

ACTION MINUTES

MINUTES OF THE TOWN OF FLORENCE COUNCIL MEETING HELD ON MONDAY, JULY 16, 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 6:00 pm.

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 FACILITIES DISTRICT NO. 1

On motion of Vice-Mayor Woolridge, seconded by Councilmember Larsen, and carried to adjourn to Merrill Ranch Community Facilities District No. 1.

- a. Public hearing to receive citizens' comments on the proposed final budget for Merrill Ranch Community Facilities District No. 1; and possible adoption of Resolution No. MRCFD1 139-18: A RESOLUTION OF THE MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1, PINAL COUNTY, ARIZONA, ADOPTING THE BUDGET FOR FISCAL YEAR 2018-2019. (Joe Jarvis)

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

On motion of Vice-Chairman Woolridge, seconded by Boardmember Guilin, and carried to adopt Resolution No. MRCFD1 139-18.

- b. Discussion/Approval/Disapproval of the Merrill Ranch Community Facilities District No. 1 March 19, 2018 Special Meeting minutes.

On motion of Vice-Chairman Woolridge, seconded by Boardmember Larsen, and carried to approve the March 19, 2018 Special Meeting minutes.

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

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

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

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

- a. Public hearing to receive citizens' comments on the proposed final budget for Merrill Ranch Community Facilities District No. 2; and possible adoption of Resolution No. MR CFD2 236-18: A RESOLUTION OF THE MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 2, PINAL COUNTY, ARIZONA, ADOPTING THE BUDGET FOR FISCAL YEAR 2018-2019. (Joe Jarvis)

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

On motion of Boardmember Hawkins, seconded by Vice-Chairman Woolridge, and carried to adopt Resolution No. MR CFD2 236-18.

- b. Discussion/Approval/Disapproval of the Merrill Ranch Community Facilities District No. 2 March 19, 2018 Special Meeting minutes.

On motion of Boardmember Wall, seconded by Boardmember Larsen, and carried to approve the March 19, 2018 Special Meeting minutes.

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

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

10. PUBLIC HEARINGS AND PRESENTATIONS

- a. Public hearing to receive citizens' comments on the property tax levy of the Town of Florence. (Joe Jarvis)

Mayor Walter opened the public hearing. Mayor Walter closed the public hearing.

- b. Public hearing to receive citizen's comments on the proposed final budget for Fiscal Year 2018-2019. (Joe Jarvis)

Mayor Walter opened the public hearing. Mayor Walter closed the public hearing.

- c. Public hearing on an application received from Samir Shilaimon Kasha, Pinal Food Market, LLC, located at 90 N. Main Street, Florence, Arizona, for an Agent Change – Acquisition-Control, and for Council recommendation for approval or disapproval of said license. (Lisa Garcia)

Mayor Walter opened the public hearing. Mayor Walter closed the public hearing.

On motion of Councilmember Wall, seconded by Councilmember Guilin, and carried to forward a favorable recommendation to the Arizona Department of Liquor Licenses and Control for an Agent change – Acquisition- Control application, received from Samir Shilaimon Kasha, Pinal Food Market, LLC, located at 90 N. Main Street, Florence, Arizona.

- d. Presentation by Tony Trifiletti, Executive Director of All Aboard Arizona. (Brent Billingsley)
- e. Presentation by Greg Swartz, Financial Advisor, Piper Jaffray & Co. (Joe Jarvis)
- f. Presentation by Innovation Pavilion, and Subex, regarding cybersecurity. (Brent Billingsley)

11.ADJOURN TO A SPECIAL MEETING OF THE MAYOR AND COUNCIL

On motion of Vice-Mayor Woolridge, seconded by Councilmember Wall, and carried to adjourn to a Special Meeting.

- a. Resolution No. 1667-18: Discussion/Approval/Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, ADOPTING THE BUDGET FOR THE FISCAL YEAR 2018-2019. (Joe Jarvis)

Mayor Walter opened the public hearing. Mayor Walter closed the public hearing.

On motion of Vice-Mayor Woolridge, seconded by Councilmember Hawkins, to adopt Resolution No. 1667-18.

Roll Call Vote:

Woolridge: Yes

Hawkins: Yes

Guilin: Yes

Anderson: Yes

Wall: Yes

Larsen: Yes

Walter: Yes

Yes: 7; No: 0; Motion passed

12.ADJOURN FROM A SPECIAL MEETING OF THE MAYOR AND COUNCIL

On motion of Councilmember Anderson, seconded by Councilmember Wall, and carried to adjourn from a Special Meeting.

13.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. Resolution No. 1671-18: Adoption of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AUTHORIZING THE TOWN TO ENTER INTO A GRANT AGREEMENT WITH THE CITY OF TUCSON POLICE DEPARTMENT, REGARDING THE ARIZONA HIGH INTENSITY DRUG TRAFFICKING AREA. (Jennifer Evans)

- b. Authorization to enter into a contract with Canyon State Wireless, Inc., to provide Land Mobile Radio maintenance services for three years, with two one-year extensions available, in an amount not to exceed \$23,490, for Fiscal Year 2018-2019. (Joe Jarvis)
- c. Authorization to enter into a contract with Fester & Chapman, PLLC, for annual auditing services, for Fiscal Year 2017-2018, in amount not to exceed \$41,150. (Joe Jarvis)
- d. Approval of an amendment of Article 3.2 of the Purchases and Sale Agreement, for Long Term Storage Credits, with Central Arizona Water Conservation District, as documented in the June 27, 2018 Letter of Agreement. (Brent Billingsley)
- e. Ratify the election of John Kemp as an employee representative on the Town of Florence Public Safety Personnel Retirement System Fire Local Board, for a period of four years. (Scott Barber)
- f. Appointment of Amber Phipps to fill the remainder of Carl Bell's vacated seat on the Planning and Zoning Commission, with a term to expire December 31, 2018. (Lisa Garcia)
- g. Approval of the June 4, June 18, and June 27, 2018 Town Council Meeting minutes.
- h. Receive and file the following board and commission minutes:
 - i. June 7, 2018 Planning and Zoning Commission Meeting minutes.
- i. Approval of accepting the register of demands ending May 31, 2018, in the amount of \$1,525,219.17. (Joe Jarvis)

Mayor Walter removed Item f. from the Consent Agenda.

On motion of Councilmember Hawkins, seconded by Councilmember Guilin, and carried to approve the Consent Agenda, as written, with the removal of Item f.

14. UNFINISHED BUSINESS

- a. Ordinance No. 661-18: Discussion/Approval/Disapproval of AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, LEVYING THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE STREET LIGHT IMPROVEMENT DISTRICTS (1, 2 & 3) SUBJECT TO TAXATION OF CERTAIN SUM UPON EACH \$100 OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE RECEIVED FROM FUNDS FOR STREET LIGHT OPERATIONAL EXPENSES FOR THE FISCAL YEAR ENDING THE 30th DAY OF JUNE 2019. (Joe Jarvis)

On motion of Councilmember Hawkins, seconded by Councilmember Wall, and carried to adopt Ordinance No. 661-18.

Roll Call Vote:

Hawkins: Yes

Wall: Yes

Larsen: Yes

Anderson: Yes
Guilin: Yes
Woolridge: Yes
Walter: Yes

Yes: 7; No: 0; Motion passed

- b. **Discussion and possible action regarding instructing staff how to proceed on the transfer station project. (Benjamin Bitter)**

On motion of Councilmember Anderson, seconded by Mayor Walter, and carried to issue a Request for Proposal for landfill or transfer station services as well as options for a temporary solution and for the recommendation be placed on the September 4, 2018 Town Council meeting agenda.

15. NEW BUSINESS

- a. Discussion/Approval/Disapproval of a Design Services Agreement, with J2 Engineering and Environmental Design, for the Poston Butte Preserve Project, in an amount not to exceed \$109,548. (Bryan Hughes)

On motion of Councilmember Guilin, seconded by Councilmember Anderson, and carried to approve a Design Services Agreement, with J2 Engineering and Environmental Design, for the Poston Butte Preserve Project, in an amount not to exceed \$109,548.

- b. Discussion/Approval/Disapproval to enter into a contract with Holbrook Asphalt Co., using the cooperative contract, through the City of Mesa Contract #2016162, for a proposal amount of \$281,485.45, with a 15% contingency of \$42,222.82, for a not to exceed amount of \$323,708.27. (Chris Salas)

On motion of Councilmember Guilin, seconded by Vice-Mayor Woolridge, and carried to enter into a contract with Holbrook Asphalt Co., using the cooperative contract, through the City of Mesa Contract #2016162, for a proposal amount of \$281,485.45, with a 15% contingency of \$42,222.82, for a not to exceed amount of \$323,708.27.

- c. Discussion/Approval/Disapproval of entering into an Employment Agreement with the Town Manager Brent Billingsley. (Clifford Mattice)

On motion of Councilmember Larsen, seconded by Councilmember Wall, and carried to enter into an Employment Agreement with the Town Manager Brent Billingsley.

- d. Discussion and possible action regarding instructing staff how to proceed on the Cuen Building. (Lisa Garcia)

On motion of Mayor Walter, seconded by Vice-Mayor Woolridge, and carried to table to the August 6, 2018 Town Council meeting.

- e. Resolution No. 1672-18: Discussion/Approval/Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING THE PURCHASE OF RIGHT-OF-WAY FOR ROADWAY PROJECT T-08 AND T-09, AND APPROVING AND

RATIFYING THE RELATED TEMPORARY CONSTRUCTION EASEMENT AND LETTER AGREEMENT NECESSARY FOR THE PROJECT. (Chris Salas)

On motion of Councilmember Wall, seconded by Councilmember Anderson, and carried to adopt Resolution No. 1672-18.

16. MANAGER'S REPORT

17. DEPARTMENT REPORTS

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

18. CALL TO THE PUBLIC

19. CALL TO THE COUNCIL – CURRENT EVENTS ONLY

20. 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, including Ninth Circuit appeals of the 1997 Aquifer Exemption (Case No. 17-73170), and the decision of the Environmental Appeals Board (Case No. 17-73168).
- b. Town's position and instruct its attorneys regarding Arizona Department of Environmental Quality proceedings, related to Water Quality Appeals Board Case No. 16-002, including appellate proceedings to reviewing courts.
- c. Town's position and instruct its attorneys regarding pending litigation in Maricopa County Superior Court: Town of Florence v. Florence Copper, Inc. CV2015 -000325.
- d. Discussion or consultations regarding the Town of Florence Intervention in the Matter of the Commission's Investigation into the Billing Practices and Water Quality Issues of Johnson Utilities, LLC before the Arizona Corporation Commission (WS-02987A-18-0050).
- e. Discussion or consultations regarding the Town of Florence Intervention in the Matter of the Commission's Investigation into the rate case of Johnson Utilities, LLC before the Arizona Corporation Commission (WS02987A-17-0392).
- f. Discussion or consultation regarding Southeast Valley Regional Cooperative Intergovernmental Agreement for the Management, Operations and Planning for Effluent,

Water and Wastewater Treatment Services in the Region between the Town of Florence and the Town of Queen Creek.

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

21. ADJOURN FROM EXECUTIVE SESSION

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

22. ADJOURNMENT

On motion of Councilmember Hawkins, seconded by Councilmember Larsen, and carried to adjourn the meeting at 10:45 pm.

Posted this 17th day of July 2018, on the Town of Florence website at www.florenceaz.gov by Maria Hernandez, Deputy Town Clerk.