

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD OCTOBER 10, 2011 AT 7:00 P.M.
AT CITY HALL, 120 W. 6TH STREET, BENSON, ARIZONA**

CALL TO ORDER:

Mayor King called the meeting to order at 7:00 p.m. with the pledge of allegiance.

ROLL CALL:

Present were: Mayor Toney D. King, Sr., Vice Mayor Lori McGoffin, Councilmembers Ron Brooks, David Lambert, Nick Maldonado, Chris Moncada and Al Sacco.

EMPLOYEE RECOGNITION: Mayor King recognized Edward Eison for 5 years of service with the City of Benson.

PROCLAMATION: There was a proclamation of the Mayor and Council declaring October 24, 2011 as World Polio Day.

PUBLIC HEARING: None.

CALL TO THE PUBLIC:

J.W. Hill addressed Council thanking them for looking into his complaints regarding what he feels is the City's lack of response to ordinance violations. Mr. Hill then stated the City has a long way to go and he will be here until it gets done.

Steve Sacco, owner of Postal Annex addressed Council regarding the pending claim Postal Annex has against the City. Mr. Sacco stated Postal Annex had a court ordered garnishment for payment of legal fees in their case with Hirani Oil, adding he was very frustrated since the whole legal mess wasn't even their fault. Mr. Sacco then stated he was taught to obey the law and that local government representatives have the power to enforce that law. Mr. Sacco then stated on May 23, 2008, they were given a condemnation letter signed by Mike Lockett and they had no reason to believe the letter wasn't valid nor did they have any reason to believe it was delivered in error, therefore, believing the contents of the letter were accurate, they, at great expense, moved their business and were now being penalized for following the law and moving as they were instructed to do by a City employee. Mr. Sacco then stated the attorneys representing the City appointed by the risk pool are basing the defense of the claim solely upon the idea that the complaints were filed too late, but it does not change the fact that Mike Lockett had no concrete reason for condemning their suite at 581 W. 4th Street. Mr. Sacco then read an excerpt from Mr. Lockett's sworn deposition, adding Mr. Lockett wanted to condemn their suite and had every intention of doing just that. Mr. Sacco then stated he would have to ask why it took Mr. Lockett two months to rescind his condemnation and why he allowed them to continue to believe the building was condemned, thus allowing them to spend tons of money in their legal defense. Mr. Sacco then stated despite what the attorneys for the City might believe, the Council is now in a unique position to correct Mr. Lockett's mistake and can use their authority as City Councilmembers to settle their claim so both they and the City can move forward. Mr. Sacco then stated the Council has the power to show City government does care about the welfare of its citizens and local businesses by thinking outside the box and settling their claim.

Tom Fitzgerald addressed the Council regarding the City pool upgrade stating the idea is to spend \$50,000 to fix something that may not be broken. Mr. Fitzgerald then stated anyone can go online and get information about desalination and salt water pools, reading from Wikipedia about the process, the benefits and the disadvantages. Mr. Fitzgerald then stated he hopes Council looks closely at the proposed project and decides wisely.

CITY MANAGER REPORT:

City Manager Glenn Nichols then addressed Council, giving the dates of upcoming meetings and events.

- October 11, 2011 – Library Advisory Board, 4:00 p.m., Library
- October 15, 2011 – Historic Preservation Commission, 9:00 a.m., City Hall
- October 24, 2011 – City Council Meeting, 7:00 p.m., City Hall
- October 25, 2011 – Community Watershed Alliance, 6:30 p.m., City Hall

- October 31, 2011 – Halloween Carnival, 6:00 p.m. – 8:30 p.m. at the Fire Station located at 375 E. 7th Street in Benson. The Carnival is sponsored by the Benson Firemates, GFWCAZ Benson Junior's, Benson Fire Department, Pomerene Fire Department, Mescal Fire Department and the City of Benson. There will be games and prizes, a costume contest that will begin at 7:00 p.m. sharp and a Haunted House.

Mr. Nichols stated information on I-10 closures can be found at www.azdot.gov. Mr. Nichols then stated from Monday, October 17 to Friday, October 28, the airport runway will be closed for repairs. Mayor King then stated due to training he will be attending out of town, he will be unavailable for the next few meetings, adding Vice Mayor McGoffin will chair the meetings until he is able to return. Mayor King then stated he would like to thank the Chamber of Commerce, the Rotary and any others involved in Butterfield Stage Days, adding the event was amazing and he received a lot of positive comments.

NEW BUSINESS:

1. Consent Agenda

- 1a. Minutes of the September 26, 2011 Regular Meeting, Including Executive Session Minutes
- 1b. Invoices processed for the period from September 20, 2011 through October 3, 2011

Councilmember Lambert moved to approve the Consent Agenda. Seconded by Councilmember Sacco. Motion passed 6-0 with Vice Mayor McGoffin abstaining.

2. “Shop with a Cop” Program update from Denise Celentano

Councilmember Lambert introduced Denise Celentano, the Executive Director of Benson Shop with a Cop. Ms. Celentano stated they are about to embark on their second year to have local law officers and agents take children shopping for Christmas and they appreciate the great responses from those who volunteered last December and hope those and others will be encouraged to make a difference in this years event. Ms. Celentano then stated Shop with a Cop has created its own non-profit status with a board and an advisory committee and they plan on growing the event every year they can and with the financial backing of the community and corporations like Wal-Mart, AEPCO, Love's Truck Stop and newly aboard, Apache Nitrogen Products. Ms. Celentano then thanked the City of Benson, not only for the on-going encouraging support, but also for the donation. Ms. Celentano then stated this year they have made plans to take up to 22 at-risk children to the Presbyterian church and after they have enjoyed a breakfast made with the helping hands of the Elks Club members, they will go to Wal-Mart with the officers' lights and sirens on to enjoy a shopping excursion and then will go back to the church for the gift wrapping of their items. Ms. Celentano then stated she is hoping to receive food donations and gift wrapping supplies to ensure all donations go toward the children's shopping funds, adding they hope to have a positive role model group to assist the Elks Club in serving breakfast and another to assist with gift wrapping. Ms. Celentano stated anyone is welcome to contact her for more information or can go to their website, www.BensonShopwithaCop.org. Councilmember Lambert then read a brief statement, saying the local Benson Elks Lodge #2853 has been so inspired by the program and its progress; they had decided to make a donation in the amount of

\$1,500.00 and pledged an additional \$500.00 to pay for any breakfast expenses and to assist with wrapping paper and accessories as needed. Esteemed Leading Knight Jerry Pollard and the officers and members of the Benson Elks Lodge in attendance then presented a check to Ms. Celentano.

3. Discussion and possible direction to staff on CIP PR 10-1 City Pool Improvements

Public Works Director Brad Hamilton addressed Council stating the goal of this project was to upgrade the pumps and filters at the pool, as well as adding a salt system. Mr. Hamilton then stated upon investigating the options, he found there were many different claims, so he went to an engineering firm that designs multi-million dollar pools and resort pools and had them complete an evaluation and make recommendations on what could be done to lower the operating costs and require less maintenance. Mr. Hamilton then stated one thing they pointed out almost immediately, is for the amount of people that use the pool, the equipment is not nearly adequate. Mr. Hamilton then stated he is bringing the recommendations and options to the Council for direction, adding the project would be split into phases over 2 fiscal years or we could look at a different type of chlorine. Recreation/Tourism Assistant Laura Parkin then addressed Council stating with the current filter system, it can take anywhere from 2-4 hours to clean the filters properly, adding they should be cleaned everyday and when the pool is opened and in operation, they must be cleaned daily. Ms. Parkin then stated when there is a bad wind and big dust storm; it can take up to a week to clean the pool, due to having to constantly clean the filters. Ms. Parkin then stated the chemicals would stay regulated better if there was a better filtration system and a higher flow rate to meet the demands of the pool, adding for the month of June, we had approximately 117 average daily swimmers and the month of May was very high also. Ms. Parkin then stated the pool had to be completely drained this spring because they could not get the chemicals at the right levels. Mayor King stated he has a salt system in his pool and it's a very good system, adding it cuts down on chemicals and will pay for itself in the long run. Councilmember Brooks then asked about the options for salt delivery systems with Mr. Hamilton stating salt can be spread across the bottom of the pool or can be put into a tank and then is injected right before it goes into the salt reactor. Mayor King asked about the cost difference with Mr. Hamilton stating the injection system is approximately \$2,500.00 more. Mayor King then asked about the possibility of corrosion with Mr. Hamilton stating the level of salt is so much lower that it shouldn't affect the chrome or anything that we're currently using. Discussion then focused on the man hours spent on the pool and the salt system being less labor intensive with Mr. Hamilton stating once the salt is in the pool, the levels are monitored and it's not very labor intensive. Councilmember Lambert asked about the injection system and if additional salt is automatically delivered with Mr. Hamilton stating the system would monitor the amount of disinfectant the water needs and would automatically inject additional amounts as required. Councilmember Brooks asked about the disinfectant process with Mr. Hamilton stating the system uses an electric charge to break the salt molecule back down into its elements of sodium and chlorine, with the chlorine attacking whatever biological is there and then the elements recombine, adding while there is some decay of the salt, it's not significant decay over time. Councilmember Brooks then confirmed there is not actually any contaminated waste with Mr. Hamilton verifying after the elements are through the reactor, they are back to salt. Mr. Hamilton then stated the pool currently has cartridge filters and they are proposing to change them out with sand filters, which will cut down tremendously the time spent on pool maintenance. Councilmember Maldonado stated at his place of employment he is charged with pool maintenance and he knows paper filters are not the way to go. Councilmember Brooks then asked how long it would take to complete the project with Mr. Hamilton stating since the system is larger, the equipment room would need to be enlarged, adding it would be about a month, as long as we could line up subcontractors. Councilmember Lambert then stated since the CIP (Capital Improvement Plan) had already been approved for the salt system for \$35,000, Council was only looking at whether or not they wanted to increase the amount to complete the project all at one time instead of doing in segments. Vice Mayor McGoffin then moved to approve the salt system with what Mr. Hamilton deemed necessary with the transfer of the funding from the CIP Project in the amount of \$57,635.76. Councilmember Lambert stated he would like to have the motion amended to include the injected salt system, adding he thinks it would be a benefit to pay the additional \$2,500 now instead of spending a lot more money later on to add it. Vice Mayor McGoffin then amended her motion to include the salt injection system. Amended motion seconded by Councilmember Lambert. Motion passed 5-2 with Councilmembers Brooks and Sacco voting nay.

EXECUTIVE SESSION: Pursuant to A.R.S. §38-431.03(A)(7), Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property.

Vice Mayor McGoffin moved to enter into Executive Session with the Mayor and Council, City Manager, City Attorney, Public Works Director and City Clerk at 7:38 p.m. Seconded by Councilmember Sacco. Motion passed 7-0.

Council reconvened at 8:08 p.m.

4. **Discussion and possible action regarding the purchase of real property located at 100 W. 6th Street., Benson, Arizona**

Mayor King directed staff to continue negotiations on this property.

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) regarding pending litigation, Steven J. Sacco and Sharon L. Sacco, dba Postal Annex vs. City of Benson, Third-Party Defendant and Raymond Johnson II, 4R Enterprises, dba Radio Shack, K-484 vs. City of Benson, Third-Party Defendant

Vice Mayor McGoffin moved to enter into Executive Session with the Mayor and Council, excluding Councilmember Sacco (who stated he would be abstaining), City Attorney Mike Masee and the City's outside legal counsel provided by the Arizona Municipal Risk Retention Pool, Mr. Marshall Humphrey, the City Manager and the City Clerk at 8:09 p.m. Seconded by Councilmember Brooks. Motion passed 6-0 with Councilmember Sacco abstaining.

Council reconvened at 8:38 p.m.

DEPARTMENT REPORTS: None

ADJOURNMENT:

Vice Mayor McGoffin moved to adjourn at 8:38 p.m. Seconded by Councilmember Maldonado. Motion passed 7-0.

Toney D. King, Sr., Mayor

ATTEST:

Vicki L. Vivian, CMC, City Clerk