

**Town of Superior
Regular Council Meeting
Thursday, February 7, 2013, 7:00 P.M.
Superior Senior Center
360 W. Main St., Superior, AZ 85173
MINUTES**

CALL TO ORDER:

Mayor Jayme Valenzuela called the meeting to order at 7:07 p.m.

ROLL CALL:

Present: Council Members Irene Hansen, Chris Tomerlin (arrived at 7:10 p.m.), John Tameron, Gilbert Aguilar, Vice Mayor Olga Lopez and Mayor Jayme Valenzuela **Absent:** Council Member Soyla "Kiki" Peralta

SALUTE TO THE FLAG:

Mayor Valenzuela led the Salute to the Flag.

INVOCATION:

Council Member Irene Hansen led the Invocation.

1. SUMMARY OF CURRENT EVENTS:

Town Manager Kane Graves explained that in the Agency Handbook by the Auditor General it identifies exceptions for matters not specifically included on the Agenda. This section replaces the previous section entitled "Council Comments." Manager Graves described what types of actions would be appropriate and indicated this format had been used successfully in Show Low and Globe.

A. Council Members

Vice Mayor Lopez indicated that she thought it was nice to have the kids participate in the recent Home Tour and reminded everyone about the upcoming LOST event next weekend.

Council member Aguilar indicated he had a great time at the recent Home Tour in spite of the weather. He indicated it was the first time he had attended and participated in all the activities. He said it was really nice and he enjoyed it very much.

B. Mayor

Mayor Jayme Valenzuela apologized that he was unable to participate in the recent Home Tour event. He spent time with a family member who was in the hospital and will be put to rest this weekend. The Mayor recognized that Council Member Gilbert Aguilar recently retired from Southwest Gas Corporation and will be around Town more. He congratulated Aguilar on a great career with Southwest Gas.

C. Town Manager

Town Manager Kane Graves announced the results of a meeting that was held on February 7, 2013, with the Resolution Copper Mining Project Director. The land exchange bill will be reintroduced in both the House and the Senate next week: Kirkpatrick and Gosar with co-sponsor the House bill and McCain and

Flake will co-sponsor the Senate Bill. Resolution Copper Mining looks forward to the Town Council's support.

Manager Graves introduced his wife, June and indicated that they have never been so warmly received by a community.

2. CEREMONIAL MATTERS: Presentations, Proclamations, Awards, Guest Introductions and Announcements.

There were no Ceremonial Matters.

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 a Blanket Permit for the Superior High School FCCLA to participate in the "Cancer Fight by Candlelight" cancer walk on Sunset Drive.
 - B. Consideration of approval of a Special Use Permit and Alcohol Beverage Permit for the Superior Optimist Club to hold a Corn Hole Tournament at the US 60 Park on April 13, 2013.
 - C. Consideration of approval of an Application for Special Event License from the Arizona Department of Liquor Licenses & Control for the VFW to hold a fundraiser at their facility (405 W. Main St.) on March 8, 9 and 10, 2013.
 - D. Consideration of approval of an Application for Special Event License from the Arizona Department of Liquor Licenses & Control for the Chamber of Commerce to hold a fundraiser on Main Street on March 9, 2013.
 - E. Consideration of Approval of Council Meeting Minutes:

- 1. Regular Meeting of January 17, 2013

MOTION: Council Member Tomerlin moved to approve the Consent Calendar. Vice Mayor Lopez seconded the motion. **VOTE:** The motion passed unanimously with Vice Mayor Lopez abstaining on Item B due to a conflict.

4. NEW BUSINESS:

- A. Discussion and Consideration of Town Code and Personnel Policy updates. (Kane Graves)

Town Manager Graves suggested that staff provide an update of the Town Code and discuss how to go about the approval process. Graves indicated that he had reviewed the Town's Personnel Policy, Zoning Ordinance and Town Code and felt that the updates should go quickly. He indicated that Bill Tiffert had prepared the Town Code for both Globe and Superior so they were very similar and followed the model provided by the League of Cities and Towns. Graves proposed to go over each section with appropriate staff initially and then bring the finished product to the Council. It would be the Council's choice to review it line by line, section by section or approve the Code in its' entirety. Manager Graves asked for direction to begin the update process in staff meetings each week.

Council member Tameron asked if the Globe Code would be updated to fit Superior. Manager Graves indicated that it would and gave two examples of differences that would need to change: 1) Globe has a District Council and Superior's Council is at large; and in Globe the Mayor votes only in a tie situation and in Superior the Mayor votes all the time.

Mayor Valenzuela indicated he felt it would be a good time to sit down with each Department to accomplish this task.

Vice Mayor Lopez asked to have the updated Code distributed one (1) or two (2) weeks prior to when the action item would appear.

Manager Graves asked if he had Council permission to proceed and the consensus was "yes."

5. ACTION ITEMS:

- A. Discussion and Consideration of adding K. Kane Graves as a signer on the Chase and Bank of the West checking accounts. (Kane Graves)

MOTION: Vice Mayor Lopez moved to add K. Kane Graves as a signer on both the Chase and Bank of the West checking accounts. Council Member Aguilar seconded the motion. **VOTE:** The motion passed unanimously.

6. CALL TO THE PUBLIC:

Ms. Valerie Macias, 22 High School Avenue, Superior Arizona. Ms. Macias indicated she has been roller skating for over two (2) years but in December 2012 received a citation in the mail and another ticket last week. Macias indicated that there were no posted signs to prohibit roller skating—the signs pertain only to skateboarders. She doesn't think it is fair, that she doesn't deserve to get tickets and is being singled out as the Chief doesn't like her.

Ms. Sue Anderson. 1) Ms. Anderson spoke on behalf of the Chamber of Commerce to provide a reminder regarding the upcoming Apache Leap Mining Festival. The Chamber has received tremendous support from the mining industry. She hopes that everyone comes out and participates. 2) Ms. Anderson spoke personally regarding a property on Terrace Drive that was currently occupied by Mr. John Diaz as permitted by the existing property owner. The Town followed all the Code Enforcement processes and ultimately issued a citation. Mr. Diaz went before the Judge, pled guilty and the fine was suspended. Ms. Anderson expressed her concern that there seems to be no court-mandated consequences when a violation occurs. The Fire Department, Police Department and Town Attorney did everything by the book and the Judge basically threw the case out. Diaz is utilizing power and water from the property to the right. The Health Department was contacted as there are no sanitary services. Ms. Anderson indicated that her tenants next door are at their wits end as nothing seems to be able to be done to either clean-up the property or remove the tenant.

Mayor Valenzuela asked for a 15 to 20-minute break as the Gindlesberger (Copper Mountain Motel) and the Magallanez families provided donuts, coffee and water to welcome the new Town Manager.

MOTION: Council Member Tomerlin moved to recess the meeting at 7:35pm. Council Member Tameron seconded the motion. **VOTE:** The motion passed unanimously.

MOTION: Council Member Tameron moved to reconvene the meeting at 7:55pm. Council Member Hansen seconded the motion. **VOTE:** The motion passed unanimously.

MOTION: Council Member Tomerlin moved to go into Executive Session at 7:58pm. Vice Mayor Lopez seconded the motion. **VOTE:** The motion passed unanimously.

7. 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. Redflex Agreement
 - b. Economic Development Agreement
 - c. IGA with Pinal County

MOTION: Council Member Tomerlin moved to reconvene Regular Session at 9:05pm. Vice Mayor Lopez seconded the motion. **VOTE:** The motion passed unanimously.

8. POST EXECUTIVE SESSION:

There were no Post Executive Session items.

9. SCHEDULING OF MEETINGS:

There were no new meeting schedules brought up.

10. ADJOURNMENT.

MOTION: Council Member Tomerlin moved to adjourn the meeting. Council Member Aguilar seconded the motion. **VOTE:** Motion passed unanimously. Mayor Valenzuela adjourned the meeting at 9:08 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 7th day of February, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

Rita M. Wentzel, Town Clerk