

**TOWN OF SUPERIOR  
TOWN COUNCIL MINUTES  
THURSDAY, SEPTEMBER 10, 2015**

**REGULAR MEETING OF THE SUPERIOR TOWN COUNCIL HELD ON THURSDAY  
SEPTEMBER 10, 2015 AT 7:00 PM IN THE SUPERIOR AUDITORIUM 199 N. LOBB AVENUE,  
SUPERIOR, ARIZONA, PINAL COUNTY, ARIZONA.**

**CALL TO ORDER**

Mayor Valenzuela called meeting to order at 7:00 P.M.

**ROLL CALL**

|               |                         |
|---------------|-------------------------|
| Mayor         | Jayme Valenzuela        |
| Vice-Mayor    | Olga Lopez              |
| Councilmember | Gilbert Aguilar         |
| Councilmember | Michael Alonzo - Absent |
| Councilmember | Mila Besich-Lira        |
| Councilmember | Steve Estatico          |
| Councilmember | John Tameron            |

**PLEDGE OF ALLEGIANCE**

Mayor Valenzuela led everyone in attendance in the Pledge of Allegiance

**INVOCATION**

Father Samuel Jandeh, Saint Francis of Assisi led everyone in the Invocation.

**STAFF PRESENT**

|               |                    |
|---------------|--------------------|
| Town Manager  | Margaret Gaston    |
| Town Attorney | Steven Cooper      |
| Town Clerk    | Rachelle Sanchez   |
| Sergeant      | David Neuss        |
| Officer       | Bryan Lawrence     |
| Zone Admin.   | Lawrence Tomasello |

**PUBLIC ATTENDANCE**

|                   |                |
|-------------------|----------------|
| Sandra Doyle      | Joy Eveland    |
| Jim Schenck       | Charles Kmet   |
| Virginia Mitchell | Hank Gutierrez |
| Maria Jelle       | Sue Anderson   |

**SPECIAL PRESENTATIONS**

**Proclamation by Mayor –Domestic Violence Month**

Town Manager Gaston, stated that October is Domestic Violence Month -

**STAFF REPORTS**

Manager –

Margaret stated that in the Town's August 2015, billing from Southwest Gas, the Town of Superior received a credit for the Library in the amount of \$655.39. We also received an additional credit for the Senior Center in the amount of \$504.86. These credits were a direct result of making a commitment to paying our bills in a timely and consistent manner. The first cash deposits were required by Southwest Gas due to late payments in July of 2006. Subsequent deposits were required in 2007 as well as 2009-2011. During this time, the Town of Superior had not been able to pay the Library and Senior Center gas bill for 48 consecutive months, without a late payment until today. In January, we should receive an additional credit of approximately \$760.00 for the Police Department from Southwest Gas. Margaret stated that she was very proud of the towns' staff at Town Hall and their commitment to paying bills on time.

Margaret stated that on October 8, 2015 all District Engineers will meet with the TTAC Committee for CAG, since they've changed. Our District Engineer is now out of the Safford office. Margaret stated that this may be a bit confusing and it will be a learning process for everyone.

Margaret hopes everyone in the community enjoys the Fiesta and the Car Show. It is a big event for Superior.

Police Department –

Sgt. Neuss stated that he wanted to briefly report what the PD had done in the month of August. The PD purchased three Headphones from EBay they are used by Fire Departments everywhere. They have sent seven inoperable vehicles plus a seized vehicle and a quad for auction this should bring some money into the General Fund. The Department has also redone the property and evidence room so it is up to date. All the equipment and evidence is state regulated, and we are now in compliance. The department lost one officer but has gained a new officer. Officer Theodore Wright is a seventeen year veteran of the Armed Forces. He has six years with the United States Marine Corp. Eleven years with the U.S. Army Reserve. He graduated from the Mesa Police Academy in December of 2014. In the month of August the department had 251 calls. Sgt Neuss stated that the Town currently has one of the regions only commercial vehicle safety administrative officers. Officer Doran is currently waiting for the Federal Government to acknowledge him so he can get the system in order to do safety and necessary inspections. He is used by DPS he is the only Phlebotomist in this area and is called weekly to do blood draws on site. Sgt. Neuss stated that he was currently informed that Pinal County has set aside Flood Mitigation Funds for the Town in the amount of \$250,000.00. The process still has a long way to go he has made contact with the UofA Engineering Department and they have stated that they will do the engineering and surveying at no charge.

Mayor –

The Mayor stated that this grant will meet a lot of the Towns needs with our drainage problems. Mayor stated that he as well was thinking of all that goes on all year. He as well would like to commend all of the Town Staff from the Town Hall, Public Works, Fire Department, Attorney, Engineers and Police Department for the outstanding job they are doing. He hopes as we move forward that one day the Town will be able to give raises that are well deserved.

Mayor stated that most of the Council attended the League Conference it was a good time to network with other communities. It was a good informational conference.

Mayor stated that the project in US 60 is kicking off on the backside of the Arboretum; the work is mainly taking place around the mountain.

Mayor stated that he wanted to make reference to the article he read regarding the mine layoffs that occurred at Asarco and Freeport McMoran. The mines came forward with information prior to the layoffs. He has never read anything about the local mine and layoffs they recently had. He commended those companies for bringing this information to the Public.

Mayor stated that at the next meeting he would like to know where we are on the sewer rate increase. Margaret replied that she hadn't moved forward on this because the Town had just spent a good amount of money on the two backhoes and the lift station as well as the audits. She hopes to have something started by the end of September or October. The person she has in mind is extremely cheap in comparison to the other bid which was 30,000.00. Mayor Valenzuela stated that he wants the public aware that the increase is coming. We need to start generating revenue for the town.

Mayor stated the Fiestas are this weekend he invited everyone to come out enjoy and be safe. The Public Works crew worked hard cleaning up the streets.

#### **CONSENT AGENDA**

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. Minutes of Regular Meeting on August 13, 2015
- B. Minutes if Special Meeting August 13, 2015
- C. Department Reports
  - Fire
  - Library
  - Police
  - Senior Center
  - Public Works
  - Sanitation
  - Superior Magistrate Court

Council had no questions or comments regarding Department Reports.

Motion to approve the consent agenda made by Councilmember Besich-Lira, second by Councilmember Estatico, motion carries.

#### **NEW BUSINESS**

Mayor stated that items G and H were being moved to the front of the agenda.

#### **G. Presentation and Acceptance of 2011-2012 Audit by Steve Palmer, Hinton Burdick.**

Margaret stated this is the presentation and acceptance of the 2011-2012 Fiscal Year Audit. She hadn't received the final version until today so they are on the table for each Council Member. Matt Bingham will be giving the Financial Statement for 11/12 Fiscal Year. Margaret stated that the audit for 12/13 is being scheduled as soon as possible. There is a new state law that by the end of January you must post on the Website when you've completed your last audit. Margaret recommends that when the presentation is completed Council is free to ask any questions they may have on the audit.

Matt Bingham stated that he is with Colby and Powell not Hinton Burdick, he's not the auditor, but he was here to present the audit. Hinton Burdick were the auditors that prepared the audit. Matt stated that when the auditors come out they are auditing all the different parts of your financial statements. There are nine to ten items that they're giving their opinions on. For the 2010-2011 audit Matt stated that half of those items they were unable to give an opinion, because the Town was unable to obtain sufficient evidence to support an opinion. For the 2011-2012 audit they gave a clean opinion on all the units. Matt stated that when an audit is done they don't look at everything. They do a risk assessment, and look at the areas of financial statement that would pose the greatest risk. That is where they focus their efforts. They look at internal controls they don't necessary give an opinion, but they gain an understanding, if they come across a weakness they consider significant they are required to give an opinion to those in charged with Government, which in this case is the Council. Matt stated that there are two classes of internal control weaknesses; one is material weakness and the other significant deficiencies. The significant deficiencies are items that are significant but not at the level of material weakness. The 2011-2012 Audit they have found two internal control findings. The first is material weakness due to the lack of documentation for some items. Mainly from Resolution Copper regarding money received during the fiscal year. The Town lacked supporting documentation to substantiate the cash receipts. They had to go Resolution Copper to get the documentation. The second significant deficiency was due to the number of audit adjustments they had to do. Matt stated that for the Fiscal Year 2010-2011 if council looked at the fund balance of the General Fund at the end of the fiscal year they will look at the number and compare it to the prior years they will see how the number is changing. This is a good indicator on how the Town did that year. Due to the negative fund balance in 2011-2012 the town used HURF and Excise Tax money to pay bills. So the amount owed to HURF was at 2.6 million dollars as of June, 2012 this is the amount the Town owes to HURF and the Excise Tax Funds. Matt asked Council of they had any questions? Council didn't have any questions. Margaret stated that a motion was needed to accept the 2011-2012 Audit. The motion was made by Vice Mayor Lopez to accept the 2011-2012 Audit as presented, second by Council Member Aguilar, motion carried.

**H. Discussion and Approval of Arizona Mutual Aid Compact Into By Among Pinal County and Political Jurisdictions within Pinal County, Authorize the Mayor to Sign the Agreement.**

Margaret stated that this is a Mutual Aid Agreement for the State of Arizona through Pinal County and all signatory political jurisdictions on Pinal County. This agreement will allow us to call Pinal County in the case of an emergency and call for aid. This will also keep the costs down associated with any emergency. If we have a need for equipment we can call County instead of having to rent the equipment. Pinal County would respond and we would only pay for the fuel used by the equipment. Chuck Kmet, from Pinal County Emergency Services, is here to answer any questions Council may have.

Chuck Kmet the Emergency Manager at Pinal County stated that the Mutual Aid Compact is initiated from the Arizona Department of Emergency and Military Affairs, all of the counties across the state have signed it. A number of Fire Districts as well as Cities and Towns have signed it; this is not a requirement for the town. Mayor stated that this a basic agreement of what everybody around the County is signing into. Council Member Beisch-Lira motioned to approve the Arizona Mutual Aid Compact agreement, second by Council Member Estatico, motion carried

**A. Public Hearing on Ordinance No. 15-131 An Ordinance of the Mayor and Council of the Town of Superior, Pinal County, Arizona.**

Mr. Tomasello gave an overview of the proposed zone change. He stated that Ordinance 15-131 is a proposal to rezone 7 parcels of land on Pinal Street from the Urban Residential (R1-6) Zone District to the Neighborhood Commercial (C-1) Zone District as shown on Exhibit 3 of the staff report. The only

parcel that has a building on it is Parcel 106-09-102 which is the old bakery; all the other lots are vacant. A legal notice for this item was placed in the paper and notification was given to all property owners within 300 feet of the seven lots. To date we have received no comments either for or against the rezoning.

The Planning and Zoning Commission held a Public Hearing on this item on August 20, 2015 and passed Resolution No. 15-04; a resolution recommending that Council approve the zone change. Council Member Tameron asked if this is just for all three. Mr. Tomasello stated that it's for all seven Parcels that are shown on Exhibit 3 of the staff report. Council Member Aguilar asked if parcel 106-09-102 was part of the bakery. Mr. Tomasello stated that it was the bakery. Mayor Valenzuela stated that what he believes Council Member Aguilar is asking is if that is all one building with the house in the back. Mr. Tomasello stated that while it was difficult to determine, the parcel number with the residence shows that it is a separate property with a different owner, even though it appears to be one building. He has been told that when it was built it was separated by a fire wall, so the residence wouldn't be on the same parcel as the bakery. Mayor stated that they have a shared roof. Mr. Tameron stated that sharing the same roof is no different than what the Chamber of Commerce had to go through. He asked how the Commission could recommend it if it's a non-situation, it needs to be either black or white not grey. Mr. Tomasello stated that the parcel stands alone. The rezoning affects only the bakery, not the parcel where the residence to the rear is located. Mayor Valenzuela asked the Town Attorney what liability we have as a Town, with one parcel being residential and one is business. Attorney Steve Cooper stated that as far as he knows there is no liability to the Town because it is basically a zoning issue. We are not restricting any property use as it currently exists. Mr. Cooper stated that if there is a change in use of the residence as substantial remodel or substantial remodel of the bakery then the building issues will come into play. They will then have to meet the current codes. As it sits today there is no effect on it. If they come in and want to expand or remodel the bakery that is when they would need building permits. Then those building codes and requirements would be in place to approve it and they would have to meet those building and safety code issues.

Mayor Valenzuela opened the Public Hearing at 7:53 p.m.

Sue Anderson stated that she is all in favor of the bakery, however it was this Council that voted and forced the Chamber to build a firewall that cost the Chamber \$4000.00; it had to do with the occupancy. Sue Anderson stated that they made no changes to the building except to enclose a door. Council may want to look into this a little bit more to make sure the Town doesn't get themselves into a liability situation if there is a fire. Hank Gutierrez stated that this has come up before with the Chamber. He stated that he realizes that this is a zoning issue and not a remodel.

Mr. Tomasello stated that these are two separate issues. Roy Chavez stated that his question is do the property owners know if there is going to be a change to the valuation of these properties based on commercial use. Mr. Cooper stated for assessment purposes Pinal County has their own criteria how to assess properties. He would think that the bakery property is taxed as a commercial building. In this matter, what we are doing is changing the zoning ordinance to reflect the actual use of the property. Pam Rabago stated that she has researched back to the amendments that were passed by Council in 2007-2008. The Town can't find the paperwork showing the changes. The Ordinance was not signed by the Mayor at that time in 2007, because they needed to make changes. She stated that she doesn't know if it was ever signed, but it was passed by Council. What she understands is that they're not allowing the change or recognizing the changes to the General Plan, but they are using the map. Pam Rabago stated that you can't use the map to make changes if you don't follow the amendments or at least accept the amendments for 2007-2008. The map and the changes are one in the same. Mr. Tomasello stated there seems

to be some confusion between the General Plan and Zoning. He checked with Willdan Engineering where the original maps are located. The Land Use Designation of the General Plan for the subject parcels is Mixed Use, which allows commercial and residential land uses. Mr. Tomasello stated that since there was a general feeling that these properties were rezoned to commercial in the past, and that there are no records at Town Hall to show these changes actually took place, that we are now going through the proper steps to legalize this issue. Maria Jelle stated that she is the baker's granddaughter. She currently lives across from the bakery. She stated that the bakery itself has a firewall, and that the roof is not one. There are two separate parcels one being the bakery the other a residence. The lot across from the bakery is the parking lot. Ms. Jelle added that they are not adding anything to the building. They are not doing anything outside the building, besides painting it so it looks clean and decent.

Mr. Cooper stated that he looked up the bakery parcel on the assessor's website and it is taxed as commercial property, even though the zoning is residential.

Mayor closed Public Hearing at 8:09 p.m.

**B. Discussion and Possible Approval of Ordinance No. 15-131 An Ordinance of the Mayor and Town Council of the Town of Superior, Pinal County, Arizona, amending the Town's Official Zoning Map by Approving Zone Change No. 2015-04**

Margaret read Ordinance No. 15-131 and recommended that Council approve Ordinance 15-131.

Council might want to go into Executive Session for legal advice on this matter. Council Member Estatico motioned to approve Ordinance 15-131; an Ordinance of the Mayor and Town Council of the Town of Superior, Pinal County, Arizona, amending the Town's Official Zoning Map by approving Zone Change No. 2015-04, seconded by Council Member Besich-Lira, motion carries

**C. Public Hearing on Ordinance No. 15-132 An Ordinance of the Mayor and Town Council of the Town of Superior, Pinal County, Arizona, Amending Ordinance No. 14-124 by Approving Zone Change No. 2015-05**

Mr. Tomasello stated that there are two proposed revisions to the Town's Zoning Ordinance in Ordinance No. 15-132. The first involves amendment of Article XIII- General Provisions, Section 13.6 A to read: Except as authorized in this Article, the space in any requires yard shall be open and unobstructed, except for the ordinary projections of chimney flues, awnings, open outside stairways and balconies, window sills, belt courses, cornices, eaves and other architectural features provided such features shall not project further than five (5) feet into any required front yard, and not more than (3) feet into any required side or rear yard provided that in no case shall such projections be nearer that five (5) feet to any property line. Section 13.6.D.1, which requires a conditional use permit to extend the projections from three (3) feet to Five (5) feet shall be eliminated from the zoning text. Subsection D.2 and D.3 shall be renumbered to become Subsection D.1 and D.2. The second is to permit second residential units in single family residential zones subject to a conditional use permit.

Mayor opened Public Hearing at 8:14 p.m.; Mayor asked if there were any questions from the public. Mayor closed Public Hearing at 8:15 p.m.

**D. Discussion and Possible Approval of Ordinance No. 15-132 An Ordinance of the Mayor and Town Council of the Town of Superior, Pinal County, Arizona, Amending Ordinance No. 14-124 by Approving Zone Change No. 2015-05.**

Council Member Besich-Lira asked if this Ordinance meets the needs of Roy Chavez, to open his building and if he is comfortable with this. Mr. Tomasello stated that this has nothing to do with Mr. Chavez. His property is located in the Town Center Zone District. This zone change only applies to properties zoned for single family residential uses. Mayor Valenzuela asked how these changes came up. Mr. Tomasello stated that he thinks the question came up from a Planning and Zoning Commission meeting. He said that there are no provisions for a second dwelling in single family residential properties so the issue was brought before the Commission. Vice Mayor Lopez asked if this is a different zone for the Jade Grill because they have a residence on top. Mr. Tomasello stated that in the Commercial District and the Town Center Zone District you can have an apartment either in the rear of the building or on the second floor. This zone change only applies to single family residential zones. Vice Mayor Lopez asked to please clarify the term Conditional Use Permit. Mr. Tomasello stated that a conditional use permit runs with the land, once granted, while a temporary conditional use permit is only for a temporary use. Council Member Estatico stated he could read this Ordinance five times and come up with five different ways of understanding it. He stated that what we are essentially doing is amending the Town Code. He recalls several months ago the Commission came and did all this work. He feels that we are continuing to do this every month. Why didn't we get it right the first time. Council Member Estatico stated the maybe Council needs some training in the Town Code, because we all don't get it. Mr. Tomasello stated that when he began working with the Town, he re-formatted and re-organized the zoning text, but made no changes to content. For that reason, a public hearing was not necessary. Since that time, there have been changes to the text as issues arose, and those changes were acted upon by the Commission and Council at public hearings.

Council Member Besich-Lira motioned to approve Ordinance 15-132 an Ordinance of the Mayor and Town Council of the Town of Superior, Pinal County, Arizona, and Amending Ordinance No. 14-124 by Approving Zone Change No. 2015-05, second by Council Member Estatico, motion carries.

**E. Public Hearing on Conditional Use Permit 2015-01; A Request to construct and operate a bar/restaurant/apartment in the Town Center Zone District.**

Mr. Tomasello stated that Conditional Use Permit 2015-01 is a request to construct and operate a bar/restaurant/apartment in the Town Center Zone District. The Planning and Zoning Commission recommended that Council approve this Conditional Use Permit subject to the attached conditions of approval. The Code permits a change in the parking requirements for the Town Center Zone district. This includes a reduction of 30% of the required parking spaces, up to fifty (50) % of the spaces can be compact spaces, on-street parking in front of the property can be counted for the required parking, and upon a finding by the Town Council that the applicant has made every provision to provide the required parking, further parking requirements may be waived. It was the Commissions' recommendation that if the applicant follows the Code, requiring a 20 foot rear yard setback for new construction and uses that area for parking, as well as compact spaces to the rear of the non-conforming building, that he would have made every effort to maximize parking for his project. Council could then waive further parking requirements for the site. Mr. Tomasello then read the conditions of approval and findings to the Town Council.

Mayor Valenzuela moved into the Public Hearing at 8:28 p.m.

Roy Chavez stated that this property is located at 295 W. Main Street. He said he spoke to Mr. Anderson of Willdan Engineering when the project was denied. Mr. Chavez stated that the property is 75 feet wide facing Main St. and is 125 feet deep to the alley. Using the pre-existing structure he created the plans, they did change because he lost his home to a fire. That's when he decided since the Town Center allows for residential uses he would add the apartment to the plans he submitted. He submitted the plans in November and was told that according to the Code the project could not be approved. The big issue was parking and then an issue of a 25 foot rear yard setback. He was then advised if he wanted to move

forward he would have to downsize the business or find parking and take out the small existing structure, which was 15 feet off the rear alley. He said he couldn't do that. Mr. Chavez stated he then resubmitted his application. He also stated that he doesn't agree with the recommendation of Planning and Zoning Commission in the meeting held on the 20<sup>th</sup> of August. Mr. Chavez stated that his main concern is the 20 ft. setback which changes his plans completely. He was hoping that being a Historical District or at least the Town Center that it could utilize as much property as possible.

Hank Gutierrez stated that he attended the August 20<sup>th</sup> meeting and the Planning and Zoning Commission went over and over this issue to the patience of Mr. Tomasello. The thought of the Planning and Zoning Commission is that you have to make adjustments to address parking issues. This is about all future construction going forward. Mr. Gutierrez stated that he agreed with the Commission and what they had come up with. Roy Chavez stated that he just wants the Council to consider his situation.

Mayor Valenzuela closed the Public Hearing at 8:49 p.m.

**F. Discussion and Possible Action of Conditional Use Permit 2015-01; A Request to Construct and Operate a Bar\Restaurant\Apartment in the Town Center Zone District.**

Council Member Tameron asked how the Magma Hotel got their sidewalk onto Main Street. He asked what happened that the sidewalk is on the street and the street light is on the street as well. He questioned how they were able to do that without coming to Council. Margaret stated that the sidewalk was already there, as for the light pole, APS came over and addressed the issue with Willdan Engineering and that was the only place they could put the street light. Council Member stated that what happened there was that Council just wanted the businesses to come in. It's the same thing right now get the business in. It's being said we're going to grow. Well we aren't growing right now, it's just not happening.

Mr. Tomasello stated that the set back was 25 feet, which appeared excessive, so it was changed to 20 feet, a minimum distance to allow perpendicular parking at the rear of the building. He stated that neither the Planning and Zoning Commission or the Town Council has the legal authority to waive the setback requirement. He said that if the Council wanted to change the Code, then Council should direct staff to go back to the Planning and Zoning Commission and the Town Council during a public hearing to consider any further changes. Vice Mayor Lopez stated that her problem with this is that we're an old town and we have what we have. We're trying to promote new businesses and bring people in while, at the same time, we are requiring somebody to have so many parking spots. She said that Mr. Chavez busiest hours of operation would probably be in the evening and Main Street is empty after 6 p.m., so there would be plenty of parking. Councilmember Estatico asked Mr. Tomasello about the comment he made earlier regarding if Council wanted to waive the code they would not be able to do so. Mr. Tomasello stated that what the Council would have to do is direct staff to go back to a public hearing before the Commission and the Council for a change to the Code. Mayor Valenzuela stated what if Council doesn't move forward tonight and sends it back to The Commission for a different recommendation. What if the Commission comes back with the same recommendation again will we be at a standstill. Mr. Tomasello stated what Council should do is to direct staff to come back to Commission and the Council with an amendment to the Ordinance to eliminate rear yard setbacks and parking requirements in the TC Zone District, if that's the pleasure of the Council. Once that was accomplished, Mr. Chavez could apply for a change of conditions to his Conditional Use Permit, if the change was actually approved by the Council. Council Member Besich-Lira stated that this issue was becoming a ridiculous discussion, it's a common sense thing. We are talking about four (4) extra parking spaces, to not try to accommodate it. Council Member Besich-Lira stated she understands the whole short term gain versus a long term loss, but she also thinks that at some point this Council has to identify other areas that we want for parking. Council Member Besich-Lira stated that she would like to see Council go back and let Mr. Chavez do his thing at 15 ft. verses the 20 ft.

Council Member Estatico motioned to approve the Conditional Use Permit No. 2015-01 with the recommendation of the Planning and Zoning Commission with the fourteen (14) stipulations as stated. Seconded by Council Member Besich-Lira.

|                                     |     |
|-------------------------------------|-----|
| Council Member – Gilbert Aguilar -  | YAY |
| Council Member - Mila Besich-Lira - | YAY |
| Council Member - Steve Estatico -   | YAY |
| Vice Mayor - Olga Lopez -           | YAY |
| Council Member - John Tameron -     | NAY |

Motion carries.

Council directed staff to initiate a zone change for a zero parking requirement and a zero rear yard setback in the Town Center Zone District.

#### **CALL TO THE PUBLIC**

**Any citizen desiring to speak on a matter that is not scheduled on this agenda may do so at this time. Comments may be limited to three minutes per person and shall be addressed to the Town Council as a whole, and not to any individual member. Issues raised shall be limited to those within the jurisdiction of the Town Council. Pursuant to the Arizona Open Meeting Law, the Town Council cannot discuss or act on items presented at this time.**

Sue Anderson gave an update on a few things from The Chamber. She stated that Mr. Casillas did a remarkable job trying to put together a clean up on the North side prior to the Fiestas. At the last minute Republic Services to donate a roll off the Chamber got another roll off. Mr. Casillas and two other people filled them both on Saturday. She asked that if you see him please thank him for the work.

Hank Gutierrez thanked the Council for passing the Ordinance for the Conditional Use Permit.

Sgt. Neuss stated that he had a few other items he wanted to talk about. He stated that with cleaning the evidence room they also have bikes that are going to be refurbished and will be giving them back to the community. There are also tools that once the conversion is completed, they can go to the Town. He also asked Council and the Audience for a moment of silence in remembrance of those who lost their lives on 9/11.

Fr. Samueh Jandeh thanked Council for the invitation to the Council meeting.

At the conclusion of the call to the public, individual Town Council members may (1) respond to criticism made by those who have spoken; (2) ask staff to review a matter; or (3) ask that a matter be put on a future agenda.

#### **SUMMARY OF CURRENT EVENTS**

Council Member Besich-Lira stated that she also wanted to thank the Chamber and Mr. Cassillas for the cleanup job they did. She also stated that if you haven't gone yet to look at the rock wall at the Historical Society please do so it is very nice. She had the opportunity to interview Veto on all of his ideas for the beautification and he has a lot of great ideas.

Council Member Aguilar stated that the Fiestas are this coming weekend there is also a car show this year. He encouraged everyone to come out and support the Fiesta.

Vice Mayor Lopez stated that she would like to thank the staff for all their hard work. She also reminded everyone that the fiestas were this coming weekend. This year the car show will have 200 cars. Please come out and enjoy the festivities. Council Member asked that we call come out and support the football team they are doing a great job this year.

Mayor Valenzuela stated that as of tonight we have completed 2 of 4 audits. We are moving ahead and by the end of the year we'll have the 3<sup>rd</sup> one done. He commended staff for all their hard work. He also stated that the PD is going to properties that have a lot of debris in the yards and asking them to clean them up. They are advised to put it in their trash cans or call Republic Services for the bulk pickup. If not the Town will begin to start taking action. He stated that with the Highway Project coming in we will be seeing some financial relief. We are estimating to make 1.8 million dollars if the construction project which will be good for the Town.

Hopefully we can use this to clean up some of our HURF issues with this money. The Chamber is doing a great job with working on the Main St. infrastructure. Lastly he stated that all the Council Members emails have changed. Cards with the new emails can be picked up in Town Hall, or you can request one from Council Members tonight. The football team is doing a great job so get out and support them. The P.D. is securing \$500.00 from Rico Funds for Trunk or Treat this year.

Margaret stated that the VFW and the Optimist Club are hosting Trunk or Treat this year.

#### **SCHEDULING OF MEETINGS AND EVENTS**

St. Francis of Assisi Fiesta September 12 & 13, 2015  
Planning and Zoning Meeting September 17, 2015 6:00 p.m.  
Airport Advisory Board Meeting September 24, 2015, 6:00 p.m.  
Council Meeting, October 8, 2015, 7 p.m.

#### **EXECUTIVE SESSION**

Council Member Estatico motioned to go into Executive Session with Town Manager and Attorney for 45 minutes. Second by Council Member Aguilar, motion carried. Entered into Executive Session at 9:37 p.m.

#### **A. Confidentiality Statement**

At the April 10<sup>th</sup>, 2014 Council Meeting the following member of the Superior Town Council declared a conflict of interest concerning matters involving Resolution Copper, Mayor Valenzuela, Vice-Mayor Lopez, Councilmember Tameron and Councilmember Aguilar. Due to the four conflicts of interest the Superior Town Council would not be able to discuss matters involving Resolution Copper. However, pursuant to A.R.S. 38-508 if conflicts of interest prevent a Town from acting as required by law in its official capacity, such action shall not be prevented if the Councilmember's who have apparent conflicts make known their conflicts of interest in the official records of the Town.

Due to the fact the Mayor, Vice-Mayor and two Council Members have publically declared their conflicts of interest at the prior Council Meeting and the Town Council would not be able to address matters involving Resolution Copper these Council Members are authorized to participate in matters involving Resolution Copper pursuant to A.R.S 38-508.

- B. Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts, contracts subject to negotiation and or in settlement discussions conducted in order to avoid or resolve litigation. Pursuant to A.R.S. Section 38-431.03(A)(3) & (4):

Resolution Copper status of negotiations concerning possible Mutual Benefits agreement.

- C. Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding potential annexation of real property. Pursuant to A.R.S. Section 38-431.03(A)(3) & (4)

- D. Discussion or consultation with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property. Pursuant to A.R.S. Section 38-431.03 (A)(7)

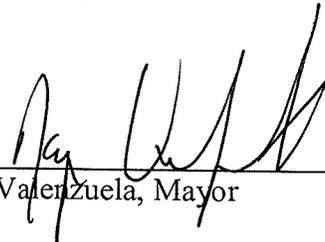
- a. Discussion of Town owned properties including buildings and lots.

9. REGULAR SESSION

Entered back into Regular Session at 10:03 p.m.

10. ADJOURNMENT:

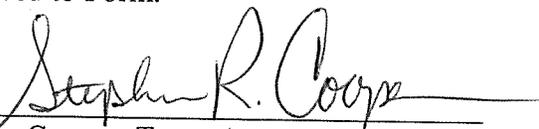
Council Member Estatico motioned to adjourn, second by Council Member Aguilar, motion carried. Meeting adjourned at 10:05 p.m.

  
\_\_\_\_\_  
Jayme Valenzuela, Mayor

Attest:

  
\_\_\_\_\_  
Rachelle Sanchez, Town Clerk

Approved to Form:

  
\_\_\_\_\_  
Stephen Cooper, Town Attorney