

ACTION MINUTES

MINUTES OF THE TOWN OF FLORENCE TOWN COUNCIL MEETING HELD ON TUESDAY, JANUARY 2, 2018 AT 6:00 P.M., IN THE FLORENCE TOWN COUNCIL CHAMBERS, LOCATED AT 775 N. MAIN STREET, FLORENCE, ARIZONA.

1. CALL TO ORDER

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

2. ROLL CALL:

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

3. MOMENT OF SILENCE

4. PLEDGE OF ALLEGIANCE

5. CALL TO THE PUBLIC

Call to the Public for public comment on issues within the jurisdiction of the Town Council. Council rules limit public comment to three minutes. Individual Councilmembers may respond to criticism made by those commenting, may ask staff to review a matter raised or may ask that a matter be put on a future agenda. However, members of the Council shall not discuss or take action on any matter during an open call to the public unless the matters are properly noticed for discussion and legal action.

6. ADJOURN TO MERRILL RANCH COMMUNITY FACILITY DISTRICT NO. 1.

On motion of Councilmember Wall, seconded by Councilmember Anderson and carried to adjourn to the Merrill Ranch Community Facility District No. 1.

- a. Approval of the July 17, and August 7, 2017 MRCFD1 Special Meeting minutes.

On motion of Boardmember Wall, seconded by Boardmember Larsen, and carried to approve the July 17, and August 7, 2017 MRCFD1 Special Meeting minutes, as written.

7. ADJOURN FROM MERRILL RANCH COMMUNITY FACILITY DISTRICT NO. 1.

On motion of Boardmember Larsen, seconded by Boardmember Hawkins, and carried to adjourn from the Merrill Ranch Community Facility District No. 1.

8. ADJOURN TO MERRILL RANCH COMMUNITY FACILITY DISTRICT NO. 2.

On motion of Vice-Mayor Woolridge, seconded by Councilmember Guilin and carried to adjourn to the Merrill Ranch Community Facility District No. 2.

- a. Public hearing on Feasibility Report for projects (Assessment Area Seven). (Joe Jarvis)

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

- b. Resolution No. MRCFD2 235-18: Consideration and possible adoption of A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A SEVENTH AMENDMENT AND WAIVERS (ASSESSMENT AREA SEVEN) FOR DISTRICT DEVELOPMENT, FINANCING PARTICIPATION, WAIVER AND INTERGOVERNMENTAL AGREEMENT; AUTHORIZING AND RATIFYING THE GIVING OF NOTICE OF HEARING WITH RESPECT TO APPROVING A FEASIBILITY REPORT; APPROVING SUCH FEASIBILITY REPORT AND ORDERING THE WORK WITH RESPECT THERETO; AND APPROVING THE ASSESSMENT DIAGRAM AND METHOD OF ASSESSMENT WITH RESPECT TO ASSESSMENT AREA SEVEN. (Joe Jarvis)

On motion of Boardmember Anderson, seconded by Boardmember Guilin, and carried to adopt Resolution No. MRCFD2 235-18.

- c. Resolution No. MRCFD2 236-18: Consideration and possible adoption of A RESOLUTION APPROVING THE ASSESSMENT DIAGRAM AND METHOD OF ASSESSMENT WITH RESPECT TO ASSESSMENT AREA SEVEN AND PROVIDING FOR THE LEVY OF THE RELATED ASSESSMENT AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$262,500 AGGREGATE PRINCIPAL AMOUNT OF SPECIAL ASSESSMENT LIEN BONDS (ASSESSMENT AREA SEVEN) AND APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDENTURE OF TRUST AND SECURITY AGREEMENT AND CERTAIN OTHER DOCUMENTS WITH RESPECT TO THE BONDS. (Joe Jarvis)

On motion of Vice-Chairman Woolridge, seconded by Boardmember Hawkins, and carried to adopt Resolution No. MRCFD2 236-18.

- d. Approval of the July 17, August 7, and August 21, 2017 MRCFD2 Special Meeting minutes.

On motion of Vice-Chairman Woolridge, seconded by Boardmember Larsen, and carried to approve the July 17, and August 7, and August 21, 2017 MRCFD2 Special Meeting minutes, as written.

9. ADJOURN FROM MERRILL RANCH COMMUNITY FACILITY DISTRICT NO. 2.

On motion of Vice-Chairman Woolridge, seconded by Boardmember Larsen, and carried to adjourn from the Merrill Ranch Community Facility District No. 2.

10. PRESENTATION

- a. Recognition of the 2017 Junior Parada Parade, Christmas on Main Parade Float winners and Christmas on Main Storefront Decorating Contest winners. (Alison Feliz)
- b. Henry and Horn presentation of the 2016-17 Fiscal Year Audit and Council approval of said Audit. (Joe Jarvis)
- c. Presentation of the bi-annual Town of Florence Strategic Plan progress report (Brent Billingsley)

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. Authorization for the Town Manager to negotiate and sign a contract with Cost Control Associates, Inc. to conduct an analysis of the Town's invoices for power consumption for errors, mischarges, and incorrect rates. (Joe Jarvis)
- b. Authorization to dispose of Town assets, and a vehicle that was acquired for Town use through confiscation, that are no longer needed and/or have outlived their useful life. (Joe Jarvis)
- c. Re-appointment of Wilbur Freeman to service as citizen representative on the Town of Florence Public Safety Personnel Retirement System – Police and Fire Local Boards for a term of four years. (Scott Barber)
- d. Approval of accepting the register of demands ending November 30, 2017, in the amount of \$2,628,407.61. (Joe Jarvis)

On motion of Vice-Mayor Woolridge, seconded by Councilmember Larsen, and carried to approve the consent agenda as written, with the exception of Item a.

- a. Authorization for the Town Manager to negotiate and sign a contract with Cost Control Associates, Inc. to conduct an analysis of the Town's invoices for power consumption for errors, mischarges, and incorrect rates. (Joe Jarvis)

On motion of Councilmember Wall, seconded by Councilmember Larsen, and carried to authorize the Town Manager to negotiate and sing a contract with Cost Control Associates, Inc. to conduct an analysis for the Town's invoices for power consumption for errors, mischarges, and incorrect rates.

12. NEW BUSINESS

- a. Resolution No. 1652-18: Discussion/Approval/Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, RATIFYING, REAFFIRMING AND APPROVING THE FINDINGS AND APPROVALS CONTAINED IN RESOLUTION NO. 1603-16 ("INCENTIVE RESOLUTION"), EXTENDING THE TIME PERIOD FOR APPLICANT'S COMPLIANCE WITH THE TERMS OF THE INCENTIVE RESOLUTION, AND DECLARING AN EMERGENCY

On motion of Councilmember Hawkins, seconded by Vice-Mayor Woolridge to adopt Resolution No. 1652-18.

Roll Call Vote:

Councilmember Larsen: Yes
Councilmember Wall: Yes
Councilmember Anderson: Yes
Councilmember Guilin: Yes
Councilmember Hawkins: Yes
Vice-Mayor Woolridge: Yes

Mayor Walter: Yes

Motion Passed: Yes: 7; No: 0

- b. Discussion/Approval/Disapproval of entering into an Infrastructure Improvement and Contribution Agreement with Circle K Stores, Inc., to construct a commercial project at 255 South Main Street, Florence, Arizona.

On motion of Councilmember Anderson, seconded by Councilmember Guilin, and carried to approve entering into an Infrastructure Improvement and Contributing Agreement with Circle K Stores, Inc., to construct a commercial project at 255 South Main Street, Florence, Arizona.

- c. Discussion/Approval/Disapproval of rescheduling the January 16, 2018 Regular Council Meeting to Monday, January 22, 2018, to allow Council members and the public to attend and comment on the Pinal County Air Quality Control District Permit/Revision Public Hearing (Tuesday, January 16, 2018 (6:00pm) at the Pinal County Emergency Operations Center, 31 N Pinal Street, Building F, Florence, AZ. 85132) regarding a pending application by Florence Copper Inc. for changes in emissions to the ambient air from Copper Mining Emission Changes Emissions of Nitrogen Oxides, Carbon Monoxide, Particulate Matter, Volatile Organic Compounds, and Hazardous Air Pollutants (Ethyl Benzene and Xylene).

On motion of Councilmember Hawkins, seconded by Councilmember Wall, and carried to move the scheduled Council Meeting on January 16, 2018 to January 22, 2018, to allow Councilmembers and the public to attend and comment on the Pinal County Air Quality Control District Permit/Revision Public Hearing being held on January 16, 2018.

13. MANAGER'S REPORT

14. DEPARTMENT REPORTS

- a. Community Services
- b. Courts
- c. Development Services
- d. Finance
- e. Fire
- f. Police

15. CALL TO THE PUBLIC

16. CALL TO THE COUNCIL – CURRENT EVENTS ONLY

17. ADJOURN TO EXECUTIVE SESSION

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

- a. Town's position and instruct its attorneys regarding the Petition for Review of Underground Injection Control Permit Issued by USEPA Region 9 for the Florence Copper Project, UIC Appeal 17-03, and related proceedings.
- b. Town's position and instruct its attorneys regarding Arizona Department of Environmental Quality proceedings, related Water Quality Appeals Board Case No. 16-002, including appellate proceedings to reviewing courts.
- c. Town's position and instruct its attorneys regarding pending litigation in Maricopa County Superior Court: Town of Florence v. Florence Copper, Inc. CV2015 -000325.
- a. Pinal County Air Quality Control District Permit Class II Renewal, Permit No. B31219.000, Florence Copper, Inc. Update.
- d. Possible discussions and contract negotiations with Project Radius and other associated parties, for the proposed development of a project.
- e. Possible discussions and contract negotiations with Project Hydrogen and other associated parties, for the proposed development of a project
- f. Possible discussions with government agencies and private entities involving the purchase, sale or lease of real property and other property related to the Town of Florence's water and wastewater systems, including upgrades, expansions, contracts, and/or settlement discussions related thereto.
- g. Pending or threatened claim regarding the appeal of the Town of Florence bid award on 1st Street Paving and Improvements, Project T-60.

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

18.ADJOURN FROM EXECUTIVE SESSION

On motion of Councilmember Anderson, seconded by Councilmember Larsen, and carried to adjourn from Executive Session.

19.ADJOURNMENT

On motion of Councilmember Anderson, seconded by Councilmember Larsen, and carried to adjourn the meeting at 8:50 p.m.

Posted this 4rd day of January, 2018, on the Town of Florence website at www.florenceaz.gov by Maria Hernandez, Deputy Town Clerk.