

TOWN OF SUPERIOR
Regular Council Meeting
Thursday, August 15, 2013, 7:00 P.M.
Superior Senior Center
360 W. Main Street, Superior, AZ 85173
MINUTES

CALL TO ORDER:

Mayor Jayme Valenzuela called the meeting to order at 7:04 p.m.

ROLL CALL:

Present: Council Members Michael Alonzo, Stephen Estatico, John Tameron, Gilbert Aguilar, Soyla “Kiki” Peralta, Vice Mayor Olga Lopez and Mayor Jayme Valenzuela; **Absent:** N/A

INVOCATION:

Pastor Joshua Vasquez, Life Restoration Apostolic Church, led the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Jayme Valenzuela led the Pledge of Allegiance.

1. SUMMARY OF CURRENT EVENTS:

- A. Council Members — No comments.
- B. Mayor — No comment.
- C. Town Manager — Town Manager/Attorney Kane Graves gave updates regarding the Prickly Pear Festival and opening of bids for the wastewater treatment plant. He also noted the Magma Hotel would be on the agenda for September 5.

2. SPECIAL PRESENTATIONS: Presentations, Proclamations, Awards, Guest Introductions and Announcements.

A. Presentation of Certificate of Appreciation for Sylvia Perez — Ms. Elizabeth Magallanez of the Town of Superior presented the certificate to recognize the work Ms. Perez had done for the town in the area of records. She said the records when Ms. Perez left were in tip top shape. Ms. Perez said thank you and explained the work she had done organizing the files, which had been in various boxes and piles following the different moves of the town hall. She had put together binders for town council meeting records as well. She indicated she felt good that it all looks nice and she knows she was appreciated.

B. Presentation by Red Bear Outfitters — Council Member Peralta asked Louie Rabago and Ray Ramirez of the Red Bear Outfitters to speak about the work of this community service group. She presented them a check for \$75. Mr. Ramirez indicated that the organization had started 14 years ago and been called by another name. For the past 10 years they have been pretty busy.

He explained the projects the Outfitters had served in. This included involvement with the State of Arizona, which has a lot of youth camps. That is the group's mainstay, youth camps, but they also were involved with projects for senior citizens, food bank, sports camps at school, a variety of things. As long as it had to do with their mainstay, the youth, they are going to be involved. He said if anyone had any questions, to contact him or Louie Rabago and gave a list of others and noted that everybody knew them and could contact them. Mr. Rabago discussed educational classes and how the town had been good about providing facilities. He noted the group buys locally for 95 percent of items they use. He said they were a 501(c) organization. Council Member Aguilar thanked the Red Bear Outfitters for what they do for the community. They are well known all over the state and he thanked them very much.

C. Presentation by Friends of the Library— Ms. Peralta indicated that she had been doing research regarding community organizations and the Friends of the Library had been one that had come up. She presented a check for \$75 to Library Director Josie Campos for this fundraising organization. Ms. Campos gave an update on the status of the Friends of the Library. She voiced the hope that when it has its reorganization membership drive a lot of people will come forward. Anyone who needs information can call or come by the library.

3. **CONSENT CALENDAR:** 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. Consideration and Approval of Council Meeting Minutes:

1. Special Meeting of August 1, 2013
2. Regular Meeting of August 1, 2013
3. Special Meeting of August 6, 2013

MOTION: Council Member Tameron moved to approve the consent agenda. Vice Mayor Lopez seconded. **VOTE:** The motion carried unanimously.

4. **REPORTS:**

Fire — Fire Operations Chief Todd Pryor updated those present on the fire department, including the impact that could be brought about in revenues from legislative changes to the Arizona Health Care Cost Containment System (AHCCCS).

Library — Library Director Josie Campos presented the library report.

Police — Sergeant Pat Ramirez gave an update on the activities of the police department.

Senior Center — Senior Center Director Debbie Casillas reported on the senior center.

5. **NEW BUSINESS:**

A. Discussion and Consideration of Approval of Deck and Façade Addition to the Copper Gecko Deck

Mr. Graves presented the item. He summarized that the owners of the Gecko, which is in the Town Center Zoning District had asked for their plans to place a deck/street façade on their now vacant lot adjacent to the Gecko. Improvements to the Town Center Districts are to be reviewed by the Town Center Review Board, which is advisory to council. But they do not have a Town Center Review Board so he is bringing this to council. It appeared that the proposed outdoor deck/façade is an encouraged use in the Town Center and that this project meets all required criteria. He referred them to the attached criteria and plan. He indicated that while the parking standards would require approximately 5.7, the applicants are creating four additional off street lots in the back. He referred them to Section 14.4 of the Superior Zoning Code, which provides that off street parking and loading requirements could be modified by the council for properties in the Town Center. The applicants have two on-street parking spaces directly in front of this now vacant area. He introduced the applicant, Mr. Sonnie Sansom.

Mr. Sansom gave a brief history of coming to Superior and noticing the natural beauty of the surroundings and the potential of Main Street. Moving here, he rebuilt the building. His wife opened her store. He discussed the business' success and growth and the need for more space. They have the additional property next door and would like to use that space to expand. He responded to council questions and Mr. Graves also responded to council questioning.

MOTION: Council Member Aguilar moved for approval. Council Member John Tameron seconded. **VOTE:** The motion carried unanimously.

6. **ACTION ITEMS:**

A. Discussion and Consideration of Whether to Continue Negotiations with Pinal County Sheriff's Office or Retain the Superior Police Department

Mr. Graves indicated they had been discussing the possibility of contracting with the PCSO since January. Progress had been steady until June when it was suddenly no longer being negotiated. It was his understanding that the County Board of Supervisors at this time wished a public up or down vote referencing the Town Council as to whether to continue negotiations or to retain the Superior Police Department. He understood and remembered they had voted after an executive session to continue the negotiations.

Council Member Tameron asked if all the Board of Supervisors was asking for was the letter to continue negotiations, which they had already voted on to continue. Mr. Graves said he had not discussed it with them.

Mayor Valenzuela indicated he had met with Chairman Miller of the Supervisors because he had heard there were concerns about moving forward. Chairman Miller had explained he wanted it agendized and voted on by the Town Council in public whether or not to move forward with the negotiations or to retain the current police

department. The mayor said he had told Chairman Miller he would put it on the agenda at the next meeting and put it up for a vote.

Mr. Tameron said they had already discussed and voted on it once. The mayor said they had and he had explained that to Chairman Miller but they wanted it done again.

MOTION: Mr. Tameron voted to continue negotiations between the PCSO and the Town of Superior. Ms. Peralta seconded.

Council Member Alonzo asked if this was exactly the same thing they motioned on the 20th of June. Are they asking them to do the same thing? That was in public. The mayor said he had explained that to Chairman Miller and they had sent him the minutes of the meeting. Maybe Mr. Babeu could shed some light. Mr. Alonzo asked if they were being asked if they want to pursue policing of the town with the Sheriff's Department or PD.

Pinal County Sheriff Paul Babeu said he would be that clear. The Board of Supervisors wanted a clear message from the elected leaders to say, yes they want to contract for a period of five years.

He told Mr. Tameron his motion was not clear enough. The Supervisors would say they are not going to further negotiate & vote first and then the Town Council gets in this big debate and says they are going to keep their police department. They want a clear vote from the Town Council. He would make it that clear, to say yes or no, do you want to contract with the Sheriff's Office or no you don't want to contract with the Sheriff's Office. Maybe the motion they would consider is: The Town of Superior, tonight, on this date, votes yes or no to contract for a period of five years with the Sheriff's Office for Law Enforcement Services. They could work out the details still with the Town Manager, the County Attorney for the exact numbers. This will be brought back before Council. What they are looking at is some of them have said to hold the phone: they want to be included a little bit more and that was the gist of the conversation, hey, we hear all these things going on but we want to be included. It is almost like a family discussion and maybe the aunt and uncle aren't really fully privy to the conversation, and then to hear about it afterwards and you are asking them to bless something that everybody else has been a part of as the conversation has evolved. So the board, just like your board would, says, well, wait a minute, how do we even know that the town really, really wants to do this. So that last clarification that you made before wasn't good enough.

He continued to say that the Supervisors want an actual vote by the Town Council saying yes we do want the contract for a period of five years with Sheriff's Office for law enforcement services. If you have that vote tonight and it's yes, we'll move forward. If you have that vote tonight and say no, then they all have clear direction as well and they

move on as well, because the Sheriff's Office has invested time and effort. They want to continue doing that, but they also need that clear message from the council.

Council Member Aguilar asked if this doesn't mean they are going to sign a contract, it is just saying they are going to continue negotiations. Sheriff Babeu indicated that was correct. Mr. Aguilar said it is something that is not really set in stone that it is going to benefit the town. It is something they still have questions on. Sheriff Babeu indicated that was correct.

Mr. Alonzo said that was not correct because the Sheriff had just said if they vote on that tonight, that was the decision they were making, either they vote on the Sheriff's Department or they vote on the PD, that was how clear it needed to be.

Sheriff Babeu said the clarity is that this is their intent to sign an agreement. The clarity is not that they are agreeing on amount of money, etc. By this vote, he is not asking them to agree on a price or sign a contract. What he is encouraging them to do, and this is what he is getting from the board and the county manager, is a clear vote of their intent to enter a contract for a period of ___ with the Sheriff's Office. So they are communicating with the other body, the other side of this agreement. He can sign the contract because he is committing to it for the Sheriff's Office, but the Supervisors are the fiduciary. They are the only ones by law that can sign a contract with another political subdivision.

Mr. Alonzo said he had a question for the Superior board: How is this different from Resolution wanting a letter of support in order to move forward with the land agreement when they are basically being asked to do the same thing with the Sheriff's Department here? Vice Mayor Lopez said she did not see that there is a difference. Mr. Tameron said they had been negotiating with the county, but now they are not negotiating with Resolution. Mr. Alonzo said right but now the county is saying they don't want to negotiate anymore unless the council commits to this. He didn't see the difference. Mayor Valenzuela said he did not think it is committing. It is giving clarity as to what direction they want to go. Ms. Peralta said all they are asking for is direction. They do not have to move with a contract afterwards if they can't come to a contact, but the Supervisors need to know they are serious about doing it.

Mr. Estatico verified with Mr. Graves that he had said they had stopped negotiating on June 20, was that correct? Mr. Graves said June 11. Mr. Estatico said he thought the Sheriff was asking them to vote on whether they wanted to have a contract with Pinal County or not. They have waited around for this for over a month. They have given 45 days and now they are asked to vote on this and go with Pinal County.

The mayor said it was not to go with Pinal County. It says: To go with the Pinal County Sheriff's Office or retain your police department. You are given an option. He said there is a motion on the floor and asked if there were any other comments. Mr. Alonzo commented that with all these negotiations, this has been going on before he took office and the police department has been depleted. How much longer are they going to negotiate? He thinks that is what the Sheriff is asking. He thinks some of them are being misled on what they are being asked to vote on. Mayor Valenzuela said he didn't think they were being misled and advised making it really clear in the motion of what they are going to vote on. Either they are going to move forward with the Sheriff's Office or they are not going to move forward with them and retain the PD. They can clarify it themselves, right there, right now.

Mr. Tameron said he would like to rescind his motion and restate it:

MOTION: Council Member Tameron made the motion to go with Pinal County and negotiate the 5-year contract. Council Member Aguilar seconded. **VOTE:** Council Members Tameron, Aguilar, Peralta, and Mayor Valenzuela voted aye. Council Members Alonzo, Estatico, and Vice Mayor Lopez voted nay. The motion carried 4-3.

Mr. Alonzo asked if they were changing the agenda. The mayor said they had clarified. He asked Mr. Graves to intervene and answer Mr. Alonzo's question. Mr. Graves asked about the motion. The mayor stated that Mr. Tameron had made the motion to proceed with the negotiations for a 5-year contract with Pinal County. Mr. Tameron stated: To go with Pinal County and negotiate for a 5-year contract. Mr. Graves asked for clarification and received a response. Are they changing the agenda as it is written? Mr. Graves said it was a reasonably related item with different wording, so yes they could vote on the motion that had been made. Mr. Alonzo said he just wanted to make sure it was clear what they voted on, that they were on the same page. Mr. Tameron indicated they go by his motion and that was to go with Pinal County and negotiate for 5 years, and that was what the Board of Supervisors is asking for. The mayor said yes, they want clarity on what direction they are going. He asked if there were more questions from the council. There being none, they proceeded to the next item.

- B. Resolution No. 543 – A Resolution of the Mayor and Council of the Town of Superior, Arizona, Pursuant to A.R.S. 9-802 Declaring as a Public Record for Purposes of Adoption by Reference that Certain Document Entitled the "Superior Town Code," Three (3) Copies of Which are on File With The Town Clerk

Mr. Graves presented the Item. He referred council to Revised Pages 152 and 153 of the code, having to do with adopting the utilization of Arizona Water records of when water is turned on and off for the purpose of sewer service applications. When the town receives notice that water service has been turned on, they can send a reminder notice that it is time to apply for sewer service. The initial proposed notice that was drafted

had said it was required by Town code but when they looked it was not there. He thought it a good idea to provide that when water service is turned on, an application for sewer service is required. He had added to Section 9-2-1(A) (Application for Sewer Service) that application shall be made when water service is turned on. He also added a provision to 9-12-4 regarding each occupant of an occupied residence paying the established garbage and trash fee. He discussed that change to previous wordage and made further comments and responded to council questions.

Ms. Pam Rabago shared a situation of an older person who could not afford the garbage service. Now she is going to have to pay. She shared with a friend. Neither one of them uses even one garbage can per week but now town code and the agreement with Republic is requiring her to pay. She is sure the person is not the only one as the town has never enforced that. They ought to try to talk to Republic again and at least get something for the elderly. It is something they ought to think about. It is a problem for the elderly.

Mr. Graves pointed out that the language in the Republic contract is old. It has been there for many years.

Mr. Tameron said that had been the reason he had voted no on that contract as he did not see or review it. He and Mr. Kane discussed this.

MOTION: Mr. Aguilar moved to table. Mr. Tameron seconded. **VOTE:** Council Members Tameron and Aguilar voted aye. Council Members Alonzo, Estatico, Peralta, Vice Mayor Lopez and Mayor Valenzuela voted nay. The motion failed 2-5.

MOTION: Ms. Peralta moved to approve Resolution 543 and Ordinance 115. Mr. Alonzo seconded. **VOTE:** Council Members Alonzo, Estatico, Peralta, Vice Mayor Lopez and Mayor Valenzuela voted aye. Council Members Tameron and Aguilar voted nay. The carried 5-2.

- C. Ordinance No. 115 – An Ordinance of the Mayor and Council of the Town of Superior, Arizona, Adopting the Superior Town Code Which was Made a Public Record By and Through the Adoption of Resolution No. 543; Repealing Any and All Other Ordinances and Parts of Ordinances in Conflict Therewith; and Providing for Penalties for the Violation Thereof; and Requiring the Posting and Publishing of this Ordinance as Required by Law

7. **CALL TO THE PUBLIC:**

Ms. Sue Anderson gave information regarding the upcoming Prickly Pear Festival. She also asked that council go back over the motion regarding the negotiations with the PCSO. She stated that there was a lot of confusion and shared her interpretation of that motion and asked to know if that was correct and who was for it and against it.

Mr. Hank Gutierrez thanked the Red Bear group for all the work they have done in the community. Volunteer organizations such as the Red Bear set the bar high as to what volunteerism was about. Regarding the vote on the negotiations with the PCSO, there was a lot

of confusion. Basically there was an agenda change. It was a false choice. There should have been two votes, whether to disband the PD and then whether to continue the negotiations. Not only being a false choice, does it come down to timing? They are coming up on a recall election. What is another two weeks, another council meeting? He thought they were kind of short changing the community. The other thing, for the record, he still feels this is a conflict of interest. The county attorney has not taken a position on it. Hopefully those who don't support this will go to the Board of Supervisors and make their voices loud and clear as this is a political maneuver. Over 200 signatures have been gathered not supporting this. He is not even sure the community can afford over a \$60,000 payment a month to the PCSO.

Mayor Valenzuela asked the council if they wished to revisit the Pinal County vote for the public and do a show of hands for the public. Mr. Tameron said he wished the minutes to be read back on how he had made the motion and it wasn't to disband the police department. The motion could not be read back verbatim at that time. Mayor Valenzuela asked Mr. Tameron to repeat his motion. Mr. Tameron said he had made a motion that they go with Pinal County for the next five years and discuss the agreement with Pinal County. He had never said anything about disbanding the Superior PD. It is to discuss and negotiate a 5-year contract. The mayor stated the motion had been made by Mr. Tameron, seconded by Mr. Aguilar, voted yes by Ms. Peralta, Mr. Aguilar, Mr. Tameron and himself. Opposed were Ms. Lopez, Mr. Estatico and Mr. Alonzo.

Following Executive Session, in Item 9, **Mayor Valenzuela** stated they were going back to Call to the Public as there was another sheet:

Sandra Irwin Doyle discussed the issue of the lack of trash service in the area in which she resides. She also commented on the problem of wandering dogs in Superior. She wondered if they could find the owners and force them to keep them penned. She updated council on issues and the status of the Caboose and asked for help on the 23rd for the festival. Thanks for the park. It is appreciated. It is all cleaned up. She indicated she was getting a group of those for PCSO.

Mila Lira discussed the door being stuck at the Caboose.

Ben Hernandez commented to those who were not for the PCSO and discussed how PCSO had helped in a case of sexual assault/harassment. He also said he had been harassed by a Superior PD officer. On the animal control issue he shared his perspective as former animal control officer.

Mayor Valenzuela said Superior PD is to respond to animal control calls. They will call Pinal County out because Superior has an IGA with Pinal County to come and pick up those animals. So that if you have an animal that is running at large, please call the PD.

8. **EXECUTIVE SESSION:**

A. Confidentiality Statement

B. Discussion or consultation with the attorneys of the public body for legal advice and in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or

contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation. Pursuant to A.R.S. Section 38-431.03 (A) (3) & (4).

- a. Wilt Litigation
- C. Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee pursuant to A.R.S. 38-531.03 (A) (1).
 - a. Town Manager
 - b. Town Clerk
 - c. Finance Director
 - d. Town Attorney
 - e. Public Works Director
- D. Discussion of 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

MOTION: Council Member Peralta moved to go into Executive Session. Council Member Estatico seconded. **VOTE:** The motion carried unanimously. Council entered Executive Session at 8:20 p.m.

MOTION: Council Member Aguilar moved to return to regular session. Council Member Peralta seconded. **VOTE:** The motion carried unanimously. Council returned to regular session at 9:10 p.m.

9. **POST EXECUTIVE SESSION:**

Consideration of any item on the Executive Session portion of this agenda, which the Council may wish to take action upon in Open Session.

MOTION: Council Member Peralta moved to appoint Margaret Gaston as Interim Town Manager effective September 2. Council Member Aguilar seconded. **VOTE:** The motion carried unanimously.

Mayor Valenzuela indicated that there were further members of the public who had signed for the Call to the Public. (See Item 7)

10. **SCHEDULING OF MEETINGS:**

No new meetings were scheduled. Previously scheduled was the Regular meeting of September 5, 2013 at 7 p.m.

Mr. Graves stated that Ms. Pat Walker would like to come at 5:30 p.m. on September 5 to finish up her presentations if the council desired. Mayor Valenzuela said they would defer that to Ms. Gaston to work out with Ms. Walker.

11. **ADJOURNMENT:**

MOTION: Vice Mayor Lopez moved for adjournment. Council Member Aguilar seconded. **VOTE:** The motion carried unanimously. Mayor Valenzuela adjourned the meeting at 9:23 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 August, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

/s/ _____
Jayme Valenzuela, Mayor

These minutes were compiled & transcribed by Cindy Tracy, an independent contractor.
Final editing of these minutes & their content was completed & verified by Town of Superior staff.