

**Town of Superior
Regular Council Meeting
Thursday, September 6, 2012, 7:00 P.M.
Superior Senior Center
360 W. Main Street, Superior, AZ 85173
MINUTES**

A. CALL TO ORDER

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

B. SALUTE TO THE FLAG

Mayor Valenzuela led the Salute to the Flag.

C. OPENING PRAYER

Council Member Chris Tomerlin led the opening prayer.

D. ROLL CALL

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

E. CONSENT AGENDA

1. Approval of Minutes for: Work Session June 26, 2012, Public Hearing and Regular Meeting August 2, 2012;
2. Approval of Blanket Permit Renewal for Superior Food Bank for ongoing fundraising;
3. Approval of Blanket Permit Renewal for Family Life Christian Center for ongoing fundraising;
4. Approval of Minutes for Executive Session Meetings of August 2, 2012.

Council reviewed the items in the consent agenda.

MOTION: Council Member Chris Tomerlin moved for approval of the consent agenda. Vice Mayor Lopez seconded. **VOTE:** The motion carried unanimously with Mr. Gutierrez voting “nay” as he had been absent at the meeting.

F. REPORTS—N/A

G. COMMUNICATION

1. Manager’s Report—Interim Town Manager/Clerk Rita M. Wentzel

Interim Town Manager/Clerk Rita Wentzel reported and responded to questions on items of communication, including: Notice of Resignation from Edward Johnston, Public Works;

Letter of Resignation from Lt. Michael Campbell, Police Department; Letter of Resignation from Cindy Tracy, Independent Minute Taker; Status of Internal Posting for Senior Center Cook; Status of Posting for Finance Clerk; Status of Posting for Public Works Laborer; Letter dated August 16, 2012 from the Auditor General's Office in follow-up to the Pinal County Excise Tax Audit, providing for a six-month extension to implement recommendations; Request for Participation in Focus Group on Wednesday, September 26, 2012 from 6:00pm at the Superior Senior Center; Request for Participation in Ray Land Exchange Supplemental Environmental Impact Statement; Request for Comment on Superior Abandoned Mine Lands Remediation Project; Completed E-13 - Authority to Use Grant Funds for CDBG 140-12 – Superior WWTP Improvements; Proposed Auction of Five Police Vehicles and One Public Works Van by Sierra Auctions; Presentation by Mark Romo, Branch Manager, Bank of the West, Superior.

H. CALL TO THE PUBLIC

Mr. R. C. Chavez, 104 Palo Verde, Superior, Arizona, addressed the Town Council. He wanted to address the financial status and remind the council and public that the Town is still in process with the 2011 audit and needs to get the 2012 audit completed by October to be legal. Chavez then spoke regarding a future agenda item with respect to the mine. He indicated that Resolution Copper Purchasing the property at the Industrial Park was against any credence of the Industrial Park. Chavez then recommended that with respect to creating revenue the Town develop and operate an economic development board and hold a public meeting to assist with generating revenue. He also commented on other mining concerns.

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

1. PUBLIC HEARING – SP2012-31-5 Site Plan Review, Resolution Copper Core Processing Facility.

MOTION: Council Member Tomerlin moved to recess the Town Council meeting and move into Public Hearing. Council Member Peralta seconded. **VOTE:** The motion passed unanimously.

Mayor Valenzuela said they were now in public hearing. Ms. Wentzel read the item on the agenda. She said that as a part of the process, notices were not required to be sent to property owners; however, notices were posted on the property and in The Superior Sun. The Planning and Zoning Commission met on Thursday, August 23, 2012, wherein they heard the case and acted upon it. She read a copy of a memorandum from Mr. Matt Mashaw, Chairman, Planning & Zoning, memorializing the action they took. A copy of the Application, Site Plan, Landscape Plan and a photo simulation of the proposed landscaping were provided.

She said that this is the time for the Council to hear comments from the public regarding the above-referenced item.

Mr. Roy Chavez requested the Council provide an overview of the request and asked if when the property was sold anyone had contacted the Town.

Ms. Rita Wentzel read the June 28, 2012 letter from Mr. Deen, Construction Superintendent, Resolution Copper Mining to Mr. Richard Turner, Zoning Administrator for the Town of Superior outlining the details of the project.

Ms. Kathryn Arnold asked about the dollar amount of fees paid for this review. Ms. Wentzel indicated that it was \$400.00.

Mr. Roy Chavez asked about the charge for the sewer tap fee.

Subsequent to the Public Hearing, Mr. Adam Hawkins indicated that they had paid a \$500.00 sewer tap fee, which Ms. Wentzel indicated would be appropriate for office buildings with two (2) bathrooms.

MOTION: Council Member Tomerlin moved to adjourn the public hearing and reconvene the meeting. Vice Mayor Lopez seconded. **VOTE:** The motion passed unanimously.

2. Presentation – Cobre Valley Regional Medical Center Administration Team.

Ms. Rita Wentzel indicated that the newly constructed Cobre Valley Clinic opened on Monday, August 27, 2012. The Cobre Valley Regional Medical Center Administration Team was on hand to provide information regarding the construction, ongoing activities and a scheduled Grand Opening event. There were introductions of the team: Mr. Neal Jensen, Chief Executive Officer; Mr. Jim Childers, Chief Financial Officer, Ms. RoseAnn Garcia, Chief Nursing Officer and Ms. Evelyn Vargas, Public Relations Director. Ms. Wentzel also recognized Kathryn and Calo Arnold who were instrumental in the sale of the property and the great potential for economic development this effort brings to the Town.

Mr. Neal Jensen provided an overview of the construction phase, the opening and ongoing activities which was accompanied by a Power Point presentation and invited the Council, staff and audience to the Grand Opening on September 26, 2012 at 5:00pm.

Following the presentation, Mayor Valenzuela called for a short break at 8:48 pm.

At 9:13 pm Vice Mayor Lopez reconvened the regular Council meeting. Councilman Tomerlin seconded. **VOTE:** The motion passed unanimously.

3. Discuss/Approve/Reject: SP2012-31-5 Site Plan Review, Resolution Copper Core Processing Facility.

Ms. Wentzel introduced Mr. Richard Turner, Zoning Administrator, who provided his staff report to the Council.

MOTION: Council Member Peralta moved to approve the Application for the SP2012-31-5 Site Plan Review, Resolution Copper Core Processing Facility, subject to the requirements stated in the staff report. Council member Aguilar seconded.

Mayor Valenzuela and Vice Mayor Lopez declared their potential conflicts of interest and participated in the vote.

Council members Gutierrez and Tameron declared their potential conflicts of interest and recused themselves from the vote.

Attorney Wencker provided information in Arizona Revised Statutes regarding Conflicts of Interest and the effect of conflicts with respect to a quorum necessary for voting.

VOTE: The motion passed unanimously (with Council members Tameron and Gutierrez not voting). When a hand count was requested from the audience, Council members Peralta, Aguilar and Tomerlin, Mayor Valenzuela and Vice Mayor Lopez voted yes.

4. Discuss/Approve/Reject: Approval of the Settlement and Mutual Release Agreement with Chief Luigi Digirolamo and Lt. Michael Campbell.

MOTION: Council Member Peralta moved to direct Counsel to settle with Chief Digirolamo and Lt. Campbell and bring a Settlement Agreement to the Council for approval. Vice Mayor Lopez seconded. **VOTE:** The motion passed unanimously.

Following Item #4, Ms. Wentzel introduced Item #5, Mayor Valenzuela moved item #8 to the next item on the agenda.

8. Discuss/Approve/Reject: Reinstatement of the Annexation Committee, Identification of Current Committee Members, Appointment of Committee Members and Development of Timeline for Meetings.

Vice Mayor Lopez provided a status, overview and update regarding the annexation committee and indicated that the existing nine-member committee consisted of: Vice Mayor Lopez, Chairperson, Mr. Curtis Williams, Mr. Freddie Miramon, Ms. Joy Eveland, Mr. Lynn Heglie, Ms. Karen Afdahl, Ms. Elizabeth Magallanez, Mr. Adam Hawkins and Ms. Melanie Oliver.

Mayor Valenzuela indicated that he would like to open this up to the public so they can apply for the commission.

MOTION: Council Member Peralta moved to approve the reinstatement of the Annexation Committee to move forward. Council Member Tameron seconded. **VOTE:** The motion passed unanimously.

Ms. Wentzel introduced Item #5 and there was a motion to enter executive session (see Item J, Executive Session, for motion). Council tabled Items #6 and #7 following the executive session:

Council Member Gutierrez was not present for the remainder of the meeting. Council member Tameron recused himself for this portion of the meeting and sat in the audience.

5. Discuss/Approve/Reject: Letter of Proposal from Resolution Copper Mining regarding immediate cash flow assistance.

MOTION: Council Member Peralta moved that we accept the money with the condition that they will renegotiate the Emergency Services Agreement and lift the restrictions on the money. Council Member Tomerlin seconded. **VOTE:** Motion passed unanimously.

6. Discuss/Approve/Reject: Renegotiation of the Emergency Services Agreement dated April 17, 2008 by and between Resolution Copper Mining LLC and the Town of Superior.

MOTION: Council Member Aguilar moved to table the motion. Council Member Peralta seconded. **VOTE:** Motion passed unanimously.

7. Discuss/Approve/Reject: Renegotiation of the Amended and Restated Mutual Benefits Agreement dated January 6, 2011 by and between Resolution Copper Mining LLC and the Town of Superior.

MOTION: Council Member Peralta moved to table the motion. Council Member Tomerlin seconded. **VOTE:** Motion passed unanimously.

J. EXECUTIVE SESSION

The Town Council may or may not vote to go into Executive Session pursuant to ARS 38-431.03 (A-1), A-3) & (A-7)

1. A-1—PERSONNEL
2. A-3—LEGAL ADVICE WITH ATTORNEY: Discussion or consultation for legal advice with the attorney or attorneys of the Town regarding possible settlement of a claim made by Luigi Digirolamo and Michael Campbell
3. A-7—LEGAL ADVICE WITH ATTORNEY REGARDING SALE, LEASE OR PURCHASE OF REAL PROPERTY: Discussion or consultation for legal advice with the attorney or attorneys of the Town regarding 85 N. High School Avenue

MOTION: Council Member Tameron moved to enter executive session #1 and Council Member Peralta seconded. **VOTE:** The motion carried unanimously. Council entered executive session at 8:45 p.m. and returned to open session at 9:10 p.m.

MOTION: Council Member Peralta moved to enter executive session #2 and Council Member Tomerlin seconded. **VOTE:** The motion carried unanimously. Council entered executive session at 9:20 p.m. and returned to open session at 9:52 p.m.

Council Member Tameron returned to the dais.

K. COUNCIL COMMENTS

Mayor Valenzuela polled council members present and Ms. Peralta, Mr. Tameron and Mr. Tomerlin indicated they did not have a comment.

Mr. Aguilar thanked Resolution Copper Mining for coming forward and helping us in this time of need. It is important to the Town and hopefully down the road we can do some other things. This was needed badly and hopefully we can get some of our bills paid. It has been hard. We are trying real hard to do the right thing. To pay our bills and make sure things get done the right way. It's sad to think that sometimes cheating and lying and stealing gets you further ahead than doing the right thing. It's sad because we don't want to do that. We don't want to do any of those things. It's important to us, this board, to do things the right way. It's been hard. Honestly, we don't want to nickel and dime Resolution to death. We really don't. We want to be self-sufficient and do things on our own. But it's hard because all we have right now is you guys and you're important to us. Hopefully we get our businesses going and we get things moving. That's what we want. We want to thrive again. A lot of us remember those things—even though most of the businesses were bars—and they were great. Anyway, if anybody has any suggestions on how we can (inaudible). But our books are open. Some people don't believe that we really are broke and don't have any money. Rita will show you: all our books are open, our finances from the banks are open—they are all there, aren't they Rita? (Ms. Wentzel responded "absolutely.") So anybody can go see them. We are not going to lie to the public. We are not going to tell you something that isn't there.

Vice Mayor Lopez indicated that she agreed with what Mr. Aguilar said this evening. She wanted to thank Resolution Copper for coming forward to help us at this time. Our picture is grim. We are in debt and when the next (inaudible) is done, it's not going to look any better. So, any suggestions—we are open to them. Because we have tried to look at everything and poor Rita is struggling week to week to try to make some financial payments on our bills and meet payroll. It has been very difficult. Remind you that Homecoming is Friday. Hope everybody gets out there and cheers on the kids who are doing a really good job and winning their games. Encourage everyone to celebrate. Remember the Fiestas are coming up and hope everybody gets out and has a really good time. Be careful.

Mayor Valenzuela indicated that there is a lot to say and a lot to be said. Hopefully, the agreement that expires in June 2013 can be renegotiated. A lot of people don't understand the agreement and they haven't read the agreement. According to the agreement, we are to provide Resolution Copper on all their properties services just like we service the Town. I don't have a problem with that because family members, friends—dear friends—work there. I want to provide you guys with the same service we provide the Town. But, the monies that we agreed to in the past I don't think are sufficient any more. We need to go down that road and renegotiate that contract. It will better for us and the Company also. What we have done tonight by no means. . .just like I said last night at the dinner—we support the project; but we have to watch out for the Town of Superior. We were elected to be up here and make the right decisions for our community. Don't let the naysayers say we don't support this project because we do support it. Most of us up here have family and dear friends that work for the Company, and we know it's our ticket. We've known that for a long time. Everyone knows that. Whether

we're here for the next election cycle or not, we're going to do the best thing we can for the Town. We have to move forward and hopefully redevelop that relationship a little bit closer. We are going to bring in a financial person and we welcome that. Next week also, we have another guy coming in, Mr. Clark Smithson, District 1 County Supervisor, past Town Manager, past Financial. . .he has a detailed financial background. He's going to come here to see what we can do better in the Town and where we can go and what we can do to create revenue flow. He's offered his assistance at no charge to the Town. He's ready to come and help. A fresh set of eyes looking at something and we'll see what happens. The Mutual Benefits Agreement—I don't know how anybody can say we don't support the Company and the Mutual Benefits Agreement when we entered into a 20-year pact. So for naysayers to say that we are not committed to the project, we are. But we need to revisit that also. The language in those contracts is written one-sided. The voice of Superior needs to be heard in those contracts. Again, we support the project, but we have to watch out for the Town of Superior. Thank you.

Council Member Tameron indicated that there will be a meet and greet with Sheriff Babeu at Porter's this weekend from 2:00pm to 4:00pm. Mayor Valenzuela indicated we should post for a possible quorum.

L. FUTURE AGENDA ITEMS

1. H.B. 2826 modifying the consolidated election dates for political subdivisions
2. David Smith presentation regarding Lot #3, Superior Industrial Park
3. Update regarding the IGA WITH Pinal County for Animal Control services
4. Provide dedicated communications line to monitor calls from alert pendants

Council Member Tameron would like us to look into our Redflex contract and put a stop to it if we can.

Council Member Peralta requested that there be an update regarding landlords and rental taxes.

M. ADJOURNMENT

MOTION: Vice Mayor Lopez moved to adjourn. Mr. Tomerlin seconded. **VOTE:** The motion passed unanimously. Mayor Valenzuela adjourned the meeting at 8:05 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 2nd day of August, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

/s/

Rita M. Wentzel, Interim Town Manager/Clerk