

TOWN OF SUPERIOR
Regular Council Meeting
Thursday, June 6, 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 7:09 p.m.

ROLL CALL:

Present: Council Members Chris Tomerlin, John Tameron, Gilbert Aguilar, Soyla “Kiki” Peralta, Vice Mayor Olga Lopez, Mayor Jayme Valenzuela; **Absent:** Council Member Irene Hansen

INVOCATION:

Mr. Tomerlin led the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Valenzuela led the Pledge of Allegiance

1. OATH OF OFFICE:

Town Manager/Attorney Kane Graves administered the Oath of Office to returning Council Member Gilbert Aguilar and Mayor Jayme Valenzuela, as well as Council Members Elect Stephen Estatico and Michael Alonzo. Mr. Tomerlin vacated his council seat and he and Ms. Hansen (not present) were replaced by the newly sworn in members. Council Member Aguilar and Mayor Valenzuela returned to their seats.

2. SUMMARY OF CURRENT EVENTS:

A. Council Members

Council Member Peralta had no comment.

Council Member Aguilar welcomed the new members and said all had worked hard to get some of these things done.

Council Member Alonzo thanked everyone for voting him in. He said he would do his best for everyone and for the town of Superior.

Council Member Estatico voiced thanks for the opportunity and said it was an honor to be there.

Council Member Tameron told the new members he was glad to see them up there. He thanked Mr. Tomerlin for all his work and said he would contact Ms. Hansen to thank her also. He said there was a long journey ahead. Following Mr. Graves’ comment in Item 2C, Mr. Tameron indicated he had forgotten to congratulate the two members who had just come back on, Mayor Valenzuela and Council Member Aguilar. He welcomed them back.

Vice Mayor Lopez thanked Mr. Tomerlin for his service, thanked Ms. Hansen also, who was not there, and welcomed the two members aboard. She said to them it would be challenging, keep an open mind and don't take anything personally.

B. Mayor

Mayor Valenzuela thanked the public for re-electing him with the same number of votes as the first time he ran. He knew they had made strides with him in the mayor's position and would continue to make strides. They were moving in the right direction. He knew there had been bumps in the road but that is in anything they do. They are working together for the good of Superior and he knew with the two new council members, they would do some great things and move forward. He thanked Mr. Tomerlin and Ms. Hansen for their service to the town and the public for coming out and supporting the new council members and the ones going out. He recognized guests, including CVIT Board President Louis Rabago, Pinal County Sheriff Paul Babeu, and Billy Duarte, Vice Principal of Superior High School.

C. Town Manager

Town Manager/Attorney Kane Graves congratulated the new council members.

3. SPECIAL PRESENTATIONS: Presentations, Proclamations, Awards, Guest Introductions and Announcements

- A. **Recognition of Chief Luigi Digirolamo** — Mr. Digirolamo was honored with a plaque for his years of service of service to the town.
- B. **Presentation of RICO checks for Substance Abuse and Youth Programs by Sheriff Paul Babeu** — The Sheriff presented the checks to representatives of the various entities. RICO funds are generated by law enforcement activities that result in asset forfeiture.
- C. **Presentation of Summer Recreation Program by Ms. Terry Villaverde** — Ms. Villaverde was introduced in her new position as director of the summer recreation program. She updated council on program activities and responded to questions.
- D. **Introduction of Sergeant Pat Ramirez from the Pinal County Sheriff's Office as Sergeant in Charge of the Superior Police Department** — Sheriff Babeau introduced Sgt. Ramirez, presenting a brief biography of the Sergeant's experience. The Sheriff explained this was in response to a request from the town and was not related to a proposed contract for services that had been discussed. Any time there is a request to the Sheriff's Department from any chief, the answer has always been yes. Sgt. Ramirez addressed council, thanking them for the opportunity. He indicated for the public that he had an open door policy and to please come in and see him. Mr. Graves commented favorably regarding Sgt. Ramirez' attendance at a staff meeting.

4. 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. Work Session of May 15, 2013, Regular Meeting of May 16, 2013 and Special Meeting, May 22, 2013
 - 2. Executive Session Meeting of May 2 and May 16, 2013
- B. Consideration and Approval of a Blanket Permit request for the Superior Historical Society for 2013-2014 annual fundraising activities
- C. Consideration and Approval of Letter of Resignation from Rita M. Wentzel, Finance Director/Town Clerk to be effective June 21, 2013

MOTION: Council Member Tameron moved to approve Items A-B on the consent agenda. Council Member Aguilar seconded. **VOTE:**The motion carried unanimously.

Vice Mayor Lopez commented that Ms. Wentzel had been an asset. They had hired her and loaded and loaded and loaded her. They had brought in a manager/attorney and he has his position but nobody will know what Ms. Wentzel will know. She does not know how they are going to manage. It is going to be a tough one for somebody to come in and know the town of Superior. With much regret, Ms. Lopez continued, she hated to see this letter of resignation, but that is Ms. Wentzel's choice.

Council Member Peralta asked Ms. Wentzel whether if the resignation were not approved, she would stay. Council Member Tameron asked if there was an answer and Ms. Wentzel indicated she didn't think she could answer.

Mayor Valenzuela indicated they would move for approval of Item C.

MOTION: Council Member Tameron indicated that he so moved.

MOTION: Council Member Peralta moved to take the item into executive session for discussion.

Mayor Valenzuela said they had two motions on the floor and would go with Ms. Peralta's motion first.

Vice Mayor Lopez seconded Ms. Peralta's motion.

VOTE: Ms. Lopez and Ms. Peralta voted "aye" on taking the item into executive. The mayor called for a hand vote. Ms. Lopez and Ms. Peralta voted yes. Mr. Alonzo, Mr. Estatico, Mr. Tameron, Mayor Valenzuela and Mr. Aguilar voted no.

Mayor Valenzuela indicated they would move to the other motion.

MOTION: Council Member Tameron moved to accept the letter of resignation. Council Member Estatico seconded. **VOTE:** Members responded variously with show of hands or voice. The motion carried 5-2 with Ms. Lopez and Ms. Peralta opposed.

5. NEW BUSINESS:

- A. Discussion and Consideration of Arizona Department of Transportation (ADOT) plans for the U.S. 60 Silver King — Superior Streets Project

Mr. Graves updated the council on this project and how Superior had sent a letter supporting Scenario B with two changes. The decision would be made at a June 14 State Board of Transportation meeting. Vice Mayor Lopez urged attendance at an SOS (Save Our Streets) local meeting on June 11. Mayor Valenzuela asked council members who were attending the state board meeting to let staff know so if there would be a quorum there, it could be posted.

6. ACTION ITEMS:

- A. Discussion and Consideration of Approval of Agreement from Native Environmental, L.L.C. for Phase 1 of the Superior Transfer Station Clean-up Not to Exceed \$56,341.65

Mr. Graves updated council and responded to council on this item. He indicated the town has been under a Notice of Violation for the Transfer Station since May 17, 2012 and has since received a proposed Consent Decree. First, ADEQ is concerned with the green and blowing waste and the asbestos, tested and discovered, from running into the wetlands area to the west of the Transfer Station. The waste has been tested and there is a substantial amount of asbestos in the piles under the green waste. Native Environmental proposes to remove and dispose of 20 semi end loads of waste and to berm the area to prevent runoff into the wetlands area. This proposal has been communicated to ADEQ and should suffice to remove the threat of a \$1000 per day fine if the town does not comply. It has been a long time to this point and ADEQ's patience is running low. IF the town fails to do this, they will shortly face enforcement litigation by the Attorney General's Office that could result in costlier penalties. Native Environmental is on the state procurement list and does not have to be bid out. He has worked with Native on another project and can recommend them for this job. Second, once they have satisfied ADEQ on their concerns, jurisdiction shifts to Pinal County for the removal of the asbestos itself and the town will be looking for grants to address that.

MOTION: Council Member Peralta moved to approve the Agreement with Native Environmental L.L.C. for Phase 1 transfer station clean-up in an amount not to exceed \$56,341.65. Council Member Tameron seconded. **VOTE:** The motion carried unanimously.

- B. Discussion and Consideration of Contract Addendum for Engineering Services between Willdan and the Town of Superior for the Preliminary Engineering Report under the Water

Infrastructure Finance Authority (WIFA) Planning and Design Assistance Grant Agreement approved on April 18, 2013 — Not to Exceed \$37,800

Mr. Graves updated council on the item and responded to questions. He indicated that the town had received funding through the Water Infrastructure Finance Authority (WIFA) on April 18, 2013 to look at long-range planning and design assistance for the Superior Wastewater Treatment Plant. This is in addition to the current CDBG funding to repair and replace immediate, critical components. The purpose of the WIFA grant is to look to the future for implementation of new environmental regulations, potential increased flow and better planning for energy-efficient/cost savings measures. The total funding awarded is \$59,000, with the WIFA portion being \$34,800 and the town's portion being \$24,200 (can be in-kind services). He introduced Grant Anderson of Willdan and other personnel from NCS, who also provided information to council and responded to questions.

MOTION: Council Member Peralta moved to approve the agreement with Willdan Engineering for the Wastewater Treatment Plant Preliminary Engineering Report under the WIFA Grant Agreement Contract #810039-13 in an amount not to exceed \$59,000 with the WIFA portion being \$34,800. Council Member Tameron seconded. **VOTE:** The motion carried unanimously.

C. Discussion and Consideration of the Community Swimming Pool & Aquatic Center Fee Schedule

Elizabeth Magallanez of the Town of Superior Finance Department presented the proposed new fee schedule for the community pool. She provided additional information including the pool rates in the towns of Miami and Kearny. She responded to questions from the council.

Mayor Valenzuela said the fees were not set in stone. Ms. Magallanez said the proposed fees were just there for discussion. She indicated that in the position she is now in with the town she deals with payroll, utilities, and office supplies. She wanted them to be aware of the costs associated with the pool.

Council Member Estatico indicated he would like to see the child fee kept at \$1 and try to sell more family passes. Maybe if they raised the adult fee to the proposed \$4, they might sell more family passes. Mayor Valenzuela asked Ms. Magallanez to define "family." She said the family pass was reserved for immediate family residing in the same household, limited to six members. Mayor Valenzuela asked if they could add \$8 per additional family member and Ms. Magallanez said yes. Ms. Magallanez indicated the public works director had been notified of the fees and thought them fair. Council Member Aguilar queried when these would be effective. He indicated agreement with Mr. Estatico's point. Ms. Peralta indicated she thought \$3 would be more appropriate than the proposed \$4. Ms. Lopez said she thought the child fee should stay at \$1 and the adult fee didn't make a difference as to whether it was \$3 or \$4. Everything else she thought was okay. Mr. Alonzo indicated he was okay with most of the suggestions and keeping the child fee to \$1. Mr. Tameron asked about the number of adults using the pool. Ms. Magallanez said she could get those numbers for them. Mayor Valenzuela asked if everyone was okay with the party fee and Mr. Tameron asked Ms. Magallanez about the hours included. She said three hours.

MOTION: Council Member Estatico moved to adjust the fees for the pool to a \$50 season pass for family of six, \$8 per additional family member; children are \$1; adults are \$3; seniors are \$2; and, parties are \$75. Council Member Peralta seconded.

Mayor Valenzuela asked a question about whether they would leave the age definition of a child as it is now, not define it as under 12. Ms. Magallanez said it had to be defined as a child being under 18.

VOTE: The motion carried unanimously.

- D. Resolution No. 545 — A Resolution of the Mayor and Town Council of the Town of Superior, Pinal County, Arizona, Declaring and Adopting the Results of the General Election Held on May 21, 2013

Finance Director/Town Clerk Rita Wentzel read the Resolution into the minutes.

MOTION: Council Member Peralta moved to approve Resolution 545. Council Member Aguilar seconded. **VOTE:** The motion carried unanimously.

- E. Discussion and Consideration of Interim Police Chief, Finance Director and Town Clerk

Mr. Graves discussed using an interim public search firm called Range Riders, affiliated with the League of Cities, regarding a finance director and town clerk and also advised that the council and mayor were the only ones who could appoint an interim police chief, so he put it on the agenda. He discussed what motion should be made.

Mayor Valenzuela clarified that the item re the police chief was not placed on the last agenda and the Chief was leaving in between. The mayor had two decisions: contact DPS for assistance or contact the county. DPS would give the one officer to come in and supervise the department. The Sheriff would not only give them the officer but as some SPD officers were leaving, backfill those positions to serve 24/7. So to him, contacting the Sheriff was the right thing to do so they could move forward with council approval for this item.

Mr. Tameron made a motion. There were questions and discussion. Mr. Tameron's motion was not culminated. The mayor said at this time they would address the police chief, finance director and clerk. What are the wishes of the council?

MOTION: Council Member Peralta moved to approve Sgt. Ramirez as Interim Police Chief and have Mr. Graves contact the Range Riders to start a search for a finance director and town clerk. Council Member Tameron seconded. **VOTE:** The motion carried unanimously.

- F. 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

Mr. Graves finished his review of tentative changes to the Superior Town Code. He responded to questions and sought input from council. He will incorporate changes in a draft document and bring it back to council for their consideration.

Mayor Valenzuela encouraged the public approach any of the council members with any concerns about the code. Before the council approves it, they are also reading it but members of the public may see something council doesn't. So please approach them, let them know before they adopt this into a final edition that is going to be set in stone for a couple more years after that. It is on the website and they have copies available at Town Hall to check out. It is out there for people to view, so please go over the code, look at it, and if there are concerns, let council know or bring the concerns to Mr. Graves or Ms. Wentzel at Town Hall.

- G. 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

MOTION: Council Member Tameron moved to table Item 6G until they get the final draft and review it and then take action on it at that time. Council Member Aguilar seconded. **VOTE:** The motion carried unanimously.

7. **CALL TO THE PUBLIC**

Ms. Barbara A. Pope, resident and member of Senior Center Site Council, commented on issues regarding the Senior Center and Site Council and interaction with a former council member. Mayor Valenzuela said staff would be directed to get with the Senior Center Director and meet with the Site Council and discuss the issues at hand and see what could be resolved.

Ms. Lala Peralta, no address given, said she had a right to know what was going on regarding her car that had been stolen and burned. Mayor Valenzuela said he had looked into and explained regarding steps that the PCSO would be taking to identify the car by VIN number.

Ms. Sandra Irwin Doyle, 81 Smock Avenue, Superior, had concerns about saguaros at the Caboose. Mayor Valenzuela said the Public Works Director would contact the Arboretum to come and check the plants. Ms. Doyle discussed other maintenance needs at the Caboose. She also indicated that she wanted to talk about the Superior PD versus the Pinal County Sheriff's Department. She bases decisions on how she would vote on pros and cons, strictly business, where she can get more bang for her buck. She indicated that she had to absolutely go for the Sheriff's Department. She has 19 pros for Pinal County and that is just dollars and cents. For the Superior Police Department all she could say is they would not have to make a whole lot of changes in their building but everything else they would have to upgrade. She believed a lot of wear and tear and gas and oil from the Superior Police Department is

because they take their cars home. With Pinal County, they pay for all the gas and oil, retire cars. She thought that if they brought the Superior PD even close to what the county is offering, the cost to Superior would be outrageous, a lot more than what they would have to pay the county.

Fred Miramon, 11 Saguaro Drive, Superior, had concerns about some property in Superior and it being fire season. He hoped the town would take steps to alleviate the situation. Secondly, he wanted to congratulate the new council members. He gave them words of advice including following their hearts and striving to do what was right. It is not where you live in, but what lives in you.

Mary Darr, no address stated, indicated that she had given the Town Manager/Attorney a petition to support the retention of the Superior Police Department. It was her understanding that council members now had a copy of that petition, which will continue to be available for town residents to sign. The original will be submitted to the Pinal County Board of Supervisors. She read the petition into the record.

Nancy Vogler, no address stated, said she thought they were all beating the same dead horse but most thought the Sheriff's Department looked like it would be a good deal but they are scared there is not going to be enough money in the budget. She referred them to language in an IGA they may be voting on and advised caution because she thought they might be better off keeping the police and working up to a better police department.

Bill Vogler, 502 S. Church, Superior, indicated he was on the fence as far sheriff or police. It just looked to him that whichever way they go, the town loses. If they go with the Sheriff it is something they can't realistically afford, something else in the town is going to get the losing end of the stick when it comes to money. He is afraid if they keep the PD they are not going to be able to put enough money in it to get it back up. Likewise, getting the Sheriff in here is going to be a debt they can't pay. Also, with the new council members now here, the land exchange might be revisited again, keeping in mind the interest of the people of the town.

Mila Lira, no address given, updated the council that the school district has officially hired Patrick O'Donnell as superintendent. She said also that she has been a contractor with the town since 2007. As they knew, she has taken out papers to run in the recall election and will resign as an independent contractor. She gave that a lot of thought before she did that as has enjoyed every moment she has provided service to the town, many times giving of her own time without asking for compensation, much as Ms. Wentzel has. She is sad to see Ms. Wentzel go. Ms. Wentzel has been a pleasure to work with and is somebody who has taught her a lot of things about government. She wanted to thank Ms. Wentzel for all the things she has done along the way to help her and once again thank the council for their support. In her resignation letter, she indicated that she is willing to give 10 hours a month of her own time to assist with the Caboose and with the Lost Trail.

Pete Casillas, Superior Chamber of Commerce, reported that he had met with Arboretum Director Mark Siegwarth who had stated the Arboretum was also behind Option B in regard to the ADOT project.

Hank Gutierrez, no address given, stated he was tired of going to meetings but it was good. To stay involved, go to meetings. Re the Sheriff versus PD issue, there was no need for council to rush into it. Take a closer look. The budget meeting with Ms. Pat Walker the evening before was a very good synopsis of the budget crisis the town has. He said he had signed the petition as he did support keeping the PD. He did want to thank the Sheriff for coming out and making some very good presentations. He

made further comments ranging from meetings attended, the difference in how much it would cost to contract with PCSO versus keeping PD, conflict of interest, and that he hated to see Ms. Wentzel leave.

Chris Tomerlin, former council member, indicated it was a completely different perspective being on the other side of the council table. He thanked community and council and noted that Ms. Wentzel was a great asset and Superwoman who would be sorely missed. He apologized for his lack of transparency. They are more transparent than they were but not where they need to be. He apologized for his part in it. If he ever had a chance to be re-elected, he would do things differently. He apologized to Resolution Copper for slapping them in the face with his vote. His feeling is the same. He just thinks they should have done it a different way and he sees that now.

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. IGA — Pinal County Sheriff's Office (PCSO)
- C. Discussion or consultation with the attorneys of the public body for legal advice. Pursuant to A.R.S. Section 38-431.03 (A)(3)
 - a. Wilt Litigation
- D. Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee pursuant to A.R.S. 38-531.03 (A)(1)
 - a. Town Manager/Town Attorney

MOTION: Council Member Tameron moved to enter executive session. Council Member Tameron seconded. **VOTE:** The motion carried unanimously. Council moved to Executive Session at 9:54 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: Council Member Lopez moved to return to Regular Session. Council Member Tameron seconded. **VOTE:** The motion passed unanimously. Council returned to Regular Session at 12:01 a.m.

MOTION: Council Member Peralta moved that Mr. Graves will be retained as Town Attorney/Manager until the position of a permanent full-time Town Manager/Clerk is filled and then he will continue as contract Town Attorney only. Mr. Graves will have permission to continue the search for a temporary full-time finance manager and continue the search for a permanent finance manager. Council Member Estatico seconded.

Mayor Valenzuela asked if there were any questions or comments and also queried Mr. Graves, who said he would stand by the agreement.

VOTE: The motion passed 6-1 with Council Member Tameron opposed.

10. SCHEDULING OF MEETINGS:

June 19, 2013 Budget Work Session, 6:30 p.m.

11. ADJOURNMENT:

MOTION: Vice Mayor Lopez moved for adjournment. Council Member Tameron seconded.

VOTE: The motion passed unanimously.

Mayor Valenzuela adjourned the meeting at 12:07a.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 6th day of May, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

/S/ _____
Rita M. Wentzel, Town Clerk

Final editing of these minutes & their content was completed & verified by Town of Superior staff.