

**THE WORKSESSION
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD DECEMBER 21, 2015 AT 6:00 P.M.
AT CITY HALL, 120 W. 6TH STREET, BENSON, ARIZONA**

CALL TO ORDER:

Mayor King called the meeting to order at 6:10 p.m. with the Pledge of Allegiance.

ROLL CALL:

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

NEW BUSINESS:

1. Discuss the Community Facilities Districts policies and procedures

City Attorney Paul Loucks stated that he had just handed out the updated draft policies and procedures with the changes highlighted in red.

Mayor King asked for the explanation of a pro forma/feasibility study. Mr. Loucks explained it is under Section 2.5 and it would need to be submitted with the application to form a CFD (Community Facilities District), noting a pro forma/feasibility study would have already been completed internally by the developer. Mayor and Council discussed the feasibility study and its accuracy for a twenty-year project.

Mr. Loucks stated Mr. Mark Reader is also in attendance should Mayor and Council wish to confer with him. Mayor King asked Mr. Reader to comment on how this all works. Mr. Reader verified that what is being considered this evening is the updated draft of the policies and procedures relative to CFDs with Mayor King confirming that was correct. Mr. Reader then stated the new concept of Revitalization Districts (RDs) have also been added. Mr. Reader then stated the reason to have policies and procedures is so the developer can use this document to basically submit his application for consideration of forming a district and the pro forma/feasibility study asked for is basically the developer's business plan which basically forecasts out twenty years or the life of the project. Mr. Reader stated that once the Council gets an application to form a district, that application is going to raise a number of questions the Council will have for the developer.

Mayor and Council discussed the updates to the policies and procedures that were agreed to at the worksession held December 14, 2015.

Mayor and Council concurred the policies and procedures should include language that the City decides the review procedure and not have the developer stating that they won't pay for certain reviews; Mr. Loucks stated that the language is in the draft policies and procedures under Article 3.

Councilmember Konrad asked where Mr. Guckenberger was and if he should be at this meeting with Mr. Loucks stating Mr. Guckenberger is available by phone should the Council need him. Mayor King asked that Mr. Guckenberger join the meeting via telephone.

Councilmember Konrad stated Mr. Guckenberger had made five points at the worksession on December 14, 2015 that needed to be considered and Councilmember Konrad didn't believe the Council got through all of them. Councilmember Konrad then asked Mr. Guckenberger where he felt the Council was from the questions Mr. Guckenberger had from that worksession. Mr. Guckenberger stated he believes really good progress had been made on those five points and the Council is in pretty good shape.

Councilmember Boyle asked Mr. Guckenberger what the procedure would be to change the policies and

procedures once they have been adopted with Mr. Guckenberger stating the Council would amend the policies by Resolution.

Mayor and Council discussed the financial aspects of the policies and procedures. Mayor and Council concurred that they want a \$50,000 application fee and a \$50,000 deposit for third-party costs and Staff costs and once that amount reduces, an additional \$25,000 deposit will be made as often as needed.

Councilmember Konrad asked City Manager William Stephens to confirm that the City does not have a financial advisor with Mr. Stephens concurring the City does not. Councilmember Konrad stated the Council needs to address that sooner rather than later. Mayor King directed Staff to deal with this issue at upcoming Council meetings.

Mayor King then directed Staff to bring back the final draft of the CFD policies and procedures for Mayor and Council consideration at the next scheduled Council meeting of January 11, 2016.

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 concerning policies regarding the formation of special taxing districts

No executive session was held.

2. **Open Meeting Law Training, including but not limited to review of video and materials from Ombudsman's Office – Gary Cohen, City Attorney**

Mayor King moved to table this item until the next Council meeting, where there will be full attendance of the City Council. Seconded by Councilmember Moncada. Motion passed 6-0.

DEPARTMENT REPORTS: None

ADJOURNMENT:

Councilmember Moncada moved to adjourn at 7:17 p.m. Seconded by Vice Mayor McGoffin. Motion passed 6-0.

ATTEST:

Toney D. King, Sr., Mayor

Vicki L. Vivian, CMC, City Clerk