City of Benson
City Council Communication

Regular Meeting **April 22, 2013**

To: Mayor and Council Consent Agenda Item # 1a

From: Vicki Vivian, CMC, City Clerk

Subject:

Minutes of the February 25, 2013 Regular Meeting

Discussion:

Attached are the minutes of the February 25, 2013 Regular Meeting.

Staff Recommendation:

Council pleasure

THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD FEBRUARY 25, 2013, 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 Allegiance. Mayor King then introduced Pastor Lupe Diaz of Grace Chapel who gave the invocation.

ROLL CALL:

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

EMPLOYEE RECOGNITION:

None

PROCLAMATION:

None

PUBLIC HEARING: None

CALL TO THE PUBLIC:

Steve Sacco addressed Council regarding the proposed updates to the City Code Chapter 7, "Building" and Chapter 9, "Health and Sanitation." Mr. Sacco's comments will be retained with the Council packet.

Christopher Early addressed Council stating he would like to thank Steve Sacco for his comments, adding the Council needs to take what he said into consideration and apply it. Mr. Early then stated regarding Chapter 7 and the privacy issues, Council needed to apply it to everyone, not just one person.

Pat Boyle addressed Council regarding Chapter 7, stating in America, private property is the foundation of what we have and after earnings are taxed, people take what is left and provide a home, adding a person's home is a sacred thing and he feels it should be treated as such, even though it might not be much, because it is what they have. Mr. Boyle then stated people are taxed on their property and if they fail to pay the property taxes, the government can get an order for a tax sale and cast them out of their home, adding the home is not the government's property, but they have the power and authority to do that. Mr. Boyle then asked if people are really property owners, noting if they don't pay the tax even though their home might be paid for, it's not theirs, per se. Mr. Boyle then stated a code violation may result in a penalty and the property owner still has the cost to fix the problem, but maybe their only choice is to pay to fix it and they can't afford a permit or the fine, which could then lead to a lien and being forced from their home. Mr. Boyle then stated private property and other rights have been stripped away and asked Council to consider the proposed changes, adding they have a sacred obligation to everyone in town, to protect them from the very thing Council is doing. Mr. Boyle then stated Council needs to make sure they are protecting the rights of homeowners and treat everyone the same.

Jim Gray addressed Council regarding lighting the signs on the freeway, stating he thinks it is a good idea and will make the signs stand out and get a lot of traffic on the freeway. Mr. Gray then stated he feels the City Manager Salary should be between $80,000 and $100,000, adding he thinks $137,000 for this small town is way too high. Mr. Gray then stated at the last meeting, the Council passed an agreement giving water to someone outside the City limits, adding during the discussion Councilmember Brooks made some

good points and asked pertinent questions, while it looked like half the Council was rolling their eyes. Mr. Gray then stated Councilmember Brooks was asking about the legality of it, because if the City wants to annex, that property owner would have to vote for the annexation, adding the Council used water to bribe the person that needed water to vote for annexation. Mr. Gray then stated the real problem is limiting the rights of the other property owners around that property, adding property owners have a right to vote on annexation and maybe other property owners don't want to be in the City. Mr. Gray then stated Councilmember Brooks' question was answered by stating Tucson approves agreements like this, but added Benson isn't Tucson, noting Tucson was recently reported as one of the 10 worst run cities in America and asked if we wanted to be like Tucson.

J.T. Moffett addressed Council stating he read the City Council candidate interviews and attended the candidate forum and Councilmember Maldonado was good at campaign rhetoric, asking who wrote it for him and what decisions Councilmember Maldonado has made resulting in progress and growth, adding Councilmember Maldonado has sold out to City Hall on Chapter 7 and in doing so, has sold out your fellow citizens leaving them with the only choice of voting him out of office. Mr. Moffett then stated Vice Mayor McGoffin was boastful in telling people she didn't care if she was re-elected or not and if people didn't like her decisions, they shouldn't vote for her. Mr. Moffett then stated at the forum, Vice Mayor McGoffin was asked what research she did with her response being to talk to Staff, adding it is hard to vote the will of the people when your source of direction and information come from City Hall. Mr. Moffett then stated Councilmember Lambert was quoted as saying there were a number of issues that need to be addressed that have not appeared on the agendas because of the current administration, adding Councilmember Lambert should know he and the Council are the current administration and Councilmember Lambert could have put those issues on the agenda with just one other Councilmember anytime he wanted. Mr. Moffett then stated Councilmember Lambert had suddenly become a big supporter of the incentive pay plan for the police officers that Mr. Moffett brought before Council a year ago, yet Councilmember Lambert never even tried to put it on the agenda, but now that Councilmember Lambert was running for Mayor, he couldn't wait to look into it. Mr. Moffett then stated Councilmember Maldonado, Vice Mayor McGoffin and Councilmember Lambert had all been willing participants in the propaganda campaign for the Chapter 7 codes, as they keep telling people, we need these codes in an attempt to brainwash the public, repeating lies from Mr. Garcia who tells everyone he can't do anything about their complaint until they pass the new codes, and the new codes are needed to protect the public. Mr. Moffett then asked who the public needs to be protected from, adding the Chapter 7 codes criminalize violations and we are supposed to make laws to protect the public from criminals, not laws that make the public criminals. Mr. Moffett then stated we do not need these codes, but what Benson does need is to cut spending on management salaries and to ease the financial burdens on the citizens, not pass new laws to burden them further and take more money from them. Mr. Moffett then stated if Council is so worried about cleaning up people's yards and homes, they should clean up their own backyard, meaning City Hall, and they didn't need new codes to do so. Mr. Moffett then stated the new codes are all about power and money, adding the City tried to raise sales tax and failed, tried to raise the bed tax and failed, tried to audit businesses to get more money and failed, then someone had a brainstorm to write new codes and add a lot of fines and costs, liens and seizures to rake in the money from the community to be able to afford to pay the City management even more money. Mr. Moffett then stated he would be holding a public awareness forum on Chapter 7 on March 6 at 7:00 p.m. so the public can know the truth. Mr. Moffett then stated everyone attending will get a copy of the new codes and see and hear a full presentation on the proposed codes without any smoke and mirrors and manipulation, adding there will be ample time set aside for a Call to the Public and everyone will have a chance to ask questions and give their opinion, encouraging everyone to attend who wants to know the truth about this quest for power and money.

Jeff Cook addressed Council stating he didn't intend to scold or snare during his comments, but would like to say he liked what Mr. Boyle said in his comments and the way he said it, adding it should appeal to everyone. Mr. Cook then stated the main reason he was here was that he had heard a number of times that Councilmembers have already decided to pay the new City Manager $133,000, adding he attends all the Council meetings and hasn't heard that happen. Mr. Cook then stated if something has happened behind closed doors, he would like it on the record, or if Councilmembers individually or with other

Councilmembers have agreed to pay $133,000. Mr. Cook then stated maybe the people of Benson are being lied to and if so, he would like to know by whom and would like the Council to point it out.

Kathy Suagee addressed Council stating in recent years people have been very wary of government being too large and assuming too many powers over Americans, adding ever since the Bush era with the passage of the Patriot Act, it seems to be a trend, but we need to look no further than our own City government to see this is a real threat on a local level. Ms. Suagee then stated Councilmember Lambert says Chapter 7 is for the people to assure them of their rights should they find City officials standing at their door, but her belief is that they should not find, out of the blue, someone standing at their doorstep. Ms. Suagee then stated she gives credit to those who on January 21 voted to table this Chapter and directed Councilmember Brooks to find a third party who could take another look at it, adding it was evident that many of the Council were still confused about what this document is, just as the public is. Ms. Suagee then stated the City of Benson employs more people than most other communities our size, comparing Benson to Willcox. Ms. Suagee then stated she did not advocate mass firings, but expects Council to use the money effectively that taxpayers provide for the City, adding Council can save money by lowering the City Manager's salary now and doing the same with other high paid positions. Ms. Suagee then stated it is one thing to pay a professional manager who has the college education and experience to fill this position, but Mr. Nichols only had a certificate for being a City Manager, not a college degree and he never should have been paid more than $100,000. Ms. Suagee then stated to Mr. Nichols' credit, he only asked for $90,000 and we have Councilmember Lambert to thank for giving him more at that time. Ms. Suagee then stated too many times, Council all votes yes, for any motion that is made. Ms. Suagee then stated Mr. Garcia has two associates degrees in drafting, but she doesn't see that it qualifies him for re-writing City codes. Ms. Suagee then stated she hoped the Council would use common sense, adding she appreciates the hard work some of the Council is doing in trying to grapple with Chapter 7. Ms. Suagee then stated Council should not feel they are under the gun to get something passed right away, noting it has been a year, but many on the Council are still are confused about exactly what it is, as the public is, asking is it a building code, an enforcement code, or a change to the zoning regulations.

Paul Lotsof addressed Council stating for the last 20 years or so, he and the newspaper were given paper Council packets and he has kept nearly all of them, but he discovered he would no longer be getting them since the Council now has iPads and would be getting the Council packets electronically. Mr. Lotsof then asked for the decision to be reversed. Mr. Lotsof then stated in Council packets, there has been a listing of the bills the City has paid, adding Mr. Cox has done a good job in making what the money was paid for clear to the public, but now the report has been changed and no longer shows what the purchase was for. Mr. Lotsof then stated he didn't see the purpose of the change, which is obviously for the worse, adding members of the Council have a responsibility to know what the money is being paid for and he thinks the public has that right also.

CITY MANAGER REPORT:

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

February 26, 2013	–	Community Watershed Alliance, 6:30 p.m., City Hall
March 4, 2013	–	Economic Development Subcommittee, 5:15 p.m., City Hall
March 5, 2013	–	Citizen's Review, 6:00 p.m., City Hall
		Planning & Zoning Meeting 7:00 p.m., City Hall
March 11, 2013	–	City Council Meeting, 7:00 p.m., City Hall
March 12, 2013	–	Library Advisory Board, 4:00 p.m., City Library
March 16, 2013	–	Historic Preservation Commission, 9:00 a.m., City Hall
March 25, 2013	–	City Council Meeting, 7:00 p.m., City Hall
March 26, 2013	–	Community Watershed Alliance, 6:30 p.m., City Hall

Mr. Nichols then reminded those present of the continuing work on Interstate 10 and the Marsh Station project, adding up-to-date information can be found at www.azdot.gov. Mr. Nichols then stated Interstate

10 is scheduled to be closed from March 8 at 9:00 p.m. to March 9 at 6:00 a.m. to take down the Pantano Railroad Bridge. Mr. Nichols then stated adjustments to the schedule are made when necessary for weather and other issues, but the website would contain the latest information about the project schedule. Mr. Nichols stated a Council candidates' forum would be held at the Lion's Club on Thursday at 7:00 p.m., noting March 12, 2013 was the Primary Election Day and the VFW and the Chamber of Commerce were planning on hosting City Council Candidate Forums in the near future.

NEW BUSINESS:

1. Consent Agenda

1a. Minutes of the January 28, 2013 Regular Meeting
1b. Invoices processed for the period from February 1, 2013 through February 13, 2013

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

2. Presentation by Zoe Richmond, Union Pacific Railroad, Director Public Affairs, of a grant to the City of Benson

City Manager Glenn Nichols stated Ms. Richmond was unable to attend and he would be addressing Council. Mr. Nichols then stated Union Pacific approved a grant to the Food Pantry in the amount of $3,000 and presented the check to Larry Martinez of the Food Pantry. Mr. Martinez presented a plaque to Mr. Nichols to deliver to Union Pacific thanking them for their support. Mr. Martinez then thanked the Food Pantry volunteers for their work and attendance in representing the Food Pantry. Mr. Martinez then stated he will no longer be at the Food Pantry as he will be moving and thanked everyone in the community for the help they have given to the Food Pantry. Mayor King thanked Mr. Martinez for all he had done. Mr. Nichols then stated a grant with Union Pacific was also applied for by Tourism Director Bob Nilson to place some historic railroad logos along the visitor center on the walls in the parking lot and Union Pacific honored the City with a grant for $5,000 to go toward that project.

3. Request sponsorship of the Benson Bobcat Booster Club Golf Tournament to be held on March 16, 2013

Benson Bobcat Booster Club President Tammy Fenn addressed Council regarding their annual golf tournament, stating they have 3 different levels of sponsorships and had sent in a letter to the Council asking the City to sponsor the tournament. Ms. Fenn then stated all proceeds from the tournament will go directly to Benson Bobcat athletes, adding in the past few years, major budget cuts affected the athletic programs throughout the State and it is the mission of the club to provide our student athletes with the funds they are in need of beyond what the school district is able to provide. Ms. Fenn then stated their goal is to provide for teams and individual athletes, so that any person with the desire to participate in the sport will be able to, regardless of their financial situation at home. Ms. Fenn then thanked the Council for their consideration. Councilmember Brooks moved to sponsor the tournament with a bronze level sponsorship. Seconded by Councilmember Maldonado. Motion passed 7-0.

4. Discussion and possible action regarding lighting the City of Benson billboard advertisements along Interstate 10

City Manager Glenn Nichols stated the cost to light the billboards would be $75.00 per month per billboard. Councilmember Moncada asked if the lights would interfere with the dark skies with Mr. Nichols stating the lights used on the billboards are shaded to not interfere with the dark skies. Councilmember Brooks stated if the billboards were lit, it would advertise the City another 10-12 hours each day, noting it doesn't make sense to advertise a 24-hour Wal-Mart on signs that can't be seen at night, adding the lights may help bring more revenue from night travelers. Councilmember Maldonado agreed.

Mayor King asked if the cost was in the budget with Finance Director Jim Cox stating there were funds available in the line item to pay for the lighting. Councilmember Lambert stated he drove by the signs at night and they couldn't be seen, agreeing that lighting the signs would bring more business in Benson and that a 24-hour Wal-Mart needed a 24-hour advertisement. Councilmember Lambert then moved to approve lighting the City of Benson billboard advertisements along Interstate 10 at the cost of $75.00 per billboard, per month. Seconded by Vice Mayor McGoffin. Motion passed 7-0.

5. <u>Discussion and possible action regarding the City Manager Salary Range</u>

City Manager Glenn Nichols stated Councilmember Brooks asked to discuss the salary range for the City Manager, adding the existing salary range was approved as part of the budget for the City for Fiscal Year 2012-2013. Mr. Nichols then stated the salary grade range for the City Manager is 72, with the minimum salary of $89,890.12, the mid-point of $112,362.65 and the maximum of $134,835.18. Mr. Nichols then stated he had also given Council a section of the League of Arizona Cities and Towns salary survey, stating he took the salaries for the 15 cities with populations between 5,000 and 9,999, and the average salary for a City Manager for those communities was $109,863.00. Councilmember Maldonado addressed Mr. Cook's comments during the call to the public, stating the Council had not decided on a salary, adding this is one of the rumors being spread. Councilmember Maldonado then stated in looking at cities with populations around 5,000, the salaries range from $85,000 to $130,000, adding the City falls in that range. Councilmember Moncada stated he thinks we should advertise the position from the minimum to mid-point and leave the maximum salary out, adding he would not want to pay a City Manager $134,000. Councilmember Moncada then stated the salary agreed to would most likely fall between the minimum and mid-point range, adding it would probably be under $105,000. Vice Mayor McGoffin agreed the advertisement should show the minimum to mid-point salary, adding at the City Council candidate forum, someone asked how the Council felt about paying a City Manager or City staff more than the governor makes so she did some research and found that Apache Nitrogen, with approximately 90 employees and 8 Department Heads, pays their CEO over $100,000 and Benson Hospital, with approximately 100 employees and 22 Department Heads pays their top person between $150,000 and $204,000. Vice Mayor McGoffin then stated the City Manager salary paid now of $109,000 is the mid-point for the cities the same size. Mayor King stated he said at the City Council candidate forum that he wouldn't pay a City Manager $133,000, no matter how good they are, adding he thinks the salary is based on how much experience and education the selected candidate has and we should look at the very minimum of bringing someone in at $89,000. Mayor King then stated we should advertise a salary range of $89,000 to $100,000. Councilmember Sacco stated compared to other cities in the area, the salary is too high. Councilmember Sacco then asked if the salaries shown include benefits with Mr. Nichols stating they did not. Councilmember Sacco then asked for a total salary amount including benefits with Mr. Nichols stating the salary and benefits were approximately $140,000. Councilmember Sacco stated he would like to pay in the area of what other cities are paying for a City Manager. Councilmember Lambert stated he would like to clarify Ms. Suagee's earlier comment regarding the appointment of Glenn Nichols as City Manager, adding he brought up how much time Mr. Nichols was spending as City Manager and as Chief of Police. Councilmember Lambert then stated he suggested a salary and while he agreed with the Council's decision, he did not make the motion regarding the salary. Councilmember Brooks stated he spoke to a number of people and their figures are way below the figures discussed so far. Councilmember Brooks then stated he agreed with Councilmember Lambert's previous comment to use someone internally as an Interim City Manager and save $100,000 a year, adding he thinks the Council needs someone to direct departments, but each Department Head knows their job, what needs to be done and had made their budgets and supplied them to the City Manager. Councilmember Brooks then stated the Council does need someone to represent the City at least 8 hours a day during the week. Councilmember Brooks then stated he had information someone gave him from the Better Business Bureau showing the City Manager of South Tucson made $48,870 a year, adding he knows South Tucson is a depressed area, but he doesn't see Benson being a rich community either, such as Litchfield Park or communities around Mesa where they pay a higher salary. Councilmember Brooks then stated the salary when Mr. Nichols was appointed City Manager was bumped up due to a number of factors such as Mr. Nichols wearing 2 hats and the City expecting a pretty big building development at the time, adding he didn't know why the salary didn't come down or why the

Council didn't review the salary, but he thinks the Council should start the position from $70,000 to $80,000. Councilmember Brooks then stated he thinks the Council can get very qualified people, because there are a lot of unemployed degrees out there looking for work and if the town starts to grow, the Council can always bring the salary up. Councilmember Brooks then stated the Council needs to look to the public, adding they may be part of the hiring process and the Council should look to who they would like to see for a City Manager. Councilmember Brooks then stated he would like to make one other point, adding Sierra Vista pays their City Manager $135,000 but they are 8 times the size of our city. Councilmember Brooks then stated as far as Mr. Cook's earlier comments, the current City Manager salary range is from $90,000 to $135,000 and Council tabled the salary range so they could review the amount placed in the advertisement for the City Manager position. Mayor King suggested advertising the position from $70,000 to $112,000. Vice Mayor McGoffin stated the salary survey shows Willcox pays their City Manager $95,000 plus benefits and Bisbee pays their City Manager $99,000 plus benefits. Councilmember Brooks interrupted, stating that is quite a bit different, like apples and oranges with Vice Mayor McGoffin stating South Tucson is also quite a bit different. Councilmember Brooks agreed. Vice Mayor McGoffin then continued, stating she would agree to advertising the range from $70,000 to $112,000. Vice Mayor McGoffin then moved to advertise the City Manager position from $70,000 to $112,362, the mid-point of the salary range. Seconded by Mayor King. Councilmember Sacco stated in the salary survey there were only a couple of cities that paid the amount Council was talking about and he didn't think Council should go that high, adding he thinks Council needs to lower that figure down somewhat to about $60,000 to $70,000. Councilmember Brooks stated Bisbee is a unique town with a higher tourist attraction than we have in Benson and he thinks Council should really consider limiting the salary to below $100,000, adding $90,000 is the maximum he would agree to. Councilmember Maldonado then stated Litchfield Park with a population of 5,476 pays their City Manager $130,000; Holbrook with a population of 5,053 pays their City Manager $91,000; Cave Creek, a richer community with a population of 5,015 pays their City Manager $123,000; Eagar with a population 4,885 pays their City Manager $85,000; Thatcher with a population of 4,865 pays their City Manager $100,000 and Benson with our population of 5,105 is at $105,000 which is right in the ballpark. Mayor King asked if there was any further discussion before calling for a vote. Motion then passed 4-3 with Councilmembers Brooks, Lambert and Sacco voting nay.

6. <u>Review of City Finances with emphasis on January, 2013 financial results, the City's financial position at January 31, 2013 and discussion of expected future net revenue streams</u>

Finance Director Jim Cox stated Deputy Finance Director Megan Moreno would be addressing Council with the January finances, adding he anticipates Ms. Moreno assuming the Finance Director position upon his retirement. Ms. Moreno then addressed Council reviewing the highlights for the month of January, starting with citywide financials. Ms. Moreno stated the City's cash bounced back up from December's balance of $1.4 million to $1.7 million. Ms. Moreno then stated the unused bond proceeds were still at $1.4 million. Ms. Moreno then stated revenues for January were $1.2 million, up compared to last year by $235,000, adding a big reason for this was grant reimbursements for the Fire Department and the emergency generator at the airport, as well as an increase in our City sales tax of $17,000. Ms. Moreno then stated the increase in sales tax is an upward trend and we also saw an increase in property taxes, due to timing. Ms. Moreno then addressed the General Fund stating revenues for the month of January and year-to-date revenues were very comparable to last year, as well as the expenditures being very comparable to last year, which is to be expected.

Ms. Moreno then moved to the Enterprise funds, stating the Gas fund is up $58,000 for the month of January due to the weather and February is looking the same. Ms. Moreno then stated the Water fund is doing well, running smoothly and is just about where it was last year. Ms. Moreno then stated the Wastewater fund is down about $6,000 for the month of January, noting there was a sewer break at Pearl and Patagonia requiring some major equipment rentals and we are still seeing some residual fees for the Whetstone hauling, but we should see those decrease.

Ms. Moreno then addressed the Golf Course stating it is up $6,000 for the month of January, noting it is still down year-to-date, but there has been a huge turnaround. Ms. Moreno then stated memberships alone

are at about $50,000 for the year, adding they are already at 112% of what was budgeted, so they are doing better than projected. Ms. Moreno then stated Director of Golf Operations Jay Tomerlin addressed Council at the last meeting with the new restaurant hours and menu and the golf course's reputation keeps getting better.

Ms. Moreno then gave a summary of sales tax stating the General Fund sales appear to be continuing up, adding next month is usually where we see the large increase with Christmas sales tax, so February is looking good. Ms. Moreno then stated the bed tax is basically where it has been at for the last few years and construction sales tax has seen a big dip, due to the end in a lot of construction projects, adding we don't really see any construction projects coming in the foreseeable future. Councilmember Brooks asked if the construction sales tax includes sales from contractors that build homes with Ms. Moreno stating it does. Councilmember Moncada then stated the construction sales tax is down due to the school's construction project being complete and the Interstate construction being complete with Ms. Moreno agreeing, stating those were the major projects and the City hasn't seen a lot of home building construction recently. Ms. Moreno then stated the total sales tax collections are just slightly above where we've been in the past 2 years. Ms. Moreno then stated in looking at the State sales tax chart, Council can see the collections are consistent and easy to predict versus the City's collections which are all over the place. Ms. Moreno then stated the good news is that she was able to attend a conference last week and a representative from the League of Arizona Cities and Towns was there with projections about revenues, specifically the State shared sales tax and revenue sharing, projecting they will be up at least 5%, possibly even 8% for this next fiscal year. Ms. Moreno then stated we should be getting those projections next week, but it is good news. Ms. Moreno then stated in summary, our State tax collections are holding steady and our City sales tax collections are improving, noting they are, in fact, up $69,000 year-to-date, which is great and the Golf Course is doing well. Ms. Moreno then stated the cash flow is beginning to loosen, but will still be a challenge for the next budget year, adding overall, the City is still slightly below recent years, but that is mainly due to the dip we've seen in our cash reserves, adding the City remains financially sound under current conditions, but we're hoping for a positive turn in the economy.

DEPARTMENT REPORTS: None

ADJOURNMENT:

Councilmember Moncada moved to adjourn at 8:09 p.m. Seconded by Vice Mayor McGoffin. Motion then passed 7-0.

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Toney D. King, Sr., Mayor

ATTEST:

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Vicki L. Vivian, CMC, City Clerk

City of Benson
City Council Communication

Regular Meeting **April 22, 2013**

To: Mayor and Council Consent Agenda Item # 1b

From: Vicki Vivian, CMC, City Clerk

Subject:

Minutes of the March 25, 2013 Regular Meeting

Discussion:

Attached are the minutes of the March 25, 2013 Regular Meeting.

Staff Recommendation:

Council pleasure

THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD MARCH 25, 2013, 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 Allegiance. Mayor King then introduced Steve Medeiros of the New Life Family Worship Center who gave the invocation.

ROLL CALL:

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

EMPLOYEE RECOGNITION:

Mayor King announced Asher Arnold had 10 years of service with the City of Benson.

PROCLAMATION: Mayor King asked Councilmember Brooks to read the proclamation declaring the weekend of April 26th, 27th, and 28th, 2013 as "Benson Bluegrass Festival Weekend."

PUBLIC HEARING: None

CALL TO THE PUBLIC:

Steve Sacco addressed Council stating he has become aware that Mr. Garcia in the Building Department is currently updating Chapter 7, adding he has been given a copy of the changes and he finds this interesting since at the January 28 Council meeting, the Council voted to table Chapter 7 until a third-party review of the documents could be performed. Mr. Sacco then stated while Mr. Garcia has revised the wording in the general requirements section of the code that deals with building maintenance, he neglected to address any of the other concerns addressed by the citizens of Benson and the updated version still gives the City of Benson the authority to place a lien and ultimately seize properties for the lack of payment for costs. Mr. Sacco then stated it also still creates the Development Services Department and a directorship for its head. Mr. Sacco then stated like many others, he believes all of Chapter 7 should be scrapped and instead be rewritten utilizing the committee approach for representatives of the community and businesses, adding other interested parties should have a say as to its content. Mr. Sacco then stated if Mr. Garcia is interested in becoming a Department Head, he should first have to demonstrate his leadership abilities, adding one way to have done this, was for him to recognize the people who have to follow the Chapter 7 codes should have been given an opportunity to not only comment about them, but more importantly to be a part of creating them in the first place. Mr. Sacco then stated it should be obvious by now this issue is not going to just go away, so he calls upon the Council to scrap the Chapter 7 updates and instead allow the citizens of Benson to craft a new version that is acceptable to the needs of the community.

Kathy Suagee stated she was requesting Council's attention to the petitions submitted tonight by the informal watchdog group, adding this petition was never meant to be a formal petition, so it was not registered with the City Clerk, but instead Council should consider it a letter from their constituents, the people and business owners of Benson, who have strong opinions about the invasion of their privacy and the deletion of grandfathered property rights in the proposed code. Ms. Suagee then stated Council should know that for every signer who put pen to paper to express his or her concern about the new codes, there was at least one more who was afraid to put down his name for fear the City would retaliate against him, adding it is a sad thing that the citizens of Benson fear their government. Ms. Suagee then asked Council to consider this petition signed by over 100 community members and to enter it into the records, so if Benson does indeed, incur the wrath of the State for not submitting an updated development plan because of the

public's recent awareness of what is in the proposed document, this petition may serve to illustrate to the State why they were late. Ms. Suagee then stated during the past month, some people have learned that Mr. Garcia has continued to tweak the code that was submitted to Council in February for a vote, adding the Council wisely voted to table the document pending a review by a third party qualified to assess the content and ramifications of the proposed codes. Ms. Suagee then stated any further work on that document should be on hold, otherwise, how would the public know when it is given to a third party reviewer that what is reviewed is that which will be evaluated. Ms. Suagee then stated the public understands that the City is between a rock and a hard place, with the old codes having been negated because of faulty practices in the adoption of those codes in the 1990s, adding the City essentially is without operative building codes at this time, but the City's lack of planning does not constitute an emergency on the public's part. Ms. Suagee then stated Council is in danger of passing a new set of codes and regulations every bit as wrongly as was done in 1998, adding this is just one more example of having been given bad advice by a bad lawyer.

Dianna Comaduran stated she had signed petitions which are being submitted by the citizens of the Benson community. Ms. Comaduran then read the petition statement. Ms. Comaduran then stated she would hope the Council would not invalidate their concerns by ignoring the petitions and referring to them as illegal petitions. The petitions were then given to the City Clerk and will be retained with the Council packet.

Stephen Insalaco addressed Council stating this evening when he reviewed the City Council packets on the City's website, he noticed the packets now have the content and nothing more than the agenda and he had heard someone in the past say the packets had been removed from the website. Mr. Insalaco then stated he thinks having the packets exposed to the citizens is a good idea and he thinks that it's a bad idea to remove them, adding there is a certain amount of transparency in having the entire Council packet on the City's website, allowing citizens to review the content of the packet with a greater degree of granularity than is exposed by the agenda alone. Mr. Insalaco then stated he was asking for Council's consideration in exposing the content of the Council packet back on the website so the citizens can review the contents. City Clerk Vicki Vivian asked the Mayor if she could address Mr. Insalaco's comments, then stated the Council packets are still posted to the City's website and older packets will not be removed unless there is a storage problem in the future. Ms. Vivian then stated she had received this complaint from 3 other people over the last 8 months, and each time had found no problem, noting the City's website had been checked each time from different locations and no problems were found, adding there must be a technical problem on the person's end. Ms. Vivian then asked Mr. Insalaco to notify her of any problems he may have.

J.T. Moffett addressed Council stating he had some information on a handout for them. The handout will be retained with the Council packet. Mr. Moffett then spoke, reading excerpts from the handout, stating if the Council has not read the emails from Mr. Stephen Rose, the owner of Little Caesar's, they need to, adding the issue is getting out of hand with Mr. Nichols insulting and rudely dismissing a prominent investor who has a legitimate complaint against the City. Mr. Moffett then stated Mr. Rose saw what he liked in Benson and brought a national chain here, which is the sixth one he has opened, adding since the day Mr. Rose opened, he has been plagued with problems stemming from red oil accidentally poured in the wrong port causing the gas lines to be contaminated and foul up their ovens. Mr. Moffett then stated this resulted in a month's revenue loss to Mr. Rose and Little Caesar's corporation, not to mention their labor loss and the public embarrassment suffered by his company at the hands of the City of Benson. Mr. Moffett then stated the Gas Department technician made a mistake and immediately called his supervisor admitting it, adding for this reason, he is the least accountable, but the people above him who made the call to sweep this under the rug and not to notify Little Caesar's should be terminated and that includes City Manager Glenn Nichols. Mr. Moffett then stated everyone makes mistakes and they are forgivable and can be corrected, but coverups in our City government are unforgivable and the citizens of Benson fully expect to see severe disciplinary action taken by Council for the wrong suffered by Little Caesar's and its owner. Mr. Moffett then stated the City first admitted the mistake to Steven Rose and now they are denying it and blaming Eagle Plumbing, a company with an impeccable reputation in this valley for decades. Mr. Moffett stated Council has an obligation to fix the problem and simply need to issue a directive to City Hall to do whatever it takes to satisfy Little Caesar's and make their business like new again, as it should have been when they opened. Mr. Moffett asked Council to do this before there is another unnecessary lawsuit.

Dianne Tipton stated whenever someone tries to grow a garden, they must first prepare the ground by giving it the essentials that will allow for the nourishment it will need for the products desired to produce, adding they must also keep the gardens free of weeds so they don't choke out productive plants. Ms. Tipton then stated they must give them water, food and care and must be aware of all things that may affect it and learn to eliminate anything that may threaten it or there will be nothing produced in the end. Ms. Tipton stated the same can be said for Benson, asking who would allow worms to remain in their corn or in their fruit trees destroying crops from the inside out, we must be caretakers of the garden and protect it from all kinds of varmints and disease by whatever means it takes to ensure a good crop and must act swiftly to avoid any further damage. Ms. Tipton then stated the Councilmembers are the gardeners whom the public has hired to protect the garden in the City of Benson and the public expects you to give those in charge of the departments the support, tools, incentives and rewards they need to produce the way they are expected to best serve the community. Ms. Tipton then stated when something threatens the production of the garden, the public expects the Council to pick up the hoe and hoe the weeds or pick up the spray to rid the garden of any varmints, adding no one likes this part of gardening, but it is essential to produce a fruitful garden. Ms. Tipton then stated recently the residents of this community had to pick up the hoes and the spray cans themselves and eliminate those of Council who were lax in their duties and their promise to serve and protect the citizens. Ms. Tipton then stated the Council was allowing the weeds to grow and became weeds themselves that would destroy the garden, adding a particular weed is known as Chapter 7 and 7.1 of the proposed zoning regulations and the enforcement code. Ms. Tipton then stated on March 12, the voters hired new gardeners and have provided them with the tools they will need to get rid of the destructive elements within our garden and community. Ms. Tipton then stated Mr. Nichols, in her opinion, is just one of the varmints in the garden destroying from the inside out and it is Council's responsibility to pluck him out and prevent him from spewing any more venom like what has been said concerning Little Caesar's and others. Ms. Tipton then stated the Council can do the job the community has paid them to do, which is to protect and serve this community or they could stick their heads in a paper bag, ignoring the weeds and bring more destruction to the garden during the remainder of their terms. Ms. Tipton then stated a public vote terminating Mr. Nichols will tell the public who you are, adding he should not be allowed to resign or retire and escape accountability because the community will no longer accept the status quo and she for one, demands that the issue with Little Caesar's be completely resolved by doing the job the way it should have been done in the first place and replacing and paying for any repairs that may be necessary. Ms. Tipton then stated hopefully Little Caesar's will be spared 4 years of hell and $700,000 in attorney's fees that Stagecoach Trails, my son Jay Kendrick and myself have had to endure at the hands of vindictive, lax Councilmembers with a few exceptions, but especially at the hands of the City Attorney Michael Massee and City Manager Glenn Nichols as well as others as they attempted to run my son out of business in order to punish me and stop my political speech, which is one of my civil rights. Ms. Tipton then stated to those of the Council who are leaving in a few weeks, they will still be members of this community and they get to choose whether to walk around with their heads held high or they could hide behind a great big pair of sunglasses and hope no one recognizes them or they could move, but she hopes they don't. Ms. Tipton stated she hopes they will stick around and learn how to be good productive members of the community as we all prepare for a new beginning for the City of Benson, as a garden free of weeds and varmints with gardeners that will nourish it and be the caretakers they were hired to be, unafraid to use the hoes and spray. Ms. Tipton then stated if any of the Council that were voted out had any character, they would give up their seats now and allow the new Councilmembers to be seated. Ms. Tipton then stated to the rest of the community, that if a house be divided against itself, that house cannot stand, so let's stand together undivided as we move forward.

CITY MANAGER REPORT:

Public Works Director Brad Hamilton addressed Council, giving the dates of upcoming meetings and events.

March 26, 2013	–	Community Watershed Alliance, 6:30 p.m., City Hall
April 2, 2013	–	Planning & Zoning Meeting, 7:00 p.m., City Hall

April 8, 2013	–	City Council Meeting, 7:00 p.m., City Hall
April 9, 2013	–	Library Advisory Board, 4:00 p.m., City Library
April 20, 2013	–	Historic Preservation Commission, 9:00 a.m., City Hall
April 22, 2013	–	City Council Meeting, 7:00 p.m., City Hall
April 23, 2013	–	Community Watershed Alliance, 6:30 p.m., City Hall
April 20, 2013	–	2013 Relay for Life, 6:00 p.m., Lions Park
April 26, 27, 28, 2013	–	Bluegrass in the Park, Lions Park

Mr. Hamilton then reminded those present of the continuing work on the Interstate 10 and the Marsh Station project, adding up-to-date information can be found at www.azdot.gov. Mayor King then stated there would be a ribbon cutting ceremony on April 2 at 10:30 a.m. to celebrate the completion of the I10/SR90 Interchange Project.

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 pending litigation, Stagecoach Trails Mobile Home Court (MHC) vs. the City of Benson, Arizona, et. al. and 1983 Civil Rights Claim – Stagecoach Trails Mobile Home Court (MHC), LLC and Jay Kendrick vs. the City of Benson, Arizona, et al. and 1983 Civil Rights Claim – Dianne Tipton vs. the City of Benson, Arizona, et. al.

Councilmember Brooks moved to enter into executive session with the City Council, the City's outside legal counsel provided by the Arizona Municipal Risk Retention Pool, Mr. Jeff Murray and City Clerk Vicki Vivian at 7:35 p.m. Mayor King asked Mr. Murray if he had co-counsel with Mr. Murray stating his co-counsel was Kristin Mackin. Councilmember Brooks then amended his motion to include Kristin Mackin. Seconded by Councilmember Sacco. Councilmember Lambert stated he believed the Council needed to include the City Attorney with Councilmember Brooks stating he felt there was a conflict of interest, adding he knew for a fact there was a conflict of interest and would like to ask Mr. Murray if he would let the Council know on that. Mr. Murray stated he would not address the question. Councilmember Brooks then restated he believed there was a conflict of interest. Mayor King then stated there was a motion on the floor and called for a vote. Motion failed 4-3 with Vice Mayor McGoffin and Councilmembers Lambert, Maldonado and Moncada voting nay. Vice Mayor McGoffin then moved to enter executive session with the City Council, the City's outside legal counsel provided by the Arizona Municipal Risk Retention Pool, Mr. Jeff Murray and his co-counsel Kristin Mackin and the City Clerk Vicki Vivian at 7:37 p.m. Seconded by Councilmember Lambert. Motion passed 4-3 with Mayor King and Councilmembers Brooks and Sacco voting nay.

Council reconvened at 8:09 p.m.

NEW BUSINESS:

1. Consent Agenda

1a. Minutes of the February 11, 2013 Worksession
1b. Minutes of the February 11, 2013 Regular Meeting
1c. Opening an additional bank account with National Bank of Arizona
1d. Invoices processed for the period from February 14, 2013 through February 27, 2013
1e. Invoices processed for the period from February 28, 2013 through March 14, 2013
1f. Teaming Agreement between the Arizona Commerce Authority and the City of Benson for the Benson Municipal Airport for the development of a UAS test site at the Benson Municipal Airport

Councilmember Brooks stated he would like to remove Item 1f from the Consent Agenda. Councilmember Moncada then moved to approve the remaining Consent agenda. Seconded by Vice Mayor McGoffin. Motion passed 7-0.

Consent Agenda – Items Removed:

1f. Teaming Agreement between the Arizona Commerce Authority and the City of Benson for the Benson Municipal Airport for the development of a UAS test site at the Benson Municipal Airport

Public Works Director Brad Hamilton addressed Council stated this is a Teaming agreement between the City and the ACA, which is required in the submittal process for the FAA, adding the agreement states the City is teaming with the ACA and together we have the required capable team to go forward as outlined in the Screening Information Request (SIR). Councilmember Brooks asked if the City Attorney had reviewed this agreement with City Attorney Mike Masse stating he had, adding the agreement doesn't commit the City monetarily or in other areas like that, but just commits the City to work cooperatively with the ACA when they do their submission on behalf of the State of Arizona with the FAA. Councilmember Brooks then stated he knew this item had been received late, but asked why it was placed on the consent agenda since it was not routine in nature. City Clerk Vicki Vivian stated the item did come in late and has to be received by the ACA on March 26, which necessitated adding it to the Council packet late, adding it was placed on the Consent Agenda knowing Council would likely, and should, remove it for discussion, but in doing so, every item in the Council packet didn't have to be re-numbered. Councilmember Brooks then stated he had not fully understood or read the entire document, but realized they needed it back tomorrow, which doesn't give Council much time to review the agreement. Councilmember Brooks then moved to approve Consent Agenda Item 1f. Seconded by Councilmember Moncada. Motion passed 7-0.

2. Resolution 8-2013 of the Mayor and Council of the City of Benson, Arizona, canvassing, declaring and adopting the Results of the Primary Election held on March 12, 2013

City Clerk Vicki Vivian stated the City has now received the official canvass, which has been added to the Council packet online, adding the resolution has been amended to reflect 9 provisional ballots and 1 rejected ballot. Ms. Vivian then stated the Council was required by State law to canvass the votes between 6 and 21 days after the election. Councilmember Moncada moved to approve Resolution 8-2013. Seconded by Councilmember Lambert. Councilmember Brooks asked about the General election with Ms. Vivian stating the selected candidates at the Primary election were considered elected with the General election date, adding the current Council terms will remain in effect until June 30, 2013, adding new Councilmembers would be seated close to that date. Motion passed 7-0.

3. Memorandum of Understanding between the City of Benson and the City of Tucson for sharing Law Enforcement Information

Chief of Police Paul Moncada stated the MOU is for the Police Department to enter into an agreement with Tucson PD to gain access to their database, called COPLINK, adding this is a useful tool for the officers in the field and investigators who are working investigations. Chief Moncada then stated Benson deals with a lot of people from Tucson and this will allow us to verify their criminal history in Tucson as well as verify their identity because if they have been arrested in Tucson, we'll be able to access the database to get mug shots. Mayor King asked how the officers would obtain this information with Chief Moncada stating this will be installed on their laptops in their cars so they can utilize it in the field adding the detectives have notebooks that have already been given to us by Tucson to access the database as well as having the ability to access it on computers in their offices. Councilmember Lambert asked if Benson has done this with any other agencies with Chief Moncada stating this is new and unique in its nature, adding all the Tucson law enforcement agencies enter data into the database, including Oro Valley, Marana, Pima County, Tucson PD, and we will also be able to access the Maricopa County node through the same software. Chief Moncada then stated we will also be able to access Orange County and Tucson is working on connecting a Las Vegas node into the database. Chief Moncada stated about 4 years ago he attended several meetings in dealing with a regional information sharing database where we could access different nodes through the Tucson link and then enter into agreements with all these different entities such as Las Vegas, Colorado, Northern California, Orange County and others to incorporate them all so that people in California can check the Tucson node, we can check the Tucson or Las Vegas node and actually get information on those

people. Councilmember Brooks asked if the City would need additional agreements with other cities with Chief Moncada stating the City would not need to sign another formal MOU, adding through this MOU, the City will be able to access other nodes. Chief Moncada then noted the MOU has several restrictions regarding how the information is secured and that it is restricted to law enforcement only. Councilmember Brooks then moved to approve the Memorandum of Understanding between the City of Benson and the City of Tucson for sharing Law Enforcement Information. Seconded by Councilmember Sacco. Motion passed 7-0.

4. Interagency Service Agreement between the Arizona Department of Administration-General Accounting Office (ADOA-GAO) and the City of Benson for hosting and publication of the City's financial data on ADOA-GAO's website

Deputy Finance Director Megan Moreno stated this agreement is for the City to comply with the new statute with regards to transparency reporting requirements, adding effective January 1 of this year, the City is required to report all revenues and expenditures greater than $5,000 on a searchable database. Ms. Moreno then stated this website is already in place and has been used, adding the State already posts their transactions there. Ms. Moreno stated a few cities and counties and possibly school districts have already signed up to also host their information on this website, adding there is a cost associated with it, but the Finance Department has looked into options for complying with the new statue and she believes this is the most cost effective and best option for the City. Council discussed the cost with Ms. Moreno stating the annual cost will be based on the number of participants, adding ADOA-GAO will only recover operating costs, which will be spread evenly among all participants and she is hoping it will be between $500-$1,000. Councilmember Brooks asked if the contract would give the City the software for the capability to connect with their website with Ms. Moreno stating the City would not receive any software, but would receive the ability to securely log-in on their website, with administrator roles and user roles for the Finance Department to be able to upload the financial data required. Councilmember Lambert asked Ms. Moreno to place a link on the City's website so the public could easily access the information with Ms. Moreno stating the direct website is www.openbooks.az.gov and anyone is able to search the database free of charge, adding the City of Clarkdale has already posted their information. Ms. Moreno then stated the Finance Department would be making the first posting of quarterly data at the end of April. Councilmember Brooks asked if some of this information was on the City's website now with Ms. Moreno stating the annual audited financial statements are on the City's website, but this would be something completely different, allowing users to search in a database from aggregate payments. Council then discussed the annual fee with Ms. Moreno stating the agreement was in effect until 2017, but Council would have adequate notice of the fee amount and could review it each year in the budget process. Councilmember Moncada moved to approve the Interagency Service Agreement between the Arizona Department of Administration-General Accounting Office (ADOA-GAO) and the City of Benson for hosting and publication of the City's financial data on ADOA-GAO's website. Seconded by Vice Mayor McGoffin. Motion passed 7-0.

5. Employee Benefit Advocate Service Application and Agreement with ESG (Employee Solutions Group) Corporation for insurance brokerage and administration of employee insurance related benefits

Finance Director Jim Cox stated the City has enjoyed a good relationship with ESG, who has provided FSA, HRA and Cobra Administration in the area of employee benefits for the past 5 years and in fact, were the architects of our insurance plans and our tax advantage plans. Mr. Cox then stated last year the City put out an RFP to solicit competitive bidding for those services and for the administration of our health insurance and ESG was the clear winner in that group, adding ESG offered to renew their services for the same fee. Council then discussed the feature of being able to ask 3 free questions on a variety of human resource issues with a charge of $125.00 after that with Mr. Cox stating this is a new feature recently installed and ESG would track the questions and document them, adding he would confirm that ESG would then notify the City so the costs could be kept minimal, adding these questions are for legal administration, not coverage issues. Councilmember Moncada noted there were 80 covered employees with Mr. Cox

stating these are the eligible employees, adding some employees elected out of coverage, because they are covered by their spouse's insurance. Councilmember Moncada moved to approve the Employee Benefit Advocate Service Application and Agreement with ESG (Employee solutions Group) Corporation for insurance brokerage and administration of employee insurance related benefits. Seconded by Vice Mayor McGoffin. Motion passed 7-0.

6. Discussion and possible action on City Manager residency requirements in City Code Section 3-2-1 B

Mayor King stated when the Council appointed Mr. Nichols as the City Manager, he was already the Chief of Police and resided just outside the City limits. Councilmember Brooks stated he was in agreement with that decision because of the situation, but he thinks it is vital that the man who is running the City is impacted by the same things he adopts and feels the City Manager should live in the City limits. Councilmember Sacco stated the Council needed to make sure candidates understood they could not reside outside the City limits by more than 2 miles. Council then discussed when a change in the residency requirement would become effective and whether it would affect the appointment of a possible Interim City Manager. Councilmember Moncada moved to approve the change in the residency requirement with City Clerk Vicki Vivian stating there was no proposed ordinance since Councilmember Brooks wished to place the item on the agenda for discussion. Ms. Vivian then stated Council could direct Staff to prepare an ordinance for Council action with Councilmember Moncada asking when it would take effect. City Attorney Mike Massee then stated in the absence of a declaration of an emergency, the earliest the ordinance would take effect is 30 days after its passage, adding Council could always put into an ordinance a future effective date, delaying the implementation if they chose to do so. Ms. Vivian then stated Council could also inform City Manager candidates that the requirement will be addressed, adding she didn't feel any candidate knowing that information would purchase a home outside the City limits. Councilmember Moncada then withdrew his motion. Council then discussed amending the City code by moving to repeal Ordinance 535 with Mr. Massee stating to repeal an ordinance should be done in writing. Councilmember Brooks then moved to table the issue and bring it up when they need to. Councilmember Lambert then asked Councilmember Brooks to amend his motion to direct Staff to bring forward an ordinance to be acted on by Council. Councilmember Brooks then amended his motion to direct Staff to construct an ordinance requiring the City Manager to live within the corporate City limits of Benson and bring it forward in the near future. Seconded by Vice Mayor McGoffin. Motion passed 7-0.

7. Discussion and possible action to reclassify the Recreation Assistant position from part-time to full-time

Recreation Coordinator Laura Parkin addressed Council stating over the past year her department has taken on a lot of additional responsibilities with regards to events and she is having to spend more and more time out of her office working on these events, so it's become necessary to request an additional full-time employee for the Recreation Department. Councilmember Maldonado stated the City has had 2 part-time positions in the City, but they are having a hard time filling them since everyone is looking for full-time employment, adding in the Recreation Department, they are being stretched thin. Councilmember Moncada stated there is no "they" in the Recreation Department, adding the only employee in that department is Ms. Parkin and Council has placed a lot on her in the last year. Councilmember Moncada then stated he has been talking to the public to see what they want out of the Recreation Department and it's clear they want more recreation activities for children, adding Ms. Parkin can't do it all on her own. Councilmember Moncada then stated with the events the Recreation Department has taken on, he thinks the City needs a full-time employee. Vice Mayor McGoffin agreed, stating Ms. Parkin has done an amazing job by herself, with Council having thrown a lot her way and if Council wants the events to be good and still have recreational opportunities, they need a full-time employee. Mayor King concurred, stating he sees Ms. Parkin at every event from early in the morning to late at night. Mayor King also agreed with Councilmember Moncada regarding youth recreational activities, adding he hopes there will be participation and enough interest for the events and the activities. Councilmember Sacco asked about the salary and the review of the position with Finance Director Jim Cox stating the position is a level 12 with a proposed salary of $20,430.55 annually, adding the employee would be hourly, so they would be eligible

for overtime and benefits and the employee would have a one year probation period and annual reviews like every other City employee.

Councilmember Lambert stated Councilmember Maldonado had touched on key points, with it being difficult to recruit part-time employees, adding most people who would last in the position want full-time employment, adding the Council discussed the need for a full-time recreation employee and he was in agreement. Councilmember Brooks stated he makes less than this and he had 3 jobs, adding he thinks the position should be an exempt position since Council didn't know what events are going to continue and don't know every year if the City will be doing these events, noting the City only did them because there was no one else to do them. Councilmember Brooks then stated he felt it was critically important to hold this event, adding it was the one most critical event for money making and the Council shouldn't skimp on it, even if the City had to hire 2 full-time temporary employees for it. City Clerk Vicki Vivian asked Councilmember Brooks to clarify which event he was talking about with Councilmember Brooks stating he was referring to the annual Bluegrass Festival. Councilmember Brooks then stated he would like to see this as an exempt position until the Council sees the Recreation Department's slack time and knows the job will be full-time, adding at that point, it could be made a full-time position with benefits. Councilmember Moncada asked Councilmember Brooks what he meant by an "exempt position" with Councilmember Brooks stated he meant the position would not have benefits, but would be paid an hourly wage full-time with no benefits. Councilmember Lambert asked Ms. Parkin when her slack or slow time was with Ms. Parkin stated she had no slow time. Mr. Cox then stated the City cannot arbitrarily say one employee has benefits and another employee gets no benefits, adding in order to not be qualified for benefits, the employee would have to work less than 20 hours a week or on a temporary basis for less than 20 weeks, noting these would be the only ways an employee would be excluded from benefits. Councilmember Brooks then stated if the events get taken over by someone else, the Council would have to consider closing the position out.

Mayor King stated Council can always come back and review the position to see if the need is still there. Ms. Parkin then stated in the past 5 years while working in the Recreation Department, the volume of people just with recreation has increased by approximately 75% so even if the Recreation Department is not doing events, the department is still responsible for other duties such as the City's website and social media, adding the department really needs to revamp the summer programs and start moving in the direction that is more consistent in the Recreation Department. Mayor King asked about the visitors to the pool with Ms. Parkin stating the numbers have increased each year, adding October and December used to be her slow months, but now with the Light Parade and the Tree Lighting Ceremony as well as increased community center rentals, she doesn't have a slow month. Ms. Parkin then stated Tuesday nights are the only nights the building isn't rented out with the exception of tax season, adding there is an AARP tax aide in there, so while her work is always changing, it's constantly busy. Councilmember Moncada moved to approve reclassifying the Recreation Assistant position from part-time to full-time. Seconded by Councilmember Lambert.

Councilmember Sacco stated he had further discussion and verified the position is a level 12 with a salary of $20,430.55. Councilmember Sacco then asked when the employee would be eligible to be moved to the mid-point of the salary range. Mr. Cox stated the employee would be eligible for a salary adjustment when Council willed it, adding Council approves all salary adjustments. Councilmember Sacco asked how the proposed salary was arrived at with Mr. Cox stating it was based on a salary study that is done annually to compare cities within the State. Councilmember Sacco then asked when the employee would be eligible for a raise with Mr. Cox stating he or she would be considered for a raise when Council decides to consider giving any employee a raise, adding it has been a practice to give employees a small raise, up to 5%, when they have completed their probation period at the end of 1 year, but it is not a requirement. Mayor King asked if there was any further discussion before calling for a vote. Motion passed 7-0.

8. <u>Review of City Finances with emphasis on February, 2013 financial results, the City's financial position at February 28, 2013 and discussion of expected future net revenue streams</u>

Deputy Finance Director Megan Moreno stated she would review the financial highlights for February.

Ms. Moreno then stated the City's cash balance increased by $98,000 noting this was a correction from the presented information. Ms. Moreno then stated there is an increase in sales taxes during this time of year, but the fund balance is still down $180,000 year-to-date, which is normal, adding last February the fund balance was actually down $365,000. Ms. Moreno then stated revenues for February were down compared to last year, noting we saw a decrease in grant revenue and a decrease in our construction sales tax, which has continued to decrease month over month. Ms. Moreno then stated we have also seen an increase in gas revenues this is due to the cold weather, adding in other costs, there has been nothing unusual in personnel or other expenditures, showing it is down $179,000 compared to the previous year, but that is due to an unusual high amount last year with capital expenditures.

Ms. Moreno then moved to the General Fund, stating it is almost spot on with revenues compared to where we were last year and is up $61,000 year-to-date due to the sales tax, adding she would like to say there is a positive trend, but she can't quite say that yet, adding in the coming months, we will see if it really is a trend. Ms. Moreno then stated the City's fund balance is still negative, but we are in our higher revenue generating months, so we should start to see positive fund balances month over month going forward.

Ms. Moreno then addressed the Enterprise funds stating February was a very rare month in that we only had 3 billing cycles opposed to the normal 4, so revenues are lower than they normally are by 1 cycle, but in spite of that, the Gas fund still made a profit adding it was due to the weather. Ms. Moreno then stated the Water and Wastewater funds were down slightly, adding the Whetstone fees are still at $70,000 year-to-date, which is the same number reported last month, but thanks to the custom hauler we've built, we have seen a drastic decrease in those fees. Councilmember Brooks asked how much the City still owed on the wastewater treatment plant with Mr. Cox stating the wastewater treatment plant had been paid off with the bond issue, but if it the City had not paid it off, the balance would be approximately $2,400,000 right now.

Ms. Moreno then addressed the Golf Course stating there was a positive cash flow in the golf course this month of $10,000, adding it is only down $10,000 year-to-date, so we've seen a turnaround of $74,000. Ms. Moreno then stated the Council was aware of the restaurant's new hours and menu and we have seen some of those changes reflected in the numbers for February, but March should show us a better picture of how that is affecting the golf course.

Ms. Moreno then summarized her presentation stating nothing has changed drastically from what was reported last month, adding the City's sales tax collections are still steady and improving, the golf course is looking good and the City's cash flow is beginning to loosen, but the City should maintain its conservative fiscal approach. Ms. Moreno then briefly reviewed sales taxes, stating we didn't see a spike in revenues, but she thinks it is due to timing, because last month we saw increased revenue and next month we'll probably see it even out a little more. Ms. Moreno then stated the bed tax is just slightly above where we were in the prior years and construction sales tax has hit the lowest it's been in 3 years, noting it actually went below $10,000 and we don't see anything in the foreseeable future that's going to raise it back up. Ms. Moreno then stated the total City sales tax is lower than it's been in the past, but it's partially due to the construction sales tax and also the timing of the other sales tax collections.

DEPARTMENT REPORTS: None

ADJOURNMENT:

Vice Mayor McGoffin moved to adjourn at 9:02 p.m. Seconded by Councilmember Moncada. Motion passed 7-0.

_____
Toney D. King, Sr., Mayor

ATTEST:

_____
Vicki L. Vivian, CMC, City Clerk

City of Benson
City Council Communication

Regular Meeting **April 22, 2013**

To: Mayor and Council Consent Agenda Item # 1c

From: Megan Moreno, Finance Director

Subject:

Invoices processed for the period from March 30, 2013 through April 11, 2013

Discussion:

Attached is a list of large and/or unusual invoices processed by the Finance Department during the period from March 30, 2013, through April 11, 2013. The total of the invoices is $93,891.51.

Unusual and large invoices consist of the following:

A and V Auto & Towing	Repairs to City Fleet Vehicle	1,539.53
American Family Life Insurance	Employee Supplemental Insurance Contributions	1,858.76
Arizona Certified Testing	Backflow Testing	1,508.36
Benson Ace Hardware	Supplies, Repairs, and Maintenance	3,774.48
Benson Lumber and Supply	Supplies, Repairs, and Maintenance	2,398.44
Dunlap Oil Company	Fuel for Golf Course Operations	1,856.10
HD Supply Waterworks	Hydrant Extensions for Water Department	1,904.98
Health Net	Employee Health Insurance	44,278.24
National Bank of Arizona	Monthly Credit Card Payment	4,330.13
Rikertek	Purchased Memory for Computers; Service Calls	1,331.44
RV Journal	Advertising for Tourism and Golf Course	1,260.00
Trinity Southwest Contractors LLC	Repair Pool Fence	1,663.47
Unifirst Corporation	Employee Uniforms	1,583.45
TOTAL LARGE INVOICES		**69,287.38**
Invoices listed above as a percentage of all invoices processed		**74%**

Staff Recommendation:

Approval of invoices processed for the period from March 30, 2013 through April 11, 2013

Report Criteria:
Report type: Summary
Check.Type = {<>} "Adjustment"

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount	
04/13	04/01/2013	38736	1096	ACKERLEY ADVERTISING	1020200	170.50	
04/13	04/01/2013	38737	8913	ALBERT ESTAVILLO	1020200	200.00	
04/13	04/01/2013	38738	1130	AMERICAN FAMILY LIFE ASSURANCE	1020200	1,858.76	
04/13	04/05/2013	38739	5551	ANICLETO D MALDONADO	1020200	.00	V
04/13	04/01/2013	38740	2160	BENSON VOLUNTEER FIRE DEPT INC	1020200	5,000.00	
04/13	04/01/2013	38741	2970	COLONIAL LIFE ASSURANCE	1020200	88.43	
04/13	04/01/2013	38742	3050	COMMUNITY FOOD PANTRY OF	1020200	130.00	
04/13	04/01/2013	38743	3975	GEOFFREY MCGOFFIN	1020200	200.00	
04/13	04/01/2013	38744	8909	HAMILTON, RICHARD	1020200	200.00	
04/13	04/01/2013	38745	4239	HEALTH NET LIFE INS CO	1020200	44,278.24	
04/13	04/01/2013	38746	4332	HUMANA	1020200	722.28	
04/13	04/01/2013	38747	7895	JAMES HANSEN JR.	1020200	200.00	
04/13	04/01/2013	38748	4508	JAY TOMERLIN	1020200	40.00	
04/13	04/01/2013	38749	4505	JERRY FINK	1020200	200.00	
04/13	04/01/2013	38750	8914	JOE ROTHERMICH	1020200	200.00	
04/13	04/01/2013	38751	4840	LARRY NAPIER	1020200	200.00	
04/13	04/01/2013	38752	11374	LINDA BEEMAN	1020200	52.19	
04/13	04/01/2013	38753	4958	LORENE WHALEY	1020200	567.27	
04/13	04/01/2013	38754	4349	MARK DREHOBL	1020200	40.00	
04/13	04/01/2013	38755	5191	MAX JONES	1020200	200.00	
04/13	04/01/2013	38756	6010	PRINCIPAL LIFE	1020200	1,073.02	
04/13	04/01/2013	38757	6133	RANDALL GALLEANO	1020200	35.00	
04/13	04/01/2013	38758	6144	RAY JOHNSON II	1020200	200.00	
04/13	04/01/2013	38759	6509	SANTA RITA STEEL & HARDWARE CO INC	1020200	1,184.63	
04/13	04/01/2013	38760	6777	SOUTHWESTERN AVIATION LLC	1020200	1,000.00	
04/13	04/01/2013	38761	8907	THELANDER, JAMES	1020200	200.00	
04/13	04/01/2013	38762	7652	VISION SERVICE PLAN	1020200	170.14	
04/13	04/05/2013	38763	1024	A AND V AUTO & TOWING, INC	1020200	1,539.53	
04/13	04/05/2013	38764	1132	ALL WEATHER INC	1020200	857.00	
04/13	04/05/2013	38765	7904	ALPHA ELECTRIC	1020200	333.00	
04/13	04/05/2013	38766	1216	AMERIPRIDE SERVICES INC	1020200	196.12	
04/13	04/05/2013	38767	5551	ANICLETO D MALDONADO	1020200	200.00	
04/13	04/05/2013	38768	1315	ARIZONA CERTIFIED TESTING	1020200	1,508.36	
04/13	04/05/2013	38769	1334	ARIZONA DEPARTMENT OF CORRECTIONS	1020200	815.00	
04/13	04/05/2013	38770	1195	AUTO CHLOR	1020200	264.48	
04/13	04/05/2013	38771	1365	AZ GLOVE & SAFETY	1020200	84.60	
04/13	04/05/2013	38772	1924	BEAVEX, INC	1020200	94.08	
04/13	04/05/2013	38773	1950	BENSON ACE HARDWARE	1020200	3,774.48	
04/13	04/05/2013	38774	2071	BENSON LUMBER & SUPPLY LLC	1020200	2,398.44	
04/13	04/05/2013	38775	2339	BRENT KORT	1020200	100.00	
04/13	04/05/2013	38776	2562	BRIAN K ORMSBY	1020200	315.00	
04/13	04/05/2013	38777	2520	CARROT-TOP INDUSTRIES, INC	1020200	81.11	
04/13	04/05/2013	38778	2586	CENTER FOR ECONOMIC RESEARCH	1020200	1,000.00	
04/13	04/05/2013	38779	2599	CENTURYLINK	1020200	99.18	
04/13	04/05/2013	38780	2750	CITY OF BENSON - UTILITIES	1020200	32.26	
04/13	04/05/2013	38781	3119	COX COMMUNICATIONS	1020200	274.31	
04/13	04/05/2013	38782	3391	DIAMONDBACK POLICE SUPPLY CO.,	1020200	500.00	
04/13	04/05/2013	38783	3449	DRAYSON HARRIS	1020200	31.17	
04/13	04/05/2013	38784	3460	DUNLAP OIL COMPANY INC	1020200	1,856.10	
04/13	04/05/2013	38785	3704	FARMER BROTHERS COFFEE	1020200	206.49	
04/13	04/05/2013	38786	4333	HD SUPPLY WATERWORKS	1020200	1,904.98	
04/13	04/05/2013	38787	4239	HEALTH NET LIFE INS CO	1020200	801.94	
04/13	04/05/2013	38788	4268	HILL BROTHERS CHEMICAL CO	1020200	390.03	

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Check GL Account	Amount
04/13	04/05/2013	38789	4464	J. MICHAEL MORGAN	1020200	135.00
04/13	04/05/2013	38790	11376	JENNIFER WILLIAMS	1020200	17.08
04/13	04/05/2013	38791	4907	LEGEND TECHNICAL SERVICES	1020200	60.00
04/13	04/05/2013	38792	5062	MANTEK	1020200	577.70
04/13	04/05/2013	38793	5265	MESCAL HEATING AND	1020200	260.86
04/13	04/05/2013	38794	5340	MILLER, BALIS & O'NEIL, P.C.	1020200	144.75
04/13	04/05/2013	38795	5454	NATIONAL BANK OF ARIZONA	1020200	4,330.13
04/13	04/05/2013	38796	5860	PETTY CASH	1020200	37.99
04/13	04/05/2013	38797	5928	PIONEER LANDSCAPING MATERIALS, INC	1020200	1,184.14
04/13	04/05/2013	38798	6119	R&R PRODUCTS	1020200	310.28
04/13	04/05/2013	38799	6252	RIKERTEK	1020200	1,331.44
04/13	04/05/2013	38800	6331	RV JOURNAL	1020200	1,260.00
04/13	04/05/2013	38801	6576	SETON IDENTIFICATION PRODUCTS	1020200	266.85
04/13	04/05/2013	38802	6741	SOUTHEASTERN ARIZONA COMMUNITY ACTION	1020200	180.00
04/13	04/05/2013	38803	6802	STAMBACK SEPTIC SERVICE	1020200	208.24
04/13	04/05/2013	38804	6970	SULPHUR SPRINGS VALLEY ELEC	1020200	676.60
04/13	04/05/2013	38805	7287	TRINITY SOUTHWEST CONTRACTORS LLC	1020200	1,663.47
04/13	04/05/2013	38806	7493	UNIFIRST CORPORATION	1020200	1,583.45
04/13	04/05/2013	38807	7598	VALLEY IMAGING SOLUTIONS	1020200	119.68
04/13	04/05/2013	38808	5211	VERIZON BUSINESS	1020200	234.30
04/13	04/05/2013	38809	7675	WAL-MART BUSINESS	1020200	1,059.91
04/13	04/05/2013	38810	7697	WAXIE SANITARY SUPPLY	1020200	158.47
04/13	04/05/2013	38811	9830	WAYNE FLORY	1020200	23.05
Grand Totals:						93,891.51

Summary by General Ledger Account Number

GL Account	Debit	Credit	Proof
1020200	237.20	94,128.71-	93,891.51-
10-22280	45,080.18	.00	45,080.18
10-22281	1,858.76	.00	1,858.76
10-22282	88.43	.00	88.43
10-22285	722.28	.00	722.28
10-22287	170.14	.00	170.14
10-22290	1,073.02	.00	1,073.02
10-305-30	10.00	.00	10.00
10-41-330	345.00	.00	345.00
10-41-410	21.92	.00	21.92
10-41-415	55.78	.00	55.78
10-41-430	190.13	.00	190.13
10-41-470	27.60	.00	27.60
10-41-620	1.84	.00	1.84
10-41-640	239.82	.00	239.82
10-41-705	567.27	.00	567.27
10-43-470	29.67	.00	29.67
10-43-630	350.72	.00	350.72
10-43-640	19.71	.00	19.71
10-45-300	135.00	.00	135.00
10-45-330	240.00	.00	240.00
10-45-340	255.69	.00	255.69
10-45-415	170.80	.00	170.80
10-45-470	500.00	.00	500.00
10-45-630	541.42	.00	541.42

GL Account	Debit	Credit	Proof
10-45-640	217.36	.00	217.36
10-45-670	1,539.53	.00	1,539.53
10-46-300	5,000.00	.00	5,000.00
10-46-340	133.62	.00	133.62
10-46-432	212.09	.00	212.09
10-46-630	9.83	.00	9.83
10-46-640	165.30	30.00-	135.30
10-46-650	4.87	.00	4.87
10-49-415	274.31	.00	274.31
10-49-430	51.44	.00	51.44
10-49-640	431.39	.00	431.39
10-50-305	201.50	.00	201.50
10-50-430	1,673.83	.00	1,673.83
10-50-470	105.22	.00	105.22
10-50-640	831.68	.00	831.68
10-56-340	424.22	.00	424.22
10-56-610	81.32	.00	81.32
10-56-640	1.07	.00	1.07
10-57-610	9.83	.00	9.83
10-57-640	71.18	.00	71.18
10-57-642	1.53	.00	1.53
10-58-520	1,000.00	.00	1,000.00
10-58-525	100.00	.00	100.00
10-58-545	130.00	.00	130.00
10-58-546	5.47	.00	5.47
10-60-430	52.75	.00	52.75
10-60-610	377.35	.00	377.35
10-60-640	112.26	.00	112.26
10-62-330	45.00	.00	45.00
10-62-340	450.00	.00	450.00
10-62-605	79.06	.00	79.06
10-64-640	30.23	.00	30.23
10-64-701	65.75	.00	65.75
10-65-415	7.72	.00	7.72
10-65-610	119.68	.00	119.68
10-65-640	116.71	.00	116.71
14-40-415	99.18	.00	99.18
14-40-640	21.95	.00	21.95
15-40-035	862.44	.00	862.44
15-40-057	535.89	.00	535.89
15-40-065	559.91	.00	559.91
20-40-300	208.24	.00	208.24
20-40-305	358.00	.00	358.00
20-40-470	135.94	.00	135.94
20-40-640	331.38	.00	331.38
46-60-100	1,184.63	.00	1,184.63
50-12500	30.25	.00	30.25
50-22900	219.27	.00	219.27
50-300-30	30.00	.00	30.00
50-40-300	144.75	.00	144.75
50-40-470	199.84	.00	199.84
50-40-640	340.50	.00	340.50
51-12500	.00	2.66-	2.66-
51-40-300	1,508.36	.00	1,508.36
51-40-470	134.91	.00	134.91
51-40-640	2,277.95	.00	2,277.95
51-40-660	31.17	.00	31.17

GL Account	Debit	Credit	Proof
52-12500	.00	2.17-	2.17-
52-40-301	154.08	.00	154.08
52-40-430	1,171.56	.00	1,171.56
52-40-470	134.91	.00	134.91
52-40-640	2,077.50	.00	2,077.50
52-40-670	344.01	.00	344.01
53-12500	.00	2.37-	2.37-
55-40-410	10.34	.00	10.34
55-40-415	40.00	.00	40.00
55-40-430	20.05	.00	20.05
55-40-540	1,430.50	.00	1,430.50
55-40-600	203.42	.00	203.42
55-40-610	36.19	.00	36.19
55-40-660	1,856.10	.00	1,856.10
55-50-305	255.50	.00	255.50
55-50-415	40.00	.00	40.00
55-50-430	1,545.66	.00	1,545.66
55-50-470	73.94	.00	73.94
55-50-600	707.33	.00	707.33
55-50-606	132.69	.00	132.69
55-50-608	1,184.14	.00	1,184.14
55-50-640	162.12	.00	162.12
55-50-670	278.00	.00	278.00
55-60-300	315.00	.00	315.00
55-60-310	365.23	.00	365.23
55-60-415	35.00	.00	35.00
55-60-440	460.60	.00	460.60
55-60-470	118.40	.00	118.40
56-40-300	1,000.00	.00	1,000.00
56-40-410	676.60	.00	676.60
56-40-430	857.00	.00	857.00
70-40-660	2,400.00	200.00-	2,200.00
Grand Totals:	94,365.91	94,365.91-	.00

Dated: _____

Mayor: _____

City Council: _____

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City Recorder: _____

GL Account	Debit	Credit	Proof

Report Criteria:
Report type: Summary
Check.Type = {<>} "Adjustment"