

# CITY OF BENSON CITY COUNCIL JANUARY 13, 2014 – 7:00 P.M. REGULAR MEETING

A REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA  
WILL BE HELD ON JANUARY 13, 2014 AT 7:00 P.M.,  
AT BENSON CITY HALL,  
120 W. 6TH STREET, BENSON, ARIZONA

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Vicki L. Vivian, CMC, City Clerk

## AGENDA

The Council may discuss, consider and take possible action pertaining to the following:

**CALL TO ORDER:** The Call to Order will consist of the Mayor calling the Council to order. The Mayor or his designee shall then lead those present in the Pledge of Allegiance before introducing the invocation speaker, who will offer the invocation.

**ROLL CALL:** The City Clerk shall call the roll of the members, and the names of those present shall be entered in the minutes.

**EMPLOYEE RECOGNITION:** The Mayor shall use this time to present employment awards to those City employees or to present recognition awards for specific acts regarding public service, if any.

**PROCLAMATION:** None

**PUBLIC HEARING:** None

**CALL TO THE PUBLIC:** Communications and comments from the citizens regarding the City of Benson or other matters properly addressed to the City Council shall be heard by the Council. Such remarks shall be addressed to the Council as a whole and shall be limited to five (5) minutes unless additional time is granted by the Council. \*\*

**CITY MANAGER REPORT:** The City Manager will update and inform the public of specific items of interest regarding City matters.

### **NEW BUSINESS:**

1. Consent Agenda: \*\*\*
  - 1a. Minutes of the December 9, 2013 Worksession \*
  - 1b. Minutes of the December 9, 2013 Regular Meeting \*
  - 1c. Purchase of K9 Patrol SUV for the Police Department
  - 1d. Invoices processed for the period from December 13, 2013 through January 2, 2014 \*
2. Discussion and possible action on a request to fill the Seasonal part-time Prep Cook/Dishwasher position at Benson City Grille/San Pedro Golf Course – **Brad Hamilton, P.E., Interim City Manager/Public Works Director/City Engineer \***
3. Discussion and possible action in regards to membership in the Southeast Arizona Economic Development Group (SAEDG) – **Brad Hamilton, P.E., Interim City Manager/Public Works Director/City Engineer \***
4. Discussion and possible action regarding the Population Growth Plan proposed by the Benson Economic Development Subcommittee – **Brad Hamilton, P.E., Interim City Manager/Public Works Director/City Engineer \***
5. Discussion and possible action regarding the development of an Asset Inventory for the City of Benson at the cost of \$15,000, Branding for the City of Benson at \$5,000 and a Marketing Plan for the City of Benson at \$50,000 at the recommendation of the Benson Economic Development Subcommittee – **Brad Hamilton, P.E., Interim City Manager/Public Works Director/City Engineer \***
6. Discussion and possible action regarding termination of the Benson Economic Development Subcommittee with possible directive for advertising and recruiting of members of a reconstituted Benson Economic Development Subcommittee – **Vice Mayor Sacco and Councilman Ron Brooks**

**EXECUTIVE SESSION:** As per A.R.S. §38-431.03 (A)(1), (3) & (4), Discussion or consideration of employment, assignment, appointment, promotion, salaries, or resignation of a public officer, appointee or employee of the City. The Council will discuss and consider the status of negotiations regarding the possible appointment and employment contract of the City Manager, and may receive legal advice and give instructions per A.R.S. section 38-431.03(D).

7. Discussion and possible action in approving an employment contract with William Stephens for the position of City Manager – **Brad Hamilton, P.E., Interim City Manager/Public Works Director/City Engineer**
8. Review and discussion of City Finances with emphasis on November 2013 financial results, and the City's financial position at November 30, 2013 – **Megan Moreno, Finance Director \***

**EXECUTIVE SESSION:** Pursuant to A.R.S. §38-431.03 (A)(3) & (4), for discussion or consultation for legal advice with the attorney or attorneys of the public body regarding the City's position and to instruct its attorney(s), in accordance with A.R.S. section 38-431.03(D), regarding pending litigation, Stagecoach Trails Mobile Home Court (MHC) vs. the City of Benson, Arizona, et. al. and 1983 Civil Rights Claim – Stagecoach Trails Mobile Home Court (MHC), LLC and Jay Kendrick vs. the City of Benson, Arizona, et al. and/or 1983 Civil Rights Claim – Dianne Tipton vs. the City of Benson, Arizona, et. al.

9. Discussion and possible directive to City Attorney in regards to Stage Coach Trails Litigation Case # 2 CA-CV 2011-0085 and/or No. 4:11-CV-00398-RCC and/or No. 4:11-CV-00508-TUC-GEE – **Vice Mayor Sacco, Councilmember Boyle and Councilmember Brooks**

**EXECUTIVE SESSION:** Pursuant to A.R.S. §38-431.03(A)(3), Discussion or consultation for legal advice with the attorney or attorneys of the public body regarding the status of the Mayor and Council approved investigation regarding RikerTek

**EXECUTIVE SESSION:** Pursuant to A.R.S. §38-431.03(A)(3), Discussion or consultation for legal advice with the attorney or attorneys of the public body regarding the status of the Mayor and Council approved investigation regarding Jim Cox

**EXECUTIVE SESSION:** Pursuant to A.R.S. §38-431.03(A)(3), Discussion or consultation for legal advice with the attorney or attorneys of the public body regarding possible procedural changes to manner in which review and approval of invoices are conducted

10. Discussion and possible action in regard to the way Mayor and Council approve City Invoices – **Vice Mayor Sacco and Councilmember Brooks**

**EXECUTIVE SESSION:** Pursuant to A.R.S. §38-431.03(A)(1), (3) & (4), Discussion or consideration of employment, assignments, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, specifically the City Attorney's employment contract language

**DEPARTMENT REPORTS:** Written Department Reports will be provided to Councilmembers as part of the Council packet monthly.

## **ADJOURNMENT**

POSTED this 9th day of January, 2014

Material related to the City Council meeting is available for public review the day before and the day of the meeting, during office hours, at the City Clerk's Office located at 120 W. 6th Street, Benson, Arizona, 520-586-2245 x 2011.

All facilities are handicapped accessible. If you have a special accessibility need, please contact Vicki L. Vivian, City Clerk, at (520) 586-2245 or TDD: (520) 586-3624, no later than eight (8) hours before the scheduled meeting time.

Any invocation that may be offered before the start of regular Council business shall be the voluntary offering of a private citizen, for the benefit of the Council and the citizens present. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the religious beliefs or views of this, or any other speaker.

Executive Session – Upon a vote of the majority of the City Council, the Council may enter into Executive Session pursuant to Arizona Revised Statutes §38-431.03.

\* Denotes an Exhibit in addition to the Council Communication

\*\* Call to the Public

Arizona Revised Statutes §38-431.01(H) provides that "A public body may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions to allow individuals to address the public body on any issue within the jurisdiction of the public body. At the conclusion of an open call to the public, individual members of the public body may respond to criticism made by those who have addressed the public body, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for

discussion and legal action.” As such, Call to the Public agenda items are provided as a courtesy to allow citizens an opportunity to voice any concerns or opinions they may have regarding the City of Benson or other matters properly addressed to the City Council. However, in accordance with Arizona law, citizens need to understand that the City Council is not permitted to enter into a direct discussion with the citizens speaking on any issues of concern during the Call to the Public and no legal action can be taken, unless the matter is properly noticed on the agenda.

In order to speak during the Call to the Public, please complete the Call to the Public form requesting to do so.

### \*\*\* Consent Agenda

The Consent Agenda will be the first item under New Business and shall list separately distinct items requiring action by the City Council that are generally routine items not requiring Council discussion. A single motion will approve all items on the Consent Agenda, including any resolutions or ordinances, or claims/invoices that are of a routine nature. A Councilmember may remove any issue from the Consent Agenda, and that issue will be discussed and voted upon separately, immediately following the Consent Agenda under its proper regular category of New Business.