

**Superior Town Council
Town Council Meeting**

**Thursday, December 4, 2008
Superior Senior Center
Superior, Arizona**

M_I_N_U_T_E_S

A. Call to Order

Mayor Hing called the meeting to order at 7:10 p.m.

B. Salute to the Flag

Mayor Hing led the council, staff and audience in the pledge.

C. Opening Prayer

Mayor Hing led the Town Council, Staff and audience in an opening prayer.

D. Roll Call

Members Present: Councilmember Cervantes, Second Vice Mayor Lopez, Mayor Hing, Councilmember Heglie, Councilmember Peralta, First Vice-Mayor Valenzuela,

Members Absent: Councilmember Aguilar

A quorum was present and the meeting continued.

E. Proclamations

Mayor Hing announced that he would like to change the order of the proclamations. Moving the Head Start Proclamation to the first item.

National Head Start Month November 2008

Mayor Hing read the proclamation and then introduced Ms. Hilda Cardenas and other Superior Head Start employees. They gave a brief presentation on the services that Head Start provides. Mayor Hing also encouraged council members and the public to read to the Head Start students.

Spirit of Optimism Community Champion

Mayor Hing explained that this proclamation is an annual proclamation honoring a resident in Superior who exhibits Optimism and community support. He announced that the 2008 Spirit of Optimism Community Champion was Mrs. Gloria Martinez. He read the proclamation and then also thanked Mrs. Martinez for her dedication to teaching and explained to the public how she raised her family and then went back to school to become a teacher after they were all grown. Mrs. Martinez thanked the Optimist Club and the Council for the honor. Mayor Hing read the proclamation and presented Mrs. Martinez with a key to the town.

Following this proclamation Mayor Hing made another announcement and honored the 2008 Jr. Pee Wee Predators for their football season. He thanked the students for representing their community and encouraged them to continue their success. Each of the team members and coaches were presented with a certificate.

F. Consent Agenda

Mayor Hing introduced the items on the consent agenda. The items on the consent agenda for approval were:
Approval of Minutes for Regular Meeting November 20, 2008

Soap Box Derby January 17th & 18th Street Closure
Optimist "Miracle on Main St." Parade Street Closure

Councilmember Heglie made a motion to approve the agenda items. Councilmember Peralta seconded the motion. Mayor Hing announced that he would abstain from the approval of consent agenda item 2 because of a conflict of interest. The motion passed unanimously.

G. Communication

1. Managers Report

Ms. Oliver explained that she had a very short council report because she was ill and also because of the short Thanksgiving Holiday Week. Ms. Oliver answered questions from the council regarding the foreclosure process on the Magma Hotel, sale of the Sr. Center Building, Wi-Vod Garnishments/ Scope of Work and also the violations of the Open Meeting Law.

2. Public Safety Report

Chief Digirolamo invited the council to the pancake breakfast at the new fire station and also gave brief updates on the crime statistics, and code compliance. He also gave a further explanation on how the council can recover funds on unpaid sewer bills through liens and foreclosures. Also he explained in his report that this was a very low month for EMS and Fire calls. Discussion followed on out of town fire department reserves and how to build that program up again.

3. Public Works Foreman Report

Mr. Lant explained how the inmate labor teams were doing and stated that they were working in the cemetery and the US 60 park. He stated that the inmates are allowed to use the towns equipment but do not operate equipment such as the trucks or bucket truck. Discussion followed on bulk pickup and how that operates and also the demolition of the old swimming pool for a proposed baseball field..

Public Hearing (Motion to go into public hearing)

Councilmember Heglie made a motion to move into public hearing. Vice Mayor Lopez seconded the motion. The motion passed unanimously.

Major Amendments

1. MAGA 08-01 Downtown Mixed Use Definition

Mr. Flaming reviewed the definition of the mixed use for downtown. He explained this would allow additional business types to operate on Main St and in these designated areas. He explained that this allowance would create a pedestrian friendly area and create additional business opportunities.

Mayor Hing called for public comments on this amendment. No comments were made.

MAGA 08-02 USFS/Private Property Land Use

Mr. Flaming explained that this amendment was needed due to a scribbler's error on the general plan. He explained that currently private property is listed parks and open space and that forest service land is listed for development. He reviewed the process that all the amendments had to go through and stated that the major amendments would need a 2/3 majority approval from the council to pass.

Mayor Hing called for public comments on this amendment. No comments were made.

Minor Amendments

3. MGA 08-01 West Main Street

Mr. Flaming reviewed the areas that this amendment would affect. He explained that it would cover the area from Main St. to US 60. He stated that this would allow for mixed use to include offices, the downtown mixed use, parks and open spaces as well as residential units.

Mayor Hing called for public comments:

Hank Gutierrez: Mr. Gutierrez asked who and why were these amendments initiated. He also asked how it will affect the zoning in these areas.

Mr. Flaming explained that the town initiated these amendments to create additional

opportunity for business development in these areas. As to the zoning Mr. Flaming explained the property owner or developer would make any needed zoning changes needed to be compatible with the area. He again stated that this amendment would allow for more flexibility to create businesses in the respected areas.

Hank Gutierrez: Mr. Gutierrez asked if the zoning changes were automatically approved or will they have to go through Planning and Zoning and the Town Council.

Mr. Flaming explained that Proposition 207 gave property owners more rights so municipalities could not just change zoning. He confirmed that anyone wishing to change their zoning would have to request the change from the Planning and Zoning and the Council. He cited a lawsuit in Flagstaff where a resident has challenged a historic district designation.

David Pfohl: Mr. Pfohl explained that the Cobre Valley Hospital is still looking for land and asked is the areas in question would be suitable for a clinic and hospital. He also reported that conversations with BHP and Resolution Copper have been slowed to secure additional land. He sited a change in leadership and that it has taken time to get the new president of Resolution up to speed on the project.

Mr. Chavez: Mr. Chavez stated that this would open doors for new legal descriptions on properties. He also stated that at least 20 acres in the proposed area is potentially in either flood plain A or B and that the area would have to be built up. He questioned whether or not government buildings or grant funded buildings could be built in a flood plain.

4. MGA 08-02 Smelter Town

Mr. Flaming explained that this area is along main St and then moves north into the Smelter Town area where Resolution Copper has cleaned up that area. He explained that this amendment would allow for mixed use along main St. but further back it would allow for light industrial in the mine property areas.

Mayor Hing called for Public Comments:

Vice Mayor Valenzuela: He asked if people approached the town to make these changes and why was Resolution Copper not the applicant.

Mayor Hing: explained that originally the Land Use committee studied areas that could be developed to create an additional tax base. He stated that the town initiated the changes and that Resolution Copper supports the amendment but did not request them. He also stated that this is what the committee recommended needed to be done to liven up Main St. and increase tax revenue. Mayor Hing stated he has been the most vocal in promoting these changes and there is no personal gain.

Hank Gutierrez: Mr. Gutierrez stated that he had the same concerns in general terms. He stated that the community relies on Planning & Zoning to keep the best interest of the community in mind using integrity to make sure that no one is influencing these changes for personal gain. He stated from the outside it looks like a good thing to do. He stated from a chamber perspective it makes good sense and it would help for economic development

Vice Mayor Valenzuela: Questioned why more residents were not there and asked how the public feels about these issues. He stated that they were all elected to keep the best interests in mind.

5. MGA 08-03: Minor Text Revisions

Mr. Flaming explained that there needed to be some general text revisions to the general plan. He stated that this would not affect the general plan only allowed for some housekeeping on the document.

Mayor Hing called for public comments. No public comments were made.

6. Home Rule

Ms. Oliver and Mayor Hing explained to the council and the public that the town would be having its required home rule elections in 2009. Mayor Hing stated that this Home Rule Law allows for the town to spend more than its state shared revenue allowance. He said in order for the town to be able to do this they are required by law to let the public vote on the measure. He stated that the town could not spend monies on promoting this however councilmember's could spend their personal funds to promote the measure. He also stated this was the first of two hearings and explained that the election would be held on March 10th.

Mayor Hing also explained that the town's budget is close to 4 million dollars and if home rule did not pass they would only be allowed to spend 1.3 million dollars. He stated this would barely cover the police and fire

budget. He explained the town brings in additional revenue through the enterprise funds from the trash and sewer as well as the grant monies the town receives.

Mayor Hing called for public comments:

Roy Chavez: Mr. Chavez explained in great detail how the state shared revenues are calculated and disbursed to the communities. He stated that the formula is based on population, income of the population, and tax revenue. He also stated the state used revenues from the lottery, HURF funds, property and income taxes to create the state shared revenue funds. He stated that home rule allowed depressed communities like Superior to spend more than their state shared revenues because they did not have the base to collect enough revenues from the state. Mr. Chavez explained that Kearny although they have a lower population receives greater state shared revenue because people work and shop there where in Superior most people work out of town and then entertain themselves and shop out of town. Mr. Chavez also stated that the town should prepare for receiving even less revenue because of the failure to pass the previous home rule elections. He stated the town will have to pay penalties and will receive less state shared revenue not to mention the drop in revenues because of the slowing global economy. Mr. Chavez stated that it is very critical that the town pass the home rule election. He also stated that the town will not know where they stand from not passing the home rule until the 07/08 audit is complete.

Hank Gutierrez: Asked what they should be asking at the hearing. He stated that people do not fully understand how not passing the Home Rule will affect the community and the services that the town provides.

No Further comments were made. Vice Mayor Lopez made a motion to return to the regular session. Councilmember Heglie seconded the motion. The motion passed unanimously.

I. Business

Possible Discussion and/or action on the following

Discuss/Approve/Reject FEMA Grant Program for the FY 2008 Assistance to Firefighters Grant Application. Total project cost \$30,339.00 Match \$1,597.00 – Todd Pryor

Mr. Pryor explained that he is requesting to purchase a new training computer and a thermal imaging camera. Mr. Pryor stated that by purchasing the training computer and program they could provide more in house training as well as offer training to other communities for a fee. He stated that the camera will allow them to see where fire has been before they start to demolish homes to investigate fires. He said this provides additional safety for the fire fighters and also preserves the home from further damage. He explained without the imaging camera they currently have to tear down walls to see if there was fire damage or not. Discussion followed on how many fires occur in Superior in a year and conversations also were held in regards to the reserve program and how people come to Superior and get trained and then leave for better jobs in the valley.

Mr. Pryor reported that they would use FEMA grant funds to purchase the items but they would need to spend \$1,597.00 in match. He suggested that the town/department could defer the payment of the match until they received their funds from Resolution Copper.

Councilmember Heglie made a motion to approve the request for the cameral and training modules. Councilmember Peralta seconded the motion. The motion passed unanimously.

Discuss/Approve/Reject Reduction of Town of Superior operations to 4 days per week

Ms. Oliver gave a brief overview on the state shared revenue projections that was issued by the state treasurer. She stated that the state is saying there will be at least a 50% cut in revenues. She stated that she has been working with staff to come up with ways to save money for the upcoming financial downturn in revenues. She stated that she would like to move to a 4 ten hour work week with no overtime. She stated that many communities are operating this way because it saves on utilities. She also suggested that after January 1st that town staff move to a 32 hour work week or decrease salaries. She explained this would not affect their health benefits. Ms. Oliver stated that she was suggesting these things to council as a way to save money and avoid lay offs. She stated that by cutting 20% of the salaries the town could save \$20,000 a month which would be put aside to prepare for coming years where there will be fewer revenues

Questions and Discussion followed Ms. Oliver presentation. Ms. Oliver explained that these cuts would be made across the board and she would be the first to take the cut. She explained that minimum wage employees would remain on minimum wage and their wage would not be cut. They also discussed how many contractors were on staff Ms. Oliver explained the town uses

two contractors for administrative services and those contracts would be cut and staff would need to provide those duties. She also stated that the employees would not lose health care benefits and those who have their families on the HSA plans could modify their contributions. Discussion also followed on the public safety department overtime and if the fire department needed to have 24/7 shifts. The council stressed that they want to make sure staff is aware of these changes and do they fully understand they requested a budget planning workshop at the start of the year.

She stated at this time they are not filling any vacant positions and that staff has been doing all they can to keep their budgets in tact. Councilmember Heglie made a motion to table this item. Vice Mayor Lopez seconded the motion. The motion passed unanimously.

Call to the Public

Ms. Lira reminded everyone to attend the Miracle on Main St events and to send in their pledge forms for the "Take a Swing for Little League" Campaign.

Council Comments

Councilmember Heglie

None

Councilmember Cervantes

None

Councilmember Peralta

None

Councilmember Aguilar

Absent

Second Vice Mayor Lopez

Encouraged everyone to attend the events for Miracle on Main St.

First Vice Mayor Valenzuela

Vice Mayor Valenzuela explained that he wanted to know if the Mayor had met with Ann Kirkpatrick regarding the airport property being removed from the land exchange so the property could be developed before the land exchange. He expressed great concern that Resolution Copper was going to back out of their agreements with the town. He stated that he heard Resolution would be working on Globe's Parks and not working to bring a campground to Superior. He stated that although he voted in the past to support the agreements with the town and Resolution that he also was very reluctant to support it. He suggested the Resolution provide something more immediate to the community rather than waiting on the land exchange. He stated he was concerned if they took the airport out of the exchange Superior would really not be getting anything from the exchange.

Vice Mayor Valenzuela also stated that he was not pleased with the comments Mayor Hing made in the Arizona Republic regarding the position of the San Carlos Apache Tribe on the Land Exchange. He explained that he felt the Mayor's comments were disrespectful. He stated that the tribe had more than enough money to buy their own buses if they wanted to provide their people transportation to work. He stated that he personally heard a Resolution Copper employee/executive make a remark regarding "White Men always get what they want and then pay in the end" He said that he feels Resolution is going to hold the Town hostage and that it is just ridiculous.

Mayor Hing

Mayor Hing stated that everyone has their own opinions and comments. He encouraged everyone to enjoy the weekend.

M. Adjournment

Councilmember Lopez made a motion to adjourn the meeting. Councilmember Peralta seconded the motion. The motion passed unanimously. The meeting was adjourned at 9:38 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Superior held on the 4th day of December 2008. I further certify that the meeting was duly called and held and that a quorum was present.

Melanie Oliver ^{/s/} _____
Melanie Oliver
Interim Town Manager

These minutes have been transcribed and compiled by
Mila Lira
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