

ACTION MINUTES

MINUTES OF THE TOWN OF FLORENCE COUNCIL REGULAR MEETING HELD ON MONDAY, SEPTEMBER 16, 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 6:02 pm.

2. ROLL CALL:

Present: Tara Walter, John Anderson, Bill Hawkins, Karen Wall, Michelle Cordes

Absent: Kristen Larsen, 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. Recognition of Florence Police Officer Jeff Palmer and Pinal County Sheriff Deputy Sergeant Roderick "RJ" Harrison. (Congressman Gosar)
- b. Presentation by Bureau of Land Management on upcoming projects. (Leon Thomas, Phoenix District Manager)
- c. Presentation and acceptance of donations from Avangrid Renewables, and McClellan-Parsons American Legion Post 9, for the Veterans Memorial Project. (Bryan Hughes)

On motion of Councilmember Wall, seconded by Councilmember Cordes and carried to accept donations from Avangrid Renewables (\$1,500), and McClellan-Parsons American Legion Post 9 (\$15,000), for the Veterans Memorial Project.

- d. Presentation to promote the Fire Prevention Week Open House scheduled at Fire Station 542, on October 5, 2019. (Dave Strayer)
- e. Presentation on the Florence Police Department Five Year Strategic Plan. (Dan Hughes)

Postponed to the October 7, 2019 Regular Meeting.

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. Authorization to enter into an Intergovernmental Agreement between Pinal County, and the Town of Florence, to remediate the State Route 79 drainage issue at the Pinal County Superior Courthouse. The amount to be paid to Pinal County shall not exceed \$1,225. (Chris Salas)
- b. Authorization to contract with Florence True Value Hardware, to provide maintenance, repair, operating supplies, industrial supplies, and related products and services, in an amount not to exceed \$28,000. (Chris Salas)
- c. Approval of Resolution No. 1717-19: A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, DESIGNATING REY SANCHEZ, FINANCE DIRECTOR OF THE TOWN OF FLORENCE, ARIZONA, AS CHIEF FINANCIAL OFFICER, DESIGNATED TO OFFICIALLY SUBMIT THE EXPENDITURE LIMITATION REPORT FOR THE TOWN OF FLORENCE, ARIZONA. (Rey Sanchez)
- d. For the Town of Florence, motion to approve and ratify a legal services Engagement and Retention Agreement with Sims Mackin, LTD. and Cathy Bowman for legal representation of the Town of Florence, Merrill Ranch Community Facilities District No. 1 and Merrill Ranch Community Facilities District No. 2 for the purpose of defending claims and litigation, including alternative dispute resolution, discovery, trial, post-trial motions, appeals and authorization to enter into related common interest agreements.
- e. Approval of the August 5 and August 19, 2019 Town Council Meeting minutes.
- f. Receive and file the following board and commission minutes:
 1. May 9, 2019 Arts and Culture Commission Meeting minutes.
 2. June 26 and July 31, 2019 Historic District Advisory Commission Meeting minutes.
 3. July 25, 2019 Parks and Recreation Advisory Board minutes.
 4. July 18, 2019 Planning and Zoning Meeting minutes.

On motion of Councilmember Cordes, seconded by Councilmember Wall, and carried (5-0) to approve the Consent Agenda, as written except for item d.

- d. For the Town of Florence, motion to approve and ratify a legal services Engagement and Retention Agreement with Sims Mackin, LTD. and Cathy Bowman for legal representation of the Town of Florence, Merrill Ranch Community Facilities District No. 1 and Merrill Ranch Community Facilities District No. 2 for the purpose of defending claims and litigation, including alternative dispute resolution, discovery, trial, post-trial motions, appeals and authorization to enter into related common interest agreements.

On motion of Vice-Mayor Anderson, seconded by Councilmember Wall and carried (5-0) to approve and ratify a legal services Engagement and Retention Agreement with Sims Mackin, LTD. and Cathy Bowman for legal representation of the Town of Florence, Merrill Ranch Community Facilities District No. 1 and Merrill Ranch Community Facilities District No. 2 for the purpose of defending claims and litigation, including alternative dispute

resolution, discovery, trial, post-trial motions, appeals and authorization to enter into related common interest agreements.

8. NEW BUSINESS

- a. Discussion on the Parks and Recreation Comprehensive Plan. (Bryan Hughes)
- b. Presentation proposing the Florence Veterans Memorial Plaza as the formal name of the new memorial located south of the Library and Community Center. (Bryan Hughes)

On motion of Vice-Mayor Anderson, seconded by Councilmember Cordes, and carried (5-0) to name the veterans memorial the “Florence Veterans Memorial Plaza” as the formal name.

- c. Discussion and possible action on setting Work Sessions on the fourth Monday of the month from October 28, 2019 to March 27, 2020. (Lisa Garcia)

On motion of Councilmember Cordes, seconded by Councilmember Wall, and carried (5-0) to set the work sessions for the last Monday of the month except for December.

- d. Discussion and possible action on the Town of Florence participating in the Center for the Future of Arizona, Beat the Odds Leadership Academy in partnership with the National Institute for School Leadership/Criterion Education, LLC.

On motion of Councilmember Cordes, seconded by Councilmember Wall, and carried (5-0) approving the Town of Florence to participate in the Center for the Future of Arizona, Beat the Odds Leadership Academy in partnership with the National Institute for School Leadership/Criterion Education, LLC.

9. MANAGER’S REPORT

10. CALL TO THE PUBLIC

11. CALL TO THE COUNCIL – CURRENT EVENTS ONLY

12. MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1 CALL TO ORDER

Chair Walter called the meeting to order at 7:45 p.m.

ROLL CALL:

Present: Tara Walter, John Anderson, Bill Hawkins, Karen Wall, Michelle Cordes

Absent: Kristen Larsen, Judy Hughes.

- a. Discussion and possible action to approve Merrill Ranch Community Facilities District No.1 July 1, July 15, and September 3, 2019 Special Meeting minutes.

On motion of District Board Member Anderson, seconded by District Board Member Hawkins, and carried (5-0) to approve the July 1, July 15, and September 3, 2019 Special Meeting minutes.

- b. Discussion and possible action to approve and ratify a legal services Engagement and Retention Agreement with Sims Mackin, LTD. and Cathy Bowman for legal representation of the Town of Florence, Merrill Ranch Community Facilities District No. 1 and Merrill Ranch Community Facilities District No. 2 for the purpose of defending claims and litigation, including alternative dispute resolution, discovery, trial, post-trial motions, appeals and authorization to enter into related common interest agreements.

On motion of District Board Member Wall, seconded by District Board Member Anderson, and carried (5-0) to approve and ratify a legal services Engagement and Retention Agreement with Sims Mackin, LTD. and Cathy Bowman for legal representation of the Town of Florence, Merrill Ranch Community Facilities District No. 1 and Merrill Ranch Community Facilities District No. 2 for the purpose of defending claims and litigation, including alternative dispute resolution, discovery, trial, post-trial motions, appeals and authorization to enter into related common interest agreements.

13. MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1 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) to consider its position and instruct its representatives and/or attorneys regarding a lawsuit filed against Merrill Ranch Community Facilities District No. 1. C20419-012347 dated September 6, 2019

On motion of District Board Member Cordes, seconded by District Board Member Hawkins, and carried (5-0) to adjourn to Executive Session.

14. ADJOURNMENT FROM MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1 EXECUTIVE SESSION

On motion of District Board Member Anderson, seconded by District Board Member Wall, and carried (5-0) to adjourn from Executive Session.

15. ADJOURNMENT FROM MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1 MEETING

On motion of District Board Member Wall, seconded by District Board Member Anderson, and carried (5-0) to adjourn from the meeting.

16. MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 2 CALL TO ORDER

ROLL CALL:

Present: Tara Walter, John Anderson, Bill Hawkins, Karen Wall, Michelle Cordes

Absent: Kristen Larsen, Judy Hughes

- a. Discussion and possible action to approve and ratify a legal services Engagement and Retention Agreement with Sims Mackin, LTD. and Cathy Bowman for legal representation of the Town of Florence, Merrill Ranch Community Facilities District No. 1 and Merrill Ranch

Community Facilities District No. 2 for the purpose of defending claims and litigation, including alternative dispute resolution, discovery, trial, post-trial motions, appeals and authorization to enter into related common interest agreements.

On motion of B District Board Member Wall, seconded by District Board Member Hawkins, and carried (5-0) to approve and ratify a legal services Engagement and Retention Agreement with Sims Mackin, LTD. and Cathy Bowman for legal representation of the Town of Florence, Merrill Ranch Community Facilities District No. 1 and Merrill Ranch Community Facilities District No. 2 for the purpose of defending claims and litigation, including alternative dispute resolution, discovery, trial, post-trial motions, appeals and authorization to enter into related common interest agreements.

17. MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 2 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) to consider its position and instruct its representatives and/or attorneys regarding MRCFD2.

On motion of District Board Member Wall, seconded by District Board Member Hawkins, and carried (5-0) to adjourn to Executive Session.

18. ADJOURNMENT FROM MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 2 EXECUTIVE SESSION

On motion of District Board Member Wall, seconded by District Board Member Anderson, and carried (5-0) to adjourn from Executive Session.

19. ADJOURNMENT FROM MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 2 MEETING

On motion of District Board Member Wall, seconded by District Board Member Cordes, and carried (5-0) to adjourn from the meeting.

20. 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. 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. Town's position on potential land purchase.

On motion of Councilmember Wall, seconded by Vice-Mayor Anderson, and carried (5-0) to adjourn to Executive Session.

21. ADJOURNMENT FROM EXECUTIVE SESSION

On motion of Councilmember Wall, seconded by Vice-Mayor Anderson, and carried (5-0) to adjourn from Executive Session.

22. ADJOURNMENT

On motion of Councilmember Wall, seconded by Vice-Mayor Anderson, and carried (5-0) to adjourn the meeting at 10:05 p.m.

Posted this 17th day of September 2019, on the Town of Florence website at www.florenceaz.gov by Maria Hernandez, Deputy Town Clerk.