

**THE REGULAR MEETING  
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA  
HELD OCTOBER 12, 2015 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 7:11 p.m. with the Pledge of Allegiance. Mayor King then introduced Pastor Kirk Sorenson from the First Assembly of God who offered the invocation.

**ROLL CALL:**

Present were: Mayor Toney D. King, Sr., Councilmembers Pat Boyle, Jeff Cook, Joe Konrad, David Lambert and Chris Moncada. Absent was: Vice Mayor Lori McGoffin.

**EMPLOYEE RECOGNITION:**

Mayor King recognized David Estrella for 35 years of service with the City of Benson. Mr. Estrella was not in attendance.

**PROCLAMATION:**

Mayor King then read a proclamation of the Mayor and Council declaring October 13, 2015 as "Military Vehicle Preservation Association Convoy Day."

**PUBLIC HEARING:** None

**CALL TO THE PUBLIC:**

Tricia Gerrodette, Eagle Ridge Drive, Sierra Vista, stated she just wanted to thank the Council for what she found to be a helpful and informative worksession. Ms. Gerrodette stated there was a lot of information, adding the Council has a lot to deal with and the information was great. Ms. Gerrodette stated she learned a lot and she imagined the Council did too. Ms. Gerrodette then stated she looked forward to the process moving forward.

Donald Buchanan, River Road, St. David, stated he wouldn't be here tonight, but he found it necessary to correct some of the misleading statements made after him at the last meeting. Mr. Buchanan then stated he would like to repeat that he was not here to stop the Villages at Vigneto, but was here to encourage the best uses of water conservation. Mr. Buchanan then stated he found out a previous Mayor, Councilman and businessman in Benson has put together a detailed packet on what the best method of water conservation would be in that subdivision and he knows it will be presented to El Dorado, adding he hopes they will look at what is a well thought out best method. Mr. Buchanan then stated his interest is personal because it cost him \$20,000 to drill his well and he is fairly certain large quantities of water being removed from that area could affect his well, adding he is retired and doesn't know that he could afford to drill another well or do whatever would be necessary if his well went dry. Mr. Buchanan then stated it seems to be the opinion of one of the speakers at the last meeting that people who don't live in Benson have no business speaking here, but he doesn't think that is true. Mr. Buchanan then stated he is a neighbor of Benson, adding if a neighbor threw a loud party at 2 a.m., he would complain and if it didn't stop, he would call the Police Department and if his neighbor dug a hole near his fence and it fell over, he would certainly complain. Mr. Buchanan then stated he has the right to be interested in what Benson is doing and to talk to the Council about it, adding whoever says he doesn't is totally ignorant of the real world, unless Benson just doesn't care about its neighbors. Mr. Buchanan then stated there was an insinuation that he gave false information about the USGS program presented by the Northern Cochise Democratic Committee, adding all he did was present the facts and if it was negative, that means the facts were negative. Mr. Buchanan then stated the USGS said the science wasn't there to make a 100-year certificate a valid certificate. Mr. Buchanan then stated the environment can be changed, adding it does affect animal life and other things, but it was intimated that

whatever anyone did to the environment was fine and that the birds could fly another way. Mr. Buchanan then stated the next time a woolly mammoth drinks from the bird bath, or the T-Rex comes and eats someone's cats is when he will believe the environment is not important.

Barbara Nunn, La Cuesta Drive, Benson, addressed the Council concerning numerous issues including the Benson Shop with a Cop program, outsiders attempting to derail Benson's progress and the Council being the Communities Facilities District Board. Ms. Nunn distributed her comments to the Council and they will be retained with the Council packet.

Dave Thompson, La Cuesta Drive, Benson, addressed the Council regarding numerous items including the non-residents of Benson who address the Council to criticize how Benson functions, the Cochise County, Arizona, Individual & Property Rights Association who is a group of people dedicated to sabotaging business enterprises and oppose change and growth in Southern Arizona, how the Arizona Department of Water Resources has been praised by the Governor as being a role model for water management despite other opinions, the water supply for the proposed Villages at Vigneto development and people who are anti-growth. Mr. Thompson distributed his comments to the Council and they will be retained with the Council packet.

Mike Reinbold of El Dorado, 426 N. 44th Street, Phoenix, stated he would like to discuss the postponement of the Planning & Zoning Commission October 13 meeting, stating he wanted to make it clear to the community that the meeting was postponed for the opportunity for Staff and third party reviewers to complete their review and to have a complete public hearing with all of the information. Mr. Reinbold then stated he wanted to make sure it is clear to everyone that it was not postponed for any other reason other than the effort to produce the best product when the hearing takes place. Mr. Reinbold then stated he had one comment on water issues, adding he attended the same meeting Mr. Buchanan attended, but he heard different things than Mr. Buchanan heard, noting he thinks that happens. Mr. Reinbold then stated one of the questions asked very specifically, was would this new model be able to predict the future and the unequivocal response was, it cannot; it is merely a tool. Mr. Reinbold then stated in terms of studies, he agrees with Mr. Thompson, who said that ADWR (the Arizona Department of Water Resources) is the authority, adding he agrees with that statement.

### **CITY MANAGER REPORT:**

City Manager William Stephens addressed Council, giving the dates of upcoming meetings and events.

- |                             |  |
|-----------------------------|--|
| Tuesday, October 13, 2015   | - Library Advisory Board, 4:00 p.m., City Library    |
| Wednesday, October 21, 2015 | - Community Watershed Alliance, 6:30 p.m., City Hall |
| Monday, October 26, 2015    | - City Council Meeting, 7:00 p.m., City Hall         |

Mr. Stephens then stated Mayor King had read a proclamation for the Military Vehicle Preservation Association convoy, which is driving the Bankhead Highway from Washington D.C. to Balboa Park in San Diego, and is coming to Benson tomorrow. Mr. Stephens then stated when the convoy leaves Bisbee, they will call with an estimated time of arrival, which should be somewhere between 11 and noon. Mr. Stephens then stated this 3,300 mile trek, 29 day convoy will come through Benson on their way to their final destination and for those who wish to follow the convoy activity, they can go online to Facebook at [www.facebook.com/MVPAConvoy](http://www.facebook.com/MVPAConvoy) and/or at [www.mvpa.org](http://www.mvpa.org), adding HAM Radio operators have the opportunity to listen to the Convoy at [www.CONVOYONTHEAIR.org](http://www.CONVOYONTHEAIR.org). Mr. Stephens then stated for more events in Benson, the public could visit the City's website: [www.cityofbenson.com](http://www.cityofbenson.com) under "What to do Today."

Mayor King then stated he would like the public to let their neighbors know about the convoy and invited everyone to come, adding he will be reading the proclamation again and Councilmember Lambert will be passing out City pins to welcome the convoy. Councilmember Konrad verified the convoy would be stopping at 4th Street and Ocotillo.

## **NEW BUSINESS:**

### **1. Discussion and possible action on the Consent Agenda**

- 1a. Minutes of the September 14, 2015 Regular Meeting
- 1b. Purchase of a 2015 Toyota Highlander LE for the City Manager vehicle in the amount of \$33,100.90 under approved budget CIP Project CM 16-01
- 1c. Invoices processed for the period from September 19, 2015 through September 30, 2015

Councilmember Moncada moved to approve the Consent Agenda. Seconded by Councilmember Boyle. Motion passed 6-0.

### **2. Discussion and possible action regarding Resolution 27-2015 of the Mayor and Council of the City of Benson, Arizona, recommending approval of the Acquisition of Control of the Liquor License at G&F Pizza Palace, 114 E. 5th Street, Benson, Arizona**

City Clerk Vicki Vivian addressed Council stating G&F Pizza Palace has applied for acquisition of control of the liquor license. Ms. Vivian stated the procedures had been followed according to A.R.S. §4-201 and §4-203(F), with no written arguments in favor of or opposed to the issuance of the license being received. Ms. Vivian then stated this is now the step where the Council enters an order recommending approval or disapproval within sixty days after the application is filed, adding once Council makes a recommendation, she will forward the proper documents to the Arizona Department of Liquor Licenses & Control. Councilmember Moncada stated he would be abstaining from this issue. Mayor King stated Mr. Thomas Adams from G&F was present at the meeting. Mr. Adams stated he is simply transferring the license to his son, Mark Adams, as his son is the owner. Councilmember Lambert moved to approve Resolution 27-2015. Seconded by Mayor King. Motion passed 5-0 with Councilmember Moncada abstaining.

### **3. Discussion and possible action regarding Resolution 28-2015 of the Mayor and Council of the City of Benson, Arizona, approving and authorizing execution of an agreement with Sunsites-Pearce Fire District for temporary use of its Fire Safety Trailer for Fire Prevention Education**

Fire Chief Keith Spangler addressed Council stating every year the Fire Department teaches fire prevention at the schools educating children with “stop, drop and roll” and other fire prevention information. Chief Spangler then stated this year, the department has the opportunity to use a safety trailer to show the kids what it’s like when a room fills with smoke. Chief Spangler then stated there is no cost to use the trailer; just an agreement to do so. Councilmember Moncada moved to approve Resolution 28-2015. Seconded by Councilmember Konrad. Motion passed 6-0.

### **4. Discussion and possible action regarding the establishment and hiring of a Management Assistant in the City Manager’s office**

City Manager William Stephens stated this item was placed on the agenda to allow Council to discuss the needs and requirements of the City Manager’s/Administrative Office, adding this is an issue that has been discussed for quite some time and tonight the Council has the opportunity to discuss the need or lack thereof and can direct him, if they choose, to put together a job description and salary range for Council’s consideration. Mayor King then stated he was the one who brought the item up, adding he thinks it’s time to get an assistant in Mr. Stephens’ office.

Councilmember Boyle asked what this person would be doing with Mr. Stephens stating in the past, the City Manager had a secretary, adding he would need to take a look at the position to determine what would be needed. Mr. Stephens then stated there are 2 existing positions that were done quite a while ago and they don’t completely encompass the changes that have occurred, adding what was designed back then is not necessarily good for today. Mr. Stephens then stated there would be a number of issues between managing the office and keeping track of all the issues that come in, adding many times, there are multiple issues all at once and this person would help sort

through and prioritize those. Mr. Stephens then stated with development issues such as Vigneto, multiple organizations ask questions about a number of things and some of those are media-related, adding he would have this person help formulate information for the City's response. Mr. Stephens stated these are a few examples along with the daily administrative process that is required in assembling things for his use, so he is not having to chase down details and can then take phone calls from Council or others to discuss issues while other issues are being handled. Mayor King then stated with this person setting appointments and answering phone calls, it would alleviate some of incoming phone calls the Clerk and Deputy Clerk answer, adding the Clerk's office does a wonderful job of keeping the City in the right place and helping the Council and the City Manager, but it would be nice to have an employee help with some of those duties.

Councilmember Lambert stated the Council did put this position in the budget this year along with the position for Human Resources. Councilmember Lambert then stated if this position would be used for Human Resources also, it would alleviate the Clerk's office having to handle Human Resources. Mayor King stated he had thought about that, but after considering it and having some information given to him by some of the former staff, he thinks it might be too much for one person to handle both roles. Mayor King then stated he knows it would relieve some of the burdens put on the City Clerk and the Finance Director, but he thinks the Council should consider the Human Resource position separately, stating again, that he thinks both roles would be too much for one person, but it's something the City Manager can look into. Councilmember Lambert stated he knows with the Villages at Vigneto coming in, it would almost be a full-time job just being an executive assistant, but this person could be used in the interim to help with Human Resources duties.

Councilmember Moncada stated as a business owner that has employees, he could say that Human Resources is a full-time job and he thinks the position of the assistant should be kept separate. Councilmember Moncada then stated there's not a shortage of work in the Administration office, but the City Clerk's department is also located in that office, adding he would like to make sure that whoever fills the position can help with other things. Councilmember Moncada then stated he thinks the City Manager does need an assistant, but he thinks the Council should hold off until the first of the year, then added, it's already mid-October, so by the time the process would be done, it would probably be January anyway. Councilmember Moncada then stated Mr. Stephens told him he needed someone who could help with research, adding being proficient in research and be able to work on their own should be included in the job description.

Councilmember Boyle stated he didn't want to see the City put itself in a bind and the Council needs to make sure this is warranted, adding the budget problems and furloughs last year were due to being overstaffed and he doesn't think all positions should be filled until they are needed. Councilmember Boyle then stated maybe the City should look at temps and then hire the temp or someone when it's needed, adding he doesn't want to spend money in advance of what is needed, but noted the City Manager's assistant is probably needed.

Councilmember Konrad stated when the phone rings at City Hall, a lot of times the call goes to the voice mail system and he thinks having someone on the other end of the phone is critical, adding one of the things the Council owes citizens is having the phones answered by a person. Councilmember Konrad then stated an executive assistant being there to field calls for the City Manager would be a big benefit, adding he has been in Mr. Stephens' office when his phone rings and he would like someone there to answer and field that call.

Mayor King stated Mr. Stephens puts in a lot of overtime, is very dedicated and is doing an amazing job, but now it's time for the Council to step up and say he needs help. Mayor King then stated he knows he calls Mr. Stephens and interrupts him a lot, but he knows that Mr. Stephens is very busy. Mayor King then stated he thinks it's very imperative the Council do this right now, especially with upcoming events, adding the need to have more information and research will be a big part of the job and having this position would take some of the burdens off Mr. Stephens so he can be in the places he needs to be and can do what he needs to do. Mayor King then stated Mr. Stephens has taken on challenges and has done his job almost to perfection and he thinks it's time the Council helps Mr. Stephens out so he can do other things.

Councilmember Moncada then stated the budget for this position is \$25,000 and he thinks the Council should stick with that, adding the City is seeing improvement, but Councilmember Boyle is right and the Council can't go on a spending spree.

Councilmember Cook stated he was sure Mr. Stephens had a type of person in mind and he can see the value of having someone who could be like a public information person for the City and be someone to relieve the burden on Mr. Stephens so Mr. Stephens could deal with issues people create, but when he envisions the kind of person Mr. Stephens would need as an assistant, it seems that \$25,000 would not be enough to hire that type of person.

Mr. Stephens stated if the job description is created to be more of a secretarial level job, the City may get an entry level secretarial type person and if the job description is created at a higher level of responsibility, the City may still get an entry level person for a high level responsibility position. Mr. Stephens then stated he didn't know if the City would be able to find someone with experience in the Benson area or who would be willing to move to Benson, adding he knows there have been difficulties in filling certain jobs due to a lack of applicants. Mr. Stephens then stated he had a discussion with the League and based on that discussion, he could create a job description and salary range, adding it may have to wait until next year to be put in the budget, unless funding is pulled from other positions that haven't been filled or will not be filled. Mr. Stephens then stated all he could do is put something together and bring it back to Council.

Mayor King stated he thought Mr. Stephens should go ahead, talk to the League and do some research, adding there might be some cities that have something similar to this out there. Mayor King then asked Mr. Stephens to bring the job description and salary range back to the Council as soon as possible, adding he knows Mr. Stephens is busy and working on so many things, but he would like to see this brought back soon.

Councilmember Lambert stated the current salary grade is 24, which is a minimum of \$27,400 up to a maximum of \$41,215 dependent on experience with Councilmember Moncada stating when the Council looked at salaries for each department, they actually budgeted \$25,000, meaning the Council would have to find that money from somewhere.

Councilmember Cook stated the Council may have to create a new position and if so, there are a lot of questions that have to be answered, but he is in favor of this being brought back to Council. Mr. Stephens stated this item on the agenda is for discussion, adding the Mayor asked for it to be on the agenda. Mr. Stephens then stated he will look at the budget and will research the issue to make sure the proposed job description is for an appropriate position with the appropriate workload. Mr. Stephens then stated the Council also needs to consider what is about to happen with the City and growth that will be forthcoming, adding with a population growth from 5,100 to potentially 70,000 over 20 years, City Staff will have to be expanded. Mr. Stephens then stated timing is everything and noted the Council is about to enter into budget considerations, adding last year the Council talked about strategic planning and financial planning with the budget process, which is right around the corner. Mr. Stephens then stated if it is determined that the position and the salary is more than the current budgeted amount, the Council could program it into the budget sessions, adding City Staff has been making do and he is sure they could continue until July 1, 2016, but he will bring this item back to Council for consideration.

Mayor King agreed that the Council should consider the coming growth, adding the Council should anticipate additional duties and Mr. Stephens' caseload increasing. Mayor King then stated he didn't want to hire someone who couldn't do the job once the caseload increases, adding Mr. Stephens needs to look into the job description and the possibility of expanding the description to get as close as he can to what will be needed.

Councilmember Konrad stated he would like to issue a word of caution, adding the way agenda is written is for a management assistant in the City Manager's administrative office, leading him to believe the position is for an administrative assistant, which is vastly different from an executive assistant. Councilmember Konrad then stated he wanted to make sure everyone knew what is being looked at, adding there is a huge difference in those two positions.

Mayor King then directed Mr. Stephens to look into this and to work on the job description and salary range to bring to Council for consideration.

5. **Review of City Finance with emphasis on August financial results and the City's financial position at August 31, 2015**

Finance Director Dustin DeSpain reviewed Citywide Financial highlights stating the City's unrestricted cash is \$1.2 million. Mr. DeSpain then stated the bond proceeds are \$1.07 million. Mr. DeSpain then stated revenues for the month of August exceeded the expenditures by over \$130,000, then stated the year-to-date fund balance is \$412,000 compared to last year at this time, which was -\$53,000. Mr. DeSpain then stated revenues for the month of August were \$754,000 and were \$1.5 million year-to-date, which is a \$93,000 increase from last August; monthly personnel costs were \$338,000, which is an increase of \$34,000 compared to last August, adding some positions that were vacant have been hired recently. Mr. DeSpain then stated other expenses for the month of August were \$270,000, which is a decrease of \$5,000 compared to August, 2014.

Councilmember Moncada asked about sales tax collections with Mr. DeSpain stating the City retail sales tax is up from the previous two years, adding there is about a \$6,000 increase for the month compared to August. Mr. DeSpain then stated the State of Arizona has also seen the sales tax increase from the last two years, then stated August is usually a lower collection month, noting some businesses started collecting the increased sales tax early, which may attribute some of the increase.

Mr. DeSpain then continued, reviewing the General Fund stating revenues for the month of August were \$330,000 and \$748,000 year-to-date, which is an increase of \$18,000 from last August. Mr. DeSpain stated General Fund personnel costs for the month of August were \$221,000 which is an increase of \$20,000 from last August. Mr. DeSpain then stated other expenses in the General Fund for the month of August were \$104,000 which was an increase of \$25,000 from August, 2014. Mr. DeSpain then stated General Fund revenues did not exceed General Fund expenditures for the month of August, noting the expenditures were \$2,000 more than the revenue. Mr. DeSpain then stated the year-to-date fund balance is \$129,000 which is an increase of \$324,000 from last year at this time.

Mr. DeSpain then reviewed Enterprise Funds stating the Gas Fund revenue for the month of August was \$38,000 and year-to-date was \$76,000 and the fund balance was \$8,000, adding an increase will be seen as the weather gets colder; the Water Fund revenue for the month of August was \$63,000 and year-to-date was \$128,000 and the fund balance was \$48,000; the Wastewater Fund revenue for the month of August was \$56,000 and year-to-date was \$118,000 and the fund balance was \$49,000; the Sanitation Fund revenue for the month of August was \$49,000 and year-to-date was \$99,000 and the fund balance was \$50,000, noting this will come back down after the vendor resumes billing the City on a normal basis. Mr. DeSpain then stated the Golf Course Operations fund balance was -\$27,000 for the month of August and was -\$21,000 year-to-date, which is a slight improvement from last year at this time and the Golf Course Food & Beverage was fund balance was -\$4,000 for the month of August and was -\$3,000 year-to-date, which is comparable to last year. Mr. DeSpain then stated the Golf Course does have a lot of costs in the month of August such as reseeding.

Mr. DeSpain then reviewed sales tax stating City sales tax is about \$6,000 higher than last August and Bed Tax collections are about the same as last year, but a slight increase should be seen shortly. Mr. DeSpain then stated Construction Sales Tax is not as low as it was in 2014 when the City had to pay back overpayments, but it is still down and is below \$10,000. Mr. DeSpain then stated total City sales tax is up about \$11,000, adding State tax collections are also up about \$3,000 increase, noting the State and the City are doing better than last year at this time.

Councilmember Konrad asked how the rental tax collections were going with Mr. DeSpain stating with the push from both the City and some residents, the State of Arizona sent out letters to all realtors who manage rental properties notifying that they are mandated by law to disclose rental properties and need to be collecting the rental tax. Mr. DeSpain then stated he has had several calls and people coming in, some of who are upset, but they are collecting this tax better. Councilmember Konrad asked if the tax applied to individual rentals with Mr. DeSpain

stating the current code applies the rental tax to the first rental anyone has, adding the tax rate was not increased and remains at 2.5%. Councilmember Moncada asked about collecting back taxes with Mr. DeSpain stating the Department of Revenue has to right to audit the last 10 years, but typically they only audit the last 3 years. Mr. DeSpain then stated the letter the Department of Revenue sent out only required property owners to register rental properties and to list when the rentals started. Councilmember Moncada then asked if they will be looking at past tax years with Mr. DeSpain stating he understood the Department of Revenue was going to proceed in reviewing the past 3 years.

**EXECUTIVE SESSION:** Pursuant to A.R.S. §38-431.03 (A)(3) and/or (4), discussion or consultation for legal advice with the attorney(s) of the public body, and/or discuss or consult with said attorney(s), about its position and instructing its attorneys about contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions to avoid or resolve litigation involving operations at the Benson Municipal Airport.

Councilmember Moncada moved to enter into an executive session with the Mayor and Council, the City Manager, the City Attorney, the Public Works Director and the City Clerk at 8:08 p.m. Seconded by Councilmember Konrad. Motion passed 6-0.

Council reconvened at 8:58 p.m.

**DEPARTMENT REPORTS:** No comments from Council.

**ADJOURNMENT:**

Councilmember Konrad moved to adjourn at 8:59 p.m. Seconded by Councilmember Boyle. Motion passed 6-0.

\_\_\_\_\_  
Toney D. King, Sr., Mayor

ATTEST:

\_\_\_\_\_  
Vicki L. Vivian, CMC, City Clerk