

**Town of Superior  
Regular Council Meeting  
Thursday, November 1, 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 7:07 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, Vice Mayor Olga Lopez and Mayor Jayme Valenzuela; **Absent:** Council Member Gilbert Aguilar, Soyla "Kiki" Peralta

**E. CONSENT AGENDA**

1. Approval of the Regular Meeting of October 04, 2012;
2. Special Event Use Permit by the Chamber of Commerce for Use of the Magma Club for the Home Tour, Art & Antique Show January 25-27, 2013;
3. Special Event Use Permit by the Chamber of Commerce for Use of the Besich Park for the Home Tour, Art & Antique Show January 26-27, 2013;
4. Special Event Use Permit by the Chamber of Commerce for Use of the Bob Jones Food Court and Bathrooms for the Home Tour, Art & Antique Show January 26-27, 2013;
5. Special Event Use Permit by the Chamber of Commerce for Use of the Senior Center for the Home Tour, Art & Antique Show January 26-27, 2013;
6. Special Event Use Permit by the Chamber of Commerce for Town-wide use of the streets and sidewalks for the Home Tour, Art & Antique Show January 26-27, 2013 to prevent unauthorized vendors from setting up during the event

Council reviewed the items in the consent agenda. Mayor Valenzuela asked about the restriction of sidewalks in the Home Tour Special Event Use Permit (Item #6). Ms. Rabago indicated that they wanted to restrict the sidewalks so that vendors could not set up randomly without being a part of the event.

**MOTION:** Council Member Chris Tomerlin moved for approval of the consent agenda with the removal of sidewalks from permit #6. Council Member Tameron seconded. **VOTE:** The motion carried unanimously.

## 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: Advertisement of the Open Town Council Position; Candidate Packets for Open Town Council Seats for the March 2013 Primary Election will be available on November 13, 2012; Letter of Resignation from Ramona Koliacos, Police/Fire Dispatcher; Termination of Nick Gaona, Wastewater Treatment Plant; Feedback on the Clean-up at the Superior Fairview Cemetery and the SSAC Halloween Costume Parade/Trunk or Treat events; a reminder that there will be LOST Clean-Up Events on November 3<sup>rd</sup> and 17<sup>th</sup>, 2012; and a reminder that there will be a Let's Talk Trash Clean-up on November 10, 2012.

## H. CALL TO THE PUBLIC

Mr. Sonnie Sansom, 203 Main Street, indicated that he was in the process of trying to obtain a permit to build a deck at the Main Street Property. It has taken quite a while and the paperwork that is required will cost about \$6,000. He just wanted to know if he could go ahead and build his deck and then get the Council's blessings after the fact and give you \$400.00. You did it for Resolution and he wondered what the difference was between them.

Ms. Barbara Yates, 97 W. Gorham, provided a handout regarding the Americans with Disabilities Act, commented regarding the Town's attitude toward compliance with the act and expressed her disapproval that Mr. Tony Solis got in trouble for recommending that she bring her concerns to the Town Council.

Ms. Nancy Vogler, 502 Church, suggested that since the Senior Center kitchen is no longer in use that it would be a good idea to rent the kitchen to home businesses for their use. She also commented that with the snowbirds coming that it is very important to have the Rest Rooms on US Highway 60 open and clean. The comment was made that Tameron Janitorial Services has been cleaning the rest area for months and will continue to do so. Mr. John Tameron indicated that this effort has cost him \$4,722 per month to keep the rest rooms clean seven (7) days a week.

Ms. Pam Rabago, 533 W. Hill, thanked John Tameron and Tameron Janitorial for doing the cleaning at the US Highway 60 Rest Stop. She commented that she would like the Council to think about bringing the fee schedule back up for further discussion. She feels that it needs to be talked about more and is too high—especially for the non-profits that are trying to bring people to town. Mayor Valenzuela indicated that Ms. Sue Anderson and Ms. Leslie Martin helped create this schedule.

Mr. Curt Williams, 96 N. Lobb, indicated that he is on the mailing list with organizations specializing in Americans with Disabilities compliance. He indicated he has not done anything formal because it would hurt the Town but suggested that if identified, the Town must face the problems and if not they will get assessments and fines. The Town may lose Federal funding. He suggested that the Town begin with the smaller, simple things and at least try to see some progress.

Ms. Leslie Martin indicated that the fees schedule that was talked about a couple weeks ago at least provided some starting numbers and they were not etched in stone. We all agreed that the Council had approval. The fees for the Apache Leap Mining Festival were the fees that were discussed that day and voted on by the Council and charged to us. So far we have lived up to what we had talked about that day.

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

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

On October 25, 2012, the Town of Superior authorized the Mayor to sign Resolution #531 to Abandon a portion of Gibbs Avenue adjacent to the Rose and ADOT properties. After much discussion, it was determined that we did this in error and a portion of the property abandoned did not belong to the Town of Superior. Attorney Chad Niven provided the Council with information regarding the series of events that led us to the decision to void the original Resolution and read the heading.

**MOTION:** Vice Mayor Lopez moved to authorize the Mayor to sign Resolution #538, thereby amending Resolution #531 Regarding the Abandonment of a Certain Unused Street Alignment Within the Town of Superior. Council Member Tomerlin seconded. **VOTE:** The motion passed unanimously.

2. Discuss/Approve/Reject: Placement of the Medical Marijuana Ordinance within the Town of Superior Zoning Code

This is simply a housekeeping issue. The Council previously adopted Ordinance #113, Medical Marijuana Model Ordinance within the Town of Superior Zoning Code. The Planning & Zoning Commission made the recommendation at their October 11, 2012 Regular Meeting that the Town Council include the provisions as a new Section 13.16 and include definitions appropriate to the Model Ordinance. Those recommendations were attached.

**MOTION:** Council Member Tomerlin moved to authorize the Mayor to sign Resolution #538, thereby amending Resolution #531 Regarding the Abandonment of a Certain Unused Street Alignment Within the Town of Superior. Council Member Tameron seconded. **VOTE:** The motion passed unanimously.

3. Discuss/Approve/Reject: Resolution No. 539 Declaring the Friday after Thanksgiving as a holiday for Town of Superior

Resolution #347 modified the Town of Superior Personnel Policy on December 21, 2000 and established eleven (11) holidays for the Town of Superior. Subsequently, the Town adopted a new Personnel Policy which established ten (10) observed holidays. This was an inadvertent error at the time. Last year, in 2011, Deputy Town Manager Digirolamo conducted a survey of the number of patrons who actually came into the Town Hall on that day and determined it was less than ten (10) individuals. With all the things we are taking away from our dedicated employees, it seems a good opportunity to reestablish the day after Thanksgiving as an observed holiday. This gives employees an opportunity to be with their families during this important season. Attorney Chris Wencker read the heading.

**MOTION:** Council Member Tomerlin moved to authorize the Mayor to approve Resolution #539 Declaring the Friday after Thanksgiving as an observed holiday for the Town of Superior and declaring an emergency. Vice Mayor Lopez seconded. **VOTE:** The motion passed unanimously.

4. Discuss/Approve/Reject: Request for Reduction of Fees Charged to the Chamber of Commerce for the Home Tour, Art and Antique Show scheduled for March, 2013

Based upon previous discussion by the Chamber of Commerce Board Members, a meeting was scheduled for October 10, 2012 at 8:00am at the Town Hall. Ms. Leslie Martin, Chamber President, Ms. Sue Anderson, Chamber Treasurer, Mayor Valenzuela, Vice Mayor Lopez and I met for several hours to work out fees that would be agreeable to the Chamber of Commerce so we could adopt these fees and begin charging them across the board. At the end of the meeting everyone agreed that the fees were reasonable. The fee structure was to be: Food Court/Bathrooms \$100 per day; Senior Center \$50 per day; Besich Park \$100 per day; Magma Club \$100/Friday; \$200 per day Saturday & Sunday.

**MOTION:** Vice Mayor Lopez moved to authorize the reduced fees for the Chamber of Commerce to use the Magma Club and facilities for the Home Tour as presented. Council Member Tameron seconded. **VOTE:** The motion passed unanimously.

5. Discuss/Approve/Reject: Establishing Fees for use of the Magma Club

Ms. Wentzel indicated that since both Council Members Aguilar and Peralta were absent this evening that we table this item for discussion at a future Work Session.

**MOTION:** Vice Mayor Lopez moved to table this item. Council Member Tameron seconded. **VOTE:** The motion passed unanimously.

**MOTION:** Council Member Tomerlin moved to go into Executive Session at 7:52 pm. Vice Mayor Lopez seconded the motion. **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)

A-1—PERSONNEL

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 cancellation of the Redflex Contract.

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.

*Council returned to Regular Session at 8:10 pm.*

**K. COUNCIL COMMENTS**

Mr. Aguilar (who joined the meeting at 8:10pm) thanked Town employees that showed up on Saturday and acknowledge that they did so on their own time. He thanked Mayor Valenzuela for bringing the inmates in because without them we would not have gotten as much done. He expressed his disappointment with the community turn-out.

Mr. Tomerlin had no comment.

Mr. Tameron had a question in concern of the cemetery clean-up. He asked if the gravesites were private property and if we should be cleaning the gravesites (inside the curbed area). He indicated that he received a phone call indicating they did not want him in their family plot. Attorney Wencker indicated that it is not as clear-cut as that. Strictly speaking, the owners of gravesites, do not own that property. The Town owns the Cemetery and the people who have the rights to inter their family have the exclusive right of burial there, but the Town continues to own the entire Cemetery, including the plots. The Town cannot do anything with it but ensure that it is maintained appropriately. The people who own the plot, the only thing that they own is the right to bury their people there under the Town’s Cemetery Code. They are also required to maintain the property and we can force them to do that if they are not doing it right. So, the question, Mr. Tameron, was “am I trespassing on their property?” They would need to demonstrate that they had the right to exclude you from that activity and they don’t.

Ms. Lopez thanked the staff for putting in some volunteer hours at the Cemetery as it was a good, hard six (6) hours. There was a little luncheon afterwards and it was nice.

Mayor Valenzuela thanked everyone for working at the Cemetery and hoped everyone had a good, safe Halloween for all the kids. He reminded everyone about the clean-ups that are coming up on Saturday at the LOST and the ten (10) dumpsters for the Town clean-up day on the 10<sup>th</sup>. Thanks to Resolution Copper for the food and Red Bears for cooking the food at the Cemetery.

**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.

Item L was not addressed at the meeting.

**M. ADJOURNMENT**

**MOTION:** Vice Mayor Lopez moved to adjourn. Mr. Tomerlin seconded. **VOTE:** The motion passed unanimously. Mayor Valenzuela adjourned the meeting at 8:18 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 1<sup>st</sup> day of November, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

/s/

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**Rita M. Wentzel, Interim Town Manager/Clerk**