

**THE SPECIAL MEETING  
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA  
HELD MAY 5, 2014, AT 6:00 P.M.  
AT CITY HALL, 120 W. 6TH STREET, BENSON, ARIZONA**

**CALL TO ORDER:**

Mayor King called the meeting to order at 6:00 p.m. stating New Business Item #2 would be removed, adding unfortunately, there was no final agreement for Council consideration. Councilmember Brooks asked if this was something that could be worked out in the executive session with City Attorney Gary Cohen stating if the Council votes to enter into an executive session, the matter could be discussed, but noted that reaching an agreement in the executive session is not something Council could do. Mr. Cohen then stated hopefully, there will be an agreement to present to Council soon. Mayor King then led the public in the Pledge of the Allegiance.

**ROLL CALL:**

Present were: Mayor Toney D. King, Sr., Vice Mayor Al Sacco (arriving at 6:01 p.m.), Councilmembers Pat Boyle, Ron Brooks, Jeff Cook (arriving at 6:04 p.m.), Chris Moncada and Peter Wangsness (via phone).

**NEW BUSINESS:**

1. **Discussion and possible action on Resolution 9-2014 of the Mayor and Council of the City of Benson, Arizona, approving and authorizing the execution of an amended Intergovernmental Agreement between the City of Benson and the State of Arizona through its Department of Public Safety for the City Police Department to participate in the Arizona Vehicle Theft Task Force**

Chief of Police Paul Moncada addressed Council stating in April the Council approved this Intergovernmental Agreement (IGA) to allow the Police Department to participate in the Auto Theft Task Force, adding when the approved IGA was submitted to the Department of Public Safety (DPS), the Attorney General's office did some housekeeping and made minor amendments to the language, which has been reviewed and approved by the City Attorney.

City Attorney Gary Cohen then addressed Council stating the minor changes have no effect on the underlying agreement, but since there were changes to the agreement the Council had approved, he wanted to bring it back for Council consideration. Vice Mayor Sacco asked what the changes were with Mr. Cohen stating the changes in the IGA were identified in the Council communication and in addition to adding the current date, were changing the Governor's Executive Orders from 99-4 to 2009-09 and from 2005-30 to A.R.S. §§ 23-214 and 41-4401, removing the Sudan/Iran language, and updating the mail notifications for both DPS and the City. Mr. Cohen then stated again, these changes are technical and procedural and there were no substantive changes at all.

Councilmember Boyle asked Chief Moncada if in light of the current budget situation, he still wished to enter into the IGA with Chief Moncada stating this IGA does not affect manpower whatsoever, adding the Police Department has essentially operated with the same amount of manpower in the past, noting the officer's position in this IGA is merely replacing the officer's position that was assigned to the GIITEM Task Force instead. Chief Moncada then stated he uses these types of assignments as a reward of sorts, adding it gives the officers a chance to get off the road, to do something else and to get a lot of training the City can't provide them. Councilmember Boyle spoke about departments making cuts in the upcoming budget and asked if it might be better to maybe not participate in the IGA and use the money for other things in the department, and then stated if Chief Moncada wanted to participate in the IGA, he would support it. Chief Moncada stated he felt the IGA provided an important incentive for the officers, especially in light of some of the cuts that will have to be made in the budget.

Councilmember Brooks moved to approve Resolution 9-2014. Seconded by Vice Mayor Sacco. Motion passed 7-0.

**EXECUTIVE SESSION:** Pursuant to A.R.S. §38-431.03 (A)(3) & (4), for discussion or consultation for legal advice with the attorney or attorneys of the public body regarding the City's position and to instruct its attorney(s), in accordance with A.R.S. section 38-431.03(D), 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/or 1983 Civil Rights Claim – Dianne Tipton vs. the City of Benson, Arizona, et. al.

Councilmember Moncada moved to enter into an executive session with the Mayor and Council, the City Manager, City Attorney and City Clerk at 6:10 p.m. Seconded by Councilmember Boyle. Motion passed 7-0.

Council reconvened at 6:58 p.m.

2. **Discussion and possible action to approve and authorize execution of a proposed settlement agreement for pending litigation cases: 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.**

This item was removed at the beginning of the meeting by Mayor King.

**ADJOURNMENT:**

Councilmember Moncada moved to adjourn at 6:58 p.m. Seconded by Councilmember Brooks. Motion passed 7-0.

ATTEST:

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Toney D. King, Sr., Mayor

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Vicki L. Vivian, CMC, City Clerk