

## ACTION MINUTES

**MINUTES OF THE TOWN OF FLORENCE COUNCIL REGULAR MEETING HELD ON TUESDAY, SEPTEMBER 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 pm.**

### **2. ROLL CALL:**

**Present: Tara Walter, John Anderson, Karen Wall, Kristen Larsen, Michelle Cordes, Judy Hughes**

**Absent: Bill Hawkins (appeared telephonically for Executive Session only)**

### **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. Presentation of the 2019 Outstanding Program Award – Cultural Awareness Program from the Arizona Parks and Recreation Association for the Annual Historic Home Tour. (Bryan Hughes)
- b. Presentation of the Poston Butte Preserve as the formal name of the existing and soon to be expanded open space and trails. (Bryan Hughes)

**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. Proclamation declaring September 2019 as Prostate Cancer Awareness Month in the Town of Florence. (Lisa Garcia)
- b. Proclamation declaring September 2019 as Suicide Prevention Month in the Town of Florence. (Jennifer Evans)
- c. Authorization to purchase two 2020 Chevy Silverado's, from Midway Chevrolet, in an amount not to exceed \$82,347.64. (Chris Salas)

- d. Authorization to contract with Home Depot USA Inc., to provide maintenance, repair, operating supplies, industrial supplies, and related products and services, in an amount not to exceed \$51,000. (Chris Salas)
- e. Authorization to contract with Amazon Services LLC, for the purchases of products and services through the on-line marketplace, in an amount not to exceed \$64,600. (Chris Salas)
- f. Authorization to contract with Senergy Petroleum LLC, to provide vehicle lubricants, diesel and food grade oil, in an amount not to exceed \$65,000. (Chris Salas)
- g. Authorization to contract with Terracon Consultants Inc., for quality assurance needs, in an amount not to exceed \$75,000. (Chris Salas)
- h. Authorization to contract with HD Supply Facilities Maintenance LTD., dba USABlueBook, to provide Schedule 56 Buildings and Building Materials/Industrial Service and Supplies, in an amount not to exceed \$80,000. (Chris Salas)
- i. Authorization to contract with APD Power Center Inc., to provide maintenance, repair, operating supplies, in an amount not to exceed \$55,000. (Chris Salas)
- j. Approval of accepting the register of demands ending July 31, 2019, in the amount of \$3,987,733.34. (Rey Sanchez)

**On motion of Vice-Mayor Anderson, seconded by Councilmember Larsen, and carried (6-0) to approve the Consent Agenda, as written.**

## **8. NEW BUSINESS**

- a. Discussion/Approval/Disapproval to purchase 17 PX8000XE handhelds radios, chargers, and associated equipment for the Fire Department, in an amount not to exceed \$163,584.77. (David Strayer)

**On motion of Councilmember Wall, seconded by Councilmember Larsen, and carried (6-0) to approve the purchase of 17 PX8000XE handhelds radios, chargers, and associated equipment for the Fire Department, in an amount not to exceed \$163,584.77.**

- b. Discussion/Approval/Disapproval to contract with Talis Construction Corporation, for construction of the Fire Station 2 turn lane, in an amount not to exceed \$300,000. (Chris Salas)

**On motion of Vice-Mayor Anderson, seconded by Councilmember Wall, and carried (6-0) to approve the contract with Talis Construction Corporation, for construction of the Fire Station 2 turn lane, in an amount not to exceed \$300,000.**

- c. Discussion/Approval/Disapproval to purchase three 2019 Police Chevy Tahoes, from Midway Chevrolet, for the Police Department, in an amount not to exceed \$108,361.11. (Chris Salas)

**On motion of Councilmember Wall, seconded by Councilmember Larsen, and carried (6-0) to approve the purchase three 2019 Police Chevy Tahoes, from Midway Chevrolet, for the Police Department, in an amount not to exceed \$108,361.11.**

- d. Discussion/Approval/Disapproval to contract with Ellison Mills Contracting LLC, for on-call maintenance and repair services, in the amount not to exceed \$800,000, and voiding the existing Professional Services Contract that was entered into with Ellison Mills Contracting LLC, on August 5, 2019. (Chris Salas)

**On motion of Councilmember Cordes, seconded by Vice-Mayor Anderson, and carried (6-0) to approve the contract with Ellison Mills Contracting LLC, for on-call maintenance and repair services, in the amount not to exceed \$800,000, and voiding the existing Professional Services Contract that was entered into with Ellison Mills Contracting LLC, on August 5, 2019.**

## **9. MANAGER'S REPORT**

## **10. DEPARTMENT REPORTS**

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

## **11. CALL TO THE PUBLIC**

## **12. CALL TO THE COUNCIL – CURRENT EVENTS ONLY**

## **13. MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1 CALL TO ORDER**

### **ROLL CALL:**

**Present: Tara Walter, John Anderson, Bill Hawkins (appeared telephonically), Karen Wall, Kristen Larsen, Michelle Cordes, Judy Hughes.**

## **14. MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 2 CALL TO ORDER**

**Chairman Walter called the meeting to order at 7:11 p.m.**

### **ROLL CALL:**

**Present: Tara Walter, John Anderson, Bill Hawkins (appeared telephonically), Karen Wall, Kristen Larsen, Michelle Cordes, Judy Hughes.**

## **15. MERRILL RANCH COMMUNITY FACILITY DISTRICT NO. 2 CALL TO ORDER**

**Chairman Walter called the meeting to order at 7:12 p.m.**

**ROLL CALL:**

**Present: Tara Walter, John Anderson, Bill Hawkins (appeared telephonically), Karen Wall, Kristen Larsen, Michelle Cordes, Judy Hughes.**

**16.ADJOURNMENT TO A JOINT EXECUTIVE SESSION WITH MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1, NO. 2 AND THE MAYOR AND TOWN COUNCIL OF THE TOWN OF FLORENCE.**

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. 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.
- b. Discussion or consultation potential and threatened claims against the Town and Districts.

**On motion of Councilmember Wall, seconded by Councilmember Larsen, and carried (7-0) to adjourn to a Joint Executive Session with Merrill Ranch Community Facilities District No. 1, No. 2 and the Mayor and Town Council of the Town of Florence.**

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

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

**18. ADJOURNMENT FROM MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1 MEETING.**

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

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

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

**20. ADJOURNMENT FROM MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 2 MEETING.**

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

## **21. FLORENCE TOWN COUNCIL MOTION TO RESUME**

**On motion of Councilmember Wall, seconded by Councilmember Larsen, and carried (7-0) to resume Town Council meeting.**

## **22. 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. 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.
- d. 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).
- e. Town's position on potential land purchase.

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

## **23. ADJOURNMENT FROM EXECUTIVE SESSION**

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

## **24. ADJOURNMENT**

**On motion of Councilmember Wall, seconded by Vice-Mayor Anderson, and carried (6-0) to adjourn the meeting at 10:12 p.m.**

**Posted this 4<sup>th</sup> day of August 2019, on the Town of Florence website at [www.florenceaz.gov](http://www.florenceaz.gov) by Maria Hernandez, Deputy Town Clerk.**