TOWN OF SUPERIOR MINUTES

REGULAR MEETING OF THE TOWN OF SUPERIOR TOWN COUNCIL

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the Superior Town Council and to the public, that a Regular Meeting of the Superior Town Council was held on Thursday, January 9, 2020 at 7:00 p.m. in the Superior Town Hall Auditorium, 199 N. Lobb Ave., Superior, Pinal County, Arizona.

1. CALL TO ORDER

Mayor Besich called the meeting to order at 7:09 PM.

2. ROLL CALL

PRESENT:

Mayor

Mila Besich

Vice-Mayor

Michael Alonzo

Council Member

Vanessa Navarrette

Council Member

Bruce Armitage

Council Member

Stephen Estatico

Council Member

Gilbert Aguilar

ABSENT:

Council Member

Olga Lopez

STAFF PRESENT:

Todd Pryor, Town Manger Stephen Cooper, Town Attorney Ruby Cervantes, Town Clerk Lana Clark, Engineer Teck Anthony Huerta – Public Works Frank Alanis – Police Chief John Perez – Fire Chief

3. PLEDGE OF ALLEGIANCE

Mayor Besich led everyone present in the Pledge of Allegiance.

4. INVOCATION

Chaplain Van Gorp gave the Invocation. He also informed us that today is National Law Enforcement Appreciation Day. So on behalf of the Town, I would like to say a grateful thank you for all that Law Enforcement Official do and we appreciate each one of them. Thank you.

5. SPECIAL PRESENTATIONS

None

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6. STAFF REPORT

Mayor Besich - She stated she was appointed to the National League of Cities Committee for Energy, Environment and Natural Resources. She was also appointed to the Small Cities Committee as well. We have some good representation from our community and region on this committee.

Really appreciated the Fire Department working hard to make sure that the Santa visits went thru as planned. Everybody missed seeing the Fire Truck driving around town.

Had a meeting with Council Member Lopez this morning. She will be working on some Census Activities. The Census starts April 1st and we need to start pushing the notice out. Census 2020 is very important. It's going to be an online Census. Your will get a card in the mail. If you have a PO Box, that will be a bit of an issue, since they are not sending Census Forms to PO Boxes only to your principal addresses. We have been working with Library and School to make sure people have computer access to fill out the census. The Census is critical to helping make sure we should be getting the money that should be coming to Superior.

We did receive an email from the League of Cities and Towns today on our Blight Legislation. Representative Shoppe and Representative Cooke are very eager to start pushing it and dropping the Legislation.

Mayor Besich recused herself from the Consent Agenda due to Item #9. She stepped down from the dais. Vice-Mayor Alonzo took over the Meeting for the Consent Agenda.

Mr. Pryor – Wanted to notify everyone that the AmeriCorp will be arriving this weekend. They will enter training next week. They'll start work on the Lost Trail probably the week after that. We'll be developing the Trail all the way from the Airport into the US 60 Park over the next two months.

7. <u>CONSENT AGENDA</u>

Pursuant to Section 2-4-6 (D), matters listed under the Consent Calendar are considered to be routine and will be enacted by one motion and one vote. Prior to consideration of the Consent Agenda, the Mayor will ask whether any members of the Council request any item be removed from the Consent Agenda for separate discussion.

- 1. Approval of Minutes of Regular Meeting on November 14, 2019.
- Approval of State Liquor License for Superior Chamber of Commerce/Sue Anderson for the Home Tour at the Magma Club, 34 Kumpke Ct, Superior, Arizona on Saturday, January 25, 2020 from 10:00 AM to 5:00 PM and Sunday, January 26th, 2020 from 10:00 AM to 4:00 PM.
- Approval of State Liquor License for Superior Chamber of Commerce/Sue Anderson for Apache Leap Mining Festival on Main Street on Friday, March 13th, 2020 from noon to 12:00 AM, Saturday, March 14, 2020 from 10:00 AM to 1:00 AM and Sunday, March 15, 2020 from 10:00 AM to 9:00 PM.
- 4. Approval of State Liquor License for Superior Optimist Club at the Gecko Decko, 203 W. Main Street, Superior, Arizona on Friday, February 14, 2020.

- 5. Approval of Contract between Utility Construction Company Inc. and the Town of Superior for Town of Superior Streetlighting Routine Maintenance and Emergency Hazard Response Services.
- 6. Approval of One Talk and Message+ from Verizon Government Addendum and the Town of Superior Contract. This Addendum is subject to the contract with Verizon Wireless under which you purchase cellular service (the "Contract"). One Talk from Verizon, together with its related devises, software and application ("Service" or One Talk"), is a commercially available business telephone solution that brings together the functions of office phones and mobile devices (smartphones & tablets) into a unified system, with all devices sharing the same communication features.
- 7. Approval of Contractor Agreement between Flagline Trails LLC, an Arizona limited liability company, and the Town of Superior, Arizona, an Arizona Municipal Corporation. Project is: Legends of Superior Trails Airport and Caboose Segments. Scope of Services: Design, Project Management and Training. Town shall pay the Contractor as compensation for the Work, the sum not to exceed \$9,800.00.
- 8. Approval of Job Description for a Temporary Part-time Management Intern Position. This position will be funded through the Town Manager's fund, which is under budget sufficient to fund the program for the rest of the year. This will cost approximately \$4,309. The program will start with two twelve-week intern positions.
- 9. Approval of State Liquor License for a Remote Tasting Room for Bruzzi Vineyard at 20 N. Magma Avenue, Superior, Arizona.
- 10. Department Reports:

Fire

Police

Public Works

Library

Senior Center

Sanitation

Town Engineer

Motion to approve the Consent Agenda by Council Member Armitage, second by Council Member Estatico, Motion Carries.

AYES - 5 Vice-Mayor Alonzo, Council Members: Navarrette, Estatico, Armitage, Aguilar NOES - 0

ABSTINATION – 1 Mayor Besich

ABSENT - 1 Council Member Lopez

Mayor Besich rejoined the Council on the dais and thanked Vice-Mayor Alonzo for taking over the Consent Agenda.

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8. NEW BUSINESS

A. PUBLIC HEARING ONLY TO CONSIDER THE PROPOSED ANNEXATION TO THE TOWN OF SUPERIOR. No Action will be taken by the Town Council.

Mayor Besich stated that owners with property have be notified of the Town's intent to annex. This is our time for the Council to hear any comments, concerns or questions you may have regarding annexation. Once this hearing happens, we cannot enlarge annexation area but we can reduce it. We have 365 days from today to get all of the signatures and votes in place. She is going to open the Public Hearing.

Lynn Nemeth – Executive Director of Boyce Thompson Arboretum. I'd like to state the Board of Directors interest, approval and excitement about Annexation of Boyce Thompson Arboretum into the Town of Superior. It will benefit the Arboretum in terms of infrastructure waste water treatment and partnering with events. Its would also be a great benefit to the Town of Superior as well. We are looking forward to having it. Thank you.

Hank Gutierrez – What is the size of it?

Mayor Besich asked Mr. Pryor to give a little more detail first.

Mr. Pryor stated the Annexation is about 7,000 acres. The Community Development Committee worked on it for about a year. We did reach out to all the potential property owners if they were interested. We did receive comments from the area across from the Arboretum; they didn't want to be in so we removed that block. We also added in the Hill House since that has been purchased by the Arboretum and is not longer state property. Still does not include the Arboretum Mansion, that is state property and that would have to be approved by the State Board before we could annex it which could delay the process quite a bit. We are annexing properties that are part of the potential land exchange for the Town. Its about 526 acres total. About 400 acres is outside Town limits currently so we are annexing that. We are annexing to the south of the Town where the Trail system is so we can maintain it within city limits without violating any of the gift clauses of the Arizona State Constitution. We are also annexing to the east to take in the Tang property. Mr. Tang has requested that he be annexed; we included him in. We have tried to make this a voluntary annexation. We reached out to everyone; gave them opportunity to object to annexation. Tried to redraw the boundaries to make this a voluntary and positive process. The list of owners that were notified is right here. We notified all of the utilities. We notified Bronco Creek because they have mining claims in the area. And Resolution because they own the Castleberry property. The total valuation of the property is about \$2,000,000.00. The way this works is we need six voting properties in that area, four of those properties to vote with us. We will need at least half of the assessed value to vote with us. In the case, since Emerys is such a large voting block, They will have a great voice in the annexation. They will still need more that half of the people in the area to vote for it in order for it to go. Or more than half. More than half of the value of the properties. For instance, the Castleberry is valued quite low, so it doesn't affect the voting but it does have a vote. The non-profits and the Government property do not have a vote. So the actual voting list is only 6 people. Each property owner gets a vote. They are: George and Olga Martinez; Harborlite Corporation; Darrel and Mae Tang; David and Verna Lira; Resolution Copper Company; Harry and Helen Smith Trust. The total evaluation of those areas to be annexed is \$1.3 million. The assessed value is \$224. The estimated tax revenue is not large. It's \$15,500 per year for the entire annexation area.

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Jim Schenck - This annexation process is not in a vacuum by itself. Todd mentioned that the Trail system, this is part of the offsets of the Resolution Copper projects. This trail system has been worked on for about three years. This is all part of Superior becoming a destination for outdoor recreation. We have made a lot of progress. We are the gateway community. The Arizona Trail receives more and more people. We want to comment and share the beauty of our area. This annexation will help guarantee that the Town can protect the area and have access to the areas. A Partnership with the Arboretum is natural. Boyce Thompson created Magma Copper and created the Arboretum. They go hand in hand. To have the Town go from its original downtown area as far as Boyce Thompson just makes sense. I would urge people to be in favor of this.

Hank Gutierrez- If I was a property owner, what does Annexation mean to me? What's the take aways. There must be pluses and minuses.

Mr. Pryor - There are pluses and minuses. The Town takes responsibilities for Police and Fire Service for those areas. We also take responsibility for road maintenance; maybe if Pinal county surrenders the roads to us or not. That will be a more complex conversation. But it does have a tax impact. In this case, most of the tax impacts are not significantly large. We're talking about \$15,000.00 for the entire annexed area. It varies from property to property how much those taxes will be. The largest will be Emerys since they have the largest single value property. Their annual evaluation would be about \$12,000.00 per year. But because they now have fire service, they might have an offset for their insurance. If you are outside town limits you are a ten, which means zero fire service. Your insurance is significantly higher. If you are in town limits you might get, it depends what actural table your insurance uses, It doesn't apply in all cases. But if they use the ISO rating, it goes down 5 to 10 percent. You could have a 50% decrease in your insurance. It all depends. You would have to talk to your insurance agent. The main benefit we offer is Police and Fire Service.

Hank Gutierrez- What if Martinez's want to hook up to water and sewer. How does that work?

Mr Pryor – after this process the Town will get a signatures on the petition. If all the signatures on the petition, we have to submit as part of our adoption, a plan as to how we are going to provide those infrastructure services. The plan will say. Usually says that after 10 years we have to offer services to people. It also says that its on demand. If there is no development in the area to the south of town, there is no need for infrastructure services. If there is a massive development put in, the Town would probably negotiate a development agreement try to offset the cost of running sewer to it. Generally, they tend to share them with the developer.

Mr. Rick Cartier – Is there an increase in property value when it gets annexed?

Mr. Pryor – stated he's not a real estate agent. From what he is told and what he reads on the internet, that is the case. He is not an expert in any way, shape or form. But I'm told if you annex, your property value may increase.

Olga Martinez – Asked if we have an infrastructure on our property, then they will provide public utilities. If not, they won't.

Mr. Pryor – Our Code says if you are further that 1200 feet from a sewer main, you can keep your existing septic tank. If there is new development in your area which necessitate a new sewer main, and

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the sewer main goes by your property, you will be within 1200 feet and then we will tap you into the system.

Olga Martinez - For all utilities, APS, water, telephone?

Mr. Pryor stated the sewer system is the Town's own infrastructure. That's what we control. You still have to deal with APS and AZ Water Co. We don't control the power or water.

Mayor Besich asked if there were any questions or comments from the Council.

Councilmember Navarrette asked about the 2 Pre annexation agreements.

Mr. Pryor stated we only had one signed pre-annexation agreement. The Harry Smith Trust, the Box 8 Ranch. Mr. Tang has asked for annexation but he hasn't asked for a pre-annexation agreement. He has just indicated that he is going to sign.

Mayor Besich stated if you are a voter and have any questions or comments, you can make an appointment and talk to Mr. Pryor and work through any particular agreements

Mayor Besich closed the Public Hearing on Annexation.

A. Discussion/Possible Approval of 2019-2020 Capital Expenditures for the Fire Department in the amount of \$17,321.96.
 These Expenditures are in accordance with the Capital Expenditure Plans for the Fire

Department and they have been approved by the Emergency Services Committee.

- Vent Fan---\$4,094.14
- Piercing Nozzle---\$895.00

BK Radios x 2---\$3,905.40

- Ice Machine---\$558.99
- Air Compressor---\$810.02
- Storage Building---(15ftx30ft)---\$3,448.98
- Headsets for E632---\$3,609.43

Total---\$17,321.96

FISCAL IMPACT: This is funded through the Emergency Services Agreement. These purchases will be invoiced to Resolution Copper Mining.

Motion to approve the 2019-2020 Capital Expenditures for the Fire Department in the amount of \$17,321.96 made by Council Member Estatico, second by Council Member Navarrette, Motion Carries.

AYES - 5 Mayor Besich, Vice-Mayor Alonzo, Council Members: Navarrette, Estatico, Armitage, Aguilar NOES - 0 Town of Superior Regular Meeting Minutes January 9, 2020 Page 7 of 12

ABSTINATION – 0 ABSENT - 1 Council Member Lopez

B. Discussion/Possible Approval of Ordinance 20-162, AN ORDINANCE OF THE TOWN OF SUPERIOR ACCEPTING THE TRANSFER OF CERTAIN REAL AND PERSONAL PROPERTIES FROM THE SUPERIOR SANITARY DISTRICT UPON THE DISSOLUTION OF SUPEROR SANITARY DISTRICT PURSUANT TO A.R.S. §48-2029.

WHEREAS, on November 5, 1996, an election was held on the proposed dissolution of the Superior Sanitary District and the acceptance of the District assets by the TOWN OF SUPERIOR. The election was approved by the voters dissolving the District on November 5, 1996.

WHEREAS, the TOWN OF SUPERIOR on November 14, 1996 approved by canvas of the election approving the acceptance of the assets of the District upon the dissolution of the Superior Sanitary District pursuant to A.R.S. § 48-2029.

WHEREAS, pursuant to the dissolution of the Superior Sanitary District the following real properties were vested by operation of law and transferred to the TOWN OF SUPERIOR pursuant to A.R.S. § 48-2028 (B):

Mayor Besich reminded Council we need to approve this Ordinance to move forward with our Grant/Loan combo for repairs at the Wastewater Treatment Plant.

Motion to approve the Ordinance 21-162, An Ordinance of the Town of Superior accepting the transfer of certain real and personal properties form the Superior Sanitary District upon the dissolution of Superior Sanitary District pursuant to A.R.S. §48-2029 made by Council Member Estatico, second by Council Member Aguilar, Motion Carries.

AYES - 5 Mayor Besich, Vice-Mayor Alonzo, Council Members: Navarrette, Estatico, Armitage, Aguilar NOES - 0 ABSTINATION - 0 ABSENT - 1 Council Member Lopez

C. Discussion for Town Council to give direction to Town Manager to proceed with street name changes as suggested by Pinal County

Per Pinal County, they received a building permit for W. South Street. Per Town Code, (Section 9-16-5 <u>Street Names</u>, Item B-10) there can't be a directional name in the street name. It makes it difficult for public safety to find home addresses.

Per Todd Pryor it does violate code, but these streets were named before the Town Code issued this. They are grandfathered in.

Council Member Navarrette stated leave it.

Mayor Besich stated to leave it alone. No sense in upsetting residents. .Let it be.

D. Discussion/Possible Approval of Request for Qualifications (RFQ) for Social Media Management Services.

The Town of Superior is seeking the assistance of a qualified Social Media Management Firm or Individual in order to ensure that the town follows the approved social media policy to increase general awareness and transparency of the Town of Superior and its services.

FISCAL INPACT: The cost per year will be \$5,400.00 per year which will come out of the contingency fund. The volunteer who has been doing this is not able to continue.

Motion to approve the Request for Qualifications (RFQ) for Social Media Management Services made by Council Member Armitage, second by Council Member, Motion Carries.

AYES - 5 Mayor Besich, Vice-Mayor Alonzo, Council Members: Navarrette, Estatico, Armitage, Aguilar NOES - 0 ABSTINATION - 0 ABSENT - 1 Council Member Lopez

- E. CONSIDERATION AND POSSIBLE AUTHORIZATION FOR MAYOR AND OR TOWN MANAGER TO SIGN ALL DOCUMENTS NECESSARY FOR ENTERING INTO THE FOLLOWING LEASE AGREEMENTS AS PART OF THE LOAN PROCESS FOR THE WASTEWATER IMPROVEMENT PROJECTS WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT AND THE TOWN OF SUPERIOR.
 - 1. SERIES 2020 TOWN LEASE between the Town of Superior and the Town of Superior Municipal Property Corporation; and
 - 2. WASTEWATER FACILITIES SITE MASTER GROUND LEASE, TOWN OF SUPERIOR, ARIZONA between the Town of Superior and the Town of Superior Municipal Property Corporation.

Motion to approve for Mayor and/or Town Manager to sign all documents necessary for entering into the lease agreements as part of the loan process for the Wastewater Improvement Projects with the United States Department of Agriculture – Rural Development and the Town of Superior made by Council Member Estatico, second by Council Member Aguilar, Motion Carries.

AYES - 5 Mayor Besich, Vice-Mayor Alonzo, Council Members: Navarrette, Estatico, Armitage, Aguilar NOES - 0 ABSTINATION - 0 ABSENT - 1 Council Member Lopez Mayor Besich recessed the Regular Council Meeting to go into the MPC Meeting at 7:40 PM.

F. MEETING OF THE SUPERIOR MUNICPAL PROPERTY CORPORATION

1. Call to Order

President Besich called the MPC meeting to order at 7:40 PM.

2. Roll Call

PRESENT:

President

Mila Besich

Vice-President

Michael Alonzo

Director

Vanessa Navarrette

Director

Bruce Armitage

Director

Stephen Estatico

Director

Gilbert Aguilar

ABSENT:

Director

Olga Lopez

- 3. Consideration and possible authorization for President and or Vice-President to sign all documents necessary for entering into the following Lease Agreements as part of the loan process for the Wastewater Improvement Projects with the United States Department of Agriculture Rural Development and the Town of Superior.
 - SERIES 2020 TOWN LEASE between the Town of Superior and the Town of Superior Municipal Property Corporation; and
 - 2. WASTEWATER FACILITIES SITE MASTER GROUND LEASE, TOWN OF SUPERIOR, ARIZONA between the Town of Superior and the Town of Superior Municipal Property Corporation.

Motion to Authorize President and/or Vice-President to sign all documents necessary for entering into the Lease Agreements as part of the loan process for the Wastewater Improvement Projects with the United States Department of Agriculture – Rural Development and the Town of Superior by Director Navarrette, second by Director Aguilar, Motion Carries.

AYES – 6 President Besich, Vice-President Alonzo, Directors: Navarrette, Estatico, Armitage, Aguilar NOES – 0
ABSTINATIONS – 0
ABSENT – 1 Director Lopez

4. Discussion/Possible Approval of Resolution 20-01 for the Governing Board of Directors of the Town of Superior Municipal Property Corporation to authorize the

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submission of a loan application, the incurring of an indebtedness, the execution of a loan agreement and any amendments thereto, a promissory note and any other documents necessary to secure a loan from Rural Community Assistance Corporation (RCAC) for the Waste Water Treatment Plant Project located at 100 Airport Rd, Superior, AZ.

Motion to approve Resolution 20-01 made by Director Navarrette, second by Vice-President Alonzo, Motion Carries.

AYES - 6 President Besich, Vice-President Alonzo, Directors: Navarrette, Estatico, Armitage, Aguilar NOES - 0
ABSTINATIONS - 0
ABSENT - 1 Director Lopez

5. Adjourn the Meeting of the Municipal Property Corporation.

Motion to adjourn the Meeting of the Municipal Property Corporation made by Director Armitage, second by Director Navarrette, Motion Carries. MPC Meeting adjourns at 7:42 PM.

AYES - 6 President Besich, Vice-President Alonzo, Directors: Navarrette, Estatico, Armitage, Aguilar NOES - 0
ABSTINATIONS - 0
ABSENT - 1 Director Lopez

G. RETURN TO REGULAR SESSION at 7:42 PM.

9. CALL TO THE PUBLIC

A. Any citizen desiring to speak on a matter that is not scheduled on this agenda may do so at this time. Comments may be limited to three minutes per person and shall be addressed to the Town Council as a whole, and not to any individual member. Issues raised shall be limited to those within the jurisdiction of the Town Council. Pursuant to the Arizona Open Meeting Law, the Town Council cannot discuss or act on items presented at this time.

B. At the conclusion of the call to the public, individual Town Council members may (1) respond to criticism made by those who have spoken; (2) ask staff to review a matter; or (3) ask that a matter be put on a future agenda.

Jim Schenck – Wanted to remind everyone about Lost haaving a class on hiking at 7:30 in the morning at the Chamber of Commerce. You can get a wonderful history on Old Highway 60 and hike up to the Old Tunnel. As Todd mentioned we have the National Conservation Team coming in Saturday. They are going to be with us for a couple of months and different members of the community are going to try to do different things with them. This is a group of eleven people between the ages of 18 to 25. Want to invite you to open your arms to these people while they are here.

11. EXECUTIVE SESSION

Council Member Estatico made a motion to go into Executive Session with Council, Town Manager, Town Attorney, Town Clerk for no more than 40 minutes, second by Council Member Aguilar, Motion Carries. Moved into Executive Session at 7:46 PM.

AYES - 5 Mayor Besich, Vice-Mayor Alonzo, Council Members: Navarrette, Estatico, Armitage, Aguilar

NOES - 0

ABSTINATION - 0

ABSENT - 1 Council Member Lopez

- A. Confidentiality Statement
- B. Discussion of legal matters/consultation with Town Attorney, Town Staff and/or the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding litigation, Town of Superior v. Vasquez and Devine, pursuant to A.R.S. 38-431.03 (A) (3) and (4).

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11. REGULAR SESSION

Town Council Returned from Executive Session at 8:03 PM.

- 12. A. Direct Town Manager, Town Attorney, Town Staff Counsel to Proceed as Directed in Executive Session.
- 13. <u>SUMMARY OF CURRENT EVENTS</u> Mayor Besich moved this item to be after Item 9 Call to the Public.

A. Council Members---

Navarrette – Just want to tell you congratulations are your nomination to the National League of Cities and Towns Committee.

Estatico- I'll second that and Happy New Year everyone.

Armitage- I'd like to third that and Happy New Year everyone.

Aguilar -I fourth that. Congratulations and Happy New Year everyone.

Vice-Mayor Alonzo - They've said it all.

- **B.** Mayor Besich- Thank Council for your commitment and support. I appreciate your ongoing support. Lots of fun things happening. Second Friday tomorrow night. Lots of construction. Park grand opening is January 18th and that's also the date for Natural Restorations clean-up on Hewitt Station Road.
- C. Town Manager Pryor The Park Grand opening will be a very tight timeline. Just be patient if we don't have all the pieces of the playground.

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14. SCHEDULING OF MEETINGS AND EVENTS All meetings are held at Town Hall.

Emergency Services Committee	January	16, 2020	6:00 PM
PD & FD Public Safety Board Meetings	January	22, 2020	6:00 PM
Community Development Committee	January	30, 2020	6:00 PM
Planning & Zoning Committee	February	6 ,2020	6:00 PM
Town Council Meeting	February	13, 2020	7:00 PM

15. <u>ADJOURNMENT</u>

Motion to adjourn the Regular Town Council Meeting made by Council Member Armitage, second by Council Member Navarrette, Motion Carries. Meeting adjourns at 8:06 PM.

AYES - 5 Mayor Besich, Vice-Mayor Alonzo, Council Members: Navarrette, Estatico, Armitage, Aguilar

NOES - 0

ABSTINATION - 0

Mila Besich, Mayor

ABSENT - 1 Council Member Lopez

ATTEST:

Ruby Cervantes, Town Clerk