

**THE REGULAR MEETING  
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA  
HELD JUNE 13, 2011 AT 7:00 P.M.  
AT CITY HALL, 120 W. 6TH STREET, BENSON, ARIZONA**

**CALL TO ORDER:**

Mayor Fenn called the meeting to order at 7:05 p.m. with the pledge of allegiance. Mayor Fenn then introduced Pastor Lupe Diaz of Grace Chapel who gave the invocation.

**ROLL CALL:**

Present were: Mayor Mark M. Fenn, Councilmembers Jo Deen Boncquet, David Lambert, Nick Maldonado, (arriving at 7:10 p.m.) and Lori McGoffin. Absent was Vice Mayor John Lodzinski, Councilmember Sacco. Mayor Fenn then stated Vice Mayor Lodzinski, who is hospitalized, was excused from the meeting. Mayor Fenn then stated he had spoken to Vice Mayor Lodzinski and gave a brief update on his condition, stating the biopsy came back malignant and an operation was scheduled for Wednesday, asking those present to wish Vice Mayor Lodzinski the best and keep him in their thoughts and prayers.

**EMPLOYEE RECOGNITION:** Mayor Fenn recognized Raymond Taylor for 10 years of service with the City.

**PROCLAMATION:**

Mayor Fenn stated Building Official Luis Garcia asked to speak concerning the proclamation declaring the Month of August “Drowning Impact Awareness Month.” Mr. Garcia then addressed Council reading the following statement: “Arizona families have lost far too many children to the tragedy of drowning. Since January of 2000, nearly 200 children have drowned in Maricopa County. Each year, an average of 20 children drown in Maricopa County alone. Child drownings are the second most common cause of injury for children in our state. Many near-drowning victims suffer permanent neurological impairment. It is a top cause of injury-related death in Arizona, but prevention is possible. Child drownings are swift and silent, but through hard work to educate and raise awareness, the drowning rate has fallen dramatically in recent years. August is an especially dangerous time of year. Hot temperatures, combined with the distractions of back-to-school, as well as an increased sense of confidence, can spell disaster. This is why the Phoenix Children’s Hospital is proud to bring the “Seventh Annual Drowning Impact Awareness Month” to Arizona. This statewide effort focuses on purple ribbons to remember those touched by child drownings, and to remind us all of the steps we can take to protect them. Drowning Impact Awareness Month is Arizona’s largest collaborative effort to prevent drownings. Since the start of this vital campaign, more than 280,000 purple ribbons have been distributed. This year, the effort will include ribbons worn by supporters, proclamations from the Governor and Mayors across the state, events, and a statewide focus on water safety. If anyone would like more information about volunteering for this important cause or to learn more about water safety, they can go to the Phoenix Children’s website at [www.phoenixchildrens.com](http://www.phoenixchildrens.com) under community and injury prevention center.” Mr. Garcia then stated on the website can be found a brochure on pool safety tips, which contains a checklist for parents about their home and pool safety and a brochure on the ABCs of water checklist, touching on adult barriers and classes. Mr. Garcia stated the brochures and ribbons will be available at City Hall. Councilmember Lambert then stated a local resident had a son pass away in a pool, adding child drownings touch everyone. Mayor Fenn then read the proclamation declaring the Month of August “Drowning Impact Awareness Month.”

**PUBLIC HEARING:** None.

**CALL TO THE PUBLIC:**

Laura Parkin, Chairperson of the City’s 4th of July Committee, addressed Council to give an update of the event, stating due to the shortfall in revenue, they are going to have to make drastic cuts in advertising and entertainment as well as fireworks. Ms. Parkin then stated the celebration is an extraordinary community

event that entertains over 3,000 people with families traveling to Benson from all parts of Arizona attending our celebration for the down home atmosphere and free family entertainment. Ms. Parkin then stated there are 3 weeks left until the 4th of July and the committee would like to reach out to those sponsors, parade participants and vendors who have not yet sent their applications and donations and to those who have not yet decided to sponsor this year's event. Ms. Parkin then stated sponsorship or parade applications can be obtained at the Visitor Center. Ms. Parkin then stated the shortfalls are: The Adopt-a-Firework program - \$765, Vendors - \$600, Parade Entries - \$260, Special donations & Sponsorships - \$5,350. Ms. Parkin then stated the committee would like to recognize the support of the community year after year in making the 4th of July celebration successful and would like to express our appreciation to all of those who help and participate. Mayor Fenn then stated parade entries seem to be last minute and we will hope for the best that people start coming forward.

**CITY MANAGER REPORT:**

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

- June 14, 2011 – Library Advisory Board, 4:00 p.m., City Library
- June 18, 2011 – Historic Preservation Commission, 9:00 a.m., City Hall
- June 22, 2011 – Business Community Forum, 11:00 a.m. – 1:00 p.m., City Hall  
Business Community Forum, 5:00 p.m. – 7:00 p.m., City Hall
- June 23, 2011 – City Council Public Hearings – Property Tax Levy & Budget, 7:00 p.m., City Hall
- June 27, 2011 – City Council, 7:00 p.m., City Hall – New Council will be sworn in and the Final Budget will be adopted
- June 28, 2011 – Planning & Zoning Public Hearing – Medical Marijuana, 6:00 p.m., City Hall
- June 29, 2011 – Citizen Review Session – Medical Marijuana, 6:00 p.m., City Hall
  
- June 18, 2011 – 8:00 a.m. – noon, the City is helping to sponsor an E-Waste Recycling Event, 500 W. 4th Street – Recycle unwanted TVs, computers, monitors, printers, batteries, chargers, cell phones, VCRs, CD and DVD players, fax machines, small appliances and any cables or cords that would be used for those things. Sponsored by ADEQ, the City of Benson, Benson Lumber & Hardware, St. Vincent de Paul, Benson Schools & Goodwill of Southern Arizona
- June – City Pool – Pool is open Monday thru Saturday from 11:00 a.m. – 5:00 p.m., Sunday from 1:00 p.m. – 5:00 p.m. Swim lessons and the pool activity schedule are available at [www.cityofbenson.com](http://www.cityofbenson.com)
- July 4, 2011 – 4th of July Celebration, Lions Park
- June/July – Summer Recreation Programs – The Recreation Department offers many activities. Additional information on activities and programs is available at [www.cityofbenson.com](http://www.cityofbenson.com).

**NEW BUSINESS:**

**1. Consent Agenda**

- 1a. Minutes of the May 18, 2011 Worksession
- 1b. Minutes of the May 23, 2011 Regular Meeting
- 1c. Vendor Agreement for Emergency & Case Management Services between SouthEastern Arizona Community Action Program, Inc. (SEACAP) and the City of Benson for the period of July 1, 2011 – June 30, 2012
- 1d. Invoices processed for the period from May 17, 2011 through June 6, 2011

Councilmember McGoffin moved to approve the Consent Agenda tabling Item 1a. Seconded by Councilmember Lambert. Motion passed 5-0.

2. **Resolution 37-2011 of the Mayor and Council of the City of Benson, Arizona, accepting the Conveyance of Certain Real Property for Use as a Library Facility**

Library Director Peggy Scott addressed Council stating it had been a dream of the Friends of the Benson Library to expand the library and or its property and to that end, have been raising money through book sales, raffles and donations. Ms. Scott then stated last year, they were able to purchase the property directly west of the library on 6th Street and have paid for the asbestos inspection and the abatement and are ready to turn the property over to the City with instructions that it be used for the library. Ms. Scott then stated the resolution is to accept the property. Mayor Fenn asked if the property included the house and full lot with Ms. Scott indicating it did, adding the house has been used by the Fire Department for training and is now ready for the City to have it demolished. Mayor Fenn stated Council would like to commend the Friends of the Benson Library for their efforts and asked Ms. Scott to extend their thanks. Councilmember Lambert moved to approve Resolution 37-2011. Seconded by Councilmember Boncquet. Motion passed 5-0.

3. **License Agreement between the City of Benson and Cochise County Community College District for the use of the City owned premises located at 375 E. 7th Street, Benson, Arizona, as an instructional facility for its Emergency Medical Services Training Program with Cochise College for EMT Training**

City Manager Glenn Nichols addressed Council stating Cochise College has been working with the Fire Department and the City to provide EMT training at the Fire Station in the training room and have worked closely with Fire Chief Keith Spangler to make sure the classes wouldn't conflict with any other activities being held there. Mayor Fenn then confirmed anyone attending would enroll through the College. Councilmember Boncquet moved to approve the License Agreement between the City of Benson and Cochise County Community College District for the use of the City owned premises located at 375 E. 7th Street as an instructional facility for its Emergency Medical Services Training Program with Cochise College for EMT Training. Seconded by Mayor Fenn. Motion passed 5-0.

4. **Resolution 38-2011 of the Mayor and Council of the City of Benson, Arizona, accepting the Conveyance of Certain Real Property for Use as a Municipal Golf Course**

City Attorney Mike Masee addressed Council stating this item was brought before Council in April when he reported we were ready to proceed to closing, but an item had shown up on the title report as an encumbrance, which was the Hawes Deed of Trust that had previously been paid. Mr. Masee then stated Council sentiment was to take care of the Deed of Trust prior to closing and Ms. Kim Lockhart of Pioneer Title had contacted the sole heir of Mrs. Hawes and obtained the release which has now been recorded. Mr. Masee then stated also submitted for Council's information was the closing statement showing substantial amounts for the donor, Mr. Hartley, to pay, adding it is currently not showing up in the Pioneer Title database the taxes have been paid, however, the attorney for Mr. Hartley believes they have been paid. Mr. Masee then stated the City's cost to close will be \$225.00 which includes Ms. Lockhart's time, adding she did a very good job in handling the Deed and was able to save the City the cost of attorneys' involvement. Councilmember Lambert moved to approve Resolution 38-2011. Seconded by Councilmember McGoffin. Motion passed 5-0.

5. **Resolution 39-2011 of the Mayor and Council of the City of Benson, Arizona, amending the Fiscal Year 2010-2011 Budget**

Finance Director Jim Cox addressed Council stating this resolution is a budget and accounting housekeeping item and he would like to emphasize it relates not to the new budget Council has been working on and is scheduled for action on June 27, but relates to the current year, FY2010-2011 budget. Mr. Cox stated last year when the budget was passed on June 28, there were several things we were not able to anticipate that occurred during the year, so as a result we went over our approved budget in several areas, namely the golf course, since we did not anticipate any golf course operations in the budget and the

transit fund, since we anticipated purchasing only 1 bus for the transit system. Mr. Cox then stated the City needed to move some budget money around again, noting these are not real funds, but are just movement of budget items so the budget fits with what was actually earned and actually expended during the year. Mr. Cox then stated he had sent Council a memo regarding this and asked if they would like him to go through each item. Mayor Fenn asked Mr. Cox to quickly explain the changes. Mr. Cox then stated in the Police Department, we had more Stone Garden overtime than was anticipated, so we went over in the police personnel area, but also earned more revenues as a result of the Stone Garden reimbursements for that overtime, so we moved \$60,000 out of General Fund contingency and into the Police Department payroll. Next, the Library had some unexpected repairs and improvements, so we moved \$20,000 out of contingency and into the Library building repair area. The Community Center also had some unanticipated repairs in the amount of \$7,000 that was moved, again, from contingency into Community Center repairs. Mr. Cox then stated the Tourism Department had some computer additions that were necessary as well as building repairs and in the City Attorney's area, we moved \$3,000 from the contingency into operating supplies along with a small amount into professional fees. In the Public Works Department we had professional fees and operating supplies in excess of what we had anticipated, so \$12,000 was moved from the contingency fund into that department. Mr. Cox then addressed the larger amounts, stating these changes were not moving funds within the General Fund but were actually moving items from fund to fund. Mr. Cox then stated we always budget an excess amount of money in the Grants Fund because it's impossible for us to anticipate the exact amount of grants we're going to be receiving during the year, so we make certain we have created a large enough "bucket, so to speak," so we can accept revenues and make expenditures out of the Grants Fund. Mr. Cox then stated as a result of that, we had about \$2 million worth of unspent budget line item amounts in the Grants Fund and from that we moved \$800,000 into the Debt Service Fund, which is where the proceeds from the sale of our bonds on July 1 last year were put. Mr. Cox then stated the interest rate was much lower than anticipated, so we were able to have a much larger bond issue than we had anticipated or budgeted for. Mr. Cox then stated the Wastewater Fund earned some unexpected revenues on a special project the Wastewater Department did for Apache Nitrogen. Mr. Cox then stated in the Transit Fund, as mentioned earlier, we anticipated purchasing only 1 bus with grant funds last year, since we work on a 3-year capital system with our transit grant funds and we were approved to purchase 3 buses over a 3-year period, adding the original anticipation was to buy 1 bus each year, but we were strongly advised by our State grant administrators to go ahead and purchase all 3 buses at once, which was done. Mr. Cox then stated as a result, we transferred \$200,000 from the Grant Fund to the Transit Fund. Mr. Cox then stated in the Golf Fund, revenues were \$50,000 greater than we anticipated back in December when a proposed budget was brought before Council for the golf course for the remainder of the year. Mr. Cox then stated he would like, again, to note these changes are in the current fiscal year not the upcoming fiscal year and added the reason the resolution is before Council is that State law says cities must keep each fund balanced and can't overspend any fund or any department. Mr. Cox then stated Council is allowed to move money around within the funds as long as we do not expend more than what Council has approved in the total budget, adding the City will be several million dollars below what was budgeted last year. Councilmember Boncquet moved to approve Resolution 39-2011. Seconded by Councilmember Maldonado. Motion passed 5-0.

**6. Vehicle Lease Agreement between the City of Benson and Catholic Community Services (CCS) of Southern Arizona, Inc. doing business as Catholic Community Services of Cochise County**

City Manager Glenn Nichols addressed Council stating the City took over the CCS Dial-A-Ride program and at that time signed a lease with CCS for their buses for \$1.00 a year. Mr. Nichols then stated the 2004 bus on the previous lease had the lien released and is now titled to the City of Benson and the renewal lease is for the 2006 Ford El Dorado, which we will continue to lease for \$1.00 a year until the lien is released. At that time, CCS will transfer title to the City and the lease will be cancelled. Mayor Fenn moved to approve the Vehicle Lease Agreement between the City of Benson and Catholic Community Services (CCS) of Southern Arizona, Inc. doing business as Catholic Community Services of Cochise County. Seconded by Councilmember Lambert. Motion passed 5-0.

**DEPARTMENT REPORTS:** None

**ADJOURNMENT:**

Councilmember McGoffin moved to adjourn at 7:35 p.m. Seconded by Councilmember Lambert. Motion passed 5-0.

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Mark M. Fenn, Mayor

ATTEST:

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Vicki L. Vivian, CMC, City Clerk