

ACTION MINUTES

MINUTES OF THE TOWN OF FLORENCE COUNCIL MEETING HELD ON MONDAY, JUNE 3, 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. PRESENTATION

a. Florence Teen Council Update and Anti-Bullying Video (David Lewis)

7. 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 the Intergovernmental Agreement between the Town of Florence, and the Arizona Department of Revenue, regarding the uniform administration, licensing, collection, and auditing of transaction privilege tax, use tax, severance tax, jet fuel excise and use tax and rental occupancy taxes imposed by the State or cities or towns. (Rey Sanchez)

b. Approval to purchase a new Caterpillar 259D Track Loader from Empire Southwest, using the City of Tucson Cooperative Contract #161534-01, in an amount not to exceed \$63,330.38. (Chris Salas)

c. Approval of accepting the register of demands ending April 30, 2019, in the amount of \$2,876,528.36. (Rey Sanchez)

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

- c. Approval of accepting the register of demands ending April 30, 2019, in the amount of \$2,876,528.36. (Rey Sanchez)

On motion of Vice-Mayor Anderson, seconded by Councilmember Hughes and carried (7-0) to accept the register of demands ending April 30, 2019, in the amount of \$2,876,528.36.

8. UNFINISHED BUSINESS

- a. Discussion/Approval/Disapproval of awarding the Cuen Building Auction to Tom L. and Carolyn S. Smith, for \$21, and instruct the Town Manager to file a deed to include restrictions, as outlined in the Request for Bids. (Lisa Garcia)

On motion of Councilmember Wall seconded by Councilmember Larsen, and carried (7-0) to award the Cuen Building Auction to Tom L. and Carolyn S. Smith, for \$21, and instruct the Town Manager to file a deed to include restrictions, as outlined in the Request for Bids with a waiver of the building permit fees and plan review fees.

- b. Discussion and possible action on selecting options regarding changes to Sign Code as it relates to off-premise or off-site signs. (Larry Harmer)

On motion of Councilmember Hawkins, seconded by Councilmember Wall, and carried (7-0) to table the selecting options regarding changes to Sign Code as it relates to off-premise or off-site signs to the next Council meeting.

9. NEW BUSINESS

- a. Discussion/Approval/Disapproval of adopting the 2019-2020 Capital Improvement Plan. (Rey Sanchez)

On motion of Councilmember Wall, seconded by Councilmember Hawkins, and carried (Yes – 6: Walter, Hawkins, Wall, Larsen, Cordes, Hughes; No: 1 - Anderson) to adopt the 2019-2020 Capital Improvement Plan.

- b. Resolution No. 1699-19: Discussion/Approval Disapproval of A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, ADOPTING THE TENTATIVE ESTIMATES OF THE AMOUNT REQUIRED FOR THE PUBLIC EXPENSE FOR THE TOWN OF FLORENCE FOR FISCAL YEAR 2019-2020; ADOPTING A TENTATIVE ANNUAL BUDGET; SETTING FORTH THE RECEIPTS, EXPENDITURES AND THE AMOUNT PROPOSED TO BE EXPENDED FOR VARIOUS PURPOSES; GIVING NOTICE OF THE TIME FOR PUBLIC HEARING FOR TAXPAYERS ON THE ADOPTION OF THE FINAL BUDGET; ADOPTING THE BUDGET IN ACCORDANCE WITH THE STATE-IMPOSED EXPENDITURE LIMITATION AND VOTER-APPROVED EXCESS AMOUNT; DECLARING AN EMERGENCY. (Rey Sanchez)

On motion of Councilmember Hawkins, seconded by Vice-Mayor Anderson, and carried (7-0) to adopt Resolution No. 1699-19.

- c. Discussion/Approval/Disapproval to purchase an A747-FR2000 ECO trailer mounted high pressure sewer cleaner, with a Kubota 114HP Engine, using the National Joint Powers Alliance Cooperative Contract #122017, in an amount not to exceed \$100,412.98. (Chris Salas)

On motion of Councilmember Wall, seconded by Councilmember Hughes, and carried (7-0) to approve the purchase an A747-FR2000 ECO trailer mounted high pressure sewer cleaner, with a Kubota 114HP Engine, using the National Joint Powers Alliance Cooperative Contract #122017, in an amount not to exceed \$100,412.98.

- d. Discussion/Approval/Disapproval of scheduling a joint work session with the Florence Youth Commission on August 5, 2019 at 5:00 p.m. (Lisa Garcia)

On motion of Councilmember Larsen, seconded by Vice-Mayor Anderson, and carried (7-0) to schedule a joint work session with the Florence Youth Commission on August 5, 2019, at 5:00 pm.

10. LEGISLATIVE UPDATE

11. MANAGER'S REPORT

12. DEPARTMENT REPORTS

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

13. CALL TO THE PUBLIC

14. CALL TO THE COUNCIL – CURRENT EVENTS ONLY

15. ADJOURNMENT TO EXECUTIVE SESSION

For the purposes of discussions or consultations with designated representatives of the public body and/or legal counsel pursuant to A.R.S. Sections 38-431.03 (A)(3), (A)(4) and (A)(7) to consider its position and instruct its representatives and/or attorneys regarding:

- a. 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.
- b. Discussion or consultations 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.
- 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, including counterclaims.
- d. 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.

- e. Town's position and instruct its attorneys regarding permitting, constructing and accepting of irrigation wells and National Environmental Policy Act 26 ("NEPA") and the Administrative Procedure Act ("APA").
- f. Discussion or consultations regarding the Town of Florence intervention in the matter of the Arizona Corporation Commission's evaluation of the certificate of convenience and necessity ("CCN") of Johnson Utilities, L.L.C. ("JU"), extension of the JU CCN, 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.
- g. Possible discussions with government agencies/entities and private entities involving the acquisition, 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.
- h. Town's position and instruct its attorneys regarding pending litigation in Pinal County Superior Court: George H. Johnson and Johnson Utilities, LLC v. Town of Florence, Brent Billingsley and Lisa Garcia (No. S-1100-CV-201900383).

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

16.ADJOURNMENT FROM EXECUTIVE SESSION

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

17.ADJOURNMENT

On motion of Councilmember Wall, seconded by Councilmember Larsen, and carried (7-0) to adjourn the meeting at 9:53 p.m.

Posted this 4th day of June, 2019, on the Town of Florence website at www.florenceaz.gov by Maria Hernandez, Deputy Town Clerk.