

**THE SPECIAL MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD MARCH 31, 2015 AT 7:00 P.M.
AT THE BENSON UNION SCHOOL DISTRICT BOARD ROOM,
360 S. PATAGONIA, BENSON, ARIZONA**

CALL TO ORDER:

Mayor King called the meeting to order at 7:00 p.m. with the Pledge of Allegiance.

ROLL CALL:

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

NEW BUSINESS:

EXECUTIVE SESSION: Pursuant to A.R.S. §38-431.03 (A)(3) and/or (4), discussion or consultation for legal advice with the attorney or attorneys of the public body, and possible instruction to the attorney or attorneys of the public body about filling the Council seat and issues related to A.R.S. Sections 38-101, 38-291(6) and/or law(s) involving residency and principle place of abode requirements for Councilmembers

Councilmember Konrad moved to enter into an executive session with Mayor and Council, the City Manager, the City Attorney and the City Clerk at 7:02 p.m. Seconded by Vice Mayor McGoffin. Motion passed 4-1 with Councilmember Lambert voting nay.

Council reconvened at 7:18 p.m.

1. **Discussion and possible action to appoint an individual who has timely submitted the necessary documentation to fill the vacant Council seat and, possibly to interview all or some of those candidates beforehand**

Mayor King asked City Attorney Gary Cohen explain why the Council is addressing this item. Mr. Cohen then stated the item on the agenda is to appoint an individual who has submitted the necessary documentation to fill the vacant Council seat and possibly interview all or some of the candidates beforehand. Mr. Cohen then stated this morning the City got an official opinion from the Cochise County Attorney's office who was looking into this matter, adding the opinion is lengthy, but the important part is that it concluded the City's decision regarding deeming the Council seat vacant based on Councilmember Wangsness not having been in the State for more than 3 consecutive months was a correct decision, that his seat has been deemed vacant as a matter of law and that the City of Benson is free to fill the position. Mr. Cohen then stated again, that seat is vacant as a matter of law, pursuant to A.R.S. §38-291(6). Mr. Cohen then stated the county Attorney also went on to explain that the deemed vacancy of Councilmember Wangsness' seat pursuant to that statute just happened as events unfolded without any planning. Mr. Cohen stated with that, he would be happy to answer any questions the public might have after the meeting, adding he believes the County Attorney's decision was released publicly should anyone want to obtain it. Mr. Cohen then stated the Council, under the Benson City Code, now needs to fill that vacancy, adding he understands there are two applicants and how Council wants to proceed at this point is in their purview.

Mayor King then opened the item for discussion. Vice Mayor McGoffin stated she would like to have both applicants stand and give Council their background and why they would like to take the Council seat and what they think they could do to help the Council become more positive and work as a team.

Applicant David Thompson addressed Council stating he was a Benson resident, having been here about 6½ years, and is property owner, a licensed business owner and a taxpayer. Mr. Thompson then stated he does business as much as he can in Benson, adding he has an RV repair business for people in the Benson

area. Mr. Thompson then stated he is interested in the Council seat because he thinks he can bring to it feelings from people he meets on an everyday basis, not only citizens and homeowners, but renters, winter visitors and people passing through Benson, adding he hears a lot of comments, both positive and negative. Mr. Thompson then stated he hears critical things he thinks are applicable and he would like to be in a position to help the City and bring information to the Council that they may or may not be getting from other sources. Mr. Thompson then stated living in Benson on a daily basis and earning his living here puts him in a good position to be critical.

Applicant Chris Moncada addressed Council stating he has been a lifelong resident of Benson with his family being from Benson. Mr. Moncada then stated he coaches youth sports, is very active in the community and was on the City Council for 3½ years. Mr. Moncada stated he thinks he does a good job listening to all sides and not forming an opinion until he has heard everyone out, adding he forms his own opinion, but he is willing to listen and hear people out, even if he doesn't agree with them. Mr. Moncada then stated he knows the Council has a lot of issues coming up, adding he will bring some experience and some outside perspective to them. Mr. Moncada then stated he was a hands-on Councilmember when he was on the Council, attending everything he could, helping out when he could and he was always available for whatever needed to be done.

Mayor King asked if there was any other discussion, comments or questions.

Councilmember Cook then stated the El Dorado development is coming into Benson, which is going to be a long-term project and asked the applicants if they had done anything to inform themselves about El Dorado, to find out who they are and how they matter.

Mr. Thompson stated he reviewed the booklet that was given to the Planning & Zoning Commission and went through it over a couple of nights and today, he took the El Dorado introductory tour with the two principles, adding he spent about 4 hours seeing what is going on and hearing about it from their point of view, which was very educational.

Mr. Moncada stated what he knew about El Dorado is what he knew when he was on Council, which is what they talked about and were planning on doing up to that point, adding he hasn't done a lot of research since that time, but he has kept up with it through the newspaper and discussions with City employees and current Councilmembers. Mr. Moncada then stated he understood the Citizen Review Session was being held this evening, which is why the Council was meeting in the School District Board room.

Councilmember Konrad then stated the City Council will be starting budget worksessions soon and he would like to hear from both applicants what kind of background they have and what they have to offer. Councilmember Konrad stated he knows both applicants know where the City is financially and he would like their input on that and what they might be able to do to help in that process.

Mr. Moncada stated he knew the Council was in a bad spot, adding he doesn't envy any Councilmember or whoever fills the vacant seat, as he has looked at budget and has lived it for the past 3½ years while he was on Council. Mr. Moncada then stated he knows where the City is and that hard choices are going to have to be made, adding his impression so far is that there is going to have to be some kind of revenue and the City should take this opportunity to look at all operations and see where restructuring should be done. Mr. Moncada stated if he is appointed, he would like to see restructuring brought on by Council, but he still thinks at the end of the day, to keep services where they are at or even if some services are cut, there still has to be an increase in revenue, which probably means a sales tax increase. Mr. Moncada then stated no one likes to pay more, which includes him, but he also likes the standard of living and the services the City offers, adding those cost money and government costs money, unfortunately. Mr. Moncada then stated he does think the Council should take this opportunity to take a look at the way the City is structured, adding the City is structured for a 1980 City of Benson, not a 2015 City of Benson; so there's an opportunity to take a look at that, but the City does have to provide basic services and those do cost money.

Mr. Thompson stated being a business owner, the first thing that comes to mind when the budget gets tight is what gets looked at, where are cuts made, where can savings be made and where is reorganization done. Mr. Thompson then stated Benson is very interesting because have a real dichotomy here, adding the City needs the income, so a tax increase is proposed, which may or may not solve the problem and may actually create a problem, and then the City has money being taken away by State, which will reduce some services and may result in an increase in homeowners insurance rates and so on. Mr. Thompson then stated it's like the City is being penalized on one hand with lesser funding and rewarded on the other hand by increasing sales tax revenue. Mr. Thompson then stated he is sure there are things he would learn by being on the Council to help him make a better decision, but at this point, the Council needs to look at the City like a business, weigh all these things and see what would be the better benefit for Benson.

Mayor King stated any Councilmember coming on Council has to understand the Council is getting ready to run into a lot of meetings and will be starting to deal with people's lives now, even more strictly as they move forward. Mayor King stated the Council has been working very hard to find everything that can be cut and is leaving no stone unturned. Mayor King then stated it will take a huge amount of effort to try and catch up to where the Council is right now, which will not be an easy task, adding this new Councilmember will have to catch up to where the Council is and with what they have done up to now. Mayor King then stated no matter what's being said in the public, there are not enough people coming to the Council meetings to see what is really going on, what the Council is doing, what they have done and what the City Manager and Finance Director have done and how hard they have been working. Mayor King then stated Council has asked a lot of questions and again, no stone has been left unturned. Mayor King then stated whoever gets appointed needs to remember this is not going to be an easy task, they are going to have to keep both ears open and be able to listen and make a good decision on what is right for the City. Mayor King then stated they will have to learn to agree to disagree, which is the biggest thing so the Council can move forward regardless, adding the appointed Councilmember will need to remember disagreements aren't personal and the Council needs to make decisions for the citizens, regardless of personal feelings and personal gains. Mayor King stated this is very important and is the best advice he can give after all his years on Council. Mayor King then stated it's a tough thing, adding half the people won't like you and the other half will love you, again stating it's not an easy job, but Councilmembers have to have broad shoulders and stand by the decisions they make.

Mayor King then stated the Council has had an opportunity to review the applications and asked if there was a motion. Councilmember Lambert stated for the sake of experience the Council needs for the upcoming budget, he was moving to appoint Mr. Moncada to the vacant Council seat. Seconded by Vice Mayor McGoffin. Councilmember Konrad stated he has spoken several times to Mr. Moncada during the campaign and he has a lot of respect for him, adding the only thing he sees, adding he has personally been through it, is family ties. Councilmember Konrad stated Mr. Moncada saw it worse than Councilmember Konrad had, but noted he did experience it first hand and it was very distracting.

Councilmember Konrad stated that was the only thing he saw as a drawback, adding Mr. Moncada does have the experience as a Councilmember, but he does see family ties as being somewhat of a detriment as the Council is trying to go through these tough times. Councilmember Konrad then stated he hoped Mr. Moncada understood from a professional point of view that it can be a big distraction. Mayor King asked Mr. Moncada if he would like to comment on that with Mr. Moncada stating he dealt with it before and thinks he did a good job when he was on Council of separating himself from it before, adding he would continue to do the same.

Vice Mayor McGoffin stated she would like to thank both Mr. Thompson and Mr. Moncada for applying, and she would encourage Mr. Thompson to continue to come to Council meetings, and probably run in the next election, adding she would definitely help him and might even give him her seat. Vice Mayor McGoffin then stated she was impressed by both of the applicants and did understand Mr. Moncada's dilemma with having family members as employees, adding she faces it regularly and she feels she is pretty good at separating it herself. Vice Mayor McGoffin then voted aye.

Mayor King stated experience is important right now because of the critical time the City is in, adding this is one of the most critical times the City has been in and he thinks the Council needs someone with experience. Mayor King then voted aye.

Councilmember Cook stated he was surprised that it was almost noon when Mr. Moncada decided to throw his hat in the ring and it reminded him of Mr. Moncada saying he wasn't going to run for Council and then turning around and running for Mayor at the last minute. Councilmember Cook then stated Mr. Moncada has been saying he wasn't going to apply for this seat and then did at the last minute, which was surprising. Councilmember Cook then stated he had met with Dave Thompson several times, and went over minutes that reflect Mr. Thompson's independent thoughts, his realistic perceptions of what is happening and who is doing what. Councilmember Cook then stated he had already made his mind up, adding his thought was that anyone who would put their hat in the ring at such a late hour was probably not very serious. Councilmember Cook then stated that was the basis of his vote and voted no.

Councilmember Lambert stated as he said in his motion, the experience is what Council needs at this point, noting this appointment will last 1½ years, adding it's only a partial term. Councilmember Lambert then voted aye.

Councilmember Konrad stated he had one more thought and asked if the Council could have another executive session regarding a question he had. Councilmember Konrad moved to enter into an executive session with Mayor and Council, the City Manager, the City Attorney and the City Clerk at 7:38 p.m. Seconded by Councilmember Cook. Motion passed 5-0.

Council reconvened at 7:53 p.m.

Councilmember Konrad then stated his vote was for Mr. Thompson. Mayor King then stated Councilmember Konrad's vote was no with Councilmember Konrad confirming this.

Mayor King then stated the motion passed 3-2 (with Councilmembers Cook and Konrad voting nay) with Mr. Chris Moncada being seated as next Councilmember.

DEPARTMENT REPORTS: None

ADJOURNMENT:

Vice Mayor McGoffin moved to adjourn at 7:53 p.m. City Clerk Vicki Vivian then addressed Council stating as part of the Councilmember being appointed, he could be seated tonight after being sworn in. Ms. Vivian then swore Mr. Chris Moncada in, administering the oath of office. Councilmember Moncada was then seated.

Vice Mayor McGoffin then restated he motion to adjourn at 7:55 p.m. Seconded by Councilmember Lambert. Motion passed 6-0.

Toney D. King, Sr., Mayor

ATTEST:

Vicki L. Vivian, CMC, City Clerk