

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD JANUARY 14, 2008 AT 7:00 P.M.
AT CITY HALL, 120 W. 6TH STREET, BENSON, ARIZONA**

**MAYOR FENN
OPENED THE MEETING AT 7:00 P.M WITH
THE PLEDGE OF ALLEGIANCE.**

**PRESENT WERE: MAYOR FENN, VICE MAYOR KING,
COUNCILMEMBERS LODZINSKI, SACCO, SUAGEE and TIPTON
ABSENT: COUNCILMEMBER McGOFFIN**

Invocation: Mayor Fenn introduced Father Lupe Diaz who gave an invocation.

EMPLOYEE
RECOGNITION: None

Call to the Public: Richard Leland spoke regarding the recent refuse collection schedule and that the service needed to be addressed.

Mike Crane addressed Council regarding the San Pedro Vista final plat stating he was concerned about drainage issues, increased traffic and the impact of the increased traffic on City streets. Mr. Crane stated he is against this development.

Chic Maldonado, from the Benson Unified School District, addressed Council regarding the San Pedro Vista final plat stating the school would like to be contacted regarding any new development placed on Council agendas for approval so they could have the opportunity to inform Council if the developer has had discussions with the school or addressed the school's concerns.

David Herman spoke regarding water issues the City faces. Mr. Herman stated that progress and growth are not synonymous and stated increased traffic would be detrimental to City streets as well as adding to the problem of speeding on City streets. Mr. Herman then stated that water, traffic and street conditions are all concerns Council should consider.

Tom Fitzgerald addressed Council stating he agreed with Mr. Herman's statements, but would like to add that wastewater is also a concern that Council should consider. Mr. Fitzgerald stated he would not like to see additional taxes brought on by new developments. Mr. Fitzgerald then stated the San Pedro Vista development needed to address a secondary access instead of utilizing the current City streets, since this would increase traffic and the problem of speeding.

Paul Lotsof spoke regarding economic development. Mr. Lotsof stated there are many aspects of economic development and the Council should note that retail development does not give a large return to the City. Mr. Lotsof also stated the City should bring qualified people to work on economic development and not rely on the Arizona Department of Commerce.

CONSENT AGENDA:

- 1a. Approval of Minutes of the December 10, 2007 Regular Meeting
- 1b. Approval of Minutes of the December 17, 2007, 6:00 p.m. Work Session.
- 1c. Approval of Minutes of the December 17, 2007, 7:00 p.m. Work Session
- 1d. Resignation of Krystal Ammann from the Benson Arts Commission
- 1e. Resignation of Alexandra Orton from the Benson Arts Commission
- 1f. Appointment of Janice Wright to the Benson Arts Commission
- 1g. Appointment of Robert Barnaby to the Board of Adjustment
- 1h. Appointment of Vincent "Frank" Dunlap to the Board of Adjustment.
- 1i. Appointment of Bruce Botts to the Board of Adjustment
- 1j. Bills

After discussion regarding property payments to Ms. Whaley and Mr. Scott, Council directed Finance Director Jim Cox to contact both property owners and investigate the possibility of paying these loans off early. Councilmember Suagee moved to approve the consent agenda. Seconded by Councilmember Tipton. Motion passed 6-0.

NEW BUSINESS:

Annual Audit approval for the
City of Benson Fiscal Year 2006-2007:

Mr. Jim Usevitch of Colby & Powell, P.L.C. addressed Council stating the City received a clean opinion again this year, which is the best unqualified opinion that can be obtained. Mr. Usevitch stated the City's net assets increased and all the enterprise funds did well this year. Vice Mayor King moved to approve the Annual Audit for the City of Benson Fiscal Year 2006-2007. Seconded by Councilmember Sacco. Motion passed 6-0.

Jennella Drive Pre-annexation
Water Extension Agreement
between Jim and Ruby Williams
and the City of Benson:

Public Works Director Brad Hamilton addressed Council concerning this item. Vice Mayor King moved to approve the Jennella Drive Pre-annexation Water Extension Agreement between Jim and Ruby Williams and the City of Benson. Seconded by Councilmember Lodzinski. City Attorney Thomas Benavidez stated language referring to A.R.S. § 38-511 should be inserted into the contract. Vice Mayor King amended his motion to include the proper language regarding A.R.S. § 38-511. Seconded by Councilmember Lodzinski. Councilmember Suagee stated Council should look at the fee requested in conjunction with this contract for future requests. Motion passed 6-0.

Resolution 1-2008 of the Mayor and
Council of the City of Benson, Arizona,
to accept the State of Arizona Department
of Transportation Aeronautics Division
Grant for Improvements at the Benson
Municipal Airport (E8F74):

Public Works Director Brad Hamilton addressed Council concerning this item. Councilmember Lodzinski moved to approve Resolution 1-2008. Seconded by Councilmember Tipton. Motion passed 6-0.

Resolution 2-2008 of the Mayor
And Council of the City of Benson,
Arizona, approving the Final Plat
and the Trust Assurance Agreement
of the Property known as San Pedro Vista:

Planning & Zoning Director addressed Council regarding this item giving a brief history of this development and stating the Council's concerns had been addressed. Mr. Lockett then gave a more detailed history of the project stating the tentative plat was approved by Council in July, 2005. Mr. Lockett stated the final plat went before Council on March 27, 2006, where Council Councilmember King moved to send the Final Plat for San Pedro Vista back to the Planning and Zoning Commission to address the concerns of water diversion and the secondary access. Mr. Lockett stated after these concerns were addressed, the Planning & Zoning Commission recommended approval of the final plat in April, 2006. Mayor Fenn clarified that these concerns were addressed with Castro Engineering and had their approval, then the project was reviewed by Psomas Engineering which produced additional comments to be addressed by the developer. Councilmember Suagee moved to table this item subject to staff obtaining the plat's notes to show and explain what was accomplished in regards to Council's concerns and to obtain the entire plan for review including the topographical map to include where the road exits the development, since Loma Linda Road exits into an alley, as well as having a traffic study done and questions fully answered concerning run-off before the plat is brought to Council again for action. Seconded by Councilmember Tipton. After discussion concerning Council's concerns, Councilmember Suagee amended her motion to table this item with a directive to staff that they look into a traffic impact study and get answers to the questions regarding drainage. Seconded by Councilmember Tipton. Vice Mayor King stated he would like clarification of changes made to the plat after Council expressed their concerns and would like Council to always ask if discussions between the developer and the school district have occurred. Councilmember Suagee then amended her motion to include the traffic study, answers to the questions regarding drainage and for either the Council or the developer to discuss this project with the school district or all three parties to discuss this project. Seconded by Councilmember Tipton. Mayor Fenn then asked for clarification of the items to be addressed after Council sent the final plat back to the Planning & Zoning Commission on March 27, 2006, which were drainage and a secondary access. Mayor Fenn then verified with Brad Hamilton, Public Works Director that the drainage concern was addressed to City standards. Mayor Fenn then asked if the traffic concerns been addressed and Mr. Lockett stated no traffic study had been conducted. Mayor Fenn asked City Attorney Thomas Benavidez about the legal aspects of requiring a traffic study since at the time of the final plat submission, a traffic study was not required. City Attorney Thomas Benavidez stated that if Council still had questions on whether or not the development complied with the City's subdivision regulations; Council had the responsibility to question and verify the development does comply with our development regulations. Motion passed 6-0.

Resolution 3-2008 of the Mayor and
Council of the City of Benson, Arizona,
voicing support for state Legislation
requiring seat belts on all school buses:

Vice Mayor King moved to table Resolution 3-2008. Seconded by Councilmember Suagee. Motion passed 6-0.

Resolution 4-2008 of the Mayor and Council of the City of Benson, Arizona, opposing the enactment of Provisions in U.S. S. 1300, the Aviation Investment and Modernization Act of 2007, and opposing any measure or amendment that would overhaul the current efficient and reliable fuel tax system used by general aviation in favor of new taxes and fees; and supporting H.R. 2881 and the American Infrastructure Investment & Improvement Act approved by the U.S. Senate Committee on Finance which fund Modernization Efforts via the Existing Fuel Tax System:

David Moore, a pilot addressed Council concerning this item stating commercial aviation is trying to introduce new taxes to general aviation for the use of facilities, adding that general aviation does not utilize facilities as much as commercial aviation. Councilmember Sacco moved to approve Resolution 4-2008. Seconded by Vice Mayor King. Motion passed 6-0.

Resolution 5-2008 of the Mayor and Council of the City of Benson, Arizona, approving a Special Event License for the Dallas Memorial Hope Fund for February 9, 2008 at Cochise Terrace, 1030 S. Barrel Cactus Ridge, Benson, Arizona:

Councilmember Sacco read a statement from the Dallas Memorial Hope Fund indicating this fund is to help care for and find homes of animals of the elderly if they are no longer able to. Vice Mayor King moved to approve Resolution 5-2008. Seconded by Councilmember Sacco. Motion passed 6-0.

Resolution 6-2008 of the Mayor and Council of the City of Benson, Arizona, approving a Special Event License for the Rotary club of Benson for February 2, 2008 at the Benson Lions Club, 599 S. Dragoon Street, Benson, Arizona:

Councilmember Suagee moved to approve Resolution 6-2008. Seconded by Councilmember Tipton. Motion passed 6-0.

Resolution 7-2008 of the Mayor and City Council of the City of Benson, Arizona, pledging the City of Benson's support of the Southeast Arizona Economic Development

Group:

Mayor Fenn opened this item, stating this Resolution was presented as a new Resolution to supersede Resolution 49-2007 showing the following change:

“WHEREAS, the Southeast Arizona Economic Development Group will also be available to ~~represent~~ or assist the municipalities in Southeastern Arizona with the implementation of Department of Commerce programs.”

“BE IT FURTHER RESOLVED that this Resolution shall supersede and void Resolution No. 49-2007.”

Mayor Fenn also stated the Southeast Arizona Economic Development Group asked him to state they have not asked for financial support and that they had received a unanimous approval on a Resolution of support from the Cochise County Board of Supervisors for their efforts. Councilmember Lodzinski moved to approve Resolution 7-2008. Seconded by Councilmember Sacco. Motion passed 6-0. City Manager Martin Roush then stated Councilmember McGoffin had asked him to inform Council that she supported Resolution 7-2008.

Goals and objectives for Pre-annexation
Development Agreements including
participation from developers for off site
transportation, parks and low-flow fixture
donation:

City Manager Martin Roush addressed Council stating a pre-annexation agreement would be the proper time to address items not required in our regulations, such as parks, traffic issues and low-flow fixtures. Mr. Roush stated traffic issues would be development specific and would need to be looked at with each development and introduced Public Works Director Brad Hamilton who gave some examples to Council. Mr. Roush then stated staff was looking for Council direction concerning these issues. Discussion was then had regarding these issues for proposed developments within the City limits and if these issues could be addressed. Mr. Roush stated developers could possibly fund a low-flow replacement program, since water conservation would help new development. Mr. Roush also stated transportation is complicated, but could be addressed with a traffic impact analysis or with a traffic impact fee, but both of these studies are complicated. Mr. Roush then address the parks issue stating possibly a set amount per unit could be addressed. Mayor Fenn asked about the number of units in the development and when participation would be required. Mr. Roush then stated the size of the development would determine the amount of participation in an agreement and staff had thought 30 units would require no participation with 130 units requiring 100% participation. Mr. Roush stated staff was looking for Council direction concerning the numbers on the issues of parks and low-flow fixtures, but that transportation would need to be addressed with each individual development. Mayor Fenn stated Council would like to see what other jurisdictions are doing regarding parks and water conservation fees, as well as details on parks regarding minimum standards required for public parks. Mr. Roush stated this item would be brought back to Council in the near future with more details.

CITY MANAGER REPORT:

City Manger Martin Roush addressed Council stating there were no events the City was sponsoring, but that the City would be holding a second hearing on the upcoming Community Development Block Grant. The public hearing will be held February 11, 2008.

COUNCIL DIRECTIVES:

Councilmember Suagee asked if Council could direct staff to look at updating the code as to development issues. Councilmember Sacco stated he is currently working on this for the Planning & Zoning Commission to review and it should address the concerns Councilmember Suagee expressed. Councilmember Sacco stated it is approximately 30% completed and should be done in the next three months.

Vice Mayor King then asked for clarification regarding Council directives and the process for directives. City Attorney Thomas Benavidez stated that all issues need to be on the agenda in order for them to be discussed and that staff will need to address the issue of Council directives and bring information back to the Council.

Adjournment:

Councilmember Lodzinski moved to adjourn at 8:41 p.m. Seconded by Councilmember Tipton. Motion passed 6-0.

Mark M. Fenn, Mayor

ATTEST:

Vicki L. Vivian, City Clerk