

**Notice of Public Meeting
Town of Superior
Regular Council Meeting
Thursday, December 15, 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 7:10 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 (until 8:10 p.m.), 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 December 1, 2011

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

F. CALL TO THE PUBLIC:

Diane Arnold Sixsmith: Advised council about a dog bite suffered by her granddaughter. The dog has not been found. She is concerned about the dog situation in the town.

Mayor Valenzuela: Told Ms. Sixsmith she had every right to be there and discuss her concern. They are looking at a program regarding options of how they can stop dogs and cats from roaming. They are taking an aggressive stance. It was on the agenda last week and is on the agenda for the current meeting.

Karen Murrieta: Noted that her husband, Fred Murrieta, had done animal control for years and was removed by Ms. Oliver. It upsets her that no one stood up and did what was right and paid for by the town.

Curtis Williams: Said when he did projects for the town he had the opportunity to work with Fred Murrieta. He thinks council may not have been aware of the situation as it was a unilateral decision by the manager. Fred Murrieta was also a heavy equipment operator. He was responsible for saving the town a lot of money on the projects.

G. COMMUNICATION

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

a) Resignation letter—Duane Mauldin Finance Director

Deputy Town Manager Digirolamo called council's attention to the December 1 resignation letter from the town's finance director.

b) Lawsuit RHEIN vs. Town of Superior

Mr. Digirolamo said council had previously been informed of a slip and fall at the rest area near Los Hermanos. Now it is the town's rest area that they took over from the state. On December 8 they finally received a formal lawsuit. It was in council's packet for their information. This was forwarded to Southwest Risk who would probably hire outside council.

c) Introduction of new town employees

Introduced were new town employees Chris Gannon (fire department), Steve Hall (reserve police) and Bryon Lawrence (police).

Mayor Valenzuela said the town had lost its police canine. He asked that those present stand and observe a moment of silence for the dog (Ajax). Deputy Town Manager/Police Chief Digirolamo spoke about Ajax and thanked reporter Taylor Beard for a story in the newspaper.

d) Update on Cobre Valley Medical Clinic

Frank Stapleton of Cobre Valley Medical Clinic updated the council on the Cobre Valley Medical Clinic. There is an issue with ADOT regarding the alignment of the entrance in reference to Mary Drive. Mr. Digirolamo said he had been in contact with ADOT and they had expressed a willingness to be more open. He had forwarded this information to Cobre Valley CEO Neil Jensen and hopefully ADOT and Cobre Valley will be able to work out the issue. When it is finished or near completion, hopefully, they can take a tour. He was in there and it is really nice and bigger than it looks from the outside.

e) Update on the Magma Club

Jed Lant updated council on the Magma Club, including funding and timelines. Mr. Digirolamo said Phase II was on hold. Council Member Peralta questioned Mr. Lant re the cost of the tables and chairs and why they paid that price. Mr. Digirolamo said he was the one who approved that. His vision and he thought the council's vision is to make this a good community center where they bring it out for weddings, parties. He wanted to buy something that would last. It is cleanable. The chairs are vinyl. He was getting from the council, this was going to be one of the stellar projects for the community to be proud of rather than cutting corners and having something break and then adding nickels and dimes to the project.

2. Finance report/accounts payable, accounts receivable, November disbursements, 2010 fiscal year audit—Finance Clerk Nicole Welty

Ms. Welty reported on the aged items and responded to questions from the council. Mr. Digirolamo and Jed Lant also responded to council questions.

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

1. Discuss/Approve/Reject Building Safety Inspection Intergovernmental Agreement with Pinal County—Deputy Town Manager Lou Digirolamo (moved from Item 3)

Deputy Town Manager Digirolamo said the documentation on “Factory Built Buildings” had been removed from the agenda packet. Steve Brown of Pinal County presented the IGA and responded to council questions. Mayor Valenzuela said he had asked Mr. Brown to come there to explain to the council and public about the IGA. He said they want to move forward with the IGA but they want to follow the law. He said let everybody know if they do enter the IGA it will be according to what the code says. There are things that need to be done. Mr. Digirolamo asked Mr. Brown to explain the process of obtaining a building permit and Mr. Brown complied with details. Members of the town council asked questions and received responses. Council member Peralta began a motion to approve the item but have Mr. Brown come back. Mr. Digirolamo asked if the motion could be worded that way. Town Attorney Christopher Wencker explained how the motion could be worded.

MOTION: Council Member Peralta moved to approve the Building Safety Inspection Intergovernmental Agreement with Pinal County. Council Member Aguilar seconded. **VOTE:** The motion carried unanimously.

2. Presentation of available options for Animal Control and Enforcement—Lt. Campbell

Lt. Campbell presented a written and verbal report on animal control and enforcement options. He said the perception is that the Superior kennel is overpopulated. He gave a list of who in the town should do what and what Superior Animal Rescue should do in one scenario. To get a handle they needed to enforce laws on the books or they could go in partnership if they entered into an IGA with Pinal County. In an IGA, emergency situations with a vicious or dog at large would go through dispatch. They would contact the county to send trained personnel. That dog (or cat) would be removed from the community. Situations where someone just wanted not to keep an animal that is not a threat could be handled by contacting Jed Lant of Public Works and having him make an appointment. Public works becomes responsible for kennel cleaning/maintenance, not volunteers. How do you fire a volunteer who is not doing what you need them to do? Public works can assist with immediate quarantine. An issue with Pinal County would be the distance. Responding to a question, he noted that only a magistrate can rule that a dog is vicious. He also said he would like to see only Pinal County euthanize animals and a sliding scale for fines. He made further comments and responded to questioning. He also discussed Kearny and how well they did with their IGA with Pinal County.

3. Discuss/Approve/Reject-Modifying, terminating or review of contract between Town of Superior and Superior Animal Rescue—Deputy Town Manager Lou Digirolamo

Carol Dodge of Superior Animal Rescue gave a history of SAR’s work with the town and supplied a packet of documents. SAR had started in February, 2007 and began with the town in 2010. Melanie Oliver had called and asked if they would take over the town shelter because of budget problems. Ms. Dodge believed several different people had been laid off at that time, not just one. Because they wanted to change how things were done and make this a better place for people and animals, they agreed to try. They supplied all the food, gave puppy shots and arranged spay/neuter and adoption. She thought they did a really good job. It took more time than they would like and they need to change. She and Richard Dodge can’t keep doing what they have been doing. He has been working 4-5 hours almost seven days a week.

The town had sent some workers and her for training, so they have been trained. She is not a vet, just Dr. Mom. You do the best you can and then you call a vet. Re Kearny, the vet goes there twice a month. They are really on top of their vaccinations, etc. That is where SAR wants to go, that is where they are headed.

The town employees brought the dogs to them. SAR did the physical work. It was hard to be on the computer, be at events and do all the things they needed to do for adoptions. She thought once the town does take over, it will free SAR to do the other things. They want to get into the schools and educate the kids about what a privilege it is to have an animal. It is not a right. It is a privilege.

She is not sure what the answer is. An IGA sounds interesting. She talked to the director who wants to work with Superior and way in the future have Pinal County a no-kill.

Really what they need to do is enforce the codes they have on the books, have penalties and incentives. There are lots of ways. They needed to get animals off the street.

Council Member Tomerlin asked what Ms. Dodge was asking the town to do. She said feed and clean the area. She said the town must have saved a lot from what SAR had done at the shelter. For two years they were able to provide all the pens, all the food, all the transportation, everything. She thought there were one or two times the guys had taken the animals anywhere, but SAR had made many, many, many trips for adoptions, spay/neuters, and so forth, at no cost to the town.

If they look at the list, it does say SAR would receive half of the fees, half of the pickup fees and half of the euthanasia fees. They had never received any of those. If somebody told her they broke the contract by doing something, well that was kind of a breach of contract. They had not received those funds. They would go into the bank with the rest for spay/neuter and those kinds of things. But she had asked many, many times and Melanie Oliver was going to have someone look it up and do it and then later on (inaudible) they never have received those funds.

Vice Mayor Lopez asked Ms. Dodge to clarify her response to Mr. Tomerlin as to what she expected the town to do. She had said feed and clean the area. But the list of "town responsibilities" had lots of items for the town do. Ms. Dodge clarified that she meant of the things the town was not doing, she was asking for feeding and cleaning the area.

Ms. Dodge said she was not sure it would be more cost efficient to have the IGA than to do it themselves. Mayor Valenzuela said they were not just looking at it as a cost saving but as a matter of safety. There would be policy and procedures in place. Attorney Wencker clarified the options and said it would take 30 days to terminate the agreement with SAR. Also if the wish was to have an IGA with Pinal County, that is not something that requires council action that night. The deputy town manager could start moving forward on that and bring it to council on a future agenda.

Mr. Tomerlin asked Mr. Lant if they approve cleaning and feeding, could public works handle that with their other projects. Mr. Lant said public works can't even handle what they've got right now. Mr. Tomerlin asked the deputy town manager if with the budget they could afford to hire anyone. Mr. Digirolamo said he would say not to clean and feed. He would rather try the IGA with the county. If Kearny is paying \$3,000 to \$5,000 per year that would probably work for Superior's budget. But they need to maybe find out in the ordinance if a dog is picked up and taken to the kennel here. How many days does it stay waiting for adoption? He does not want to stop the adoptions, they need to be on a smaller scale. They need to know: if in 20 days that dog is not adopted, it gets taken to Pinal County, or in 10 days, however many days are determined, and second, how many days is this dog adoptable? Attorney Wencker clarified the ordinance (inaudible due to no speaker system in the meeting room).

Council Member Tameron asked Ms. Dodge, since she said she is stepping down as SAR president and there will be a new president coming in, what are their plans? Ms. Dodge said they had hoped to partner and continue with adoptions. They had hoped to continue in that vein but she is not sure. Vice Mayor Lopez asked when that change as far as Ms. Dodge stepping down and someone stepping in takes place. Ms. Dodge said she is trying every day. As far as the gentleman saying they had a 5-

year agreement, they had been there two years. It is not about the town kicking them out. She is the one coming to the town. They would like to be let out of the agreement because it is not working

MOTION: Council Member Peralta moved to terminate the agreement. Council Member Aguilar seconded.

Ms. Dodge said with this motion did they know it would be time to say good-bye to the dogs. Ms. Lopez said no, they were not going to tell them they were closed tomorrow. Mayor Valenzuela said they still needed to work out an agreement with the county. Ms. Dodge said no one wants to help with the cleaning. Council Member Aguilar said that is something they could look at for right now. Mayor Valenzuela said with the contract terminating, if it goes that way, the town would look at helping with the care and continue to allow SAR to adopt the animals until that IGA is reached. Would that be acceptable?

Attorney Wencker said a comment of Ms. Peralta's was right on. If it is terminated that does not absolve everybody from responsibility for the beings that are over there. They are going to have to be cared for as required by law. There is nothing that says those dogs cannot be signed over to the town's possession or ownership by that date, at least 72 hours, and that way they can transfer ownership over to a foster care organization or some other animal rescue and get those dogs "forever homes." That is not a problem. Ms. Peralta asked if there was a 30-day period. Attorney Wencker said that is if the town moved to terminate Superior Animal Rescue. If it is a mutual termination, then they move forward immediately.

Ms. Peralta amended her motion. **MOTION:** Council Member Peralta moved to terminate the agreement and give animal rescue 30 days. Council Member Aguilar seconded.

Mr. Tameron asked what would happen to SAR's board of directors. Ms. Dodge said they are still a 501(c)-3. They would either move forward or disband. Mayor Valenzuela said he was sure there was some way of continuing the adoption service even with the IGA. Ms. Dodge said they can take every dog Superior puts over there but it takes time. Mayor Valenzuela said he understood and it takes money to house them. He said none of them wanted to euthanize those animals. None of them wanted to. He had animals. He had two cats. He loved those cats. Ms. Dodge said it takes more than loving them. Mayor Valenzuela said yes and he takes care of the rest.

Attorney Wencker said it came to his attention that Ms. Dodge may or may not have been authorized by her board of directors to seek termination. It had been his assumption that she had. Mayor Valenzuela asked Ms. Dodge if she had a letter authorizing that. She said she did have it.

VOTE: The motion carried unanimously.

I. 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)

There was no executive session.

J. COUNCIL COMMENTS

Council Member Gutierrez: Not present, having left the meeting at 8:10 p.m.

Council Member Tomerlin: No comment.

Council Member Tameron: No comment.

Council Member Aguilar: No comment.

Council Member Peralta: No comment.

Vice Mayor Lopez: Everyone have a Merry Christmas.

Mayor Valenzuela: Merry Christmas to everybody. We look forward to the coming year and tackling more problems and good things to come.

K. ADJOURNMENT

MOTION: Council Member Tomerlin moved to adjourn. Council Member Aguilar seconded. **VOTE:** The motion carried unanimously. Mayor Valenzuela adjourned the meeting at 9:50 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 15th 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.)