

**Notice of Public Meeting
Town of Superior
Regular Council Meeting
Thursday, December 1, 2011-7:00 P.M.
Superior Senior Center
360 Main Street, Superior, AZ 85173
MINUTES**

A. CALL TO ORDER

Mayor Valenzuela called the meeting to order at 7:00 p.m.

B. SALUTE TO THE FLAG

Mayor Valenzuela led the salute to the flag.

C. OPENING PRAYER

Fr. James Aboyi of St. Francis of Assisi led the opening prayer.

D. ROLL CALL

Present: Council Members Hank Gutierrez, Chris Tomerlin, John Tameron, Gilbert Aguilar, Soyla "Kiki;" Peralta, Mayor Jayme Valenzuela, Vice Mayor Olga Lopez; **Absent:** N/A

E. CONSENT AGENDA

1. Approval of Minutes for Regular Meeting of November 17, 2011
2. Approval of Street Closure of Main Street from Kellner to Lobb, Miracle on Main Street

MOTION: Vice Mayor Lopez moved to approve the consent agenda. Council Member Aguilar seconded. **VOTE:** The motion carried unanimously.

F. PROCLAMATION BY MAYOR: Naming Bertha Navarro 2011 Spirit of Optimism Community Champion

Vice Mayor Olga Lopez read the proclamation honoring Bertha Navarro with the 2011 Spirit of Optimism Community Champion recognition from the Superior Optimist Club. Mayor Valenzuela said Ms. Navarro had not been able to be present and he thanked her for her service to the community.

G. COMMUNICATION

1. Manager's report—Deputy Town Manager Lou Digirolamo

- a) Miracle on Main Street parade December 3, 2011

Mila Lira of the Optimist Club updated the council and public on plans for the parade and event. Mayor Valenzuela asked if there was an alternative plan if the weather proved too cold for the children to be outside. Ms. Lira said that even if the event or parade had to be canceled, the children would be able to visit Santa and receive gifts in the Senior Center.

- b) Workday on L.O.S.T. trail December 3, 2011

Mila Lira updated the council and public on the workday, including the possibility that it would be canceled due to weather.

- c) Introduction of new permanent employees and new temporary (contract) employees

Introduced were permanent employees hired: Steve Lieber, Detective Sergeant Police Department, and Nick Gaona, waste water laborer; and temporary (contract) employees Rita Wentzel, finance assistant, and Pam Lagunas, Senior Center kitchen aide.

- d) Disbursement of Independent Auditors report from Colby and Powell for fiscal year ending June 30, 2009

A work session was scheduled for 5 p.m. on December 15 before the regular council meeting.

- e) Disbursement of Pinal County Transportation Excise Tax report from State of Arizona Office of the Auditor General dated June 2011.

This item was moved to the December 15 work session.

- f) Arizona Department of Environmental Quality Transfer Station Inspection Report form.

Deputy Town Manager Digirolamo said the ADEQ did not do inspections. They gave them a form for self-inspection. Public Safety Director Jed Lant has been working on that. This will be brought back to the council at a later date in reference to the Orion recycling contract. The contract has expired but the town is letting him operate month-to-month until they decide what they are going to do. Mayor Valenzuela gave the information for the audience that the council has received numerous complaints about what is going on out at the transfer/recyclable station. They had town staff call ADEQ and see if they would evaluate the plant. Mr. Lant responded to questions, including who decides if the town is in or out of compliance if their transfer station is not registered. Mr. Lant said that through the form, the town does. Mayor Valenzuela explained about items being left out there instead of incurring the cost of moving. They are going to take it head on and deal with the problem. He understood that Orion said it was not his problem but the town's and asked Mr. Lant if that was correct. Mr. Lant said it was correct.

H. CALL TO THE PUBLIC:

Mayor Valenzuela asked that those listed to speak to the council about Superior Animal Rescue wait until that item came up on the agenda.

Sonnie Samson: Had requested a building permit a year and a half ago and had not received it. He was withdrawing his request.

Bill Holmquist: Suggested status update on Main Street be added to future agendas.

Sue Anderson: Called attention to the problem of loose dogs in the streets.

Council Member Gutierrez: Responded to speakers.

Vice Mayor Lopez: Responded to speakers.

Council Member Tameron: Responded to speakers.

An audience member interjected a comment (name not given) and Mayor Valenzuela requested he not interrupt. The audience member apologized.

Mayor Valenzuela: Possible plan to go back to IGA with Pinal County on animals and new contract with animal control.

Curt Williams: Could not speak for Mr. Samson but initial plan reviews of Willdan don't allow for permitting to be cost effective. Comments made regarding inspection process in general.

Roy Chavez: Didn't plan on speaking but addressing policy and procedures, selected enforcement and rumor before fact will just bring them down.

Council Member Gutierrez: Responded to speakers.

Mayor Valenzuela: Think they are headed in the right direction. They will all get along.

I. BUSINESS, POSSIBLE DISCUSSION AND/OR ACTION ON THE FOLLOWING:

1. Discuss/Approve/Reject street name change from Cherrywood Place to Helen Snyder Place.

Jed Lant had requested the change previously. He reported he had gotten permission from the one property owner affected. Council Member Gutierrez discussed a need for policy.

MOTION: Council Member Peralta moved to approve the name change and suggested staff bring back a policy. Council Member Tomerlin seconded. **VOTE:** The motion carried 6-1 with Council Member Gutierrez voting no.

2. Discuss/Approve/Reject removing signing authority of Town bank accounts from Michael Hing and transferring authority to Mayor Jayme Valenzuela.

MOTION: Council Member Tomerlin moved to approve. Council Member Gutierrez seconded. **VOTE:** The motion carried unanimously.

3. Discuss/Approve/Reject request from applicant Larry Perrine to abandon alley behind parcel numbers 106-12-364C and 106-12-367

Mr. Perrine explained why he wanted the abandonment in order to keep the space clean and maybe utilize it for parking. Staff recommendation was for denial of the abandonment at that time.

MOTION: Council Member Tameron moved to follow the staff recommendation to reject. Council Member Tomerlin seconded. **VOTE:** The motion carried unanimously.

4. Discuss/Approve/Reject modifying, terminating or review of contract between Town of Superior and the Superior Animal Rescue with public comments and input

Deputy Town Manager Digirolamo said they could modify, terminate or renew the contract with Superior Animal Rescue (SAR). Council Member Gutierrez asked if the agreement is not made, what happens to the animal shelter, where do the animals go. Mr. Digirolamo said Lieutenant Campbell had been in contact with Pinal County to try to take the dogs for a fee. There are also emails from people committing to take dogs or clean the shelter and there have also been talks whether SAR could hire someone to take care of the kennels because as said on Channel 15 when they came to do a story, a no-kill shelter at no cost has just gotten out of hand. He gave a history of the shelter from the time the town ran the shelter and SAR entered into a contract to operate a no-kill shelter on February 18, 2010 for five years. The staff is looking for direction from the council either to let it go as it has been operating, hire a town employee to take care of the kennel, take some money from

budget to let it continue or scale it down to a third or a half of what is maximum occupancy out there today.

Lt. Campbell reported on his discussion with Pinal County Animal Control Director Kaye Dickson who gave options: 1) Announce that these are Superior dogs and try to adopt out if there is not to be a no-kill shelter here but realistically she doesn't believe they can save every dog, 2) Contract with county to pick up Superior dogs but fees would be the same as other communities, e.g., \$42 per hour between 7 a.m. to 7 p.m., other times \$63 per hour. There would also be a mileage fee from wherever the truck is. At kennel, it is \$20 to impound a licensed dog, \$35 for unlicensed, \$20 for impounding a cat, \$15 for daily maintenance of dogs and cats, \$20 daily maintenance for aggressive dogs, \$35 for a field tranquilization on aggressive dogs. Ms. Dickson could also come and do a round-up of all strays and this would take two or three personnel and this would be on an hourly rate based on the number of animals. He liked the idea of marketing the dogs if the contract has to be terminated. He did not think anyone in the room wanted to see 30 dogs euthanized on the same day.

SAR President Carol Dodge recalled when Superior used euthanasia to control the animals. SAR has been running a no-kill for almost two years with no budget and little physical help. They have had tons of help from people in Arizona. Dogs running around the street, biting people and so forth has not got anything to do with euthanizing or not euthanizing. That is the owners. Some owners don't have the money to spay/neuter, vaccinate or license but there are also backyard breeders. The animals the breeders don't sell, guess who gets them?

There are different ways they can resolve this. They still have a bunch of animals in town. Somebody is still going to pick them up and drop them off and somebody is going to take care of them. Richard Dodge has been working putting in four hours a day usually six to seven hours a day. They have had help from the Valley. She thought by now she would have 50-60 volunteers but that hasn't happened. She knew people loved animals and would love to keep a no-kill shelter but it is going to cost one way or another. Either they are going to have to pay an employee, part-time, no benefits to feed, clean or take care of the animals or pay the county to deal with them. She thinks it would cost a lot more to have the county come out and do it than to do it themselves.

It is Superior's problem. She has been bringing the low cost vans for spay/neuter here. SAR has helped when people couldn't pay. She would be happy to continue. Also she felt it would be better if it were easier to get a license. She paid for 31 licenses a week or so ago and hadn't gotten yet.

There have got to be less dogs running than there were. She took 20-30 cats a month for 3.5 years to Tempe for spay/neuter. That has got to have put a dent in it. They can look at the budget. They haven't paid an animal control officer for two years. SAR has supplied all the food, vaccines, medicines, spay/neuters, transportation, adoptions. Just this little handful of people have managed to do that. A lot would like to continue to do those kinds of things but it is impossible to do that and do all that work. There has to be animal control out there. They could work together, work with the county and other animal rescues. There are commitments to take dogs. SAR people here have taken scores of dogs to be adopted.

Council Member Gutierrez asked about an assessment he had before him from a woman in the Valley. Ms. Dodge said that assessment was not by a member of their group. Mr. Gutierrez discussed eight concerns in the assessment and Ms. Dodge responded.

Marta Saint-James of Gold Canyon spoke about the no-kill shelter movement. Superior needs help and they have it here. She is a senior citizen. Superior has a senior citizen center. She volunteers for Apache Junction Animal Control and spoke of the work being done there by volunteers in marketing dogs. Euthanasia has gone down in Apache Junction. Animals cannot talk, we have to speak for them. She recommended going to senior citizens for volunteers. She offered services free.

Council Member Gutierrez asked if she knew how many citizens lived in Superior. He said it was 2800. They did not have major development here. It takes volunteers but all their volunteers are stretched.

Jill Lenz said she had been working with Ms. Dodge four years. Superior does have spectacular dogs. A red-and-white pit bull is the joy of her life. They have probably placed about 50 of Ms. Dodge's dogs. She is supportive of her and her efforts.

Patty Bilyo thanked the mayor and council for the opportunity to speak. She and her husband are involved in Arizona Beagle Rescue. She recounted her orientation to Superior Animal Rescue and why they supported Ms. Dodge. She was called by Ms. Dodge to ask if they would take two beagles that had been left at the kennel. Now these two animals are in the process of being adopted. She was at first disappointed by the accommodations at the Superior shelter though the animals were getting the love they needed. But Ms. Dodge did not have the help she needed. Ms. Bilyo sent emails to Ms. Lenz and others from different rescues and returned with items for the Superior dogs. Everyone is there to help them. Let's try to work as a team. This town is a great place to do that and they all drove up here because they wanted to support them.

Melody Van Gorp read a statement from residents of Superior expressing the need for a properly funded no-kill shelter. Currently volunteers do not have funds to keep the shelter open. They are in dire need of assistance in caring for abused and abandoned animals. They urged the powers that be to open their hearts and purse strings to fund this critical service. Ms. Van Gorp addressed what Council Member Gutierrez had said about the Superior volunteer base. She recounted how when she had taken her infant son to the store, she had encountered three different litters of puppies and attempted three times to shoo them out of the road. Three litters wandering in the streets. She has never seen anything like that. All of her neighbors carry big sticks when they go walking. They carry these because of the dogs in Superior that humans in Superior bred and failed to take care of and love. They needed their shelter. It is important. It is not perfect but they can do it. They don't have much in the way of volunteer base, Mr. Gutierrez is right. She has been there 3.5 years and this is the first time she has been involved in the animal rescue. She sees the Dodges out there working. Help is needed in caring for the dogs on a daily basis. They did not have help in getting the animals homes. There have been 25 placed recently.

Ms. Dodge interjected that it has also gone from 61 cats to 11.

Judah Nelson said she has lived there five years and liked this town. They used to have a dog catcher. The animals were euthanized. She supported Ms. Dodge's efforts and it was a noble thing. However, she does not think every animal is worth keeping. Abandoned animals were somebody's pet and maybe people friendly and you can find them a home and they'll be great. There are others that are wild animals. They did not need to keep them. It does seem that the organization has been subsidizing the town in animal control. That is what she understood. She does wonder if some kind of temporary arrangement could be made to euthanize all the male dogs listed unless they have collars. She has a cat that adopted her recently. He was territorial. She took him to Apache Junction. She found out he had HIV and feline leukemia. He was a nice cat. She would have liked to keep him but had him euthanized. The diseases spread through contact and unneutered animals tend to get in fights and they scratch each other and spread this disease. Animals need to be neutered or you can't have them. She hopes town and shelter can work something out.

Pam Rabago said Ms. Dodge had worked very, very hard. At one time they had help from prisoners and that was stopped. It is not an easy job to clean those cages. She has helped a little bit but doesn't like doing it. It is a hard job. Sometimes you get knocked down. The town has a responsibility to have an animal control officer. They also need to supply food. SAR cannot do that. They want to help move the animals out. Ms. Dodge works hard at that. She has developed a group that sends emails out and those people send emails out. They ought to be able to work together. Yes, there are feeding stations

and local people do it. She and her husband paid to have 8-10 cats neutered from her neighborhood, about five are left and they continue to feed them. One is a pet but the others are wild but they keep the other cats away and they are all fixed and they don't get a bunch of kittens. It works. The town needs to work with Ms. Dodge.

Ms. Dodge clarified that even though they are a 501c3 and they try not to euthanize, several dogs have been euthanized. She has euthanized dogs that were hit by a car, that were so old they were blind and very feral animals. Even a no-kill shelter can't save everyone but they can save a lot.

Council Member Gutierrez said when he had gone to the shelter, a person had pointed out a dog and said the dog's owner did not even live in Superior. Ms. Dodge said most of the dogs collected they adopt out. Mr. Gutierrez asked what if they could not adopt them out. Ms. Dodge said that has never happened. She said part of it was the economy but she would never leave her animals when she moved any more than she would leave one of her kids. Mr. Gutierrez said it is the economy and it is national. Ms. Dodge said vaccination and spay/neuter are key.

Council Member Peralta asked Ms. Dodge if she had already taken down the cages. Ms. Dodge said no. Ms. Peralta asked if they provided help would Ms. Dodge be willing to leave them up. She said even though they did not have money, this was their responsibility. SAR had been taking a load off the town, they needed to do something to work with them. They needed to have a retreat and see where they can cut corners and come up with some things. They need to provide and they have not been providing.

MOTION: Council Member Peralta moved to hire a part-time person with no benefits five days a week to assist. Council Member Tomerlin seconded.

Council Member Aguilar said he thought she wanted to see where they could find money. Should they fund the money first?

Council Member Gutierrez said he liked the idea of doing away with the caged outside area. Reducing the size of the area to be maintained forces the issue. He said it was more humane also although he didn't know about in the summer.

Mayor Valenzuela said his own comment and recommendation would be that it is a sensitive issue. Everyone has their own opinion. Nobody wants to see the animals euthanized. They needed to revisit the contract and define the responsibilities of the animal rescue and the town. They needed to define those issues and who is responsible for what. He just came into this agreement. He's read it. He keeps hearing the town does nothing. According to Attachment A, the town does quite a bit. They do some work. Maybe they don't provide the food and some of the other things needed for the shelter, but this is the agreement that they entered into as an animal rescue and this is an agreement that the town entered into back in the day. So, they needed to revisit this and have more discussion and come up with the best solutions for the animal rescue, for the animals and for the townspeople of Superior. He sees the dogs running wild. They are everywhere. That is the thing. They have to be responsible as a council. They have to be attentive to their constituents. They walk the streets with sticks because they are afraid of dogs. He's seen cats on leashes. It isn't something that is going to be solved that night. They need to work on it. They need to get staff and as Ms. Peralta says look at hiring.

Council Member Peralta said even if it was on a temporary basis.

Jed Lant said the 17 dogs they brought on were because of a quarantine, which mean they had to take them. They have instances like that a lot: attacks, rabies quarantine. They have to have spaces to keep these dogs. It is their obligation to watch over them until their time was up. He responded to a question about what the time frame for quarantine was: 10 days.

Mayor Valenzuela asked if from a legal standpoint, if both parties agree, can they readdress the contract.

Town Attorney Christopher Wencker said because of the action on the agenda, if they wanted to include the modification of the contract that Superior agrees to hire an animal control officer that would be accessible, but just to say hire help would be beyond the scope of what is listed on the agenda. But certainly it should be addressed.

But to answer the mayor's question, yes. If the staff can negotiate something with Superior Animal Rescue agreeable to them as well as the town and bring that to the council for approval that is definitely within the power and authority of the town and Superior Animal Rescue. Also regarding quarantine, it is permissible if the animal is vaccinated for that animal to be quarantined in the owner's home or at a veterinarian's office, otherwise it has to go to the kennel. It would be at the owner's expense.

MOTION: Council Member Peralta amended her motion. She moved to table the contract until they could work out an agreement.

There was further general discussion, including comments and questions from some audience members. Attorney Wencker responded regarding including the fee for an animal pickup with the sewer bill and recommended that be on a separate bill with the sewer one. As to whether the town could require an animal to be altered to be registered, the short answer was no, unless the animal comes from the town, in which case it is required to be altered if adopted out. But a difference licensing fee for an altered versus unaltered animal could be established. He recommended looking at the town's animal control ordinance.

Council Member Tameron seconded Ms. Peralta's motion

VOTE: The motion carried unanimously.

5. Discuss/Approve/Reject Resolution 535 adopting a residential anti-displacement and relocation plan for fiscal year 2011.

Cindy Schofield of CAAG explained the residential anti-displacement and relocation plan ordinance as it relates to housing rehab and help with placing in other housing if the town ever moves residents out. Council Member Tameron asked if they move people out because of sewer bills, is it the town's responsibility to get that person into somewhere else. Ms. Schofield said this is only if you are using CDBG funds to displace people. Deputy Town Manager Digirolamo read the resolution by title.

MOTION: Vice Mayor Lopez moved to approve. Council Member Tameron seconded. **VOTE:** The motion carried unanimously.

J. EXECUTIVE SESSION:

The Town Council may or may not vote to go into Executive Session pursuant to ARS38-431.03 (A-1) (A-3) & (A-7)

1. Executive session, pursuant to ARS 38-431.03 (A-1) (A-3) for status update and legal advice with the Town's Attorneys regarding Dr. Wilt and Raya Tahan, Esq.

A-3—LEGAL ADVICE WITH ATTORNEY: Update of litigation status reference Dr. Glenn Wilt and Raya Tahan Esq.

MOTION: Council Member Tomerlin, moved to enter executive session. Council Member Tameron seconded. **VOTE:** The motion carried unanimously. Council moved into executive session at 9:50 p.m. They returned to open session at 10:20 p.m.

K. COUNCIL COMMENTS

Council Member Peralta: Suggested council needed a retreat.

Council Member Aguilar: No comment.

Council Member Gutierrez: No comment.

Council Member Tomerlin: No comment.

Council Member Aguilar: No comment.

Vice Mayor Lopez: No comment.

Mayor Valenzuela: No comment other than to remind to attend festivities and ask if anyone wanted to be involved in helping with a float for the light parade for the city. Those who wanted to be involved, call Council Member Peralta.

L. ADJOURNMENT

MOTION: Council Member Peralta moved to adjourn. Council Member Tomerlin seconded. **VOTE:** The motion carried unanimously. Mayor Valenzuela adjourned the meeting at 10:25 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the Town Council of the Town of Superior held on the 1st day of December 2011. I further certify that the meeting was duly called and held and that a quorum was present.

/s/

Lou Digirolamo _____

Deputy Town Clerk/Police Chief

These Minutes were compiled and transcribed by
Cindy Tracy
An Independent Contractor.

(Final editing of these minutes and their content is completed and verified by staff members of the Town of Superior.)