

ACTION MINUTES

MINUTES OF THE TOWN OF FLORENCE COUNCIL REGULAR MEETING HELD ON MONDAY, APRIL 15, 2019, 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 p.m.

2. ROLL CALL:

Present: 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. PRESENTATIONS

- a. Women's Club Presentation (Mayor Walter)
- b. Presentation on and Discussion/Approval/Disapproval of Accepting the Comprehensive Annual Financial Statement and Expenditure Limitation Report. (Rebecca Jimenez)

On motion of Councilmember Wall, seconded by Vice-Mayor Anderson, and carried (7-0) to accept the Comprehensive Annual Financial Statement and Expenditure Limitation Report.

7. ADJOURN TO COMMUNITY FACILITIES DISTRICT. NO. 1.

On motion of Councilmember Wall, seconded by Councilmember Hawkins, and carried (7-0) to adjourn to the Merrill Ranch Community Facilities District No. 1.

- a. Discussion/Approval/Disapproval to accept the Merrill Ranch Community Facilities District No. 1 Audit. (Rebecca Jimenez)

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

8. ADJOURN FROM COMMUNITY FACILITIES DISTRICT NO. 1.

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

9. ADJOURN TO COMMUNITY FACILITIES DISTRICT NO. 2.

On motion of Vice-Mayor Anderson, seconded by Councilmember Wall, and carried (7-0) to adjourn to the Merrill Ranch Community Facilities District No. 2.

- a. Discussion/Approval/Disapproval to accept the Merrill Ranch Community Facilities District No. 2 Audit. (Rebecca Jimenez)

On motion of Boardmember Wall, seconded by Boardmember Hawkins, and carried (7-0) to accept the Merrill Ranch Community Facilities District No. 2 Audit.

10. ADJOURN FROM COMMUNITY FACILITIES DISTRICT NO 2.

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

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. Proclamation declaring April 26, 2019 as Arbor Day. (Bryan Hughes)
- b. Motion to approve and ratify an Engagement and Representation Agreement with Sims Mackin, LTD. and Cathy Bowman for legal representation of the Town of Florence in legal matters in connection with *Town of Florence v. ADEQ*, No. LC2017-000466-001 DT; *Town of Florence v. Florence Copper, Inc.* CV 2015-000325; *Town of Florence v. ADEQ*, No. 1 CA-CV 19-01222 (Arizona Court of Appeals), including post-trial motions, appeals and authorization to enter into related common interest agreements (the “appellate proceedings”). (Cliff Mattice)
- c. Authorization for the Town Attorney to execute a Consent to Withdrawal on behalf of the Town consenting to the withdrawal of Christopher Kramer and Laura Curry and the firm of Jennings, Strouss & Salmon, P.L.C. as counsel of record for the Town in the matter of *Town of Florence vs. Florence Copper, Inc., et al* No. CV2015-000325. (Cliff Mattice)
- d. Approval of the March 4, March 11, March 18, and March 25, 2019 Town Council Meeting minutes.
- e. Receive and file the following board and commission minutes:
 - 1. February 14, 2019 Arts and Culture Commission Meeting minutes
 - 2. February 27, 2019 Florence Youth Commission Meeting minutes
 - 3. February 27, 2019 Historic District Advisory Commission Meeting minutes

On motion of Councilmember Wall, seconded by Vice-Mayor Anderson, and carried (7-0) to approve the Consent Agenda, as written.

12. UNFINISHED BUSINESS

- a. Ordinance No. 667-19: Discussion/Approval/Disapproval of AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING THE TOWN OF FLORENCE CODE OF ORDINANCES TITLE XV "LAND USAGE" CHAPTER 150: DEVELOPMENT CODE, SECTION 150.031 "DEFINITIONS" AND REPEALING AND REPLACING "PART 3 SIGN REGULATIONS," SECTIONS 150.092 TO 150.130 (CASE PZ 18-33 ORD). (Public hearing and first reading held February 19, 2019, second reading held March 4, 2019, Work Session held March 25, 2019). (Dana Burkhardt)

On motion of Councilmember Hughes, seconded by Councilmember Cordes, and carried (7-0) to table Ordinance No. 667-19 to a future meeting when offsite signage options are ready to be presented.

- b. Ordinance No. 668-19: Discussion/Approval/Disapproval of AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING THE TOWN OF FLORENCE CODE OF ORDINANCES TITLE XV "LAND USAGE" CHAPTER 150: DEVELOPMENT CODE, SECTION 150.031 "DEFINITIONS" AND "PART 7 PARKING; LOADING AND UNLOADING," SECTIONS 150.156 TO 150.167 (CASE PZ 18-34 ORD). (Public hearing and first reading held February 19, 2019, second reading held March 4, 2019, Work Session held March 25, 2019). (Dana Burkhardt)

On motion of Vice-Mayor Anderson, seconded by Councilmember Cordes, and carried (7-0) to adopt Ordinance No. 668-19, striking Item IV. Parking Standards for Single Family and 2-Family Residential Uses (C) Recreational Vehicle Storage.

- c. Discussion/Approval/Disapproval of rescinding the order for demolition of the Cuen Building and instructing the Town Manager to take all action necessary to advertise the Cuen Building for public auction in accordance with A.R.S. § 36-1480 Disposal of Property in redevelopment project area. (Lisa Garcia)

On motion of Councilmember Hawkins, seconded by Councilmember Cordes, and carried (7-0) to approve rescinding the order for demolition of the Cuen Building and instructing the Town Manager to take all action necessary to advertise the Cuen Building for public auction in accordance with A.R.S. § 36-1480 Disposal of Property in redevelopment project area.

13. NEW BUSINESS

- a. Resolution No. 1694-19: Discussion/Approval/Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, ACCEPTING STREETS WITHIN VISTA HERMOSA COMMUNITY, ARIZONA BOULEVARD FROM THE TOWN'S WEST PROPERTY LINE TO THE INTERSECTION OF IOWA AVENUE, IOWA AVENUE FROM THE ARIZONA BOULEVARD INTERSECTION TO THE NORTH EDGE OF THE ROAD INTO THE TOWN OWN WATER FACILITY FOR PUBLIC ACCESS, CIRCULATION, ROADWAY AND PUBLIC UTILITY PURPOSES AND AUTHORIZING EXECUTION BY THE TOWN MANAGER OF SUPPORTING DOCUMENTS. (Chris Salas)

On motion of Councilmember Wall, seconded by Councilmember Hawkins, and carried (7-0) to adopt Resolution No. 1694-19.

- b. Resolution No. 1695-19: Discussion/Approval/Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING THE PURCHASE OF CERTAIN LANDS BELONGING TO DAVID MARTIN AND JANE GEAMPA, LOCATED AT 525 E. RUGGLES STREET, FLORENCE, ARIZONA, TO BE DEDICATED FOR EXCLUSIVE USE BY THE TOWN OF FLORENCE PUBLIC WORKS DEPARTMENT AND OTHER MUNICIPAL PROJECTS AND DECLARING AN EMERGENCY. (Chris Salas)

On motion of Councilmember Wall, seconded by Councilmember Cordes, and carried (7-0) to adopt Resolution No. 1695-19.

- c. Resolution No. 1696-19: Discussion/Approval/Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING THE PURCHASE OF CERTAIN LANDS BELONGING TO DARRELL PETERSON, LOCATED AT 575 E. RUGGLES STREET, FLORENCE, ARIZONA, TO BE DEDICATED FOR EXCLUSIVE USE BY THE TOWN OF FLORENCE PUBLIC WORKS DEPARTMENT AND OTHER MUNICIPAL PROJECTS AND DECLARING AN EMERGENCY. (Chris Salas)

On motion of Councilmember Wall, seconded by Councilmember Larsen, and carried (7-0) to adopt Resolution No. 1696-19.

- d. Resolution No. 1693-19: Discussion/Approval/Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD CERTAIN TECHNICAL CODE DOCUMENTS FILED WITH THE TOWN CLERK AND ENTITLED "2012 INTERNATIONAL BUILDING CODE", "2012 INTERNATIONAL EXISTING BUILDING CODE", "2012 INTERNATIONAL FIRE CODE", "2012 INTERNATIONAL FUEL GAS CODE", "2012 INTERNATIONAL MECHANICAL CODE", "2012 INTERNATIONAL PLUMBING CODE", "2012 INTERNATIONAL PROPERTY MAINTENANCE CODE", "2012 INTERNATIONAL RESIDENTIAL CODE", "2012 INTERNATIONAL SWIMMING POOL AND SPA CODE", "2012 INTERNATIONAL ENERGY CONSERVATION CODE" "2011 NATIONAL ELECTRIC CODE", AND THE 2009 "ACCESSIBLE AND USABLE BUILDINGS & FACILITIES CODE" (Lisa Garcia)

On motion of Councilmember Hughes, seconded by Councilmember Larsen, and carried (7-0) to table Resolution No. 1693-19 to a work session.

- e. Ordinance No. 674-19: First reading of AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA ADOPTING THE FOLLOWING PUBLICATIONS WITH APPENDICES AND TOWN OF FLORENCE AMENDMENTS AS LISTED HEREIN ARE ADOPTED BY REFERENCE. REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND DEMOLITION OF SUCH STRUCTURES IN THE TOWN OF FLORENCE, ARIZONA; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING SECTION 150.300 OF THE TOWN OF FLORENCE CODE OF

ORDINANCES AND ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH. (Lisa Garcia)

On motion of Councilmember Hughes, seconded by Vice-Mayor Anderson, and carried (7-0) to table Ordinance No. 674-19 to a work session.

- f. Ordinance No. 675-19; First reading of AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING THE TOWN OF FLORENCE CODE OF ORDINANCES BY MODIFYING SECTION 150.301; TITLED BOARD OF APPEALS; BY INSERTING NEW TEXT AS UNDERLINED AND DELETING TEXT BY STRIKETHROUGH. (Lisa Garcia)

On motion of Vice-Mayor Anderson, seconded by Councilmember Hughes, and carried (7-0) to table Ordinance No. 675-19 to a work session.

- g. Ordinance No. 673-19: First reading of AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING THE CODE OF ORDINANCE, ARIZONA, TITLE XI BUSINESS REGULATIONS, BY ADOPTING A NEW CHAPTER 111 RELATING TO THE REGULATION OF MOBILE FOOD UNITS; ESTABLISHING A PURPOSE; SETTING FORTH DEFINITIONS; PROVIDING FOR PERMIT REQUIREMENTS; ESTABLISHING OPERATIONAL REQUIREMENTS; SETTING FORTH VIOLATIONS; ESTABLISHING PENALTIES; AND SETTING FORTH AN EFFECTIVE DATE. (Lisa Garcia)
- h. Discussion/Approval/Disapproval of the Professional Services Agreement with PLAN/et Communities LLC, to update the Town of Florence Redevelopment Plan Update 2019, in an amount not to exceed \$113,115. (Larry Harmer)

On motion of Councilmember Wall, seconded by Councilmember Hawkins, and carried (7-0) to approve the Professional Services Agreement with PLAN/et Communities LLC, to update the Town of Florence Redevelopment Plan Update 2019, in an amount not to exceed \$113,115.

14. LEGISLATIVE UPDATE

15. MANAGER'S REPORT

16. CALL TO THE PUBLIC

17. CALL TO THE COUNCIL – CURRENT EVENTS ONLY

18. 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)(1)(A)(3), (A)(4) and (A)(7) to consider its position and instruct its representatives and/or attorneys regarding:

- a. Town's position and instruct its attorneys regarding Arizona Department of Environmental Quality proceedings, related to Water Quality Appeals Board Case No. 16-002, including appellate proceedings to reviewing courts.

- b. Town's position and instruct its attorneys regarding pending litigation in Maricopa County Superior Court: Town of Florence v. Florence Copper, Inc. CV2015-000325.
- c. Discussion or consultations regarding the Town of Florence intervention in the matter of the Arizona Corporation Commission's investigation into the billing practices and water quality issues of Johnson Utilities, LLC before the Commission or in regard to any matters involving the Commission's review, public participation, investigations into the operations of Johnson Utilities, LLC and its affiliates including but not limited to Southwest Environmental Utilities and Case Numbers: WS-02987A-17-0392; WS-02987A-18-0151; WS-0987A-18-0050; WS-20878A-18-0330; WS-02987A-18-0329; WS-02987A-06-0667.
- d. 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.

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

19. ADJOURNMENT FROM EXECUTIVE SESSION

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

20. ADJOURNMENT

On motion of Councilmember Wall, seconded by Councilmember Hawkins, and carried (7-0) to adjourn the meeting at 10:45 pm.

Posted this 16th day of April 2019, on the Town of Florence website at www.florenceaz.gov by Maria Hernandez, Deputy Town Clerk.