

TOWN OF SUPERIOR
Regular Council Meeting
Thursday, June 3, 2010 – 7:00pm
Superior Senior Center
360 W. Main St.
Superior, AZ 85173

M I N U T E S

A. CALL TO ORDER:

Mayor Hing called the meeting to order at 7:00pm.

B. SALUTE TO THE FLAG:

Mayor Hing led the council, staff, and audience in the Pledge of Allegiance.

C. OPENING PRAYER:

Mayor Hing led the council, staff and audience in the Pledge of Allegiance.

D. ROLL CALL:

Council Present: Councilmember Gutierrez, Councilmember Pfohl, Councilmember Heglie, Councilmember Peralta, Vice Mayor Lopez & Mayor Hing.

Absent: Councilmember Aguilar

E. CONSENT AGENDA:

- 1. Approval of Minutes for regular meeting: May 6, 2010 and Work Session May 22, 2010**
- 2. Approval of Blanket Permit request for fundraising by Pastor John A. Vasquez and Adrian Armijo**

Mayor Hing explained that the Minutes from May 22, 2010 were not presented for approval and requested that any motion to approve the minutes strike them from approval. Mayor Hing asked for any comments or changes to the minutes from May 6, 2010. Councilmember Peralta stated that the vote approving the Planning and Zoning commission was not unanimous as she voted against approval. Councilmember Gutierrez also explained that the discussion regarding the Main St. project and the asphalt piles in the cemetery were not included in the minutes. He explained that the discussion was important and should be included in the minutes for official record. Chief Digirolamo explained that staff will have to make corrections and verify the discussion for the record.

Councilmember Gutierrez expressed concern that the blanket permit on the agenda did not have start or end dates on the document. Discussion followed on how and when blanket permits were filed. Chief Digirolamo explained that the permits are allowed for 12 calendar months. Vice Mayor Lopez explained that after the permit paperwork is filed and approved the applicant receives a certificate showing the start and expiration date. Discussion followed on whether the permits should be handled in a rolling calendar year, or be set to start at either January or July which is the beginning of the fiscal year. Chief Digirolamo explained that the

council could give direction to staff and be voted on in a future meeting. Mayor Hing directed staff to bring the council options to approve at a future meeting.

MOTION: Councilmember Peralta made a motion to approve item two (2) of the consent agenda excluding the approval of the minutes from May 6th and May 20th. Councilmember Heglie seconded the motion.

VOTE: *The motion was approved unanimously.*

F. COMMUNICATION:

1. Managers Report

a. Sewer and Refuse Collections Update

Chief Digirolamo explained that Ms. Oliver was not able to attend the meeting because she was having vehicle problems and was not able to return to Superior in time for the meeting. He explained that he would do his best to discuss the communication item as well as other items on the agenda.

Chief Digirolamo reported that the report that was given to the council showed the total amount of delinquent sewer/trash bills and also what had been collected. He explained how the table was set up and reported that there was a total of \$18,936.74 due and \$13,857.14 was collected.

Councilmember Gutierrez stated that he has been asked by several constituents if there is a different collection procedure depending on the amount owed on a delinquent bill or if some accounts were handled with a heavier hand. Chief Digirolamo explained that there is not a different procedure for handling the delinquent amounts but there is a threshold that determines the accounts that are taken through the procedures first. He stated that if the account balance is \$500 or more then the property owner is served a final notice which is served at the property. He stated that the property owner is given notice that they can make a payment agreement but they must pay at least half of the balance due to qualify for the agreement and then make regular payments to stay current and pay down the balance. He stated that if the payments are not made then they start the notification process all over and if they do not make arrangements they are notified that their balances are being turned over to an attorney and will incur another \$2000.00 in legal fees and their properties will have a lien placed on it or be foreclosed on. Councilmember Gutierrez asked who serves the notices and Chief Digirolamo explained that the notices are served by a police officer and occasionally the Town Manager will accompany the Police Officer depending on her work schedule. He stated if the property owner is not at the property the notices are posted on the door of the property.

No further discussion followed.

G. BUSINESS; POSSIBLE DISCUSSION AND/OR ACTION ON THE FOLLOWING:

1. Oath of Office for three (3) Planning and Zoning Commission seats. Commissioners Karen Afdahl, Pamela Dalton-Rabago and Judah Nelson.

Mayor Hing explained that this agenda item would need to be tabled until the next meeting because two of the three commissioners were unavailable to be sworn in. He stated that the swearing in will be administered by Judge Bravo either at the next council meeting or at the Judges office depending on the schedule of the Commissioners.

MOTION: Councilmember Heglie made a motion to table the swearing in of the Planning and Zoning Commissioners. Vice Mayor Lopez seconded the motion.

VOTE: *The motion passed unanimously.*

2. Discuss/Approve/Reject the application for abandonment of Parcel Map #105-08 for the additional cash value and said property which exceeds the value of \$1,000.00 – Melanie Oliver

Chief Digirolamo explained that Ms. Oliver has been negotiating with the property owners Mr. & Mrs. Darr regarding their request to purchase this property following the directions from the council at a meeting last month. He explained that the property owners are willing to pay \$1200.00 for the 25'x70' piece of property once the town abandons the property.

Councilmember Gutierrez expressed his concerns that the resolution did not provide enough information about the abandonment including the official description of the proproperty being abandoned/sold, the amount the property will be sold for and the liability for maintenance of the arroyo to make sure the culvert does not get blocked and cause damage to other neighboring properties. He suggested that a survey be done determine the exact description of the property and determine if the property lines were determined from North to South or South to North.

Chief Digirolamo explained that staff had handled this abandonment/sale using two previous surveys done one was done by the town and the other done by the property owners because a new survey could cost up to \$1600 or more making the sale/abandonment cost prohibitive.

Town Attorney Michel Beers explained that after review of the resolution he felt the resolution was actually correct and didn't need further revisions however he would review it further. He also recommended to the council to vote on agenda item two which only authorizes staff to start the abandonment process on the property and to table agenda item three which actually authorizes the abandonment of the property. Mr. Beers also stated that the resolution is really needed more to protect the party purchasing the property so the town can't say later on that they were abandoning another property.

Councilmember Gutierrez stated that he wanted to make sure the town was setting a positive precedence on how abandonments were handled. Mr. and Mrs. Darr explained the process that they have went through to request the abandonment of the property from the town.

MOTION: Councilmember Gutierrez made a motion not to approve/accept the abandonment until more information is provided. Mayor Hing called for a second.

VOTE: *The motion died for lack of a second.*

MOTION: Councilmember Heglie made a motion to approve the abandonment of the property. Councilmember Peralta seconded the motion. Mayor Hing called for any questions to the motion.

Councilmember Pfohl requested confirmation that approving this agenda item only indicates intent to abandon the property and that at a future meeting the town can approve the abandonment once additional information is provided. Mr. Beers confirmed that approving agenda item two only approved the intent to abandon the property.

VOTE: *The motion passed with 5 in favor and 1 against. Mayor Hing administered a hand vote to confirm the vote. The votes were as follows:*

Ayes: Mayor Hing, Vice Mayor Lopez, Councilmember Peralta, Councilmember Heglie, Councilmember Pfohl.

Nays: Councilmember Gutierrez

3. Discuss/Approve/Reject Resolution Number 514 of the Mayor and Council of the Town of Superior, Pinal County, Arizona providing for the abandonment of a certain unused alleyway within the town and reserving therein all rights required to be reserved pursuant to Arizona law – Melanie Oliver

Mayor Hing requested that this item be tabled till the next meeting and directed staff to provide additional descriptions of the property to be abandoned. Mr. & Mrs. Darr also stated they will provide staff with copies of the survey they had completed and assist with the providing a written description of the property.

MOTION: Vice Mayor Lopez made a motion to table this agenda item. Councilmember Pfohl seconded the motion.

VOTE: *The motion passed unanimously.*

4. Discuss/Approve/Reject the price increase for swimming season pass for individuals and families or no longer offer season passes - Melanie Oliver

Chief Digirolamo explained that he did not have much background information on this agenda item and documents were not available for presentation. Discussion followed on the current pool hours and prices. Councilmember Peralta and Vice Mayor Lopez both expressed concerns

that the pool is not open enough hours. Mayor Hing stated that with no official recreation program the pool needed to be open longer.

Discussion followed on the prices for pool admission and costs to the budget. Chief Digirolamo explained that currently Mr. Lant is in charge of the pool but he was not part of the discussions on setting pool hours and fees. Mayor Hing explained that he did not recall the council giving direction on changing hours or fees for the pool and directed staff to increase the hours of the pool as soon as possible. Chief Digirolamo explained that he would speak with Ms. Oliver in the morning and see what he could do about increasing hours and provide information to the council as possible. Mayor Hing encouraged the rest of the council to help solicit sponsors to offset the operating budget for the pool.

MOTION: Councilmember Pfohl made a motion to table this agenda item. Vice Mayor Lopez seconded the motion.

VOTE: *The motion passed unanimously.*

5. Discuss/Approve/Reject 2010/2011 suggested budget cuts.

Mayor Hing requested that this item be tabled due to the absence of the Town Manager.

MOTION: Councilmember Pfohl made a motion to table this agenda item. Councilmember Heglie seconded the motion.

VOTE: *The motion passed unanimously.*

H. CALL TO THE PUBLIC:

1. Betty Gallego

Ms. Gallego stated that she owns two properties on Pinal Avenue and that one of them she is remodeling to open as a business. She expressed concern that she is hearing she will have problems opening a business on Pinal Ave. and she stated that she was getting worried to spend the money on remodeling if she was not going to be able to open a business. She stated that she is working with Town Staff to follow all the procedures but was feeling uneasy about what she is hearing. She said she believes good things are in the future for Superior and is just looking for the support of the town. Mayor Hing explained due to open meeting laws he could not respond but would share some good news in council comments.

2. Avelina Madueno

Ms. Madueno introduced herself as well as Mila Lira who would be helping her with her presentation. Ms. Madueno stated that she had been collecting signatures requesting the Town Council to try and bring a pharmacy to the town. She said she had over 200 signatures. Ms. Lira read the petition on behalf of Ms. Madueno and presented the original petitions to Chief Digirolamo to be included in the official record of the meeting. Mayor Hing again stated that he would comment on this item during council comments.

3. Freddy Miramon

Mr. Miramon suggested that the council speak a little louder and speak into the microphone. He stated it is very hard to hear if you are sitting in the audience and it would be nice to hear what the council is discussing and voting on.

I. EXECUTIVE SESSION:

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

A-1 –PERSONNEL: A-3 LEGAL ADVICE WITH ATTORNEY:

A-7 – LEGAL ADVICE ON SALE, LEASE OR PURCHASE OF REAL PROPERTY

Mayor Hing announced that there were no agenda items for the executive session.

J. COUNCIL COMMENTS:

1. Councilmember Aguilar

Absent

2. Councilmember Peralta

Councilmember Peralta expressed her concern that after reviewing some of the potential budget cuts she is concerned that too many town services are being cut and not enough has been cut from the higher paid staff or administration department. She stated that cuts should be made in those areas first before services are cut.

3. Councilmember Gutierrez

Councilmember Gutierrez requested that a work session be held during a separate meeting to discuss the budget cuts. He suggested that the work session be held next week. Councilmember Gutierrez thanked Ms. Madueno for her presentation and getting involved to collect signatures calling attention to the needs of residents. He also stated that he often challenges the council and staff on many things but asked them not to take it personal as he wants to make sure they are making good decisions. He thanked everyone for their patience while issues are being resolved.

4. Councilmember Pfohl

Councilmember Pfohl welcomed Superior Sun reporter Ms. Tracy back after being on the mend. He also expressed appreciation to the residents who passed out the petition. He stated that there are several opportunities for the town to try and bring both a pharmacy as well as additional medical services to Superior with the assistance and support of the BHP Mining Company who is willing to donate land for the services.

5. Councilmember Heglie

Councilmember Heglie abstained from making any public comments.

6. Vice Mayor Lopez

Vice Mayor Lopez also thanked Ms. Madueno for working on the petitions. She also thanked Ms. Gallego for expressing her concerns about her property and that both of these conversations will help keep Superior on the right track. She also commended the Superior

Chamber of Commerce for hosting a great cruising event on Main St. and that she is looking forward to next year.

7. Mayor Hing

Mayor Hing expressed to Ms. Gallego not to give up on her business plan. He stated that the area of her business is listed in the General Plan as mixed use to allow for both business and commercial uses. He encouraged her to just keep following the process and eventually her property will go through the necessary zoning change. He also stated in regards to the pharmacy petition that there are several health care providers looking to bring services to Superior and one of the requirements that the town asks for is pharmacy services. He did explain that pharmacy services can be costly. Mayor Hing also gave a salute to the Chamber of Commerce for hosting the cruising event and encouraged them to expand the event for the future.

K. ADJOURNMENT:

MOTION: Councilmember Heglie made a motion to adjourn the meeting. Vice Mayor Lopez seconded the motion.

VOTE: The motion was approved unanimously and the meeting adjourned at 8:08pm

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Town Council of the Town of Superior held on the 3rd day of June 2010. I further certify that the meeting was duly called and held and that a quorum was present.

/s/

Melanie Oliver_____

Melanie Oliver
Town Clerk/Manage

These Minutes were compiled and transcribed by
Mila Lira

Miracle Executive Services

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