

**Town of Superior
Regular Council Meeting
Thursday, August 2, 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 7:06 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 Chris Tomerlin, John Tameron, Gilbert Aguilar, Soyla “Kiki” Peralta, Mayor Jayme Valenzuela and Vice Mayor Olga Lopez; **Absent:** Council Member Hank Gutierrez

E. CONSENT AGENDA

1. Approval of Minutes for the Regular Meeting of July 19, 2012
2. Approval of Blanket Permit Renewal for Superior Optimist Club for ongoing fundraising
3. Approval of Alcohol Beverage Permit for the Mighty Mite Football Team to host a fundraising Horseshoe Tournament on August 11, 2012 from 12 noon to 8 p.m. at the U.S. 60 Park—proceeds will sponsor team activities
4. Approval of Minutes for Executive Session Meeting of July 19, 2012

Council reviewed the items in the consent agenda.

MOTION: Vice Mayor Lopez moved for approval of the consent agenda. Council Member Aguilar seconded. **VOTE:** The motion carried unanimously with Ms. Peralta voting “aye” on Items 1-3 but recusing herself from the vote on Item 4 as she had been absent at the executive session.

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: Letter of Resignation from Otis Lara, Finance Clerk; Notice of Resignation from Edward Carrasco, Senior Center Cook; Letter dated July 26, 2012 from Attorney Chad Niven to Mr. & Mrs. Rose regarding the Gibbs Street property abandonment; Notice of Intent to Request Release of Funds for CDBG 140-12—Superior WWTP Improvements with comments due by August 15, 2012.

H. CALL TO THE PUBLIC—N/A

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

1. Discuss/Approve/Reject: Adoption of Ordinance #114—Property Tax Levy FY 2012-2012

Ms. Wentzel said that as part of the budget approval process, this ordinance addresses the primary property tax rate sufficient to raise the sum of \$575,511—the maximum levy allowed by law for FY 2012-2013. The ordinance establishes a levy on each \$100 of assessed value of all property (real & personal), within the corporate limits of the Town of Superior, thereby creating the above-mentioned revenue. The ordinance was attached. The recommendation was to authorize the mayor to sign Ordinance #114, thereby adopting a primary property tax rate sufficient to raise the levy sum of \$575,511 for FY 2012-2013.

Town Attorney Chris Wencker read the ordinance by heading.

Ms. Wentzel said this information had been discussed in a public hearing at 6 p.m. and the public was allowed to comment. They did have a few comments. They are prepared now to approve the ordinance.

The mayor referenced a letter from the State that addressed personnel no longer working for the town. He asked Ms. Wentzel to advise the county that Melanie Oliver and Duane Mauldin no longer were employed.

MOTION: Vice Mayor Lopez moved to adopt Ordinance #114, Property Tax Levy FY 2012-2013. Mr. Tomerlin seconded. **VOTE:** The motion carried unanimously.

2. Discuss/Approve/Reject: Adoption of the Resolution #537—Adoption of FY 2012-2013

Ms. Wentzel said council had previously adopted the FY 2012-2013 tentative budget based on public meetings and review. Resolution #537 adopts the FY 2012-2013 final budget for the Town of Superior. The ordinance was attached. The recommendation was to authorize the mayor to sign Resolution #537, thereby adopting the FY 2012-2013 final budget for the Town of Superior in the amount of \$4,039,624. That is the fiscal impact of budgeted expenditures/expenses.

Town Attorney Chris Wencker read the resolution by heading.

MOTION: Mr. Tomerlin moved to approve the adoption of Resolution #537—Adoption of Fiscal Year 2012-2013. Vice Mayor Lopez seconded. **VOTE:** The motion carried unanimously.

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

Mayor Valenzuela asked that they move on to Item #4 in case they decide to move to e-session on #3.

Following Items 4 & 5, Ms. Wentzel introduced Item #3 and there was a motion to enter executive session (see Item J, Executive Session, for motion). Council tabled Item #3 following the executive session:

MOTION: Ms. Peralta moved to table to have their attorney go back for negotiations. Ms. Lopezseconded. **VOTE:** The motion carried unanimously.

4. Discuss/Approve/Reject: Authorize the Mayor to sign a Letter to Republic Services giving them exclusive rights, for 180 days, to work out another contract between them and the Town of Superior for Residential Refuse

Chris Coyle, General Manager of Republic Services discussed his company's proposal to the Town of Superior.

Mr. Coyle said during an audit they had discovered they had been under billing the Town of Superior. Instead of going through the process of trying to reconcile the back bill, he felt the town's contract expired at the end of April, 2013. He would like to hold their current rate where it is and enter into a negotiation period and hopefully extend the contract for a term of seven years. They could negotiate a contract mutually beneficial to the town and Republic Services. If there were additional services the town was interested in, they could include those. They could open this out and continue the long term partnership they had.

He referenced a letter to the interim town manager in which he had outlined some terms. Also he would incur the cost of legal document preparation. From there, once they had a document, they could hopefully agree upon negotiating a mutually beneficial agreement. It didn't lock the town in if a contract is not able in good faith to be negotiated. At the end of the 180 period, the town would be released to do whatever it wished to do.

Vice Mayor Lopez asked if the bid page in the proposal showed terms of the current contract and if they are going from their 4th year to their 5th year. Mr. Coyle said yes. He referenced where it showed 5th year for service once or twice a week, respectively, as \$23.72 and \$25.82, they are currently still charging \$20 and change to the town, which is the first year rate. He did not know what happened. There is no paper trail. It was just a fortunate oversight for the Town of Superior.

Ms. Lopez asked if the company had changed hands. Mr. Coyle said that Allied Services and Republic Services merged. They took the Republic Services' name. They had been operating under Allied Waste. Their legal name is still Allied Waste Transportation. They just have two DBAs: One is Republic Service of Phoenix and the other is Allied Waste Services of Phoenix. That is why there had been no need to open up the contract and change it because their legal name had not changed. They are still the same company, still the same local drivers

and local managers that are servicing the town's contract. They are the same trucks, just have a different logo on the side.

Mr. Aguilar asked what the rate should be now. Mr. Coyle said if he asked for the rate increase now, the impact would be approximately \$2,500 per month for the town. So, right now, in lieu of that, let them keep the rate the same and try to negotiate a new contract.

Mr. Tameron asked about the twice a week service, if one is for the trash and one for the recycle. Mr. Coyle said the twice a week is twice a week trash and one for the recycle. The once a week is once a week trash and once a week recycle. Mr. Tameron said they don't have that. Ms. Wentzel said they get one trash and one recycle. Mr. Coyle said okay, then, that would be the choice. It depends on the choice. Mayor Valenzuela clarified that twice a week is two times trash and one recycle. Mr. Coyle said yes. Ms. Wentzel said they were having two trash pickups during the week when the contract started. So they are paying the twice a week rate. It is just that when they converted to doing once a week recycle in addition to that, they stayed at the same rate because they still have two pickups a week. One is recycling and one is garbage. There were further comments and Ms. Lopez clarified with Mr. Coyle that they pick up twice a week.

Mr. Aguilar asked if this included the transfer station. Mr. Coyle said it did not. When Republic Services heard about the challenge of the transfer station, they came up and met with Ms. Wentzel. They offered their services, council and advice. They are interested in seeing what they can do to help the town resolve that, whether it is to get it cleaned and open for the town to operate or they are even interested in operating it, if that is what the town chooses to do. He sees that as a very valuable asset for the town. He doesn't think they should mothball it and close it up. Mr. Tameron said they can't. Mr. Coyle said he thought it was a valuable asset and the town needed it. It just needed some professional operation. That was the type of thing their company did. They have many operating agreements. They even have some in the Phoenix market where they don't own property and they don't own buildings but they are operating and processing revenues. They have a landfill like that and a transfer station in this market and they also do that nationwide so they have the expertise.

Mayor Valenzuela asked if there was a motion. Ms. Wentzel said the recommendation is for the mayor to sign a letter to Republic Services giving them exclusive rights, for 180 days, to work out a renewal contract between the Town of Superior and Republic Services for residential refuse.

MOTION: Mr. Aguilar made a motion to do that. Ms. Peralta seconded. **VOTE:** The motion carried unanimously.

5. Discuss/Approve/Reject: Cancellation of August 16, 2012 Council Meeting

MOTION: Mr. Aguilar moved for approval. Ms. Lopez seconded. **VOTE:** The motion carried 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: Vice Mayor Lopez moved to enter executive session and Council Member Tameron seconded. **VOTE:** The motion carried unanimously. Council entered executive session at 7:32 p.m. and returned to open session at 8:02 p.m.

K. COUNCIL COMMENTS

Mayor Valenzuela polled council members present and all indicated they did not have a comment.

Mayor Valenzuela said he had a comment. He referenced the article the town had put out, a press release on behalf of the Town of Superior. They have reporters that come to Town Hall daily. They receive calls daily in reference to answering questions that are posed by other people out there in the public and posed by reporters. "Well, you found out the reason why we don't put anything in the paper anymore," he said, "because we submit a letter, we answer all the questions, and then you don't publish it the way we wrote it." He said they gave the facts and the paper wanted to edit it. Addressing the reporter in the audience he said it was nothing directed towards him. The town had done an official press release. He showed the official press release in its entirety. He said they sent it to the paper and it got edited. The town had not asked for it to be edited. They had answered the questions. He did not know what to say or do. They try, they are working at it, but the paper doesn't want to work with them.

Mr. Tameron said that going back to the 1980s, they had the same problem with The Superior Sun as they are having today. It is not just something new. It has always been there. It's not fair.

Ms. Peralta said her comment was could they put the release in the sewer bills next time. Ms. Wentzel said they will at the end of August.

Mayor Valenzuela said to also remember the copper shopper.

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

Item L was not addressed at the meeting.

M. ADJOURNMENT

MOTION: Ms. Lopez moved to adjourn. Mr. Tameron seconded. *(There was more than one motion and second voiced simultaneously.)* **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

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 Town of Superior staff members.