

**TOWN OF SUPERIOR  
MINUTES REGULAR MEETING  
FEBRUARY 11, 2016**

**REGULAR MEETING OF THE SUPERIOR TOWN COUNCIL HELD ON THURSDAY  
FEBRUARY 11, 2016 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 7:03 pm

**ROLL CALL**

|               |                  |
|---------------|------------------|
| Mayor         | Jayne Valenzuela |
| Vice Mayor    | Olga Lopez       |
| Councilmember | Gilbert Aguilar  |
| Councilmember | Michael Alonzo   |
| Councilmember | Mila Besich-Lira |
| Councilmember | Steven Estatico  |
| Councilmember | John Tameron     |

**PLEDGE OF ALLEGIANCE**

Mayor Valenzuela led staff and audience in the Pledge of Allegiance.

**INVOCATION**

Pastor Dennis Van Gorp, Family Life Christian Center gave the invocation. He also read Matthew 7:24.

**PUBLIC ATTENDANCE**

|                 |                |
|-----------------|----------------|
| Sonnie Samson   | Bruce Armitage |
| Sandy Byrd      | Joy Eveland    |
| Auora Michael   | James Hodi     |
| Deb Sears       | Alan Urban     |
| Sue Anderson    | Melissa Rabago |
| Nancy Vogler    | Carl Vogler    |
| Steve Holmquist | Bud Polly      |
| Hank Gutierrez  | Tina Gutierrez |

**STAFF REPORTS**

**Interim Town Manager, Chief Pryor-** Everything is in our written report. In addition, the Magma Hotel will be starting phase II of the Hotel and they will also be starting on the restaurant across street. They made contact with Pinal County and have started the first stages of the permitting process. They will be submitting drawings in the near future. The Town is spending money on streets than we are getting in from HURF. Home Rule Election, 1<sup>st</sup> deadline March 30<sup>th</sup> the Town can choose to complete the home rule during either the primary of general election. Recall election The Town has been notified of a recall election. It is possible that if the timelines Coincide, that this can be handled with the primary of general election.

**Interim Town Manager, Chief Neuss-** Two major projects from ADOT, street assessment and Street sign project. LDS Church will be having about 200 kids that are looking for community

Work. They will be here on February 20<sup>th</sup>. They also want to bring back another group of kids on March. Public works has a great idea; we will get these kids to paint the parking areas on Main St. We are going to try to get the paint donated by ADOT. Congratulations to Jimmy Lopez he has been promoted to the Sanitation Plant. He will be required to get his Tech I certification with in one year.

### **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 January 14, 2016
- B. Minutes of Special Meeting on January 20, 2016
- C. Special Event Use Permit – Legends of Superior Trails, Trail Fest Main Street Closure, February 13 2016
- D. Special Event Use Permit – Optimist Club Horseshoe Tournament March 12, 2016
- E. Alcohol Beverage Permit – Optimist Club Horseshoe Tournament March 12, 2016
- F. Request Letter – Chamber of Commerce Amendment of Special Event Use Permit
- G. Request Letter – Chamber of Commerce Amendment of Alcohol Beverage Permit
- H. Department Reports
  - Fire
  - Police
  - Library
  - Senior Center
  - Public Works
  - Sanitation

**Motion to accept the consent agenda was made by Councilmember Besich-Lira, Second by Vice Mayor Lopez, motion carries.**

### **NEW BUSINESS**

- A. **Discussion and Possible Appointment of Interim Town Manager.** Staff recommends moving forward with the appointment of an Interim Town Manager.  
**Motion to authorizing the acting Town Manager to contract with IPM for Interim Town Manager Services made by Councilmember Alonzo, second by Councilmember Besich-Lira, Motion carries.**
  
- B. **Special Presentation, Discussion and Acceptance of IGA with Pinal County Animal Control.** This is an agreement between the Pinal County Department of Health and Human Services, Division of Animal Care and control and the Town of Superior. Staff recommends moving forward with this updated IGA. Brief discussion then a motion was made.  
**Motion to accept the IGA with Pinal County Animal Control made by Councilmember Besich-Lira, second by Vice Mayor Lopez, motion carries.**

- C. Discussion/Approve/Reject: Discussion and Possible Acceptance of an application for liquor license for the Buckboard Restaurant, LLC., 1111 W. US Highway 60.** Councilmember Tameron recused himself from any discussion and voting on this item. Staff recommends approving this application.  
**Motion to approve application for liquor license for the Buckboard Restaurant made by Councilmember Besich-Lira, second by Councilmember Estatico, motion carries.**
- D. Discussion/Possible Approval of Assistance to Firefighters Grant application in the amount of \$23,583 for Personal Protective Equipment. The Town Share would be \$1,123.** Motion to approve assistance to firefighter grant application in the amount of 23,583 for Personal Protective Equipment made by Councilmember Aguilar, second by Councilmember Tameron, motion carries.
- E. Discussion/Possible Appointment of a Selection Subcommittee for the purpose of selecting an Engineering firm for the 2014/15 CDGB Sewer Plant Project and approval of the Request for Proposal.** Staff recommends approving this RFP listing and nominating two Councilmember to serve with Bob Hanus on the selection Committee. We must select an engineer to move forward with the 2014-15 CDBG Sewer Plant Project, this project has already been approved by Council, and this represents the next step in the process.  
Motion to appoint the Interim Town Manager, Councilmember Tameron as a subcommittee for the purpose of selecting an Engineering firm for the 2014/15 CDBG Sewer Plant Project made by Councilmember Alonzo, second Vice Mayor Lopez, motion carries.
- F. Presentation/Discussion with town attorney on Conflict of Interest Laws and how those laws relate to dealings with Resolution.**  
At the February 11, 2016 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, Council Member Tameron and Council Member 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 Council Members 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.

**G. Discussion/Possible Approval of Memorandum of Understanding with Resolution Copper.** Motion to move into executive for Items G & H. for 30 minutes second from Councilmember Tameron, motion carries.

**H. Discussion/Possible Approval of Emergency Services Agreement with Resolution Copper.** Motion to move into executive for Items G & H. for 30 minutes second from Councilmember Tameron, motion carries.

Once back from executive session members of Council with conflicts stated their conflicts once again for the record. A couple of comments from Councilmember Alonzo and Besich-Lira regarding how long this has taken and how grateful to everyone for the effort to make this happen. Motion to approve Emergency Services Agreement with Resolution Copper was made by Councilmember Alonzo, second by Councilmember Aguilar, motion carries.

**9. CALL TO THE PUBLIC**

**A.** 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

**B. 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.**

David Romero- He keeps hearing about 8 transactions and the bank statement in the amount of \$2,300.00. For two of those transaction there was a Finance Director at that time and wondering If anyone has question that person if she knew about it. All of these 8 transactions were grouped Together and he does not feel that was the case. Myself what I can say is that I did accept \$500.00 from the Mayor for his transactions in May 2014. I issued a receipt and kept a copy for myself in a manila envelope, the envelope was still there but the receipt was gone. That is my part of it and the process still needs to be completed. If it turns out there was no wrong doing I hope that those people that are attacking and making personal attacks will have the decency to apology with the same energy that they are making these accusations. He also clarified that he is not and never has been the Finance Director. I basically did all of the duties that that position entails. When I first a arrived the finance department was already behind. He filed the taxes for the rest of 2013. He did the finance when ADP took over until the present time. He also filed invoices to release over \$42,000.00 from Pinal Gila Council for Senior Citizens. The reason he resigned had nothing to do with the Mayor or the Manager Leaving. It was due to a hostile work environment. This starte when they hired the Town Clerk in July. It got so bad that I had to constantly look behind me. There were items missing from his desk but this did not affect his character. He had a duty to the Town but he had to remain true to himself.

Rachelle Sanchez- I just want to clarify that the Mayor did not immediately pay for his mistake and he had no intention in doing so until it became public. Remember his first mistake was in 2012 we are now in 2016. He did not pay for his mistake until the second week of January right before the meeting. Immediately is not 3 years later. Although I have no faith in our justice system I still hope that the right thing comes out of this investigation. Regarding the article in yesterday paper, that was all plain and simple lies they can claim that things were missing and that hostile environment was there way before she got there. We keep reading that it was immediately paid, four years is not immediately.

Nancy Garcia- I first came to Superior to address an issue with an employee. Mayor I came to you You told me to go to his boss or go to the Council. I tried to go to his boss the town manager but refused to offer me any type of help. So then I came to council, I was informed by her she would not be helping me at all. I filed a restraining order. You told me quote “Whatever choice you make it will have repercussions” that was from you Mr. mayor. You advised that you would leave the complaint form with the chief of Police. When I spoke to him he said he had only my best interest at heart. I spoke of my situation at the time about the Finance Manager which he claims he not. When I went about the restraining order he had put one on me which I have nothing to this man. At the court he told me that he had been instructed by you Mayor and the Town Manager to do so. That was retaliation as long as she saw it. He informs me at the Court that the Chief of Police had Recorded and had given him her information to use against me with the restraining order.

Sue Anderson- She wanted to just let the staff know you are all doing a great job under these difficult situation and you have our support. Also wanted to thank everyone for the fantastic job during the Home Tour Show. We had a lot of people come thru and tell us how wonderful this town was and the surrounding area. We were completely blown away we sold 2000 tickets. This was a huge success to the Town of Superior. We had a serious but wonderful problem with parking

Nancy Vogler- Despite the scandal that has brought the national spotlight to our town despite that she has good news, thanks to the Tonto National Forest and Resolution Copper we have a recreational users group and we got the go ahead from the Forest Service to develop some land that will put Superior on the map upgrade as ecotourism center.

Bill Vogler- On another happy note, we are having the Trail Fest this weekend. Starts at 10:00 in the morning, in the afternoon we have hikes on the Arizona Trails, couple of hiking trips going up to the tunnel. There will be hamburgers and chili. A few speakers would like to see everyone come out and have a good time.

## 10. SUMMARY OF CURRENT EVENTS

### A. Council Members

**Besich-Lira,** To the Chamber of Commerce we owe you a lot of credit for all of the hard work and attention the Town is getting. Also the boys’ basketball team are doing very very well.

They were 2 students that took advantage of the Home Tour and held a lemonade stand and made about \$240. They paid their parents back and donated \$91.00 to their school to their student council.

Gilbert Aguilar, It is really nice to have a parking problem. Thank you Resolution Copper for coming together and everyone who made the agreement possible.

Michael Alonzo, He wanted to echo what everyone else has said it was great to see the Town so full of people and it was all thanks to all of the hard work of the Chamber. Congratulation to the Chamber and look forward to more in the future. He wanted to thank staff, you are doing a great job. Keeping us informed our communication has never been better on keeping us informed great work. Hopefully we can get you some relief so you can get back to your normal duties. Another thing Little League is here. There are getting completely new dugouts the field is looking great. Come out and enjoy the kids play.

Stephen Estatico, wants to thank the Chamber for a great job on the Home Tour. Also the staff for all of the communication they have kept us well informed and appreciate it.

John Tameron, Thank the Chamber super job they did also the flyers they brought in. People have been taken them. Glad to see the agreements with Resolution Copper is moving ahead. To the two interims thank you for all of your hard work, Mr. Cooper, staff.

Vice Mayor Lopez, Agreements was a long process but it got done good job. The Home Tour was fantastic. She got a chance to visit one of the homes and on Sunday she saw a lot of people enjoying the home tour and so many new business coming into town so that is great. The Town got a lot of free advertisement. The two interim manager, these two guys have stepped up and helped us immensely. With Nora and Ruby coming together and it is nice to see smiling faces and communication.

Mayor Valenzuela, Just to echo everyone's comments, Todd, Chief, Mr. Cooper Thank you for all you have done.

11. **SCHEDULING OF MEETINGS AND EVENTS**

Planning and Zoning Meeting, February 18, 2016, 6 p.m.

Council Meeting, March 10, 2016, 7 p.m.

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12. EXECUTIVE SESSION

A. **Confidentiality Statement:**

- 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):  
Consideration of applicants for Interim Town Manager.  
Discussion on-going negotiations with Resolution Copper Company.  
Advice from council concerning pending litigation.  
Discussion of possible compensation for temporary roles

13. REGULAR SESSION

Mayor called to return to regular meeting from Executive, Vice Mayor Lopez, gave direction to staff to proceed as directed in executive session

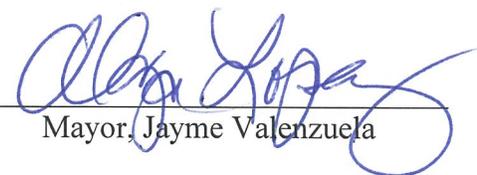
14. **Direct Staff or Town Attorney to Proceed as Directed in Executive Session.**

Mayor Valenzuela stated the other item discussed in executive session was a stipend for Mr. Neuss and Mr. Pryor for taking on the Interim Town Managers duties. The stipend will be in the amount of \$2000 for each month that you serve for each month you do duties.

15. ADJOURNMENT

Motion to adjourn meeting made by Councilmember Estatico, second by Vice Mayor Lopez, motion carries.

  
Town Attorney, Steven Cooper

  
Mayor, Jayme Valenzuela

  
Interim Town Manager, Todd Pryor