

TOWN OF SUPERIOR
Regular Council Meeting
Thursday, July 7, 2011– 7:00 p.m.
Superior Senior Center
360 W. Main St.
Superior, AZ 85173

MINUTES

A. CALL TO ORDER:

Mayor Hing called the meeting to order at 7:05 p.m.

B. SALUTE TO THE FLAG:

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

C. OPENING PRAYER:

Mayor Hing led council, staff and audience in an opening prayer.

D. ROLL CALL:

Present: Council Members Hank Gutierrez, Chris Tomerlin, John Tameron, Soyla “Kiki” Peralta, Mayor Michael Hing, Vice Mayor Olga Lopez, and by telephone for the motion on the Tentative Budget portion of the meeting, Gilbert Aguilar

Absent: Council Member Gilbert Aguilar

E. CONSENT AGENDA:

- 1. Approval of Minutes for Regular Meeting June 16, 2011 and Work Session June 30, 2011**
- 2. Blanket Permit for Set Free Ministries for outreach**
- 3. Blanket Permit for Superio Car Club for fundraising**

Mayor Hing introduced the items on the consent agenda. He asked for any comments or questions regarding these items.

Deputy Town Manager Digirolamo said that there had been a typo on the minutes of June 16, Section G3. Council Member Tomerlin had made the motion and Council Member Tameron had seconded it.

Council Member Lopez asked a question about a sentence in the same section. She asked if something had been left out. Lieutenant Mike Campbell was asked to clarify the entry since he had made the statement referred to regarding an agreement between the town and Redflex Traffic Systems. Lieutenant Campbell clarified that the court can't give out information to Redflex anymore.

Mayor Hing directed the correction be made.

Council Member Tameron referred to the regular June 16 meeting minutes also in the consent agenda, Item 3, regarding the sale of older fire trucks. He said it stated that he was upset. He said that he did not say that he was upset; he had stated he was saddened.

Mayor Hing said to change the word. He said to the audience that Mr. Tameron served on the volunteer fire department for 26 years.

Mayor Hing asked for any other corrections on those regular meeting notes.

Mayor Hing asked about the notes for the work session of June 30. He told council that a different person had taken the work session notes. He asked if there was anything.

He said to Council Member Gutierrez that he knew sometimes he had some issues about his comments. He referred to the June 30 budget work session meeting and that a new person had taken the minutes so that if there is anything, he asked the council, and stated that he thought they were very clear.

Council Member Gutierrez said that he liked the bullet points. Mayor Hing said he liked that too.

Mayor Hing asked if there were any more questions. He stated that they had two blanket permits and asked if there was a motion to approve the consent agenda with those changes.

Council Member Tomerlin moved to approve the consent agenda with those changes. Council Member Peralta seconded. The motion carried unanimously.

F. COMMUNICATION:

1. Manager's Report – Deputy Town Manager Lou Digirolamo

a. Information on WIFA submitted by the Town of Superior

Deputy Town Manager Digirolamo explained that the town did not receive a grant from the Water Infrastructure Authority of Arizona (WIFA) for the wastewater treatment plant. The next funding cycle is spring 2012. WIFA only chose five projects. He discussed a meeting scheduled with the engineering company in the coming week to see if they could make the project work using CDBG funds that would be received this fall.

There were no further comments and questions on this item.

b. Cemetery plots sold last year residents and nonresidents

Deputy Town Manager Digirolamo said Council Member Peralta had asked for the number of cemetery plots sold last year. He said they had researched that and from July 2010 to June 2011 there were 16 sold to residents last year totaling \$8000 at \$500 a plot and three nonresident plots sold last year for a total of \$3000. So before they did this they thought Superior was being invaded by the Valley buying up plots for nonresidents but looking at this, that's not true. They had almost 6 to 1 of residents buying plots over nonresidents.

Council Member Lopez asked if there had been a purchase prior to that time by one of the mortuaries in the Valley. She said she remembered Town Manager Melanie Oliver stating that a mortuary had purchased, she guessed, a lot of them because they were so cheap.

Deputy Town Manager Digirolamo said that was before the price increase. He said they did have a price increase; they asked people to buy before December 31, 2009. The last price increase was in effect January 1, 2010 and this shows from July 2010 to June 2011 so that might have been correct before they had the price increase.

No further questions and comments were exchanged regarding this item.

Mayor Hing directed Deputy Town Manager Digirolamo to research with Jed Lant, who is the town's public works director, the number of burial plots available.

c. Inmate labor costs

Deputy Town Manager Digirolamo said he had met with Finance Clerk Nicole Welty on how much money had been spent last year on this. In 2010 \$12,554.68 had been spent and this year they are budgeted for \$15,500.

Mayor Hing asked for the man hours, to add on to a question by Council Member Lopez. I think what we want is a matrix of the man hours because if you had to fully oversee these inmates, it would be great to have a ratio of one over 10 but if the ratio was one to one, we are taking precious man hours to oversee inmate laborers.

Vice Mayor Lopez said the problem is; there is probably more than one person and then you split them up. She said she

wanted to be specific about what they got, this is what they spent. How many inmates did they really have, when and how they were split up, who is watching them because you are talking staff time also.

The Mayor said let's not have this discussion. He directed staff to continue to work the matrix because we want to be as accurate as possible so that when answering to the public, why we don't hire our own people, we can be very clear as to it is a cost factor.

There were no further comments on this item.

d. Cancellation of July 4, 2011 Fireworks. Reschedule for a later date

Deputy Town Manager Digirolamo explained that he had a meeting with the fireworks production company that had been contracted to do the fireworks on July 4, 2011. They will not refund the town's \$5000. They will reschedule. He had been asked what would be a good day and recalled that former Council Member Lynn Heglie had mentioned the State Centennial is in February, 2012. It would be a nice appropriate time for fireworks.

Mayor Hing announced if there was any input, relay it to staff.

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

1. Presentation by Eric Johnson & Associates reference employee health benefits

Mr. Johnson presented a report on rates for employee health benefits. He said they had shopped different carriers. He recommended renewal with the current carrier. He explained that if they had more than a 5% rate increase that would have been of no benefit to the town. The overall rate increase for the two plans the town has come in right at 4.9%. In the state of Arizona a single digit rate increase is very rare right now.

He explained a number of small changes to the PPO plan due to some grandfathering issues.

Council Member Gutierrez asked questions regarding possible elimination of coverage for council members.

Mr. Johnson said that he actually thought eliminating people covered would have a negative effect on the whole plan, (twenty-five was the tipping point).

Council Member Gutierrez said only two members of the council were on the coverage.

Mr. Johnson said even with two people they were right on the cusp of losing enough group members to have to go through the full underwriting.

2. Discuss/Approve/Reject: Increasing cemetery plot purchase from \$1000 to \$1200 for nonresidents and nonresident open/close from \$800 to \$1000-Deputy Town Manager Lou Digirolamo

Deputy Town Manager Digirolamo explained the item had been discussed in the previous work session.

Mayor Hing said that from the information given by staff, the town had really only sold three nonresident plots. I am in favor of just one set price. Maybe we need a marketing plan because we know of the shortfall that we have in the cemetery enterprise fund; again, if we could go out there and sell 50 plots a year it would certainly cover the shortfall.

Council Member Gutierrez said it is only less than half of what we originally estimated. Basically the council is agreeing to have tax payers subsidize burials, if this is the case, the council needs to find funding within the upcoming budget to make up for the subsidy.

ACTION: Council Member Lopez made a motion to keep the rates the same. Council Member Tameron seconded the motion.

VOTE: Council Members Tomerlin, Tameron, Peralta, Mayor Hing, Vice Mayor Lopez voted in favor. Council Member Gutierrez voted against. Council Member Aguilar had not yet joined the council by telephone. The motion carried 5-1.

3. Discuss/Approve/Reject: Definition of a resident as stated on Town of Superior application form for internment/Town of Superior cemetery rules and regulations under internment guidelines Section F-Deputy Town Manager Lou Digirolamo

Mayor Hing referred the council to their packets in which a proposed application form for internment had been placed.

Deputy Town Manager Digirolamo explained how he had come up with the definition in the proposed application. He said he had gone to the

dictionary for the definition of a resident and then tried to fine tune it. He had defined it as having lived in the town for the previous consecutive 12 months. He detailed other circumstances in the proposed definition, such as traveling abroad, in the military, et al.

Mayor Hing asked about the word “consecutive.” What about a resident who goes away to the cool country for three months?

There was a discussion of using the word “primary” residence in the definition.

Deputy Town Manager Digirolamo explained that it should be made simple to understand and the manager has the final say.

Attorney Wencker recommended using the word “during” the previous consecutive 12 months to clarify that if they had lived in Superior at all during the previous 12 months they were a resident. The second issue is that residency, generally speaking, is where you consider your primary residence to be.

Council Member Lopez asked if there would be an attachment regarding the definition of immediate family.

Deputy Town Manager said that he had looked at town policy HR 410 as to bereavement benefits to employees and used that as to a definition as to who is considered immediate family.

ACTION: Vice Mayor Lopez moved to approve the Superior Cemetery policy as presented with changes to Part 4 for the application of internment with the attachment to be part of the application process defining the meaning of immediate family. Council Member Tameron seconded the motion.

Council member Gutierrez asked whether this was a different document than they had worked on in previous work sessions.

Vice Mayor Lopez said this was the same document as worked on June 30, 2011.

VOTE: Council Members Tomerlin, Tameron, Peralta, Mayor Hing, Vice Mayor Lopez voted in favor. Council Member Gutierrez voted against. Council Member Aguilar had not yet joined the council by telephone. The motion carried 5-1.

4. Discuss/Approve/Reject: 2011/2012 Tentative Budget for the Town of Superior in the amount of \$4,776.334-Deputy Town Manager Lou Digirolamo

Finance Clerk Nicole Welty explained this was a tentative budget.

Mayor Hing explained to the public that the council has been working on the budget for three sessions. He said at the work session he had asked if this was a balanced budget and had been told it was.

Council Member Tameron asked if there was any way the town could get the auditors to say it was okay to pass the budget when the town had outstanding audits to do from past years.

Ms. Welty said that the auditors would not give that assurance.

Further comments were made and detailed questions asked by the council on a number of aspects of the presented tentative budget.

Council member Gutierrez stated that the tentative budget was incomplete, actual expenditures/expenses for 2011 was missing, with the understanding of reporting time constraints the council needs to have additional work session ASAP.

The council and staff discussed the need for a special meeting in the coming week to pass the tentative budget.

ACTION: Council Member Peralta moved to table the budget item. Council Member Tomerlin seconded the motion.

VOTE: The vote was unanimous (7-0) to table, including Council Member Aguilar voting by telephone.

5. Discuss/Approve/Reject: IGA with Pinal County Recorder and elections-Deputy Town Manager Lou Digirolamo

Deputy Town Manager Digirolamo explained the Intergovernmental Agreement (IGA) with Pinal County to provide election and voter registration to the town.

ACTION: Vice Mayor Lopez moved to approve the item. Council Member Peralta seconded.

VOTE: The vote carried unanimously (6-0) of council members present at that time. Council Member Aguilar was no longer present telephonically.

6. Discuss/Approve/Reject: Resolution 526 designating the election date, designating voter registration and designating place/date to file candidate nomination form -Deputy Town Manager Lou Digirolamo

Mayor Hing directed Deputy Town Manager Digirolamo to read Resolution 526 in its entirety. The resolution set November 8, 2011 as the time for holding a special recall election in Superior for the purpose of recalling Mayor Michael Hing whose name shall appear on the ballot. Pinal County registration and voting lists shall be used for this municipal election. In order to be qualified to vote, you must be registered by October 10, 2011. Candidates seeking the office of mayor may obtain nomination papers and other materials which must be filed by candidates at Town Clerk's Office, 199 N. Lobb Ave. beginning August 10, 2011. Candidates must file nomination papers and other nomination forms by 5:00 p.m. on September 9, 2011 at the Town Clerk's Office, 199 N. Lobb Ave., Superior, AZ, in order for their names to appear on the Special Recall Ballot.

Council Member Gutierrez asked if it could be made sure that this appears in the Superior Sun right away.

Deputy Town Manager Digirolamo said he would make sure something appeared in the paper.

ACTION: Council Member Tomerlin moved to approve the resolution. Vice Mayor Lopez seconded the motion.

Council Member Gutierrez asked what would happen if the council did not pass the resolution.

Attorney Wencker discussed possible action the state could take to force the town to call an election.

Council Member Gutierrez commented he does not support the recall because it's disruptive to the community and business of the council, being that they are so close to the next election

Mayor Hing asked the attorney if there is a court action against the recall, when is the final date to cancel the election without the expenditure. He said there were some points he would like to challenge but also to save the town some money.

Attorney Wencker said it would depend on how that challenge went. He made further comments on the process and the number of days there were to place recall response on the ballot. He asked if he had answered the question.

Mayor Hing said yes, he just wanted to know if there was a deadline to avoid expenditures.

VOTE: Council Members Tomerlin, Tameron, Peralta, Mayor Hing, Vice Mayor Lopez voted in favor. Council Member Gutierrez voted against.

Council Member Aguilar was no longer present telephonically. The motion passed 5-1 of council members present.

7. Discuss/Approve/Reject: Memo of Understanding with the Queen Valley Fire Department to Dispatch Emergency Services-Fire Chief Todd Pryor

Fire Chief Pryor said the Queen Valley Fire Department (QVFD) came to the Superior department and asked if Superior could help provide dispatch service due to QVFD losing dispatch personnel. The contract calls for Superior to provide this service free for one year. The town will get its money back. Next year QVFD will pay Superior \$200 a month based on call volume up to 30 calls. Additional calls will be billed \$10 per call.

Mayor Hing asked if Superior has a clear channel to QV dispatch.

Chief Pryor said yes. Superior will work out with them regarding increased radio traffic.

Mayor Hing asked Attorney Wencker if the contract seemed to be in order. Attorney Wencker answered in the affirmative.

Mayor Hing said thanked the Queen Valley department as they do assist Superior in backup.

There were further comments.

ACTION: Council Member Peralta moved to approve the item. Council Member Tomerlin seconded.

VOTE: The motion carried unanimously (6-0) of council members present.

8. Discuss/Approve/Reject: To amend personnel rule HR-4-04B2 to read employees may accrue a maximum of 240 hours of vacation leave-Deputy Town Manager Digirolamo

Deputy Town Manager Digirolamo explained that this is a housekeeping item to clarify and simplify the vacation accrual policy.

He responded to a few questions from the council regarding the details.

ACTION: Vice Mayor Lopez moved to approve the item. Council Member Tameron seconded.

VOTE: The motion carried unanimously (6-0) of council members present.

9. Discuss/Approve/Reject: Resolution 523, an IGA between the Town of Superior and the State of Arizona through which the highway safety improvement program fund, \$50,000 to the Town of Superior –Public Works Director Jed Lant

Public Works Director Jed Lant explained this intergovernmental agreement through which the federal highway safety improvement program will fund \$50,000 to the Town of Superior, the state will fund \$0 and the town will fund \$0 resulting in a project costing an estimated \$50,000.

Mayor Hing asked if this was in regard to the signage inventory and Lant answered in the affirmative. The mayor explained that Lant had been talked about at CAAG (Central Arizona Association of Governments) for really getting a signage program going and being way ahead of everyone in the whole region and the rest of the communities and that they were really shocked that the inventory had been done and being ahead of the game and that is why we're rooting for him on the dollar amounts.

ACTION: Council Member Peralta moved to approve the item. Council Member Tomerlin seconded.

VOTE: The motion carried unanimously (6-0) of council members present.

10. Discuss/Approve/Reject: Resolution 524 adopting the 2009-2010 amendments to the Tax Code of the Town of Superior–Deputy Town Manager Lou Digirolamo

Mayor Hing asked a question about the text amendments. He explained he knew about one of them regarding medical marijuana but a lot of them were just based on construction.

Deputy Town Manager Digirolamo explained these were brought before council because before they could approve the ones in 2010-2011 based on the model tax code, they had to approve 2009-2010.

Mayor Hing asked if was correct the tax is just 2%.

Deputy Town Manager Digirolamo responded in the affirmative.

There were more comments.

Deputy Town Manager Digirolamo read the resolution by head.

Council Member Gutierrez asked what was behind this.

Deputy Town Manager Digirolamo explained these were text amendments regarding contractors and some of those following based on medical marijuana.

There were more comments.

ACTION: Vice Mayor Lopez moved to approve the item. Council Member Tomerlin seconded.

VOTE: The motion carried unanimously (6-0) of council members present.

11. Discuss/Approve/Reject: Ordinance 111 adopting the 2009-2010 amendments to the tax code of the Town of Superior–Deputy Town Manager Lou Digirolamo

Deputy Town Manager Digirolamo read the ordinance by title.

ACTION: Council Member Tomerlin moved to approve the item. Vice Mayor Lopez seconded.

VOTE: The motion carried unanimously (6-0) of council members present.

12. Discuss/Approve/Reject: Resolution 525 adopting the 2010-2011 tax code to the Town of Superior–Deputy Town Manager Lou Digirolamo

Mayor Hing asked a question regarding how they are adopting the resolution and tax issue and then moving on the medical marijuana issue. Is that kind of in reverse? Let's say what if the council wants to change that marijuana to charge 4%?

Attorney Wencker explained that if you wanted to amend the tax on medical marijuana that would be another set of procedures.

Mayor Hing asked if basically these coming items with the medical marijuana are to place medical marijuana somewhere in the tax code. Is that the whole idea?

Attorney Wencker said that is exactly it.

There were further comments.

Deputy Town Manager Digirolamo read the resolution by title.

ACTION: Vice Mayor Lopez moved to approve the item. Council Member Peralta seconded.

VOTE: The motion carried unanimously (6-0) of council members present.

13. Discuss/Approve/Reject: Ordinance 112 adopting the 2010-2011 tax code to the Town of Superior–Deputy Town Manager Lou Digirolamo

Deputy Town Manager Digirolamo read the resolution by title.

Mayor Hing asked if this amendment is what a lot of communities are adopting, putting this marijuana into the tax code, placing it somewhere.

Attorney Wencker explained that there is a lot of discussion going on about it right now and about taxing it. This is actually one of the first steps.

Mayor Hing explained that is a main item in the amendments. All these amendments always have construction issues, but to the public, it actually says under places, under the section, that under no circumstances shall food or beverages (etc.) be in a place with medical marijuana in it, as an ingredient of medical marijuana, so marijuana is now in the tax code. He asked if anybody is against that.

ACTION: Council Member Tomerlin moved to approve the item. Council Member Tameron seconded.

Council Member Gutierrez asked if the tax amendments they were adopting with the exception of items regarding medical marijuana were the same as they had in place, so all they are doing is adding medical marijuana.

Attorney Wencker said that is correct.

There were more comments.

VOTE: The motion carried unanimously (6-0) of council members present.

14. Adding Deputy Town Manager as a signor to all Town of Superior accounts at Bank of the West and J.P. Morgan Chase Bank and removing former Council Member Lynn Heglie –Deputy Town Manager Lou Digirolamo

Deputy Town Manager Digirolamo said this was straightforward and he was already approved for Chase Bank. He made further comments explaining the item.

Council Member Tameron asked whether with the town manager being away on medical leave, would it be a good idea to take her off the account until she comes back.

Attorney Wencker responded with a number of comments and to the question said it was not necessary. Further comments were made.

ACTION: Vice Mayor Lopez moved to approve the item. Council Member Tameron seconded.

There were more comments.

VOTE: The motion carried unanimously (6-0) of council members present.

H. CALL TO THE PUBLIC:

Curt William said he was not certain as to policy but did want to be sure someone is appointed as town clerk during the medical leave of absence of the Town Manager/Town Clerk as they did have to have a town clerk. He also said that in last week's paper even Miami had a budget.

I. EXECUTIVE SESSION:

There was no executive session.

J. COUNCIL COMMENTS:

Council Member Peralta had no comment.

Council Member Gutierrez commented that at the last work session one of the members of the body had a comment that he believed was unbecoming to wish somebody dead for their own personal benefit. He does not think that is who we are. He made further comments on this issue and said other than that, have a good weekend.

Council Member Peralta said she believed Mr. Gutierrez was referring to her and she did not say that she wished he was dead. What she said was in order for any change to be made he would have to die first. She was not wishing him dead so maybe get his facts straight before he started making accusations.

Council Member Tomerlin had no comment.

Council Member Tameron said he still would like to know if the auditors could come and give a breakdown of where we're at and where we're at with this council, the audits and our costs. What is it going to cost us to get all this and is it in the budget?

Vice Mayor Lopez reminded everyone that the Superior Little League is doing district games and to support them. Unfortunately, our 12-year-olds lost their game in Florence

but the 8- and 9-year olds went to Mammoth and won 11 to 1. She said she thought the 11-year-olds were playing the following night in Superior so we ought to go out there and support the team.

Mayor Hing added to what Ms. Lopez said and explained that he believed there were final games as late as Wednesday. It does give a child very good exposure

Mayor Hing also said that there was a comment made in a meeting re our high speed internet system that we have here and is provided in the town by a private company. There were some comments made that it wasn't dependable, service was bad, slow, and so that kind of bothered me because when I said I have it in my business and it was very critical to my business and the comment was made well the mayor gets special privileges and I kind of took offense to that because there are quite a bit of businesses that use the system and really depend on it because major money transfers are made over the internet system as well, like the school as well as town hall. But to the question, I thought of a good thing, that well it is just something that the town kind of backed because that is part of economic development to build one of those infrastructure legs and provide high speed internet to the town was important. So with a private company coming in, they are basically in the town but they kind of took some bad mouthing in that particular discussion, so when I heard something, I pick up the phone and call them the next day, call the owner and say what is going on with these complaints and he was very shocked about these accusations. I didn't really learn about it fully and I asked him to come to the council to explain and also to go to the chamber to explain his system. He informed me that we have hotspots in this community. He said these are hotspots where people can tag on. These are not residential accounts; these are what they call public access where they can get on line. They are not bound by a contract so they can get online and get some kind of internet service. So he doesn't really emphasize that. He says that is just public access. That is basically for your traveler comes to town and wants to check his emails and they are not going to be here for a long time. I said I didn't know that, I know you provided the system, and he said no, I wish I didn't have that system in town because it gives my company a bad name. The people get on this public access and they only pay a certain amount. They're not bound by contract and they expect miracles to happen. He said he possibly will remove those hotspots and just keep one on the U.S. 60 part. Because I asked him, please don't get rid of it for travelers. But what came out of that meeting was the misinformation where somebody would trash a company like this and I went to investigate what the problem was and there was no problem. He is adding three or four systems a week in Superior. He won't tell me the clients but he has quite a bit of clients in the community and they are very satisfied but it is just the idea that there was some misinformation and it was shared in a way that, I didn't have it actually in my home, I had it in my business, and the system works great, but of course, I'm the mayor, right? So I had to wait three days for installation but maybe everyone got theirs in one day and I had to wait three days before the guy came out to install it. I guess I'm the mayor with three days lag time. But anyway, there's something good for our community and how somebody could just degrade it. That's why I like to hear issues of companies that serve our community because I get to the source and I immediately call and he was very shocked so I hope that he will come to the council meeting, explain how the system works, why he provides public access, which he does not recommend for a person who lives here who

expects to watch videos, do whatever, do not use that because it is basically just kind of a slower system. So it just shocked me that at that level a discussion took place and kind of beat up on a company that wasn't there so what I am saying is when you hear things, go find out, find out the truth. I certainly called the card on that and I was very shocked by the information that I received. But we do have these hotspots.

Again, as Vice Mayor Lopez says, go out there and do a little bit of Little League games. It is a big deal. I heard that the district is very pleased with what the field looks like and is just excited with what's happened out there so go out there and enjoy a few games in the next week.

L. ADJOURNMENT:

MOTION: Councilmember Peralta made a motion to adjourn the meeting. Councilmember Tomerlin seconded the motion.

VOTE: The motion was approved unanimously and the meeting adjourned at 9:20 p.m.

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Work Session of the Town Council of the Town of Superior held on the 7th day of July 2011. I further certify that the meeting was duly called and held and that a quorum was present.

/s/

Lou Digirolamo _____
Deputy Town Clerk/Police Chief

*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.*