

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD MARCH 24, 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, McGOFFIN, SACCO, SUAGEE and TIPTON**

Invocation: Mayor Fenn introduced Pastor Dwain Hinskey who gave an invocation.

EMPLOYEE
RECOGNITION: Mayor Fenn recognized Asher Arnold for 5 years of service with the City of Benson.

Call to the Public: Lori McGoffin spoke regarding an incident in which Officer McGoffin was recently injured, thanking Junior Estrella for his assistance to Officer McGoffin.

Diane Swendsen addressed Council concerning allegations about Mayor Fenn's conduct and felt that an investigation should proceed with the Council voting in favor of the investigation. Ms. Swendsen then stated that if anyone had any personal knowledge about complaints concerning Mayor Fenn's business dealings that are questionable, they should step forward. Ms. Swendsen then asked Council to speak slowly and loudly.

PUBLIC HEARING: The Mayor and Council held a public hearing to receive comments and questions from the public regarding the proposed rezoning of 5.3 acres from R-1-8 (Residential) to B-2 (General Business) Parcel Number 123-14-006F. The property is owned by WM10, L.L.C., and is generally situated near 4th Street and Prickly Pear, Benson, Arizona.

Mayor Fenn turned the meeting over to Vice Mayor King who opened the public hearing at 7:06 p.m. and informed the public of the purpose of the public hearing.

Vice Mayor King then stated there was no one who signed in to address Council during the public hearing and asked for any comments from any others present who wished to speak. There were no comments from the public.

Vice Mayor King then closed the public hearing at 7:08 p.m.

CONSENT AGENDA:

- 1a. Approval of Minutes of the March 10, 2008 Worksession
- 1b. Approval of Minutes of the March 10, 2008 Regular Meeting, including Executive Session Minutes
- 1c. City of Benson Processed Invoices

Councilmember McGoffin moved to approve the consent agenda. Seconded by Vice Mayor King. Motion passed 7-0.

NEW BUSINESS:

Addendum Item A1- Helping Hands at Cochise Terrace's presentation of donations to recipients Meals on Wheels and San Pedro Family Resource Council:

Mayor Fenn introduced the Helping Hands at Cochise Terrace. President Arlene Grapp and Boardmember Lynn Flower addressed Council stating they are a non-profit organization started nine years ago to raise money to give back to the community that has become their home. Ms. Flower stated their first auction raised about \$2,000 and the latest auction, which was their 9th, raised \$5,100. Ms. Flower stated over 9 years; they have raised approximately \$45,000 to give back to organizations that benefit children and seniors in the Benson area. Ms. Flower thanked the residents of Cochise Terrace, the winter visitors and over 60 merchants in the City for their support. Ms. Flower and Ms. Grapp then presented a check for \$2,550 to Meals on Wheels and a check for \$2,550 to the San Pedro Family Resource Council.

Food Pantry Request to be Recognized as the Community Food Pantry of Benson and for financial assistance of approximately \$130.00 per month:

Larry Martinez, President and L.E. Brown, Executive Director of the Food Pantry addressed Council asking to be recognized as the Community Food Pantry. Mr. Martinez stated the Food Pantry serves the local area including the Mescal and J6 areas, as well as delivering to the Ramona Morales Apartments. Mr. Martinez stated they serve approximately 250-340 families each week. Mr. Martinez stated the Food Pantry is supported from donations from the general public and their expenses include rent, utilities, the vehicle and fuel to pick up vegetables in Tucson since Willcox lost the contract for vegetables. Mr. Martinez stated the Food Pantry solicits donations in the form of cash or fundraisers including food drives from local businesses and would like to solicit financial assistance from the City to pay the electric bills for their refrigerators and freezers in the amount of \$130.00 per month. Mr. Martinez then stated he would like to publicly recognize the Volunteers for their service and dedication to the Food Pantry.

Discussion was then had regarding the Food Pantry and the Food Bank. Mr. Martinez stated the Food Bank receives FEMA funds in the amount of approximately \$4,000 per year and the Food Pantry does not. Mr. Martinez also stated the Food Pantry is a 501c3, but the Food Bank isn't.

Councilmember Suagee moved to make a line item in the amount of \$1560.00 per year to help support the Food Pantry. Seconded by Councilmember Sacco. City Manager Martin Roush stated this could be done in the budget cycle, but could now be taken from the current budget from miscellaneous community programs for the next few months. Councilmember Suagee amended her motion to include currently assisting the Food Pantry with \$130.00 from the miscellaneous community programs. Seconded by Councilmember Sacco. Councilmember Suagee then amended and restated her motion to put a line item in the budget to supply \$130.00 a month for the refrigeration costs of the Food Pantry and until the new budget year, provide assistance in the amount of \$130.00 per month from the current budget and to declare a public benefit of providing fresh fruits and vegetables to the needy. Seconded by Councilmember Sacco. Motion passed 7-0.

Presentation on the Arizona Rangers by
Kevin Rasch, Commander of the Arizona
Rangers:

Kevin Rasch, Commander of the Arizona Rangers addressed Council stating the Rangers are promoting a safe community and work on requests, stating they are not a paid security organization. Mr. Rasch stated they work with the police department and with the Benson and St. David High Schools, as well as assisting the City's Employee Council with their bicycle rodeo. Mr. Rasch stated they would like to launch a cadet program, since they are youth oriented and feel the youth are the future of the community. Mr. Rasch stated they are also in the process of launching a website for the Benson Company of the Arizona Rangers which has approximately 30 people who are duty rangers or associate rangers and meet the 2nd Tuesday of every month at the Fire Department's training room. Mr. Rasch stated on March 25, 2008 they would be holding a meeting at the Pomerene School at 5:30 p.m. for people to come out and learn about the Rangers. Mr. Rasch stated community service is a very worthwhile activity and invited anyone interested in becoming a Ranger to contact him. Mr. Rasch then informed Council that since they formed in August, 2007, they have donated 3,523.75 hours to the community through law enforcement assists, their regular duties and training. Mr. Rasch then concluded stated he would like to see the Rangers work with the City hand in hand to promote a safe community and commended both Police Chief Nichols and Fire Chief Spangler for their assistance. Vice Mayor King spoke commending the Rangers for their service.

Authorization for City employees to
participate in charity golf tournaments:

Councilmember Lori McGoffin addressed Council stating Council had requested more information on this subject. Councilmember McGoffin then stated that while she is on the Council or her spouse is a City employee, he will not participate on a City sponsored team. Councilmember McGoffin stated she had met with City Manager Martin Roush and Finance Director Jim Cox and there are approximately 20 tournaments each year. Councilmember McGoffin stated it was looked at to participate in 4 tournaments each year and stated that by participating, it helps local charitable organizations that assist children and senior citizens. Councilmember McGoffin then stated a recommendation of participating in the Chamber of Commerce's tournament, the Benson Bobcat Booster Tournament and two others to be determined by the luck of the draw. Councilmember McGoffin stated City employees can then put in to participate and they can be chosen through a roundabout.

Mayor Fenn asked for comments from Council and for the fiscal impact. City Manager Roush stated that the fiscal impact would be \$1,000. Finance Director Jim Cox then stated a total of \$4,500 was in the current budget for community sponsorships and \$4,000 was unexpended. Mr. Cox then stated this budget item was new in the current fiscal year and had so far been used for the Police and Fire Departments to sponsor Little League Teams. Councilmember Sacco moved to give authorization for City employees to participate in charity golf tournaments. Seconded by Councilmember Lodzinski. Councilmember Suagee asked City Attorney Chris Wencker is the motion needed to declare the public benefit. Mr. Wencker stated as long as the public benefit was identified, either in the motion or contained on printed material, it would be acceptable. Motion passed 7-0.

Ordinance 520 of the City Council of the City of Benson, Arizona, approving a request to rezone assessor's parcel number 123-14-006F, located in a portion of the Northeast Quarter and the Southeast Quarter of Section 8, Township 17 South, Range 20 East of the Gila and Salt River Base and Meridian, from Residential (R-1-8) to General Business (B-2):

Mayor Fenn stated he was turning the meeting over to Vice Mayor King for the next two items as there could be a possible conflict of interest, stating that on this item (Ordinance 520) he acted as an agent for the applicant and on the following item (Resolution 13-2008), there was a family relationship with the contractor. Mayor Fenn stated he was removing himself from action on these two items and left the Council chambers.

Vice Mayor King then open this item for discussion. Councilmember Lodzinski stated the staff recommended conditions of the applicant addressing the frontage road shown on the General Development Plan Circulation Element map in the traffic report and donating any necessary right-of-way for future road and the applicant stubbing water and sewer connection to the south property line and providing any necessary utility easements to facilitate any new development to the south if this is found to be the most reasonable route to provide these services. Councilmember Lodzinski then asked if there were any other conditions such as fencing or lighting limitations. Building Official/Planning & Zoning Director Mike Lockett addressed Council stating at this time, for the rezoning purposes, only the two conditions as stated needed to be addressed. Mr. Lockett then stated during the plan review process other items such as lighting and a buffering fence would be addressed. Councilmember Suagee stated the community input was summarized but no specific requests or concerns were identified. Mr. Lockett stated the concerns expressed throughout the public hearing process were that some of the citizens' voices were not heard throughout the previous rezoning with the Walmart property. Mr. Lockett stated he didn't hear specific concerns or comments at the first Citizen Review Session, and he was not present at the second Citizen Review Session, but that he could review the recording. Councilmember Suagee asked for the second Citizen Review Session to be transcribed to identify specific concerns. Mr. Lockett then stated the two conditions that staff recommended; the applicant must address the frontage road shown on the General Development Plan (GDP) Circulation Element map in the traffic report and donate any necessary right-of-way for future roads and the applicant will have to stub water and sewer connections to the south property line and provide any necessary utility easements to facilitate any new development to the south if this is found to be the most reasonable route to provide these services. City Attorney Chris Wencker then suggested an additional condition that the applicant be required to execute a waiver of Proposition 207 claims. Councilmember Sacco then moved to approve Ordinance 520 with the correction of the word "City" instead of "Town" and with the stipulations as stated by both the Building Official/Planning & Zoning Director Mike Lockett and City Attorney Chris Wencker. Seconded by Councilmember McGoffin. Motion passed 6-0.

Resolution 13-2008 of the City Council of the City of Benson, Arizona, entering into an Independent Contractor's Agreement with D. Fenn Enterprises, Inc. for Job Order Contract (JOC) for Miscellaneous Paving Services on an as-needed Basis:

Public Works Director Brad Hamilton addressed Council stating these job order contracts to establish contractors to begin pavement management. Mr. Hamilton stated the City received six Statements of Qualifications and a committee of one local plumbing contractor, the Street Superintendent and he evaluated the submittals and was recommending D. Fenn Enterprises, Inc. as one of the contractors. Councilmember Suagee then stated in comparing the hourly rates between the two contractors, she found D. Fenn Enterprises, Inc. to be more expensive and asked for clarification on how the process of utilizing the contractors is done. Mr. Hamilton stated the City generally sends out a description of the job to be done and gets the price from the contractors. Mr. Hamilton stated the City has a choice of utilizing contractors by a lump sum rate or hourly and stated there are certain charges not shown on the price list such as mobilization to bring equipment to the job, set up and demolition. Mr. Hamilton then stated job order contracts are not evaluated on price, but is based on qualifications and that cost is looked at later under the job description. Councilmember Sacco questioned when the pavement management projects will begin, with Mr. Hamilton stating the job order contracts are the first step, next the description of the projects will then be completed to obtain the prices and schedules from the contractors. Mr. Hamilton also stated the award of the pavement management jobs will be coming back to Council for action since the monetary amounts will need Council action. Councilmember Sacco moved to approve Resolution 13-2008. Seconded by Councilmember Lodzinski. Motion passed 6-0.

Resolution 14-2008 of the Mayor and Council
of the City of Benson, Arizona, entering into an
Independent Contractor's Agreement with K & B Asphalt
Company for Job Order Contract (JOC) for Miscellaneous
Paving Services on an as-needed Basis:

Mayor Fenn returned to the Council chambers and Vice Mayor King turned the meeting over to him. Public Works Director Brad Hamilton addressed Council stating this contractor was recommended by the committee identified in the previous item. Mr. Hamilton stated K & B Asphalt Company worked on the City's Community Development Block Grant and he was happy with both their product and their cost. Discussion was then had regarding when projects could begin with Mr. Hamilton stating the weather plays a big role, but that the jobs around the school should begin after school is out to minimize disruption. Councilmember Suagee moved to approve Resolution 14-2008. Seconded by Councilmember Tipton. Motion passed 7-0.

Resolution 15-2008 of the Mayor and Council
of the City of Benson, Arizona, authorizing CH2M Hill, Inc.
to proceed with Water Model Development in an
amount not to exceed \$24,990.00:

Public Works Director Brad Hamilton addressed Council stating in 2006 the City had a Basic Water Model completed and we are now asking to expand to include the wells and storage tank airport, the new well and storage tank coming online with the Whetstone Development and to assist in determining how to best improve the system to serve the City. Mr. Hamilton stated an electronic version can then be continuously updated as new lines are put in place and development grows. Mr. Hamilton stated it will also be used to project how much water is available in certain area. Councilmember Lodzinski verified that City staff would be able to run the program this will be designed on. Councilmember Sacco verified the proposed Resolution limits Mr. Hamilton's authorization to execute the authorization for additional services at \$24,900. Vice Mayor King moved to approve Resolution 15-2008. Seconded by Councilmember McGoffin. Motion passed 7-0.

Resolution 16-2008 of the Mayor and Council of the City of Benson, Arizona, authorizing Engineering and Environmental Consultants, Inc. to proceed with Sewer Collection System Model in an amount not to exceed \$50,000.00:

Public Works Director Brad Hamilton addressed Council stating we currently have no Sewer Collection System Model and the creation of this model is in our current budget listed as Capital Improvement Project WW 07-1. Mr. Hamilton stated that the current funding of \$50,000 will complete approximately three-fourths of the model with more funding in the next budget cycle needed to complete the model. Mr. Hamilton stated engineering is a large amount of the cost of the model due to elevation, slopes, flow measuring. Councilmember Lodzinski verified areas that backed up with the rain will be identified. Mr. Hamilton stated the model will identify problem areas, areas to replace or upsize as well as capacities. Vice Mayor King moved to approve Resolution 16-2008. Seconded by Councilmember Suagee. Motion passed 7-0.

Resolution 17-2008 of the Mayor and City Council of Benson, Arizona, supporting funding for the City of Benson's portion of the Cochise County Tourism Council in the amount of Ten Thousand Eleven Dollars (\$10,011.00)

for the FY 2008-2009: Finance Director Jim Cox addressed Council stating the Cochise County Tourism Council is a regional tourism marketing group and Bob Nilson, Tourism Director is the current chairman of the Council. Mr. Cox stated Benson has been very active in this Council and that the amount requested for fiscal year 2008-2009 is the same amount the City has contributed during the current fiscal year. Mr. Cox stated these funds will be used to apply for a matching grant from the Arizona Office of Tourism. Councilmember McGoffin moved to approve Resolution 17-2008. Seconded by Councilmember Tipton. Motion passed 7-0.

Resolution 18-2008 of the Mayor and City Council of Benson, Arizona, supporting a Tourism for Effective Arizona Marketing (TEAM) Grant from the Arizona Office of Tourism for Eight Thousand One Hundred Forty Four and 42/100's Dollars (\$8,144.42) for Tourism Marketing During the FY 2008-2009:

Finance Director Jim Cox addressed Council stating the proposed resolution supports a TEAM grant application from the Arizona Office of Tourism. Mr. Cox stated the projects listed in the grant total \$16,288.83 and the City's required matching funds are 50% or \$8,144.42. Mr. Cox then stated Mr. Nilson put together the advertising projects based on past advertising. Mr. Cox stated that the Visitor Center visits are up 20% over last year. Councilmember Lodzinski moved to approve Resolution 18-2008. Seconded by Councilmember Tipton. Motion passed 7-0.

CITY MANAGER REPORT:

City Manager Martin Roush addressed Council stating there would be a Skate Park Ribbon Cutting Ceremony on April 3, 2008 at 4:00 p.m. at the Skate Park, Lions Park.

Mr. Roush then informed Council of the following upcoming meetings:

- April 1, 2008 – Planning & Zoning Meeting, 7:00 p.m., City Hall
April 7, 2008 – Economic Development Subcommittee, 5:15, City Hall
April 8, 2008 – Arts Commission Meeting, 3:30 p.m., City Hall
– Library Advisory Board Meeting, 4:00 p.m., City Library
April 14, 2008 – City Council Work Session, 6:00 p.m., City Hall
– City Council Regular Meeting, 7:00 p.m., City Hall
April 19, 2008 – Historic Preservation Commission Meeting, 9:00 a.m., City
Hall
April 28, 2008 – City Council Meeting, 7:00 p.m., City Hall

Mr. Roush then stated the Fire Department sponsored an Easter event that was very successful.

COUNCIL DIRECTIVES:

None.

Department Head Reports:

Building Official/Planning & Zoning Director Mike Lockett informed Council his reports would be given at the following Council meeting. City Manager Martin Roush stated from January 1, 2008 to March 14, 2008, the City has twenty-six new stick built homes compared to the twenty-five new stick built homes in all of 2007.

Adjournment:

Vice Mayor King moved to adjourn at 8:22 p.m. Seconded by Councilmember McGoffin. Motion passed 7-0.

Mark M. Fenn, Mayor

ATTEST:

Vicki L. Vivian, City Clerk