

**TOWN OF SUPERIOR  
MINUTES  
REGULAR MEETING OF THE  
TOWN OF SUPERIOR TOWN COUNCIL**

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the Superior Town Council and to the public, that a Regular Meeting of the Superior Town Council will be held on Thursday, September 10, 2020 at 7:00 p.m. in the Superior Town Hall Auditorium, 199 N. Lobb Ave., Superior, Pinal County, Arizona. The agenda for this meeting is as follows:

**Due to the impacts of the COVID-19 pandemic, which have prompted declarations of a public health emergency at both the state and federal levels, this meeting will be conducted using measures to protect public health. Members of the public are encouraged NOT TO ATTEND THE MEETING IN PERSON but instead to attend and listen to the meeting remotely by telephone.**

**To participate in the meeting telephonically follow the instructions below:**

Tele-Conference Participant:

1. At the specified time, dial the Access Number **712-451-0644**.
2. When prompted, enter your Participant Code followed by #.
3. Your Participant Code is **127483** #.

Participant Star Commands:

- \*4-Volume - Pressing \*4 will increase/decrease the volume.
- \*6-Mute - Participants can mute/unmute their own lines by pressing \*6.

**We will also be live-streamed on the Town's youtube channel.**

<https://www.youtube.com/channel/UCd2f5D2dfTkaazjwNyhAXRA> .

**Public access to the Mayor and Council Chambers will be restricted in order to prevent a large or close gathering of the members of the public and to promote social distancing. Additionally, some items on the agenda may be shortened, continued to a future meeting or taken out of order. These steps are part of the effort to limit the number of people who must be physically present, or who might desire to be physically present, at the meeting, and to limit the time of the public meeting.**

**This meeting will be held remotely through technological means, as permitted under Arizona law.**

1. **CALL TO ORDER**  
Mayor Besich called the meeting to order at 7:00 PM.

**Town of Superior Regular Meeting**

**September 10, 2020**

**Page 2 of 12**

**2. ROLL CALL**

- PRESENT:

Mayor Mila Besich

PRESENT TELEPHONICALLY:

Vice Mayor Michael Alonzo

Council Member Stephen Estatico

Council Member Gilbert Aguilar

Council Member Olga Lopez

Council Member Bruce Armitage

Council Member Vanessa Navarrette – PHONED IN AT 7:04 PM

Stephen Cooper – Town Attorney

STAFF PRESENT

Todd Pryor, Town Manager

Ruby Cervantes - Town Clerk

PUBLIC PRESENT:

Pam Rabago

Barbara Ann Salas

**3. PLEDGE OF ALLEGIANCE**

Mayor Besich led everyone in the Pledge of Allegiance

**4. INVOCATION**

Vice-Mayor Alonzo gave the Invocation.

**5. SPECIAL PRESENTATIONS**

NONE

**6. STAFF REPORTS**

Mayor - We haven't had too many staff reports. Our Agenda is pretty full tonight.

Manager - NONE

**7. 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.

1. Approval of Minutes of Regular Council Meeting on August 20, 2020.

2. Discussion/Possible Approval of Purchase Orders for the Police Department through funding from Resolution Copper Mining in the amount of \$30,000.00. This was approved by the Emergency Services Committee on August 19, 2020.
3. Discussion/Possible Approval of Purchase Orders for the Fire Department through funding from Resolution Copper Mining in the amount of \$59,465.29. This was approved by the Emergency Services Committee on August 19, 2020.
4. Department Reports:
  - Fire
  - Police
  - Public Works
  - Library
  - Senior Center
  - Sanitation
  - Town Engineer

**Motion to approve the Consent Agenda made by Council Member Estatico, second by Council Member Lopez, Motion Carries.**

AYES – 7 Mayor Besich, Vice-Mayor Alonzo, Council Members: Navarrette, Estatico, Lopez, Armitage, Aguilar.

NOES – 0

ABSENT – 0

ABSTENTION- 0

**8. NEW BUSINESS**

- A. Discussion/Possible Approval of Resolution 2020-626.01, A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF SUPERIOR AMENDING RESOLUTION 2020-626, AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR FY 2020 STATE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS, CERTIFYING THAT SAID APPLICATION(S) MEETS THE COMMUNITY'S PREVIOUSLY IDENTIFIED HOUSING AND COMMUNITY NEEDS AND REQUIREMENTS OF THE STATE CDBG PROGRAM, AND AUTHORIZING ALL ACTIONS NECESSARY TO IMPLEMENT AND COMPLETE THE ACTIVITIES OUTLINED IN SAID APPLICATION.

Resolution No. 2020-626.01 is amending Resolution No. 2020-626 with the correct project name which is Blight Abatement/Prevention Project.

**Motion to approve Resolution No. 2020-626.01 amending Resolution No. 2020-626 made by Council Member Aguilar, second by Council Member Navarrette, Motion Carries.**

AYES – 7 Mayor Besich, Vice-Mayor Alonzo, Council Members: Navarrette, Estatico, Lopez, Armitage, Aguilar.

NOES – 0  
ABSENT – 0  
ABSTENTION- 0

- B. Discussion/Possible Approval of Cat, Mouse Dog Contractor Agreement amending the Original Contract dated May 21, 2020.

This expands the scope to cover a coop marketing agreement between Boyce Thompson Arboretum, Rebuild Superior, Superior Chamber of Commerce and Town of Superior. This Amendment to the Contractor Agreement (hereinafter “the Agreement”) is made and between Dog Cat Mouse Media LLC, an Arizona Limited\_Liability Company, and The Town of Superior, Arizona, an Arizona municipal corporation (hereinafter “Town”) (“the Parties”). The Parties agree the Original Contract dated May 21, 2020 is amended pursuant to Section 15 as follows:

**1. Project: TOWN OF SUPERIOR WEBSITE DESIGN AND MARKETING.**

**2. Scope of Services:** Design, Project Management and Training is Amended as specified in Exhibit “A”. The remaining terms of the Section are not modified.

**3. Payment:** Town shall pay Contractor as compensation for the Work the sum not as set forth in Exhibit “A”. The remaining terms of the Section are not modified.

**4. No Other Amendments to Contract:** The parties agree that the remaining terms of the Contract dated May 21, 2020 shall remain in effect and there are no other modifications to the Contract.

Mayor Besich stated that this is funded in part by Rebuild Superior, the Superior Chamber of Commerce, Town of Superior & Boyce Thompson Arboretum. She asked for any questions or comments from Council. Hearing none, she asked for a motion.

**Motion to approve the Cat, Mouse, Dog Contractor Agreement amending the Original Contract dated May 21, 2020 made by Council Member Estatico, second by Council Member Lopez, Motion Carries.**

AYES – 7 Mayor Besich, Vice-Mayor Alonzo, Council Members: Navarrette, Estatico, Lopez, Armitage, Aguilar.  
NOES – 0  
ABSENT – 0  
ABSTENTION- 0

- C. Public Hearing/Discussion/Possible Approval Resolution No. 2020-629, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF SUPERIOR, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENTS FILED WITH THE TOWN CLERK AND ENTITLED “THE 2012-2014 AMENDMENTS TO THE TAX CODE OF THE TOWN OF SUPERIOR”.

The Town Council will hold a Public Hearing on the proposed change to the Town tax code pursuant to A.R.S. 42-6053. The Council will consider changes to the tax code not less than 60 days after the notice is posted. The notice was posted July 1, 2020. The certain document entitled, "THE 2012-2014 AMENDMENTS TO THE TAX CODE OF THE TOWN OF SUPERIOR", three copies of which are to be on file in the office of the Town Clerk, will be hereby declared a public record and the said copies are ordered to remain on file with the Town Clerk. A separate amendment will be coming later in 2020 to bring the local codebook up to date through changes made in 2019.

Mayor Besich opened the Public Hearing.

Pam Rabago asked how this was a Public Meeting. She couldn't call in. Tried to click on the youtube.

Mr. Pryor stated that the Attorney General has stated that this is the standards for COVID 19 compliance for Public Hearing. We are following the guidelines.

Mayor Besich stated this is a public hearing in regards to the tax codes. She asked if anyone on telephone line or audience would like to make a comment.

Jim Schenck stated to just approve it.

Mayor asked for any Council comments. None.

**Motion to approve Resolution No. 2020-629, A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF SUPERIOR, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENTS FILED WITH THE TOWN CLERK AND ENTITLED "THE 2012-2014 AMENDMENTS TO THE TAX CODE OF THE TOWN OF SUPERIOR made by Council Member Estatico, second by Council Member Lopez, Motion Carries.**

AYES – 7 Mayor Besich, Vice-Mayor Alonzo, Council Members: Navarrette, Estatico, Lopez, Armitage, Aguilar.

NOES – 0

ABSENT – 0

ABSTENTION- 0

- D. Public Hearing/Discussion/Possible Approval of Ordinance No. 2020-166, AN ORDINANCE OF THE TOWN OF SUPERIOR, ARIZONA, RELATING TO THE TRANSACTION PRIVILEGE TAX; ADOPTING "THE 2012-2014 AMENDMENTS TO THE TAX CODE OF THE TOWN OF SUPERIOR" BY REFERENCE; ESTABLISHING EFFECTIVE DATES; PROVIDING FOR THE SEVERABILITY AND PROVIDING PENALTIES FOR VIOLATIONS.

The Town Council will hold a Public Hearing on the proposed change to the Town tax code pursuant to A.R.S. 42-6053. The Council will consider changes to the tax code not less than 60 days after the notice is posted. The notice was posted July 1, 2020. That certain

document known as "The 2012-2014 Amendments to the Tax Code of the Town of Superior", three copies of which are on file in the office of the Town Clerk of the Town of Superior, Arizona, which document was made a public record by Resolution No. 2020-629 of the Town of Superior, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

Mayor stated that this accompanies the Resolution that we just read. She opened Public Hearing and asked if anyone from Public or on the Telephone line would wishes to address the public. Hearing none, she closed the Public Hearing. She asked if Council had any questions or comments. Hearing none she asked for a motion.

**Motion to approve Ordinance 2020-166, AN ORDINANCE OF THE TOWN OF SUPERIOR, ARIZONA, RELATING TO THE TRANSACTION PRIVILEGE TAX; ADOPTING "THE 2012-2014 AMENDMENTS TO THE TAX CODE OF THE TOWN OF SUPERIOR" BY REFERENCE; ESTABLISHING EFFECTIVE DATES; PROVIDING FOR SEVERABILITY AND PROVIDING PENALTIES FOR VIOLATIONS made by Council Member Lopez, second by Council Member Estatico, Motion Carries.**

AYES – 7 Mayor Besich, Vice-Mayor Alonzo, Council Members: Navarrette, Estatico, Lopez, Armitage, Aguilar.

NOES – 0

ABSENT – 0

ABSTENTION- 0

- E. Discussion/Possible Approval of Resolution No. 2020-630, A RESOLUTION OF THE COUNCIL OF THE TOWN OF SUPERIOR, ARIZONA, DECLARING AS A PUBLIC RECORD CERTAIN DOCUMENTS FILED WITH THE TOWN CLERK AND ENTITLED "TOWN PARK RULES AND REGULATIONS"

**Article 11-2 TOWN PARK RULES AND REGULATIONS**

Section 11-2-1 Definitions

Section 11-2-3 Town Permit for Consumption of Alcohol in Town Parks

Section 11-2-3 Compliance with Rules and Regulations

Section 11-2-4 Use of Facilities, Payment of Fees

Section 11-2-5 Fires

Section 11-2-6 Vehicles, Speed Limits, and Parking

Section 11-2-7 Rubbish and Litter

Section 11-2-8 Pets and Other Animals

Section 11-2-9 Fireworks and Explosives

Section 11-2-10 Soliciting

Section 11-2-11 Noise and Nuisance

Section 11-2-12 Golfing

Section 11-2-13 Special Event Permits

Section 11-2-14 Reservation of Parks and Recreational Facilities

Section 11-2-15 Vandalism

Section 11-2-16 Miscellaneous

Section 11-2-17 Violation – Penalty

**Motion to approve Resolution No. 2020-630, A RESOLUTION OF THE COUNCIL OF THE TOWN OF SUPERIOR, ARIZONA, DECLARING AS A PUBLIC RECORD CERTAIN DOCUMENTS FILED WITH THE TOWN CLERK AND ENTITLED “TOWN PARK RULES AND REGULATIONS” made by Council Member Armitage, second by Council Member Lopez, Motion Carries.**

AYES – 7 Mayor Besich, Vice-Mayor Alonzo, Council Members: Navarrette, Estatico, Lopez, Armitage, Aguilar.

NOES – 0

ABSENT – 0

ABSTENTION- 0

- F. Discussion/Possible Approval of Ordinance No. 2020-167, AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SUPERIOR, PINAL COUNTY, ARIZONA, REPEALING ARTICLE 11-2 OF THE SUPERIOR TOWN CODE, TOWN PARK RULES AND REGULATIONS IN ITS ENTIRETY AND ADOPTING REVISED ARTICLE 11-2 , SECTIONS 11-2-1 THROUGH 11-2-17, ENTITLED “TOWN PARK RULES AND REGULATIONS”; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

**Article 11-2 TOWN PARK RULES AND REGULATIONS**

Section 11-2-1 Definitions

Section 11-2-3 Town Permit for Consumption of Alcohol in Town Parks

Section 11-2-3 Compliance with Rules and Regulations

Section 11-2-4 Use of Facilities, Payment of Fees

Section 11-2-5 Fires

Section 11-2-6 Vehicles, Speed Limits, and Parking

Section 11-2-7 Rubbish and Litter

Section 11-2-8 Pets and Other Animals

Section 11-2-9 Fireworks and Explosives

Section 11-2-10 Soliciting

Section 11-2-11 Noise and Nuisance

Section 11-2-12 Golfing

Section 11-2-13 Special Event Permits

Section 11-2-14 Reservation of Parks and Recreational Facilities

Section 11-2-15 Vandalism

Section 11-2-16 Miscellaneous

Section 11-2-17 Violation – Penalty

**Motion to approve Ordinance No. 2020-167, AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SUPERIOR, PINAL COUNTY, ARIZONA, REPEALING ARTICLE 11-2 OF THE SUPERIOR TOWN CODE, TOWN PARK RULES AND REGULATIONS IN ITS ENTIRETY AND ADOPTING REVISED ARTICLE 11-2 , SECTIONS 11-2-1**

**THROUGH 11-2-17, ENTITLED “TOWN PARK RULES AND REGULATIONS”;  
PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE  
made by Council Member Armitage, second by Council Member Navarrette, Motion Carries.**

AYES – 7 Mayor Besich, Vice-Mayor Alonzo, Council Members: Navarrette, Estatico,  
Lopez, Armitage, Aguilar.

NOES – 0

ABSENT – 0

ABSTENTION- 0

G. Discussion/Possible Approval of Extension of Emergency Declaration 2020-03 - Mask Mandate.

- 1, Leave the declaration in place for review by the Council for extension.
2. Leave the declaration in place and allow the Mayor and staff to determine an end date.
3. End the Declaration extension and allow the business community and individuals to decide for themselves if they choose to wear a mask.

**In the Minutes of the Town Council Meeting on July 9, 2020. New Business Item A, there was a motion to extend the Mask Mandate for 60 days. Motion carries. 5 AYES. 1 NO. 1 ABSENT.**

Council Member Estatico- I think we need to continue with the Mask Ordinance. He didn't have a problem with extending it another 60 days. If that's ok with everybody else.

Council Member Armitage – stated that when Declaration was made on March 20<sup>th</sup>, there were 7 cases of COVID and it was climbing at that time. Cases of COVID have rapidly declined. Listed the cases on different dates. His point is that all indications are CORONA VIRUS is not over, but it is to the point that we can allow our citizens to use common sense in their own environment and make a decision for themselves on whether they want to wear masks or don't want to wear masks. Thinks at this time should be a decision of the individual citizens. For individuals to decide for themselves if they choose to wear a mask.

Council Member Lopez – The numbers have gone down because the people have been wearing masks. Thinks we should extend Mask Mandate for another 60 days.

Council Member Navarrette - would be in favor of extending mask mandate. And also to have it revisited at the next council meeting. It's important because we want to get the kids back in school.

Mayor Besich stated she would like to echo Council Members Estatico, Lopez & Navarrette comments. Speaking with our industry leaders at Resolution they fully require masks. It's

important that we stand with our community as far as what industry is doing, as far as safety goes. First and most important that our kids are safe and our kids are back in school. She asked for a motion to move forward with a 30 day mask extension.

**Motion for Option 1 to leave the Declaration Mask Mandate in place and to review by Council for extension at every Town Council Meeting made by Vice-Mayor Alonzo, second by Council Member Lopez, Motion Carries.**

**AYES – 6 NOES - 1 ABSENT 0 ABSTENTION 0**

**Mayor Besich did a roll call vote.**

Council Member Lopez – Aye  
Council Member Armitage – No  
Council Member Aguilar – Aye  
Council Member Navarrette – Aye  
Vice-Mayor Alonzo – Aye  
Mayor Besich – Aye  
Council Member Estatico – Aye

**H. Discussion/Possible Approval of Newmont Property sale.**

This property had been put on the CDBG list to be torn down. If sold, we would not have to use any of the CDBG project Blight Abatement/Prevention Project money to demolish the property. There are two (2) interested parties in the purchase of the Newmont Property. One is for \$5,000.00 and the second one is for \$15,500.00.

It's the Council's determination which offer to accept.

**Motion to go with the highest bidder made by Council Member Aguilar, second by Council Member Navarrette. Motion Carries.**

**AYES – 6 NOES - 1 ABSENT 0 ABSTENTION 0**

**Mayor Besich did a roll call vote.**

AYES – 6 Mayor Besich, Vice-Mayor Alonzo, Council Members: Navarrette, Lopez, Armitage, Aguilar.  
NOES – 1 Council Member Estatico  
ABSENT – 0  
ABSTENTION- 0

**9. CALL TO THE PUBLIC**

Barbara Ann Salas – described different health issues related to radio active doses. Also the effects of 5 G. Gave her opinion on viruses, bacteria. Her opinion about Covid-19

**SUMMARY OF CURRENT EVENTS - Mayor Besich moved Agenda Items 13 to after Call to the Public**

**A. Council Members:**

Navarrette – No Comment.

Lopez – No Comment.

Estatico – Thank school staff, parents, students for helping open up October 12. In order to do that, level has to be green. That’s why we are pushing for the masks, social distancing and keeping safe. Hope everyone continues to do that so we can get to where we need to be.

Aguilar – No Comment

Armitage – No Comment

Vice Mayor Alonzo – No Comment.

B. Mayor- Thanked Town Council and Staff for their hard work. Thank you Council for your service.

C. Town Manager- None

**10. EXECUTIVE SESSION**

**Motion to go into Executive Session with Town Council, Town Manager, Town Clerk, Town Attorney for no more than one (1) hour made by Council Member Navarrette, second by Council Member Lopez, Motion Carries. Council goes into Executive Session at 7:41 PM.**

AYES – 7 Mayor Besich, Vice-Mayor Alonzo, Council Members: Navarrette, Estatico, Lopez, Armitage, Aguilar.

NOES – 0

ABSENT – 0

ABSTENTION- 0

A. Confidentiality Statement

B. Discussion of legal matters/consultation with Town Attorney, Town Staff and/or the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, pursuant to A.R.S. ‘38-431.03 (A) (3) and (4).

C. Discussions or consultations 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. ‘38-431.03 (A) (3), (4) and (7).

- D. Possible executive session for discussion/consultation for legal advice with the Town Attorney and/or Town Staff concerning any of the agenda items, pursuant to A.R.S. '38-431.03 (A) (3) and (4).

11. **REGULAR SESSION**

**Motion to return to Regular Session made by Council Member Armitage, second by Council Member Lopez, Motion Carries. Returned to Regular Session at 8:34 PM.**

AYES – 7 Mayor Besich, Vice-Mayor Alonzo, Council Members: Navarrette, Estatico, Lopez, Armitage, Aguilar.

NOES – 0

ABSENT – 0

ABSTENTION- 0

12. **A. Motion to Direct Town Manager, Town Attorney, Town Staff Counsel to Proceed as Directed in Executive Session made by Council Member Aguilar, second by Council Member Lopez, Motion Carries.**

**AYES – 6 NOES - 1 ABSENT 0 ABSTENTION 0**

**Mayor Besich did a roll call vote.**

Council Member Navarrette - Aye

Council Member Aguilar - Aye

Council Member Lopez - Aye

Council Member Armitage - Aye

Vice-Mayor Alonzo - Aye

Mayor Besich - Aye

Council Member Estatico - No

13. **SUMMARY OF CURRENT EVENTS - Mayor Besich moved this time to after Call to the Public.**

14. **SCHEULING OF MEETINGS AND EVENTS**

**All meetings are held at Town Hall.**

<b>Emergency Services Committee</b>	<b>9/17/2020</b>	<b>6:00 PM</b>
<b>Community Development Committee</b>	<b>9/24/2020</b>	<b>6:00 PM</b>
<b>Planning &amp; Zoning Committee</b>	<b>10/01/2020</b>	<b>6:00 PM</b>
<b>Town Council Meeting</b>	<b>10/8/2020</b>	<b>7:00 PM</b>

15. **ADJOURNMENT**

**Town of Superior Regular Meeting**

**September 10, 2020**

**Page 12 of 12**

**Motion to adjourn the meeting made by Council Member Lopez, second by Council Member Aguilar, Motion Carries. Meeting adjourns at 8:38 PM.**

AYES – 7 Mayor Besich, Vice-Mayor Alonzo, Council Members: Navarrette, Estatico, Lopez, Armitage, Aguilar.

NOES – 0

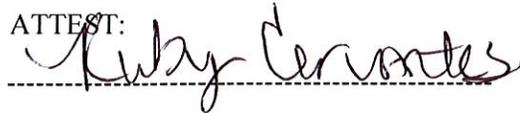
ABSENT – 0

ABSTENTION- 0

  
-----

Mila Besich, Mayor

ATTEST:

  
-----

Ruby Cervantes, Town Clerk