

**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.**

**CALL TO ORDER**

Mayor Walter called the meeting to order at 6:00 pm.

**ROLL CALL:**

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

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

**MOMENT OF SILENCE**

Mayor Walter called for a moment of silence.

**PLEDGE OF ALLEGIANCE**

Mayor Walter led the Pledge of Allegiance.

**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.

There were no public comments.

**PRESENTATIONS**

**Presentation of the 2019 Outstanding Program Award – Cultural Awareness Program from the Arizona Parks and Recreation Association for the Annual Historic Home Tour.**

Mr. Bryan Hughes, Community Services Director, presented the 2019 Outstanding Cultural Awareness Program that was awarded to the Town at the 2019 Parks and Recreation Annual Conference. He shared the video program that was presented at the conference as well.

Mr. John Nixon, Recreation Superintendent, stated that the Town is very pleased that Florence received the award. He, along with Ms. Alison Feliz, Recreation Coordinator, chaired the Committee. He stated that the Home Tour Committee is comprised of the following members: Chris Reid, Maricella Benitez, Sandra Walker, and Larry Johnson.

Mr. Nixon thanked the people who agreed to allow their homes to be shown.

Ms. Allison Feliz, Recreation Coordinator, thanked the Council for being part of the event.

**Presentation of the Poston Butte Preserve as the formal name of the existing and soon to be expanded open space and trails.**

Mr. Hughes stated that Poston Butte is referred to by many different names. He stated that with the new improvements that are coming, they would like to formally name the park. The park will be a preserve and an educational resource for the area. The Parks and Recreation Advisory Board is recommending Poston Butte Preserve as the official name of the park. He stated that understanding what is available at the park will be part of the marketing.

Vice-Mayor Anderson inquired about the parking.

Mr. Hughes explained that the original parking design was not practical. They are currently working on access points. They will need to have a lease in place before they can move dirt.

Councilmember Wall inquired about the classroom.

Mr. Hughes explained that the classroom would be for field trips. It could also be available for as meeting room for trail stewards.

Councilmember Wall stated that she can see hiking clubs taking advantage of the space.

**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.**

**Proclamation declaring September 2019 as Prostate Cancer Awareness Month in the Town of Florence. (Lisa Garcia)**

**Proclamation declaring September 2019 as Suicide Prevention Month in the Town of Florence. (Jennifer Evans)**

**Authorization to purchase two 2020 Chevy Silverado's, from Midway Chevrolet, in an amount not to exceed \$82,347.64. (Chris Salas)**

**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)**

**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)**

**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)**

**Authorization to contract with Terracon Consultants Inc., for quality assurance needs, in an amount not to exceed \$75,000. (Chris Salas)**

**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)**

**Authorization to contract with APD Power Center Inc., to provide maintenance, repair, operating supplies, in an amount not to exceed \$55,000. (Chris Salas)**

**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.

### **NEW BUSINESS**

**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.**

Mr. David Strayer, Fire Chief, stated that this is Phase I of a two phase project to purchase radios. The Fire Department uses both mobile and handheld radios. The handhelds go into the vehicles. The Department is waiting to hear if they received a grant for the mobile radios.

Chief Strayer stated that the handheld radios were approved in this year's Capital budget. These radios will do all the frequencies and are compatible with the Town of Florence Dispatch Center as well as all of the Town's mutual partners that they respond to calls with along with Pinal County and other systems in the valley.

Chief Strayer stated that the handheld radios have met their life expectancies and need to be replaced.

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.

**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.**

Mr. Chris Salas, Public Works Director, stated that the project is to construct an east bound deceleration lane at the signalized intersection for the development west of the intersection as well as a south bound left-hand turn lane for Fire Station 2. The improvements will include new curb and gutter, median modifications, signage, striping, paving, demolition work and new ADA ramps.

Mr. Salas stated that three different contractors with existing Job Order Contracts were notified of the project and bids were received, with Talis Construction Corporation being recommended.

Vice-Mayor Anderson inquired what the time frame will be for completing the project.

Mr. Salas stated that there has been difficulty in locating some of the long-lead items, so it may take 22 – 24 weeks before construction can start. He stated that they will need to evaluate the project to see if they can obtain the items from a different entity.

Vice-Mayor Anderson inquired if they can work on other components of the project while they are waiting for the long lead items. He would like to see the turn lanes installed.

Mr. Salas stated that the contractors may not be able to honor the pricing if the Town sub-phases the project.

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.

**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.**

Mr. Salas stated that the Town believes in standardizing the fleet, but this year Tahoes came in less than the Ford Explorers. He stated that the body on frame is easier to complete on the Tahoes and is more fuel efficient. The Town was able to purchase three 2019 Tahoes and saved approximately \$2,000 per vehicle. This lot was selected because the inventory is less expensive and available immediately. He stated that the older vehicles will be phased out of the fleet program. He noted that the cost does not include upfitting the vehicles.

Councilmember Wall inquired if the total cost includes the cost to upfit the vehicles.

Mr. Salas stated the upfitting will cost approximately \$20,000 more per vehicle to upfit the vehicles.

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.

**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.**

Mr. Salas stated that on August 5, 2019 the Council authorized a contract with Ellison Mills Contracting, LLC, but since that time there was an issue with equipment that requires an increase in the dollar amount for the contract. The contractor was challenged to supply staff with the information and they provided prices for parts and subcontractors. Staff was able to obtain prices based on direct billing and now have the lowest possible price at nine percent. He stated that this

will be the best standard price and it will be transparent. This is an open book style of procurement that allows for anyone to review the concepts.

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.

## **MANAGER'S REPORT**

Mr. Brent Billingsley, Town Manager, stated that the Town applied for a youth field grant with the Diamondbacks for up to \$275,000, to replace field lighting, bleachers, benches, shade structures and make field improvements. The Town hopes to hear something back within two months. The Produce on Wheels without Waste (POW WOW) Program is ran by the Borderlands Produce Rescue in southern Arizona. The first distribution is planned for November 23, 2019. Many people have attended training and are still looking for volunteers. He noted that this is a very labor-intensive program.

Mr. Billingsley stated that the Town will host the CAV101 (Connected and Autonomous Vehicles) Workshop on September 26, 2019, from 9:00 a.m. to 2:00 pm at the library.

Mr. Billingsley congratulated Mike Lopez and Elijah White in earning their designation of Arizona Certified Landscape Professionals from the Arizona Landscape Contractors Association.

Mr. Billingsley stated that the Fire Department has a stair climb on September 11, 2019, in honor of those who lost their lives on 9/11 at the Pinal County Courthouse. This is the first time that this event is being held.

Mr. Billingsley stated that the attendance was 257 for the final weekend at the aquatics center.

## **DEPARTMENT REPORTS**

Community Development  
Community Services  
Courts  
Finance  
Fire  
Police  
Public Works

Councilmember Hughes inquired as to what the 20 verbal and 41 written July code compliance issues were for that are referenced in the Community Development Report.

Mr. Larry Harmer, Community Development Director, stated that the compliance issues vary from weeds, abandoned vehicles to building violations. Each violation is in a different stage of the process and this is an ongoing process. He stated that they have an approximate 60% compliance with the first notice. Staff attempts a verbal contact and can provide swift mitigation. A written notification is sent if they are unable to make contact with the property owner.

Councilmember Hughes inquired about the employee membership package referenced in the fitness center section of the Community Services Report.

Mr. Hughes stated that the employee membership is part of the employee benefit package and employees are not charged a fee to utilize the fitness center.

Councilmember Hughes inquired as to what constitutes a lost meal in the Senior Center section of the Community Services Report.

Mr. Hughes stated that he will research this and follow up with a response.

Councilmember Hughes inquired how the wireless sessions are counted in the Library section of the Community Services Report.

Mr. Hughes stated that they count a wireless session as each time someone walks in and connects to the WiFi.

Councilmember Hughes inquired about the 133 people that attended the 16 programs presented at the library. She inquired what the return for investment is with advertising for these events.

Mr. Hughes stated that many programs are a "drop in" and do not require pre-registration. He stated that they can create a signature page to gather that type of information.

Councilmember Hughes inquired about the Playaway Launch Pads at the library. She inquired how many have been purchased or donated.

Mr. Hughes stated that the Playaway Launch Pads were purchased from a grant received from the Pinal County Library. That program is successful; however, more pads are needed. He stated that there are 30 pads on hand and staff had to limit the number of days a person can keep them.

Vice-Mayor Anderson inquired about the contract for the Veteran's Memorial.

Mr. Hughes stated that the Town did not receive any bids and are researching other options.

Councilmember Hughes inquired about the \$7,427.85 spent from the Economic Development Line Item Budget for economic development.

Mr. Rey Sanchez, Finance Director, stated that it is derived from the employee's salary and benefits.

Councilmember Hughes inquired who the employee is.

Mr. Sanchez stated that the employee is Mr. Benjamin Bitter.

Councilmember Hughes inquired about the two hazmat responses that were listed in the July Fire Report.

Chief Strayer stated that they are typically gas leaks; however, they may include spills.

Councilmember Hughes stated that there were 58 EMS calls to the prisons as well as arching and "other" calls. She inquired what the "other" calls are for.

Chief Strayer stated that the other calls can range from assistance to a number of other things. He will research each of the incidents and report back.

Councilmember Hughes inquired about the special assignment that he did pertaining to the existing building safety survey and asked that he share those findings.

Chief Strayer stated that they do annual inspections of all occupancies. They are categorized by hazard class. They have two divisions: operations and administrative. Battalion Chief/Fire Marshall John Kemp is responsible for the surveys and the inspections are ongoing. The findings will be shared with Council.

The Department Reports were received and filed.

### **CALL TO THE PUBLIC**

There were no public comments.

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

Councilmember Wall congratulated the Parks and Recreation Department for receiving the award. She asked that people wear yellow in recognition for Suicide Prevention Month. She noted the importance of recognizing that suicide is a major public health issue with more than 123 deaths per day and requires vigilant attention and preventative action. She recognized the importance of raising awareness to this issue.

Councilmember Hughes stated that she attended the Pinal Partnership Breakfast in which Mr. Billingsley was one of the speakers. She also attended the Arizona League of Cities and Town Conference and was reminded that the Council sets the policies and gives direction. She would like to set up an Economic Development Council workshop to review the policies and vetting process on September 23, 2019.

Mayor Walter stated that Council will need to discuss with staff possible dates for the workshop.

Mr. Billingsley stated that staff will forward dates for the Council's consideration.

Councilmember Larson stated that she spent time with the Teen Council at the League Conference and is very proud of how they represented Florence and how they interacted with other teens from across the State. They took the opportunity to network with others throughout Arizona.

Vice-Mayor Anderson stated that he met with Ms. Plunkett, Director of Operation for the Florence Immigration and Refugee Project. Ms. Plunkett has offered to do a presentation to the Council to educate the public on what it is they do.

Vice-Mayor Anderson thanked John Nixon for the activity guide.

Vice-Mayor Anderson stated that Greg Stanley, Pinal County Manager is retiring. Mr. Louis Anderson will be the new Pinal County Manager.

Vice-Mayor Anderson stated that he is concerned with population sharing and the possibility of removing inmates from the Town's population figures. Representative T.J. Shope is opposing the legislation. He asked the residents to reach out to Representative Shope and express their concern.

Mayor Walter stated that a law maker is trying to make the funding go to the community in which the inmate was arrested. The place where the inmate is incarcerated provides the public resources such as roads, street, fire, police, water, and wastewater and contributes to their needs. She encouraged everyone to educate themselves on this subject.

Mayor Walter stated that she is proud of the Florence youth and how well they presented Florence.

#### **MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1 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.

#### **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.

#### **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.

#### **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.

**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.

**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.

**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.

**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.

**FLORENCE TOWN COUNCIL MOTION TO RESUME**

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

### 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.

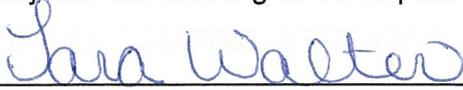
On motion of Councilmember Wall, seconded by Councilmember Larsen, and carried (7-0) to adjourn to Executive Session.

### ADJOURNMENT FROM EXECUTIVE SESSION

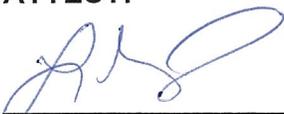
On motion of Councilmember Wall, seconded by Councilmember Hughes, and carried (7-0) to adjourn from Executive Session.

### ADJOURNMENT

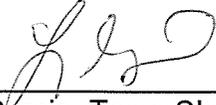
On motion of Councilmember Wall, seconded by Vice-Mayor Anderson, and carried (6-0) to adjourn the meeting at 10:12 p.m.

  
\_\_\_\_\_  
Tara Walter, Mayor

### ATTEST:

  
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Lisa Garcia, Town Clerk

I certify that the following is a true and correct copy of the minutes of the Florence Town Council meeting held on September 3, 2019, and that the meeting was duly called to order and that a quorum was present.



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Lisa Garcia, Town Clerk