

**TOWN OF SUPERIOR  
MINUTES  
NOTICE OF 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, October 10, 2019, at 7:00 p.m. in the Superior Town Hall Auditorium, 199 N. Lobb Ave., Superior, Pinal County, Arizona.

1. **CALL TO ORDER**

Mayor Besich called the meeting to order at 7:00 PM.

2. **ROLL CALL**

**PRESENT:**

Mayor	Mila Besich
Council Member	Stephen Estatico
Council Member	Vanessa Navarrette
Council Member	Bruce Armitage
Council Member	Gilbert Aguilar

**ABSENT:**

Vice Mayor	Michael Alonzo
Council Member	Olga Lopez

3. **PLEDGE OF ALLEGIANCE**

Mayor Besich led everyone present in the Pledge of Allegiance.

4. **INVOCATION**

Chaplain Van Gorp gave the Invocation.

5. **SPECIAL PRESENTATIONS**

Carl Kilgore is the GLHN Architectural Department Manager for the Multi-Generational Center.. He gave a brief introduction of their team and plans for connecting with the public for their input. They are planning public workshops on October 16<sup>th</sup> from 1PM to 3PM and on October 24<sup>th</sup> from 6PM to 8PM at the Town Hall Auditorium.

He introduced Miguel Camacho, Senior Project Architect. He deals with the design concepts. Russ Combs, lead design, stated the next phase would be design development. They are engaging with the Town of Superior. The Multi-Generational Center building is about Superior. They need input, ideas from the community.

Mr. Kilgore stated the next 6 months is the construction document phase to guide the contractor. After October 24<sup>th</sup>, we will schedule another workshop.

## 6. STAFF REPORTS

**Mayor Besich** stated she did not have a lot. The U of A, the hill house, is up for sale. Its about 19 acres. They have several offers. There has been some local concern, especially from the a Arboretum Board on the sale of that property. I did reach out to Lee Vergis to let him know we do have desires on how that property be developed in a way that meets Superior's goals and the efforts that we have with the Arboretum.

She wanted to congratulate Chief Alanis who competed in the Spartan Race in California a couple of weeks ago.

We have a lot of Halloween events. The Youth Council has been working really hard with VFW and the Optimist Club. The witches are practicing their dance.

The burro races are this weekend and thank to all the volunteers.

**Manager Pryor** – Has progressed further with USDA on the WWTP. Should be finalizing contract with engineers soon and should start design on that. Hopefully that project will actually begin construction within 6 months. It may take as long as a year to get started.

## 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 Special Meeting (Work Session) on September 12, 2019.
2. Approval of Minutes of Regular Meeting on September 12, 2019.
3. Approval of Town of Superior Alcohol Permit for Henry Hernandez for Baby Shower at the US 60 Park on October 12, 2019 from 8:00 AM to 8:00 PM.
4. Approval of Town of Superior Alcohol Permit for Louis Rabago for Baby Shower at the Magma Club on November 10, 2019 from 9:00 AM to 7:00 PM.
5. Approval of Town of Superior Alcohol Permit for Marcia Hansen for Wedding at the Magma Club on February 29, 2020 from 1:00 PM to 11:00 PM.
6. Approval of State Alcohol Permit for Legends of Superior Trails Inc. (JoAnn Milagros Besich) on Friday, November 8, 2019 from 5:00 PM to Midnight at Rose's Roses-Geico Decko, 203 Main Street, Superior, Arizona 85173.

7. Approval of State Plan of Operation (SPO) between the State of Arizona and the Superior Police Department, to set forth the terms and conditions which will be binding on the parties with respect to excess Department of Defense (DOD) personal property transferred pursuant to 10 USC § 2576a in order to promote the efficient and expeditious transfer of property and to ensure accountability o the same
  
8. Approval of Agreement between the Central Arizona Governments (CAG) and the Town of Superior for CAG to provide consulting services for the USDA Rural Development Wastewater Treatment Plan Improvements 2019 Project, hereinafter referred to as the “Project”, CAG #222-920-19.
  
9. Department Reports:
  - Fire
  - Police
  - Public Works
  - Library
  - Senior Center
  - Sanitation
  - Town Engineer

**Motion to approve the Consent Agenda Made by Councilmember Estatico, second by Councilmember Aguilar, Motion Carries.**

AYES – 5 Mayor Besich, Councilmembers: Navarrette, Estatico, Armitage, Aguilar  
 NOES – 0  
 ABSENT – 2 Vice-Mayor Alonzo, Councilmember Lopez

Mayor Besich recognized Alan Urban, from CAG and thanked him.

**8. NEW BUSINESS**

- A. Discussion/Possible Approval Ordinance 19-159, AN ORDINANCE OF THE TOWN OF SUPERIOR AMENDING ARTICLE XII PLANNED DEVELOPMENT (PD) ZONE DISTRICT, SECTION 12.0 OF THE TOWN’S ZONING ORDINANCE.

This amendment is consistent with the Town’s General Plan and Developments and is, therefore, in compliance with State Law.

**Motion to approve Ordinance 19-159, AN ORDINANCE OF THE TOWN OF SUPERIOR AMENDING ARTICLE XII PLANNED DEVELOPMENT (PD) ZONE DISTRICT, SECTION 12.0 OF THE TOWN’S ZONING ORDINANCE made by Councilmember Armitage, second by Councilmember Navarrette, Motion Carries**

AYES – 5 Mayor Besich, Councilmembers: Navarrette, Estatico, Armitage, Aguilar  
 NOES – 0

ABSENT – 2 Vice-Mayor Alonzo, Councilmember Lopez

**B. Public Hearing/Discussion/Possible Approval of Ordinance 19-161, AN ORDINANCE OF THE TOWN OF SUPERIOR RE-ZONING PROPERTY FROM THE URBAN RESIDENTIAL (R1-8) ZONE DISTRICT TO THE MULTIPLE FAMILY RESIDENTIAL (R-3) ZONE DISTRICT.**

Mayor Besich opened the Public Hearing. Reminded everyone this is for a zoning ordinance change. This is not approving any particular development.

Margarite Clark – stated she was on the Tempe Review Board. She walked the property twice. Afterwards she called FEMA office. She was told that the property is evaluated by FEMA as A Rated, which is the worst rating for flood plans

Rosalie Padilla – 113 Christopher St, Superior. There are nine families in her area. Should not be willing to take risk in flood plan zone. It would be irresponsible to raise housing. It should be denied. Don't rezone

Pam Rabago – knows about the flood zoning. A large portion is out of zoning.

Rea Rowels- is the owner of the 17 acres. She wanted to point out it doesn't mean 100% that apartments are going up. First step is to go to Zone 3. They are aware of the flood plan. Step two - the zoning must be approved first. then it depends on the Town's needs, the design process, residents heard, secure development. It will be done right. Problems can be done right.

Ken Cook- 230 Terrace Dr. He supports the zoning. There's going to be a large population in the future. It's not about the project. It's about the Town's needs.

Nicole Welch - Christopher St. - Moved to small town so children could be safe. Her concerns are safety and what will re-zoning do to property values.

Hank Gutierrez – Understanding of the community. He supports the change in zoning. The flood plans are the risk & liability of the developer. As to safety, we cannot control who moves to town. We can't shut ourselves out from the outside. P & Z and the Town Council accept the designs. Safety not an issue. We need a development that will attract young families.

Mayor Besich stated this is the best choice for community affordable housing which we are lacking in Town of Superior. This is about re-zoning.

The purpose of this re-zoning is to provide residents with affordable workforce housing, townhomes, condominiums and apartments near the shopping center, Junior/High school and Hwy 60. The properties in question are located in close proximity to the Main Roads and school Mixed Use (DMU) Land Use Designation, which is compatible with the R-3 Zone Districts. This R-3 Zone District is intended to encourage revitalization of existing structures for, among other uses, residential development. It is further the intent of the Multiple Family Residential (R-3) Zone District to allow the continuation of Town standards, within the newer sections of the community, while encouraging an environment of residential housing with higher residential densities.

**Motion to Approve Ordinance 19-161, AN ORDINANCE OF THE TOWN OF SUPERIOR RE-ZONING PROPERTY FROM THE URBAN RESIDENTIAL (R1-8) ZONE DISTRICT TO**

**THE MULIPLE FAMILY RESIDENTIAL (R-3) ZONE DISTRICT made by Council Member Estatico, second by Council Member Armitage, Motion Carries.**

AYES – 5 Mayor Besich, Councilmembers: Navarrette, Estatico, Armitage, Aguilar

NOES – 0

ABSENT – 2 Vice-Mayor Alonzo, Councilmember Lopez

- C. Discussion/Possible Approval to Design, Procure, and Install Playground Equipment and Dog Park at US 60 Park Contract Agreement between the Town of Superior and Arizona Recreation Design, Inc. (AZ REC) Company.

Mayor Besich commended the Youth Council and Lana Clark for choosing the Playground Equipment.

Lindsay and Stacy from AZ REC were present to show Council and Public Illustrations of the proposed playground equipment.

This project is funded by the grant from Resolution Copper Mining which is already in our bank account.

**Motion to approve the Design, Procure, and Install Playground Equipment and Dog Park at US 60 Park Contract Agreement between the Town of Superior and Arizona Recreation Design, Inc. (AZ REC) Company made by Council Member Aguilar, second by Council Member Navarrette, motion carries.**

AYES – 5 Mayor Besich, Councilmembers: Navarrette, Estatico, Armitage, Aguilar

NOES – 0

ABSENT – 2 Vice-Mayor Alonzo, Councilmember Lopez

- D. Discussion/Possible Approval of to Design, Procure, and Install Playground Equipment at the Pool and Skate Park Contract Agreement between the Town of Superior and Burke (Play It Safe Playgrounds and Park Equipment) Company.

Per Mr. Pryor, this is pending an environmental review by Housing and Urban Development. It is a Federal Grant. We can select the Contractor, but we can't sign the Contract until the Environmental is done.

This project is funded by CDBG grant which is a reimbursable grant.

**Motion to approve the Design, Procure, and Install Playground Equipment at the Pool and Skate Park Contract Agreement between the Town of Superior and Burke (Play It Safe Playgrounds and Park Equipment) Company made by Councilmember Estatico, second by Councilmember Aguilar, Motion carries.**

AYES – 5 Mayor Besich, Councilmembers: Navarrette, Estatico, Armitage, Aguilar

NOES – 0

ABSENT – 2 Vice-Mayor Alonzo, Councilmember Lopez

E. Discussion/Possible Approval of Resolution No. 19-615, A RESOLUTION OF THE TOWN OF SUPERIOR APPROVING FISCAL YEAR 2018-2019 GENERAL FUND BUDGET TRANSFERS PROVIDING FOR AN EFFECTIVE DATE.

Approve 2018-2019 Fiscal Year General Budget Transfers.

Transfers from:

Grants	(\$159,500.00)	500-00
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General Fund

Contingency	(\$100,000.00)	100-00-9999
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Mayor & Council	\$ 12,500.00	100-01
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Town Attorney	\$ 6,500.00	100-03
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Administration	\$ 60,000.00	100-05
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Police	\$ 13,500.00	100-07
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Fire	\$ 6,250.00	100-08
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Public Works	\$ 80,500.00	100-09
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Engineer	\$ 29,750.00	100-10
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Swimming Pool	\$ 10,500.00	100-11
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Sr Center Congregate	\$ 19,500.00	100-15
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Sr Center Homebound	\$ 1,500.00	100-16
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Transfer Station	\$ 13,500.00	200-0
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**Motion to Approve Resolution No. 19-615, A RESOLUTION OF THE TOWN OF SUPERIOR APPROVING FISCAL YEAR 2018-2019 GENERAL FUND BUDGET TRANSFERS PROVIDING FOR AN EFFECTIVE DATE made by Councilmember Navarrette, second by Councilmember Armitage, Motion Carries.**

AYES – 5 Mayor Besich, Councilmembers: Navarrette, Estatico, Armitage, Aguilar

NOES – 0

ABSENT – 2 Vice-Mayor Alonzo, Councilmember Lopez

F. Discussion/Possible Approval of Washington DC trip for Two Council Members and Town Manager to attend Congressional Meetings.

The Town's Lobbying firm Nexxus has suggested a trip to Washington DC to meet with all of our legislative representatives and a discuss the DEIS. This will be an intense two-day trip, with 14 meetings currently scheduled. We will also be taking this opportunity to meet with funding decision makers for our high priority project of the Multi-Generational Center and the Enterprise and Innovation Center.

The total cost of travel will be \$5,084.24, funded through transfers from the contingency fund.

**Motion to approve the Washington DC trip for Mayor Besich, Council Member Navarrette and Town Manager Pryor made by Council Member Armitage, second by Council Member Aguilar, Motion Carries.**

AYES – 5 Mayor Besich, Councilmembers: Navarrette, Estatico, Armitage, Aguilar

NOES – 0

ABSENT – 2 Vice-Mayor Alonzo, Councilmember Lopez

G. Discussion of letter from Brian Hatch to Town Manager regarding an easement he is requesting.

**DISCUSSION:** Mr. Hatch is requesting the Town grant him an easement for access between his property and Old Phoenix Road. This property is on the lot that will be transferred to the town through a donation agreement. Alternately, he would like to buy the area from the town. This would require a survey to split the parcels, which is already necessary to complete the property transfer, and a public sealed bid process.

**FISCAL INPACT:** None / possible income from the sale of the small piece of property.

H. Discussion/Possible approval of DEIS Comment Letter for Tonto National Forest.

The comment period for the Draft Environmental Impact Statement for the Resolution Copper Project closes on November 7<sup>th</sup>, and we must approve our comments at this meeting to meet the deadline. The intent of the DEIS is list all of the possible impacts and the mine's proposed mitigation plans. It is important that we advocate for our community to make sure that the mitigations meet the needs of our residents. This letter has been discussed in a council work session in September and extensively vetted by numerous sources.

Mayor Besich – there is a key word that can be used. Support is contingent if our needs are met. There are serious things that needs that we have to advocate for in regards to water, environmental justice, socialeconomic concerns, housing, public safety, traffic, recreation, the Bronco Creek situation, funding assurances, filter plant and the land exchange.

We can say the town supports mining and we support Resolution Copper if our needs are met. Going back to the Town Manager's point, the legislation is done. The land exchange is technically approved and there is nothing in federal process that makes this mine not open. We're really at a different stage in this process where we're advocating for what is absolutely best for Superior and what we have to advocate on. She asked Council how they wanted to proceed.

Council Member Estatico stated if won't hurt. It would be good faith and effort to put that in -- we support mining and we support Resolution Copper. It wouldn't hurt either way. Put it in.

Mr. Pryor – stated he absolutely agreed but that’s a political statement of opinion. He can’t make opinion statements for Council.

Mayor Besich aske Council to approve letter either with adding sentence or someone could make a motion to approve letter as it. She also asked Council if they wanted anything else added to draft letter.

**Motion to approve the Draft EIS letter as is made by Council Member Aguilar, second by Council Member Armitage, Motion dies. Roll Call Vote.**

AYES – 2 Council Members: Aguilar, Armitage  
NOES- 3 Mayor Besich, Council Members: Navarrette, Estatico  
ABSENT – 2 Vice Mayor Alonzo, Council Member Lopez

**Motion to approve the Draft EIS letter with statement of support added made by Council Member Estatico, second by Council Member Navarrette, Motion carries. Roll Call Vote.**

AYES- 4 Mayor Besich, Council Members: Navarrette, Estatico, Armitage  
NOES – 1 Council Member Aguilar  
ABSENT – 2 Vice Mayor Alonzo, Council Member Lopez

- I. Discussion and Possible Authorization by Town Council directing Staff to initiate annexation and to file a blank annexation petition with the Pinal County Recorder for an annexation of approximately 6,000 acres of real property west of the current Town limits.

**Motion to approve Authorization by Town Council directing Staff to initiate annexation and to file a blank annexation petition with the Pinal County Recorder for an annexation of approximately 6,000 acres of real property west of the current Town limits by Council Member Aguilar, second by Council Member Estatico, Motion Carries.**

AYES – 5 Mayor Besich, Councilmembers: Navarrette, Estatico, Armitage, Aguilar  
NOES – 0  
ABSENT – 2 Vice-Mayor Alonzo, Councilmember Lopez

## J. MEETING OF THE SUPERIOR MUNICIPAL PROPERTY CORPORATION

### 1. Call to Order.

Mayor Besich called the meeting of the Superior Municipal Property Corporation at 8:19 PM.

### 2. Roll Call.

**PRESENT:**

Mayor	Mila Besich
Board Member	Stephen Estatico
Board Member	Vanessa Navarrette
Board Member	Bruce Armitage
Board Member	Gilbert Aguilar

**ABSENT:**

Vice Mayor	Michael Alonzo
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Board Member Olga Lopez

**3. Discussion/Possible Approval of BYLAWS OF TOWN OF SUPERIOR MUNICIPAL PROPERTY CORPORATION.**

**Motion to Approve the BYLAWS OF TOWN OF SUPERIOR MUNICIPAL PROPERTY CORPORATION made by Board Member Navarrette, second by Board Member Armitage, Motion Carries.**

AYES – 5 Mayor Besich, Board Members: Navarrette, Estatico, Armitage, Aguilar

NOES – 0

ABSENT – 2 Vice-Mayor Alonzo, Councilmember Lopez

**4. ADJOURNMENT**

**Motion to Adjourn the meeting of the Municipal Property Corporation made by Board Member Aguilar, second by Board Member Armitage, Motion Carries. Meeting adjourns at 8:21 PM.**

AYES – 5 Mayor Besich, Board Members: Navarrette, Estatico, Armitage, Aguilar

NOES – 0

ABSENT – 2 Vice-Mayor Alonzo, Councilmember Lopez

**RETURN TO REGULAR SESSION**

**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.

- **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.**

Margarite Clark – the board at Richard & Panther didn't list the Parcel numbers. Only gave Section, Township and Range. It was a guessing game where those 16.7 acres were. Her suggestion, give the Parcel Numbers next time. The approach would have been different.

Pam Rabago – speaking on behalf of the Chamber of Commerce. Advertised the burro run on next Saturday beginning at 8:30 PM. Three different races. Food Vendors. Come enjoy yourselves.

Jim Swenck- First the flowers. This is the best Town Council. Supports them 99% of the time. However, he thinks the Council was short sighted last month. The issue with the Belmont property. He wrote a letter in supporting the project. He understands the Council did not find the terms advantageous for the Town. Thinks the town should have considered discussing with the person presenting the project

alternatives. He thinks this the type of business we need downtown to bring tax dollars and tourists and to increase our quality of life. He asks Council to take a look at that project again. Thank you.

**10. EXECUTIVE SESSION**

**NO EXECUTIVE SESSION**

**13. SUMMARY OF CURRENT EVENTS**

**Council Members:**

Navarrette –Looking foward to Copper Helmet Football game tomorrow and weekend events.

Estatico -- None

Armitage- Congratulate staff for the DEIS comments. Thought they were great and well thought-out. Also want to encourage those that are in the sound of my voice, that if you have an opportunity to submit comments, to do so by November 7th. The Arboretum is having a sale and members have 20% off so go buy some plants. Also heard fake \$20 bills going around town. Be careful. Halloween coming up. Be safe out there. Make sure your kids and grandkids are safe. Don't forget the Trunk or Treat Celebration. Looking forward to that. Halloween always a fun day.

Aguilar – Good luck Panthers tomorrow. Good luck burros.

B. Mayor Besich - Thanked Council and Staff. Last couple of months have been intense. Between audits and DEIS. Commends everyone. Really make a great team. And to all our new team members, contractors, CAAG thank you for all you do, you're all appreciated. Have fun this weekend. Go Panthers! Let's keep that Copper Helmet at home.

**14. SCHEDULING OF MEETINGS AND EVENTS**

**All meetings are held at Town Hall.**

<b>Emergency Service Committee</b>	<b>10-17-2019</b>	<b>6:00 PM</b>
<b>Community Development Committee</b>	<b>10-24-2019</b>	<b>6:00 PM</b>

<b>Planning &amp; Zoning Committee</b>	<b>11-07-2019</b>	<b>6:00 PM</b>
<b>Town Council Meeting</b>	<b>11-14-2019</b>	<b>7:00 PM</b>

**15. ADJOURNMENT**

**Motion to adjourn the Town Council Meeting by Councilmember Estatico, second by Councilmember Navarrette, Motion Carries. Meeting adjourns at 8:28 PM.**

AYES – 5 Mayor Besich, Councilmembers: Navarrette, Estatico, Armitage, Aguilar

NOES – 0

ABSENT – 2 Vice-Mayor Alonzo, Councilmember Lopez

ATTEST:

*Mila Besich*

Mila Besich, Mayor

*Ruby Cervantes*

Ruby Cervantes, Town Clerk