

**TOWN OF SUPERIOR
COUNCIL MEETING MINUTES
DECEMBER 5, 2009**

CALL TO ORDER:

Mayor Hing called meeting to order at 7:03pm.

Salute to The Flag:

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

Opening Prayer:

Mayor Hing led council, staff and members of the audience in a prayer.

Roll Call:

Present-Mayor Hing, Vice Mayor Lopez, Councilmember Heglie, Councilmember Aguilar, Councilmember Gutierrez, Councilmember Pfohl, Councilmember Peralta arrived late @ 7:25pm.

Proclamation: Spirit of Optimism Community Champion, Mr. Steve Lopez was asked to come forth to receive the honor-Vice Mayor Lopez read the proclamation she added that Mr. Lopez has been a member of this community all of his life. He has always been a active member of our community. Honor well deserved. Known as Mr. Fiesta, always has a magnificent light display for the holidays and everyone looks forward to seeing his home each year. Congratulations.

Consent Agenda

Approval of minutes, minutes for meeting dated November 19, 2009 correction, Roll Call was left out of the minutes. Also correction on the sale of the Chamber office should read \$50,000.00 and not \$30,000.00

Approval of Hank Gutierrez and David Pfohl to be removed as EDC (Economic Development Committee) voting members. Members are voted by the town council and these two were not on the council at the time of appointment to EDC Board

Approval for Special Event Liquor Licenses and Control for VFW 12-31-09

Approval for Blanket Permit for Superior Little League Annual Fundraising

Approval for Intergovernmental agreement regarding reimbursement of overtime and employment related expenses for participating in the high visibility impaired driving enforcement program, Lt. Campbell.

Town Manager made clarification of EDC meaning Economic Development Committee, mayor suggested that an effort to recruit new members since some have left. Mr. Gutierrez commented that EDC is a very important group of people and would encourage people to join and participate. Mayor Hing stated that Mr. Pfohl was a part of that crime committee and out of that came out the Explorers which he was a part of and wanted to thank him for his part.

Motion to approve consent agenda was made by Mr. Pfohl

2nd by Vice Mayor Lopez , motion carries unanimously

Communication:

1. Managers report, Melanie Oliver;
 - a. First wanted to inform council that the Copper Corridor Alliance is not on the agenda for tonight but will be on the next agenda ...moving forward on the foreclosure the Terrace property is vacant and is being prepared for sale. We have 3 properties that are getting ready for foreclosure, 85 High School Ave., 11 Pinal Ave and 308 Marion Street we have on file a motion for judgment. The accounts have been fairly regular in paying their payments. Starting in January we will start pulling trash cans from those residents that have a 3 month past due on their accounts. We encourage anyone that is past due to come in and make payment arrangements. Mayor encourage to put their address or something on the cans so that we know where the can belongs. Mr. Aguilar questioned about those that have 2 cans. They will be taken care of that once everyone has their can and it has been established and they will be charged for that second can but will be at a reduced rate. Shows that this is not a done deal but that it is a long process to get these houses to go into foreclosure
 - b. Town Manager –Melanie Oliver proceeded to read a letter of intent from BHP which states that they fully support our goal of finding a health care provider who has a longer term commitment to the people of the Town Of Superior. They fully support our intent to complete an evaluation of alternate providers who are committed to the community and to use this evaluation as the basis for your request to BHP Copper for a donation of land. They extend an offer to assist us with this study by providing up to \$3000.00 for a consultant to aid us with the identification of the preferred health care provider.
 - c. Energy Efficiency and Conservation Block Grant, Councilmember Pfohl and Krik Williams, The Town Of Superior will be able to leverage funding through an incentive program offered by Arizona Public Services (APS) renewable energy program. Available allocation for Town Of Superior is \$61,780.83 Allocation, \$18,850.00 Estimate Leverage Funds from APS Incentive Rebates for a Total of \$80,630.00. Goal is for development, implementation and installation of an onsite renewable on or in any government Building that generates electricity from renewable resources. The Town Of Superior was already awarded \$42,000.00 that is thru Pinal County.

Business:

Presentation: Dennis Rule, Manager

1. Central Arizona Project (CAP); CAWCD Policy regarding the relinquishment and transfer of CAP M&I subcontract allocations.

Board of Directors of the CAWCD recognizes that from time to time a subcontractor may desire to relinquish some or all of

its M&I subcontract allocation. Board has adopted this policy to establish the necessary elements required for CAWCD

Approval of any transfers of CAP subcontract allocations. Any transfer of CAP M&I subcontract allocation must be

accomplished with no profit to the relinquishing entity. The entity that receives the subcontract allocation will be required to

pay CAWCD. With recent announcement in the Federal Register that the environmental assessment was to be initiated for

the reallocation of CAP water, the Department is again prepared to submit to you recommendations for reallocating the

65,647 af of CAP M&I water. In the unlikely event that a subcontract for this reallocation of CAP M&I water is refused, the

Department recommends that the allocation be immediately transferred to another municipal water provider pursuant to the

State's policy of August 23, 1966 regarding the transfer of CAP M&I subcontractors. This will ensure that the CAP water

will be quickly and equitably allocated to the water providers with the most need. Town Of Superior bought in for 285ft. of

Water. Arizona Water Co. approached the Town Of Superior they were interested in our allotment. They had the ability to

Receive their own water and were looking for their own development. What can the town do with it. Mayor stated that he

has heard we can sell it but we cannot make a profit, we can, cannot lease it that is why we are here for clarification and the

fact that Arizona Water did approach us interested in our allocation. Also, if the town wants to get out of the program and we

have already paid some of the monies is that reimbursable to the town, answer was yes.

- 2. Presentation: George Brunson ,Queen Creek- Not present,
Motion to table item #2, Motion by Vice Mayor Lopez, 2nd by Councilmember Heglie,
Motion carries unanimously.**

- 3. Discuss/Approve/Reject- Charge Smart Credit/Debit Card Processing Agreement,
Town Manager-Melanie Oliver**

This is a service for the customer to be able to pay their account on line and also to give the customer the option to pay

with a debit or card. There is a fee of \$1.95 to the customer for each transaction. This is solely to accommodate our

customers.

‘ Motion to approve Charge Smart Credit/Debit Card Processing Agreement made by Councilmember Heglie

2nd by Councilmember Peralta

Motion carries unanimously.

- 4. Discuss/Approve/Reject-Resolution 506 Declaring as public record those certain documents filed with the Town Clerk- Todd Pryor, Mayor read the Resolution.** his is a resolution of codes that we covered at our Public Hearing. Discussion on the changes to certain codes. Public had access to all of the documents, just a brief comment did any body come to the Fire House to view these documents. Answer was no.

Motion by Mr. Pfohl to approve Resolution 506 with minor changes. 2nd by Mr. Heglie. Mr. Todd Pryor read the whole resolution for the record.

5. Discuss/Approve/Reject- Ordinance Number 109- Todd Pryor read the Ordinance for the record.

Motion to approve Ordinance 109 by Mr. Heglie
2nd by Mr. Pfohl, Motion passes unanimously.

6. Discuss/Approve/Reject-Ordinance No. 110 – Town Manager- Melanie Oliver, Ms. Oliver read the ordinance

Mayor stated this is the second reading of this ordinance. Motion to approve Ordinance 110 made by Mr. Heglie

2nd by Vice Mayor Lopez, Motion passes unanimously

7. Discuss/Approve/Reject- Employing real estate brokers for listing and sale of Town properties scheduled to

be sold – Town Manager, Melanie Oliver Received two proposals, one from Amiri Realty Group who has over 17 years in the field of financing and real estate. Has sold properties though out the state of Arizona . Upon successful close of escrow Amiri Realty Group commission to be 5% of purchase price and will offer 3% of purchase price as a Co-Broke.

Amiri has seven Real estate Professionals with a combined 30 yrs experience and also an advertiser in Homes and Land Magazine. Also Dalton Realty has experience in this area and the surrounding areas. Question was asked of Dalton Realty if she was still on the Planning and Zoning Board, answer-yes. Ms. Peralta motion to approve Amiri Realty Group as our Town Of Superior realtor. Staff recommendation is to split the properties between the two. Town Manager stated that this was not taken into consideration that she was on the P & Z Board, she states there is a gray area. There may be a appearance of wrong doing but there is no conflict of interest legally. Perception is a big deal, we will be the ones taken the feed back from the town residents. Mayor, I don't see a conflict and I can see the advantage of splitting the

Properties. We would just draw out of a hat as to who gets what properties. Motion by Ms. Peralta did not carry since there was not a second to that motion.

Motion to approve both Amiri Realty and Dalton Realty Groups as presented to council, determination of the properties by the manager.

2nd by Vice Mayor Lopez

Hand vote – Mayor Hing-yes, Vice Mayor Lopez-yes, Councilmember Pfohl-yes, Councilmember Heglie-yes, Councilmember Aguilar-yes, all voted by show of hands, vote to approve.

Hand vote- Councilmember Peralta-no, Councilmember Gutierrez –no voted by show of hands, not to approve

Motion passes 5-2 yes vote.

Call to the Public:

Pam Dalton- There was a Tonto Forest meeting on Tuesday, which is economically important to the Town Of Superior.

There will be major activities there are a lot of roads that will be closed off the main artery which run through superior. They will be accepting comments from the public until December 31st they will review those comments only if received by December 31st.

This is something that will impact the community a lot. Anybody interested should go to town hall and fill out the comment form and be very specific. Which roads should stay open and why.

Mr. Green- Would like to know if council could tell us where the report for the audit is at cuz we don't know. There is no report on the budget from the town and am very concerned about that because I don't understand how they can pay overtime when they have payroll checks bouncing.

Mila Lira-Just want to remind everyone about Miracle on Main Street. We have rapped up 300 bags for the kids. We have a great partnership with the Rotary Club, Food Bank and our local businesses so I encourage everyone to come out and bundle up because it is going to be rather cold. We have great entertainment, we have Nora's church choir, we also have the Legacy Dance Troup so everyone come out and share. Thanks the town for sharing in our partnership in recongnizing our community spirit recipient, there was an overwhelming support for Steve for being our candidate.

Comments;

Ms. Peralta-No Comment

Mr. Aguilar-Would like to express how great the cemetery is coming along it looks really great. Wanted to know if we put some new water lines? Town Manager stated that was donated to the cemetery and an additional \$100.00.

Mr. Heglie-No Comment

Mr. Pfohl-No Comment

Mr. Gutierrez- Disappointed that we did not have a budget status, this is a very important item and I know everyone is very busy. This is a vey important item and I feel like we are being ignored. I know that a lot of time is being put into it. We have to have a snap shot as to where we are at. We are tying to make decisions and it makes it a little difficult from where we are at to do that with out that information. Once, again want to congratulate Steve Lopez he does a lot of work behind the scenes and is well deserved of this honor. The votes we take up here are not a personel thing but a reflection of the constiuants that voted us here. We have to answer to them and we do take this very serious. This is not a personal matter.

Vice Mayor Lopez-Just want to ditto on what Mr. Gutierrez said about Steve Lopez, he is always behind the scenes and has contributed to this community numerous times. He is very involved

and very dedicated. So congratulations. Todd, how is the toy donation coming out for the Fire Department? We have gotten about 700 toys and \$1200.00 so far. Feeling generous be sure to give to this cause. Encouraged every one to come out to the festivities there will be some hot chocolate it will be cold.

Mayor Hing-Congratulation again to Mr. Lopez in this award, shares Mr. Gutierrez in his frustration and hopes that we can get those reports sooner to us. State shared revenue will be a cut, so if we could get those reports to us possible get the audit returned back to us, this is a priority issue. Recongnise we were able to receive monies that were owed to the town and was happy to see those funds. Council to pay close attention to the letter, it is very important that they hear our voice and that some of those forest road closures don't get shut down. Go out and enjoy this weekend and be safe out there.

Motion to adjourn meeting made by Vice Mayor Lopez

2nd by Councilmember Peralta

Motion carries unanimously

Meeting adjourned at 9:06pm