

**Superior Town Council
Town Council Meeting**

**Thursday, May 21, 2009
Superior Senior Center
Superior, Arizona**

M_I_N_U_T_E_S

A. Call to Order

Mayor Hing called the meeting to order at 7:10 p.m. He explained that until a full quorum was attained the council would only proceed with non action items.

B. Salute to the Flag

Mayor Hing led the council, staff and audience in the pledge.

C. Opening Prayer

Mayor Hing led the Town Council, Staff and audience in an opening prayer.

D. Roll Call

Members Present: Second Vice Mayor Lopez, Mayor Hing, Councilmember Heglie, Councilmember Peralta (Councilmember Peralta did not arrive until 7:32pm)

Members Absent: Vice-Mayor Valenzuela, Councilmember Cervantes, Councilmember Aguilar

A quorum was present at 7:32pm. Items for action were not reviewed until this time.

E. Consent Agenda – *Mayor Hing asked to move to communication and come back to the consent agenda due to the lack of a quorum. The council came back to the consent agenda once Councilmember Peralta arrived.*

Mayor Hing introduced the items on the consent agenda. The items on the consent agenda for approval were:

- Approval of Minutes for Regular Meeting: April 16, 2009 and Special Meeting April 30, 2009
- Disbursement for the month of April 2009
- Blanket Permit for Apostolic Assembly Superior street outreach megaphone and fundraising.
- Street closure of Main and Magma to Kellner 7/24/2009 to 7/28/2009 for La Noche de Vaquero
- Street closure of Kellner to Stone Ave. dip 7/24/2009 to 7/29/2009 for La Noche de Vaquero
- Blanket Permit for Superior Arboretum Association for fundraising
- Appointment of Michael Lira as a Parks and Recreation Committee board member
- Appointment of Matt Mashaw and Carl "Bill" Vogler Sr. as Planning and Zoning Commission Board members
- Blanket Permit for National American Miss Pageant for Angelina Garza - Fundraising

The council heard updates on the La Noche de Vaquero event from Hank Gutierrez and Mila Lira. Ms. Garza also gave a brief update on her award for the National American Miss pageant. Ms. Oliver reported that there are still 3 positions open on Parks and Recreation Commission. Mayor Hing requested that the motion to approve include that the Mayor abstains from approving the disbursement number 21036 which was made out to his store.

Vice Mayor Lopez made a motion to approve the consent agenda with the Mayor abstaining from approving disbursement number 21036. Councilmember Heglie seconded the motion. The motion passed unanimously.

F. Communication

1. Town Managers Report

- **Update on Foreclosures**
Ms. Oliver explained that currently there are 7 homes and 1 commercial building on the foreclosure list due to the delinquent sewer bills. She explained that one of the houses was

already in foreclosure so the bank paid the delinquent bill. She stated that in regards to the Magma Hotel it is in foreclosure because of abatement. She also stated that there were no legal challenges against the town in regards to any of these properties.

- **CDBG Project Updates**

Ms. Oliver reported that the armadas were completed. She complimented Curt Williams for doing a great job as project manager. She stated that the next project they will take on is the Magma Club and Skate Park project. She stated that \$185,000 will go into the Magma Club and \$75,000 will go into the skate park. She also stated that the town has piggybacked with the town of Miami and so Superior won't have a new CDBG project until 2011.

- **Uptown Theatre Updates**

Ms. Oliver explained that they have had a hard time placing a lien on the property because Dr. Wilt has had the parcel number changed. She explained that they are consulting with the real estate attorney on if these actions were legal. She also reported that the lawsuit involving Mr. Holmquist is almost over.

- **2. Public Works Presentation of Certificates**

Ms. Brothers presented certificates to the following public works employees for completing additional training and certifications on the back hoe. Certificates were awarded to: Andrew Arriola, Michael Sanchez, Carol Granillo, Orvill Johnston, Jed Lant, Alfredo Martinez, Billy Ward.

- **3. Presentation of Certificate of Application to Mayor Hing from the Pinal County District Attorney's Victim Compensation Board**

Chief DiGirolamo explained that Mayor Hing was recently presented this award by the Pinal County Attorney's office for his service on the Victims Compensation Board. Mayor Hing gave a brief explanation of his service to this board and stated that at times it is very heart breaking at times when you are hearing the cases especially against children.

G. Public Hearing

1. RZ-09-01, Superior Unified School District #15 requests approval for a rezone from a R1-6 Residential to a C-2 General Commercial for a commercial business located at 901 W. Main St. – Rebecca Brothers

Vice Mayor Lopez made a motion to move into public hearing. Councilmember Heglie seconded the motion. The motion passed unanimously. Entered into public hearing at 7:51pm.

Ms. Oliver explained that staff recommends that the council approve collecting funds from the demolition of 957 Stone Ave.

Mayor Hing asked for any comments from the public regarding this matter. Mr. Viannes Casillas stated that he was the owner of that property and he asked why he had to pay for something that he did not ask to be done. He stated that he did not ask for his house to be torn down, he stated that he cannot afford to pay this bill. He stated that he offered to do it himself do he would not have to pay for the manpower. He said he also protested the dumpsters because they could have used it as fill in other areas. He also stated that they just threw him out on the street without any compensation. He stated that he did not understand the big words used in the letters sent. He also stated that he was never notified about the abatement.

Ms. Oliver explained that she did provide adequate notification and had tried to visit him on his property but was asked to leave. She reminded the council that this hearing was to hear comments regarding collecting the fees owed and for the council to approve the amount. She stated that he has payment options to pay monthly as long as they equal what his yearly payment will be. Ms. Oliver also stated that there were several public hearings and meetings regarding Ms. Casias property and he never attended any of the hearings.

Mr. Casias explained that he did not attend the hearings cause he did not believe it was going to happen. He also stated he wanted to know what the reason was for them tearing down his house.

David Pfohl explained that the board of appeals commission gave him a 45 day extension to correct the code violations on his house, he also stated that they have had several homes they have had to deal with not just Mr. Casias's house.

Ms. Oliver stated that the total amount due for the demolition is \$17,701.58.

Councilmember Peralta recommended a reductions in the amount due.

Shirley Granillo stated that 450 man hours was a lot of hours to tear down that house.

Ms. Oliver explained that the town did not charge for the police services, actually hourly backhaul usage, tires, gas, and technically they could add those services as well. Ms. Olivier stated that the town did not make exceptions or reductions for other properties such as the Magma Hotel, or the Marquez home. She also stated that the real estate attorney has stated that once an exception is made for one resident the same exception needs to be made for all.

Discussion followed on whether or not he could work off the bill or make payment arrangements. Staff recommended that the council table this item.

No further comments. Councilmember Heglie made a motion to table the public hearing and return to the regular meeting. Councilmember Peralta seconded the motion. The motion passed unanimously.

H. Business

Possible Discussion and/or action on the following

- **Discuss/Approve/Reject Resolution number 500 pertaining to the submission of projects for consideration in Arizona 2010 Highway Safety Plan: Police Department – Chief Lou Digirolamo**

Chief Digirolamo explained that this resolution for a grant through the Governor Highway Safety Office he explained that the grant would be used to curb underage drinking. He stated they would like to get a breathalyzer unit. Chief Digirolamo read the resolution heading. Councilmember Heglie made a motion to approve resolution 500. Councilmember Peralta seconded the motion. The motion passed unanimously.

- **Discuss/Approve/Reject Resolution Number 501 pertaining to the submission of projects for consideration in Arizona 2010 Highway Safety Plan: Fire Department – Chief Lou Digirolamo**

Chief Digirolamo stated that this grant would be used to purchase new extrications equipment for motor vehicle accidents. Chief Lou read the resolution heading for resolution #501. Vice Mayor Lopez made a motion to approve the resolution. Councilmember Peralta seconded the motion.

- **Discuss/Approve/Reject Resolution number 484 pertaining to the National Forest Townsite act to set aside and designate 640 acres of National Forest System Lands adjacent to the Town of Superior for purchase.**

Mayor Hing explained that this resolution would allow the Town Manager to proceed with investigating the town site act and to show that the council supports the action. Mayor Hing also stated the land would have to be disposable land and would cost the fair market value which is \$1,000 and acre.

Ms. Olivier read the resolution heading. Councilmember Heglie made a motion to approve Resolution 484. Councilmember Peralta seconded the motion. The motion passed unanimously.

- **Discuss/Approve/Reject the adoption and enforcement of worker safety and health standards as established in the proposed Town of Superior Safety Manual – Melanie Oliver**

Ms. Oliver explained that staff recommends approving the safety manual she also stated that the standards were adopted through the OSHA manual. She stated all employees will need to use it and they will be required to sign off on it. She also stated that it will be used at regular safety training meetings.

Councilmember Heglie made a motion to approve the adoption of the worker safety and health standards. Vice-Mayor Lopez seconded the motion. The motion was approved unanimously.

H. Call to the Public

Mr. Steve Gregerson- stated that he was the developer for the US 60 properties. He stated that they have national franchises looking to build there. He reviewed the improvements that they will be making on the properties.

Adam Hawkins –he gave a brief update on the status of the land exchange and stated that Rep.

