

**Town of Superior
Regular Council Meeting
Wednesday, July 11, 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 7:06 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 Hank Gutierrez (arrived 7:31 p.m. following roll call), Chris Tomerlin, John Tameron, Gilbert Aguilar, Soyla “Kiki” Peralta, Mayor Jayme Valenzuela and Vice Mayor Olga Lopez; **Absent:** N/A

E. CONSENT AGENDA

1. Approval of Minutes for Regular Meeting of June 21, 2012 and Work Sessions of June 14 and June 20, 2012
2. Approval of Blanket Permit for Set Free Ministries, Superior, Arizona for church outreach
3. Approval of Blanket Permit for the Superior Historical Society, Inc. for fundraising
4. Approval of Blanket Permit for St. Francis of Assisi Church for fundraising
5. Approval of Minutes for Executive Session Meeting of June 7, 2012

Interim Town Clerk Rita Wentzel presented Items E1-4 and stated that the executive session minutes would be brought to the next meeting. Mayor Valenzuela asked if there were any questions in reference to the minutes or blanket permits. There were none.

MOTION:Ms. Peralta moved to approve Items 1-4 of the Consent Agenda and table Item 5. Ms. Lopez seconded. **VOTE:** The motion passed unanimously.

F. REPORTS

N/A

G. COMMUNICATION

1. Manager’s Report—Interim Town Clerk Rita M. Wentzel

Ms. Wentzel reported and responded to questions on items of communication, including: the ABC Combine Challenge at 7 p.m. Saturday, July 21, 2012 at the SHS gym/stadium; USFS Land Survey Activity by A Team Professional Associates, Inc. the week of July 9, 2012; Globe Ranger District request for public comment on a plan of operations for the Iron Nugget Exploration Drilling Project submitted by Trueclaim Exploration Incorporated; and a Magma Hotel update in which she said there was no new information.

Public Works Report—Public Works Director Jed Lant

Mr. Lant provided council with a map and update regarding the scope of work for the U.S. 60 Widening Project through Superior and future redirection of highway around Superior. Mayor Valenzuela said there would be more information at the July 19 council meeting where an ADOT representative was scheduled to speak.

H. CALL TO THE PUBLIC

Sue Anderson: Advised of a positive project the Chamber has been working on. They have put an ad showing the Caboose Visitor’s Center in the Phoenix Travel Guide. She also referenced a comment that had been made during the work session about people working in the town who do not live there. She hoped they would keep an open mind about the proposal of Lina K. Austin on the agenda. Ms. Austin does not live here, had done work for the Chamber. Ms. Anderson said she can’t say enough good things about Ms. Austin.

Bruce Richardson: Said he represented Resolution Copper. He informed them that this week they signed an agreement with the Tempe-based Queen Creek Coalition of climbing groups. It is a long-term agreement, eight years in the making. It makes it possible for climbing groups under license to access areas on Resolution lands if they can safely do so.

Pam Dalton-Rabago: Talked to council about Lina K. Austin, who is primarily a business realtor but does have a lot of contacts. She also writes grants, is knowledgeable about economic development and has access to a foundation that can help businesses come to Superior and get started. Ms. Dalton-Rabago said she would wholeheartedly support Lina Austin.

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

1. Presentation: Business proposal from Lina K. Austin, BizPro Contract Services and BizPro Brokerage, Inc.

Ms. Lina Austin, President of BizPro Contract Services and Professional Business Broker for BizPro Brokerage, Inc. discussed a proposal she had prepared for the town.

2. Discuss/Approve/Reject: Approval to partner with the Superior Substance Abuse Coalition in order to apply for a 2012 Community Reinvestment Grant for up to \$100,000.

Ms. Wentzel said this was an action item to discuss, approve or reject partnering with the coalition in order to apply for a 2012 Community Reinvestment Grant for up to \$100,000. She introduced Ms. Elizabeth Magallanez, the coalition’s chairperson to discuss the grant.

Ms. Wentzel said the grant incorporates not only SSAC activities but additional activities to assist the town recreation program. The deadline for submitting the proposals back to Cenpatico was July 15, 2012.

Ms. Magallanez said the request is for the town to be the fiscal agent to receive the funds. SSAC is not a 501c3 yet and is unable to request the money. They would like to partner with the town due to the lack of funds for the Parks and Recreation program. They can ask for the full amount and incorporate programs that are community wide and not just SSAC. All they are asking is for the town to submit the draft application on SSAC's behalf and be the fiscal agent. SSAC has received agreements to provide letters of support from the Chamber, the Optimists and Resolution Copper.

Mr. Gutierrez said it was a win-win situation. Mayor Valenzuela asked if there were any fiscal impact to the town. Ms. Wentzel said none.

MOTION: Mr. Aguilar moved to approve partnering with the Superior Substance Abuse Coalition. Mr. Tameron seconded. Ms. Wentzel said they needed to clarify the motion to partner as municipal government and fiscal agent and provide a letter of support. The amended motion per Ms. Wentzel was seconded by Mr. Tameron. (Vice Mayor Lopez had seconded the amended motion just ahead of Mr. Tameron but stated he was the second.)
VOTE: The motion passed unanimously.

3. Discuss/Approve/Reject: Letter of Interest for Rental of 350 W. Main Street Property.

Ms. Wentzel said Ms. Donnie Hernandez had provided a Letter of Interest to the Town of Superior to rent the property located at 350 W. Main Street for a potential retail business opportunity. Her letter was attached. The fiscal impact would be income of monthly rental and state and local sales tax. The expense would be building repairs and mold abatement, figures to be determined. There was an executive session scheduled for this item so they may want to table it and go into executive.

MOTION: Ms. Peralta moved to table. Vice Mayor Lopez seconded. **VOTE:** The motion passed unanimously.

Following executive session:

MOTION: Ms. Peralta moved to reject. Ms. Lopez seconded. **VOTE:** The motion passed unanimously.

4. Discuss/Approve/Reject: Appoint an Interim or Acting Town Manager.

Ms. Wentzel said the position of Town Manager has been vacant since January 23, 2012. The Town Code provides for the hierarchy in the absence of a Town Manager—specifically the Mayor and then the Town Clerk. For the town to effect the rigorous budget cuts required under the 2012-2013 budget, they will need to have someone with the authority to manage finances and operations on a day to day basis. During budget discussions, Ms. Wentzel suggested that they do not fill the position and incur additional costs. Since they cannot afford an additional staff person, the Town Council would like to assign the position

to current staff. The recommendation was to appoint Ms. Wentzel as Interim Town Manager effective immediately with no additional salary or benefits other than that provided for the Interim Town Clerk position.

MOTION: Mr. Tomerlin moved to appoint Rita Wentzel as Interim Town Manager effective immediately with no additional salary or benefits other than those provided for the Interim Town Clerk position. Vice Mayor Lopez seconded. **VOTE:** The motion passed unanimously.

5. Discuss/Approve/Reject: Sale, Lease or Transfer of property located at 957 S. Stone Avenue.

Ms. Wentzel said the town's attorneys previously provided advice regarding foreclosure upon the property to vacant liens the town held for sewer and refuse on the above-referenced address. While the property was held in the name of "The Estate of" Vianes Casias, the judgment was filed and granted in the name of "Vianes J. Casias, a Single Man; XYZ Companies A-Z; and John Does 1-10." Mrs. Jean Casias had not been a party to the action, and the town believes the action may have been served upon Vianes J. Casias, who is the son. Mrs. Casias indicated she had spoken to the previous town manager and agreed to make payments on the outstanding sewer balance so the property would not be affected; however, there was no follow-up. The town's records indicate that there was a demand letter issued on April 18, 2008 to Vianes Casias or Jean Casias, but it was directed to the 957 S. Stone Avenue address, which had been demolished. This is not where Mrs. Casias resides or receives her mail, so she never received the letter. It also appears that the demand letter was served upon the son, Vianes Casias, instead of Jean Casias, the widow of Vianes Casias (senior) and owner of the property. The fiscal impact is a lien of \$24,800.37 for the judgment and \$1,702 for the outstanding sewer as of April 18, 2008. This was another item they might want to take into executive session because it is on the agenda to discuss with their attorney.

MOTION: Ms. Peralta moved to table. Vice Mayor Lopez seconded. **VOTE:** The motion passed unanimously.

Following the executive session:

MOTION: Mr. Gutierrez moved to reject on the sale and release of the property of 957 S. Stone because it sets a bad precedent going forward in the future. The motion died for lack of a second.

MOTION: Ms. Peralta moved to transfer the property of 957 S. Stone Avenue back to the designated party making sure she pays back property taxes and brings her sewer bill up to date. Mr. Tameron seconded. **VOTE:** The motion passed 6-1 with Mr. Gutierrez opposed.

6. Discuss/Approve/Reject: Reinstate the Town of Superior Annexation Committee.

Ms. Wentzel said Council Member Tameron had requested this item be placed on the agenda so that the Town of Superior can refocus its efforts in expanding town boundaries and generating additional revenue from property taxes and emergency services. The recommendation was to reinstate the Town of Superior Annexation Committee and direct

them to schedule regular meetings and to provide regular updates regarding potential opportunities and expenses to the council.

Ms. Peralta asked if the previous committee would be reinstated or a new one appointed. Mayor Valenzuela said it was up to the council.

Vice Mayor Lopez said that being the chairperson of that committee she understood where Mr. Tameron was coming from. She wanted to share with him that they had gotten to a point where they had information come in on what they could do. The unfortunate part now is that because they are in budget constraint, if they look at annexing it means adding more land to their current area. They are looking at areas where the town would be responsible, not just for staff, but for equipment, roads, etc. Right now they do not have the money to do it. They can start again but they can't do a lot because they can't go anywhere without the money in the bank. It is up to the council but she just wanted to share.

She said Fire Operations Chief Todd Pryor had been there when they discussed what they would need. Fires are out there. Mr. Tameron said the fire department was going out there already. Ms. Lopez said that was true but they were not the only ones. She asked Chief Pryor to explain. Ms. Wentzel said they had a fire out there the day before and the town did not have a vehicle that could get out there. That was handled totally by other responders. The town doesn't have the vehicles that can get into that back country. If that were the town's land, they would be required to be the first responders. Fortunately it rained. But that was an issue they had discussed just the day before.

Mr. Tameron asked if they could contract out to the Forest Service or some other agency to be their first responder. Ms. Wentzel said all they get is property taxes that would be able to reimburse that contract money. What are the property taxes there? They don't know what the assessed value is; she is not sure if the BLM or the Forest Service pays property taxes. Mr. Tameron said he understood. He was on one of the annexation committees years ago when they were talking about that and it just stopped. Now he hears from Ms. Lopez why. Ms. Lopez said it is not that they don't want to do it. They see there is a good potential out there. The frightening aspect is if they don't move on it, somebody else may jump at it. Unfortunately Superior doesn't have the resources to move forward on it right now.

Mr. Tameron said there had been a fire in town. They did respond but all these other agencies came in as a mutual aid. Chief Pryor said those agencies out of the kindness of their hearts did not charge them for that. They have a right to charge. If they respond to a fire within the town's boundaries, they can bill for it, and they are talking about significant expense. He said there were other issues with ISO ratings. He noted, for instance, Hewitt Station Road. There are no hydrants out there. There is no water supply for the buildings. It would drop the ISO rating for the entire town. Everybody's insurance in town would go up. They would also have to get more trucks, more tenders.

Mr. Tameron said that on the other hand, what if a developer such as Del Webb came in. They would make them pay for the infrastructure. Chief Pryor said that was right, but in the meantime, there are several buildings out on Hewitt Station Road. If the town did not have the equipment to service them, it would reflect on their ISO. Unless somebody develops that area there is not a lot of income to offset the expense.

Mr. Tameron said he saw it as their revenue generating future. He saw Ms. Austin or somebody as a part of that, bringing somebody in. Chief Pryor said he agreed they did need to expand. The discussion continued regarding the expense. Mr. Tameron said that even if they just took another look at it, just re-spark it again, maybe they might get somebody looking. Chief Pryor said he would love to be able to do that and further discussed that police and fire would be without an offsetting revenue source.

Mr. Gutierrez said they were putting the cart before the horse. They were in a budget crunch. When you start talking about annexation, you are talking about meetings after hours. You need somebody to take minutes; they are going to have to be filed; they are going to have to be published, all those types of things. It is going to take resources from the town. There is a cost associated with that. If you start formulating an annexation committee, that is not like a parks and recs committee. That is some serious stuff that has to be documented. You have to have the attorneys involved, all the things that go with it. He agreed with Mr. Tameron because he always thought that annexation was a good thing to go from Superior all the way back to Queen Creek Bridge on Highway 60 and to Florence Junction. Mr. Tameron said they were landlocked. Mr. Gutierrez said that was what he was saying, but right now it is premature. They do not have the resources. The resources they need to be spending on are taking care of the budget items that they have.

Mr. Tameron said he had just asked for this to be brought up for discussion. Mr. Tomerlin said he looked at it as it could be a possible revenue source, maybe not today but to start looking at long-term. The mayor asked if there were further comments. Mr. Tomerlin asked Ms. Lopez about the size of the committee. Ms. Lopez said seven or eight.

Mayor Valenzuela asked if anyone else had a comment and there being none said he had one. He said he supported putting the annexation committee back into place. He thought that it is something that they are not going to have to recreate the wheel when someone comes knocking on the door at Florence Junction. They want to be ready for this. They want to be ready the way around them. They are in a downfall and need to look to other revenue sources. Yes, it is going to cost them a little bit but he thought that little bit is well worth it.

He asked if anyone else had any comments and recognized Mr. Henry Munoz from the audience. Mr. Munoz said if you fail to plan, you plan to fail. Mr. Gutierrez had talked about the growth in that direction. Right now they are landlocked. They had to get ready for the growth that is coming. If they don't have a game plan they are going to get locked out. They have to be ready for the growth. One only has to look at the town of Florence, how big that has grown. They prepared themselves. Sure they are talking about extra expenses and extra infrastructure, but that is all paid by the developers.

Ms. Wentzel said she was on a previous annexation committee. They had gotten to the point where they had identified the area and property owners. They weren't all in agreement but the committee was prepared to move on annexation where they are not in favor of it. Somebody came back with the figures that the houses that were there would be required to participate in a wastewater treatment infrastructure. The town would need two new lift station and hundreds of miles of sewer line. That was an investment they could not develop.

There were further comments and discussion in the room on various issues on the topic.

MOTION: Mr. Tomerlin moved to reinstate the Town of Superior Annexation Committee as a 7-member committee with five of those people being just regular people from Superior, with one of them being a representative from the police department to look at the police department point of view and one person being from the fire department to represent the fire department's interest. Ms. Peralta seconded.

Mr. Aguilar said if they appoint the committee it means they would have to pay them. Ms. Wentzel said it would be a volunteer committee and they might want to amend the motion. Mayor Valenzuela said the motion was amended. Ms. Peralta seconded.

Mr. Gutierrez asked for discussion and said for responsible government they need to track. If there are resources used by the town they need to track that. The chair has to be represented by a member of this body or staff. He asked Ms. Wentzel or the attorney how that would work and they responded with information.

VOTE: The motion passed 6-1 with Mr. Gutierrez opposed.

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)

1. A-1—PERSONNEL
2. 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 legal advice with the Town Attorney regarding Resolution No. 531 abandonment and the Arizona Department of Transportation Right of Way titles search concerning Lots 18 and 19 of Block 8 of Belmont.
3. 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)(7), for discussion or consultation for legal advice with attorney or attorneys regarding the 957 S. Stone property, and 350 W. Main Street property.

MOTION:Mr. Tomerlin moved to enter executive session. Ms. Lopez seconded. **VOTE:** The motion passed unanimously. Council entered executive session at 8: 13 p.m. and returned to open session at 8:45 p.m.

K. COUNCIL COMMENTS

This item was moved to before the executive session.

Council Member Peralta: No comment.

Council Member Aguilar: Made a comment. (Inaudible.)

Council Member Gutierrez: Discussed council having had a budget session and there would be a press release. The town may be moving to just essential services. Asked Ms. Wentzel about what those were. She said administration to do payroll, police, fire and streets, not public works, just streets. Mr. Gutierrez said that means everything is on the table. They may have to close the senior center, the library, the pool. All non-profits are not going to be subsidized, including the Little League. It is important everybody show up at the July 19 meeting when they vote. Go out and tell your neighbors. They are over \$2.5 million, actually closer to \$3 million, in the hole and it is getting bigger. Also he thinks it is great about the Resolution agreement with rock climbers. He also said staff is working really hard, especially with the budget constraints.

Council Member Tomerlin: Referenced a quote, said it escaped him who said it: "The best thing you can do is the right thing. The second best is the wrong thing. The worst is to do nothing at all."

Council Member Tameron: Re the Annexation Committee, he did ask for it to be put on the agenda. It doesn't mean they have to spend a ton of money. They can form this committee. They can just go back and rehash, relook at the possibilities without spending a dime. A lot of the work is done already. Go back and revisit and maybe Ms. Austin can bring somebody in who can help. He would like to see this back in force so they can say they do have an annexation committee. Then get ideas from the people. That is why he brought it up. He didn't bring it up to spend money. He understood they are in a mess and he doesn't know how they are ever going to do it but feels they will. Been there before, done it, and they will do it again.

Vice Mayor Lopez: Said she knew all that were there were aware of the budget constraints. Council would appreciate it if they would spread the word and have them call if they have questions. That is what they are there for, to answer questions.

Mayor Valenzuela: Thanked everyone for coming and as Mr. Gutierrez said, talk to your friends and neighbors. Let them know to attend the next meeting so everybody can find out and nobody can say they didn't know what was on the horizon and what mountains they have to climb still, because they have some mountains to climb. But they are going to get there, because as he had said, what they heard in the budget session from each one of these council members is commitment to fix it. He too was committed to fix it. He also told town staff he dealt with a representative of the Diamondbacks who has offered tickets. So could they see if there is anyone from town staff who would like a pair of tickets to go to the Diamondbacks and also the seniors. They could make it a positive day for the seniors to go out to the ballpark. They could arrange some type of transportation for them, work with the school maybe on getting a bus, and also taking a couple of Little League teams out there. It will be on July 24. He has maybe 100-plus tickets, so he would like to take kids and the elderly.

L. FUTURE AGENDA ITEMS

1. H.B. 2826 modifying the consolidated election dates for political subdivisions
2. David Smith presentation regarding Lot #3, Superior Industrial Park
3. Update regarding the IGA with Pinal County for Animal Control services
4. Provide dedicated communications line to monitor calls from alert pendants

Item L was not addressed at the meeting.

M. ADJOURNMENT

MOTION: Ms. Peralta moved to adjourn. Ms. Lopez seconded. **VOTE:** The motion passed unanimously. Mayor Valenzuela adjourned the meeting at 8:49 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 11th day of July, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

/s/

Rita M. Wentzel, Interim Town Clerk/Interim Town Manager

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