

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD FEBRUARY 27, 2012, AT 7:00 P.M.
AT CITY HALL, 120 W. 6TH STREET, BENSON, ARIZONA**

CALL TO ORDER:

Acting Mayor McGoffin called the meeting to order at 7:00 p.m. with the pledge of allegiance. Acting Mayor McGoffin introduced Pastor Kirk Sorenson of the First Assembly of God who gave the invocation.

ROLL CALL:

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

EMPLOYEE RECOGNITION: Acting Mayor McGoffin recognized Kay Tucker for 5 years of service with the City of Benson.

PROCLAMATION: None.

PUBLIC HEARING: None.

CALL TO THE PUBLIC:

Kevin Dirksen addressed Council concerning his property, stating there is an extreme fire hazard and a year ago, he asked that it be taken care of. Mr. Dirksen then stated he had a police officer come to his house and asked him to prepare to evacuate because of a fire in the area, yet when he approached Staff about the problem, he was told the City can't do anything about it because it is private property. Mr. Dirksen then stated the City has taken care of the private property in and around the golf course and feels the appearance of the golf course is a higher priority than the health and safety concerns for citizens. Mr. Dirksen then stated if the City can't clean up the property to make it safe, they may consider the fact that the El Paso gas lines are there also.

JT Moffett addressed Council stating he understood Council would be speaking about Mr. Masee and possibly putting an RFP out, adding he thinks Mr. Masee being a lone wolf is a deterrent to the City of Benson. Mr. Moffett then stated Mr. Masee's advice being the only legal voice to turn to has cost the City a fortune, adding the litigation with Stagecoach Trails has gone way beyond that which is prudent in legal circles and should have been settled a few hundred thousand dollars ago. Mr. Moffett then stated the recent appeals court ruling for the City is just a battle won in an ongoing war and it is far from over. Mr. Moffett then stated Mr. Masee also tried to keep a candidate's name off the general election ballot for the City Council election and in spite of several attempts to show Mr. Masee the error of his counsel, Mr. Masee continued until the Attorney General's office stepped in to force the City to put the candidate on the ballot or face shutting down the local election in Benson. Mr. Moffett then stated the candidate was Ron Brooks who defeated Councilmember Lambert's wife and added interestingly enough, Mr. Masee saw nothing wrong with a husband and wife being on the Council together. Mr. Moffett then stated Mr. Masee has tried to intimidate the Council, regarding the Chamber funding, with threats of jail if they voted to enter into a contract with the Chamber and the City, then later on suggested signing a contract in order to give the Chamber the remaining \$8,400.00. Mr. Moffett then stated he believed it would be well worth paying more up front for a firm to represent the City and it would surely save money in the long run in lawsuits and settlements, urging the Council to vote to put bids out for new representation. Mr. Moffett then spoke about Finance Director Jim Cox stating in his opinion, he is overpaid and overrated and he has lost count of how many times Mr. Cox has threatened to retire only to stay on another year. Mr. Moffett then stated the City can not afford to be hung out on a limb wondering if Mr. Cox is coming or going, and he believes the City should at least train someone to take his place should he actually and finally retire. Mr. Moffett then

stated there is much more to delve into concerning Mr. Cox, adding it will be addressed at the next forum, which will be held on March 15th. Mr. Moffett stated it is uncanny how Mr. Cox always finds a way to fund things we don't need, like the golf course or the new fire truck, yet when it comes to the Chamber funding or taping Council sessions to air on Cox cable or giving our awesome City workers and cops a raise, he just can't seem to find a dime, adding the civil servants are worth a lot more than they're getting paid and it's high time something be done about it. Mr. Moffett then spoke regarding Cox Communications stating they make a lot of money off of Benson and should support the community more by helping air the Council meetings, which is vital and by sponsoring the Bluegrass Festival, adding they need to cough up more support for this community. Mr. Moffett then stated one thing discussed in the public forum was the need to have the Council sessions on Cox cable, adding there are a lot of folks who would love to be here and can't but it is vitally important to reach them so they know what Council is doing and what is going on in their community. Mr. Moffett then stated if the City has to pay for the taping, they could hire someone to come in every two weeks and by offering an annual contract, should get a discount, which would be cheaper than buying equipment and then Cox Communications could put the meetings on the air. Mr. Moffett then stated since the December 12th meeting, when Councilmember Lambert pulled his stunt, he has become involved and suddenly finds himself with all of these needs in the community, adding a bigger picture has opened up for him. Mr. Moffett then stated he started the public forums, adding Councilmember Moncada came and was very well received, stating he has heard nothing but praise about Councilmember Moncada's time spent at the forum and invited the rest of the Council to attend and participate in the forums. Mr. Moffett then stated more will be talked about at the next forum on March 15th and again, invited the Council to be there.

Paul Lotsof addressed Council about his property and the problems he has been having in getting the City to approve a plan to swap his 1964 trailer with a newer one, adding moving out of an older manufactured building and replacing it with a newer and better one should be a simple matter of just getting the permit and getting the job done, but Staff has taken the position that as soon as the old trailer has been taken out, it is just as though he is starting over on a vacant lot and he must comply with every zoning change and building code that has been enacted since 1981. Mr. Lotsof then stated this would require him to hire an engineer to do a drainage study, the installation of a special foundation, fire retardant walls, a sprinklered system, paved parking spaces and the entire property must be designed for people using wheelchairs. Mr. Lotsof then stated the end result is the project at bare minimum quadruples in price and kills his chances of improving the property and his ability to serve the people of this area. Mr. Lotsof then stated there is clearly something very wrong when the City has rules in place that discourage or outright prevent a property owner from making improvements, adding he thinks when previous Councils adopted the International Building Code of 2006 and other zoning regulations, they probably had new housing subdivisions in mind rather than upgrading existing facilities. Mr. Lotsof then stated many local businesses are housed in manufactured structures and sooner or later they will probably want to upgrade, so any help Council provides to CAVE FM will have the potential to help such businesses as Perry Accounting, Dillon's Corral, Sulphur Springs Electric, Liberty Tax, Barney's Auto Sales and several other buildings used for the practice of medicine on the hospital campus. Mr. Lotsof then stated there are a number of possible solutions to this problem, one of the easiest being to pass a resolution that if a business is located in a manufactured building and wants to upgrade to a newer building of superior construction, the property retains its non-conforming use privilege instead of losing it from merely swapping a trailer. Mr. Lotsof then stated Arizona law does not allow the City to apply the International Building Code to a manufactured building used for residential purposes, but Staff is taking the position that the 2006 code can be applied to an identical building used for business purposes and this could be changed and solve a good deal of the problem. Mr. Lotsof then stated at this point, the Council has two options, to amend the rules or to do nothing, adding if they choose to do nothing, we'll be stuck with the eyesore for quite a while, but sooner or later, he'll have to take the initiative and do something about his badly depreciated building and the only way he can think of to escape the building code and zoning regulations is to move outside the Benson City limits. Mr. Lotsof then stated there are many drawbacks to such a move, with some obvious such as his employees all live near Benson and they would have to commute to the new location and his advertisers would be inconvenienced if they wanted to record their commercials, but a less obvious drawback is what would happen in the event of an emergency. Mr. Lotsof then stated Benson has been lucky when it comes

to natural and manmade disasters, but luck has a way of running out and when disaster strikes, we might not want to wait until next Wednesday for the newspaper to publish such things as evacuation routes. Mr. Lotsof stated a communications medium that disseminates information at the speed of light could be the difference between life and death, adding those who understand major emergencies all know the first thing to go down during a major emergency is the phone system. Mr. Lotsof then stated having the community's radio station exiled 10 or more miles away is not a good idea, adding the time it takes to drive to the radio station could mean lost lives. Mr. Lotsof then stated when the flood is washing away half the town, the Council will be cursing the day they required a sprinklered system at the radio station and when several blocks are on fire, the retardant walls at the radio station will be the least of their worries. Mr. Lotsof then stated the rules need to be looked at and if Council would like to discuss the situation with him, he would be happy to meet with them or if they would like to discuss it collectively, someone would need to put it on the agenda. Mr. Lotsof then thanked the Council for their consideration.

Jennifer Rush, President of the Benson/San Pedro Valley Chamber of Commerce addressed the Council thanking various Councilmembers for their support and Staff for their participation in the recently held public forum. Ms. Rush also stated the Chamber is actively planning their "Sun, Stars & Open Skies" event. Ms. Rush's comments will be retained with the Council packet.

Tom Fitzgerald addressed Council stating he was impressed with the people he was listening to, adding they are well prepared and diplomatic. Mr. Fitzgerald then stated he wanted the Council to be aware he will be pursuing the issue of a worksession qualifying as a legitimate decision to set up a fund, whether it was in 1992, 1982 or even 1892, as a legitimate vote of the City Council that counts for something. Mr. Fitzgerald then stated he wanted to find out if it could be done because he thinks there can only be two ways of doing things according to the rules of the State Statutes and the State Constitution; a right way and a wrong way, adding there are not three ways of doing things; a right way, a wrong way and a Benson way. Mr. Fitzgerald then stated this is not the wild west and he will keep the Council informed on his progress with his court action if Council wants to keep pursuing the idea that a worksession is something besides a worksession.

Dianne Tipton addressed Council stating the City was successful in their appeal, but she thinks it needs to be made clear exactly what was decided at the appeal, adding the appellate court was not looking at the case as to who was right concerning the merits of the case, but was merely asked to determine if a court procedure was incorrectly applied. Ms. Tipton then stated the City of Benson brought up what they called new issues according to them, as to the different codes they wanted to apply after Section 16 was voided and the City claimed the judge had no authority to hear those arguments and claimed that Stagecoach Trails should have to go back and argue their grandfathered rights again to the Board of Adjustments, which is called exhausting your remedies. Ms. Tipton stated the appellate court decided that Judge Desens, in their opinion, did overstep his authority, adding whether or not she agrees is irrelevant, since that is what the appellate court decided. Ms. Tipton then stated what the appeals court did not do, is side with the City on the merits of the case, so the City should not be rejoicing too quickly, add the fact that the City of Benson found a technicality to throw all of this back into the court system is not a win for the City or for anyone else. Ms. Tipton stated the fact still remains that there are two 1983 civil rights suits pending and this decision only strengthens both of those cases, which will look into the why of all of this, which is the real question. Ms. Tipton then stated the question of why the City came after Stagecoach Trails, herself and her son still needs to be answered and any honest person in this community already knows the answer. Ms. Tipton then stated the appellate court did not decide on the merits of the case and in fact, upheld much of Judge Desens ruling, adding the appellate court simply said they agree with Mr. Murray, not Mr. Massee, that Stagecoach Trails should be made to go back and argue the new codes the City is trying to apply to Stagecoach Trails to the Board of Adjustments. Ms. Tipton then stated it was Mr. Murray that argued the case at the appellate court, not Mr. Massee and the appellate court decided for now, Stagecoach Trails will not get attorney's fees, and the City of Benson will not get attorney's fees. Ms. Tipton stated again the appellate court did not say Stagecoach Trails was wrong about their grandfathering or anything else, they simply said they are not going to give an opinion about the grandfathering and that they wanted Stagecoach Trails to go back to the Board of Adjustments. Ms. Tipton stated the appellate court also decided the City

code the City of Benson originally tried to apply is still void and upheld Judge Desens ruling. Ms. Tipton then stated this is not a win for the City, it is only a delay of the eventual outcome and what it does is enforce the 1983 civil rights lawsuit as to damages and sets the stage for a Proposition 207 lawsuit. Ms. Tipton then stated Mr. Massee is not vindicated, adding Mr. Massee caused and created the whole issue of which the consequences are still yet to be seen and Mr. Massee is only the receiver of a decision on a technical ruling. Ms. Tipton then stated civil rights are a big issue and they will be addressed by Judge Collins in Federal court, adding she is sure with all of the evidence she has to present, Judge Collins will get it.

CITY MANAGER REPORT:

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

- February 28, 2012 – Community Watershed Alliance, 6:30 p.m., City Hall
- March 6, 2012 – Planning & Zoning Public Hearing Whetstone Solar Park, 7:00 p.m., City Hall
Planning & Zoning Meeting, 7:00 p.m., City Hall
- March 12, 2012 – City Council Meeting, 7:00 p.m., City Hall
- March 13, 2012 – Library Advisory Board, 4:00 p.m., Library
- March 17, 2012 – Historic Preservation Commission, 9:00 a.m., City Hall
- March 20, 2012 – Planning & Zoning Public Hearing Zoning Regulations Update, 7:00 p.m.,
City Hall
- March 22, 2012 – Planning & Zoning Pubic Hearing General Development Plan Update,
7:00 p.m., City Hall
- March 26, 2012 – City Council Meeting, 7:00 p.m., City Hall
- March 27, 2012 – Community Watershed Alliance, 6:30 p.m., City Hall

Mr. Nichols reminded those present of the continuing work on the I-10/State Route 90 Traffic Interchange project, adding up-to-date information can be found at www.azdot.gov.

Acting Mayor McGoffin then stated the Benson Economic Development Subcommittee has recently been added and will be held on March 5, 2012 at 5:15 p.m. at City Hall and reminded those present of the election on February 28, 2012.

NEW BUSINESS:

1. Consent Agenda

- 1a. Minutes of the February 13, 2012 Regular Meeting
- 1b. Appointment of Councilmember Chris Moncada to the Benson Economic Development Subcommittee
- 1c. Resolution 8-2012 of the Mayor and Council of the City of Benson, Arizona, authorizing the Fire Chief to apply for an Arizona Department of Homeland Security Grant to fund equipment purchases
- 1d. Resolution 9-2012 of the Mayor and Council of the City of Benson, Arizona, authorizing the Chief of Police to apply for a Governor's Office of Highway Safety Grant to fund equipment purchases and overtime
- 1e. Resolution 10-2012 of the Mayor and Council of the City of Benson, Arizona authorizing the Chief of Police to apply for an Arizona Department of Homeland Security Grant to fund equipment purchases
- 1f. Invoices processed for the period from February 2, 2012 through February 14, 2012

Councilmember Brooks stated he would like to remove Items 1c, 1d and 1e from the Consent Agenda. Councilmember Brooks then moved to approve the remaining Consent agenda. Seconded by Councilmember Sacco. Motion passed 6-0.

Consent Agenda – Items Removed:

- 1c. Resolution 8-2012 of the Mayor and Council of the City of Benson, Arizona, authorizing the Fire Chief to apply for an Arizona Department of Homeland Security Grant to fund equipment purchases

Councilmember Brooks asked how much the grant was for with Fire Chief Keith Spangler stating this is the second phase of the grant requested last year in the amount of \$333,000, of which we were awarded \$146,000. Chief Spangler then stated he estimated this phase at \$100,000 but added the application has to go through a committee, who could change the awarded amount. Councilmember Brooks then asked about the equipment with Chief Spangler stating the department was looking at mobile data terminals; computers that will be able to talk to dispatch and have internet access so firefighters can look things up on fire scenes, adding it is an interoperability grant, so all the area fire departments will be taking part in it. Councilmember Brooks then moved to approve Consent Agenda Item 1c. Seconded by Councilmember Lambert. Motion passed 6-0.

- 1d. Resolution 9-2012 of the Mayor and Council of the City of Benson, Arizona, authorizing the Chief of Police to apply for a Governor’s Office of Highway Safety Grant to fund equipment purchases and overtime

Councilmember Brooks asked how long this program would run with Chief of Police Paul Moncada stating the GOHS grant programs run for a year. Councilmember Brooks then asked if the City would have to apply again with Chief Moncada stating the grant is an annual grant that comes up and departments around the State put in to be included in the Statewide Highway Safety Plan, adding if their proposal is funded, the State contacts the department and authorizes funds to be expended and then the department is reimbursed. Councilmember Brooks then asked if this is something the City does each year with Chief Moncada stating the program has been in place for many years with the City applying for at least the last 10 years. Councilmember Brooks then asked about the equipment and the maintenance of any such equipment with Chief Moncada stating the department hasn’t come to a consensus yet, but equipment they are considering is a computer and program that helps do traffic collision investigations, in-car camera systems and an aggressive driving enforcement vehicle, adding equipment maintenance for a year is factored into the grant application. Councilmember Sacco then verified this is a no match grant. Councilmember Brooks then moved to approve Consent Agenda Item 1d. Seconded by Councilmember Sacco. Motion passed 6-0.

- 1e. Resolution 10-2012 of the Mayor and Council of the City of Benson, Arizona authorizing the Chief of Police to apply for an Arizona Department of Homeland Security Grant to fund equipment purchases

Councilmember Brooks verified with Chief of Police Paul Moncada the grant was for up to \$150,000 worth of Homeland Security equipment to help enforce local problems we have in that area with Chief Moncada stating this is a separate grant that goes through a committee with law enforcement, adding there is a special allocation requiring 25% of the total funds available in this program go to law enforcement. Councilmember Brooks asked about any associated costs in equipment maintenance with Chief Moncada stating the department factors that into the original proposal, adding this is a no match grant. Councilmember Brooks then moved to approve Consent Agenda Item 1e. Seconded by Councilmember Moncada. Motion passed 6-0.

2. Presentation of the Certified Audit Report for the City of Benson for the fiscal year ended June 30, 2011

Finance Director Jim Cox introduced Jim Usevitch from Colby & Powell, PLC who was here to present the audit report to Council. Mr. Usevitch then addressed the Council stating in the audit report was an SAS114 letter (Statements and Auditing Standards letter) which is communication from auditors telling how the audit went. Mr. Usevitch then stated the auditors must address 8 questions that are qualitative aspects of accounting practices in each audit and stated the City performed well in all areas with the exception of one area, the transit fund. Mr. Usevitch then stated the City was very active this last year, with the new transit

grant receiving Federal funds in excess of \$500,000, which comes with Federal requirements, stating the City had some minor issues about monitoring and oversight, but no questions costs. Mr. Usevitch then stated the biggest thing in an audit is the opinion, stating the City got an unqualified opinion, which is the highest opinion they can give. Mr. Usevitch stated there was an entity who had an unqualified opinion for a number of years, but this year they received a qualified opinion, adding a congratulations was in order for the City of Benson's unqualified opinion. Mr. Usevitch then stated again, the City had seen a lot of activity with the transit fund, the golf course and the bonds issues, adding when bonds are issued there is a lot of things involved with them and it's not always the easiest thing. Mr. Usevitch then stated the City's overall financial position from last year to this year improved slightly, but in this environment that is considered to be doing very well. Mr. Usevitch then stated the only other issue is they would have preferred the accounting for the audit be more prepared, but stated there is a lot of activity in the finance office and a lot of new things for the City, adding overall the audit went very well. Mr. Usevitch then asked if the Council had any questions. Councilmember Moncada asked about the transit problems and if it was something the Council should look into with Mr. Usevitch stating there are 3 levels of deficiencies; a controlled deficiency, a significant deficiency and a material deficiency with a material deficiency being the worst and a controlled deficiency being the least and the City's deficiency was somewhere between 1 and 2. Mr. Usevitch then stated each year an entity receives over \$500,000 in Federal funds, the auditors must report to the Clearing House and because of the monitoring finding, the audit will be sent to them. Mr. Usevitch then stated if that organization has any issues, they will contact the City and find out what the corrective action plan is, adding since there was no question costs, that is, money that was spent that shouldn't have been spent or money drawn that shouldn't have been drawn, all that should happen is a letter looking for the corrective action plan and the City will need to reply. The Council thanked Mr. Usevitch for the audit and the information.

3. **Designation of a Councilmember as the Chamber of Commerce Designate**

Acting Mayor McGoffin stated several years ago the Council had a Councilmember serve as a liaison between the City and the Chamber and she felt we needed to have someone serve in that capacity, adding due to her schedule, she would be unable to do it and was hoping a Councilmember would step forward in that role. Councilmember Sacco stated he would be willing to do that. Acting Mayor McGoffin then moved to appoint Councilmember Sacco as the Benson/San Pedro Valley Chamber of Commerce Designee. Seconded by Councilmember Lambert. Motion passed 6-0. Acting Mayor McGoffin thanked Councilmember Sacco and asked that he keep the Council informed.

4. **Resolution 11-2012 of the Mayor and Council of the City of Benson, Arizona, to participate in the State of Arizona Department of Transportation Aeronautics Group Airport Surface Treatment Program for Improvements at the Benson Municipal Airport**

Public Works Director Brad Hamilton stated this resolution is to participate in the pavement preservation program with ADOT with a 90/10 split that would not kick in until the next budget year. Councilmember Lambert stated this would be from end to end with a complete resurfacing, not a spot patch like what has been done in the past with Mr. Hamilton confirming this, adding there will be a crack seal and then a complete overlay of rubberized asphalt. Councilmember Maldonado asked about the cost with Mr. Hamilton stating with the 90/10 split, the City's cost will be approximately \$38,000 for an almost \$400,000 project. Councilmember Lambert moved to approve Resolution 11-2012. Seconded by Councilmember Brooks. Motion passed 6-0.

5. **Update on the San Pedro Valley Golf Course and the Benson City Grille to present actions being taken to increase revenue**

Jay Tomerlin, Director of Golf Operations, gave a presentation on the golf course beginning with the challenges it has had in the last 6 months, including a disease on the greens, resulting in a loss of revenues and loss of playership, adding about 75% of play comes out of Tucson market. Mr. Tomerlin stated also in those 6 months are high expenses, stating in July and August, the expenses are high in all southern Arizona

courses with over-seeding and additional watering since the hours are longer. Mr. Tomerlin then stated these months are the low times for the Benson golf course, since we are opposite of everywhere else in the U.S., adding every other courses' revenue is boosting up in the spring and summer, but ours is going down, just like everything in the City being cyclical; we start losing snowbirds and participation as a result. Mr. Tomerlin then reviewed programs and projects being implemented at the golf course, beginning with working with the previous Superintendant, free of charge, who came down and consulted on the problem to help them out. Mr. Tomerlin then stated all the greens are back up in good conditions and are doing well, adding they also did some transplant projects and changed the appearance a bit to make it more appealing and are working on improving the course conditions daily. Mr. Tomerlin then stated play is coming back and the people are very happy, adding in the last two months play has be up 32%, with a good response in the Tucson market.

Mr. Tomerlin then addressed how to increase revenue, stating increasing golfers means increasing revenue. Mr. Tomerlin then reviewed several things that will be put into place over the next few months, as well as things he has been doing in the recent months, beginning with October, when he started a new membership with Pedro's pass, a discount program to create loyalty for avid golfers, adding as of February 16, he has 186 passes sold. Mr. Tomerlin stated they are doing very well with that. Mr. Tomerlin then stated in March, he is looking to develop weekly and monthly tournaments, which will increase playership, participation, golf shop sales and restaurant sales. Also, in March, they will start using Golf 2.0, which is a new golf development program put into place by the PGA, to grow playership over the next decade, which is the PGA's number 1 objective. Mr. Tomerlin then stated also in March, they will be holding a spring SNAG (Starting New at Golf) camp, adding they had 2 development camps last summer with close to 50 kids participating. Mr. Tomerlin stated this camp is a development program done with non-traditional clubs, adding starting with the youth is one way to grow the game. Mr. Tomerlin then stated also in March, they are developing more online booking engines for player members, adding he feels social media needs to be looked at for marketing and the golf course has a facebook page where players can book tee times. Mr. Tomerlin stated this is another way to reach the youth, adding if a player "checks in" at the San Pedro Valley Golf course to get a free bucket of practice balls, all of their contacts will see that and can follow the link to the golf course's webpage and can then book their own tee time. Mr. Tomerlin then stated in April, there will be a Get Golf Ready program, Patriot Day, Free Lesson Month and other programs as part of Play Golf America, with information found at www.playgolfamerica.com, which is another program put into place by the PGA. Mr. Tomerlin stated the golf course will be participating in the programs, but added it will take time to implement them since he is the only golf professional at the course. Mr. Tomerlin stated with Free Lesson Month, it should help people come out and see what the game is about and he will continue to push memberships to grow the Pedro's pass card, adding when he first started the pass cards in October, his goal was to sell 100, and has now sold 186 with many of the purchasers being from Tucson or snowbirds. Mr. Tomerlin stated they bought the year round pass for discounts offered to keep them coming back and he believes this can continue to grow and will help with word of mouth advertising, which is great advertising.

Mr. Tomerlin then discussed the restaurant, stating it is a tough situation and they are looking at new ways to have a cost efficient menu, adding rising costs, such as food and gas result in food companies adding fuel surcharges and they need to take a hard look at the menu. Mr. Tomerlin then stated they also have a new schedule for the restaurant aimed at cutting overtime and the need for additional manpower, adding he firmly believes the restaurant is there to serve the golfers and he will continue to look at the schedule if needed. Mr. Tomerlin then stated a new menu will be released in March and he has been working with Chef Galleano to make sure the costs of sales are correct, to keep the costs down and has been also working on developing a training program for the wait staff to make sure they look for continued sales opportunities with customers and other things. Mr. Tomerlin then stated he is also working on developing a banquet and wedding portfolio, adding they do have 2 upcoming weddings and he believes the golf course is a great venue for special events.

Mr. Tomerlin then summarized his presentation, stating he has seen a positive response in course conditions and rounds, with the rounds being up 32%, and February's rounds being up 35%. Mr. Tomerlin

stated he believes with consistent conditions, the golf course will continue to move forward and be back on track, adding the only things that could affect it is Mother Nature or the economy, which we can't control. Mr. Tomerlin stated in the upcoming fiscal year, he believes we need to create a business plan for the golf course, with a SWOT (Strength, Weakness, Opportunities, Threats) analysis, to help us understand what we're dealing with and where we want to go with the golf course. Mr. Tomerlin then stated he would like people to realize what the golf course does for the community, adding they hold several charity golf tournaments each year and generates 18,000-20,000 rounds of golf a year, with approximately 75-80% of those people being from outside Benson. Mr. Tomerlin then stated a few days ago he had 101 golfers, with 86 of them having non-Benson addresses, adding the golf course brings people to the City.

Councilmember Sacco asked about the tournament bookings with Mr. Tomerlin stating they are doing very well, adding they just booked a fundraiser for the little league and are having another at the end of the month for the Children's Miracle Network. Mr. Tomerlin stated these tournaments pull a lot of golf groups out of the Tucson market and some out of the Sierra Vista market, adding some play every month and some play every other month. Mr. Tomerlin then stated there are also annual tournaments, such as the one just held for the Knights of Columbus, which had just short of 80 players and was very successful. Councilmember Sacco then asked about the equipment at the golf course with Mr. Tomerlin stating we will have some concerns down the road, but for now, it's doing ok. Mr. Tomerlin then stated in the next budget, they may need to look at some new equipment and how to deal with it, adding there is some older equipment out there, but we have a good mechanic and it's still running.

Councilmember Brooks stated some citizens have questioned why the City should be in the business of running a golf course and restaurant, but he wouldn't discuss that and instead asked Mr. Tomerlin if he thought the golf course would be breaking even when the additional funding from Arizona Golf Systems ran out with Mr. Tomerlin stating both the golf market and the community is growing, noting there are 600 new jobs proposed in a recent business ground-breaking, and the golf course may help those new employees decide to live in Benson instead of the surrounding areas, but he couldn't speculate that far ahead. Mr. Tomerlin stated increasing rounds should increase revenue in both the golf course and the restaurant, but it would be up to the Council what they want to do with the restaurant, adding they ran with the same menu for about a year and it's time to take a hard look at the menu, with food costs rising, adding he feels a business plan needs to be put into place for the restaurant along with the golf course. Councilmember Brooks asked about consistent restaurant hours with Mr. Tomerlin stating the restaurant is now closed on Monday and Tuesday to eliminate the need to hire additional personnel, noting the restaurants base is the golfers and we need to recognize weekends are busier days.

Councilmember Lambert stated he would like to commend Mr. Tomerlin on the awesome job he is doing, adding he has been out to the golf course several times; to see the course and to eat. Councilmember Lambert then stated in Mr. Cox's report last month, it was noted the golf course, at the end of the year, was down \$125,000, but after speaking to Mr. Cox today, found the golf course is now well into the black and is doing well.

Councilmember Moncada stated he had been to the golf course the other day and was pleasantly surprised to see both the golf course and the restaurant packed, adding Mr. Tomerlin is doing a good job at the golf course. Councilmember Moncada then stated by March 26, he would like to see a monthly breakdown for the first year of all the revenues and expenditures at the golf course and wants these monthly from now on so the Council can stay informed and if there is a correction that needs to be made, they can deal with it as soon as possible. Councilmember Maldonado stated his brother-in-law comes from Tucson to play golf and enjoys the course with Mr. Tomerlin stating it's a very enjoyable course, built by a well-known engineer. Council then thanked Mr. Tomerlin for his presentation.

6. **Discussion and possible action to direct Staff regarding issuing a Request for Proposals for Municipal Legal (City Attorney) Services**

City Manager Glenn Nichols stated this item had been brought to Council for direction to Staff, adding City

Attorney Mike Masee's contract expires the first of May and if Council would like an RFP done, Staff should get the process started. Councilmember Sacco stated he felt the Council should be looking for a law firm instead of a single attorney, adding he thinks it would be better to have several opinions in a law firm rather than one opinion of a single attorney. Councilmember Brooks stated he did not know anyone from the Benavidez Law Firm, but has heard a lot of good things about them and he would also prefer a firm, adding he feels it would be a good idea to issue an RFP. Councilmember Maldonado stated he feels we should issue an RFP, but not limit it to law firms, because attorneys have resources they can use, such as the League of Arizona Cities and Towns and other attorneys. Councilmember Moncada stated he felt the Council could look at both single attorneys and multi-attorney firms. Acting Mayor McGoffin stated she felt if the City was going to issue an RFP, it shouldn't be limited to firms with more than 1 attorney, agreeing with Councilmember Maldonado that there are resources attorneys can use, adding the RFP should be to seek a City Attorney and not be specific to an individual or a law firm. Acting Mayor McGoffin then encouraged Mr. Masee to reapply. Councilmember Moncada agreed.

City Manager Glenn Nichols then stated there is a process in place from the last time an RFP was issued for a City Attorney and we received proposals from both single attorneys and multi-attorney firms, which were reviewed by the selection committee, who then interviewed candidates and made a recommendation to the Council.

Councilmember Brooks then stated he would agree to the RFP seeking a City Attorney or City Attorneys and we could see who submitted proposals. Councilmember Maldonado then moved to issue the RFP with the same process used in the previous attorney selection, with a selection committee to meet, interview candidates and bring a recommendation to the Council. Councilmember Brooks asked if any law firms applied with that process with Councilmember Maldonado stating there were. Motion was then seconded by Councilmember Sacco. Motion passed 6-0.

7. Discussion and possible action to direct Staff to initiate the search and selection process for the position of the Finance Trainee

City Manager Glenn Nichols stated in last year's budget meetings, they discussed finding a person with either training or experience in government finance to train for the Finance Director position, adding Mr. Cox has mentioned possibly retiring, but has not made up his mind. Mr. Nichols then stated he was looking for direction from Council on moving forward at this time to find someone who could be here to learn the process from Mr. Cox and be ready for the Finance Director position upon Mr. Cox's retirement.

Councilmember Moncada stated he thinks it is important to move forward and get someone to be part of the budget process. Councilmember Brooks stated he would prefer someone with a degree, even if it were an associate's degree. Finance Director Jim Cox stated as his replacement, he would want to require at a minimum a bachelor's degree or a CPA, adding he personally would prefer public administration education. Mr. Cox then stated he believes he has performed his responsibilities in a good manner, but he had no prior government experience and while he felt he did a great job of managing the City's finances, he may not have been the best Government Finance Person, which he feels is needed in the next Finance Director, adding things are set up well financially for the City at this point, but a government accountant could bring a lot to the position. Mr. Cox then stated with the recent departure of Denise Wolford who left to take the Finance Director position in Miami, there is a void in the Finance Department and rather than just replacing her at that lower level, it would be in the City's best interest to look at and interview people with a degree and possibly some government experience to slip into that role. Mr. Cox then stated this would allow a smooth, seamless transition when he retires since that person would assume the Finance Director position and then would be able to hire their own assistant. Mr. Cox then stated this would necessitate changing the job description, adding he would like to call it a Finance Manager or a Deputy Finance Director.

Councilmember Sacco agreed stating calling the position a "trainee" would turn people off and added we need someone with some experience. Councilmember Moncada agreed the person should have experience.

Councilmember Brooks stated he would like for someone to have the experience of at least Mr. Cox's level coming in and agreed the title "trainee" is misleading. Mr. Cox then stated if a very strong person is hired, he would be more inclined to retire sooner rather than later, but if the person needs a year's worth of training, he would consider staying on, adding if the person is heavy on education, but light on experience, he would not be against staying around until both he and Council felt that person was at a point where they could take the reins. Councilmember Maldonado stated he would like to see a bachelor's degree and at least 3-5 years in public finance and the sooner we can get someone in, the better off the transition into the budget will be. Mr. Cox stated we are well into the budget at this time, and in moving forward, the new person would probably come aboard right at the budget hearings, which would be a good introduction, but Mr. Cox will be doing the heavy number crunching this time.

City Manager Glenn Nichols then stated a motion would need to be made to look for someone and for the qualifications Council would like. Councilmember Maldonado then moved for Staff to start the hiring process for someone with a bachelor's degree and 3-5 years experience in public finance. Councilmember Sacco stated the job description would have to be addressed with Councilmember Maldonado stating Staff is working on the job description. City Clerk Vicki Vivian confirmed this, stating Staff would create the job description for a position to ultimately move into the Finance Director position and would include the Council stipulated bachelor's degree and 3-5 years experience in public finance and would then follow current hiring procedures. Motion was then seconded by Councilmember Maldonado. Councilmember Lambert asked about the budget with Mr. Cox stating during the last budget period, we added \$25,000 into the budget in the event he would retire before the end of the fiscal year and there would be a transitory period. Mr. Cox then stated he would like 3-5 years of experience to be preferable instead of a requirement, adding if we're able to hire someone who has a master's degree in public administration, but only has 1 or 2 years of practical experience, he would be very satisfied and thinks the City would be well-served. Mr. Cox then stated the degree should still be a requirement so the hired person could get the government accounting credentials they would need. Councilmember Maldonado then amended his motion to make the requirement of 3-5 years experience in public finance a preference instead of a requirement. Amended motion was seconded by Councilmember Moncada. Motion passed 6-0.

EXECUTIVE SESSION: Pursuant to A.R.S. §38-431.03 (A)(3) & (4), for discussion or consultation for legal advice with the attorney or attorneys of the public body regarding the City's position and to instruct its attorney(s) regarding both pending litigation matters, Stagecoach Trails Mobile Home Court (MHC) vs. the City of Benson, Arizona, et. al.

Councilmember Maldonado moved to enter into Executive Session with the Acting Mayor and Council, City Manager, City Attorney and the City Clerk at 8:26 p.m. Seconded by Councilmember Lambert. Motion passed 6-0.

Council reconvened at 8:54 p.m.

DEPARTMENT REPORTS: None

ADJOURNMENT:

Councilmember Maldonado moved to adjourn at 8:55 p.m. Seconded by Councilmember Brooks. Motion passed 6-0.

ATTEST:

Lori McGoffin, Acting Mayor

Vicki L. Vivian, CMC, City Clerk