

**Town of Superior
Regular Council Meeting
Thursday, November 15, 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 7:20 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, Vice Mayor Olga Lopez and Mayor Jayme Valenzuela; **Absent:** N/A

E. CONSENT AGENDA

1. Approval of the Regular Meeting Minutes of October 25, 2012;
2. Special Event Use Permit by the Superior Optimist Club to Utilize the Food Court and Bathrooms at the Bob Jones Park and for Closure of Main Street between Magma and Lobb Avenues from 3:00pm to 10:00pm for the Miracle on Main Street Parade and Event on December 1, 2012;
3. Special Event Use Permit by the Lopez Families to utilize the Magma Club for a family Thanksgiving Dinner/gathering on November 22, 2012 from 4:00pm to 8:00pm;
4. Alcohol Beverage Permit by the Lopez Families to bring wine and beer to the Magma Club for a family Thanksgiving Dinner/gathering on November 22, 2012 from 4:00pm to 8:00pm;
5. Approval of the Executive Session Minutes of October 25, 2012.

Council reviewed the items in the consent agenda.

MOTION: Council Member Chris Tomerlin moved for approval of the consent agenda. Council Member Aguilar seconded. Vice Mayor Olga Lopez abstained from items 3,4 **VOTE:** The motion carried unanimously.

Mayor Valenzuela addressed action item 1 on the agenda at this time.

F. REPORTS

1. **Library:** Librarian Josie Campos handed out a written report and provided a verbal update.
2. **Police Department:** Public Safety Director/Police Chief Lou Digirolamo reported on the statistics for October.
3. **Fire Department:** Fire Operations Chief Todd Pryor provided his report on Fire Department activities.
4. **Finance Department:** Interim Town Manager/Clerk Rita M. Wentzel provided the Finance Report and responded to questions.

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 Wastewater Treatment Plant Position; Advertisement of the Open Part/Full-time Dispatcher Position; Public Notice and Availability of Candidate Packets for Open Town Council Seats for the March 2013 Primary Election; Notice of the November 16, 2012, Copper Corridor Economic Development Coalition Building Economic Success for the Copper Corridor Workshop at the Los Hermanos Ballroom from 7:30am-10:00am; Correspondence from Jeremy Browning in Follow-up to Council member Peralta's Inquiry Regarding the Amount of Property Taxes that Asarco Pays; Request from Rhonda L. Street for Formal Commemoration of Steve Lopez; Letter dated November 6, 2012 from Attorney Wencker to Redflex Traffic Systems, Inc. formally cancelling the contract between the Town and Redflex, effective immediately; Follow-up on the Free Dump Day Saturday, November 10, 2012.

H. CALL TO THE PUBLIC

Mr. Freddie Miramon – 106 Saguaro Drive expressed his condolences to the family of the female who was recently involved in the fatal accident on Highway 60. Mr. Miramon asked that the Council address his major concerns of the highway 60 where there are no warning signs to inform drivers of pedestrian crossing. He stated that is his belief that in the last seven years there have been more than two fatalities and several bad accidents. Mr. Miramon also added that in driving throughout town the only signs he sees posted are speed limit signs. It is hope that the Council would address this issue with ADOT and request warning signs, flashing lights and lowering the speed limits.

Mr. Curt Williams – 96 N. Lobb had a few things to say regarding his experience in three states as a contractor pulling permits. He believes that the Town is incurring unnecessary costs by using Willdan for such things when all it requires is someone with training, exposure and experience. He added that the counties fees are less and believes that Willdan doing plan reviews is not usual and customary. He also added with regard to item I – 3 on the agenda Willdan is not in the business of doing Wastewater Treatment Plan

reviews and that their costs will bleed the grant dry, especially when there is already an administrator of the grant in place.

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

1. Discuss/Approve/Reject: Adoption of a proclamation naming the Tameron Family as the 2012 Spirit of Optimism Community Champion.

Mayor Valenzuela read the proclamation. Mila Besich Lira thanked the Council for working with the Optimist, she stated that this is a good time to recognize the Tameron family and hope they will be an inspiration and mentioned that they have been almost 40 years in the business. The family members were invited to come forward for a photograph.

MOTION: Council Member Tomerlin moved to authorize the Mayor to Proclaim the Tameron Family as the 2012 Spirit of Optimism Community Champion. Vice Mayor Lopez seconded. Council Member Tameron abstained. **VOTE:** The motion passed unanimously

2. Discuss/Approve/Reject: Approval of the agreement for professional services between the Town of Superior and Willdan and authorize the Mayor to execute conformed copies.

Mayor Valenzuela and Council Member Tameron both expressed their concerns regarding the fees that Willdan charge and the timing that it takes for them to complete a project. Mayor Valenzuela questioned the services that the County provides to the Town and per the Iterim Town Manager/Clerk she spoke to Mr. Brown at the county and they only provide building safety. Per Ms. Wentzel due to the RFQ that went out on June 21, NCS was the only other company to bid, if Willdan was not selected they would have to start the process over and could jeopardize the grant.

MOTION: Vice Mayor Lopez moved to approve the agreement for Professional Services between the Town of Superior and Willdan Engineering (“Willdan”) and authorize the Mayor to execute conformed copies. Council member Peralta seconded. **VOTE:** Mayor Valenzuela and Council Member Tameron oppose the motion passed 3-2.

Mayor Valenzuela addressed action item number 7 at this time.

3. Discuss/Approve/Reject: Approval of the Addendum for CDBG Project 140-12 to the Agreement for Professional Services between the Town of Superior and Willdan and Authorize the Mayor to Execute Conformed Copies

MOTION: Council Member Aguilar moved to table the approval of the addendum for CDBG Project 140-12 to the agreement for professional services between the Town of Superior and Willdan. Council Member Tameron seconded. **VOTE:** The motion passed unanimously.

4. Discuss/Approve/Reject: Appointment of Commissioners to fill the two open positions on the Planning & Zoning Commission

Ms. Wentzel recommended to appoint Mr. Mashaw and Mr. Bill Vogler to the Planning & Zoning Commission open positions and provide their oath of office at the December 6, 2012 Town Council Meeting.

MOTION: Vice Mayor Lopez moved to appoint Mr. Matt Mashaw and Mr. Bill Vogler to the Planning & Zoning Commission open positions and provide their Oath of Office at the December 6, 2012 Town Council meeting. Council Member Aguilar seconded. **VOTE:** The motion passed unanimously.

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

During the earlier Town Council Work Session the Council discussed the suggested fees for the use of the Magma Club.

MOTION: Council Member Aguilar moved to set the fees as follows; \$65.00 per hour with a cap at \$250.00 per day and no more than 10 hours per day with a \$100.00 cleaning and \$100.00 security deposit both refundable. Vice Mayor Lopez seconded. **VOTE:** The motion passed unanimously.

6. Discuss/Approve/Reject: Call of Election – March/May 2013 Spring Election

Interim Town Manager presented this as an informational item only and explained that no action would be required since it is not required by the state law to adopt or publish either a call or notice of election, she added that a call of election is a good way to inform the public about the election and to alert candidates to filing dates, the dates were reviewed as well as the required number of signatures.

7. Discuss/Approve/Reject: Accept Donation of Property from Don G. Petrone Located at 226 N. Pinal Ave. (former mortuary)

Ms. Pamela Rabago contacted the interim Town Manager/Town Clerk Ms. Wentzel regarding a letter from Mr. Don G. Petrone who no longer had use for the property at 226 N. Pinal and was providing the quit claim deed to gift the property to the Town for community development. Per Todd Pryor the building is partially collapsing.

MOTION: Council Member Tameron moved to reject the donation of property from Don G. Petrone Located at 226 N. Pinal Ave. (former mortuary). Vice Mayor Olga Lopez seconded. **VOTE:** Motion passed unanimously.

Mayor Valenzuela moved on to Council Comments at this time.

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:
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.
4. 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 226 N. Pinal Avenue.

MOTION: Council Member Tameron moved to enter executive session and Vice Mayor Lopez seconded. **VOTE:** The motion carried unanimously. Council entered executive session at 10:05pm and returned to open session at 10:22pm

K. COUNCIL COMMENTS

Mr. Aguilar stated that he wished more people would get involved in the clean up. That he was once guilty but that now he would like to see more people get involved to help our town to make it a clean place and all take part in keeping the streets cleaned. He added that the cemetery looks nice and that he is very proud of that. He congratulated the Tameron family on their nomination that it was well deserving and that he is proud to say that they are friends and have known each other for a long time.

Mr. Tameron thanked the Optimist, the Town Council and Town of Superior, and stated that it was not necessary, that it is something that comes from their heart and that they will continue doing it.

Mrs. Lopez agreed with Mr. Miramon’s comments regarding the issues on the Highway and that hopefully they can take it up with ADOT because it needs to be addressed, and that she has seen places where they having flashing lights. She addressed Mr. Tameron’s comment that it was not necessary that they needed to be acknowledged not because of necessity but just to say a big Thank you. She invited everyone to come out on December 1, 2012 for Miracle on Main St. and wished everyone a happy and safe Thanksgiving.

Mayor Valenzuela shared that he wanted to add to the Chief’s comment; that people need to get involved. He noted that four people heard the commotion but no one called it in (referencing the theft on Main St.) noting that people are always eager to call in to complain about the police department and felt that if someone would have called it in, they could have caught someone by now. He expressed his condolences to the Romero family and wished everyone a Happy and Safe Thanksgiving.

L. FUTURE AGENDA ITEMS

1. David Smith presentation regarding Lot #3, Superior Industrial Park
2. Report on the Summer Recreation Program RICO Funds Expenditure.

M. ADJOURNMENT

MOTION: Council Member Tameron moved to adjourn. Council Member Aguilar seconded.

VOTE: The motion passed unanimously. Mayor Valenzuela adjourned the meeting at 10:25 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 15th day of November, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

/s/

Elizabeth Magallanez, Finance Clerk