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A. CALL TO ORDER:

Mayor Hing called the meeting to order at 7:13 pm.

B. SALUTE TO THE FLAG:

Mayor Hing led the council, staff, and audience in the Pledge of Allegiance.

C. OPENING PRAYER:

Mayor Hing led the council, staff and audience in the Opening Prayer.

D. ROLL CALL:

Council Present: Mayor Hing, Vice Mayor Lopez, Councilmember Gutierrez, Councilmember Heglie, Councilmember Peralta

Absent: Councilmember Aguilar

E. CONSENT AGENDA:

- 1. Approval of Minutes for Regular Meeting February 3, 2011 and Regular Meeting Revised Minutes of December 16, 2011.** Mayor Hing explained that the December 16, 2011 had errors that were corrected. Mayor Hing asked for questions from the council. Vice Mayor Lopez asked if the January 20, 2011 minutes were corrected and available. Mayor Hing advised that they move on and asked staff to have them prepared for next council meeting. Councilmember Heglie stated that the minutes of February 3, 2011, on page 4 had an error in the motion he had made. Staff will make the correction.
- 2. Disbursement for the month of July 2010 to January 2011.** Councilmember Peralta asked what the disbursement to Ubiquity was made for on September 30, 2011. Staff advised that it was for work he had done. Vice-Mayor Lopez asked who paid the Town utility franchise fees. Ms. Welty, Finance Clerk, answer that it was APS. Councilmember Gutierrez stated that he had an expense sheet he wanted all the Councilmember's to look over his ideas. Mayor Hing expressed that he was not sure why item #2 was in the consent agenda. He asked that they move on and approve the consent agenda without item #2.
- 3. Approval of Blanket Permit for Outta Control Softball Team to raise funds.**
- 4. Approval of a Special Event Liquor License for the VFW for Apache Leap Days Mar18, 19 and 20, 2011.**

MOTION: Councilmember Peralta made a motion to approve items 1, 3 and 4 of the consent agenda. Vice Mayor Lopez seconded the motion.

VOTE: *The motion was approved unanimously.*

F. COMMUNICATION:

1. Manager's report -Town Manager Melanie Oliver

- a. **Accomplishments of 2010 Town Manager Oliver** read off a list of accomplishments that have been completed for 2010. In this list was the Resolution Copper LLC Mutual Benefit Agreement. The new software install, are just a couple of things read off the list.

2. Finance Report-Account Clerk Nicole Welty

- a. Bank Statement for July 2010 to January 2011

Nicole Welty, Finance Clerk, briefly went over the report that was given to the council members. She then asked for any questions concerning the report. *Councilmember Gutierrez* asked if we had accounts with Wells Fargo and American Charter Banks. *Ms. Welty* explained that Wells Fargo is the carrier of the bonds. American Charter Bank is the Health Savings Account. *Councilmember Gutierrez* also mentioned that the APS billing was rather high. He also inquired about payroll and Jonavich. He stated that his inquiries were questions that the public would be looking for.

Mayor Hing mentioned the rise in income tax as well as property tax.

Councilmember Heglie asked staff how often property tax was receive.

Vice-Mayor Lopez asked if the accounts receivable were current.

Mayor Hing asked *Ms. Welty* if this type of report was the one they could look forward to receiving on a monthly basis. *Ms Welty* responded that he was correct.

Councilmember Peralta had concerns with the budget in March 2010. She asked who Simon Sewer was and why they owed the Town so much. Staff mentioned that they were a company who dumps sludge as well as Resolution Copper.

G. PUBLIC HEARING (motion to go into public hearing)

1. Public Hearing on a Variance Request for 29 North Pinal, seeing the ability to open a retail store in accordance to the General Plan and pending zoning changes.

Ms. Gallego's was not present at this time. Council continued to the next item.

MOTION: Vice Mayor Lopez made the motion table this item. Councilmember Heglie seconded the motion.

VOTE: *The motion was approved unanimously*

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

1. **Oath of Office for newly appointed Council Member Christopher Tomerlin.**
2. **Presentation by Triplet Mountain Communications, Inc. of proposed contract and options of fiber optic and power installation.**
3. **Discuss/Approve/Reject** on a Variance Request for 29 North Pinal seeing the ability to open a retail store. At this time Mayor advises Council that Ms. Gallegos was now present. Moved back to item G. on the agenda.

ACTION: Councilmember Heglie made a motion to enter into Public Hearing. Vice Mayor Lopez seconded that motion.

Vote: *The motion passed unanimously.*

Mayor Hing thanked Ms. Gallegos for all of her efforts.

Becky Brothers explained how the General Plan worked. She stated that in the future there will not be a need to apply for a variance request. She stated that Ms. Gallegos is in code and is ready to open for business.

Mayor Hing asked if there was anybody from the Public who had any questions or comments.

Ms. Charlene Orlick wished the business best of luck but made it clear that she was against the rezoning. She feels that the area is too cramped for parking.

Ms. Brothers clarified that the parking was not going to be an issue. She said that it did well during the Home Tour.

Mr. Gutierrez stated that this is wise and it's a step forward.

Vice-Mayor Lopez stated that this is a good vision towards the future.

Councilmember Tomerlin stated that this is vital to the Town.

Mayor Hing expressed that this was going to bring whole new life to the neighborhood as well as the Town.

Floyd McAdoms mentioned that the location was segregated many years ago.

ACTION: Vice Mayor Lopez made a motion to close the public hearing. Councilmember Tomerlin seconded the motion.

Vote: *The motion passed unanimously.*

- 4. Discuss/Approve/Reject** Magma Club CDBG Project # 153-09 to the lowest bidder/Rodriguez Construction, Inc. and change order to project. Staff explained the circumstances with the Magma Club. It was made clear that the project had to be completed by April 31, 2011. Manager Oliver expressed that they move forward with this bid before the price went up due to the prices in steel going up.

ACTION: Vice Mayor Lopez made a motion to approve Rodriguez construction, Inc. Councilmember Heglie seconded that motion.

Vote: *The motion passed unanimously.*

A motion was made to do a change order for the project.

ACTION: Councilmember Peralta made a motion to do the change order. Councilmember Tomerlin seconded that motion.

Vote: *The motion passed unanimously.*

I. CALL TO THE PUBLIC:

Rosa Lee addressed the Council that she wanted to be a part of the planning and zoning committee.

Fred Miramon stated that the council should look at the policies and procedures to make sure they are being done correctly. He suggested the Council make decisions based on the future of their families.

Mayor Hing explained that they would be moving to Council Comments.

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)

A-1 - PERSONNEL: A-3 - LEGAL ADVICE WITH ATTORNEY:
A-7 - LEGAL ADVICE ON SALE, LEASE OR PURCHASE OF REAL
PROPERTY:

1. Job Performance Evaluation- Melanie Oliver, Town Manager

K. IN PUBLIC SESSION:

1. Job Performance Evaluation- Melanie Oliver, Town Manager

L. COUNCIL COMMENTS:

Councilmember Peralta agreed with Mr. Miramon and stated that they needed to get their act together.

Councilmember Gutierrez disagreed with Mr. Miramon. He thanked Ms. Gallegos for bringing her business to Superior.

Councilmember's Heglie, Tomerlin had no comment.

Vice Mayor Lopez had no comment.

Mayor Hing stated that the Trail was a very vital part of this Community. He dismissed the public as they would be moving on into Executive Session.

M. ADJOURNMENT:

TOWNOFSUPERIOR
Regular Meeting
Thursday, February 17, 2011/7:00PM

Superior Senior Center
360 W. Main St.
Superior, AZ 85173