

**Notice of Public Meeting  
Town of Superior  
Regular Council Meeting  
Thursday, November 3, 2011-7:00 P.M.  
Superior Senior Center  
360 Main Street, Superior, AZ 85173  
MINUTES**

**A. CALL TO ORDER**

Mayor Hing called the meeting to order at 7:00 p.m.

**B. SALUTE TO THE FLAG**

Mayor Hing led the salute to the flag.

**C. OPENING PRAYER**

Mayor Hing led the opening prayer.

**D. ROLL CALL**

**Present:**Council Members Chris Tomerlin, John Tameron, Mayor Michael Hing, Vice Mayor Olga Lopez;  
**Absent:**Council Members Hank Gutierrez, Gilbert Aguilar, Soyla “Kiki” Peralta

**E. CONSENT AGENDA**

1. Approval of Minutes for Work Session October 20, 2011
2. Approval of Minutes for Regular Meeting October 20, 2011
3. Blanket permit for Superior Optimist Club fundraising

**MOTION:** Council Member Tomerlin moved to approve the consent agenda. Vice Mayor Lopez seconded. **VOTE:** The motion carried unanimously.

**F. COMMUNICATION**

1. Manager’s report—Deputy Town Manager Lou Digirolamo

- a) Update on the Magma Hotel

Deputy Town Manager Digirolamo said a presentation had been scheduled. He had spoken with the architect and they will be bringing items to council at a future date. Tonight was going to be an update. After this was put on the agenda, the architect advised that the buyer is traveling and would personally like to be there for the presentation and asks that it be put off until the next council meeting. Mayor Hing asked if there was assurance this would happen. Mr. Digirolamo said if he doesn’t come on the 17<sup>th</sup> the schedule is to go to Planning and Zoning and then come to the council with a request for several variances.

- b) Update on the Cobre Valley Community Clinic

Deputy Town Manager Digirolamo said he had spoken with Neil Jensen, Cobre Valley CEO, and scheduled him for this meeting. After the agenda was published, Mr. Jensen called and said he had another commitment and wanted to reschedule.

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

1. Discuss/Approve/Reject Resolution No. 533 authorizing Town Manager to execute escrow documents for the sale of 679 W. Main Street

Deputy Town Manager Digirolamo said this property had been approved for sale by council. They did accept the bid of \$8,000. This resolution would allow him to execute the escrow documents when they came through. Mayor Hing asked the town attorney regarding conflict of interest on this property that Mayor Hing had. If he removed himself from voting they would have a problem with a quorum. Did the attorney want him to just state the conflict? Town Attorney Chris Wencker explained the statute that he had told them about at a previous meeting did not apply in this particular situation. He was asked to clarify and said that the statute he had referred to before involved the entire council being present and if those who declared they had a conflict of interest did not vote, they would never be able to form a quorum to take action on that issue. It was not clear that is the case tonight as the entire council is not present. Mayor Hing asked if they could take action to table the item. Attorney Wencker said they could always take action to table an item.

**MOTION:**Council Member Tomerlin moved to table the item. Council Member Tameron seconded.

Mayor Hing said to let the public know there is a conflict because the buyer is a relative on his wife's side.

**VOTE:**The motion carried unanimously.

2. Discuss/Approve/Reject Draft Contract with Resolution Copper reference sewer tap and service fees located on N. Magma Avenue.

Mayor Hing said they had the same issue here. Two council members had a conflict of interest at this time: Mr. Tameron and Ms. Lopez. Attorney Wencker said it was the same issue.

**MOTION:**Council Member Tomerlin moved to table the item. Council Member Tameron seconded.

**VOTE:** The motion carried unanimously.

**H. CALL TO THE PUBLIC**

No one responded to the call to the public.

**I. EXECUTIVE SESSION: (This item followed Council Comments, Item GJ)**

The Town Council may or may not vote to go into Executive Session pursuant to ARS38-431.03 (A-1) (A-3) & (A-7)

1. Executive session, pursuant to ARS 38-431.03 (A-1) (A-3) for status update and legal advice with the Town's Attorneys regarding Dr. Wilt and Raya Tahan, Esq.

A-1 –PERSONNEL: A-3 LEGAL ADVICE WITH ATTORNEY; A-7 – LEGAL ADVICE ON SALE, LEASE OR PURCHASE OF REAL PROPERTY

**MOTION:**Vice Mayor Lopez moved to enter executive session. Council Member Tomerlin seconded.

**VOTE:** The motion carried unanimously. Council moved into executive session at 7:11 p.m.

**J. COUNCIL COMMENTS**

Council Member Tomerlin: No comment.

Council Member Tameron: No comment.

Vice Mayor Lopez: Reminded of the November 12 clean-up, upcoming election, asked if they would be having an update on Orion, to which Deputy Town Manager Digirolamo replied in the affirmative.

Mayor Hing: Reminded of work on the LOST trail this Saturday pending weather, backed up the vice mayor on the free dumping on November 12, reminded of the November 8 election with one voting location, St. Mary's Center.

**K. ADJOURNMENT**

Council returned to open session from the executive at 8:09 p.m.

**MOTION:**Council Member Tomerlin moved to adjourn. Vice Mayor Lopez seconded.**VOTE:** The motion carried unanimously. Mayor Hing adjourned the meeting at 8:11 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 3<sup>rd</sup> day of November 2011. I further certify that the meeting was duly called and held and that a quorum was present.

/s/

**Lou Digirolamo** \_\_\_\_\_

**Deputy Town Clerk/Police Chief**

These Minutes were compiled and transcribed by  
Cindy Tracy  
An Independent Contractor.

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