

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD MAY 11, 2009 AT 7:00 P.M.
AT CITY HALL, 120 W. 6TH STREET, BENSON, ARIZONA**

**MAYOR FENN
OPENED THE MEETING AT 7:04 P.M. WITH
THE PLEDGE OF ALLEGIANCE.**

**PRESENT WERE: MAYOR FENN, VICE MAYOR KING
COUNCILMEMBERS BONCQUET, LAMBERT, LODZINSKI, McGOFFIN and SACCO**

INVOCATION:

Mayor Fenn introduced Minister Robbie Robinson of the Church of Christ who gave the invocation.

City Manager, Glenn Nichols introduced City Attorney Michael Masee to the Council and the public present. Mr. Masee thanked Council for their vote of confidence and stated that he looked forward to serving Council.

**EMPLOYEE
RECOGNITION:**

None.

CALL TO THE PUBLIC:

Robert Mucci, Benson/San Pedro Valley Chamber of Commerce addressed Council thanking the City for its support and assistance in putting on the Annual Bluegrass Festival. Mr. Mucci stated he particularly wanted to thank Bob Nilson, Diana Faulkner, Jose Ronquillo and other employees for their help. Mr. Mucci stated the Bluegrass Festival was very successful with 53 RVs staying in the parking lot. Mr. Mucci then read comments he had received from attendees complimenting the City and the event.

John Whiteside addressed Council stating he was against the application by the Benson Police Department to the Arizona Governor's Office of Highway Safety ("GOHS") for Highway Safety Act Grant Funds. Mr. Whiteside stated the only purpose of radar was revenue and that Benson was a tourist town that did not want to become known as a tourist trap. Mr. Whiteside then stated the City did not need this item to pass urging Council to vote this grant application down.

Sylvia Burnside, Chairperson of the Benson Arts Commission addressed Council stating the Arts Commission was in the process of updating the art on display at City Hall featuring another local artist and that the display should be updated by May 15, 2009.

Paul Lotsof addressed Council stating another resignation from the Benson Economic Development Subcommittee was being presented to Council and wondered why the City had such a hard time keeping people on the committee. Mr. Lotsof stated there is a problem to be solved in the community regarding economic development, stating various committees have existed to address economic development and they have all accomplished nothing. Mr. Lotsof then stated to make certain an entity accomplished nothing, incompetent people should be on the committee and the committee should have no funding. Mr. Lotsof then stated the Council should fund the Economic Development Subcommittee and find out why people don't want to serve on it.

CONSENT AGENDA:

- 1a. Approval of Minutes of the April 23, 2009 Council Retreat
- 1b. Approval of Minutes of the April 27, 2009 Worksession
- 1c. Approval of Minutes of the April 27, 2009 Regular Meeting, Including Executive Session Minutes
- 1d. Appointment of Travis Weddle to the Board of Adjustments
- 1e. Appointment of Allan Archer to the Board of Adjustments
- 1f. Resignation of Patricia Rogers from the Benson Economic Development Subcommittee
- 1g. Processed Invoices for April 21, 2009 through May 4, 2009

Councilmember McGoffin moved to approve the Consent Agenda. Seconded by Councilmember Sacco. Motion passed 7-0.

NEW BUSINESS:

1. **Presentation and discussion by City staff and the Southeast Arizona Economic Development Group concerning solar power in the region including, but not limited to, discussion regarding the solar power grant writing process, current and future plans for solar power in the region, the benefits of solar power, and the potential impact of solar power on the City**

Public Works Director Brad Hamilton introduced George Scott, Director of the Southeast Arizona Economic Development Group who addressed Council. Mr. Scott then addressed Council thanking the Council for their support of the recent solar workshops the Group held in regards to bringing solar businesses and solar opportunities to Cochise County and Benson. Mr. Scott stated one of the goals of the Southeast Arizona Economic Development Group is to make Benson one of the solar models for Cochise County and for Southeastern Arizona. Mr. Scott then stated he was requesting that Mayor and Council approve participation with the Southeast Arizona Economic Development Group to secure some solar projects for the community of Benson. Mr. Scott stated there was a lot of stimulus money and felt they could get some of these projects brought to Benson that basically might not cost the City anything. Mr. Scott then stated on the 5th of May, the Board of Directors of the Southeast Arizona Economic Development Group approved a joint venture partnership with Venture Catalyst. Mr. Scott then stated the Southeast Arizona Economic Development Group has obtained commitments from the community of Elfrida, was working with the community of Bowie and had begun speaking with the community of Sunsites to do some solar projects in those communities and would like to include Benson. Mr. Scott stated he would like for Council to instruct staff to work with the Southeast Arizona Economic Development Group, if they saw a value in attempting to bring solar projects to the City of Benson. Mr. Scott then introduced Valerie Rauluk of Venture Catalyst. Ms. Rauluk addressed Council stating she has been working to promote solar energy for 12 years and has worked with the City of Tucson, the State of Arizona and Pima County to get solar energy installed in their facilities. Ms. Rauluk stated the primary reason to do these projects is to save money and fix energy costs for 25 years. Ms. Rauluk then stated she would like to work with the City to bring that benefit to the City of Benson's facilities and energy bill. Ms. Rauluk then stated the other aspect to solar energy is the outgrowth of conversations with the interesting activities going on in Benson regarding solar energy. Ms. Rauluk stated if the City wants solar energy economic development, the number 1 thing to do is to have deployment of solar energy systems in the community and that with the stimulus funds, the City had the opportunity to have a base of deployment of solar energy with all the benefits and the beginning of solar energy economic development that would have a highly positive impact for the City of Benson and Cochise County. Ms. Rauluk stated she was confident she and her team could secure the stimulus dollars for the City of Benson for solar projects. Ms. Rauluk stated she was not seeking any financial contribution or commitment from the City, stating the expectation was that the stimulus

funds in combination with the utility incentives from Sulphur Springs Valley Electric Coop. would permit the City to put solar energy systems in, for example, the wastewater treatment facility and the fire and police department headquarters. Ms. Rauluk stated she was interested in these projects being used as a foundation for a larger economic development initiative around solar energy and clean energy for the community. Ms. Rauluk then stated she would be happy to provide more information on solar energy opportunities or what kind of economic development opportunities this could be for the community at Council's request. Ms. Rauluk then stated what they did need was the Council's commitment to direct staff to work with her team to make sure that they moved ahead in a way that was appropriate, legal, fair, reasonable and in compliance with all the terms and regulations of the Federal funding. Ms. Rauluk then stated at some point they would need to come back to Council with a resolution since there would be applications that would be submitted for funding and that she would work with the City Attorney to make sure everything was in order, but would like for Council to direct staff to begin that process of identifying projects and working together. Mayor Fenn then thanked Ms. Rauluk for addressing Council and then asked Councilmember Lodzinski to direct this item, since he served on the Board of Directors of the Southeast Arizona Economic Development Group and would be abstaining from this item. Councilmember Lodzinski then stated in the past, discussion was had regarding using solar energy to heat the City pool and then stated it may benefit the City to utilize solar energy at the Senior/Community Center since some people didn't have refrigeration and possibly utilized the center to avoid the summer heat. Ms. Rauluk stated she would like to investigate how to fund the solar heater for the pool to extend the number of days the pool is used. Vice Mayor King asked if the Fire Department in Vail was operating with solar energy, with Ms. Rauluk stating there were several installations in Vail utilizing solar energy. Vice Mayor King then asked Ms. Rauluk about the communities she worked with and the cost for her services, with Ms. Rauluk stating she had worked with the City of Tucson, the City of Phoenix, Pima County, the City of Flagstaff and with the exception of the City of Tucson, most of the projects were in process now and that within the next 6 months, those projects should be announced. Ms. Rauluk then stated in reference to the cost, many people have the sense that solar energy is very expensive and that since solar energy has been a rather small industry, manufacturing and implementation costs were a concern. Ms. Rauluk then stated that the federal and state governments, in the last 5 years, have put in a package of financial incentives and tax credits, providing economic incentives, since energy is so important. Ms. Rauluk stated that effectively this can mean that solar energy can be producing power at or below what we are paying for our energy costs right now, and with the stimulus funding, it's even better, since it would be completely paid for by the stimulus dollars matched with the utility incentives, with the City essentially having a 25 – 35+ year system for free, which would mean that our operating budgets would be contained, freeing up funds for other things the City may see are needed for the community. Ms. Rauluk then stated with these unique opportunities she would hate to see the City not make every effort to get as much of the stimulus package to come back into the City and Cochise County. Vice Mayor King then questioned using wind energy with Ms. Rauluk stating there isn't enough wind resource in Arizona, except for parts of northern Arizona. Vice Mayor King then stated he felt the opportunity was exciting and that the City should utilize solar energy as much as possible, but that his decision would be based on the cost of the project. Ms. Rauluk then stated many solar operated businesses did so for the economic savings of solar energy and protection of rising energy prices. Councilmember Lambert then agreed that Cochise County had a lot of ability to harness the sun and that solar energy was beneficial and that they supported the solar park that was in progress. Councilmember McGoffin stated if the City could save money and use solar energy, it would be beneficial to all. Councilmember Lodzinski then stated solar energy projects pay benefits for the City and can lead to solar energy economic development. Mayor Fenn then stated the agenda item was written as an information item only, with Councilmember Lodzinski stating any direction to staff would have to be brought back before Council for action. City Attorney Michael Masee stated the agenda item was written as discussion only; therefore, taking any action, even directing staff to work with any group regarding this item, would not be appropriate at this time. Mayor Fenn then stated Ms. Rauluk indicated coming before Council with a resolution and Council could take action at that time.

Ms. Rauluk thanked the Council for their time. Mayor Fenn thanked Ms. Rauluk for her presentation.

2. **Resolution 34-2009 of the Mayor and Council of the City of Benson, Arizona approving and authorizing the application by the Benson Volunteer Fire Department for Grant Funds from the United States Department of Homeland Security, Assistance to Firefighters Grant Program, for an Assistance to Firefighters Grant**

Fire Chief Keith Spangler addressed Council stating this grant application was for an exhaust removal system for the fire station. Mr. Spangler stated the grant application requires a 5% match from the City in the amount of approximately \$2,100.00. Councilmember McGoffin moved to approve Resolution 34-2009. Seconded by Vice Mayor King. Motion passed 7-0.

3. **Resolution 35-2009 of the Mayor and Council of the City of Benson, Arizona approving and authorizing the application by the Benson Police Department to the Arizona Governor's Office of Highway Safety ("GOHS") for Highway Safety Act Grant Funds**

Acting Police Chief Paul Moncada addressed Council stating this grant application was for radar units to replace the current units the Police Department has. Mr. Moncada stated the two units are approximately 9 years old and only one unit was operational. Mr. Moncada then stated the grant application requires no match from the City. Councilmember Sacco moved to approve Resolution 35-2009. Seconded by Councilmember Boncquet. Motion passed 7-0.

4. **Presentation, discussion and possible action by City staff and the Historic Preservation Committee concerning the proposed Final Site Plan for Apache Park including, but not limited to, the status of the Apache Park project and the funding for the project**

Public Works Director Brad Hamilton turned this item over to Michelle Johnson who addressed Council stating the City applied for a grant to complete engineering work for Apache Park. Ms. Johnson stated after bringing a preliminary site plan to Council, there is now the final site plan that was approved by the Historic Preservation Commission at their last meeting for Council action. Ms. Johnson then stated Ms. Ruth Wilson of the Historic Preservation Commission and Mr. Wayne Schiebe, the architect were present to answer any questions Council may have. Ms. Wilson stated the final site plan had a few changes from the preliminary site plan, including a reduction in size of the gazebo from 36 feet to 24 feet, a change in the walkway material, and a change in the handicap access, which was altered after speaking with the State architect. Mayor Fenn then verified the grant application was for the engineering and plans, but that the project would need to be funded before it would be started. Ms. Wilson stated the Historic Preservation Commission planned on fundraising after the plans were completed, noting they should begin in the fall of this year. Councilmember Lodzinski moved to approve the final site plan for Apache Park. Seconded by Vice Mayor King. Motion passed 7-0.

5. **Removal and disposal of Asbestos containing material at City owned property at 160 S. Huachuca Street, Benson, Arizona**

Public Works Director Brad Hamilton addressed Council stating he had obtained two survey quotes, one for \$5,000 and one for \$1,350 and after having the cheaper survey completed, it was determined the roof, the walls, the floors, the windows and the ventilation system all contain asbestos. Mr. Hamilton stated the beams, the concrete, the steel doors on the bays, as well as electrical conduit did not contain asbestos. Mr. Hamilton then stated he obtained an estimate from that company for abatement, which was in the amount of \$41,000. Mr. Hamilton stated the survey cost would be credited toward the abatement costs. Mr. Hamilton stated he expected the estimate to come for twice the amount. Mr. Hamilton then stated the asbestos is encapsulated and doesn't become a problem until demolition of the building is started. Mr. Hamilton then stated he could utilize City crews to finish the job, cutting up and removing the remaining frame, removing

the coolers, the communication tower and some non-asbestos material. Mr. Hamilton stated the remaining metal could be sold for scrap or could be used to build ramadas at the park, as suggested by some employees. Mr. Jim Cox, Finance Director then addressed Council stating in the current budget, the only place to utilize funds for the removal would be under contingency funds, since this expenditure was not expected. Mr. Cox then stated the alternative would be to wait until the 2009-2010 fiscal year and to include this project under capital projects. Vice Mayor King stated he felt the project of removing the building should wait, given the current economic conditions. Councilmember Lodzinski then stated the positive aspect of moving on the project now, would be the cost of the project, stating in a couple of years, the cost could be substantially higher. Councilmember Lambert then asked about selling the remaining material to offset the cost of the abatement, with Mr. Hamilton stating it would be up the Council on whether to sell or utilize the materials. Mr. Hamilton then stated that he felt the cost of the abatement came in so low due to the economy. Mayor Fenn stated he would be supportive of the project since it would be a good project to use City personnel on, with the possibility of using the frame for ramadas at the park and that the price was reasonable for the size of the building. Mayor Fenn then stated the property then could be used for off-street downtown parking. Mr. Cox then addressed Council recommending the implementation of the project in the fiscal year 2009-2010 budget under the capital improvement projects and to utilize construction sales tax to fund the project. Councilmember McGoffin asked how long the estimate was good for, with Mr. Hamilton stating he would have to verify the estimate with the contractor. City Attorney Michael Masee then addressed Council stating the agenda notice did not state the possible approval of a contract for \$41,000.00 and felt it would not be appropriate to take any action for the expenditure of capital funds at this time. Mayor Fenn then stated Council had the information now to be able to make a decision in the near future.

6. **Resolution 36-2009 of the Mayor and Council of the City of Benson, Arizona, approving and authorizing the execution of Amendment No. 1 to the Intergovernmental Agreement between the City of Benson and the Benson Unified School District #9 (The "District") to permit reciprocal use of the buildings and grounds of the City of Benson and the District**

City Manager Glenn Nichols addressed Council stating this Intergovernmental Agreement was implemented a few months ago, with an expiration date of June 30, 2009. Mr. Nichols indicated there were no other changes to the agreement and that it would be coming to Council annually. Vice Mayor King moved to approve Resolution 36-2009. Seconded by Councilmember McGoffin. Motion passed 7-0.

7. **Resolution 37-2009 of the Mayor and Council of the City of Benson, Arizona, approving and authorizing the execution of Amendment No. 1 to the Lease Agreement between the Benson Unified School District #9 (The "District") and the City of Benson for the property located at 197 E. 7th Street for the purpose of operating a Charter High School Program**

City Manager Glenn Nichols addressed Council stating this lease agreement was an annual lease with the expiration date of June 30, 2009 and that the amendment will renew the lease agreement for one year. Mayor Fenn asked if the lease payment remained the same with Finance Director Jim Cox indicating the lease stipulated an annual increase of the lease payment for the consumer price index or 4%, whichever was greater, adding the lease payment was increased by 4% in this renewal. Mayor Fenn then stated in possibly another year or so, this lease would not be requested by the school, since they had plans to build a site at the school. Councilmember McGoffin moved to approve Resolution 37-2009. Seconded by Councilmember Lodzinski. Motion passed 7-0.

8. **Discussion and possible action concerning the Rescheduling of the May 25, 2009 (Memorial Day) Regular Council Meeting**

City Manager Glenn Nichols addressed Council stating staff had tentatively set May 26, 2009 as

the date to adopt the tentative budget, therefore if Council desired, the regular meeting could be set for the same date. Finance Director Jim Cox then addressed Council stating if the City was going to meet the goal of approving a final budget on June 22, 2009, Council would need to meet on May 26, 2009 to adopt the tentative budget. Vice Mayor King then moved to reschedule the next regular Council meeting for Tuesday, May 26, 2009. Seconded by Councilmember Boncquet. Motion passed 7-0.

CITY MANAGER REPORT:

Mayor Fenn stated the City Manager Report would be moved to the beginning of the Council agenda to increase publicity of the upcoming meetings and events.

City Manager Glenn Nichols then addressed Council with upcoming meetings:

- May 12, 2009 – Arts Commission, 9:00 a.m., City Hall
Library Advisory Board Meeting, 4:00 p.m., City Library
- May 16, 2009 – Historic Preservation Commission Meeting, 9:00 a.m., City Hall
- May 25, 2009 – Memorial Day Holiday – City Offices Closed
- May 26, 2009 – City Council Meeting, 7:00 p.m., City Hall
- May 26, 2009 – Community Water Alliance, 6:30 p.m., Community Center

Mr. Nichols then informed Council of upcoming events:

- May 16, 2009 – Bike Safety Day Sponsored by the City of Benson Parks & Recreation Department

COUNCIL DIRECTIVES:

None.

DEPARTMENT REPORTS:

None.

ADJOURNMENT:

Councilmember McGoffin moved to adjourn at 8:09 p.m. Seconded by Councilmember Lodzinski. Motion passed 7-0.

Mark M. Fenn, Mayor

ATTEST:

Vicki L. Vivian, City Clerk