

**TOWN OF SUPERIOR
TOWN COUNCIL MINUTES
THURSDAY, AUGUST 13, 2015**

**REGULAR MEETING OF THE SUPERIOR TOWN COUNCIL HELD ON THURSDAY
AUGUST 13, 2015 AT 7:00 PM IN THE SUPERIOR AUDITORIUM 199 N. LOBB AVENUE,
SUPERIOR, ARIZONA, PINAL COUNTY, ARIZONA.**

CALL TO ORDER

Mayor Valenzuela called meeting to order at 7:10 P.M.

ROLL CALL

Mayor	Jayne Valenzuela
Vice-Mayor	Olga Lopez
Councilmember	Gilbert Aguilar (Via Telephonic)
Councilmember	Michael Alonzo
Councilmember	Mila Besich-Lira
Councilmember	Steve Estatico
Councilmember	John Tameron

PLEDGE OF ALLEGIANCE

Mayor Valenzuela led everyone in attendance in the Pledge of Allegiance

INVOCATION

Pastor Dennis Van Gorp, Family Life Christian Center led everyone in the Invocation.

STAFF PRESENT

Town Manager	Margaret Gaston
Town Attorney	Steven Cooper
Town Clerk	Rachelle Sanchez
Officer	Bryan Lawrence
Sergeant	David Neuss

PUBLIC ATTENDANCE

John Hernandez	Sue Anderson
Carmen Casillas	Melissa Rabago
Bill Volger	Jim Schenck
Nancy Volger	Hank Gutierrez
Bruce Armitage	Pedro Bravo
Tweety Armitage	Vicki Ross
Tiffany Rowell	

SPECIAL PRESENTATIONS

Proclamation by Mayor Valenzuela –“Child Support Awareness Month”

Town Manager Gaston, read the Proclamation.

STAFF REPORTS

Manager –

Margaret thanked Dolly Chavez for all her help in getting the signatures that were needed for CAG so the town could continue receiving CDBG Funding.

Margaret stated that the Para Grant is still on track to start in September. The grant will be used to decide how a pavement assessment study will be conducted and how to incorporate the Pinal County Flood Control’s Aerial Drainage Study which is completed.

Margaret stated that work at the Stansberry Lift station has started, but she doesn’t have a completion date.

Margaret stated that the WWTP back hoe had two tires replaced this week by ADOT and also an oil change and new filter. The PW backhoe should be back by September 17, 2015. The estimated cost is over \$14,000.00.

Margaret announced that the League Conference is August 18-21, 2015 for Elected Officials and government employees. We are taking five councilmember’s this year. The Town has a new flag and will be participating in the parade this year with the mayor holding the flag. We also have new shirts each councilmember paid for their shirts and the Town paid for the logo.

Margaret stated that the new street sign project is still listed for Superior, for right now for a total of \$20,000.00. She will be submitting new paperwork, which she found out about at the TTAC meeting in Globe. This project is totally funded by the Highway Safety Improvement Program through ADOT. ADOT will be managing this project.

Margaret stated that the Airport Advisory Board is working on submitting a grant to ADOT Aeronautical Group for a Master Plan for the Airport. The grant program is a 5% match.

Mayor –

Mayor Valenzuela stated that he would also like to thank Dolly Chavez for all her help in getting the signatures required for CAG.

CONSENT AGENDA

Pursuant to Section 2-4-6 (D), matters listed under the Consent Calendar are considered to be routine and will be enacted by one motion and one vote. Prior to consideration of the Consent Agenda, the Mayor will ask whether any members of the Council request any item be removed from the Consent Agenda for separate discussion.

- A. Minutes of Regular Meeting on July 9, 2015
- B. Minutes of Special Meeting on July 9, 2015
- C. Special Event Use Permit – St. Francis of Assisi Annual Fiesta – Includes Main Street Road Closure Main at Lobb Ave. to Stansberry Rd. for Car Hop; Stansberry Rd. to past the Catholic Church for the Car Show – Information and Letters from Porters, VFW and Save Money Market Showing Approval.
- D. Blanket Permit Request Form for Life Restoration Center Apostolic Church for Funding Raising Events and Sharing Testimonials.
- E. Department Reports

Fire
Library
Police
Senior Center
Public Works
Sanitation
Superior Magistrate Court

Council had no questions or comments regarding Department Reports.

Motion to approve the consent agenda made by Councilmember Besich-Lira, second by Vice Mayor Lopez, motion carries.

NEW BUSINESS

- A. Public Hearing on Ordinance No. 15-130 An Ordinance of the Mayor and Council of the Town of Superior, Pinal County, Arizona, Levying Upon the Assessed Valuation of the Property within the Town of Superior Subject to Taxation a Certain Sum Upon Each One Hundred Dollars (\$100.00) of Valuation Sufficient to Raise the Amount Estimated to be Required in the Annual Budget Less the Amount Estimated to be Received from Other sources of Revenue; Providing Funds for General Municipal Expenses for the Fiscal Year Ending the 30th Day of June 2016.**

Public Hearing was open to the Public at 7:22

Margaret read Ordinance 15-130; she stated that this is one of the last steps of the Budget process. The Public Hearing if first then after the comments we close out and vote on the Ordinance. Margaret stated that the Council has adopted the Property Tax Levy at \$589,872.00 this Ordinance will be sent to Pinal County who collects the Property Tax for Superior and all County Municipalities. The Property Tax will be set by Pinal County in order to reach the amount of the Levy. Pinal County verified the rate as 7.3409 last year the rate was 7.0770 we did not increase the Tax Levy and we already adopted the Final Budget which met all the guidelines. Therefore we didn't have to publish the Truth and Taxation notice this year. Once the Ordinance is adopted by Council we will publish it in the Superior Sun one time only then it will be effective.

Sue Anderson 78 Sunset Dr. asked what the budget amount for this year verses last year were. What was did we actually receive? Margaret stated that last year it was \$587,872. And this year it's \$589,872. Ms Anderson asked how much did we actually receive last year. Margaret stated that she didn't have those figures in front of her. Ms. Anderson asked stated from a taxpayers stand what is the impact going to be? She stated that the last time this happened they were told that the overall taxes had gone down 28% so there wouldn't be an increase, yet every one of her properties went up. Ms. Anderson said she just wanted some idea what this means to a taxpayer. Margaret stated that they should stay the same that is why we didn't have to publish the Truth and Taxation notice.

Mayor asked if there was anyone else who would like to speak. Public Hearing closed at 7:24 p.m.

- B. Discussion and Approval of Ordinance 15-130 An Ordinance of the Mayor and Council of the Town of Superior, Pinal County, Arizona, Levying Upon the Assed Valuation of the Property within the Town of Superior Subject to Taxation a Certain Sum Upon Each One Hundred Dollars (\$100.00) of Valuation Sufficient to Raise the Amount Estimated to be Required in the Annual Budget, Less the Amount Estimated to Be Received from Other Sources of Revenue; Providing Funds for General Municipal Expenses for the Fiscal Year ending the 30th Day of June, 2016**

Motion was made by Councilman Estatico, 2nd By Vice Mayor Lopez, motion carries.

- C. Discussion and Possible Approval of Partnership Agreement Between Town of Hayden, Arizona (Hayden Senior Center) and Town of Superior, Arizona for Providing Meals to the Town of Superior Senior Center.**

Margaret stated that during the Budget preparation the Town of Hayden asked if the Town of Superior could pay more for the meals that Hayden Sr. Center prepares for the Town of Superior Sr. Center. Margaret stated that she looked at the budget figures and also what Pinal Gila Counsel for Sr. Citizens reimburses us for the meals. Margaret figured that we could afford \$4.50 FOR Congregant meals and \$6.00 for Home Bound meals. The Town of Hayden was agreeable to the increase, they wanted more but accepted less. The new agreement was effective July 1, 2015, but we didn't get it in time for our July meeting. Although if Council approves the Partnership and its signed August 13, 2015 its retroactive back to July 1, 2015. The contract does state that they will not supply more than 35 Congregant meals and 20 Home Bound Meals. Margaret stated that she asked Mayor Smith what if during the winter months we need more meals. She stated that Mayor Smith said they would change the contract and send it back to us for approval. Margaret stated that Steve Cooper had approved the contract. Margaret stated that she recommends to Council that we continue to have the Town of Hayden prepare our meals.

Motion to approve the Partnership Agreement made by Vice Mayor Lopez, seconded by Councilmember Beicsh-Lira, motion carries

- D. Public Hearing on Ordinance 15-129 An ordinance of the Town of Superior, Arizona, Relating to the Privilege License Tax; Amending the Town Tax Code by Increasing the General Rate of Taxation from Two Percent (2%) to four Percent (4%) Providing Penalties for the Violation Thereof; Providing for Severability; Designating an Effective Date and Making Provision for Existing Contracts.**

Margaret stated that in the June meeting Council voted to consider Ordinance 15-129 which is to consider the sales tax increase to 4%. The Sales Tax Public Notice has been on the website. It had to be a 60 day notice. Also we will be sending this to the Arizona Department of Revenue this gives them a full 60 days notice also. The original notice that we had in 2013 had a Sunset Clause which means the 4% sales tax increase would have gone away in November 2015. Margaret stated this is the reason we are doing this we have not raised the

property tax levy. This is an important revenue source for the Town Government. Last year our tax increased from \$245,138.00 from the previous year to \$343,043 so the increase was almost \$100,000.00 more due to the 4% increase. Margaret stated that it did take almost the full year to finally show up. We hold the Public Hearing first then Council will vote to approve the Ordinance. If at some point in the future even though we don't have the Sunset Clause all it takes is another 60 day notice and proper notice to the Arizona Department of Revenue. We will need to write a new Ordinance for this to decrease it doesn't mean that this is going to be here forever it just means that the 2 years passed to fast for the Sunset Clause. Margaret stated that what scares her is that the Sunset Clause is in there all the time and if we forget and we don't do this ahead of time we may miss it. Whoever is the Town Manager at the time and if it's not brought up at the proper time you can miss your window. Margaret stated that important thing to realize is that you can stop this at anytime. The 4% increase is very important to the Town of Superior.

Mayor Valenzuela opened the Public Hearing at 7:31 p.m.

Tiffany Rowell, stated that she work in Home Health Care for 20 years and she feels that these tax increases like the one Council is doing this year. Yes you're generating revenue but you're doing it on the backs of the elderly and the very poor. We can go to the Valley to make purchases but if they don't have family that can go for them they are the ones paying the higher taxes.

Nancy Volger stated that she knows Council has to do it, and that it's going to pass. She knows the \$100,000.00 is probably good it's needed for salaries and everything else. She feels it stinks when we are trying to get tourist in here and they see 10.7%, it's the 3rd highest in the state. When she sells her shirts she only charges the 8.7% and she herself pays the extra. She just can't do the whole 10.7% to her customers it's not right. So she is asking Council that whatever you can do to yank the budget tighter to get rid of it sooner.

Roy Chavez stated the rates of property value have gone down. He just wanted to bring it to the attention of the Council and the public that the mining industries Privilege Tax are only 2.5% and has been this since 1990 when the mines were given alliance by the state legislature. The mines don't go through the County Assessors they go directly to the legislature.

Public Hearing closed by Mayor Valenzuela at 7:35 p.m.

E. Discussion and Possible Approval of Ordinance No. 15-129 An Ordinance of the Town of Superior, Arizona, Relating to the Privilege License Tax; Amending the Town Tax Code by Increasing the General Rate of Taxation from Two Percent (2%) to four percent (4%) Providing Penalties for the Violation Thereof; Providing for Severability; Designating an Effective Date and Making Provision for Existing Contracts.

Margaret read Ordinance 15-129 An Ordinance of the Town of Superior, Arizona, Relating to the Privilege License Tax; Amending the Town Tax Code by Increasing the General Rate of Taxation from Two Percent (2%) to four percent (4%) Providing Penalties for the Violation Thereof; Providing for Severability; Designating an Effective Date and Making Provision for Existing Contracts.

Councilmember Estatico stated that yes we do hear you, but it's frustrating for us as well. Unfortunately it has to happen we are looking out for the best interest of the Town. Do we want to raise the Sales Tax to that amount, no we do not but we don't have too many choices.

Motion to approve Ordinance 15-129 An Ordinance of the Town of Superior, Arizona, Relating to the Privilege License Tax; Amending the Town Tax Code by Increasing the

General Rate of Taxation from Two Percent (2%) to four percent (4%) Providing Penalties for the Violation Thereof; Providing for Severability; Designating an Effective Date and Making Provision for Existing Contracts. Was made by Councilmember Alonzo, 2nd by Councilmember Estatico, motion carries

Councilmember Alonzo – Yay
Councilmember Aguilar – Yay (VIA Telephonic)
Councilmember Estatico - Yay
Vice Mayor – Lopez – Yay
Councilmember Besich-Lira – Nay
Councilmember – Tameron – Yay

CALL TO THE PUBLIC

Any citizen desiring to speak on a matter that is not scheduled on this agenda may do so at this time. Comments may be limited to three minutes per person and shall be addressed to the Town Council as a whole, and not to any individual member. Issues raised shall be limited to those within the jurisdiction of the Town Council. Pursuant to the Arizona Open Meeting Law, the Town Council cannot discuss or act on items presented at this time.

Nancy Volger stated that she was speaking for the Chamber of Commerce. The 4th Annual Prickly Pear Festival will be held in 10 days. August 22, 2015 this event brings tourist into the Town and they can pay 10.7% for everything they buy. She gave the schedule of events for the Festival.

Pamela Rabago stated that she has been asking Town Hall to fix potholes. There are potholes on Hill Street and Church that you almost can; dodge and if another car is coming at you can't dodge them. They are getting to be 6 inches deep. She has put 3 or 4 written complaints within the last 6 months asking for those potholes to be filled. Also there are two ladies on a fixed income one is a younger woman with children. They own homes on Palo Verde, and the water is constantly running from the street into their yards. Thus far the water hasn't entered the homes, but damage is being done. The foundation of one home is being damaged and the other home the water is getting into her laundry and storage room. The water has also gone up as far as her front door and the door is now warped. This needs to be fixed it is the Towns responsibility to keep the water on the street. These two ladies don't have the extra income to build walls to keep the water out of their lots and they should not have to do it. She asked that this please be taken care of.

Roy Chavez made statement regarding the presentation that he gave at the July meeting.

At the conclusion of the call to the public, individual Town Council members may (1) respond to criticism made by those who have spoken; (2) ask staff to review a matter; or (3) ask that a matter be put on a future agenda.

SUMMARY OF CURRENT EVENTS

Councilmember Besich-Lira thanked everyone for supporting the Superior Optimist Clubs Casino Night. She stated that they had a great turn out and they raised \$6000.00 this is going to help the Laptop and Christmas project. She also stated that she was a featured speaker at the Rural Policy Forum on our Legends of Superior Trails.

SCHEDULING OF MEETINGS AND EVENTS

Planning and Zoning Meeting, August 20, 2015, 6:00 p.m.
Airport Advisory Board Meeting August 20, 2015 5:00 p.m.
League Conference August 18-21, 2015 in Tucson, AZ
Council Meeting, September 10, 2015, 7 p.m.

EXECUTIVE SESSION

Motion to move into Executive Session with the Town Attorney, Steven Cooper and Town Manager, Margaret Gaston for 20 minutes was made by councilmember Estatico, second by Councilmember Alonzo, motion carries at 7:51 p.m.

A. Confidentiality Statement

At the April 10th, 2014 Council Meeting the following member of the Superior Town Council declared a conflict of interest concerning matters involving Resolution Copper, Mayor Valenzuela, Vice-Mayor Lopez, Councilmember Tameron and Councilmember Aguilar. Due to the four conflicts of interest the Superior Town Council would not be able to discuss matters involving Resolution Copper. However, pursuant to A.R.S. 38-508 if conflicts of interest prevent a Town from acting as required by law in its official capacity, such action shall not be prevented if the Councilmembers who have apparent conflicts make known their conflicts of interest in the official records of the Town.

Due to the fact the Mayor, Vice-Mayor and two Council Members have publically declared their conflicts of interest at the prior Council Meeting and the Town Council would not be able to address matters involving Resolution Copper these Council Members are authorized to participate in matters involving Resolution Copper pursuant to A.R.S 38-508.

B. Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts, contracts subject to negotiation and or in settlement discussions conducted in order to avoid or resolve litigation. Pursuant to A.R.S. Section 38-431.03(A)(3) & (4):

Resolution Copper status of negotiations concerning possible Mutual Benefits Agreement.

C. Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding potential annexation of real property. Pursuant to A.R.S. Section 38-431.03(A)(3) & (4)

- D. Discussion or consultation with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property. Pursuant to A.R.S. Section 38-431.03 (A)(7)**
- a. Discussion of Town owned properties including buildings and lots.

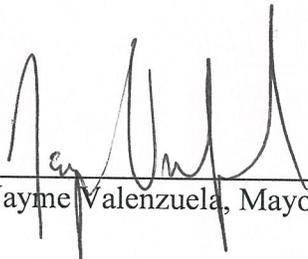
REGULAR SESSION

Motion to return to regular session at 8:10 p.m., made by Councilmember Besich-Lira, second by Vice-Mayor Lopez, motion carries.

Direct Staff or Town Attorney to proceed as directed in Executive Session.

ADJOURNMENT

Motion to adjourn meeting was made by Councilmember Besich-Lira, second by Vice-Mayor Lopez, motion carries. Meeting adjourned at 8:13 p.m.



Jayme Valenzuela, Mayor

Attest:



Rachelle Sanchez, Town Clerk

Approved to Form:



Stephen Cooper, Town Attorney