

**TOWN OF SUPERIOR
LEGAL STATEMENT
REGULAR MEETING OF THE
TOWN OF SUPERIOR TOWN COUNCIL**

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the Superior Town Council and to the public, that a Regular Meeting of the Superior Town Council was held on Thursday, April 8, 2021 at 7:00 p.m. in the Superior Town Hall Auditorium, 199 N. Lobb Ave., Superior, Pinal County, Arizona. The agenda for this meeting is as follows:

Due to the impacts of the COVID-19 pandemic, which have prompted declarations of a public health emergency at both the state and federal levels, this meeting will be conducted using measures to protect public health. Members of the public are encouraged NOT TO ATTEND THE MEETING IN PERSON but instead to attend and listen to the meeting remotely by telephone.

To participate in the meeting telephonically follow the instructions below:

Tele-Conference Participant:

1. At the specified time, dial the Access Number **712-451-0644**.
2. When prompted, enter your Participant Code followed by #.
3. Your Participant Code is **127483 #**.

Participant Star Commands:

- *4-Volume - Pressing *4 will increase/decrease the volume.
- *6-Mute - Participants can mute/unmute their own lines by pressing *6.

We will also be live-streamed on the Town's youtube channel.

<https://www.youtube.com/channel/UCd2f5D2dfTkaazjwNyhAXRA> .

Public access to the Mayor and Council Chambers will be restricted in order to prevent a large or close gathering of the members of the public and to promote social distancing. Additionally, some items on the agenda may be shortened, continued to a future meeting or taken out of order. These steps are part of the effort to limit the number of people who must be physically present, or who might desire to be physically present, at the meeting, and to limit the time of the public meeting.

This meeting was held remotely through technological means, as permitted under Arizona law.

1. CALL TO ORDER
2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. INVOCATION

5. SPECIAL PRESENTATIONS

A. PROCLAMATION FOR NAEYC Week of the Young Child April 10-16, 2021.

6. STAFF REPORTS

Mayor
Manager

7. 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.

1. Approval of Minutes of Regular Town Council Meeting on March 11, 2021.
2. Approval of Intergovernmental Agreement (IGA) for Multi-Agency Special Weapons and Tactics (SWAT) Team between Pinal County, a political subdivision of the State of Arizona, on behalf of the Pinal County Sheriff's Office (PCSO) and the Town of Superior, a municipal corporation of the State of Arizona for participation in the Pinal County Regional SWAT Team. Pinal County is updating all IGA's.
3. Approval Intergovernmental Agreement (IGA) for Multi-Agency Pinal County Narcotic Task Force between Pinal County, a political subdivision of the State of Arizona, on behalf of the Pinal County Sheriff's Office (PCSO) and the Town of Superior, a municipal corporation of the State of Arizona for participation in the Pinal county Narcotics Task Force ("PCNTF). Pinal County is updating all IGA's.
4. Approval to enter into a Intergovernmental Agreement between the Pinal County Sheriff's Office and the Superior Police Department by assigning officers to the Vehicle Crimes Unit. The purpose of this IGA is to provide appropriate law enforcement action to enforce traffic laws, deter traffic violations and investigate traffic collisions and traffic-related crimes by a team of officers having specialized focus, training, skills, abilities and resources desired to perform these law enforcement actions, as determined by the Sheriff and/or Chief of Police of the Department.

Town of Superior Regular Meeting
April 8, 2021
Page 3 of 6

5. Approval of Town of Superior Alcohol Permit for Alex Apodaca for a Funeral Luncheon to be held at the Magma Club located at 38 Kumpke Ct, Superior, AZ on May 29, 2021 from 9:00 AM to 7:00 PM.
6. Approval of Town of Superior Alcohol Permit for Veronica Gutierrez for Wedding Reception to be held at the Magma Club located at 38 Kumpke Ct, Superior AZ on November 6, 2021 from 8:00 AM to 6:00 PM.
7. Approval of AZ Dept of Liquor Licenses and Control Application for Special Event License for the Boyce Thompson Arboretum, located at 37615 E Arboretum Way, Superior, AZ, for an Event on Friday, June 10, 2021 from 5:00 PM to 8:00 PM. Applicant is Shelbi A. Storms.
8. Approval of AZ Dept of Liquor Licenses and Control Application for Special Event License for the Boyce Thompson Arboretum, located at 37615 E Arboretum Way, Superior, AZ, for an Event on Friday, July 9, 2021 from 5:00 PM to 8:00 PM. Applicant is Shelbi A. Storms.
9. Approval of AZ Dept of Liquor Licenses and Control Application for Special Event License for the Boyce Thompson Arboretum located at 37615 E Arboretum Way, Superior, AZ, for an Event on Friday, August 13, 2021 from 5:00 PM to 8:00 PM. Applicant is Shelbi A. Storms.
10. Approval of EMI Health Insurance Renewal Rates for Town of Superior Employees as part of the Public Service Health Benefit Pool effective July 1, 2021 through June 30, 2022.
11. Department Reports:
 - Fire
 - Police
 - Public Works
 - Library
 - Senior Center
 - Sanitation
 - Town Engineer

APPROVED

8. NEW BUSINESS

- A. Work Session #1 to discuss the 2021-2022 Fiscal Year Budget.
- B. Discussion/ Possible Appointment of two representatives to serve on the Oversight Committee as required in the Mitigation Agreement with Resolution Copper Company.
Action Item No. 1

APPROVED

- C. Discussion/Possible Approval of Emergency Declaration No. 2021-01 replacing Emergency Declaration 2020-03.

Action Item No. 2 **APPROVED AYES 5 NOES 1 ABSENT 1**

- D. Public Hearing /Discussion/Approval of Resolution No. 2021-637, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF SUPERIOR, ARIZONA, DECLARING AS PUBLIC RECORDS THOSE CERTAIN DOCUMENTS FILED WITH THE TOWN CLERK AND ENTITLED BUILDING PERMITS AND EXEMPT FOR SINGLE FAMILY RESIDENTIAL DWELLINGS ONLY

Action Item No. 3 **APPROVED AYES 6 NOES 0 ABSENT 1**

- E. Discussion/Possible Approval of Ordinance No. 2021-173, AN ORDINANCE OF THE TOWN OF SUPERIOR ADOPTING BY REFERENCE THE TOWN CODE ARTICLE 12-3-4 BUILDING PERMITS AND EXEMPT FOR SINGLE FAMILY RESIDENTIAL DWELLINGS ONLY.

Action Item No. 4 **APPROVED AYES 6 NOES 0 ABSENT 1**

- F. Discussion/Possible Approval of Ordinance No. 2021-170, AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SUPERIOR AMENDING THE TOWN ZONING CODE ARTICLE 11, MANUFACTURED HOUSING OVERLAY DISTRICTS, PARAGRAPH 11.2 PERMITTED USES; PARAGRAPH 11.3 PLANNING REVIEW PROCESS; PARAGRAPH 11.4, REVIEW CRITERIA; PARAGRAPH 11.5, DESIGN AND CONSTRUCTION STANDARDS; PARAGRAPH 11.7, DENSITY, AREA, BUILDING & YARD REGULATIONS; AS IT RELATES TO MANUFACTURED HOUSING, AND DECLARING AN EFFECTIVE DATE.

Action Item No. 5 **APPROVED AYES 6 NOES 0 ABSENT 1**

- G. Discussion/Possible Approval of an Amicus Brief concerning Apache Stronghold v. U.S. et al., case number 21-15295, in the U.S. Court of Appeals for the Ninth Circuit.

Action Item No. 6 **APPROVED AYES 6 NOES 0 ABSENT 1**

- H. Public Hearing and Possible Action of Superior Town Council Serving as it's Board of Adjustment as a public meeting pursuant to Section 2.4 of the Town Zoning Ordinance considering: (1) Variance No. 2021-01 requested on behalf of Charles C. Anderson for a residence located at 1723 S. Bush Dr, Superior, AZ and (2) considering Variance No. 2021-02 requested on behalf of Tiffany Rowell for a residence located at 422 W. Moffatt Street, Superior, AZ.

MEETING OF THE TOWN OF SUPERIOR BOARD OF ADJUSTMENT

- i. Call to Order
- ii. Roll Call

1. Variance No. 2021-01 requested on behalf of Charles C. Anderson for a residence located at 1723 S. Bush Dr, Superior, AZ

1. Opening Public Hearing
2. Staff Report and Recommendation
3. Presentation by Applicant if requested and Public Comment
4. Closing of Public Hearing
5. Discussion and Action by Town Council acting as Board of Adjustment.

APPROVED AYES 6 NOES 0 ABSENT 1

2. Tiffany Rowell for a residence located at 422 W. Moffatt Street, Superior, AZ.

1. Opening Public Hearing
2. Staff Report and Recommendation
3. Presentation by Applicant if requested and Public Comment
4. Closing of Public Hearing
5. Discussion and Action by Town Council acting as Board of Adjustment.
6. Adjourn Board of Adjustment Meeting.

APPROVED AYES 5 NOES 1 ABSENT 1

RETURN TO REGULAR SESSION OF TOWN COUNCIL

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.

10. EXECUTIVE SESSION

- A. Confidentiality Statement
- B. Discussion of legal matters/consultation with Town Attorney, Town Staff and/or the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, pursuant to A.R.S. '38-431.03 (A) (3) and (4).
- C. Discussions or consultations 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. '38-431.03 (A) (3), (4) and (7).

- D. Possible executive session for discussion/consultation for legal advice with the Town Attorney and/or Town Staff concerning any of the agenda items, pursuant to A.R.S. '38-431.03 (A) (3) and (4).

11. REGULAR SESSION

- 12. A. Direct Town Manager, Town Attorney, Town Staff Counsel to Proceed as Directed in Executive Session.**

13. SUMMARY OF CURRENT EVENTS

- A. Council Members
- B. Mayor
- C. Town Manager

14. SCHEDULING OF MEETINGS AND EVENTS
All meetings are held at Town Hall.

Emergency Services Committee	04/15/2021	6:00 PM
Community Development Committee	04/22/2021	6:00 PM
Planning & Zoning Committee	05/06/2021	6:00 PM
Town Council Meeting	05/13/2021	7:00 PM

15. ADJOURNMENT

Approved by: Mayor Besich

Posted by: _____

Date: _____ Time: _____

THE TOWN COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION WHEN NEEDED FOR LEGAL CONSULTATION OF THE ABOVE SHOWN ITEMS A.R.S. SEC. 38-431-03 (A)(3) AND (A)(4).

HANDICAPPED INDIVIDUALS WITH SPECIAL ACCESSIBILITY NEEDS MAY CONTACT THE TOWN OF SUPERIOR AT 520-689-5752 AT LEAST 72 HOURS IN ADVANCE.