

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD DECEMBER 14, 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 7:21 p.m. with the Pledge of Allegiance.

ROLL CALL:

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

EMPLOYEE RECOGNITION:

Mayor King recognized Floyd Graf for 15 years of service with the City of Benson. Mr. Graf was not in attendance.

PROCLAMATION: None

PUBLIC HEARING: None

CALL TO THE PUBLIC:

Sharon Rock, Quality Hill, Bisbee, stated she has a financial background and recommends that the City of Benson should use the pay-as-you-go process for Staff costs for the El Dorado development. Ms. Rock also recommends that the City of Benson ask the developer for reimbursement for past Staff costs. Ms. Rock also stated that El Dorado should be willing to show full financial disclosure.

Paul Lotsof, a non-resident and business owner of the CAVEFM radio station, stated 2015 was a banner year in terms of the number of businesses that have closed in the City of Benson and if he has his way, CAVE FM will be leaving town too. Mr. Lotsof stated the Benson Economic Development Committee should be working on Economic Development and business retention and not events. Mr. Lotsof then stated he considers the 28,000 homes El Dorado claims they will build are a hoax; however, should the 28,000 homes be built, the current Council will be committing political suicide.

Tricia Gerrodette, Eagle Ridge Drive, Sierra Vista, stated the CFD (Community Facilities District) policies and procedures are on the agenda for discussion and possible action and urged the Council not to act on the item as the public has not had time to review the CFD policies and procedures, adding the policies and procedures were only brought to Council at this evening's worksession. Ms. Gerrodette then stated a letter was sent to Councilmembers this afternoon outlining six reasons why the Planning and Zoning Public Hearing scheduled for December 17, 2015 should be cancelled.

Terri Jo Neff, Tequila Trail, Mescal, stated the CFD (Community Facilities District) financial advisor should be appointed by the CFD board and not the City Council.

Stephen Insalaco, Pinto Place, J-6 Ranch, stated he wanted to talk about New Business Item 6, Resolution 31-2015 of the Mayor and Council of the City of Benson, Arizona, providing a fee and rate schedule for ground leases and aircraft parking at the Benson Municipal Airport. Mr. Insalaco stated he understood that these charges are to generate income from the increase in fees, but he hopes the City will inspect and repair any tie-down equipment that is not up to standard. Mr. Insalaco then stated he also hopes the increases will not include landing and radio communication fees.

George Scott, Director of SAEDG (Southeast Arizona Economic Development Group), 168 E. 4th Street, Benson, stated SAEDG has been working with the company that has been in negotiations for the purchase of the Johnson Mine and he is pleased to announce the sale of the mine closed today, which is good news for the local economy.

Alex Binford-Walsh, Cascabel Road, Benson, stated he is here representing the Cascabel Conservation Association, adding they have written a letter to the Benson Planning and Zoning Commission regarding the Villages of Vigneto final Community Master Plan; a copy of the letter was handed out to Mayor and Council and a copy of the letter will be retained with the Council packet. Mr. Binford-Walsh then stated the Cascabel Conservation Association is concerned about the effects that a large-scale development will have on the San Pedro River and the Cascabel Conservation Association asks that care be taken before the final decision is made. Mr. Binford-Walsh stated he would prefer that the citizens of Benson vote on this matter.

CITY MANAGER REPORT:

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

Wednesday, December 16, 2015 – Community Watershed Alliance, 6:30 p.m., City Hall
Monday, December 21, 2015 – Special City Council Meeting – Public Hearing, 7:00 p.m., City Hall
Monday, December 28, 2015 – City Council Meeting, 7:00 p.m., City Hall

Thursday and Friday,
December 24 & 25, 2015 – Christmas Holidays – City Offices Closed
Thursday, December 31, 2015
and Friday January 1, 2016 – New Year’s Holidays – City Offices Closed

Mr. Stephens then stated for more events in Benson, the public could visit the City’s website: www.cityofbenson.com under “What to do Today.”

NEW BUSINESS:

1. Discussion and possible action on the Consent Agenda

- 1a. Minutes of the October 12, 2015 Worksession
- 1b. Minutes of the October 26, 2015 Worksession
- 1c. Minutes of the October 26, 2015 Regular Meeting
- 1d. Resignation of Lupe Diaz from the Transit Advisory Committee (TAC)
- 1e. Appointment of Kirk Sorenson to the Transit Advisory Committee (TAC)
- 1f. Appointment of Kathleen Bushman to the Benson Library Advisory Board
- 1g. Invoices processed for the period from November 13, 2015 through December 3, 2015

Councilmember Lambert requested that Item 1f be removed from the Consent Agenda.

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

Consent Agenda – Items Removed:

1f. Appointment of Kathleen Bushman to the Benson Library Advisory Board
Councilmember Lambert stated he asked for this to be removed as the item was missing from the electronic Council packet and it should be tabled until the next scheduled Council meeting.

Councilmember Moncada moved to table Item 1f. Seconded by Councilmember Lambert. Motion passed 6-0.

2. **Discussion and possible action regarding the purchase of a banner to be placed at the Benson Union School Track advertising the City of Benson**

City Manager William Stephens stated this item has been placed on the agenda to allow the Council to consider and possibly take action on the purchase of a banner to be placed at the Benson Union School Track, advertising the City of Benson. Mr. Stephens stated the banner could recognize the 2015-16 Benson High School Football team's achievement of State Champion Runner-up and advertise the City, the Golf Course and the DARE program. Councilmember Moncada asked how much the banner would cost with Mr. Stephens stating he believed it was \$250.

Council then discussed the purchase of a banner to be placed at the Benson Unified School Track advertising the City of Benson and agreed the banner should say "A big thank you for all your achievements from the City of Benson."

Councilmember Moncada moved to approve \$250.00 for a banner to be placed at Benson Union High School. Seconded by Mayor King. Motion passed 6-0.

3. **Discussion and possible action regarding a Commercial Lease Agreement between the Benson Area Food Bank and the City of Benson for a portion of space upon real property located at 370 S. Huachuca Street, Benson, Arizona**

City Manager William Stephens stated he received a letter, per the contract, from the Benson Area Food Bank requesting the continuation of the lease for the real property located at 370 S. Huachuca Street for the period beginning January 1, 2016 and ending December 31, 2016. Mr. Stephens then stated there have not been any issues with the lease of this property to the Benson Area Food Bank.

Mayor and Council discussed the commercial lease agreement between the Benson Area Food and the City of Benson.

Councilmember Moncada moved to approve the Commercial Lease Agreement between the Benson Area Food Bank and the City of Benson for a portion of space upon real property located at 370 S. Huachuca Street, Benson, Arizona. Seconded by Councilmember Lambert. Motion passed 6-0.

4. **Discussion and possible action regarding Ordinance 579 of the Mayor and Council of the City of Benson, Cochise County, Arizona, pertaining to the National Flood Insurance Program, adopting by reference Flood Insurance Study, Flood Insurance Rate Maps and Floodplain Management Regulations; providing for repeal of conflicting ordinances; providing for severability; and providing penalties**

Public Works Director Brad Hamilton stated, FEMA has redone the firm panels of the flood insurance rate maps and as part of that update, FEMA requires that all political subdivisions adopt by Ordinance, the flood insurance study, the rate maps and the floodplain management regulations.

After a brief discussion, Councilmember Moncada moved to approve Ordinance 579. Seconded by Councilmember Konrad. Motion passed 6-0.

5. **Discussion and possible action regarding Resolution 30-2015 of the Mayor and Council of the City of Benson, Arizona, approving an Intergovernmental Agreement with the Arizona Department of Fire, Building and Life Safety, Office of Manufactured Housing (OMH)**

Public Works Director Brad Hamilton stated this is a updated IGA (Intergovernmental Agreement) with the Office of Manufactured Housing, adding back in 2010 the Office of Manufactured Housing made major cuts and only had one inspector for Northern Arizona and one inspector for Southern Arizona, and pushed most of

the inspections off onto Cities and Counties. Mr. Hamilton then stated this IGA continues the process of the City performing inspections locally in lieu of the State performing them.

After a brief discussion, Councilmember Moncada moved to approve Resolution 30-2015. Seconded by Councilmember Lambert. Motion passed 6-0.

6. **Discussion and possible action regarding Resolution 31-2015 of the Mayor and Council of the City of Benson, Arizona, providing a fee and rate schedule for ground leases and aircraft parking at the Benson Municipal Airport**

Finance Director Dustin DeSpain addressed Council stating on the second page there is a typo; the balloon fee is \$500.00 not \$5,000.00, adding this Resolution is going along with the emergency contract Council recently approved with Southwest Aviation and the application he is setting up to help the City establish a billing process through the City's system, noting this will create ability for those who have tie down fees to pay online and also access their bill online. Mr. DeSpain then stated the Resolution had not been updated since the Airport opened, adding he was now presenting the fees that needed to be adjusted, singled out and separated so the City has a better fee structure.

Mayor and Council discussed Resolution 31-2015. Councilmember Moncada moved to approve Resolution 31-2015. Seconded by Mayor King. Motion passed 6-0. City Attorney Paul Loucks asked if the motion included the amendment to the balloon fee. Councilmember Moncada then moved to approve Resolution 31-2015 with an amendment to the balloon fee from \$5,000.00 to \$500.00. Seconded by Mayor King. Motion passed 6-0.

7. **Discussion and possible action to purchase a bronze sculpture as a memorial for the Police Department K-9, Officer Riggs**

City Manager William Stephens stated this item was placed on the Agenda by Councilmember Lambert.

Councilmember Lambert stated he has been working really close with Sargent Graf from the Benson Police Department about creating a memorial for Officer Riggs because Officer Riggs was the City's second Police dog. Councilmember Lambert then stated he was looking at a bronze statue to be put under the shade tree at the Police station, adding it would be mounted on an oversized slab of concrete with room for additional Police dogs. Councilmember Lambert then stated to get this project started, a 20% down payment, which is about \$1,000.00 would be required. Councilmember Lambert then stated if the Council wishes to approve this project, part of his motion would be to create a line item in the budget, adding he would want to do this as a fundraiser, noting he has spoken with the local boy scouts about an eagle scout doing this community project as a fundraiser. Councilmember Lambert stated he is trying to make it to where there would be no cost to the City, adding he has also spoken to local service clubs and the National Police Dog Association about donations, noting there are several places that do want to make donations to this project.

Mayor and Council discussed the possible purchase of a bronze sculpture as a memorial for Officer Riggs.

Councilmember Lambert moved to table this item until budget season. Seconded by Councilmember Moncada. Motion passed 6-0.

8. **Discussion and possible action regarding the purchase of a mascot suit for the City of Benson**

City Manager William Stephens stated this item was placed on the agenda by Councilmember Lambert.

Councilmember Lambert stated as all of the Council knows when they went to the League of Cities conference this year was that Dr. Fernandez spoke at the open ceremonies and his speech was about life, liberty and the pursuit of happiness, adding one of the things he brought up was the need to promote your City as a happy place. Councilmember Lambert stated there was a lot of information that came out of his speech, including

brainstorming and the Council talked about having a mascot for the City. Councilmember Lambert then stated one of the big things being promoted is the Benson Area Transit (BAT mobiles) and the City is doing everything with bats because of Kartchner Caverns. Councilmember Lambert then stated there is a local individual, Ms. Craig who lives in Benson and can produce the bat suit, adding Ms. Craig is here tonight should the Council have any questions. Councilmember Lambert stated he had pictures and some samples of material should the Council want to see them. Councilmember Lambert then stated these suits can range in price from \$6,000.00 to \$10,000.00; however, this suit would only cost \$1,100.00.

Mayor and Council discussed the purchase of a mascot suit.

Councilmember Lambert moved to approve the expenditure out of the Tourism budget for \$1,100.00. Seconded by Mayor King. Motion failed 4-2 with Councilmembers Boyle, Cook, Konrad and Moncada voting nay.

Mayor King then stated that he would reverse New Business Items 10 and 9.

10. **Discussion and possible action regarding the Community Facilities Districts policies and procedures**

Mayor and Council discussed the CFD policies and procedures.

Mayor King moved to table this item until December 21, 2015 with possible action on December 28, 2015. Seconded by Councilmember Moncada. Councilmember Konrad asked just for clarification that this was Agenda Item 10, Mayor King confirmed it was Agenda Item 10. Motion passed 6-0.

9. **Discussion and possible action regarding the cancellation of the December 28, 2015 Regular Council Meeting**

Mayor and Council discussed the cancellation of the December 28, 2015 Regular Council meeting.

Mayor and Council concurred that because of the CFD policies and procedures being tabled until December 28, 2015 they would not cancel the meeting.

This item failed due to the lack of a motion.

EXECUTIVE SESSION: Pursuant to A.R.S. §38-431.03 (A)(3), discussion or consultation for legal advice with the attorney(s) of the public body regarding the Villages at Vigneto project

No executive session was held.

DEPARTMENT REPORTS: No comments from Council.

ADJOURNMENT:

Councilmember Moncada moved to adjourn the meeting at 8:30 p.m. Seconded by Councilmember Konrad. Motion passed 6-0.

Toney D. King, Sr., Mayor

ATTEST:

Vicki L. Vivian, CMC, City Clerk