

DRAFT –8/7/07

Superior Town Council Town Council Meeting

Thursday, June 21, 2007
Superior Senior Center
Superior, Arizona

M I N U T E S

A. Call to Order

Mayor Hing called the meeting to order at 7:15 p.m.

B. Salute to the Flag

Mayor Hing led the Town Council, staff and the audience in the Pledge to the Flag.

C. Opening Prayer

Mayor Hing led the Town Council, staff and the audience in a brief opening prayer.

D. Roll Call

Members Present: Mayor Hing, Councilmember Valenzuela, Councilmember Cervantes, Councilmember Heglie, Councilmember Lopez, Councilmember Marquez, Councilmember Peralta

A quorum was established and the meeting continued

F. Consent Agenda

Mayor Hing introduced the items on the consent agenda. The items on the consent agenda for approval were:

Approval of the Minutes from June 7, 2007 – Regular Meeting

Councilmember Cervantes made a motion to approve the consent agenda. Councilmember Heglie seconded the motion. The motion was approved unanimously.

F. Communications

1. Fire Station Design – Rosie Cordova

Ms. Cordova explained that she did not have any further information on the Fire Station. She explained that she has forwarded a copy of the original contract to Mr. Beers for recommendations on how to proceed.

1. Free-Swim Days – Rosie Cordova

Ms. Cordova explained that Resolution Copper, Omya and the Superior

Presbyterian Church are all now sponsoring free swim days. She explained that the free swim days are Sundays, Mondays and Tuesdays. Discussion followed regarding family passes and if families who purchased them were still getting a good deal.

1. Mayor/Council Communications

Mayor Hing explained that there was progress in selling the old swimming pool property, and asked if any other progress has been made on other town properties for sale or if appraisals would be done. He also explained that the Main St. project would be getting underway and reminded the council that they would be hosting the annual budget meeting on Saturday, June 23, 2007 from 8:00 a.m. to 12:00 noon.

Mayor Hing explained that the Town is making progress with Resolution Copper on the service agreement. He also wished the councilmember's attending the NALEO conference in Orlando a safe trip.

A. Call to the Public

Mayor Hing announced the call to the public. He explained that anyone wishing to speak now could only speak directly to the Mayor and only for items not on the current agenda.

Jim Gilbert – expressed his pleasure in seeing so many residents at the meeting. He explained to the Mayor that he had contacted the town hall to inform them to set up adequate seating. He said he was providing drinks for free for those who were attending the meeting, and told the Mayor and Council to take their time making their decisions and have plenty of discussion.

Carol Dodge – Introduced a new group she is working with to help our local animal population. She explained that they are targeting homeless animals and also getting pets spayed and neutered. She explained that there was an article in the Superior Sun and that they would be holding their meetings on the first and third Monday nights. She also announced a raffle that they would have to support their organization.

Angel Hernandez – Expressed his desire to see the new attorney the Town hired to get some work done with the problems they are having in the town. He expressed many differences between the Town's former attorney Mr. Tift.

A. Business

Possible Discussion and/or action on the following

1. Discuss/Approve/Reject proposed Minor General Plan Amendments MGA 07-01, MGA 07-02, MGA 07-03, MGA 07-04 and MGA 07-05

a. Presentation and Information – John Vlaming

Mr. Vlaming gave a presentation on each Amendment to the General Plan. He explained that each of the amendments were minor changes because of the acreage each amendment covered. He explained that

as long as the acreage was within the town boundaries and was less than 30 acres the amendments were considered minor amendments. He explained that if the acreage was more than 30 acres approval would require a 2/3rd s majority approval vote by the Town Council, however since the amendments were minor a simple majority vote would apply to passing the amendment.

Mr. Vlaming also explained the planning process the Planning and Zoning committee went through as well as the notification process that is required. He explained that a public hearing/neighborhood meeting was held for local residents. Mr. Vlaming gave a brief report to the council on what the zoning changes meant for each area. (More Detail to follow for each specific amendment)

Mr. Vlaming explained that State Laws require every community have a general plan and that it is updated every two years. He also explained that proper planning for a community requires a vision and the General Plan is a tool in planning the ultimate vision for the community.

Ms. Cordova explained that the council could not vote to approve or disapprove any of the amendments at this meeting because they would have to be passed by resolution and resolutions had not been prepared and they could be adopted at one of the July meetings.

Mayor Hing explained that they would need to move into public hearing in order to officially hear the amendment changes and to allow for comments by the public. He encouraged everyone not to duplicate comments and to stay in order. He explained that anyone making a public comment would need to sign the sign in sheet on the podium. Mayor Hing asked for a motion to move into a public hearing to discuss the amendments.

Councilmember Heglie made a motion to move into a public hearing. Councilmember Peralta seconded the motion. The motion was approved unanimously. The public hearing began at 8:00 p.m.

a. Public Hearing

MGA 07-01 Approximately 29 acres between Main St. alignment on the north and west, the US 60 alignment on the south and the Queen Creek Wash on the east.

Mr. Flaming explained that by changing this zoning it would encourage downtown revitalization, assist with tourism, create small scale employment and support a maturing arts community. Public Comments to follow:

Jim Gilbert – explained that this plan was ridiculous. And expressed his experiences with developers and explained that a developer would not be looking at this area since there is no parking and the residents do not want parking lots on Porphyry. He explained that retail and business should just remain on Main St., Magma Ave, Pinal Ave. and Lime St.

Ruben Castro – Thanked the Mayor and Council for the opportunity to speak. He explained that he requested information from the town hall on several occasions and his requests were never met. He explained that he felt the public should have had more of an opportunity to participate in the planning and he explained that not all of the residents were officially notified. He explained that he would like to see the town grow and develop so that way local kids could grow and live here and not have to leave Superior in order to experience life.

Patrick Contreras – Explained that he is a resident in the Old Phoenix Road area which is part of this amendment change. He explained that he wrote a letter to the Superior Sun and had given each councilmember a copy of the letter. He explained that he did not understand why they wanted to develop that area when Main St. should be developed to serve this type of zoning. He explained that he spoke with his neighbors and half of them do not want this zoning change to happen. He explained that the council has a very tough decision to make.

Freddie Denogean - Explained that he and his wife just moved back to Superior and now live in the McKelvyville area. He explained that his professional background was in government and he had attended many meetings and he expressed his concern at how the planning and zoning meeting was conducted and that there seems to be conflict of interest for the realtor who is a member of the planning and zoning. He expressed that he is not in favor of changing the area.

Manuel Ortega – Spoke to the Mayor and Council about the changes to the amendment. He explained that the business development should be left on Main St. He explained that they should be focusing on bringing business to fill the Karams, CAAG buildings, Wings building. He also explained that Pinal Ave could not handle the traffic that would come with development of the area. He encouraged the council to vote for what they feel but to remember that they are leaders and to remember that the development will make the tax rate go up.

Felicia Ortega – She expressed concerns over the planning and zoning meeting stating that it was not indicated on the agenda that a person would be present via telephone and that the commissioners would not listen to the opposition.

Karen Murrieta – Expressed her comments and explained that many artists have made a way for themselves in the community and has been successful she explained that that person was not here to be picked on and that Pam Rabago was always there to help out the community and is not trying to hurt anything. She encouraged everyone to visit the fire station and see how the crews have to live while they are on duty and to focus on why we need things to change.

Judy Nelson – explained that there are available shops to be developed and by having the mixed use area more people would be able to use them for business rather than only residential. She explained the type of business that would be created would more small coffee shops and gift shops and there could still be residential.

Charlene Orlick – Explained that petitions were in the council packets and that the people who signed the petition as well as herself were against the amendments.

Angel Hernandez – Explained that the taxes will go up with the changes to the amendments.

MGA 07-02 Approximately 28 acre area located generally between Main St. alignment to the south , the Porphyry St. alignment on the north, and the Stansberry Ave. alignment on the east.

Mr. Vlaming explained this area and explained that by changing the area to mixed use it would allow for more small businesses to be developed and would assist with preserving and regenerating the downtown.

Pam Rabago – Explained that her Father-In-Law lives in that area and he expressed to her that he would like to more business in the area. She explained that the current zoning for the Old Phoenix road area does not currently match up with what is developed there now. She explained that she does not have a conflict of interest and that she has clarified that with Mr. Beers. She explained it is necessary to have these amendments in order to be able to use the available property in the town at full capacity. She also explained that with the development of the Queen Creek Project there would be more opportunity for day trippers, hikers, and tourists to visit Superior.

Rhonda Largo – agrees wit Pam and explained that Superior needed to get up to speed. She explained that she is a long time resident and supports the change to the zoning amendments.

Linda Thornboss – explained that she purchased a store front on Pinal Ave. She explained that the zoning would allow her to open her store and agreed that taxes will go up however people will save money not having to drive to the valley or out of town for so many things.

Mango Ortega – expressed his concerns about the parking if businesses were going to be developed. He also expressed his concern about who will be making the almighty dollar on these arts and crafts and that they should not be running the town.

Curt Williams – expressed his desire to see the amendments passed. He shared that when ever a property is rehabilitated property taxes will go up because it will make the neighborhoods appreciate however he explained that with the development of business's the business's would be paying a larger share of the property taxes. He explained that the town will grow and the appropriate zoning needs to be in place so there is space available for grocery stores, day cares, drugstores, hardware stores and other development.

Carol Dodge – explained that she is in favor of having business's on Pinal Ave. She referenced going to the Babe's Sno Cone shop across town and

explained that there was never a problem with parking there. She also explained that she was granted a variance for her home on Kellner to operate a store but has never been able to actually get it open.

James Grey – explained that he is a property owner in these areas and he is excited about a possible arts district. He referenced other communities who have created arts districts such as Silver City, New Mexico and the Barrios in Tucson. He explained that with the highway being expanded just west of Superior would be providing even more opportunity for growth and he felt it would be better to have this type of development rather than more strip shops, and bars.

Jim Gilbert – explained that he had been talking to people for the last 7 days and 60 hours. He said he would love to have a Wal – Mart an Ace Hardware and other stores like that however they won't come to Superior because we do not have the population base nor a business base to support those types of stores. He also explained that the town does need a clinic, hospital or urgent care facility. He discussed the wonderful opportunity around the WiFi internet and explained that we needed to find the best use for the area's in question.

Pat Contreras – Expressed that he is not for these amendment changes and suggested that current landowners on Main St. and the Highway be enticed to set up business's and focus on that first before trying to put business's anywhere else.

Robert Perez – explained that he sat on the Planning and Zoning committee and he thanked all the Volunteers who give their time to the commission as well as to the council for the time they give to the community. He indicated that he was not happy with the answers provided by Mr. Beers in regards to the conflict of interest. He made several suggestions to make the meetings more accessible to people: more chairs, fixing the \$14,000 speaker system, having maps for everyone so everyone can see what they are talking about. He also commended the ASU students for their presentation and explained why he unlocked the other door to the Sr. Center during the meeting due to the crowd in the room should there be an emergency both doors should be unlocked.

Felicia Ortega – Expressed her concern that there is not enough lighting in the Pinal Ave. area and who would be paying for the lighting? She suggested annexing Resolution Copper and having them pay for it.

Charlene Orlick – Explained that it is not that she does not like Pam Rabago and it really is not about a personality conflict the opinions expressed are in regards to having the land use committee and planning and zoning working together. She explained that these issues were not about liking or disliking everyone.

Gina Ycedo – Explained that taxes will go up regardless. She referenced policies that were set by previous county supervisors. She explained that she supports the amendments and explained that business development will help offset the increase in taxes.

MGA 07-03 Approximately five acre located generally south of the West Porphyry alignment east of the North High School Avenue alignment and north of the West Main Street Alignment.

Mr. Vlaming explained that this is approximately a 5 acre area. He explained that this zoning would require a plan of development from the property owner before any business could be developed there. He also explained that this would also allow for mixed use zoning and all plans for development would have to pass through the Town Staff, Planning and Zoning Commission and the Town Council.

Paul Gilbert – Explained that he is representing the land owner the Cardon Group. He explained that the Cardon Group has every intention to keep the existing building structure. He also explained that with the current zoning it makes it impossible to use the existing structures for their purpose of a gym or a wood shop. He reported that at this time the Cardon Group does not have a plan for the building and by the change in the zoning it would allow them to come up with a plan. Mr. Gilbert explained that they had submitted a petition to the local residents in the High School area to support the zoning to allow mixed use development of the High School property.

Jim Gilbert – explained that he objects to the current plan and said that they Cardon Group has not rite to have a hidden plan. He explained that he wants to see the building still standing in 50 years and 100 years.

Ruben Castro – Explained that he agrees with Mr. Jim Gilbert and explained that he wants them to have a plan in order develop the property. He explained that he lives in the area and he or his family have never been presented a petition to sign. Mr. Castro referenced another zoning request from the Cardon group to allow for a cell phone tower. Mayor Hing explained that the development of a cell phone tower was not approved for that property.

Pat Richards – explained that she lives within 300 feet of the old Superior High School. Explained that it would be nice to see what development is permitted there with the current zoning and explained that no one has ever contacted her about a petition or the development. She would like to see the signatures on their petition be verified.

Charlene Orlick – Explained that she would like to see the Cardon Group present a plan for development before the zoning is changed.

Patrick Contreras – Explained that the group knew what they were getting into when they purchased the buildings. He asked why they need to change it with the current zoning they could have the artist are there since there is a wood shop and plenty of space.

Curt Williams – expressed his opinion that no business owner should be given the world. He explained that Main St. should be developed and reminded everyone that at least the building is being maintained with the fencing to protect it from vandals and that the yard areas are being kept up.

Paul Gilbert – explained that once the General Plan amendments are made the Cardon Group can begin a plan. He explained that they are not hiding anything there is not a plan in place nor are there any businesses already waiting to be placed in the old High School. He also explained that under the current zoning the building really cant be used for its previous functions as a gym or woodshop.

Mayor Hing – Introduced Mr. Felipe Zubia who is a representative of the Cardon Group as well as being a member of the State Transportation Board. He Thanked Mr. Zubia for his support of the US 60 expansion project.

MGA 07-04 78 acre located generally east of Ray Road and south of the Sunset Drive Alignment

Mr. Vlaming explained that the changes in this amendment would change the current zoning from park and open spaces to a special planning area #2 land use category. He explained that the zoning change would promote a compatible development of new industries, business, and homes.

Darrell Tang – explained that he is the owner of the property explained that because of the topography he would like develop both low density and high density housing.

Jim Gilbert – commended Pam Rabago and Chuck Davidson on this particular amendment. He explained that he thought that would a perfect area for new housing and it is needed in our community.

MGA 07-05 Approximately 58 acre area located generally between Ray Road alignment to the west, the Apache Leap Road alignment on the east and just south of the Sunset Drive alignment.

Mr. Vlaming explained that it is recommended that the planning commission and the town approve the request to change the general plan land use designation from the low density housing which it is currently zoned to park and open spaces.

NO PUBLIC COMMENTS WERE MADE IN REAGARDS TO THIS AMENMENT

Mayor Hing explained that all the issues had been reviewed for the public hearing. He asked the Councilmember's if they have any comments:

Councilmember Heglie – Stated he will wait till the July meeting

Councilmember Peralta – No Comment

Councilmember Cervantes – No Comment

Councilmember Marquez – No Comment

Councilmember Lopez – explained that the town had completed a general plan update in 2003 and she can't say that she agrees with all the amendments but would like to see a focus on the development of Main St. She also

requested that before any votes are made that 100% of the residents affected by these amendments be contacted.

Councilmember Valenzuela – explained that he echoed Ms. Lopez’s comments. He explained that some of the amendments are good however some he can’t agree with. He explained some of the misconceptions of the plans and said that they will make their decision in July.

Mayor Hing – explained that he appreciated all the comments that were made and explained that no action would be taken on the amendments tonight. He announced that he and the council have a lot of homework on this issue to come to a vote in July.

Mayor Hing asked for a motion to adjourn the Public Hearing. Councilmember Heglie made a motion to adjourn the public hearing and move into the regular meeting. Councilmember Lopez seconded the motion. The motion was approved unanimously. The public hearing was adjourned at 9:50 p.m.

RETURN TO REGULAR MEETING

Mayor Hing requested that since the amendments could not be approved tonight the council make a motion to table agenda items 2-6.

Councilmember Lopez made a motion to table agenda items 2-6 pertaining to the General Plan Amendments. Councilmember Marquez seconded the motion. The motion passed unanimously.

1. Discuss/Approve/Reject MGA 07-01

This agenda item was tabled by unanimous vote following the public hearing.

1. Discuss/Approve/Reject MGA 07-02

This agenda item was tabled by unanimous vote following the public hearing.

1. Discuss/Approve/Reject MGA 07-03

This agenda item was tabled by unanimous vote following the public hearing.

1. Discuss/Approve/Reject MGA 07-04

This agenda item was tabled by unanimous vote following the public hearing.

1. Discuss/Approve/Reject MGA 07-05

This agenda item was tabled by unanimous vote following the public hearing.

1. Discuss/Approve/Reject Appoint member to the Planning and Zoning Commission for terms ending May 31, 2010 – Rosie Cordova

Ms. Cordova explained that the terms of current Planning and Zoning commission members have expired and both wish to remain on the Planning and Zoning commission. She explained that the council would need to vote to approve their continued membership. Councilmember Lopez made a motion to approve Ms. Eveland and Ms. Lee continued membership on the Planning and Zoning commission until May 31, 2010. Councilmember Heglie seconded the

motion. The motion was approved unanimously,

1. Discuss/Approve/Reject blanket permit for one year for the organization Set Free Ministries – Rosie Cordova

Mayor Hing explained to Ms. Cordova that these types of agenda items can be placed on the consent agenda. Councilmember Peralta made a motion to approve the blanket permit. Councilmember Lopez seconded the motion. The motion was approved unanimously.

1. Discuss/Approve/Reject Ordinance No 92. An ordinance of the Mayor and Council amending the town code of the Town of Superior, Pinal County, Arizona deleting section 11-2-3 use of coasters, roller skates, and similar devices restricted and adding a new section 11-2-3 use of coasters, roller skates, skateboards, and similar devices restricted.

a. Second Reading by Title only

Mayor Hing asked why a second reading was needed. Ms. Cordova explained that state law requires a second reading and once the ordinance is approved the ordinance would take effect 30 days later.

Mayor Hing also explained that a skateboard appeared in front of his store with writing on it saying Impeach Mayor Hing. He said he understood the kids were upset but the town needs to enact this ordinance because of safety and he wants to see a safe place for kids to skate be developed.

Ms. Cordova gave the second reading of the ordinance title.

a. Approval

Mayor Hing called for a motion to approve Ordinance No. 92. Councilmember Lopez made a motion to approve ordinance number 92. Councilmember Peralta seconded the motion. The motion was approved unanimously.

1. Discuss/Approve/Reject Resolution 459. A resolution of the Mayor and

Town Council of the Town of Superior authorizing the application for the Historic Preservation Heritage Fund Grant for the Fiscal Year 2007 and committing resources and/or monies for grant matching.

Ms. Cordova explained that this resolution was for the Heritage Fund grant that was applied for last month. She explained that the funding agency requested an amendment to the resolution. Councilmember Lopez made a motion to approve Resolution 459. Councilmember Marquez seconded the motion. The motion was approved unanimously.

Mayor Hing announced that there would not be an executive session.

I. Council Comments

Councilmember Cervantes

No Comments

Councilmember Heglie

No Comments

Councilmember Lopez

Reminded everyone about the annexation committee meetings and that they are looking for more participation.

Councilmember Valenzuela

No Comments

Councilmember Marquez

No Comments

Mayor Hing

He explained that WiFi internet service is now available. He also referenced a gathering of the San Carlos Apache Indian tribe at the Oak Flats Campground and explained that the tribe would like to have a joint meeting with the Town. He also explained that a joint meeting with the school district would be held in July. Mayor Hing also spoke of the sighting of the Virgin Mary at the home of the Arroyos's on Hill St and reminded everyone of the budget meeting at 8:00 a.m. on Saturday.

J. Executive Session – Was not held

K. In Public Session

Executive Session Discussion

A. Adjournment

Councilmember Heglie made a motion to adjourn the meeting. Councilmember Cervantes seconded the motion. The motion passed unanimously. The meeting was adjourned at 10:05 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 21st Day of June 2007. I further certify that the meeting was duly called and held and that a quorum was present.

/s/
Rosie Cordova _____
Rosie Cordova
Town Manager/Clerk

These minutes have been transcribed and compiled by
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