

## **ACTION MINUTES**

**MINUTES OF THE TOWN OF FLORENCE COUNCIL MEETING HELD ON MONDAY, JANUARY 21, 2020, 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: Walter, Anderson, Hawkins, Wall, Larsen, Cordes, Hughes**

### **3. ROLL CALL: MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1.**

**Present: Walter, Anderson, Hawkins, Wall, Larsen, Cordes, Hughes**

### **4. NEW BUSINESS OF MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1.**

- a. Discussion and possible action to approve Merrill Ranch Community Facilities District No. 1 December 16, 2019 Special Meeting minutes.

**On motion of Vice-Chairman Anderson, seconded by Boardmember Wall, and carried (7-0) to approve the Merrill Ranch Community Facilities District No. 1 December 16, 2019 Special Meeting minutes.**

### **5. ROLL CALL: MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 2**

**Present: Walter, Anderson, Hawkins, Wall, Larsen, Cordes, Hughes**

6. **ADJOURNMENT TO JOINT EXECUTIVE SESSION BETWEEN THE TOWN OF FLORENCE AND MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1 AND MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 2** 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) and (A)(4) to consider its position and instruct its representatives and/or attorneys 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.

- a. Motion of Florence Town Council.

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

- b. Motion of Merrill Ranch Community Facilities District No. 1

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

- c. Motion of Merrill Ranch Community Facilities District No. 2

**On motion of Boardmember Cordes, seconded by Boardmember Hughes, and carried (7-0) to adjourn to Executive Session**

## **7. ADJOURNMENT FROM EXECUTIVE SESSION**

- a. Motion of Florence Town Council.

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

- b. Motion of Merrill Ranch Community Facilities District No. 1

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

- c. Motion of Merrill Ranch Community Facilities District No. 2

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

## **8. ADJOURNMENT FROM MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO. 1.**

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

## **9. NEW BUSINESS OF MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO 2.**

- a. Public Hearing on Feasibility Report for Merrill Ranch Community Facilities District 2- Assessment Area 8, Unit 32. (Rebecca Jimenez)

**Chairman Walter opened the public hearing. Chairman Walter closed the public hearing.**

- b. Discussion and possible action on Resolution No. MR CFD2 240-20 to approve the Feasibility Report and for the execution and delivery of Special Assessment Installment Purchase Agreement (Assessment Area 8) and related matters in the amount not to exceed \$280,000 for Merrill Ranch Community Facilities District 2- Assessment Area 8, Unit 32. (Rebecca Jimenez)

**On motion of Vice-Chairman Anderson, seconded by Boardmember Larsen, and carried (7-0) to adopt Resolution No. MR CFD2 240-20.**

- c. Discussion and possible action to approve Merrill Ranch Community Facilities District No. 2 December 16, 2019 Special Meeting minutes.

**On motion of Boardmember Wall, seconded by Boardmember Cordes, and carried (7-0) to approve the Merrill Ranch Community Facilities District No. 2 December 16, 2019 Special Meeting minutes.**

## **10. ADJOURNMENT FROM MERRILL RANCH COMMUNITY FACILITIES DISTRICT NO 2.**

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

## **11. MOMENT OF SILENCE**

## **12. PLEDGE OF ALLEGIANCE**

**13. 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.

## **14. PRESENTATIONS**

- a. Florence Transportation Study Presentation (Chris Salas)
- b. Presentation on Fiscal Year 2019-2020 Second Quarter Financial Report. (Rebecca Jimenez)

**15. 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 to enter into a contract with Cactus Transport, Inc., dba Cactus Asphalt, to sweep, prepare and apply fog seal and rejuvenate existing roads, in an amount not to exceed \$66,455.96 (Proposal for \$57,787.79, with a 15% contingency, \$8,668.17). (Chris Salas)
- b. Approval to enter into a professional services contract with Best Environmental Subsurface Sampling Technologies (BESST), for zonal sampling for a Dynamic Spinner Log – USGA Tracer Flowmeter and Packer Feasibility Report, in an amount not to exceed \$75,000. (Chris Salas)
- c. Approval to enter into a Professional Services Agreement with Ninyo & Moore Geotechnical & Environmental Sciences Consultants for Geotechnical Services, for on-call engineering services, in an amount not to exceed \$100,000. (Chris Salas)
- d. Approval of the annual software renewal for the Microsoft Office 365 E3 Government, in an amount not to exceed \$26,595.25. (Trenton Shaffer)
- e. Approval of December 16, 2019 Town Council Meeting minutes.
- f. Receive and file the following board and commission minutes:
  - 1. November 14 and December 12, 2019 Arts and Culture Commission minutes.
  - 2. October 30, 2019 Historic District Advisory Commission Meeting minutes.

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

- b. Approval to enter into a professional services contract with Best Environmental Subsurface Sampling Technologies (BESST), for zonal sampling for a Dynamic Spinner Log – USGA Tracer Flowmeter and Packer Feasibility Report, in an amount not to exceed \$75,000. (Chis Salas)

**On motion of Vice-Mayor Anderson, seconded by Councilmember Larsen, and carried (7-0) to enter into a professional services contract with Best Environmental Subsurface Sampling Technologies (BESST), for zonal sampling for a Dynamic Spinner Log – USGA Tracer Flowmeter and Packer Feasibility Report, in an amount not to exceed \$75,000.**

- c. Approval to enter into a Professional Services Agreement with Ninyo & Moore Geotechnical & Environmental Sciences Consultants for Geotechnical Services, for on-call engineering services, in an amount not to exceed \$100,000. (Chris Salas)

**On motion of Vice-Mayor Anderson, seconded by Councilmember Larsen, and carried (7-0) to enter into a Professional Services Agreement with Ninyo & Moore Geotechnical & Environmental Sciences Consultants for Geotechnical Services, for on-call engineering services, in an amount not to exceed \$100,000.**

## **16. NEW BUSINESS**

- a. First reading of Ordinance No. 687-20: AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING 30.45 ENTITLED ACTION TAKEN BY ORDINANCE. (Lisa Garcia)
- b. Discussion/Approval/Disapproval of approving the notice of intention to increase water and wastewater rates, per the 2018 rate study adopted May 21, 2018, Resolution No. 1664-18 and scheduling a Public Hearing February 21, 2020 to receive citizen comment. (Rebecca Jimenez)

**On motion of Councilmember Wall, seconded by Councilmember Larsen, and carried (7-0) to approve the notice of intention to increase water and wastewater rates, per the 2018 rate study adopted May 21, 2018, Resolution No. 1664-18 and scheduling a Public Hearing February 21, 2020 to receive citizen comment.**

- c. Discussion/Approval/Disapproval for a Professional Services Agreement with Westland Resources, Sunrise Engineering and Hazen and Sawyer, for On-call utility services, in an amount not to exceed \$350,000 for each. (Chris Salas)

**On motion of Councilmember Hawkins, seconded by Councilmember Wall, and carried (7-0) to approve a Professional Services Agreement with Westland Resources, Sunrise Engineering and Hazen and Sawyer, for On-call utility services, in an amount not to exceed \$350,000 for each.**

- d. Discussion/Approval/Disapproval for a Professional Services Agreement with Sunrise Engineering, and EPS Group, for land surveying, in an amount not to exceed \$75,000 for each. (Chris Salas)

**On motion of Councilmember Hawkins, seconded by Vice-Mayor Anderson, and carried (7-0) to approve a Professional Services Agreement with Sunrise Engineering, and EPS Group, for land surveying, in an amount not to exceed \$75,000 for each.**

**17. MANAGER'S REPORT**

**18. CALL TO THE PUBLIC**

**19. CALL TO THE COUNCIL – CURRENT EVENTS ONLY**

**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) and (A)(4) 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. 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 and appellate proceedings to reviewing Courts.
- c. 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.
- d. Discussion and consultation regarding Town's position on property lien.

**\*\*\*Mayor Walter recused herself from Item a. Item A was heard last.**

**Mayor Walter left the Executive Session prior to item A being discussed.**

**On motion of Vice-Mayor Anderson, seconded by Councilmember Hawkins, and carried (6-0) to adjourn to Executive Session.**

**21. ADJOURNMENT FROM EXECUTIVE SESSION**

**On motion of Councilmember Hughes, seconded by Councilmember Larsen, and carried (6--0) to adjourn from Executive Session.**

**22. ADJOURNMENT**

**On motion of Councilmember Hawkins, seconded by Councilmember Larsen, and carried (6-0) to adjourn the meeting at 9:41 p.m.**

**Posted this 23<sup>rd</sup> day of January 2020, on the Town of Florence website at [www.florenceaz.gov](http://www.florenceaz.gov) by Maria Hernandez, Deputy Town Clerk.**