

**Town of Superior
Regular Council Meeting
Thursday, December 6, 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 of November 1, 2012;
2. Special Event Use Permit by Elizabeth Magallanez for Use of the Magma Club for a College Graduation Dinner and Dance May 11, 2013;
3. Alcohol Beverage Permit by Elizabeth Magallanez for a College Graduation Dinner and Dance at the Magma Club May 11, 2013;
4. Approval of the Executive Session Minutes of November 1, 2012.

Council reviewed the items in the consent agenda.

MOTION: Council Member Soyla “Kiki” Peralta moved for approval of the consent agenda. Vice Mayor Lopez 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: Notice of Award of the Community Reinvestment Funding from Cenpatico of Arizona in the amount of \$16,080 for the Superior Substance Abuse Coalition; Update on the Magma Hotel Asbestos Abatement Activity Scheduled for December 10, 2012; and Notification that OMYA Arizona Paying for Recent Pool Upgrades Totaling Approximately \$2,800.

Mayor Valenzuela indicated that the Town should send a thank-you letter. Ms. Wentzel indicated that would be done once the funding was received.

H. CALL TO THE PUBLIC

Mr. Sonnie Sansom, 203 Main Street, thanked the Chamber of Commerce for the flower pots on Main Street and for all their work throughout the year. He itemized some of the specific activities and suggested that we get past the conflicts and work on promoting the Town. Mr. Sansom then indicated his frustration and dissatisfaction with the Town's use of Willdan due to the prolonged timeframes he has experienced. He provided some dollar amounts that it has cost him because of Willdan and provided a copy of his architectural contract to the Mayor.

Mr. Curt Williams, 96 N. Lobb, described the purchase of a house in the Town of Superior and his work with the Town Engineer, Willdan. He expressed his frustration with the prolonged timeframes that were involved in the project.

Mayor Valenzuela indicated that he was currently setting up a meeting with Pinal County to talk about some of the items that may be shifted to them.

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

1. Discuss/Approve/Reject: Sheriff Paul Babeu Will Provide an Update and Statistics Regarding the Policing Assistance Provided by Pinal County Sheriff's Department. Sheriff Babeu provided information regarding Pinal County's efforts toward policing assistance in the Town of Superior. He indicated that for the period October 18, 2012 through December 5, 2012, Pinal County had completed 169 traffic stops, 171 other stops, 48 field investigations, 14 bar checks, 10 security checks and issued 30 citations. Additionally, there were 9 aggravated assaults and 2 individuals arrested for methamphetamines. Sheriff Babeu discussed feedback that had been received and indicated he would be happy to hear from the Council, staff and regarding questions or feedback.

Mayor Valenzuela indicated that he and Councilman Tameron attended the recent Board of Supervisors meeting in Florence. At that meeting, Supervisor Pete Rios talked about the successful assistance in Superior. There was a motion and a unanimous vote that an additional \$67,000.00 be allocated to have Pinal County assisting Superior for another six months.

Superior Police Chief Luigi Digirolamo provided feedback and statistics for the Superior Police Department for the period July 1, 2012 through December 6, 2012. He indicated that the numbers reflected for Calls, Arrests, Citations, Traffic Stops, etc., for 2012 had already exceeded the 2011 full year activity. He provided a written report for each Council member.

2. Discuss/Approve/Reject: Intergovernmental Agreement for Provision of Services by the Pinal County Recorder and Elections Department

The Town of Superior will be holding spring 2013 elections in March and May. We rely on the assistance of the Elections Department to provide the ballots, publicity pamphlets and other items necessary to equip a polling place. In addition, we rely on the assistance of Voter Registration to provide early ballots and voter registration materials for the elections. The Intergovernmental Agreement formalizes these activities. The total fiscal impact to the Town of Superior is estimated at approximately \$2,500.00 per election.

MOTION: Council Member Peralta moved to authorize the Mayor to sign the Intergovernmental Agreement for Provision of Services by the Pinal County Recorder and Elections Department for the Primary and General Elections in the Spring 2013. Vice Mayor Lopez seconded. **VOTE:** The motion passed unanimously.

Council Member Tomerlin moved to go into Executive Session at 7:55pm. Council Member Tameron seconded. The motion passed unanimously.

3. Discuss/Approve/Reject: Appoint an Interim Council Member to fill the Vacant Seat on the Town Council

The three (3) nominees for the vacant Council seat were: Stephen Estatico, Irene Hansen and Curtis Williams, Jr. There was some discussion regarding the best way to handle this action and it was determined that Council Members would provide their motion and follow with a roll-call vote.

MOTION: Council Member Aguilar moved to appoint Mr. Curtis Williams, Jr. The motion died for lack of a second.

MOTION: Council Member Aguilar moved to appoint Mr. Stephen Estatico. Council Member Tameron seconded.

There was discussion as to whether or not the Mayor had an actual vote or was just the tie-breaking vote. Attorney Wencker clarified that he does have the right to vote and should do so in the instance of a roll-call vote.

VOTE: Council Member Peralta (No); Council Member Aguilar (Yes); Council Member Tomerlin (Abstain); Council Member Tameron (Yes); Vice Mayor Lopez (No); Mayor Valenzuela (Yes). Motion failed with three (3) Yes votes, two (2) No votes and one (1) abstention.

MOTION: Council Member Peralta moved to appoint Ms. Irene Hansen. Council Member Tameron seconded. **VOTE:** Council Member Peralta (Yes); Council Member Aguilar (Abstain); Council Member Tomerlin (No); Council Member Tameron (Yes); Vice Mayor Lopez (Yes); Mayor Valenzuela (Yes). The motion passed with four (4) Yes votes, one (1) No vote and one (1) abstention.

4. Discuss/Approve/Reject: Enter into the Current Agreement, Cancel or Modify the Current Agreement or Enter into a new Agreement Regarding 85 N. High School Avenue.

Council Member Tameron recused himself from the discussion due to a conflict of interest and took a seat in the audience for purposes of this item.

Attorney Niven discussed the activity regarding the sale of this property, the effective time line and the options available for action at this time.

MOTION: Council Member Tomerlin moved to enter into a new agreement with the winning bidder at the price of \$9,800.00 and to include those provisions set by the Council in the new Agreement. Council Member Peralta seconded. **VOTE:** The motion passed unanimously.

Council Member Tameron returned to the dais at 9:03pm.

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 8:40pm.

K. COUNCIL COMMENTS

Council Member Peralta congratulated and welcomed Irene Hansen to the Council and hoped she has a thick skin.

Council Member Aguilar welcomed Irene Hansen to the Council and wished her good luck. Council Member Tomerlin reiterated Council Member Aguilar's comments.

Council Member Tameron complimented the Chief, Superior Police Department and Pinal County Sheriff's Office on their efforts toward policing activities in the Town. He congratulated Irene Hansen and said he expected a platter of her delicious cookies at the next Council meeting. Tameron indicated that he was stopped by Pinal County because the light on the license plate of his van was out. The officer was very professional and handled the situation by the book. Zero tolerance is working!

Vice Mayor Lopez reiterated Council Member Tameron's comments regarding the Police Department and indicated that they appreciate what You (sic the Superior Police Department) do. Lopez congratulated Irene Hansen and indicated that there were ups and downs but that one must be flexible, not take it to heart and just do the best one can. Lopez felt the Miracle on Main Street was a great success, and there were a lot of kids that came out for the event. She wished everyone a happy holiday and cautioned all to be careful.

Mayor Valenzuela echoed Council Member Tameron and Vice Mayor Lopez comments regarding the Police Department and Pinal County Sheriff's Office assistance. Valenzuela thanked Supervisor Pete Rios because if you were at the Board of Supervisor's meeting yesterday as Mr. Tameron and I were, there was some opposition to the County being here. It took a little bit of persuading by Mr. Rios to get the Board to see that this was well needed in Superior. If you see Mr. Rios, I would say to thank him because he did step up to the plate for us.

Mayor Valenzuela addressed the Miracle on Main Street event that is put on by the Optimist Club and indicated that everyone who participated in the parade and all the activities that went on. It was a great success and brought out a lot of the kids to participate and hopefully we can continue that. Ms. Lopez interjected that there is a lot of support from the community to put the program on as it does get a little expensive.

Mayor Valenzuela indicated that he wanted to address the mine issue. The Town, its constituents and the leaders of the Town have done everything possible to move this land exchange to where it needs to be for our economic development. But, as Mr. Williams said earlier in his comments, those of us that have been here know we cannot solely rely on the mine for the development of our future. It's not a road we haven't been down before. The last time was in 1983 when we faced this. Hopefully, the higher ups in Washington can move this along and Resolution can do whatever they have to do to work together to get it done. But I know us, as a community, no one has done more than this community in all of the Copper Corridor to try and see this project through. So don't believe anybody that says that any of us up here want to see this go through because I know it is being said out there. It is being broadcast that some people are happy. I think that is the wrong message. People with rumors who start saying that people are happy this happened. I don't believe this of people in Superior. Because we are all too good for that, and we all take care of each other. We will stand up together just like we have in the past, and we'll get there. We've made it this far. If you look at it since 1983 to 2005—we made it without the mine here for all those years. So, we'll survive and we'll get by it again. Times are bad, but we'll get there. We encourage you to call your local government officials, state and federal officials.

Lastly, Mayor Valenzuela thanked the four (4) candidates that applied and the three (3) that showed up this evening. I encourage you to run for the vacant seats—whether it be the Mayor or Council seats. There are three (3) Council seats up for grabs and the Mayor’s seat. I encourage everyone. The more heads, the more great ideas. Everyone brings something different to the table. We can all learn from each other and we will learn from each other.

Congratulations, Irene, and get ready for a ride. It’s here. It’s a fun ride and a fulfilling ride when you know you can accomplish things and help the community and give back. Mr. Williams, again, I encourage you to run.

L. FUTURE AGENDA ITEMS

1. David Smith Presentation regarding Lot #3, Superior Industrial Park;
2. 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. Council Member Tomerlin seconded. **VOTE:** The motion passed unanimously. Mayor Valenzuela adjourned the meeting at 9:10pm.

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 6th day of December, 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