

TOWN OF SUPERIOR
Regular Council Meeting
Thursday, April 18, 2013, 7:00 P.M.
Superior Senior Center
360 W. Main Street, Superior, AZ 85173
MINUTES

CALL TO ORDER:

Mayor Jayme Valenzuela called the meeting to order at 7:15 p.m.

ROLL CALL:

Present: Council Members Chris Tomerlin, John Tameron, Soyla “Kiki” Peralta (from 8:11 p.m.), Vice Mayor Olga Lopez and Mayor Jayme Valenzuela; **Absent:** Council Members Irene Hansen and Gilbert Aguilar

INVOCATION:

Council Member Chris Tomerlin led the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Valenzuela led the Pledge of Allegiance

1. SUMMARY OF CURRENT EVENTS:

A. Council Members

No comments made.

B. Mayor

Mayor Valenzuela said they had provided information for the public on the upcoming Home Rule election. It is on the desk. It is just educational, for everyone to understand the pros & cons. The election takes place on May 21. Early ballots go out next Thursday. Please take one of those pamphlets home and read that information. Educate yourself on it. Also the town will be having some information come out in the Superior Sun and posting information on its website. So this information will be out there for everybody to look at and try and make heads or tails whether they are for or against this Home Rule. It is pretty detailed, tells about Home Rule and tells what the town has done in the past in reference to Home Rule. It is good information and he wanted everyone to take a copy of it home, please.

He also commented on information that has been out to the right and to the left. Now it is the town’s turn. Within 30 days they will be doing a town meeting. They do not have a date. It is still in the planning stages. They can bring everyone to the table and talk and get information out. He commented on posts made on Facebook and a public television interview. He said the community has been there forever, there is no need for all this. He hoped within 30 days all the questions will be answered.

C. Town Manager

Town Manager Kane Graves presented new business items.

- 2. SPECIAL PRESENTATIONS:** Presentations, Proclamations, Awards, Guest Introductions and Announcements.

There were no special presentations.

- 3. CONSENT CALENDAR:** 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.

A. Consideration of Approval of Council Meeting Minutes:

1. Regular Meeting of April 4, 2013
2. Executive Session Meeting of April 4, 2013

B. Consideration and Approval of Alcohol Beverage Permit for Valerie Serrano to host a DownUnder Bowl Horseshoe Tournament Fundraiser on April 20, 2013 at the US 60 Park from 2:00 – 6:00 p.m.

C. Consideration and Approval of Alcohol Beverage Permit for Kathleen Beaudet to host a Party on August 31, 2013 at the Magma Club from 2:00 p.m. – 12:00 Midnight.

D. Consideration and Approval of Blanket Permit Request from Aja DeZeeuw, Superior Copper Alliance Political Action Committee for fundraising activities

E. Consideration and Approval of Blanket Permit Request from Aja DeZeeuw, David Montano Scholarship Fund for fundraising activities

MOTION: Vice Mayor Lopez moved to approve the consent agenda. Council Member Tameron seconded. **VOTE:**The motion passed unanimously.

4. NEW BUSINESS:

A. Resolution No. 543 – A Resolution of the Mayor and Council of the Town of Superior, Arizona Pursuant to A.R.S. 9-802 Declaring as a Public Record for Purposes of Adoption by Reference that Certain Document Entitled the “Superior Town Code,” Three (3) Copies of Which are on File With the Town Clerk

B. Ordinance No. 115 – An Ordinance of the Mayor and Council of the Town of Superior, Arizona Adopting the Superior Town Code Which was made a Public Record by and Through

the Adoption of Resolution No. 543; Repealing any and all Other Ordinances and Parts of Ordinances in Conflict Therewith; and Providing for Penalties for the Violation Thereof; and Requiring the Posting and Publishing of this Ordinance as Required by Law

Town Manager/Town Attorney Kane Graves conducted an overview of the draft town code with respect to proposed changes. There was a consensus to address a portion of the proposed code at every meeting. Mayor Valenzuela called for a five-minute recess.

MOTION: Vice Mayor Lopez moved to go into recess. Council Member Tameron seconded. **VOTE:** The motion passed unanimously.

Council was in recess from 8:08 to 8:20 p.m.

MOTION: Council Member Tomerlin moved to go back into session. Council Member Tameron seconded. **VOTE:** The motion passed unanimously.

C. Discussion and Consideration of Resignation of the Chief of Police and Whether the Manager Should Advertise for the Chief of Police Position

Town Manager Kane Graves referred council to the resignation letter in their packets from the Chief of Police. The resignation is effective May 29, 2013. He indicated the purpose of the agenda item is to let them all know the Chief of Police has resigned and to see whether they wanted him to advertise for the position of chief of police. This was presented to them as an option. It may be helpful to use this time to advertise in the event they decide to keep the police department instead and/or to compare their options. Even if they advertise, it does not mean they have to hire a chief, and it does not prevent them from entering into an intergovernmental agreement with the Pinal County Sheriff's Office. It simply gives them future options to consider. He submitted it for their direction.

Mayor Valenzuela commended Chief Lou on his seven years of being in Superior. Seven years is quite a while for a chief of police. He thought the Chief had done an admirable job while being here and wished him luck in whatever he went to next. He also wanted to give a little brief information that the Chief's contract is expiring at the end of June.

The other thing that he wanted to get into is that there are some inquiries as to when they are going to inform the public or educate the public on what the changes will be, if there are changes, or if they do retain their police department. Tonight they have an item on the end of their agenda that there is going to be a council workshop, tentatively scheduled for the 25th. It will probably be at 6 p.m. Pinal County Sheriff will be there to answer questions on anything that has to be addressed on this issue. Council will also be in attendance so they can discuss this issue. They can find out the information. He was reading the letter earlier from Ms. Aja DeZeeuw. It said that "many of our membership were in the Town Council meeting on April 4 and there was discussion about the proposed change to the police services being provided by the Pinal County Sheriff's Department. This was the first real discussion we've ever heard on this issue." The mayor quoted from one of the group's own board members: "Being in attendance at past meetings is something that you need to be educated on the issues." This has been an ongoing discussion for over a year. If they don't

believe him, ask the police department. This is something they were told over a year ago, that this option would be explored. (Interjection from audience.) The mayor continued that he was not there to argue or debate this issue. He was just saying this issue has been out there in the public. It is not something new that came about on April 4. But next Thursday night there will be a meeting. Anybody wishing to can attend that meeting. They can come and ask any questions. There will be refreshments & food provided at 6 o'clock. At 6:30 they will begin with the question and answer period from the Pinal County Sheriff.

Council Member Tomerlin asked Bruce Richardson (sitting in audience) of Resolution Copper if it was true that Resolution Copper was having an open house on Thursday, April 25. Mr. Richardson replied in the affirmative. Mr. Tameron inquired if the town's meeting could be moved. Mayor Valenzuela indicated they could move it. Mr. Richardson indicated Resolution would be grateful. Mr. Tameron said that way they would not be dividing everybody up.

Vice Mayor Lopez questioned whether if they did not go with the PCSO, would there be another option.

Mayor Valenzuela indicated they could go with DPS.

MOTION: Council Member Tameron moved to table Item 10B. Council Member Peralta seconded.

MOTION: Council Member Tameron amended his motion to say they accepted the resignation of the Chief of Police but tabled the advertising for a Chief of Police until after the work session they are going to have on that.

Council Member Tomerlin commended the Chief on his service. He said one of the most fun times of his life was being with the Explorer program. He thanked the Chief for providing that for the town. He was proud to say he had worked with the Chief.

Council Member Peralta seconded the amended motion.

VOTE: The motion passed unanimously.

D. Discussion and Consideration of Fees for Use of the Town of Superior Parks and Buildings

Mr. Kane said that during the 2012-2013 budget discussions, they identified that the town had not been charging groups and organizations for use of town buildings or properties and had been paying utilities and services for groups and organizations. Last October, it was determined that during this fiscal year, the town would start charging everyone wishing to utilize properties and stop paying for ancillary services. Town staff and representatives from the Chamber of Commerce met and discussed options so they could adopt new fees and begin charging them across the board. The council approved the initial fee schedule at the October 25, 2012 meeting and added Magma Club rental fees on November 15, 2012. It was recommended that this item be revisited after they had been implemented for a 6-month period. It had now been six months.

Council Member Tomerlin said the question that stood out in his mind was are they making any money on this. Finance Director Rita Wentzel said yes. Mr. Tomerlin asked if they were

in the black on this. Ms. Wentzel said yes. Mayor Valenzuela asked if she had anything to show them in that regard.

Ms. Wentzel said one of the things she is going to review that night are the third quarter financial results that are preliminary. But when you look at the building rental, they only anticipated that they would make \$10,000 and they made \$52,821. Some of that money was the payoff of the building that was purchased, which was \$40,000. So they have already made this year \$12,821 in parks & rec. She did not have an opportunity because it was short notice after the 31st of March to break out any building rental charges. But what they could see is the expenses for building rentals are \$9,937. Last year at this time there was no revenue to offset it. So this year they really did make money.

Vice Mayor Lopez indicated she would like a breakdown. She is concerned about the park. It is a community park. She discussed concerns about people crossing the street to use the bathrooms at the rest stop. She addressed differences in fee for nonprofit and private sector. She indicated they might be going to extremes charging as much as they do and compared the cost of using the park versus a Tucson park. It was a good thought but now she thinks they are a little on the extreme side versus what they really need to look at and make it more acceptable to the residents of Superior.

Council Member Tomerlin commented that if they wanted to combine the park and the rest rooms it would be \$35 an hour, something like that. They are making money off of it, and he knew he was going to tick some people off with this comment, they are making money off of this and he didn't want to change that. The town needed every revenue source possible and this is looking like it might be a viable revenue source. What he would like to see is a breakdown of how many people rent it in a day, what the usage is. He is coming off of council in a month, so honestly and truly they are getting to a point where his opinion doesn't matter anymore. He understood that. Ms. Lopez said that as a resident, his opinion will count and it does matter. Mr. Tomerlin said maybe just dial it in a little more, but he liked the fact they are making money off of this because it is that much easier to make payroll. They might even make enough to be able to purchase something that might be useful for one of these parks.

Council Member Tameron said he remembered when they were working on setting the fee schedule. They said in six months they would redo it. Do they have numbers on what it costs to clean the restrooms? Is \$25 going to cover it or are they overcharging the U.S. 60 Park, the Horseshoe Park? He thought they really needed to put the pencil down to it and find out what it is that it is really costing the town and go from there. That was what they talked about back in October and he thought they were at that point now.

Ms. Wentzel said they could get some definite numbers. She could tell them that the town paid the utilities whether anyone uses the parks or not, whether anyone uses the restroom or not. So they'd had a lot of output with no income.

Council Member Peralta indicated she felt the private sector should have the same as the nonprofit. She asked about air conditioning cost at the Magma Club. Ms. Wentzel indicated there had been a log and now that is back in place. Ms. Peralta referenced the \$250 per day

10-hour maximum for the Magma Club and said that was a lot. Ms. Wentzel indicated they will work on that.

Mayor Valenzuela said he has heard quite a few complaints from people who rent the park, rent the Magma Club, rent the other facilities, that the town is not following through on their end of the bargain and cleaning the facilities, after they are done or in-between or prior to. So they (town) need to better themselves on that end also. He knew they were revving up on getting their crews up to par. It's a trial and error period. The town needed to improve on their end also. He saw some people in the audience shaking their heads. They have experienced this also. The town is working on it. That is why they had this 6-month trial and hopefully they can come back with some numbers that will be suitable to the community. Just adding it up a 2-hour party at the park is going to cost \$140. It's pretty expensive for a 2-hour party. Hopefully they can come with some new numbers. At this time because they've reached the 6-month period and they haven't come back with hard numbers, and some discussion with the manager, he has suspended right now the fees for the bathrooms. He just wanted to let that be known that he did do that, suspended the fees at this time for the bathrooms at the U.S 60 Park and Bob Jones. So if you rent the facility itself you will still get the bathrooms with it but you won't have to pay a fee on that end right now, until they come up with hard numbers. And they will be clean. He asked that anyone not happy with the services let the town know via the complaint form available and not post it on Facebook or go tell someone.

Council Member Tomerlin advised users of the park to take before and after pictures.

Mayor Valenzuela said this was an informational item and asked if figures would be brought back. Ms. Wentzel indicated in the affirmative.

5. **ACTION ITEMS:**

N/A

6. **REPORTS:**

Police Department: Police Chief Digirolamo thanked the mayor, council and citizens of the town for letting him be their chief of police for the past seven years. It was time to move on to other things for him and he appreciated their help and support. (Applause.) He referenced the reports in their packet. He said they did have a dispatcher who resigned in March. They had a full-time officer who resigned and that vacancy was filled by the reserve officer. He responded to questions regarding the reports.

Fire Department: Fire Operations Chief Todd Pryor reported on fire department activities, including calls, training book, inter-facility transports, code enforcement and vehicles. He responded to a question from Council Member Tameron as to whether the department did "knock & talk" in regard to the advising of code enforcement violations. Chief Pryor explained the current system of letter notification. He said they used to go knock on doors as they had personnel who was good at doing that. They do not now have the man hours. He gave several other reasons. A discussion of various aspects of this issue ensued between Chief Pryor, the Mayor, and some council members.

Mayor Valenzuela also commented that the manager had come to him and said that some months ago they had put a stop to issuing citations in reference to weeds and debris. The mayor said it had been him who had done that for the simple reason that they had no place for their residents to take it or a way to dispose of it. This past week they talked about it again. It is going to be enacted again. They are going to start citing because Republic Services is going to be picking up this in bulk pickup. He has instructed the manager, along with Mr. Pryor, to put an informational item into the paper and give everybody a window that this will be enacted again. The information will go out in the Sun, will go out in sewer bills or something, giving the date of when this would be enacted. This way nobody can say they didn't know.

Vice Mayor Lopez said some sewer bills go to the property owner so how would the renter know. Not everybody reads the paper and now they don't get the letter. Ms. Wentzel said it is at the discretion of the property owner.

Mayor Valenzuela said any way the information can be gotten to them, they will get it to them. But look around the town now. There are a lot of weeds and overgrown brush that people are just not addressing. They need to re-enact it. There will be a 30-45 day window. They will start issuing the warning letters again and then it will go to a citation.

Library: Ms. Wentzel reported on library activities. She referenced written reports in council packets, including circulation, work in progress, upcoming projects and National Library Week, which is celebrated April 14-20 and throughout April.

Senior Center: Ms. Wentzel reported on the senior center and responded to questions, reviewing the figures in council's packet for congregate and home delivered meals and other data.

Sanitation: Ms. Wentzel referenced the sanitation report in their packet, which included information on the discharge the facility had for a total nitrogen of 16.0 milligrams per liter. The resample was the discharge limit. It will be reported to ADEQ. In other words, they had a minor violation and they fixed it. She reviewed the rest of the report, including a discharge of sewage by the museum park through a plugged manhole. There were rocks in the invert of the manhole. This was reported to ADEQ. Regarding effluent, they are basically in compliance with the exception of the recent discharge.

Finance: Ms. Wentzel referenced preliminary budget figures for the third quarter in the council's packet. They were not totally accurate. The purpose of giving it to them that evening was they had thought the 23rd and the 30th they would be giving them additional data, so they wanted to get something in council's hands quickly so they could give them an idea of where they are at. She reviewed these preliminary figures with council. (Report on file with Town of Superior.)

7. **CALL TO THE PUBLIC:**

Ms. Nancy Vogler, 502 S. Church, Superior, indicated disappointment in the decision to disband recycling. In the future let the public know about these things before they take a vote. She related an experience dealing with people while running a business in California. So if they had a problem with the recycling where there were people who were putting all of their garbage in the can, they should have

just taken care of it rather than saying oh let's just get rid of the whole thing. Recycling was one of the little perks that made people want to move to the town. They like the town, they really do. It might draw in people so the town would prosper. It is the little tiny things. Before they got ready to slash and burn the next time think about that. She indicated she was also upset to think their police department might be broken down and operated by the sheriff and discussed response times and also the possible long term effect. Let's remember they are in this for the long haul and not just get rid of everything because that is the easiest thing to do right now. She also said regarding the town code, she was looking for it online and it was not online. She indicated she was still upset regarding that section where they were talking about the business licenses and peddlers.

Mr. Bill Vogler, 502 S. Church, Superior, said he had listened to council this evening talking about how transparent they were and he believed their idea of transparency and his and most of the people in the room were a little different. He was surprised about the talk of having an open forum. This is what needed to be done with all the other rulings they have made in the past two months. They all understand they are not all going to agree with the decisions; some may, some may not. How the decisions are made is questionable in the last couple of months and if it wasn't questionable they made everyone believe it was questionable by their actions because they were not forthcoming and transparent. He is very happy that some of these items that will be coming up in a meeting and not be voted on until the next meeting. This gives the town an opportunity to respond.

Sue Anderson, 78 W. Sunset Drive, Superior, indicated she had not gotten an opportunity to respond when Council Member Tameron asked her earlier about a problem on Terrace Drive. It had not been resolved. She also discussed the bathroom at the rest stop, indicating they were absolutely disgusting and gave details. They had to stop ignoring this. The Chamber is spending money advertising and promoting the town of Superior. That is the first place they stop. There are seven of them (council), each take one day a week; go look at it. There are days when it is clean but there are so many days when it is absolutely filthy. She also indicated she wished to toss out briefly because she wasn't going to bring it up again, the whole situation with Resolution. She appreciated that there was going to be a forum. They have four council members, two of them are lame ducks, and she is not trying to be disrespectful. Those two people have never even been voted by the voters of this town ... there are two other people as well ... who apparently solely are making these decisions and making public appearance. Appearances on television gave the appearance, and she did not know if it was true or not, gave the perception that the town has now sided with the Coalition of Concerned Citizens & Retired Miners, Mr. Chavez' group. She was not against it; they have a right to their opinion. But the town can't side with these groups and go on television and say yes I agree with them and talk as if they are one of them. That is not okay. They need to stop this because they are not speaking for the public. She believes there are many, many organization that have written letters to our senators, governors, congressmen, representatives, that support Resolution and the Land Exchange. These include Pinal County, Gila County Supervisors, the Governor of Arizona, our senators, congressmen, and state representatives, City of Apache Junction, Town of Payson, Town of Kearny, the Mayor of Globe, and the Arizona State Chamber of Congress (further organizations listed). She said all of these people cannot be wrong. It was time to go back to the drawing board and rethink what they were doing. Everybody can't be wrong and four be right.

Mr. Sonnie Sansom, 201 O'Donnell, Superior, said he had a question and a statement. Is this new code direct? Are they going to be able to see it? Is it going to be on the website? He read his statement: For the past few years I've stood at this podium stating the need for open meeting laws, code enforcement, and transparency and moving forward. Maybe on a good night 15 are here. But tonight as I look around I see many faces that I have seen only a few times before and they also are demanding open meeting

laws and transparency. Thanks for being here. Don't get me wrong. I think this is the way government should operate. Not in the press but in the center face to face with government. Although a lot of the synergy here tonight may be misdirected, it is a good thing that the residents no matter their opinion stand up and speak their minds. Many of the people at the last two or three meetings had financial connections to a local business, which I will not name. Superior Chamber of Commerce appears to be representing this business when in my opinion, the Chamber of Commerce should represent all business with the same amount of energy. Then you have a new group of citizens that claims to represents all businesses and the taxpayers in this community, which is simply not true. I think unmentioned connection is one of the oldest tricks in the book, divide and conquer. If you would only think about what you are doing to your children and grandchildren by shortcutting all the environment laws, you might redirect that energy and help the town move forward. Most of us sure won't see that mine in operation; we won't live that long. As a result of Billy Holmquist's efforts in articles recently published in the Arizona Republic about plans for the Magma Hotel, the result was that last week several people appeared to look at commercial properties and businesses they may want to own in the near future. The Arboretum continues to be a valuable asset to tourism here and I've notice a big interest in businesses here. What do we need to improve this partnership? What are we going to do? We have got to do something. (The statement continued to discuss the Arizona Trail and asked why the town is putting its own buildings up for sale when business needed to be put in them.)

Marilee Lasch, 200 N. Magma, Superior, said when she had been told that class starts at 9 o'clock she had better be there at 9 o'clock or she had gotten a penalty. When she worked and was told she had to be there at 8 o'clock, if she came at 8:15, she was written up. She challenged the council that thinks it is ok to come to the 7 o'clock meeting at 7:15, 8:10 and 7:30. She thought it was a great disrespect to the people they have been elected by. She thought it was a great disrespect and she thought it was a great indication that they don't give a ... about the people they serve. If she had a volunteer situation and she tells them she is going to be there at 1, she is so excited that she is going to be serving the people that she is there at 10 to 1. She is so pleased to be of service that she is there when she is supposed to be there. She wanted to address another thing about respect and consideration. She has been at many, many council meetings and she has seen that individual people come in always late, always. And she has been at many council meetings where individual people have been singled out as long-time residents who know what Superior needs and they know what Superior needs. Well, she was there to tell them that she has been there for going on to nine to 10 years. She has participated in every Dia de Colores. She has participated in every home tour. She has had thousands of people in her home showing them the beauty and the awesomeness of Superior and she resents the fact that they consider the long term local resident more intelligent than her, more caring about this town than her and more willing to have ideas for this town than her. She further stated: I challenge you, you said, that we all have a right to our opinion, if I've been here nine years ... this is my town. I am an intelligent human being that cares about Superior. Please, please no not label me as someone who doesn't know or doesn't care what is going on because I haven't lived here since birth. I choose to live here. I choose to be involved. Why don't you?

Roy Chavez, 331 W. Palo Verde Drive, said he was a lifelong resident of Superior. He told Ms. Anderson she gave him too much credit. He did not realize he was that powerful to bring two multibillion dollar corporations to their knees in regard to the last several years they have not been able to pass this legislation. He shared that the action the town took was based basically on education that they received. There were some other legal issues that could not be discussed there. He further stated: The termination in my opinion was based on law. The fact that Resolution, Rio Tinto BHP has taken so long has got to make you scratch your head and wonder what is going on. We may ... want this project. I do, too. But I want it done in a manner that is healthy, that is good, that is environmentally safe and that we

can continue to achieve, just what Marilee was talking about, the environment we need to protect because the ecotourism industry, everything around us is dependent on water and care of the Mother Earth. Now I'm not going to go into numbers. You mentioned a laundry list of people that have supported this. But I share with you that there are thousands and thousands of people that do not support this at the national level because it is a national issue. This legislation is setting a precedent, a bad precedent in regard to the release of public lands before questions are answered and that is what we've been arguing. It is not against the mine, but we've been labeled that because if you've attended any meetings from the very beginning, years ago, even when I was mayor in '98, question, how much water are you going to use, question, you're a problem. Well, I do want to know how much water they are going to use. (He made further comments about the water issue.) He continued: And as I mentioned Monday on Channel 8, I want to know how they are going to mine. They do not have a mining plan of operation and anybody that thinks they do is sadly mistaken, sadly mistaken. And sure there's a preliminary GIS ... but the reality here folks is that if this land is privatized before ... NEPA is a moot point once land is privatized. I am glad that you, Mr. Mayor, and the council, have agreed to put this meeting on because I think there needs to be not necessarily a debate but a sharing of communication. (He made further comments and asked why the bill was introduced when the company knew that the Mutual Benefits Agreement was null and void. How could Section 9 of the bill include the town of Superior when the Mutual Benefits was null and void?)

Mayor Valenzuela asked if there were any comments by council at this time in reference to what took place in public comments.

Council Member Tomerlin stated: Unfortunately Marilee left. Since I was 16 up until the time I got on the council, I logged about 1,000 volunteer hours a year. It was about 500 since the time I turned 12, Soap Box Derby and things like that. That's what I've done for my community. I've worked hard for my community. That comment annoyed me and I will speak to her when I see her on the street or something like that. I don't have her number. As far as the mine, now, personally I am getting tired of personal attacks, so from now on the most everybody's going to hear is I have no opinion on the mine, I have no further information on the mine. I'd like to point out, though, that we're not arguing about whether we want the mine or not, seriously, we're arguing about the order in which we want the mine to go. I like the mine if they did the NEPA and the Plan of Operations first. I don't think I'm being an unreasonable for it and one of the questions I keep hearing is if I was going to build something here in Superior would I do a soil sample and an environmental study first. Yes, I would, for the safety of my employees and to know the impact of the properties around me. Thank you.

Mayor Valenzuela asked if there were any other questions or comments. There being none, he said he had a couple of comments. He stated: In reference to the recycling, they say that we were not transparent, that we did not tell the residents that the recycling program was not working. Those individuals were cited by Republic Services. Those individuals knew. It is not something that just happened overnight. This has been an ongoing thing, where residents were dumping waste that shouldn't have been in the recyclable and we as a town were in turn facing fines that could be imposed on us. This is not an easy decision and the current contract, I think, still does call for recyclable bins to be placed in town. Mr. Graves responded. So it is not eliminated. It's not gone. The recyclable is still there. But citations were delivered to individuals in this town numerous times. They were cited for dumping the wrong stuff in the wrong garbage can. They knew what they were doing and it just continued to occur.

Re the police, he stated: You know, I sit here again tonight and I am always amazed Ms. Vogler when you get up and you talk. Because last week they told you that these officers would be stationed in the town of Superior. We would not be waiting 45 minutes. These would be our officers in the town of Superior. But again, you want to give misinformation. I am not going to argue this. I did not interrupt you when you talked. You were told that these officers would be here 24/7, seven days a week. You would not be waiting for someone to come from Apache Junction or Kearny or somewhere else. Next week, like you said, you are coming to the meeting to get the right information. And when you get the right information again, please put it out to the public, please, the right, correct information.

Re the rest stop bathrooms, he stated: I think those bathrooms are being cleaned, they are being cleaned on a daily basis. I don't know what to say. I went and visited the bathroom. I go and eat at Los Hermanos sometimes before I leave for work and I make the trip to those bathrooms. I make a trip personally to those bathrooms to go see them. Have I seen trash? Yes. Have I seen some of the other things you said? No. But I know our town staff is working diligently to keep those bathrooms clean. I think in fact they are being checked twice a day now, from what I'm being told by public works. They're being checked in the morning and they're being checked again in the afternoon. So we are working on that. I did see some of the emails that came through from some people that were passing through and I'm sorry but I mean we are working on it. We are addressing the issue in the morning and the evening.

He also stated: And the last thing I have to say is re Marilee Lasch. She has enough respect to say what she said but she didn't stick around to listen to us. So, you know, I value her comment as nothing if she can't stick around and listen to the rebuttal. That's all I have.

8. EXECUTIVE SESSION:

- A. Confidentiality Statement
- B. Discussion or consultation with the attorneys of the public body for legal advice and in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation. Pursuant to A.R.S. Section 38-431.03 (A) (3) & (4).
 - a. Medical Marijuana Dispensary

MOTION: Council Member Chris Tomerlin moved to recess the Regular Meeting and go into Executive Session. Vice Mayor Olga Lopez seconded. **VOTE:** The motion passed unanimously. Council entered Executive Session at 10:12 p.m.

9. POST EXECUTIVE SESSION:

Consideration of any item on the Executive Session portion of this agenda, which the Council may wish to take action upon in Open Session.

MOTION: Vice Mayor Lopez moved to move out of Executive Session. Council Member Tomerlin seconded. **VOTE:** The motion passed unanimously.

MOTION: Vice Mayor Lopez moved to return to Regular Session. Council Member Tomerlin seconded.
VOTE: The motion passed unanimously. Council returned to Regular Session at 11:08 p.m.

10. SCHEDULING OF MEETINGS:

A. Council Workshops with Financial Consultants April 23, 2013 and April 30, 2013 at 6:00 P.M.

Council rescheduled these meetings to 6 p.m. on Tuesday, April 30, 2013 and 6 p.m. on Tuesday, May 7, 2013.

B. Council Workshop with Pinal County Sheriff's Office April 25, 2013 P.M.

Council rescheduled this meeting to 6 p.m. on Wednesday, April 24, 2013.

11. ADJOURNMENT

MOTION: Council Member Tomerlin moved for adjournment. Council Member Peralta seconded. **VOTE:**The motion passed unanimously.

Mayor Valenzuela adjourned the meeting at 11:10 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 18th day of April, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

/s/ _____
Rita M. Wentzel, Town Clerk