

**TOWN OF SUPERIOR**  
**Regular Council Meeting**  
**Thursday, March 3, 2011 – 7:00pm**  
**Superior Senior Center**  
**360 W. Main St.**  
**Superior, AZ 85173**

**M I N U T E S**

**A. CALL TO ORDER:**

Mayor Hing called the meeting to order at 7:07 pm.

**B. SALUTE TO THE FLAG:**

Mayor Hing led the council, staff, and audience in the Pledge of Allegiance.

**C. OPENING PRAYER:**

Mayor Hing led the council, staff and audience in the Pledge of Allegiance.

**D. ROLL CALL:**

**Council Present:** Councilmember Gutierrez, Councilmember Tomerlin, Councilmember Heglie, Councilmember Peralta, Councilmember Aguilar, Vice Mayor Lopez & Mayor Hing

**Absent:**

**E. CONSENT AGENDA:**

1. **Approval of Minutes Regular Meeting February 17, 2011, Retreat February 22, 2011 and Revised Regular Meeting January 20, 2011**
2. **Chamber of Commerce street closure for Apache Leap Days, March 18, 19, & 20 2011 of Main St. from Lobb to Magma.**
3. **Disbursement for the month of July 2010 to January 2011**

Mayor Hing presented the items on the Consent agenda he asked for any questions or comments. He stated that Ms. Wetly was ill so any questions regarding the disbursements would need to be held till she was present.

**MOTION:** Councilmember Heglie made a motion to approve the consent agenda. Councilmember Tomerlin seconded the motion.

**VOTE:** *The motion was approved unanimously.*

## **F. COMMUNICATION:**

### **1. Managers Report**

#### **a. Awards for DECA Students**

Ms. Lira explained that the DECA students were invited to attend the Council meeting to receive recognition from the Mayor and Council for their work on the LOST decal. She stated that the students all presented a logo and provided the committee worked to provide some feedback on each decal until two designs were selected to be combined. Mayor Hing presented each of the students with certificates and presented their teacher Mrs. Martinez a check for \$200 for the DECA program from the Crown Philanthropies which helped fund the trail construction. Mayor Hing and the Council all thanked the students.

#### **b. Message from the Mayor**

Mayor Hing read a press release that is going to be issued state wide on behalf of the all Mayors in the State from the League of Arizona Cities and Towns. He explained that this press release communicates the severity of the budget cuts that have taken place and what is expected for the 2012-13 budget as well.

In a second message he asked Ms. Brothers to share with the council the Mayor for Meals project that is coming up in March. Ms. Brothers read a letter from Pinal Gila Aging Adult Services that invites all Mayors to participate in the National Meals on Wheels month by serving home delivered meals on March 23, 2011. She invited the other council members to also participate in this event.

#### **c. Update on Municipal Law regarding the sale of properties**

Ms. Tahan explained that she had done the research to determine if municipal governments can sell properties and request a proposal with the bids. She explained that many municipalities have done that including Glendale which sold municipal land with a request for proposal to build a stadium. She explained that municipalities have done this to maximize the land for tax revenue generation. She explained that going forward the council can request proposals with bids when advertising town properties for sale. Discussion followed on implications if the seller does not complete what they proposed. Ms. Tahan explained that there are different ways to address that in the sales contract depending on the wishes of the Council.

#### **d. Discussion regarding Planning and Zoning enforcement**

Ms. Tahan explained to the Council that the Planning and Zoning Commissioners have been working on amending the zoning codes. She explained that according to state law each community must have a zoning administrator and she explained that zoning violations are handled civilly through fines. She explained that zoning code violations should not be a function of the Police Department. She stated that she brought this forward to the council to discuss and make recommendation to the Planning and Zoning Commissioners. She explained that they could get very detailed or they could

keep the code enforcement simple but that it would need to be discussed, and changed in the plan to allow for the enforcement. She explained that the zoning code determines uses of buildings and structures in certain areas in the town. She explained that current retail establishments are being used as warehouses and that is not zoned in the Town Center area. She said with a stronger enforcement code and fines this could help the town move. She encouraged the council to dialog with the constituents to see how they felt about zoning enforcements. Comments followed on how some uses were not acceptable in all areas but zoning codes were not like Home Owners Associations restrictions. She said in most cases when a zoning code goes to court it is usually over fences or things like that not usually usage. She also explained that in zoning enforcement the burden of proof is on the property owner not the town, so if a property owner was going to appeal a citation they would have to prove that the town was not correct in their citation. Council directed the Planning and Zoning commission to begin discussing this and researching the plans.

#### **e. Legends of Superior Trail (LOST) Update**

Ms. Lira gave an update on the LOST trail. She invited everyone out to the next trail work day on March 5, 2011. She stated that they were beginning to work on the canyon segment of the trail and they anticipated having that segment open very soon.

She explained that they have had reports of many people utilizing the trail and she updated the council on some of the social media and other publicity the trail has received.

In her update she also stated that they have found three trail stewards, she explained that their role will be to keep an eye on the trail, make any minor repairs, and inform the partners if a major work day was needed.

She explained that as this project advances there is greater need for communicating about the trail and they are working to make checklists and schedules for maintenance and task lists. She also explained that she is working on outreach with the local businesses to ensure that they are aware of the trail and its connection to the Arizona Trail.

She also provided a written report on the current projects and tasks the committee is undertaking.

Mayor Hing thanked Ms. Lira for her work on this project and expressed how important the trail is an attraction in the community and the connection to the Arizona Trail.

**G. BUSINESS; POSSIBLE DISCUSSION AND/OR ACTION ON THE FOLLOWING:**

**1. Presentation of the Pinal County Regional Transportation Plan, Central Arizona Association of Governments Director of Regional Planning, Jack Tomasik**

Mr. Tomasik gave a presentation to the council on the Pinal County regional transportation plan. He explained the goal was to use this time of slow growth and job creation to develop the plans for when the jobs and growth go back to what we are used to in the state. He stated that they were expecting to see an increase in these sectors by 2014. He stated that while they are doing this plan they are not requesting additional funds, that they received funds from ADOT to develop the plan. He explained that they will be hosting many public participation events in order to develop this plan. He encouraged the council and staff to think of areas where they may anticipate growth and the added need for transportation infrastructure with that growth.

**2. Discuss/Approve/Reject application of liquor license (Restaurant series 12) for Uptown Café LLC, 149 W. Main St. – Deputy Manager Lou Digirolamo**

Chief Digirolamo explained the process for the liquor license application and stated that all the posting requirements were met and that there were no comments of opposition to this application. He stated that the business owners were present if the Council had any further questions. He stated that staff recommended approval of the application.

**ACTION:** Councilmember Aguilar made a motion to approve the liquor license application for Uptown Café LLC. Councilmember Peralta seconded the motion.

**VOTE:** *The motion passed unanimously.*

Ms. Levi thanked the council and staff and the people of Superior for supporting her new business. She stated that she really likes having her business in Superior and that one of the reasons she chose to come to Superior was because the people are friendly.

**3. Discuss/Approve/Reject to submit offer to Superior School District to purchase the Roosevelt High School**

Mayor Hing explained that the school is offering to sell the Roosevelt school for a minimum of \$120,000 but did present several different terms at zero interest. Ms. Tahan explained that she had not been part of these discussions but clarified that the town is wanting to make an offer to the school district to purchase the Roosevelt School.

**ACTION:** Councilmember Peralta made a motion to submit an offer to purchase the Roosevelt School for \$120,000 with zero interest over 30 years. Councilmember Heglie seconded the motion.

**VOTE:** *The motion passed unanimously.*

**4. Discuss/Approve/Reject Resolution Copper Company urgent need one time allocation of \$100,000 for police vehicles and other requests from Town Departments – Town Manager Melanie Oliver**

Councilmember Peralta made and immediate motion to allocate \$50,000 to the waste water treatment plant and \$50,000 to the Police Department. Councilmember Heglie seconded the motion. Discussion followed. Mayor Hing asked that her motion consider funding the Magma Club renovations and the roof for the Roosevelt School.

Councilmember Gutierrez expressed his concern that they had not discussed this item enough and there were several other areas that the money could be allocated to. He stated that he provided very strategic research with a plan and it concerned him that dividing this money in just four ways was not strategic and was not maximizing the potential. He said that the projects were all good projects but he was concerned that other projects were overlooked.

Ms. Oliver explained that council could make a motion to allocate both the 2010 and 2011 one time allocation funding.

**ACTION:** Councilmember Peralta made a motion to request the 2010 and 2011 allocation be divided by \$50,000 to the following four projects in this priority:

1. Magma Club Renovations - \$50,000
2. Roosevelt School Roof - \$50,000
3. Police Department Vehicles - \$50,000
4. Wastewater treatment plant - \$50,000. With any remaining funds being allocated to other projects.

Councilmember Heglie seconded the motion.

**VOTE:** *The motion passed with 6 ayes and 1 nay.*

**Ayes:** *Mayor Hing, Vice Mayor Lopez, Councilmember's Peralta, Aguilar, Tomerlin, & Heglie*

**Nays:** Councilmember Gutierrez

**5. Discuss/Approve/Reject the listing properties for sale and/or adding proposals for the use/time frames for completion. Industrial lot, Uptown Theatre, 308 Mine St. 85 High School Ave. and 679 W. Main St. – Deputy Manager Lou Digirolamo**

Chief Digirolamo explained that staff is requesting to be allowed to relist any town properties for sale automatically once a bid request expires and that also requested that the council determine if project proposals were needed for town properties for sale.

Mayor Hing asked if they needed to reject the current bids submitted for the 85 High School Ave. property. Ms. Tahan explained that by not accepting a bid it was automatically rejected. Discussion followed on the project proposals and if they were necessary for all town properties for sale.

Chief Digirolamo gave the current status on the town properties available. At this time properties for bid are: Industrial Lot #3, 308 Main St. 85 High School Ave, and 679 W. Main St.

**ACTION:** Councilmember Heglie made a motion to list the properties adding development proposals as a requirement for the bid, reject the current bids on 85 High School Ave, allowing any properties that were not bid on to automatically go back out for bid and to use local realtors to list the properties for sale. Vice Mayor Lopez seconded the motion.

**VOTE:** *The motion passed unanimously.*

#### **H. CALL TO THE PUBLIC:**

Mayor Hing reminded the members of the public that they may make their comments directly to the Mayor.

**1. Rosie Lee**

Ms. Lee stated that she had asked whether or not she was still a member of the Planning and Zoning commission. She explained that she had contacted Ms. Oliver and did not get a response. Ms. Oliver stated that she was given a verbal response. Mayor Hing directed staff to provide the answer in writing.

**2. Freddie Miramon**

Congratulated the council on allocating the Resolution funds. He said that the allocations touched the entire community in many different ways. He also stated that Chief Digirolamo does a good job as a police chief and is confident in his leadership.

**3. David Pfohl**

Mr. Pfohl stated that he spoke with the Town Attorney and he was advised to come to the meeting and make this public statement to the Mayor and Manager regarding monies owed to the town. He stated that the town was to cease any further collections against him or his wife based on the reprimand the town was given by the attorney.

***Mayor Hing announced that there were items on the executive session agenda and that they would move into council comments prior to adjournment.***

#### **I. COUNCIL COMMENTS:**

**1. Councilmember Aguilar**

No comments.

**2. Councilmember Peralta**

No comments.

**3. Councilmember Gutierrez**

Councilmember Gutierrez thanked the DECA students for participating the decal project for the trail. He stated that the students are the future. He also stated that he is once again

recommending that staff purchase the book about budgeting so the council can have intelligent discussions during the budget cycle.

He also thanks Ms. Lira and the LOST committee and reviewed the report on the Red Flex cameras. He stated that the actual citations were down from 468 in October to 118 in January. He stated that this was an indication that the speeds on the highway were slowing down and making it safer for everyone in that area.

He also expressed his disappointment in how the Resolution funds were allocated. He stated that it was an arbitrary decision and questioned if open meeting laws were violated because there was no real discussion on how these funds would be allocated. He stated that he took many hours to develop a strategy for allocating those funds which would have provided tools for the staff to use for continued community development. He also stated that there is a need for financial support for tourism development and marketing and was not just money for the Chamber.

**4. Councilmember Tomerlin**

No comments.

**5. Councilmember Heglie**

No comments

**6. Vice Mayor Lopez**

Vice Mayor Lopez requested a financial breakout on the Red Flex program to see how much revenue was collected and what the costs were to the town. She also congratulated the DECA students and stated that they will be part of this project for years to come because of this project. She reminded everyone to attend the work day on Saturday and apologized for not being able to attend and also reminded everyone to attend the grand opening of the caboose visitor center on Saturday, March 12, 2011.

Vice Mayor Lopez expressed her concern regarding Councilmember Gutierrez implication that there was an open meeting violation. She stated that everyone has ideas and put thought into this but these are projects that were hit hard and the funds are needed for them. She thanked him for his research as well. She stated there has never been any violation of the open meeting law.

**7. Mayor Hing**

Mayor Hing stated that he found Councilmember Gutierrez statements offensive, he stated that there are always accusations of these things out there and he didn't need any additional ones. He explained that they discussed this allocation at the retreats and on several occasions the manager requested funds for these projects. He stated that funds were needed for the Magma Club because they must be finished with it by the end of May and additional funds are needed, the Roosevelt School will need a roof in order for the town do anything with it, the Police Department needs new vehicles due to high mileage and we need to have a cushion for

the waste water treatment plan in case there is an emergency or need for immediate repairs. He said if there are additional funds left then we can fund a few more projects.

**EXECUTIVE SESSION:**

**MOTION:** Councilmember Peralta made a motion to move into an executive session. Councilmember Heglie seconded the motion.

**VOTE: *The motion was approved unanimously at 9:06pm***

The Town Council may or may not vote to go into Executive Session pursuant to ARS38-431.03 (A-1) & (A-7).

A-1 –PERSONNEL: A-3 LEGAL ADVICE WITH ATTORNEY:

A-7 – LEGAL ADVICE ON SALE, LEASE OR PURCHASE OF REAL PROPERTY

1. Job Performance Evaluation – Chief Lou Digirolamo, Public Safety Director/Deputy Town Manager

**MOTION:** Councilmember Heglie made a motion to move out of executive session at 9:55 pm. Councilmember Tomerlin seconded the motion.

**VOTE: *The motion was approved unanimously***

**ADJOURNMENT:**

**MOTION:** Councilmember Tomerlin made a motion to adjourn meeting at 9:57 pm. Vice Mayor Lopez seconded the motion.

**VOTE: *The motion was approved unanimously***

**CERTIFICATION:**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Town Council of the Town of Superior held on the 3rd day of March 2011. I further certify that the meeting was duly called and held and that a quorum was present.

/s/

Melanie Oliver\_\_\_\_\_

Melanie Oliver  
Town Clerk/Manager

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These Minutes were compiled and transcribed by

Mila Lira

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\*Final editing of these minutes and their content is completed and verified by staff members of the Town of Superior.