals enrolled in the program.

Mayor Walter invited anyone wishing to provide a service that the Town does not offer to contact staff, specifically art classes.

Mayor Walter stated that there is an HGTV contest in which some residents would like to nominate the Town Main Street revitalization.

## **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) and (A)(4) to consider its position and instruct its representatives and/or attorneys regarding:

- Association of Florence Fire Fighters, International Association of Fire Fighters Local 4512, Its Members, and ABC Plaintiffs 1-100 v. Town of Florence, Case No. CV2015-00235 litigation update.
- Town's position and instruct its attorneys regarding pending litigation in Maricopa County Superior Court: Town of Florence v. Florence Copper, Inc. CV2015-000325, including counterclaims and appellate proceedings to reviewing Courts.
- 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.
- Discussion and consultation regarding Town's position on property lien.

\*\*\*Mayor Walter recused herself from Item a. Item A was heard last. Mayor Walter left the Executive Session prior to item A being discussed.

On motion of Vice-Mayor Anderson, seconded by Councilmember Hawkins, and carried (6-0) to adjourn to Executive Session.

## **ADJOURNMENT FROM EXECUTIVE SESSION**

On motion of Councilmember Hughes, seconded by Councilmember Larsen, and carried (6-0) to adjourn from Executive Session.

## **ADJOURNMENT**

On motion of Councilmember Hawkins, seconded by Councilmember Larsen, and carried (6-0) to adjourn the meeting at 9:41 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 January 21, 2020, and that the meeting was duly called to order and that a quorum was present.

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Lisa Garcia, Town Clerk  
Florence Town Council Meeting Minutes  
January 21, 2020  
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# TOWN OF FLORENCE BOARD OF APPEALS MINUTES

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MINUTES OF THE TOWN OF FLORENCE BOARD OF APPEALS HELD ON TUESDAY, APRIL 11, 2017, AT 3:00 P.M., AT THE TOWN OF FLORENCE COMMUNITY CENTER/LIBRARY, LOCATED AT 778 N. MAIN STREET, RUGGLES ROOM 1, FLORENCE, ARIZONA.

## 1. CALL TO ORDER

The Board called the meeting to order at 3:00 p.m.

## 2. ROLL CALL:

Present: Wheeler, Nevala, Child, Goodballet

Ex-Officio Members: Kemp, Bent

Absent: Pranzo

## 3. NEW BUSINESS

### a. Discussion/Approval/Disapproval of the Appointment of a Chairperson.

On motion of Boardmember Navala, seconded by Boardmember Goodballet, and carried to appoint Geoffrey Child as Chairman.

### b. Discussion/Approval/Disapproval of the Appointment of a Vice-Chairperson.

On motion of Boardmember Wheeler, seconded by Boardmember Goodballet, and carried to appoint Steven Nevala as Vice Chairman.

### c. Discussion/Approval/Disapproval of Adoption of Rules of Procedure.

On motion of Boardmember Wheeler, seconded by Vice-Chairman Nevala, and carried to adopt the Rules of Procedure, as submitted.

### d. Discussion/Approval/Disapproval of Establishing a Hearing Schedule for Appeal 2017-01.

#### i. Discussion/Approval/Disapproval of a possible continuance of the hearing date for Appeal 2017-01.

On motion of Vice-Chairman Nevala, seconded by Boardmember Goodballet, and carried to set the appeal meeting on May 2, 2017 at 1:30 p.m.

## 4. CALL TO THE PUBLIC

## 5. ADJOURNMENT

On motion of Vice-Chairman Navala, seconded by Boardmember Wheeler, and carried to adjourn the meeting at 3:25 p.m.

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Vice-Chairman Navala

ATTEST:

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Lisa Garcia, Clerk of the Board

I certify that the following is a true and correct copy of the minutes of the Town of Florence Board of Appeals meeting held on April 11, 2017, and that the meeting was duly called to order and that a quorum was present.

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Lisa Garcia, Clerk of the Board

# **TOWN OF FLORENCE BOARD OF APPEALS MINUTES**

**MINUTES OF THE TOWN OF FLORENCE BOARD OF APPEALS HELD ON TUESDAY, APRIL 18, 2017, AT 4:00 P.M., AT THE TOWN OF FLORENCE TOWN HALL COUNCIL CHAMBERS, LOCATED AT 775 N. MAIN STREET, FLORENCE, ARIZONA.**

## **1. CALL TO ORDER**

Vice-Chairman Nevala called the meeting to order at 4:01 p.m.

## **2. ROLL CALL:**

Present: Pranzo, Wheeler, Nevala,  
Ex-Officio Members: Bent  
Via phone: Goodballet, Child  
Absent: Kemp

## **3. NEW BUSINESS**

### **a. Discussion/Approval/Disapproval of a possible continuance of the hearing date set for May 2, 2017 at 1:30 p.m. for Appeal 2017-01.**

The Town received a request for a brief continuance of the hearing previously scheduled for May 2, 2017. They are asking for the date of the hearing to be changed see below:

“It is our understanding that at the Open Meeting of the Florence Board of Appeals (“Board”) that took place yesterday, April 11, 2017, the Board has scheduled a hearing in the Gem Cox matter (site address 368 and 374 Main Street) for Tuesday May 2, 2017, beginning at 1:30 pm. Unfortunately, due to pre-existing professional commitments neither myself nor Mr. Munger will be available on that date and are requesting a short continuance to Monday, May 8, 2017 (and reserving Tuesday May 9, 2017 if such hearing extends into a second day). In an effort to avoid the need for a second day of hearing, we would respectfully request that the hearing be scheduled to begin in the morning on May 8, 2017. We apologize for any inconvenience this causes. We appreciate all the assistance the Town has provided to our office in this matter.”

On motion of Vice-Chairman Nevala, seconded by Boardmember Pranzo, and carried to approve a continuance of the hearing date set for May 2, 2017 to either May 8, 2017 at 10:00 am or May 9, 2017 at 10:00 am.

## **4. CALL TO THE PUBLIC**

## **5. ADJOURNMENT**

On motion of Boardmember Wheeler, seconded by Boardmember Child, and carried to adjourn the meeting at 4:06 p.m.

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Vice-Chairman Navala

ATTEST:

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Lisa Garcia, Clerk of the Board

I certify that the following is a true and correct copy of the minutes of the Town of Florence Board of Appeals meeting held on April 18, 2017, and that the meeting was duly called to order and that a quorum was present.

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Lisa Garcia, Clerk of the Board

# TOWN OF FLORENCE BOARD OF APPEALS MINUTES

**MINUTES OF THE TOWN OF FLORENCE BOARD OF APPEALS HELD ON FRIDAY, APRIL 28, 2017, AT 2:00 P.M., AT THE TOWN OF FLORENCE TOWN HALL COUNCIL CHAMBERS, LOCATED AT 775 N. MAIN STREET, FLORENCE, ARIZONA.**

## **1. CALL TO ORDER**

Chairman Child called the meeting to order at 2:04 p.m.

## **2. ROLL CALL:**

Present: Pranzo

Via phone: Goodballet, Child, Wheeler

Absent: Kemp, Bent and Nevala

## **3. NEW BUSINESS**

- a. **Discussion/Approval/Disapproval of a possible continuance of the hearing date set for May 8<sup>th</sup> (and May 9<sup>th</sup> as needed) at 10:00 a.m. for Appeal 2017-01.**

The Town received a request for a continuance of the hearing previously scheduled for May 8, 2017. They are asking for the date of the hearing to be changed see below:

“As you are aware, the Board has scheduled a hearing in the Gem Cox matter (site address 368 and 374 Main Street) for Monday May 8, 2017, beginning at 10:00 am (and reserving Tuesday May 9, 2017 am). On Monday April 24, 2017, representatives of Mr. Cox and the Town of Florence had a meeting to discuss possible settlement in this matter. It appears the parties see a benefit to resolving this matter through settlement and have agreed on a settlement format that, if agreed upon, would take place in two phases. It is anticipated that the plans for the second phase will not be completed by the May 8, 2017 hearing date. Therefore, in an effort to efficiently resolve this matter, the parties have agreed that a continuance of the May 8, 2017 hearing is in the interest of justice. Pursuant to Town of Florence Board of Appeals Rules of Procedure:

*At any time prior to the start of testimony, upon the chairman's own motion or a motion by either party, the chairman may continue the appeal hearing for a period not to exceed thirty (30) calendar days, if it appears that the interests of justice so require. In the event that continuance is granted, the chairperson shall notify the parties in writing of the new appeal hearing date.*

Therefore, in the interest of justice, we respectfully request a continuance of the May 8, 2017, for a period not to exceed thirty (30) days.”

On motion of Chairman Child, seconded by Boardmember Goodballet, and carried to approve a continuance of the hearing date set for May 8, 2017 to May 30, 2017 at 10:00 am.

## **4. CALL TO THE PUBLIC**

Board of Appeals Meeting Minutes

April 28, 2017

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## 5. ADJOURNMENT

On motion of Boardmember Pranzo, seconded by Boardmember Goodballet, and carried to adjourn the meeting at 2: 14 p.m.

---

Chairman Child

ATTEST:

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Lisa Garcia, Clerk of the Board

I certify that the following is a true and correct copy of the minutes of the Town of Florence Board of Appeals meeting held on April 28, 2017, and that the meeting was duly called to order and that a quorum was present.

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Lisa Garcia, Clerk of the Board

# **TOWN OF FLORENCE BOARD OF APPEALS MINUTES**

**MINUTES OF THE TOWN OF FLORENCE BOARD OF APPEALS HELD ON TUESDAY, MAY 30, 2017, AT 10:00 A.M., AT THE TOWN OF FLORENCE TOWN HALL COUNCIL CHAMBERS, LOCATED AT 775 N. MAIN STREET, FLORENCE, ARIZONA.**

## **1. CALL TO ORDER**

Vice-Chairman Navala called the meeting to order at 10:00 am.

## **2. ROLL CALL:**

Present: Pranzo, Navala, Goodballet, Kemp, Bent  
Via phone: Child  
Absent: Wheeler

## **3. NEW BUSINESS**

### **a. REQUEST FOR APPEALS BY GEM COX REGARDING THE SMITH/GENTRY BUILDING LOCATED AT 368 AND 374 N. MAIN STREET, FLORENCE, ARIZONA.**

On motion of Boardmember Goodballet, seconded by Boardmember Pranzo, and carried to accept into record two binders from the Town of Florence and one binder from the applicant's Council and the appeals case by Mr. Gem Cox.

- 1. Town Staff presentation of the International Codes and Role of the Board and Decision Process.**
- 2. Testimony from Owner - Mr. Gem Cox.**
- 3. Testimony from Building Official – presentation of the case.**
- 4. Testimony from Fire Official – presentation of the case.**
- 5. Testimony of Owner's Rebuttal Witnesses, if any.**
- 6. Testimony of Town's Rebuttal Witnesses, if any.**

On motion of Boardmember Goodballet, seconded by Boardmember Pranzo, and carried to continue the hearing and keep Item #6 open as a rebuttal.

On motion of Boardmember Pranzo, seconded by Boardmember Goodballet, and carried to set a continuance date of June 21, 2017 at 10:00 am.

- 7. Testimony of any Person(s) Adversely Affected, if any.**

- 8. **Arguments of the Owner, owner’s counsel and/or authorized party.**
- 9. **Arguments of the Town, Town’s counsel and/or authorized party.**
- 10. **Decision of the Board – (Written letter to follow per rules)**

**4. CALL TO THE PUBLIC**

**5. ADJOURNMENT**

On motion of Boardmember Pranzo and seconded by Boardmember Goodballet, carried to adjourned the meeting at 4:48 pm.

\_\_\_\_\_  
Vice-Chairman Navala

ATTEST:

\_\_\_\_\_  
Lisa Garcia, Clerk of the Board

I certify that the following is a true and correct copy of the minutes of the Town of Florence Board of Appeals meeting held on May 30, 2017, and that the meeting was duly called to order and that a quorum was present.

\_\_\_\_\_  
Lisa Garcia, Clerk of the Board

# **TOWN OF FLORENCE BOARD OF APPEALS MINUTES**

**MINUTES OF THE TOWN OF FLORENCE BOARD OF APPEALS MEETING HELD ON WEDNESDAY, JUNE 21, 2017, AT 10:00 A.M., AT THE TOWN OF FLORENCE TOWN HALL COUNCIL CHAMBERS, LOCATED AT 775 N. MAIN STREET, FLORENCE, ARIZONA.**

## **1. CALL TO ORDER**

Chairman Child called the meeting to order at 10:00 am.

## **2. ROLL CALL:**

Present: Child, Pranzo, Nevala, Goodballet, Wheeler, Bent  
Absent: Kemp

## **3. NEW BUSINESS**

### **a. REQUEST FOR APPEALS BY GEM COX REGARDING THE SMITH/GENTRY BUILDING LOCATED AT 368 AND 374 N. MAIN STREET, FLORENCE, ARIZONA.**

- 1. Town Staff presentation of the International Codes and Role of the Board and Decision Process.**
- 2. Testimony from Owner - Mr. Gem Cox.**
- 3. Testimony from Building Official – presentation of the case.**
- 4. Testimony from Fire Official – presentation of the case.**
- 5. Testimony of Owner’s Rebuttal Witnesses, if any.**
- 6. Testimony of Town’s Rebuttal Witnesses, if any.**

On motion of Vice-Chairman Nevala, seconded by Boardmember Pranzo, and carried to resume the meeting at Item Number 3a(6) of the agenda, excluding the electrical engineer witness (Zane Wilsterman) of the Town of Florence.

On motion of Vice-Chairman of Nevala, seconded by Boardmember Goodballet, and carried to include cross examination of Mr. Gem Cox by the Town of Florence as a rebuttal witness for the Town.

On motion of Chairman Child, seconded by Boardmember Pranzo, and carried to accept into record the affidavit of Jason Elliston, Arizona Public Service.

On motion of Boardmember Goodballet, seconded by Boardmember Pranzo, and carried to continue the hearing and keep Item Number 3a(6) open as a rebuttal.

(Chairman Child turned the meeting over to Vice-chairman Nevala.)

**7. Testimony of any Person(s) Adversely Affected, if any.**

On motion of Boardmember GoodBallet, seconded by Chairman Child, and carried to take a 15-minute break.

**8. Arguments of the Owner, owner's counsel and/or authorized party.**

On motion of Chairman Child, seconded by Boardmember Pranzo, and carried to take a 45 minutes break.

**9. Arguments of the Town, Town's counsel and/or authorized party.**

On motion of Vice-Chairman Nevala, seconded by Boardmember Pranzo, and carried to take a 10 minute break.

**10. Decision of the Board – (Written letter to follow per rules)**

On motion of Boardmember Pranzo, seconded by Chairman Child, and carried to recess the meeting and reconvene at a date and time to be scheduled.

On motion of Chairman Child, seconded by Boardmember Wheeler, and carried to reconvene the meeting in July 5, 2017 at 10:00 am.

**4. CALL TO THE PUBLIC**

**5. ADJOURNMENT**

On motion of Boardmember Pranzo and seconded by Boardmember Goodballet, carried to adjourn the meeting at 4:48 pm.

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Chairman Child

ATTEST:

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Lisa Garcia, Clerk of the Board

I certify that the following is a true and correct copy of the minutes of the Town of Florence Board of Appeals meeting held on June 21, 2017, and that the meeting was duly called to order and that a quorum was present.

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Lisa Garcia, Clerk of the Board

# **TOWN OF FLORENCE BOARD OF APPEALS MINUTES**

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**MINUTES OF THE TOWN OF FLORENCE BOARD OF APPEALS MEETING HELD ON WEDNESDAY, JULY 5, 2017, AT 10:00 A.M., AT THE TOWN OF FLORENCE TOWN HALL COUNCIL CHAMBERS, LOCATED AT 775 N. MAIN STREET, FLORENCE, ARIZONA.**

## **1. CALL TO ORDER**

Chairman Child called the meeting to order at 10:03 am.

## **2. ROLL CALL:**

Present: Child, Pranzo, Nevala, Goodballet, Wheeler, Bent, Kemp

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, advised the Board that Mr. Jeff Murry, an attorney with Arizona Municipal Risk and Retention Pool specializing in land use, was in attendance and available to the Board as a neutral third-party should the Board have any questions.

## **3. NEW BUSINESS**

### **a. REQUEST FOR APPEALS BY GEM COX REGARDING THE SMITH/GENTRY BUILDING LOCATED AT 368 AND 374 N. MAIN STREET, FLORENCE, ARIZONA.**

- 1. Town Staff presentation of the International Codes and Role of the Board and Decision Process.**
- 2. Testimony from Owner - Mr. Gem Cox.**
- 3. Testimony from Building Official – presentation of the case.**
- 4. Testimony from Fire Official – presentation of the case.**
- 5. Testimony of Owner’s Rebuttal Witnesses, if any.**
- 6. Testimony of Town’s Rebuttal Witnesses, if any.**
- 7. Testimony of any Person(s) Adversely Affected, if any.**
- 8. Arguments of the Owner, owner’s counsel and/or authorized party.**
- 9. Arguments of the Town, Town’s counsel and/or authorized party.**
- 10. Decision of the Board – (Written letter to follow per rules)**

Chairman Child turned the meeting over to Vice-chairman Nevala.

On motion of Vice-Chairman Nevala, seconded by Boardmember Wheeler, and passed to uphold the Cease and Desist Order issued by the Town of Florence, and that all items according to Town Code and processes would be followed, permitted and constructed prior to the building being brought back into service.

#### **4. CALL TO THE PUBLIC**

#### **5. ADJOURNMENT**

On motion of Boardmember Wheeler and seconded by Chairman Child, carried to adjourn the meeting at 10:57 am.

---

Chairman Child

ATTEST:

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Lisa Garcia, Clerk of the Board

I certify that the following is a true and correct copy of the minutes of the Town of Florence Board of Appeals meeting held on July 5, 2017, and that the meeting was duly called to order and that a quorum was present.

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Lisa Garcia, Clerk of the Board

**REGULAR MEETING OF THE HISTORIC DISTRICT ADVISORY COMMISSION OF THE TOWN OF FLORENCE HELD WEDNESDAY, DECEMBER 18, 2019, AT 6:00 PM, AT THE FLORENCE TOWN COUNCIL CHAMBERS, 775 N. MAIN STREET, FLORENCE, ARIZONA**

**CALL TO ORDER**

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

**ROLL CALL**

**Present: Wheeler, Adam, Smith, Reid, Novotny, Michael, and Council Liaison Cordes.**

**Absent: Knight.**

**PLEDGE OF ALLEGIANCE**

**DISCUSSION/APPROVAL/DISAPPROVAL** of the meeting minutes for the regular meeting conducted on October 30, 2019.

**On motion by Vice-Chair Adam, seconded by Commissioner Novotny, and carried 6-0, to approve the regular meeting minutes of October 30, 2019.**

**OLD BUSINESS**

**A. Discussion regarding joint meeting with HDAC, Town Council, and Local First Arizona Foundation.**

Community Development Director Harmer reviewed the agenda for the full day event with Kimber Lanning and her group. Staff will put together a brief packet of information for the joint meetings on January 13<sup>th</sup>. Chairman Wheeler asked where the 1:30 to 3:30 meeting will take place for the HDAC meeting. Mr. Harmer replied that the afternoon meeting will be in Ruggles 2 at the Community Center.

Vice-Chair Adam asked what is happening with Local First. Who is presenting the information and what ideas are part of the presentation? Mr. Harmer indicated that the process was to get feedback and bring in a third-party perspective to emphasize the benefits of Downtown. Town Council Liaison Cordes said this is good timing for the Town to show how it can move forward with downtown development. Vice-Chair Adam agreed and asked for Ms. Lanning's team to reference economic benefits of the downtown and how other towns and cities have brought historic buildings up to code. Mr. Harmer said he could send them these points. Commissioner Smith asked if HDAC was part of the 3:30 presentation. Mr. Harmer explained that time slot was set aside for the group to prepare and make adjustments. Commissioner Smith asked when HDAC is working with the group. Mr. Harmer said HDAC will be part of the 1:30 PM session and the 5:30 PM work session. Vice-Chair Adam asked if HDAC would see the PowerPoint before the

event. Mr. Harmer said he could try to get a draft to the Commissioners, but he may not have the final before the Council meeting.

**B. CLG Grant Update: Discussion regarding consultant selection for the preparation of new inventory documents.**

Mr. Harmer stated the Town of Florence received the grant for the inventory additions. Three proposals were submitted for the Request for Proposals and Motley Design Group was chosen. They will start with the five buildings and the project is on schedule to finish before the twelve-month deadline.

**COMMUNITY DEVELOPMENT REPORT**

**A. Code Compliance Update**

Mr. Harmer gave an update on the Abandoned/Vacant Building Program. He explained the League of Cities has drawn up a legislation to deploy a similar program. One State Representative has taken interest in supporting the bill and the legislation should receive a bill number in January. Commissioner Reid asked what kind of push back they expected. Mr. Harmer said he was unsure. Staff will continue to give monthly reports on the legislation and Code Compliance. The Commission asked about the status of 220 and 230 N. Main Street. Mr. Harmer said the Town has begun the Environmental Assessment on the building and will continue to work to stabilize and sort out the clouded title.

**B. Redevelopment Plan Update**

The consultant group Plan\*et has released a survey online and through social media to gain more comments and suggestions on the plan. The plan is on schedule and the input from the survey will help complete the next phase.

**C. General Plan 2030**

Mr. Harmer noted that the kick-off meeting for the General Plan Update will be held on January 8. Vice-Chair Adam asked which plans will be involved in the General Plan. Mr. Harmer said all updated and current plans will be part of the General Plan.

**D. Future Agendas**

January 13<sup>th</sup> is the day with Kimber Lanning. The next regular meeting will focus on the results of the day event. Chairman Wheeler asked when the new budget begins. Mr. Harmer stated the budget cycle is underway and that the FY 2020-2021 budget begins on July 1, 2020. Chairman Wheeler asked for updates on future actions for the buildings on Main street.

**CALL TO THE PUBLIC/COMMISSION RESPONSE**

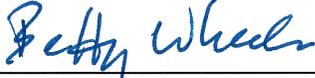
**CALL TO THE COMMISSION-CURRENT EVENTS ONLY**

Commissioner Reid stated the Home Tour is moving along and discussed the Cushman house. She asked if Staff could get in touch with ADOT to look into repainting the street lines along Butte. Council Liaison Cordes announced that grant amount for the fire

suppressant system and the facade program have increased. She wanted to get the word out to property owners. Vice-Chair Adam asked if any property owners have used the program. Council Liaison Cordes explained she only knows of one property owner who tried the use the program. She also mentioned the Third Friday event will take place in Downtown.

**ADJOURNMENT**

**On motion by Vice-Chair Adam, seconded by Commissioner Reid, and carried 6-0, to adjourn the regular meeting at 6:49 PM.**

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

  
\_\_\_\_\_  
Date

**WORK SESSION OF THE HISTORIC DISTRICT ADVISORY COMMISSION OF THE TOWN OF FLORENCE HELD MONDAY, JANUARY 13, 2020, AT 1:30 PM, AT THE FLORENCE COMMUNITY CENTER, 778 N. MAIN STREET, FLORENCE, ARIZONA**

**CALL TO ORDER**

**Chairman Wheeler called the meeting to order at 1:30 pm**

**ROLL CALL**

**Present: Wheeler, Adam, Smith, Reid, Novotny, and Council Liaison Cordes.**

**WORK SESSION OBSERVATIONS**

**A. Discussion regarding joint meeting with HDAC, Town Council, and Local First Arizona Foundation.**

- Community Development Director Larry Harmer summarized the purpose of the work session. Everyone in the group introduced themselves.
- Kimber Lanning introduced her team and discussed the benefits of local business and how it is important to community, residents, income, and personal connections.
- Local First Arizona mostly partners with rural communities and the Rural Development Council.
- Ms. Lanning said their group also teaches workshops to help businesses learn how to become cohesive groups.
- Commissioner Smith asked what their plan was. Kimber Lanning said she wants to show Council the connection between the downtown and the economic development of Florence.
- What brings people from other sections to Old Town? The retail does not normally bring people into downtown, but the post office does.
- One hurdle is Anthem does not advertise for the Downtown.
- Everyday shopping needs are outside of Town. People go to Gilbert, Queen Creek, Coolidge, and Chandler.
- There is some educational outreach through walking tours and museum events.
- The event known as third Friday has just begun.
- The shopping is different in Downtown because it is more specialty items instead of everyday needs. The shopping in the Downtown area is mostly for the experience.
- The third Friday event was meant to create awareness in the Town about the stores on Main street.
- The merchants are internet savvy and are creating activities to bring awareness.
- What can a municipality do to set the table for investors? Towns can invest in music, events, signage, infrastructure, walkability, and other programs.
- The Town currently has a façade and fire sprinkler grant program for buildings.
- Community Services Department also invests in Town events.

- The codes are seen as a hurdle since they are written for modern buildings but apply to historic buildings. The main codes that impact the buildings are Commercial Building and Fire Codes.
- The big hurdle is when it comes to Fire code. To follow the fire code is expensive, but the Town has a history of burning buildings.
- ADA bathrooms caused stress on building owners as the ADA bathrooms outside the buildings do not cover the entire downtown area.
- General frustration over ADA interpretation, which requires one ADA bathroom for the possibility of a disabled employee. Most buildings do not have the space or financial means to comply.
- Overall hesitance to locate businesses in Florence after years of negative remarks about the process.
- Grants were used housing revitalization but now the CBDG funds are mostly focusing on infrastructure.
- Grants are available from USDA
- Ease into building codes.
- More knowledge for Town personnel on how to inspect historic buildings and create new checklist on what is needing to fix buildings.
- Providing knowledge from top down is the reason for Kimber coming. Need to demonstrate to the Town Council that the lack of knowledge produces a ripple effect on growth and business.
- The Town wrestles with its identity since it does not have a brand, other than the prisons.
- Adobe Walls could be a good brand based on the exceptional inventory of adobe homes.
- People stay on one side of the road and do not travel to the other side of main street. How do we get them over there?
- Some things the Staff and Council can do is work on marketing, responsiveness, and update old information.
- The Chamber of Commerce can be a key influence on the Downtown.
- Be part of a website that educates the residents on what families can enjoy in Florence.
- Florence depends on a snowbird population and balancing the population disparity with Anthem and snowbirds along with full time residents can be difficult.
- The Town Staff will need direction from the Council in order to have policy direction.
- Different cultures in Florence include: biker, veterans, art destination, territorial, cowboy, old west, and adobe.
- Use the different types of cultures to figure out a brand for the Town.
- The old slogan for the Town: Cowboy Cradle of the Great Southwest.

## **CALL TO THE PUBLIC/COMMISSION RESPONSE**

Call to the Public for public comment on issues within the jurisdiction of the Historic District Advisory 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.

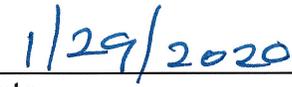
However, members of the Commission shall not discuss or take action on any matter during an open call to the public unless the matters are properly noticed for discussion and legal action.

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

**ADJOURNMENT**

**Chairman Wheeler adjourned the meeting at 3:33 PM.**

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

  
\_\_\_\_\_  
Date

## **TOWN OF FLORENCE PARKS AND RECREATION ADVISORY BOARD**

**MINUTES FROM THE SPECIAL MEETING HELD ON THURSDAY, NOVEMBER 14, 2019 AT 4:00 P.M. IN RUGGLES ROOM 1, LOCATED AT 778 N. MAIN STREET, FLORENCE, AZ.**

### **1. CALL TO ORDER**

Chair Tom Smith called the meeting to order at 4:00 P.M.

### **2. ROLL CALL:**

Present: Tom Smith, Doug Stinson, Donald Woolridge, Kelly Williams (arrived at 4:02 P.M.)

Absent: Andrea Hild

### **3. PLEDGE OF ALLEGIANCE**

### **4. DISCUSSION/APPROVAL/DISAPPROVAL of the minutes from the September 5, 2019 Special meeting and September 16, 2019 Special Meeting.**

On motion by Board member Doug Stinson, seconded by Board member Donald Woolridge, and carried (4-0) to approve the minutes from the September 5, 2019 Special Meeting and September 16, 2019 Special Meeting with two corrections.

### **5. NEW BUSINESS**

#### **a. DISCUSSION/APPROVAL/DISAPPROVAL on the Parks and Recreation Comprehensive Plan.**

Community Services Director, Bryan Hughes, informed the Board that on November 4, 2019 Director Hughes presented the action to the Council at a work session. Vice Mayor Anderson had some concerns as far as Anthem vs the core part of Town. Director Hughes believes he was able to clarify to Vice Mayor Anderson and the rest of the Town Council that the plan is all inclusive for the entire Town but there are some things that have a little more of a priority, there are specific projects that we've been discussing for years.

Director Hughes briefly reviewed the Parks and Recreation Comprehensive Plan survey findings.

Director Hughes stated that in the future priorities part of the survey, the number one thing surveyors want is a Farmer's Market. Director Hughes believes that the new POWWOW Program will be great start to getting a Farmer's Market going. Other priorities listed, were Special Events, outdoor recreation, trails and pathways. Director Hughes stated that the Town is

already working on most of the priorities that were listed. Poston Butte being one of the areas the Town is working to develop trails and pathways. The Town is also expanding on Special Events.

Director Hughes also informed the Board that according to the survey, Communication is lacking from our Department; people are not informed of Parks and Recreation programming and events.

Board member Woolridge asked Director Hughes how can Board member's help on spreading the word on programming and events the Town is putting on?

Director Hughes stated that sharing information and word of mouth is the best way to inform the Community. Director Hughes also suggested getting feedback from the Public to help in planning.

On motion by Vice-Chair Doug Stinson, seconded by Board member Donald Woolridge, and carried (4-0) to approve and forward a recommendation of the Parks and Recreation Comprehensive Plan to the Town Council.

**b. Update on the Poston Butte Expansion Project/Land Acquisition from Bureau of Land Management (BLM).**

Director Hughes stated that the Environmental Assessment is out for public comment and it will end November 28, 2019. All relative Landowners surrounding Poston Butte have been notified of our plans to acquire additional land. The Environmental Assessment is available for review on the BLM website.

Director Hughes mentioned that the Town is also working with State Historic Preservation Office (SHPO) on a Historical Properties Treatment Plan which basically says they identified cultural artifacts in the area and how are we going to protect them. Once a plan is set, we will do a programmatic agreement with SHPO and the Tribes for the preservation of the area.

Director Hughes stated he is also waiting for the Notice of Realty Action (NORA) to be sent to Washington, D.C. to be published in the Federal Register, basically all this is stating is that BLM will transferring the land to the Town of Florence for us to manage it.

Director Hughes conveyed that he hopes to sign leases for the additional 200+ acres by the end of March.

Chair Smith mentioned that the Town had talked about acquiring that land between Poston Butte, which he knows as "F" Mountain and the Tri-Parks area and not have any more residential built.

**c. Presentation of upcoming Special Events.**

Director Hughes mentioned to the Board that he had spoken to Chair Smith about keeping the Board updated on upcoming events.

Director Hughes referred to the Spring Activity Guide for upcoming events that the Town is hosting. Director Hughes stated that there are also events the Town is co-sponsoring or promoting. One event is the Historic 3<sup>rd</sup> Fridays that are being put on by Main Street Business owners. Another event the Town is co-sponsoring is the Florence Music Festival.

Director Hughes informed the board that the Florence Makes a Difference Day will be at the end of January.

Director Hughes informed the Board members that there may be more opportunities for members to volunteer at events to promote our Department and educate the public on Parks and Recreation projects.

Director Hughes informed the Board that there is a new event called the Jingle Bell Jog. Participants get to dress up in their Holiday gear and bells and run through Town.

Board member Kelly Williams asked where the money from the Florence Music Festival was going? Director Hughes stated that the money will go to the promoter, which is a local business called Florence Music Festival, LLC.

## **6. STAFF REPORTS**

- a. Recreation Programming (John Nixon)  
Recreation Superintendent, John Nixon, updated the Board on Recreation programming.
- b. Senior Center (Tonya Jaquette)  
Director Hughes update the Board on Senior Center events, trips and facility upgrades and new Staff members.
- c. Parks Maintenance (Bryan Hughes)  
Director Hughes updated the Board on Park Maintenance operations. Director Hughes noted that Parks Superintendent, Ray Hartzel and Maintenance Worker, Michael Groves for installing irrigation lines, moving plinths and overall assistance with the Veterans Memorial.
- d. Arts and Culture Commission (Bryan Hughes)  
Director Hughes mentioned that the Arts and Culture Commission has a couple concerts coming up and possibly help with a mural project. They continue with Open Studio, Drum Circle and Dabbling with the Arts.

## **7. CALL TO THE PUBLIC/BOARD RESPONSE**

**CALL TO THE PUBLIC FOR PUBLIC COMMENT ON ISSUES WITHIN THE JURISDICTION OF THE TOWN OF FLORENCE PARKS AND RECREATION ADVISORY BOARD. COUNCIL RULES LIMIT PUBLIC COMMENT TO THREE MINUTES. INDIVIDUAL 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 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. Ruth Harrison stated that she had heard that the landscaping staff received training on pruning trees, which is great because the trees at Arriola Square need some help. They have dead limbs that need to be removed. Also, in front of the IT building at Heritage Park there is a tree stump that is unsightly and needs to be removed. Ms. Harrison asked for the flower boxes on Main Street that are empty or have dead plants in them to either plant new plants or simply remove the planters. Ms. Harrison asked the Board members if they can please ask the Town to do something about the dumping at Heritage Park. Ms. Harrison stated that she has seen mattresses stacked at the dumpsters.

Board member Williams commented that she believes she has seen Staff water the flower boxes on a gater.

**7. CALL TO THE BOARD – CURRENT EVENTS ONLY**

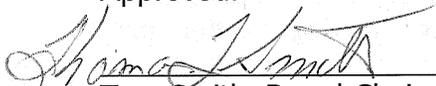
Vice-Chair Doug Stinson thanked Director Hughes, Recreation Superintendent Nixon and the entire Parks and Recreation Staff for putting on the Veterans Memorial Dedication event.

Vice-Chair Stinson mentioned Junior Parada and asked the board members to come out and support the kids and the Town.

**8. ADJOURNMENT**

On motion by Board Vice-Chair Doug Stinson, seconded by Board member Donald Woolridge, and carried (4-0) to adjourn the meeting at 4:34 P.M.

Approved:

  
Tom Smith, Board Chair

	<b>TOWN OF FLORENCE COUNCIL ACTION FORM</b>	<b><u>AGENDA ITEM</u> 12a.</b>
<b>MEETING DATE:</b> February 18, 2020  <b>DEPARTMENT:</b> Administration  <b>STAFF PRESENTER:</b> Lisa Garcia, Deputy Town Manager/ Town Clerk  <b>SUBJECT:</b> Ordinance No. 690-20		<input type="checkbox"/> Action <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Public Hearing <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <ul style="list-style-type: none"> <li><input checked="" 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
<b>STRATEGIC PLAN REFERENCE:</b> <input type="checkbox"/> Community Vitality <input type="checkbox"/> Economic Prosperity <input checked="" type="checkbox"/> Leadership and Governance <input type="checkbox"/> Partnership and Relationships <input type="checkbox"/> Transportation and Infrastructure <input type="checkbox"/> Statutory <input type="checkbox"/> None		

**RECOMMENDED MOTION/ACTION:**

Ordinance No. 690-20: First reading of AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING THE TOWN OF FLORENCE CODE OF ORDINANCES BY STRIKING SECTIONS 32.030, 32.032, 32.033, 32.120, 32.121, 32.121, 32.200, 32.201, 32.202 ELIMINATING THE PARKS AND RECREATION ADVISORY BOARD, THE LIBRARY ADVISORY BOARD, THE ARTS AND CULTURE COMMISSION, AND THE FLORENCE YOUTH COMMISSION AND ESTABLISHING THE COMMUNITY SERVICES ADVISORY BOARD MEMBERSHIP SECTION 32.085 ESTABLISHED 32.086, MEMBERSHIP SECTION 32.087 POWERS AND DUTIES.

**BACKGROUND/DISCUSSION:**

At the January 13, 2019 Work Session, Council authorized staff to proceed with consolidating boards and commissions that advise the Town Council and Community Services Director.

Adoption of the ordinance would mean that the Parks and Recreation Board, Library Advisory Board, Arts and Culture Commission and Youth Advisory Board would be dissolved. The Florence Teen Council (FTC) would develop elected positions within the membership, who will serve as the Board of the FTC and attend leadership functions for the Town of Florence.

The newly created Community Services Board will be a nine-member board, three of which may reside within the planning boundary.

Members whose term is current will be asked to serve on the newly created Community Services Advisory Board but be assigned new expiration dates to allow for staggering of terms.

Those members who will be contacted are as follows:

	<b>Current Board</b>	<b>Term Ends</b>
Ann Rankin	Arts and Culture Commission	December 31, 2020
Ed Curran	Arts and Culture Commission	December 31, 2020
Talma Harmon	Library Advisory Board	December 31, 2020
Cyndi Ambrosio	Library Advisory Board	December 31, 2020
Tom Smith	Parks and Recreation Advisory Board	December 31, 2020
Sheree Berger	Library Advisory Board	December 31, 2021
Andrea L. Hild	Parks and Recreation Advisory Board	December 31, 2021
Douglas W. Stinson	Parks and Recreation Advisory Board	December 31, 2021

The newly created board will advise on all items Community Services related. They will meet once a month at a date assigned at 6 p.m. at the Florence Town Council Chambers. Meeting will be filmed and available for review on Florence Channel 11.

**A VOTE OF NO WOULD MEAN:**

The restructuring of boards and commission would not occur. Town staff would advertise for vacant seats.

**A VOTE OF YES WOULD MEAN:**

The Parks and Recreation Advisory Board, Library Advisory Board, Art and Culture Advisory Commission would combine to form the Community Services Advisory Board.

**FINANCIAL IMPACT:**

Staff currently attends more than four meetings a month to provide liaison services to boards. If adopted Town staff will attend one meeting a month. There will be the cost of IT support for filming of the Community Services Board Meetings.

**ATTACHMENTS:**

Ordinance No. 690-20

**ORDINANCE NO. 690-20**

**AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING THE TOWN OF FLORENCE CODE OF ORDINANCES BY STRIKING SECTIONS 32.030, 32.032, 32.033, 32.120, 32.121, 32.121, 32.200, 32.201, 32.202 ELIMINATING THE PARKS AND RECREATION ADVISORY BOARD, THE LIBRARY ADVISORY BOARD, THE ARTS AND CULTURE COMMISSION, AND THE FLORENCE YOUTH COMMISSION AND ESTABLISHING THE COMMUNITY SERVICES ADVISORY BOARD SECTION 32.085 ESTABLISHED, 32.086, MEMBERSHIP SECTION 32.087 POWERS AND DUTIES.**

**WHEREAS**, the Mayor and Council of the Town of Florence, Arizona, believes it is in the best interest of the Town to consolidate boards within the same subject area; and

**WHEREAS**, the Mayor and Council, pursuant to Article 32.001 of the Town Code, are authorized to create, modify or dissolve a board, commission, or committee of the Town of Florence; and

**WHEREAS**, the Mayor and Council agrees that the Parks and Recreation Board should increase the size of the Board and take on responsibilities associated with the Library Advisory Board and Arts and Culture Board, and establish a Youth Liaison to the Board; and

**WHEREAS**, the Florence Youth Commission would be dissolved and the Florence Teen Council (FTC) would develop elected positions within the Florence Teen Council, who will serve as the Board of the FTC and attend leadership functions for the Town of Florence. Sections from the Town Code will be written into the FTC bylaws.

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

**THAT** Chapter 32 of the Florence Town Code is hereby amended by striking Section § 32.030, 31.031 32.032, 32.033, 32.120, 32.121, 32.121, 32.200, 32.201, 32.202., eliminating the Parks and Recreation Advisory Board, Library Advisory Board, Arts and Culture Commission, and Florence Youth Commission.

**THAT** Chapter 32 of the Town of Florence Sections § 32.085, § 32.086 and § 32.087 shall be amended as follows:

§ 32.085 ESTABLISHED.

There is hereby established a Community Services Advisory Board.

§ 32.086 MEMBERSHIP.

- A. Composition. The Community Services Advisory Board shall consist of 9 members, two alternates, and one youth liaison appointed by the Florence Town Council. The Commission shall strive to consist of one Florence business owner, one Florence resident who is a visual artist, one Florence resident who is a musician, one Florence resident who is involved in library services or the Friends of the Florence Library, one resident who is involved in youth sports, and four Florence residents of the Town at Large. The youth liaison shall be selected by the Florence Teen Council members by vote. Three members of the Community Services Advisory Board may reside within the Town of Florence Planning Area, but outside the municipal boundaries of the Town of Florence.
- B. Five of nine members of the Board shall constitute a quorum for conducting business, and action may be made upon a majority vote of the quorum.
- C. The Board shall elect a Chairperson and a Vice Chairperson who shall serve two-year terms.
- D. The Board may organize committees and adopt rules and procedures as necessary to accomplish its purpose.
- E. The Community Services Director and Town staff shall serve as an information resource only and not as a voting member of the board.

§ 32.087 POWER AND DUTIES:

- A. Advise the Council and the ~~Parks and Recreation~~ Community Services Director on the rules and regulations related to the operations, use, care and maintenance of areas and structures owned, leased or otherwise acquired by the municipality for use as parks, recreation, arts, culture, and library facilities.
- B. Advise the Council and assist the ~~Parks and Recreation~~ the Community Services Director in the development and continued plan for the municipal park system, programing for arts, culture, library and recreation.
- C. Advise the Council and the ~~Parks and Recreation~~ the Community Services Director in establishing general priorities at budget time for those items, other than administrative functions, relating to park development and programing for arts, culture, library and recreation.
- D. Receive, accept and acquire, subject to the final action by the Council, gifts bequests of devise, real and personal property of every kind, nature and

description in the name of the municipality for parks, arts, culture, library and recreation purpose subject to the terms of the gift.

- E. Advise the Community Services Director on established programs to assist with reading and math readiness through Library and youth programing.
- F. Establish support and participate in the planned public relations program to better inform the public of the services offered by the Town of Florence Community Services Department.
- G. Support and participate in planned events, programs and festivals sponsored by the Town of Florence Community Services Department.
- H. Advance and promote art and culture at all public events, coordinate with the private and public sector to promote arts and cultural excellence as a tool for the encouragement of economic development, business relations and tourism.
- I. Organize and promote public art that celebrates the Town and its unique cultural heritage and historical heritage.
- J. Organize and promote a healthy living initiative for adults and youth, including nutritious diets and appropriate exercise habits.

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Florence, Arizona, this \_\_\_ day of February 2020.

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

**ATTEST:**

**APPROVED AS TO FORM:**

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

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

	<b>TOWN OF FLORENCE COUNCIL ACTION FORM</b>	<b><u>AGENDA ITEM</u> 12b.</b>
<b>MEETING DATE</b> February 18, 2020  <b>DEPARTMENT:</b> Administration  <b>STAFF PRESENTER:</b> Lisa Garcia, Deputy Town Manager/ Town Clerk  <b>SUBJECT:</b> Establishing an Ad Hoc Strategic Plan Advisory Committee		<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>
<b>STRATEGIC PLAN REFERENCE:</b> <input type="checkbox"/> Community Vitality <input type="checkbox"/> Economic Prosperity <input checked="" type="checkbox"/> Leadership and Governance <input type="checkbox"/> Partnerships and Relationships <input type="checkbox"/> Transportation and Infrastructure <input type="checkbox"/> Statutory <input type="checkbox"/> None		

**RECOMMENDED MOTION/ACTION:**

Establish an ad hoc committee titled the Florence Strategic Plan Advisory Committee, and assigning the following members: Roger Biede, Harold Christ, Peter Koulouris, Henry Padilla, Mike Shoppell, and Betty Wheeler and advertise three vacant seats.

**BACKGROUND/DISCUSSION:**

At the January 13, 2020 meeting, Council discussed the concept of reestablishing the Strategic Plan Advisory Committee keeping the 2016 members and adding the Florence Greater Chamber of Commerce Chief Executive Officer.

Members of the 2016 citizens group have requested additional members be added to the committee. Staff is recommending that the membership be capped at 9. Council would appoint members through the standard board/commission/committee appointment as outlined in the Florence Code of Ordinances.

The Strategic Plan Advisory Committee will meet to discuss strategic objectives, strategic updates, and help develop key concepts for the updated the 2017-22 Strategic Plan. The committee will meet as needed, dates and times as determined by committee member availability.

**A VOTE OF NO WOULD MEAN:**

The Strategic Plan Advisory Committee would not be created.

**A VOTE OF YES WOULD MEAN:**

The Strategic Plan Advisory Committee would not be created.

**FINANCIAL IMPACT:**

None

**ATTACHMENTS:**

None



## TOWN OF FLORENCE COUNCIL ACTION FORM

### AGENDA ITEM 12c.

**MEETING DATE:** February 18, 2020

**DEPARTMENT:** Finance

**STAFF PRESENTER:** Rebecca Jimenez  
Interim Finance Director

**SUBJECT:** Sanitation Public Hearing

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

**STRATEGIC PLAN REFERENCE:**

- Community Vitality
- Economic Prosperity
- Leadership and Governance
- Partnership and Relationships
- Transportation and Infrastructure
- Statutory
- None

**RECOMMENDED MOTION/ACTION:**

Set date for public hearing on increase of Sanitation rates and fees to April 20, 2020.

**BACKGROUND/DISCUSSION:**

At the February 3, 2020 Town Council meeting, a date for the public hearing for increase to Sanitation rates and fees was set for March 16, 2020. This needs to be corrected. For fees other than water and wastewater, the notification for increase is 60 days. The date to receive public comment must be moved to April 20, 2020.

**A VOTE OF NO WOULD MEAN:**

Hearing would be held too early and be out of compliance with Statutory Law.

**A VOTE OF YES WOULD MEAN:**

We would comply with Statutory Law.

**FINANCIAL IMPACT:**

None

**ATTACHMENTS:**

Notification and Schedule

# Notice of Intention to Increase Sanitation Rates and Fees



The Town of Florence is notifying citizens of its intention to increase Sanitation rates and fees. A Public hearing will be held to receive citizens comments on April 20, 2020, at 775 N. Main Street, Florence, AZ 85132, in the Town Council Chambers at 6:00 p.m.

Description	TOF Current Rate	TOF Recommended New Rate	TOF Rate Increase \$	TOF Rate Increase %
Residential (1 pick-up per week)	\$ 17.33	\$ 18.10	0.77	4.3%
ADOC Residential (1 pick-up per week)	\$ 13.17	\$ 18.10	4.93	37.3%
Residential Additional Container (1 pick-up per week)	\$ 5.00	\$ 9.05	4.05	80.8%
Institutional 2 Cubic Yard (2 pick-ups per week)	\$ 71.50	\$ 76.10	4.60	6.4%
Institutional 3 Cubic Yard (1 pick-up per week)	\$ 49.50	\$ 52.70	3.20	6.4%
Institutional 3 Cubic Yard (2 pick-ups per week)	\$ 93.50	\$ 99.50	6.00	6.4%
Institutional 4 Cubic Yard (1 pick-up per week)	\$ 55.00	\$ 58.55	3.55	6.4%
Institutional 4 Cubic Yard (2 pick-ups per week)	\$ 104.50	\$ 111.25	6.75	6.4%
Institutional 6 Cubic Yard (1 pick-up per week)	\$ 77.00	\$ 81.95	4.95	6.4%
Institutional Recycle 6 Cubic Yard (1 pick-up per week)	\$ 33.00	\$ 35.15	2.15	6.4%
Institutional 6 Cubic Yard (2 pick-ups per week)	\$ 143.00	\$ 152.20	9.20	6.4%
Institutional 8 Cubic Yard (1 pick-up per week)	\$ 100.10	\$ 106.55	6.45	6.4%
Institutional 8 Cubic Yard (2 pick-ups per week)	\$ 191.50	\$ 203.70	12.20	6.4%

**\*\*\*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.**

## **Sanitation Rate Increase**

### **January 10, 2020**

Delivered report to Office of the Town Clerk

### **February 3, 2020**

Presented Sanitation Rate Study to Town Council

Requested to Accept Rate Study

Authorized staff to Post Notice of Intention to Increase Sanitation Rates and Fees

Set time of Public Hearing to receive citizens comments

(If the municipality proposes to increase the rate of an existing tax or fee on a business, provide written notice of the proposed increase, the schedule of the proposed increased tax or fee and the written report or data that supports the proposed increased tax or fee on the home page of the municipality's website at least 60 days before the date the proposed new rate is approved or disapproved by the governing body of the municipality. ARS § 9-499.15 -3.)

(Prepare a notice of intent to establish or increase taxes, assessments or fees including assessments pursuant to section 48-572, subsection B, paragraph 1. The notice of intent shall include the date, time and place of the meeting of the governing body of the municipality in which the proposed new or increased tax or fee will be considered and a statement that a schedule of the proposed new or increased tax or fee that includes the amount of the tax or fee and a written report or data that supports the new or increased tax or fee is available on the municipality's website. The notice of intent shall be posted on the municipality's website at least fifteen days before the date the proposed new or increased tax or fee will be approved or disapproved by the governing body of the municipality. If the municipality uses social media or other electronic communication tools, the notice of intent shall be distributed through the municipality's social media accounts or other electronic communication tools. ARS § 9-499 1.5-4)

### **February 4, 2020**

Post Rate Study and Intention to Increase Rates and Fees on Town website

Include on the March 1 Utility bills, the Notice of Intention to increase

### **April 20, 2020**

Public Hearing on increase of Sanitation Rates and Fees

Adopt Sanitation Rate Study and adopt rates and fees

### **May 1, 2020**

Implement Rates and Fees

	<b>TOWN OF FLORENCE COUNCIL ACTION FORM</b>	<b><u>AGENDA ITEM</u> 12d.</b>
<b>MEETING DATE:</b> February 18, 2020  <b>DEPARTMENT:</b> Fire Department  <b>STAFF PRESENTERS:</b> David Strayer, Fire Chief  <b>SUBJECT:</b> Certificate of Need Feasibility Study		<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>
<b>STRATEGIC PLAN REFERENCE:</b> <input checked="" type="checkbox"/> Community Vitality <input type="checkbox"/> Economic Prosperity <input checked="" type="checkbox"/> Leadership and Governance <input checked="" type="checkbox"/> Partnerships and Relationships <input type="checkbox"/> Transportation and Infrastructure <input type="checkbox"/> Statutory <input type="checkbox"/> None		

**RECOMMENDED MOTION/ACTION:**

Approval of a Professional Services Agreement with the James Vincent Group (JVG) to conduct a Certificate of Necessity (CON) Feasibility Study, in an amount not to exceed \$30,000.

**BACKGROUND/DISCUSSION:**

The study will enable the Town of Florence and its leadership to examine the different options and alternatives and make decisions on the future path of obtaining a CON from the Arizona Department of Health Services to provide fire department-based ambulance transport services. The study will be based on reliable and independent information. The Town will be provided objective information regarding the feasibility of the following three scenarios: Town provided Advanced Life Support (ALS) and Basic Life Support (BLS) 9-1-1 calls and transports, shared ALS & BLS transports between the existing ambulance provider and the Town and continued contracting of all transport services by a private provider. Both Town models will reflect the utilization of sworn personnel vs non-sworn personnel. The study is designed to provide Town Staff and Council with a comprehensive review of the options for cost-effective solutions that increase levels of service, financial stability, workforce efficiency and reliability.

**A VOTE OF NO WOULD MEAN:**

The feasibility study would not be conducted.

**A VOTE OF YES WOULD MEAN:**

The feasibility study would move forward under the terms of the agreement.

**FINANCIAL IMPACT:**

In consideration for the Scope of Work, the Town of Florence shall pay JVG an amount not to exceed \$30,000. This fee is inclusive of all costs. 50% of the fee will be invoiced upon contract signing and the remainder will be invoiced upon delivery of the draft report. Should the Town elect to engage the Consultant for additional, related services, fees for those services shall be inclusive and based on a rate of \$300 per hour per consultant.

**ATTACHMENTS:**

Cover letter  
Scope and fee schedule

Chief David Strayer  
The Town of Florence Fire /Medical Department  
72 East First Street  
Florence, Arizona, 85132

January 22, 20

Dear Chief Strayer,

The James Vincent Group (JVG) is pleased to submit the attached proposal in response to your conversations with Roy Ryals, and the Town of Florence's desire to procure professional services for a Certificate of Necessity (CON) feasibility study.

By working with the JVG team, the Town will be provided objective information regarding the feasibility of the following three scenarios: Town provided Advanced Life Support (ALS) and Basic Life Support (BLS) 9-1-1 calls and transports, shared ALS & BLS transports between the existing ambulance provider and the Town and continued contracting of all transport services by a private provider. Both Town models will reflect the utilization of sworn personnel vs non-sworn personnel. Our approach is designed to provide you with a comprehensive review of the options for cost-effective solutions that increase levels of service, financial stability, workforce efficiency and reliability. Having worked on numerous successful Certificate of Necessity projects throughout the state, we have found the feasibility study discussed in this proposal is an important step for the review of the project. The study will enable the Town of Florence and its leadership to examine the different options and alternatives and make decisions on the future path of this project based on reliable and independent information.

JVG has an expert understanding specific to the Arizona fire, ambulance and EMS environment. We have recently worked on similar fire ambulance service analysis and Certificate of Necessity projects for the City of Casa Grande, City of Chandler, City of Goodyear, City of Tempe, City of Gilbert, City of Peoria, Green Valley Fire District, City of Mesa, Northwest Fire District, Sun City West Fire Department and Timber Mesa Fire District. Our local services assisting Arizona fire agencies span across half a decade and we currently provide external finance director services to over twelve (12) Arizona fire districts. We have a strong commitment to the Arizona fire and ambulance community and look forward to helping the Town of Florence with this critical project.

Our experience has shown that a multi-faceted team provides the best results in projects of this nature. This allows each member of the team to focus on their specific area of expertise. With this philosophy in mind, we will team with Roy L Ryals Consulting for this project. We have worked closely with Mr. Ryals during many of our ambulance feasibility studies and our seamless approach will be advantageous to the Town of Florence.

- Mr. Ryals brings over 40 years of EMS experience and has extensive experience in feasibility studies similar to the Town of Florence project. In the last year he has worked on multiple similar studies for government entities. Not only does he bring vast experience on government consulting, he has held

numerous Senior Level Administrative positions with both Rural/Metro and Southwest Ambulance. Mr. Ryals has authored much of the ambulance regulatory framework both at the Legislative and Administrative level and brings an intimate knowledge of the regulatory process. This detailed knowledge of not only the EMS environment but specifically nongovernmental EMS is a valuable asset during this project.

Our experience has also shown that projects of this nature are most successful when using a collaborative approach. To help drive this collaboration, our team of consultants will communicate with the Town's leadership throughout the process. You are our partners and bring to the table a deep understanding of the requirements. We are grateful for all constructive input to advance the goal of improved services.

We welcome the opportunity to discuss the specifics of our proposal further and look forward to working with you and your team throughout this process. Should you have any questions regarding this response, please contact me at the information below or Roy Ryals at the following number 480.747.7415. We look forward to working with you on this exciting and challenging initiative.

Best regards,



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## SCOPE OF WORK

After talking with Chief Strayer it is clear that the Town of Florence is searching for an expert consulting team to help support them during this project. JVG has assisted multiple agencies throughout Arizona with similar services and have an unrivaled experience in fire ambulance analysis. Some of the agencies include but are not limited to;

- City of Casa Grande
- City of Chandler Fire, Health and Medical
- City of Goodyear Fire Department
- Tempe Fire Medical Rescue Department
- Green Valley Fire District
- Mesa Fire and Medical Department
- Northwest Fire District
- Peoria Fire Department
- Sun City Fire Department
- Timber Mesa Fire and Medical District

The following approach and scope of work is designed to provide you with a comprehensive cost/benefit analysis with recommendations on the feasibility and sustainability of an ambulance service owned and operated by the Town of Florence. Our analysis will address the following three scenarios, including anticipated start-up and operating costs:

- Town provided Advanced Life Support (ALS) and Basic Life Support (BLS) 9-1-1 calls and transports, utilizing sworn personnel and non-sworn personnel;
- Town provided ALS and BLS 9-1-1 transports, utilizing sworn personnel and non-sworn personnel, shared with the incumbent provider on a closest available unit basis; and
- Status Quo: Continue to contract out all transport services to a private provider

This study will enable the Town of Florence to make decisions based on expert, comprehensive, reliable and independent information.

### Project Planning Stage

Meet with the Town's team in a group setting to discuss and document the vision of proposed service and its potential impact on the Town and perceived concerns or challenges. Each agency is unique and the make-up of this group varies from project to project. We envision Town representatives from the following Departments – Fire Department, Town Manager's Office and Finance, however, we understand the composition of the group may change depending on availability.

After we have a clear understanding of your goals and vision we will proceed to the data collection phase. During this phase we gather information concerning the current environment. We accomplish this by working closely with you and your team to gather the required data.

### Data Collection Stage

Meet with members of the Fire Department to document an operational overview including:

- Number of Ambulances
- Proposed staffing plan for ambulance services provided by the Town
- Deployment Plans for ambulance services provided by the Town
- Personnel and staffing configuration
- Response time performance
- Incumbent provider performance history and response data
- Call volume history
- Transport history of ALS and BLS transports
- Growth projections

Obtain Town financial information including:

- Town financial information including current Town Audit and Town financial reserves
- Fire Department operating budget
- Fire Department personnel cost
- Town financial projections
- Income provided under current contract for ambulance transportation

Obtain Town Department impact information including:

- Indirect costs allocation model, relevant for accurate cost allocation to the proposed ambulance operation

Obtain information on:

- Medicare reimbursement rates for ambulance transportation in the Town of Florence
- AHCCCS reimbursement rates for ambulance transportation in the Town of Florence
- Document and analyze the Town of Florence's demographics and their potential impact on each of the three potential scenarios and the insurance payer mix.
- Ambulance billing services including rates charged, level of billing effort and collection percentages
- Discuss the current Legislative actions having an impact on the CON regulations as well as the Affordable Care Act or other regulatory changes.
- Analyze and document the impacts of potential operational changes, changes to private provider ownership and changes to the number of transports and their financial implications.

Current provider:

- Gain input from the Town of Florence in regard to the perceived challenges and advantages faced with the incumbent provider
- Obtain and analyze the Ambulance Revenue and Cost Report information on incumbent ambulance provider including collection rates, cost of service, etc.

Draft Initial Report for Town review - After all the information has been collected the JVG team will spend time preparing a draft report. Through a process of review, assessment and feedback, we will complete a detailed analysis and recommendations on the feasibility and sustainability of the Town of Florence owning and operating an ambulance transport service. The analysis will focus on the three scenarios – Town provided ALS and BLS 9-1-1 calls and transports, Town provided ALS and private provider contracted BLS 9-1-1 transports and continued contracting of all transport services by a private provider.

The draft report will provide recommendations for the future, economic pros and cons between the different recommendations and maintaining the status quo and a comprehensive 5 year financial outlook for each model. To achieve this, our team will compile operational plans, financial metrics of the Town, reimbursement information, and regulatory requirements into an overview of the expected financial and operational requirements to initiate and provide ambulance services in the Town. We will then compare the output of the operational and financial analysis to the existing financial structure of having the private provider continue to provide services.

At the completion of the draft report the JVG team will meet with the Town's team in a group setting to present and discuss the findings and recommendations. This meeting will be used to discuss the draft findings and verify that we have captured all of your goals.

Specific Deliverables:

- A cost/benefit analysis and recommendations on the feasibility and sustainability, of a transport service that would be owned and operated by the Town of Florence. The analysis will focus on three scenarios:
  - Town provided Advanced Life Support (ALS) and Basic Life Support (BLS) 9-1-1 calls and transports, utilizing sworn personnel and non-sworn personnel;
  - Town provided ALS and BLS 9-1-1 transports, utilizing sworn personnel and non-sworn personnel, shared with the incumbent provider on a closest available unit basis; and
  - Status Quo: Continue to contract out all transport services to a private provider
- A five year financial analysis and projections of the Town provided Advanced Life Support (ALS) and Basic Life Support (BLS) 9-1-1 calls and transports, utilizing sworn personnel and non-sworn personnel;

- A five year financial analysis and projection of the Town provided ALS and BLS 9-1-1 transports, utilizing sworn personnel and non-sworn personnel, shared with the incumbent provider on a closest available unit basis;
- Document the pros and cons of continuing to contract out all transport services to a private provider.
- Options for billing for ambulance transportation including identification of reputable providers of billing services, average cost based upon projected transports and insurance and payer mix.
- A review and discussion of any Legislative changes that may have an impact on the CON process in the State of Arizona.
- A review of any proposed operational changes that may have an impact on the financial performance of the proposed ambulance service.

The Town may request, at its sole option, that JVG present findings to the Town Council in a form that delivers facts and weighs the pros and cons of each of the three options evaluated. This will not be included in the not to exceed amount discussed below and will be charged at the hourly rate.

#### **FEE SCHEDULE**

In consideration for the Scope of Work, the Town of Florence shall pay JVG an amount not to exceed \$30,000.00. This fee is inclusive of all costs. 50% of the fee will be invoiced upon contract signing and the remainder will be invoiced upon delivery of the draft report.

Should the Town elect to engage the Consultant for additional, related services, fees for those services shall be inclusive and based on a rate of \$300.00 per hour per consultant.