

**THE REGULAR MEETING  
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA  
HELD FEBRUARY 10, 2014, 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 the Allegiance.

**ROLL CALL:**

Present were: Mayor Toney D. King, Sr., Vice Mayor Al Sacco, Councilmembers Pat Boyle, Ron Brooks, Jeff Cook, Chris Moncada and Peter Wangness.

**EMPLOYEE RECOGNITION:**

Mayor King recognized Danna Judd for 5 years of service with the City of Benson. Mayor King then invited Mr. Bob Dix Brimmer of the Baha'i Faith to offer the invocation.

**PROCLAMATION:** None

**PUBLIC HEARING:** None

**CALL TO THE PUBLIC:**

Vicki Kramm addressed Council concerning the Community Development Block Grant, stating her understanding is that it is to benefit low-income people and areas, adding he it might be too late, but she is speaking anyway. Ms. Kramm then stated the subject was apparently discussed at previous Council meetings and was posted at City Hall, adding she finds a problem with that because no one has time to stop at City Hall and look at bulletins. Ms. Kramm then stated for the amount of money and importance of how it is distributed, she would have expected to see and hear a lot more advertisements. Ms. Kramm stated 2 projects were approved; one for sidewalks and she was afraid to ask what the other project was, and then asked if a committee decided on the projects or if it was just Mr. Hamilton who decided and then asked if Mr. Hamilton knew what it was like to be a low-income person. Ms. Kramm then stated a committee of 5 or 6 people needs to be appointed with 3 or 4 of them being in the low-income range to discuss projects for this grant funding. Ms. Kramm then asked how a sidewalk is going to help her with everyday living, or help a single mother put more food on her table for her children or help a father put gas in his car to look for a job, adding her version of helping low-income people is different than Council's version. Ms. Kramm then stated in the past, discussions have been held about cleaning up Benson, adding the main reason it doesn't get done is because people are not physically capable and can't afford to hire someone to do it, and asked why the funding could not be used for something like that. Ms. Kramm then stated it would be nice to know the area the money is being spent in and what happens to any money that is left over, adding the only benefit she sees is to the people who are getting paid to build the sidewalks. Ms. Kramm then stated in her day, she lived at a wrecking yard and her dad would come across people who were broke down and down on their luck, adding her dad always knew who was struggling and knew he wouldn't get paid, but he helped them anyway. Ms. Kramm then stated they don't make them like her dad anymore and his work ethics are few and far between. Ms. Kramm then stated this is why she takes this very serious and feels this block money should go to those who deserve it and to whom it will make a little positive difference in their lives to have it. Ms. Kramm then encouraged the Council and Mr. Hamilton to use this money for what it's meant for; to benefit low-income people and areas.

Stephen Insalaco addressed the Council regarding New Business Item 2. Mr. Insalaco's statement will be retained with the Council packet.

Jeff Cook stated he would like to address the recall election against him and read the following statement, "I'm Jeff Cook, I understand who I represent – the people of Benson. I have no alliances with other Council

persons. I represent only you. I do my own research on all agenda items. That involves interviews with Staff, discussions with citizens and my own independent research. I stand for what is right for the City as a whole, and represent many individuals who have no voice in this City. I have no personal agenda other than to use my God-given intellect to make all my decisions in the best interests of the people of Benson. I am being recalled because I am the latest target and whipping boy of the local loudmouth bully, also because I refuse to sit down, shut up and let the local loudmouth bully have his way. He is continually seeking out political vengeance to solve his real world problems. Over and over again, he has been proven wrong. I cannot sit down, shut up and let the City residents, the City staff and my fellow councilmen be targets of this local loudmouth bully's malicious, scorched earth vengeance. I will represent the people of this City, not the local loudmouth bully."

David Thompson stated he meant no disrespect to the Council, but he would like to address the public. Mr. Thompson then addressed the public concerning the recall election against Councilmember Cook. Mr. Thompson stated there may be a lot of reasons to recall Councilmember Cook or anyone else on the Council, but not the reasons Councilmember Cook is being recalled for, which was for having free thoughts, for researching information that he speaks on and represents and for not following the signals he receives from the umpire. Mr. Thompson stated that is called the American way and is called freedom and that is what we're supposed to have the right to do. Mr. Thompson then stated he applauds Councilmember Cook for sitting up there and having the courage to do what he thinks is right, no matter what anyone else thinks, adding the public doesn't have to agree with Councilmember Cook and doesn't have to vote for him, but he certainly has the right to say what he thinks. Mr. Thompson then stated the recall was started by a gentleman in Benson who states the City should cut employees, should cut spending and should stop wasting money, adding those are all good points, yet this person is unwilling to wait 30 days to file the recall and had he done so, the recall would have been part of the August election and would have cost the City of Benson nothing. Mr. Thompson then stated as it is, the person didn't want to wait and it's now going to cost the City somewhere between \$13,500 and \$14,000 to bring up this recall vote. Mr. Thompson then asked if this was in the best interest of Benson or if it was in the best interest of the individual and his ego, adding this person is the same person who wants to take money away from the Fire Department and who wants to not apply for a grant for a piece of equipment for the Fire Department; a truck that the Fire Department could have possibly got, adding those things benefit Benson, but wasting \$13,500 does not.

Paul Lotsof stated he noticed on the agenda was something about the restaurant at the golf course and what to do with it. Mr. Lotsof then stated the restaurant is losing money because not enough people go to it, adding one of the problems with the restaurant is there is no visibility to any major street, so unless you are a golfer, you would never know there is a restaurant at the golf course. Mr. Lotsof then stated advertising would go a long way. Mr. Lotsof then stated according to bills the Council was going to be paying on the agenda, there was \$1,500 for beer, adding for about 1/3 of that, the Council could buy 150 radio ads, which would reach 50 miles on Interstate 10, going out to all kinds of people day and night, 7 days a week, 365 days a year. Mr. Lotsof then stated his radio station has been helping restaurants for 30 years or so. Mr. Lotsof then stated he noticed the City was paying several hundred dollars in Tucson for advertising and when he asked what it was for, the previous Interim City Manager, Jim Cox, told him it was for advertising the golf course in the Arizona Daily Star. Mr. Lotsof then stated he reads the Arizona Daily Star and has never seen an advertisement, so Council should find out what that money is going for. Mr. Lotsof then stated on a different subject, for years and years, he has been trying to get a newer building for the radio station, adding the employees are going crazy because of the 50-year-old dilapidated building, and stated he has come up with a zoning ordinance amendment which is very minor that he will be submitting to the Council in a couple weeks. Mr. Lotsof then stated he hoped the Council would take it seriously and consider it, adding it would benefit the whole community because it would help the radio station serve the community in many ways, not to mention his employees would have a decent place in which to work.

J.T. Moffett stated in light of recent Council sessions and the Call to the Public debacles, he would like to share his thoughts and suggestions. Mr. Moffett then stated his opponents and critics of his endeavors and presentations to Council rarely bring any facts to support their comments and without the facts, their comments become nothing more than misleading statements full of falsehoods, insults and slander. Mr. Moffett then stated recently a member of the public made a statement that Councilmember Brooks doesn't have a business license, when in fact; Councilmember Brooks does have a business license. Mr. Moffett then

stated this critic also stated the volunteer firefighters only receive \$5.00 per call, when in fact; they receive \$10.00 per call. Mr. Moffett then stated there were additional misstatements of facts tonight, adding all he has to say is that he looks to his critics to give him an honest debate instead of the worn out game of childish name-calling. Mr. Moffett stated anyone who thinks he is wrong on an issue he brings to Council or to a public forum is invited to meet him in a public debate and that especially includes Councilmember Cook. Mr. Moffett then stated contrary to accusations railed against him, he is working on a proposal concerning the Fire Department that has the potential to revolutionize the Benson Fire Department, not squash it, adding the proposal he is referring to will address utilizing the many talents and abilities of the first responders and relieve much of the financial burden on the budget and will benefit both the Fire Department and the community. Mr. Moffett then stated the Fire Department is a critical part of the social and public safety infrastructure and he looks forward to helping present this proposal to the Council. Mr. Moffett then stated on another subject, there has been much criticism about the choice to sever the ties between the City and both RikerTek and Mr. Cox, adding the facts were presented to Council by Mr. Moffett and Council acted on those facts and wisely voted to terminate these relationships, which has resulted in a savings to the City of Benson taxpayers' of over \$22,000 on Mr. Cox and over \$7,000 on RikerTek. Mr. Moffett then stated the interesting thing about RikerTek, is that through Jim Cox's questionable verbal contract with RikerTek, RikerTek would have been paid over \$11,000 since December 23, yet Prologic, the company hired to be the interim service provider has only billed the City around \$3,800 to service the City's IT needs since December 23. Mr. Moffett then addressed the Council regarding New Business Item 4, stating Council has the task to make some unpopular, but necessary decisions here in Benson, adding it may not always be the popular thing to do, but more times than not, they will benefit as they have from the departure of Mr. Cox and RikerTek. Mr. Moffett then related the task to many U.S. Presidents in history, stating after some former President's policies turn into economic disasters, the incoming President has to make sweeping cuts and changes to get the country back on its feet. Mr. Moffett then stated the former administration in Benson made some bad decisions, a lot of them in fact, and the City Grille at the San Pedro Golf Course is just one of Jim Cox's good ideas gone bad. Mr. Moffett then stated the City of Benson should have never attempted to run a restaurant, especially because it puts the City of Benson in direct competition with existing restaurant owners within the City limits. Mr. Moffett then stated it is also apparent that at least 1/3 of the losses at the golf course can be attributed to the City Grille, adding it has drained much of the general manager and golf pro's time and energy. Mr. Moffett then stated he would like to propose that Council give Staff a directive to lease the restaurant to an independent owner for 5 years on a graduated cost basis, adding the first year lease should be for \$1 per month and the contract can be drawn up to a mutually equitable increase for the next 4 years. Mr. Moffett then stated the former administration could not see past the \$1 per month, yet that would take all the cost of doing business for the restaurant off the taxpayers, thereby saving the City of Benson much more than a pricey lease would benefit the City, adding it would also free up Mr. Tomerlin's time to do what he does best, which is running the golf course. Mr. Moffett then stated for the first two years, the golf course was run at the direction of an individual on City staff with a terrible track record in the field of golf operations, but since Mr. Tomerlin has taken over the helm, the losses are decreasing steadily and he believes the positive trend will continue, especially without the restaurant on the tax rolls, so again he would ask Council to seriously consider the graduated lease option for the City Grille, adding it would create a serious cut in spending and bear much fruit in the development of the our golf course itself and other needs of the community.

Barbara Nunn stated the 7 members of the Council are supposed to be representing the citizens of Benson, including the City staff who the Council truly disrespects, adding the Council should leave their egos at home. Ms. Nunn then stated a Councilmember publicly stated that he doesn't trust City staff and he will wait for the next City Manager to get here, and again, was not censured by the Mayor. Ms. Nunn then stated she wanted to give the Council some advice, they should be very careful and watch for the signals from the gallery and vote the way they are told to vote or they could be the next recalled Councilmember. Ms. Nunn then stated there is going to be \$13,500 wasted on a recall election when the City is so broke. Ms. Nunn then stated maybe the Council could cut the volunteer Fire Department on the \$10.00 per call they get, adding some of the Councilmembers are after them and everyone knows about it, because it's being talked about all over town. Ms. Nunn then stated even better, the Council shouldn't make a decision tonight, because that seems to be their specialty. Ms. Nunn then stated all the Benson residents need to stand together and stop this train wreck from continuing, adding they need to come to the Council meetings and speak and be heard.

## **CITY MANAGER REPORT:**

Interim City Manager Brad Hamilton addressed Council, giving the dates of upcoming meetings and events.

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| Tuesday, February 11, 2014 | – Library Advisory Board, 4:00 p.m., Library   |
| Monday, February 24, 2014  | – City Council Worksession, 6:00 p.m., City Hall<br>City Council Meeting, 7:00 p.m., City Hall |
| Tuesday, February 25, 2014 | – Community Watershed Alliance, 6:30 p.m., City Hall   |
| Monday, February 17, 2014  | – Presidents' Day – City Offices Closed  |

## **NEW BUSINESS:**

### 1. **Consent Agenda**

- 1a. Minutes of the January 13, 2014 Worksession
- 1b. Minutes of the January 13, 2014 Regular Meeting
- 1c. Minutes of the January 27, 2014 Regular Meeting
- 1d. Invoices processed for the period from January 17, 2014 through January 29, 2014

Councilmember Brooks moved to approve the Consent Agenda. Seconded by Vice Mayor Sacco. Motion passed 7-0.

### 2. **Discussion and possible action regarding the process by which the Benson Economic Development Committee will be formed, including but not limited to possible approval of an advertisement used to solicit membership applications for Council consideration**

Interim City Manager Brad Hamilton stated at the last meeting, Council directed Staff to create an advertisement for Council review and approval. Mr. Hamilton then stated the advertisement would need to be completed with information such as the length of the terms, whether the members needed to be citizens of Benson and a deadline for submitting applications. Council discussion then focused on whether members of the committee would be required to be citizens of Benson and that the committee would not be making binding decisions, but would only serve as a recommendation committee to the Council. Councilmembers agreed that the members of this committee would not need to be citizens of Benson. Discussion then moved to the length of membership terms with Council agreeing the terms should be for 2 years, but would have to appoint some members for a 1-year term so staggered terms could be established.

Councilmember Brooks then stated he would have liked to have the information Mr. Insalaco gave the Council as part of his earlier comments, adding he thinks it has some great ideas. Councilmember Brooks then stated he would like to see the committee consist of someone from the education department's workforce so the committee could connect with what's available to people and jobs and such, as well as someone from the chamber, a few businessmen of the community, a few non-businessmen residents and the development group. Councilmember Brooks then stated he would like to see this formed in a way that there would be some voting members and some non-voting members, adding he does like Mr. George Scott's organization (Southeast Arizona Economic Development Group), adding it is doing a lot for our community, but there could be some self-interest there and some personal interest and he thinks that anyone who would have a vested interest aside from this committee should not have a voting right. Councilmember Brooks stated he was not saying Mr. Scott has a personal interest in the committee for his own benefit, but added it is something to think about because Mr. Scott doesn't represent just Benson, he represents southeast Arizona. Councilmember Brooks then stated Mr. Scott did make a proposal, but Councilmember Brooks had not had a chance to respond to Mr. Scott about it. Councilmember Brooks then continued on about the committee membership, stating someone from the banking community would be good, definitely the City's Finance Director would be good, because the committee would need to know what they can work with; possibly someone from SEAGO, a senior from the community, the religious factor and maybe some youth. Councilmember Brooks then stated he would like to see the ad to request dedicated people willing to serve. Councilmember Brooks then stated he liked the

handout from Mr. Insalaco, adding it looks in line with what he was thinking. Councilmember Brooks then stated he wasn't sure the Finance Director should be a voting member, adding that role would be more for information that is critical in making decisions and if the committee has the money to do things. Councilmember Brooks then mentioned the Southeast Economic Development Group again, stating he thinks Council should consider that they need to be careful not to bring in any entities that would have a personal interest, because this is a citywide economic group, not a personal business profiting type thing, adding the Council needs to be careful of personal interests. Councilmember Brooks then stated he thinks the committee should have some voting members and some non-voting members, adding he is not saying the Council needs to decide that tonight, but he thinks the Council should see what applications come in and look at them. Councilmember Brooks then stated he would like to hear the Council's input on that.

Mayor King stated he felt the Council should be careful not to discriminate and should be fair in selecting members for the committee. Councilmember Brooks stated the members should be a business owner of some sort, adding the Council may need to talk to the attorney later about how this is an economic development group and voting and non-voting members. Mayor King then stated he felt all members of the committee should be able to vote, adding if they are willing to serve on the committee, they should be able to vote on issues before the committee. Councilmember Brooks stated he hoped there would be 15 to 20 people on the committee, with Mayor King stating he still felt if someone was willing to serve, they should be able to vote. Councilmember Brooks stated it would be a Council decision. Council discussion then focused on the number of members with Councilmember Moncada stating the Council had previously agreed on 5 members, but 7 seems to be more appropriate. Councilmember Wangsness agreed, stating 7 to 9 would be a better size, especially if the Council was seeking variety. Council then agreed they were getting ahead of themselves and should see how many applications were submitted before determining how many members the committee would consist of. Councilmember Moncada stated if any Councilmember wanted to serve on the committee, they should be required to complete an application also.

Vice Mayor Sacco stated he thought the Council should limit the number of Councilmembers on the committee, adding in the past, there have been too many Councilmembers and it doesn't make sense for the committee to make recommendations to the Council when the committee already consists of a quorum of the Council. Councilmember Brooks stated he was not really sure it should be limited, adding if there were 7 Councilmembers who wanted to be on it and would show up all the time and if they would be on board with what's going on when it comes to a decision of making a recommendation to the Council, they should be able to be on it. Vice Mayor Sacco disagreed, stating the purpose of the committee is to make recommendations to the Council, asking why the Council should go through the additional exercise if there is a certain number of Councilmembers already on the committee and they already know how they're going to vote. Vice Mayor Sacco then stated the committee needs to have an arm's length relationship from the Council. Councilmember Brooks stated he just made the argument for the Councilmembers to be on the committee, adding if things aren't working right, the Council can make changes.

Mayor King then stated he felt there should only be 1 Councilmember on the committee, and agreed with Vice Mayor Sacco that if there were 2 to 4 Councilmembers on the committee, why the committee would need to bring issues to Council since the committee with Councilmembers would already have it done.

Councilmember Brooks then stated something Mr. Insalaco suggested that Councilmember Brooks had already thought about was having the chair of the committee come to the Council once a month and give an update on what is going on in this town, adding so often, the Council doesn't know what's happening, what is going on at the airport, what is happening with investors coming to this town, and that the Council needs to hear that.

Vice Mayor Sacco then stated the ideal situation would be to have a limited number of Councilmembers on the committee, and stated the rest of it should consist of businessmen, someone from the chamber and some retired executives, adding the Council hasn't tapped that market yet, but should since retired executives know a lot more than the Council does.

Councilmember Boyle stated if the chair of the committee comes to the Council once a month with an oral summary and also a written one, he thinks the Council should be up to date. Councilmember Boyle then stated

if something comes up that really requires immediate attention, then they ought to come to the Council immediately, adding the bylaws proposed by Mr. Insalaco addressed the concern that Council would not be aware of activity.

Mayor King asked the Council to address the proposed advertisement for committee members with Council agreeing to not require members to be citizens of the City of Benson and that the terms would be for 2 years, however, the Council would initially appoint some members for a 1-year term to establish staggered terms. Councilmember Brooks stated he would like to see it specifically spell out that the Council was seeking someone from the education workforce, the chamber, businessmen, non-businessmen, someone from the banking industry, seniors, the religious sector and maybe even youth, adding it could be someone from the high school or something. Mayor King stated he thought the advertisement should go out and Council could see what type of responses they received. Council then discussed the deadline for the submission of applications with the Council agreeing the advertisement should be placed for 2 consecutive weeks in the local newspaper and the deadline should be 4 weeks after the first publication.

Councilmember Brooks then stated he would like to see the words “dedicated and willing to serve” in the advertisement, adding people need to be ready to get involved and be willing to do some work. Councilmember Cook stated he felt that by advertising for people who wanted to serve on the committee, their dedication and willingness to serve was implied. Councilmember Cook then stated he thought Council was being overly optimistic in thinking they could raise the bar on what kinds of restrictions or standards to place on respondents, adding there has always been a problem in trying to fill our existing boards and commissions vacant positions. Council all agreed the advertisement was fine the way it was.

City Attorney Gary Cohen then addressed Council stating they could take 1 of 2 approaches at this point, one option being to give direction to Staff to incorporate Mr. Hamilton’s understanding of the suggested changes to the advertisement and bring it back for an actual vote at the next Council meeting in 2 weeks or if they wanted to move this along, he would suggest that Mr. Hamilton read the language of the advertisement that is being proposed and have Council take action on it. Vice Mayor Sacco stated the only problem with Mr. Cohen suggestion is that time will stand still, adding the Council can’t afford to have time stand still. Vice Mayor Sacco then stated the Council needs to get people in here and needs to get businesses in here to survive, adding he talks to a lot of businessmen and they are having a tough time out there surviving in the town of Benson. Mr. Cohen then stated if the Council wanted to move the process along, he would recommend that Mr. Hamilton read the changes as discussed and Council could take action on the advertisement. Mr. Hamilton read the advertisement as presented in the Council packet, changing the line, “members of the committee must be residents of Benson” to “members of the committee do not have to be residents of the City of Benson” and “The terms of service will be staggered 1 to 2 year terms.” Mr. Hamilton then stated the deadline for submitting the applications is to be 4 weeks after the first advertisement, adding he will know the advertisement date after he contacts the newspaper.

Councilmember Moncada moved to approve the advertisement as read by Mr. Hamilton. Seconded by Councilmember Brooks. Motion passed 7-0.

3. **Discussion and possible direction to Staff regarding the procedure and timing for Mayor and Councilmembers adding Items to the agenda**

Mayor King stated he wanted Interim City Manager Brad Hamilton to address Council with the timeframe for putting items on the agenda. Mr. Hamilton stated Council established that the Council packets are distributed 1 week before Council meetings which means Staff needs to get items into the Clerk’s office 11 days in advance. Mr. Hamilton then stated this is normally 3 days after a Council meeting and doesn’t give Staff enough time to be responsive to Council requests at the following meeting. Mr. Hamilton then stated Staff has also been receiving a lot of items from Councilmembers all the way up until the Friday before a Council meeting, adding this requires not only changing the agenda, but sending for an additional legal review, posting and other things that must be done. Mayor King stated he felt Council should stick to the way it was originally set up.

Councilmember Moncada stated he requested this item be placed on the agenda because the Council recently had to wait for Council packets until the Friday afternoon before the Council meeting, adding he understood sometimes things come up, but he felt the Council couldn't get the packet on a Friday, read it and get the feedback they might need in order to be able to take action on Monday, especially since that particular agenda has almost 20 items for Council to consider. Councilmember Moncada then stated if the Council is not going to go by the schedule to turn things in, then anything after that should automatically get bumped back to the next Council meeting. Councilmember Moncada then stated the schedule requires items from Councilmembers to be in on Friday at 4:00 p.m. (10 days before a Council meeting) adding it is difficult for Staff to tell a Councilmember something can't be added, but again, he feels that if a Councilmember isn't going to abide by the schedule, something should be added to the procedure that requires that item to automatically be bumped back so Staff doesn't have to tell a Councilmember that their request will not be accepted.

Councilmember Boyle asked about emergencies that can't wait 2 weeks with Mr. Hamilton stating issues that constitute a real emergency have been handled in the past by the City Manager contacting the Mayor and establishing an emergency meeting 24 hours later.

Vice Mayor Sacco stated the biggest problem is there are too many items on the agenda, adding it doesn't give time for Councilmembers to do valid research. Vice Mayor Sacco then stated most times, Councilmembers don't read the packets until the day of the meeting, but if the packets are distributed on time, it would give the Councilmembers 3 or 4 days to do research and come up with a conclusion, adding that is the way it used to happen, but somehow the Council got away from that and now squeeze things in on the agenda.

Mayor King stated the Council needs to go back to the way it was and have everything in by the deadline of Friday, one week prior to the City Council meeting, adding a lot of Councilmembers said they need time to review and with the way it's happening now, it doesn't give the Council time to be able to fully research items and get questions answered before the meeting. Mayor King then stated unless something comes up that is an emergency and needs a special meeting, he felt nothing should be added to the agenda if it comes in after Friday at 4:00 p.m. one week prior to the Council meeting.

Councilmember Brooks stated the City Attorney's time also has to be taken into consideration, adding if there is a problem with the item, the City Attorney has to get ahold of the Councilmember and discuss it, therefore the issue would need to be resolved by the Monday prior to the Council meeting. Vice Mayor Sacco agreed, stating a lot of times the City Attorney is tied up in court or on a case and may not be able to get to the item right away. Mayor King stated the City Attorney hasn't missed any deadlines yet with Councilmember Moncada agreeing, stating Council has not been waiting on the City Attorney, but has been waiting on Councilmembers who place items on the agenda at the last minute. Councilmember Brooks then stated he had turned things in on a Friday before the Council meeting and then had a problem with the language and had to deal with it later. Council agreed that all requests to place items on the agenda should be submitted to Staff by Friday at 4:00 p.m. (10 days) prior to the Council meeting.

Councilmember Brooks then asked about the table on the Standard Operating Procedure (SOP) for placing items on the agenda. City Clerk Vicki Vivian stated most items on the agenda are normally generated by Staff, adding there is a Department Head meeting on Monday at 9:00 a.m. and a tentative agenda is formed based on what administrative items need to go to the Council. Ms. Vivian then stated the tentative agenda is sent to the Mayor for his approval, adding Department Heads have until Thursday, 11 days prior to the Council meeting to get the Council communication sheet and any exhibits to the City Clerk. Ms. Vivian then stated if there is an amendment or revision or something comes in at the last minute, Department Heads would have until Friday at 1:00 p.m. and a revised agenda would be created. Ms. Vivian then stated Councilmembers' and City Manager's deadlines are currently Friday at 4:00 p.m., 10 days prior to the City Council meeting. Ms. Vivian then stated the rest of the table is referring to addendums, adding this is where emergency items would be addressed. Ms. Vivian then stated as Mr. Hamilton said, when things come up at the last minute such as Staff finding out about a grant that needs to be applied for by a certain date or a pump going out that needs to be replaced and needing Council ratification of the action would be considered emergencies, adding more often than not, the things that have been added to the Council packet, would not be considered a true

emergency, but it would be up to the Council to decide on deadlines for Councilmembers placing items on the agenda.

City Attorney Gary Cohen stated he would like to clarify what Council was considering, adding he is hearing that they are considering the adoption of a resolution amongst themselves to submit all agenda items 10 calendar days before the scheduled Council meeting. Councilmember Brooks stated the Council would be adhering to the schedule already in the SOP. Ms. Vivian then stated the Council could choose to define addendums, adding currently, the timeframe deals with addendums and doesn't state that an addendum would necessarily be an emergency. Ms. Vivian then stated in some jurisdictions, if a Councilmember wants to place something on the agenda after the deadline, they would actually have to have the Mayor's approval for it to go on as an addendum, instead of just 2 Councilmembers coming in and adding something to the agenda, again stating that would be up to the Council.

Vice Mayor Sacco stated he thought once the City had the new City Manager on board, all the time schedules will go away, because he would be able to control it, adding currently, the City doesn't have that leadership. Ms. Vivian disagreed, stating right now Councilmembers don't follow the schedule. Vice Mayor Sacco interrupted stating Ms. Vivian should pick up phone and tell Councilmembers they have to abide by the schedule with Ms. Vivian stating Vice Mayor Sacco was actually one of the Councilmembers who placed something on the agenda on Friday before the Council meeting, adding it would be very difficult to tell a Councilmember, or especially the Vice Mayor or the Mayor that their request would be rejected since they didn't follow the schedule. Ms. Vivian then stated she would not do that, adding it would be up to the Council to impose whatever rules they wanted to impose on themselves.

Councilmember Moncada then moved to make Council agenda items due on Friday at 4:00 p.m., 10 days prior to the Council meeting, unless an emergency arises. Councilmember Brooks stated he agreed, but that the Council should define an addendum as an emergency. Mr. Cohen stated the Council may choose to consider language giving a deadline like Councilmember Moncada suggested and then having some simple language that suggests if that deadline is not met and a member of the Council has an agenda item they wish to place on the agenda after the deadline, that it has to be submitted to the Mayor for his approval and if his approval is granted, then it will be added, and if not, the item will be bumped to the next scheduled Council meeting. Councilmember Moncada stated that was what he wanted and then moved to require all agenda items from Councilmembers be due by Friday at 4:00 p.m., 10 days before the Council meeting, and any item submitted after the deadline will be bumped to the next scheduled Council meeting unless approved by the Mayor on an emergency basis. Seconded by Mayor King.

Councilmember Brooks then spoke about the language on the SOP defining a "draft agenda," a "tentative agenda," and an "approved agenda." Councilmember Brooks expressed concern over Councilmembers being able to add items to an "approved agenda" and having to reissue an agenda. Ms. Vivian then stated the deadline would be the last minute Councilmembers could request items be placed on the agenda, but stated Councilmembers would be encouraged to turn them in earlier. Ms. Vivian then explained the SOP was an internal document with internal phrases for Staff to use while assembling Council packets. Ms. Vivian then stated she could amend the SOP to include a "final agenda" which could be the term used after the Council deadline had passed and an "amended agenda" which would be used if emergency items were approved by the Mayor, but again, noted the language was more for Staff to use internally. Ms. Vivian then stated again, she would encourage anyone, including Councilmembers, Staff and members of the public to bring items forward as soon as they know they have something they would like on the agenda. Ms. Vivian then stated a lot of members of the public have called her office and asked about putting requests on for sponsorships and other things like that, adding it took a while when the new schedule was enacted, but people are now well aware that they have to have items to her office 2 weeks before a Council meeting. Councilmember Wangness noted the schedule should show how many days prior to the Council meetings things were required so the word "Monday" would reflect the correct Monday. Councilmember Brooks again expressed concern over the terminology used in the SOP with Ms. Vivian stating the SOP is simply a procedure for Staff, adding it's not a resolution or an ordinance enacted by Council, but is simply a procedure for Staff, but noted she could address the terminology and the language about addendums or late submissions requiring the Mayor's approval or they will be bumped back to the next regularly scheduled Council meeting. Mayor King called for a vote. Motion passed 7-0.

4. **Discussion and possible direction to Staff regarding the future of the restaurant (Benson City Grille) at the San Pedro Golf Course**

Councilmember Moncada stated he had requested this item for Council discussion, adding he has had discussion with Director of Golf Operations Jay Tomerlin since he was elected in 2011. Councilmember Moncada then stated he wanted to emphasize that he has never had a bad experience at the restaurant at the golf course and he has always had great service and great food. Councilmember Moncada then stated the Council will be looking at the budget for the next fiscal year shortly and it will be a tough budget, adding he has been looking at the numbers already and noted the restaurant has lost about \$34,000 year-to-date, which comes from the general fund. Councilmember Moncada then stated it is tough to run a restaurant under the best circumstances and he thinks it may be time for the Council to start thinking about what they are going to do in the future. Councilmember Moncada then stated he thinks the Council needs to look at closing the restaurant, adding he is not in favor of an RFP for a restaurant there, noting there are about 20 restaurants in town and the City can send golfers to them. Councilmember Moncada then stated the golf course could also have cold sandwiches and chips or vending machines and could work with caterers for events.

Mayor King asked about the bar, adding he thinks it should be kept open with Councilmember Moncada stating he thinks the City has to keep the liquor license for the beverage cart, adding the liquor license is also a very valuable asset of the golf course.

Mr. Tomerlin stated the City has had the golf course for 3 years and we are now seeing a positive trend, adding in his professional opinion, he firmly believes in 3 years the golf course will return an investment to the general fund. Mr. Tomerlin stated all golf courses have restaurants and it is definitely a tough business, but again noted, the City is seeing a positive trend. Mr. Tomerlin then stated changes have been made and a new business plan is in place, adding now, the restaurant is open for lunch 7 days a week and caters to golfers, adding there are a lot of golfers who love coming in and experiencing the patio. Mr. Tomerlin then stated he doesn't disagree on working with local restaurants, adding he does have something coming up for the budget year to send golfers to local restaurants, adding he does know that some golfing groups come down for breakfast locally before playing golf. Mr. Tomerlin then stated one thing Council needs to look at is the events that are already planned, adding contracts are already in place for weddings, quinceaneras and charity events, noting some of these are planned out 10-12 months in advance. Mr. Tomerlin then stated if the Council should decide to use a catering service for those events, it would mean putting trust in someone else when the golf course has contracted to provide that service; a customer service that has been built at the golf course. Mr. Tomerlin then stated on Golf now, the golf course has 4 out of 5 stars, adding Randolph in the City of Tucson only has 3.5. Mr. Tomerlin then stated the Benson golf course has 92 reviews and Randolph has 200 and Randolph does more rounds than Benson, but Benson has built something with their golf course. Mr. Tomerlin then stated he is not in disagreement with an RFP, but he feels the right RFP has to be put out, adding the City has to consider the liquor license, the building, equipment and other things, noting the City needs to make sure it is protected and the person leasing the restaurant would have his or her employees trained in the liquor laws as well as the City trains their employees in liquor laws, since it would be the City that would be fined for not following the laws. Mr. Tomerlin then stated he would firmly suggest keeping the liquor license, because it is very expensive and as Councilmember Moncada stated earlier, is a great asset to the golf course. Mr. Tomerlin then stated the City has a vested interest in getting the right person in the restaurant, adding he still firmly believes in the economic value the golf course brings to the City, noting this past weekend alone, from Friday through Sunday, they had 350 golfers go through.

Councilmember Moncada stated he wanted to stress again that he was not talking about the golf course, but was just talking about the restaurant, adding if the Council puts out an RFP for the restaurant, he doesn't think Mr. Tomerlin's talents and time will be spent on the golf course itself. Councilmember Moncada then stated there is a lot of turnover in the restaurant and he felt Mr. Tomerlin's time would be better focused on bringing in more golfers. Councilmember Moncada stated if there is a lease in place, he knows Mr. Tomerlin well enough to know he would be there making sure the restaurant is run right, making sure they are treating the customers right, making sure they are treating the City's liquor license right, adding that is time Mr. Tomerlin could spend on golf operations. Councilmember Moncada then stated he truly thinks the City needs the golf course, but he is not as convinced that the City needs to have the restaurant, adding there are plenty of

restaurants in town and he thinks the City can work with other restaurants and can provide other levels of food that won't be as labor intensive.

Mr. Tomerlin then stated his concern is losing golfers, adding people come to play golf and remember the experience. Mr. Tomerlin then stated he is looking to make some adjustments in the summer, adding maybe the thing to do is to put out an RFP and maybe there is someone out there who could do it, but he feels that vending machines would not be a good idea, adding the golf course would still have to have people there to serve and the last thing we would want is for a golfer to come and not be able to sit on the patio and have a beer. Mr. Tomerlin then stated the building has a unique design to it and he has considered moving the golf shop into the bar area and other ideas to lower labor costs, but unfortunately, the golf course is at a place where more cutting can't be done, adding generating more revenue is what needs to be looked at now. Mr. Tomerlin then stated he is working on a summer program, which consists basically of afternoon golfing and he is working with local businesses to send golfers back into town. Mr. Tomerlin then stated he would like to look at coming back to the Council during the budget worksessions, adding right now the golf course is coming into the golfing season, noting January was a good month and February is looking even better, adding he knew the golf course made \$16,000 in January. Mr. Tomerlin then stated like everywhere else, the question is how to fix the bleeding and if the restaurant should be seasonal, adding he will come back with something put together and will look to Council for advice.

Councilmember Moncada stated he couldn't stress enough that the job Mr. Tomerlin has done is phenomenal, adding the restaurant is full at lunch and he thinks they are charging as much as they can, that they have cut as much as they can and that the menu has been simplified to cut costs even further, adding again, that Mr. Tomerlin has done a great job and has given it a great try, but Councilmember Moncada just didn't see how additional cuts could be made so the restaurant would quit losing money.

Mr. Tomerlin stated he was working on making changes in March with a more consolidated menu, adding there will still be a lot of items on the menu, but there should be less waste. Mr. Tomerlin then stated he is also working with the golfers, having a coupon in every cart and has started a \$5.95 special. Mr. Tomerlin then stated the golf course has had the restaurant for a long time, but has changed directions with its operation, adding he feels it is now becoming what should have been started in the first place, noting last year operational costs were \$38,000 and this year, he has cut \$10,000 from that. Mr. Tomerlin then stated the restaurant is moving in the right direction, adding if Council chooses to do something else, they should put together a timeline since the restaurant is committed to some events that are already scheduled, such as the American Legion event and the Meals on Wheels event.

Mayor King stated he would like to see something presented on making the restaurant seasonal and what can be done with that operation.

Councilmember Boyle asked if the bar made enough money to carry itself with Mr. Tomerlin stating if someone came in and operated it as a standard operation without the City's employee overhead, such as insurance and retirement benefits, it would come out ahead. Mr. Tomerlin then stated that is why he feels an RFP for leasing the restaurant may work if the correct RFP is put out, adding the person leasing the restaurant would have to follow the guidelines Council wants to see and expects. Mr. Tomerlin stated he thought such a person could be found in time, adding Tucson put out a good RFP and it is working. Mr. Tomerlin then stated the restaurant is profitable, but what kills the profit is the City's operational cost of labor with insurance and retirement, adding in a lot of typical restaurants, they don't have those employee benefits in their operational costs. Mr. Tomerlin then stated the Council needs to decide how much to scale back and balance that with whether or not it is going to hurt the golf course, which is what he is worried about, adding with the changes made to the golf course, the restaurant is now there for the people who come to golf. Mr. Tomerlin stated this is why the restaurant no longer serves breakfast and dinner and is why he is working on golfing packages with local restaurants.

Councilmember Brooks stated he had spoken with Mr. Tomerlin a lot and had held a forum to promote the golf course, adding he knows what the golf course means to the community and he thinks it would have a negative impact if the Council had to close it. Councilmember Brooks then stated he knows the restaurant has some association with the rating the golf course has and he thinks the restaurant should be kept open one way

or another, either by vendors or by leasing it out, since he believes it is critical to keep the 4 star rating the golf course has. Councilmember Brooks then stated he would like to see the City try and lease the restaurant operations out and if that doesn't work or there isn't any responses, the Council could consider making the restaurant seasonal, with his third choice being to have cold sandwiches, but added there may be someone who thinks they could lease the restaurant and make it work. Councilmember Brooks stated he would definitely want Mr. Tomerlin to have some say in who leases the restaurant because it could have a negative impact on the golf course, but he would like to have more discussion on that. Councilmember Wangness agreed that the restaurant is really part of that 4 star rating, adding he can't see people golfing and then coming in for a sandwich out of a vending machine.

Mr. Tomerlin stated when the restaurant was first opened, it was closed Mondays and Tuesdays, noting golfers weren't fond of that and didn't support the restaurant out of the gate, adding it just didn't have the warm welcome that it does now, being open for lunch 7 days a week. Mr. Tomerlin then stated last month the restaurant lost \$800.00 and his suggestion is to move forward with the changes he is making in the new summer program which will minimize labor costs in the summertime and go from there. Mr. Tomerlin stated putting out an RFP for leasing out the restaurant may be the way to go, but that it scares him because he saw what happened in both Douglas and Safford when it was done, but noted he feels that if the RFP is done correctly, it may work as it has been successful in other courses. Mr. Tomerlin then stated he would like to continue moving forward with the changes he is working on and work on an RFP that the City could possibly use in the next budget season, adding the City needs to see if there is someone who has a proven track record, who is financially sound and understands golf because a golf course restaurant is different than a regular restaurant. Mr. Tomerlin stated some of the differences are due to having a beverage cart, noting the training is a little different because golf balls are being hit and the person on the beverage cart needs to know when to go, when to stop and when to be quiet on the golf course. Mr. Tomerlin stated the City needs to make sure the restaurant is there for the golfers, adding the golf course brings the restaurant business with the advertising that is done, adding from Friday through Sunday of last weekend, the golf course had 350 golfers come in. Mr. Tomerlin stated right now, the business is there and the restaurant is really busy, adding he would like to move forward on the changes he is working on to reduce labor costs and if things don't improve, he will come to Council with some additional suggestions and cost saving measures in April. Mr. Tomerlin then stated, once again, he feels that the right thing for the City to do is to continue moving forward right now with the changes he is working on which will result in taking the smallest workforce into the summer that the restaurant has ever had, adding to do it correctly means having the correct menu that can be easily prepared, with less employees in both the back and front ends.

Vice Mayor Sacco asked Mr. Tomerlin if he had talked to the golfers about the restaurant and what they thought with Mr. Tomerlin stating the golfers don't want to see the restaurant close. Mr. Tomerlin then stated advertising is done in the Tucson paper and to date, the golf course has sold 262 passes from all over, adding they have sold 276 memberships since July 1. Mr. Tomerlin stated people buying those passes are not all from Benson, adding he knows 1 group that comes from Corona de Tucson and they love and support the restaurant. Mr. Tomerlin then stated he has some ideas for the summer that keeps the golfing value at the golf course and includes working with local restaurants to get people here for golf and staying for dinner, adding it could be done by giving out coupons for local restaurants with every cart fee the golf course gets. Mr. Tomerlin stated this would still get the golf course the cart fee and would have some money go back to a local restaurant of their choice, adding they might even decide to stay the night in Benson. Mr. Tomerlin then stated the coupons would not be for chains but would be for locally owned restaurants, adding there are enough in Benson to give golfers a variety of choices. Mr. Tomerlin then stated, again the Council needs to consider events that are already scheduled, adding when people found out this item was on the agenda, he received a phone call from someone who has her wedding scheduled next week at the golf course and she was very concerned the Council was going to close the restaurant. Mr. Tomerlin then stated the City needs to be careful not to get a black eye in whatever choice is made concerning the restaurant operations, adding he would like to continue as he has planned and come back to Council with the results and options at that point. Mayor King stated he would like to have Mr. Tomerlin come back to the Council in 3 months. Councilmember Moncada stated if the Council was going to look at an RFP for leasing out the restaurant, they would need to start on it sooner, noting as Mr. Tomerlin stated, they would need a good RFP and the process, including legal review, would take time. Councilmember Moncada then noted the budget cycle would be coming to Council soon, which is why he wanted to start the golf course restaurant discussion now, adding Council will need to look at it soon.

Councilmember Brooks moved for Mr. Tomerlin to draft an RFP to be reviewed by the City Manager and the City Attorney, adding Mr. Tomerlin knows what needs to be included to ensure ending up with a good restaurant and then for Mr. Tomerlin to bring the RFP back to Council for approval. Councilmember Brooks then stated the Council doesn't have to advertise the RFP, but they would have one approved so if they decide to advertise it, it would be ready. Seconded by Vice Mayor Sacco.

City Attorney Gary Cohen asked for clarification on the motion with Councilmember Brooks stating he moved to direct Mr. Tomerlin to write up an RFP for leasing the restaurant operations at the golf course and have it approved by the City Manager and the City Attorney and then present it to the Council for their approval.

Councilmember Cook stated he knew there are still people in the community trying to kill the golf course, adding he didn't think Councilmember Moncada is trying to, but he knew other people are. Some Councilmembers agreed. Councilmember Cook then stated he watched in the newspapers and saw the problems the city golf courses in Tucson have had, adding to cut more and more costs, they put in vending machines and cut back on watering and some of their courses completely collapsed. Councilmember Cook then stated he thinks there are people that realize how important the food service is at the golf course and would use it as a way to undercut the financial success of the golf course that the City has been having. Councilmember Cook then stated Mr. Tomerlin touched briefly on pricing and that there wasn't a lot of leeway with Mr. Tomerlin agreeing. Councilmember Cook then stated he has been out to the golf course and noted the City will still have the lighting and heating and cooling costs, whether someone is in the restaurant there or not with Mr. Tomerlin agreeing, adding this is why a correct RFP is important. Mr. Tomerlin then stated there are some costs associated with a lease and the City will need someone who has a track record, will need to be able to show what the costs have been for utilities and noted there are also building costs, since the building is a little older, adding things do happen and the RFP needs to include who is going to be responsible. Mr. Tomerlin then stated the RFP must also address equipment and inventory, and spell out what parties will have what obligations. Mr. Tomerlin then stated again, this is why it's important to have the correct RFP in place, adding he is not opposed to leasing the restaurant operations for \$1.00 per month, but again, there are some costs with the building and equipment repairs and how to determine who is responsible for what is something the Council will need to consider. Mr. Tomerlin then stated he would get some information from PGA golf professionals who have been involved in this process, adding the previous Director of Golf at the golf course has been involved with and is very familiar with the RFP processes for the City of Tucson and the City of Phoenix, and Mr. Tomerlin knows he will provide assistance.

Councilmember Cook then stated Mr. Tomerlin mentioned a new business plan being in place that was different from the business plan put in place by the previous Council and asked Mr. Tomerlin to elaborate. Mr. Tomerlin stated the business plan was not put into place by the previous Council, adding when the restaurant first opened under the City's management, there were some hopes and the restaurant started off bigger than what he felt it should have, adding he felt the restaurant should have focused on golf and maybe have a snack bar or something like that for a year or so to enable Staff to see what costs are associated with the golf course and how to support it. Mr. Tomerlin then stated everyone agrees that the restaurant could go by the wayside, but everyone also agrees the golf course brings golfers in and is an important asset to the City, adding what can be done from here is to learn from the past and move forward.

Mayor King then called for a vote. Motion passed 7-0. Councilmember Brooks moved to adjourn with Mayor King stating the next item was an executive session.

**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 Mayor and Council approved investigation regarding RikerTek

Councilmember Moncada moved to enter into an executive session with the Mayor and Council, the Interim City Manager, the City Attorneys Gary Cohen and Paul Loucks (via phone) and the City Clerk at 8:40 p.m. Seconded by Councilmember Brooks. Interim City Manager stated Mayor King may want to inform those present that there were no other action items on the agenda and Mayor King did so. Motion then passed 7-0.

Council reconvened at 9:09 p.m.

**DEPARTMENT REPORTS:** None

**ADJOURNMENT:**

Councilmember Cook moved to adjourn at 9:10 p.m. Seconded by Vice Mayor Sacco. Motion passed 7-0.

ATTEST:

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Toney D. King, Sr., Mayor

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