

**Town of Superior  
Regular Council Meeting  
Thursday, October 25, 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 7:05 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 and Mayor Jayme Valenzuela, Vice Mayor Olga Lopez.

At this time Mayor Valenzuela acknowledged other elected officials and guests in the audience; Sheriff of Pinal County Paul Babeu, Pinal County Supervisor for District 1 Pete Rios, Winkelman Councilmember Annie Hinijos (representing the Town of Hayden Senior Center) and Mila Besich from the Superior School Board.

**E. CONSENT AGENDA**

1. Approval of Work Session and Regular Meeting of September 20, 2012;
2. Approval of Special Event Use Permit for the Apostolic Assembly LRC Apostolic Church to conduct a Town March from Pinal and Copper to Main and Stansberry on October 27, 2012 from 1:00pm to 2:00pm, utilizing a megaphone and a Police Escort;
3. Approval of Special Event Use Permit and Alcoholic Beverage Permit for the Superior Little League to sponsor a fundraiser Corn Hole Tournament at the US 60 Park on November 3, 2012 from Noon to 9:00pm;
4. Approval of Special Event Use Permit for the Superior Substance Abuse Coalition to conduct a Halloween Costume Parade and Trunk or Treat on October 31, 2012 from 3:00pm to 7:00pm on Main Street and the Besich Park—requesting a street closure of Main Street Between Lobb and Kellner;
5. Approval of Minutes for Executive Session Meeting of September 20, 2012

No questions or comments regarding the consent agenda.

**MOTION:** Council Member Chris Tomerlin moved for approval of the consent agenda. Council Member John Tameron seconded. **VOTE:** The motion carried unanimously.

**At this time Mayor Valenzuela noted that some items would be moved around on the agenda. He indicated that we would skip Reports and Communications—except for the introduction of the Superior Junior High Football Team, Cheerleaders and Coaches—and move forward with Agenda at Call to the Public.**

**F. REPORTS –**

1. Police Department
2. Fire Department
3. Library
4. Senior Center
5. Finance

*Item F was not addressed at the meeting.*

**G. COMMUNICATION**

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

Interim Town Manager/Clerk Rita M. Wentzel introduced Mila Besich, Superior School Board member to introduce the Superior Junior High School Football Team and Cheerleaders; Ms. Besich thanked the Mayor and Council for recognizing the student athletes who were in attendance, who earlier in the week won the Central Junior High Championship over Kearny ending the season with only one loss to Eloy. They won the championship with a score of 14 to 8. Ms. Besich thanked the crowd and the community for their support of the student athletes. Having a spirit line this year at the Junior High after not having one for several years Ms. Besich introduced the girls first then introduced the football players, Head Coach Billie Duarte, Assistants Martin Navarette and Manuel Ortega. Mr. Duarte thanked the council for the acknowledgement as well as everyone in the community for their support. He also mentioned that another team who couldn’t be in attendance that did very well was the 7<sup>th</sup> grade volleyball team that came in second place. Mr. Duarte encouraged the team to continue to work hard.

Certificate from the 25<sup>th</sup> Annual Pinal County Town Hall acknowledging the Town’s contribution and designating us as a Sustaining Partner;

Notice of the 11<sup>th</sup> Annual Cities & Towns Week of October 22-26, 2012;

Letter designating October as the Arizona Archives Month 2012;

Published Ad for two (2) open Planning & Zoning Commission positions;

Award letter from the Water Infrastructure Finance Authority of Arizona (WFIA) for a Planning and Design Assistance Grant for Fiscal Year 2013, Grant Cycle 1;

Letter from the Town of Superior to Pinal County Manager, Fritz Behring requesting approval of a cost-sharing Intergovernmental Agreement for two (2) 40-gallon roll-off containers;

Reminder of the Fall Cemetery Clean-up Event on Saturday and Sunday October 27 & 28, 2012;

Reminder of the community Trunk or Treat Event on Wednesday, October 31, 2012

#### **H. CALL TO THE PUBLIC**

Mr. Sonny Sansom, 201 W. Main St., spoke regarding receipt of the Town Council meeting agenda and that for the past two and one half years he had received the agenda through e-mail but that recently he had been removed for the e-mail list and that today he had to go into the office to receive a copy. Mr. Sansom stated it would be much simpler if received through e-mail or if the agenda was posted 24 hours prior as required by the open meeting law. Mr. Sansom read a couple of items in brevity from the open meeting law regarding agenda and meeting minutes posting. He stated that the minutes had not been updated since September 6. Mr. Sansom stated that the Town Manager/Clerk seems to think that the minutes don't have to be posted until they are approved but he said that that is not what the law says. Mr. Sansom wanted to add a comment regarding the closing of the streets but took the recommendation of Mayor Valenzuela to hold his comment until the Chamber of Commerce item came up on the agenda at which time he could make his comments.

Ms. Nancy Vogler, 502 S. Church St. she said she has been a resident of Superior for five years and that prior to her retirement she helped owned a family businesses; one of the largest privately owned campground on the coast of California. Upon moving here she started a little shirt business and obtained her TPT license for the state and also obtained a business license from the Town she mostly sells online but when she sells to an Arizona resident she faithfully pays her 9.7 % sales tax of which 2.7% of the tax goes to the Town of Superior. Ms. Vogler stated that she believes small businesses and business itself drive the economy, she said she feels that there is a problem here and that is why she is bringing this up to the Council for help. Ms. Vogler brought up a recent event, Dia de Colores where they were told that even if they had a business license with the Town of Superior they needed to obtain a one day peddler's license. Ms. Vogler referenced that under the Arizona State tax code a temporary business permit could be obtained from the state for \$12.00 if you didn't have the regular \$40.00 one and that a separate city license is required by each city unless you are currently licensed in that city where the event is held. Ms. Vogler believes that if she sells at an event here in Superior it should fall under her regular business license. She was told that the city does it's own thing and the state wouldn't be able to trump the city. She said she would think that the state would trump the city but she could be wrong on that. Ms. Vogler referenced the Town Code page 3 of 16 which is

online and read a portion of it and her interpretation, she believes if she has the \$40.00 license and she is participating in a Chamber event she shouldn't be required to have a \$15.00 license. Ms. Vogler referenced the bottom of section 8-2-8 regarding business license fees and stated that for the \$10.00 she made at the Dia de Colores she didn't feel she should have to pay the \$15.00 and she wanted them to be aware that she did not pay the fifteen dollars.

Ms. Leslie Martin, 201 W. O'Donnel , President of the Chamber of Commerce as a business owner agrees with Nancy that some of the home businesses should have reduced fees to promote their businesses affordably to get started. Ms. Martin added on behalf of the chamber a couple of things; a new ad just came out to promote Superior in the East Valley Magazine. She hopes that will drive customers to Superior, also Arizona Highways spent the day in Superior filming their rock climber's episode, The Copper Gecko and Marilee Lasch home on Magma which should be coming out in November. Ms. Martin stated that the Chamber is sponsoring a turkey round up for the Superior Food bank and that they are half way at meeting their goal of one hundred turkeys. She informed everyone that a frozen turkey can be dropped off at the caboose by November 14 or a check can be dropped off at the Copper Gecko to purchase a turkey.

Curt Williams, 96 N. Lobb Ave, Comments made regarding staff. Mr. Williams stated that the State of Arizona requires incorporated towns/cities to have a keeper of records, a Town Clerk, and the Superior articles of incorporation correctly also requires a Town Clerk. He added that all required open staff positions must be posted and employment opportunities filled, not interim not temporary, but posted and filled and that elected officials on the Town Council are not staff they are elected officials you either singular or plural are not the Town Manager, Town Clerk or other mandated staff you are elected officials. In-audible regarding the drug situation....he commented that he had two complaint forms out one to the Interim Town Manager/Town Clerk which was answered immediately and one to the Chief of Police, which to this day has not been answered regarding the profuse drug dealing activities that are happening near his house.

Mr. Supervisor Pete Rios, Pinal County Board of Supervisors, Mr. Rios indicated he had a few brief comments and stated it was a pleasure to be here at the Town Council meeting he wanted to relay that Councilman Aguilar and Councilman Tameron had asked if the County could help with some roll-offs, being unsure if this was possible he asked staff and the County Manager to look into it and after working with the staff of the Town it was indicated to him that Allied Waste would be delivering two roll-offs for the Dia de los Muertos clean-up at the cemetery. Mutual agreement with Superior and Pinal County will run through the end of the year based on a cost sharing and being aware that you can't get blood out of a turnip at the end of this year they will take a look at the cost sharing and depending on who can help with what it may be that the County will have to eat all the costs they are aware of that and that they are hoping for some cost sharing but they are aware of the dire straits and that he and the County do want to help however they can. He said he wished that he had some of the Rico funds that the Sheriff has and then they could help a lot more. Mayor Valenzuela thanked Mr. Rios and added that the dumpsters being delivered to the cemetery and would subsequently be placed strategically around town for people to dump and asked for confirmation that as soon as they are filled up that the county will have them picked up and will bring new ones, this was confirmed.

Councilmember Aguilar added that he wanted to also thank Mr. Rios for following up on this and that his help in this time of need will help stop things from being thrown out in the sticks because it is getting pretty bad out there.

Brenda Farthing, 71 Pinal, commented that she had a couple of positive things she would like to bring up to the council, she stated that she thinks ideas to try to bring the Town back to where it was, that having lived here in the 70's as a teenager when it was booming she saw every store on the street had a business in it. In-audible, she went on to say that it would be nice to see this town come back to life because there are a lot of really good people that live in this town and would like to see that happen. A couple of ideas that she has thrown around in her head that she is unsure if they have been worked on would be to do something like Queen Valley has done having a retirement mobile home park, she commented that she is unaware if that is something the city can zone, perhaps it is something that can be considered to invite developers to come in a look at this as retirement community maybe that could bring in some money for the town. If that is the case just in the winter months the town could bring in enough money to last the entire year. Ms. Farthing also discussed the possibility of federal grants available that people need to know how to go after and that she is unaware if there is someone on staff who can do that she knows that that Rita does a lot for the town now but that perhaps we can put out a plea to people who know how and have that kind of knowledge that can actually write grants where we can bring in some money. She commented that there is a lot of money out there but you have to know how to look for it because it is not just offered. Ms. Farthing stated that these are just a couple of ideas that she has heard over the years that the Town can put to good use or maybe even put out a plea in the paper to have a contest for someone to come up with ideas on how the town can do different things to bring in new business and generate money and offer a small token as a prize for whomever can come up with the best idea. Ms Farthing said that she believes that here are a lot of good people who have a lot of good ideas and just wanted to add a couple of things that she has thought about.

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

1. Discuss/Approve/Reject: Presentation by Sheriff Babeu from Pinal County Sherriff's Department and Discussion of Possible Assistance from the Pinal County Sherriff's Department Relating to Drug and Criminal Activities

Sheriff Paul Babeu was introduced to give a presentation and deferred to Mr. Pete Rios to go first. Supervisor Pete Rios stated he wanted to add that the Sheriff's Office could utilize Rico monies to assist with this type of program and that the Board of Supervisors had not appropriated any resources along these lines. Before Sheriff Babeu started his presentation Mayor Valenzuela gave a brief background of how this came about. He stated that due to the increased criminal activity, graffiti and other issues and the fact that the Police Department was short handed due to the inability to fund some positions, and other issues he had talked with the Sheriff as well as some of the councilmember's and that they arrived at the conclusion of reaching out for help they also invited Supervisor Rios to attend tonight as a courtesy since he is the District 1 Supervisor and represents this area to hear the concerns of the constituents. He encouraged the public to speak out on some of the issues

that they have and that hopefully the Sheriff's department and maybe the board can perhaps provide some assistance in the future to our police department. Sheriff Babeu indicated that the comments given by Mayor Valenzuela were definitely within the spirit of why he was present, not to say that the Police Department is not doing their job or that things are so out of control, he has heard a number of concerns by the majority of the Town Council and also from town residents. After hearing the stories this evening the Sheriff indicated that it is a widely held perception that the drug activity in the Town of Superior is not being addressed and whether it is a perception or reality it is something that the elected leaders and town's people can work to address. The Sheriff shared the information that there are limitations when it comes to RICO funding and went on to list the number of programs and activities that the Sheriff's office has sponsored here in the Town of Superior. He talked about the importance of getting young people involved in sports and positive activities and suggested a future partnership with Resolution Copper where he would gladly invest \$5,000 of RICO funds into sports programming into the High School. The Sheriff gave a recap of recent success stories that the Sheriff's Office has had; seizures of vehicles, money, largest drug bust in the history of Arizona, largest NARCO bust, a number of weapons that were seized. Sheriff Babeu said that their focus is on criminal drug smuggling and that there was a task force in place who are taking a look at a couple of target houses in Superior. He indicated that he was prepared to listen along with Supervisor Rios to the concerns about criminal activity and law enforcement services to determine what support is needed and if it is within their ability he would be happy to assist. Having been told by Councilmember Tameron that a couple towns people would be present to speak on their concerns he then indicated that he would like to hear what they might be.

Curt Williams – 96 N. Lobb, Mr. Williams expressed concerns about one of his neighbors and the fact that everyone in town talks about his neighbor. He indicated that he is close to boarding his house up and moving to Globe but he loves this Town and will not remain silent he says others are moving. Mr. Williams stated he doesn't get along with his neighbor, that she is not nice and that he doesn't want to move because it is so beautiful here and that there are nice people here. He stated that he needs help.

Todd Nanke – 446 W. Valentine, Mr. Nanke talked about suspected drug activity near his home and how they continually see high traffic from his kitchen window as it faces the front door to his neighbor. Mr. Nanke shared an incident that occurred a couple months ago where he was awoken by loud yelling and screaming followed by five shots fired after which his wife called 911 and then another shot was fired. Upon contacting the police department they were told that they did not have probable cause for them to search the home. He expressed his concern with their response indicating that had shots been fired in another city he felt that something would have been done. Realizing that the Town is not doing well and that it needs support he is happy to hear that the Sheriff is willing to help. Being semi-retired he enjoys living in Superior and that the majority of citizens are law abiding, he wants to help the community, with children living in the neighborhood acknowledging that someone could get hurt, he would like to know what the resources are and says the Town needs support.

Brenda Farthing – 71 Pinal, Ms. Farthing expressed her concerns with the lack of patrolling by the police departments in the neighborhoods and specifically talked about an incident where her niece was assaulted by one of the police officers and felt that she was given a run

around, the council directed her to talk to the Chief of Police, the Chief to the Sgt and when she called in to speak to the Sgt she felt she was treated rude and told that her niece was the one who would be contacted for the interview for the internal investigation. She expressed that she didn't agree with how she was treated and was told that everyone was treated with suspicion, she added that she felt that she was treated as if she was bothering the police. Ms Farthing also added that she had applied for a position as a 911 operator, only interested in part-time due to health issues she said within a couple of days she was told she didn't fit the position. Ms Farthing said it was her belief it was due to issues she had with them in the past. She stated she has volunteered to help but she feels that good citizens offer their help but our turned away. Ms. Farthing indicated that she would like to see Superior become a more productive and welcoming place.

Chief Lou Digiralamo – Superior Police Department, Chief Lou acknowledged the great working relationship that they have with the Pinal County Sheriff's Office, he stated that they had reached out to the Pinal County Task Force and for security reasons couldn't elaborate on the intel they have gathered on a couple of addresses. Chief Lou wanted to bring awareness to the length of time it takes to justify probable cause and time it takes to get search warrants. He expressed his appreciation to the Sheriff for his assistance due to the budget cuts the Sheriff's office can do what they can't.

Marilee Lasch – 200 N. Magma, Ms. Lasch expressed her concern with the response she received upon taking a threatening message that had been sent to her on facebook, threatening to burn her house down with her in it. She said she was told that she would have to prove who sent the message to her and that a report must be filed. Recently she said she returned to her home finding fireworks on her yard and patio, being under the belief that fireworks are illegal she said that she continually sees them going off in her neighborhood. She expressed that she is scared due to the recent message and wants tough action taken, she asked that they take care of us.

Andrea Kipp – 616 Santa Rita, Ms. Kipp discussed at length an issue of property theft valued at over \$5,000 and how her family did most of the investigative work to recover the property. She said she continually begged and pleaded for assistance and many times called to ask questions or for advice but did not receive return phone calls or often answers given; they didn't know or told do what you want. She stated that something needs to be done to improve the confidence and communication of the Police Department to make a safer community.

Mayor Valenzuela stated that he had talked to the Council, the Sheriff and the Chief and because the police department is shorthanded we are reaching out to ask for help. He expressed his appreciation for those who were in attendance to share their concerns and that until tonight had not heard all the stories that were shared. He added that he had been out of town for a funeral in Los Angeles and upon return a resident was on his doorstep to inform him of the gun shots which he was unaware of. He expressed that these are big issues that happen in a small community that he wants to know about when they happen and feels the other Councilmember's want to know as well especially having kids, grandkids, friends family throughout the community, we need help because of budgetary issues, he indicated that perhaps the police department isn't able to do their job to the fullest because

of staffing issues and other concerns and that is why we are here to ask the Sheriff for some assistance.

Councilmember John Tameron asked Sheriff Babeu if there is anything he can do to help us here in Superior.

Sheriff Paul Babeu – Pinal County Sheriff's Office, in response to Councilmember Tameron's question the Sheriff answered saying absolutely, he mentioned that he had just had a quick side bar with Supervisor Rios and will speak to him again afterward. Sheriff Babeu referenced that they had encountered a similar situation back in 2009 in Arizona City, which is much larger than Superior, where they heard a lot of the same stories heard this evening. Sheriff Babeu stated that it breaks his heart to hear that law enforcement is aware of where there is drug dealing and drug activity is going on but that nothing is being done about it, and to hear that people are conducting their own investigations. He mentioned that he had spoke to Chief Lou and was aware of budgetary issues regarding staffing but that law enforcement is a time honored profession and that they hold perishable trust, which means trust can be lost very easily. Sheriff Babeu believes that something must be done immediately to restore that trust. He said that they will have to deliver a plan and focus on the goal. With regard to search warrants they will work to establish probable cause getting statements by neighbors and arrest the bad guys because they tell on each other. Sheriff Babeu stated that he could send deputies with the directive to have zero tolerance which includes arrests for misdemeanors and take them to jail to send a strong message. The Sheriff stated that he is prepared to support the Police Chief and the Town and to send deputies immediately, he is willing to provide the necessary resources to the Town of Superior to send a strong message, shots fired and no arrests, drug activity, people saying they are going to board up their houses and leave town is unacceptable. He is willing to send two deputies per day to have a high presence, which may include K-9 and motorcycle officers to have high visibility as well as a command van all at no cost to Superior. Sheriff also mentioned there is a volunteer posse available to come in. The Sheriff did mentioned to the good citizens to be aware that they must have their registration and driver's license available with past experience with a focus on criminal activity it is necessary to make the traffic stops which they might be able to arrest high profile criminals. He stated that he is happy to work with Chief Digiralamo and make arrests and transport to Florence if that is indeed what is being asked.

Mayor Valenzuela agreed that is what we are asking for as a community and that is why he and Supervisor Rios were asked to come and listen and that his help would be greatly appreciated.

Supervisor Rios wanted to add that he appreciates the Sheriff's offer to come in to assist the Town of Superior and that he has the jurisdiction to provide this type of assistance in all of Pinal County including un-incorporated as well as incorporated towns and cities in Pinal County, he stated that he believes what the Sheriff is proposing is a short term solution and requests that if there is assistance needed longer term he asked the Sheriff put together a proposal to the Board for additional resources and seek out a second vote on the board for the supplemental appropriation.

Councilmember John Tameron commented that he invited Supervisor Rios to come because of the recognition of the kids but that he is glad to hear that he is willing to work together with Sheriff Babeu. Supervisor Rios added that this is a non-partisan issue and that at the end of the day we all serve the same constituents.

Councilmember Gilbert Aguilar stated that he speaks for himself as well as the citizens and that we are tired of the thieves and the drugs and that it is time for zero tolerance and that it could be family members, friends but it is all about the kids growing up and we need to focus on how they are being brought up and we need to have a safe place, we are going to do it. Zero tolerance.

**MOTION:** Council Member Peralta moved to request immediate assistance of the Sheriff's Department relating to drug and criminal activities in Superior. Council Member Tameron seconded. **VOTE:** The motion passed unanimously

Mayor Valenzuela briefly recessed the meeting between 8:25pm to 8:40pm.

2. Discuss/Approve/Reject: Presentation and Discussion – Contracting with Hayden Senior Center For Superior Senior Center Meals

Ms. Annie Hinijos from the Town of Hayden and Finance Director Alexis Rivera were introduced by Interim Town Manager/Clerk Rita Wentzel. Ms. Hinijos stated that there were present to answer any questions on this issue and that she had met to talk with the Town Manager and Finance Clerk and discussed briefly with Mayor Valenzuela and their council unanimously agreed to the three month trial. Mr. Rivera agreed it was worth a try for three months and that they are willing to help with any new ideas. Councilmember Aguilar stated that it appeared to be a no brainer to help our Seniors. It was mentioned that Hayden successfully serves as far as Saddlebrook with a staff of eleven. Mayor Valenzuela asked what were the requirements of our staff. Interim Town Manager Rita Wentzel responded that a driver would have to go and pick up the food on a daily basis and with contracting we would no longer have invoices for the purchase of food. Mayor Valenzuela also asked what the impact would be to the staff. Ms. Wentzel stated that the transportation job would be offered to the current cook. Mayor Valenzuela asked about drivers and Ms. Wentzel stated that it was necessary to get volunteers on board that could pass a criminal background check. Ms. Hinijos mentioned that they would have everything ready for pick up and that the Town of Hayden has given their blessing.

**MOTION:** Council Member Aguilar moved to approve the partnership with the Town of Hayden and Hayden Senior Center to provide congregate and home delivered meals for the Superior Senior Center for a trial period of three months. Council Member Lopez seconded. **VOTE:** The motion passed unanimously

3. Discuss/Approve/Reject: Proclamation – National Head Start Awareness Month

Director Hilda Cardenas thanked everyone for their support as they rely heavily on volunteers; the Fire Department, Pinal County Sheriff's Office the Town of Superior, The Superior Substance Abuse Coalition, Resolution and CRC she also thanked her staff Katiek Terri and Teresita.

**MOTION:** Council Member Tomerlin moved to approve the Proclamation of October as National Head Start Awareness Month Council Member Tameron seconded. **VOTE:** The motion passed unanimously.

4. Discuss/Approve/Reject: Special Permit Request from Life Restoration Center Apostolic Church to utilize a loud speaker system throughout the community

Pastor John Vasquez was present to address the Mayor and Council and inform them per his letter they had followed the necessary steps to obtain a blanket permit and that in the past a blanket permit was authorized to preach the gospel as long as they were not disturbing the peace. Pastor Vasquez stated that recently he was preaching out in the street and had been approached by an officer and was asked to stop, he referenced that he had requested a blanket permit to reach out to impact the community but was told it was for fundraising only. He referenced his letter submitted to the Mayor and Council. Mayor Valenzuela apologized to Pastor Vasquez for the misunderstanding and stated that it was an error on our part but appreciates his cooperation and would like to move forward by him working with staff to get the decibel readings and to set days and times. Chief Digiralamo stated that he is working to approach Resolution or neighboring communities for a sound meter and will work out a medium. Nancy Vogler commented that her and her husband object to the loud speaking preaching and that it has run them into their home. Pastor Vasquez understands her concerns but feels that fifteen minutes is not unreasonable and that due to other big events downtown that are loud he doesn't want a double standard.

**MOTION:** Council Member Peralta moved to approve a Special Permit for Life Resotation Center Apostolic Church to utilize a loud speaker system throughout the community with volume and time restrictions so as not to create a nuisance. Council Member Lopez seconded. **VOTE:** The motion passed unanimously.

5. Discuss/Approve/Reject: Establishing Fees for Non-profit Groups and Organizations Using the Town of Superior Parks and Buildings

Ms. Wentzel referenced the schedule of fees that had been provided to the Mayor and council for discussion . Vice Mayor Lopez asked for clarification if requesting the use of multiple areas such as the food court, restrooms Ms. Wentzel indicated that it would require separate requests if electricity and water are requested. Councilmember Peralta asked if it was a flat rate especially if the event will have additional people such as the Apache Leap festival, Ms. Wentzel responded that something could be established for that and noted that the Town pays separate bills for electricity for A/C and gas. Vice Mayor Lopez recommending that we start tracking these costs. Ms. Wentzel indicated that they wanted to establish something reasonable in working with the Chamber. Councilmember Peralta stated that carrying the costs for many years and that it would be best to break even not wanti9ng to make a profit. She said she believes fees should be daily and have a max per day. Councilmember Aguilar believes that this is a stepping stone put in place until they find out what the costs are. Councilmember Peralta questioned the max per day versus the whole event. Councilmember Aguilar and Vice Mayor Lopez agreed this was merely a starting point. Councilmember Peralta stated that they should charge fees daily. Mayor Valenzuela questioned the cost for the use of Besich Park, Ms. Wentzel indicated that it

required special utilities which were at a higher cost. Councilmember Tameron commented that if the utilities are higher that the minimum should be higher.

**MOTION:** Council Member Peralta moved to accept the Schedule of Fees for Non-Profits Groups and Organizations Utilizing Town property Council Member Aguilar seconded.

**VOTE:** The motion passed unanimously.

6. Discuss/Approve/Reject: Fill Town Council Seat Vacated by Hank Gutierrez

Interim Town Manager/Town Clerk Ms. Wentzel stated that they would advertise and ask for letter of interest in the past running for two consecutive weeks. Councilmember Tameron asked if they advertised did they have to pick one. Attorney Chris Wencker responded by saying that they could reject them all if they didn't like any of the candidates. Mayor Valenzuela commented that they should fill the vacancy because of the times that people have to recuse and a possibility of not having a quorum. It is his opinion to fill. Councilmember Tameron questioned the Attorney Mr. Wencker if there are six councilmember's now what is the requirement for a quorum, Mr. Wencker responded that four would be required to transact business.

**MOTION:** Council Member Aguilar moved to authorize staff to advertise for interest individuals to apply for the vacant Town Council seat until that seat is filled during the March 2013 Primary Election to be seated June 1<sup>st</sup>. Council Member Tameron seconded.

**VOTE:** The motion passed unanimously.

7. Discuss/Approve/Reject: Scope of Work Presented by Pat Walker Consulting Regarding the Town's Current Financial Condition and "What If" Financial Scenarios Toward Sustainability

Mayor Valenzuela asked when they were coming back to meet, Ms. Wentzel replied that the scope of work has to be approved before they would return. Mayor Valenzuela commented that he didn't feel this needed to be an agenda item. Ms. Wentzel stated that if they were not happy with the scope of work it could be changed. Mayor Valenzuela commented that he would have liked them to come to present their scope of work. Attorney Chris Wencker stated that it would be premature to create a five year plan, they cannot vote on a budget five years in advance nor can they bind future councils. They can take recommendations as guidelines and goals.

**MOTION:** Council Member Tameron moved to approve the Scope of Work as presented and authorize the Interim Town Manager to sign it and execute it on behalf of the Town of Superior. Council Member Tomerlin seconded. **VOTE:** The motion passed unanimously

8. Discuss/Approve/Reject: Execution of Amendment No. One (1) to Arizona Department of Corrections Contract No. 080004DC – Inmate Work Contract with the Town of Superior and ASPC – Phoenix/Globe

**MOTION:** Council Member Tomerlin moved to approve the Execution of Amendment No. One (1) to contract No. 080004DC – Inmate Work contract with the Town of Superior and ASPC – Phoenix/Globe and authorize the Town Manager to execute it on behalf of the Town of Superior Vice Mayor Lopez seconded **VOTE:** The motion passed unanimously

9. Discuss/Approve/Reject: Resolution No. 538 Amending Resolution No. 531 Regarding the Abandonment of a Certain Unused Street Alignment Within the Town

Attorney Chad Niven gave a brief background on this item which lead to an extensive archive search through ADOT.

**MOTION:** Council Member Peralta moved to table Resolution No. 538 Amending Resolution No. 531 Regarding the Abandonment of a Certain Unused Street Alignment Within the Town of Superior Vice Mayor Lopez seconded **VOTE:** The motion passed unanimously

10. Discuss/Approve/Reject: Request for Reduction of Fees Charged to the Chamber of Commerce for the Apache Leap Mining Festival scheduled for March, 2013

Ms. Wentzel noted that the Chamber had withdrawn the letter requesting the fees to be reduced by 50 percent. Councilmember Peralta stated that they had already accepted the fee schedule and felt the fee of \$650.00 agreed upon should have been \$1,900 for the whole event.

**MOTION:** Council Member Tameron moved to approve the Request for Reduction of Fees Charged to the Chamber of Commerce for the Apache Leap Mining Festival scheduled for March, 2013 Vice Mayor Lopez seconded **VOTE:** Councilmember Peralta voted no, motion carried by majority.

Councilmember Tomerlin asked if they could approve multiple agenda items at once. Attorney Mr. Wencker answered yes.

11. Discuss/Approve/Reject: Special Event Use Permit from the Superior Chamber of Commerce for Street Closure of Main Street from Stansberry to Magma and Neary Avenue from Main to Lime for the Apache Leap Mining Festival and Carnival from March 5, 2013 to March 10, 2012
12. Discuss/Approve/Reject: Special Event Use Permit from the Superior Chamber of Commerce for Use of the Senior Center for the Apache Leap Mining Festival March 9 and 10, 2013
13. Discuss/Approve/Reject: Special Event Use Permit from the Superior Chamber of Commerce for Use of the Besich Park for the Apache Leap Mining Festival March 9 and 10, 2013
14. Discuss/Approve/Reject: Special Event Use Permit from the Superior Chamber of Commerce for Use of the Food Court, Bathrooms, Stage and Elevated Ground Space behind the Bob Jones Museum for the Apache Leap Mining Festival March 3-10, 2013

**MOTION:** Council Member Tomerlin moved to approve agenda items 11, 12, 13 and 14 seconded by Councilmember Tameron **VOTE:** The 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: The Mayor and Council may vote to go into executive session, pursuant to A.R.S. section 38-431.03(A)(3), for discussion or consultation for legal advice with the Town’s attorney or attorneys regarding the Jackson Case.
3. A-7—LEGAL ADVICE WITH ATTORNEY REGARDING SALE, LEASE OR PURCHASE OF REAL PROPERTY: The Mayor and Council may vote to go into executive session, pursuant to A.R.S. section 38-431.03(A)(3) for discussion or consultation for legal advice with the Town’s attorney or attorneys regarding 85 High School Avenue

**MOTION:** Council Member Tomerlin moved to enter executive session and Council Member Tameron seconded. **VOTE:** The motion carried unanimously. Council entered executive session at 10:38pm.

*After Executive Session, Councilmember Tameron returned to the dais.*

## K. COUNCIL COMMENTS

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

Ms. Peralta commented that they all had complaints of the Ex-Mayor going behind closed doors to make deals and decisions and felt that the decision should have been brought to all the council regarding the Chamber but the deal had already been made for \$650.00 fee.

Mr. Aguilar stated that we should all be working together that the Chamber is a big part, the Optimist is a big part and that all entities should work together, we will figure it out and go from there. We need to go forward and work together. What the Chamber does and the Optimist does is good and we need to embrace and work together. He added he also went to the Jr. High game and that it was nice to see the athletes do such a good job.

Ms. Lopez commented that they are not always going to agree because everyone is different. The game was terrific and thanked everyone for there well wishes and support

Mayor Valenzuela invited everyone to come out on Wednesday to support the trick or trunk. Congratulations to the team on their Championship. Thanked Supervisor Rios for the dumpsters. He asked that we all send the message to our family members that there will be zero tolerance and that we will continue to support the Chief. That we are not always going to agree.

**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. Report on the Summer Recreation Program RICO Funds Expenditure;
4. Cancellation of Redflex Contract.

Item L was not addressed at the meeting.

**M. ADJOURNMENT**

**MOTION:** Council Member Tomerlin moved to adjourn. Councilmember Peralta seconded.

**VOTE:** The motion passed unanimously. Mayor Valenzuela adjourned the meeting at 11:28 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 25<sup>th</sup> day of October, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

/s/

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**Elizabeth Magallanez, Finance Clerk**