

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD JUNE 9, 2014, 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 the Allegiance. Mayor King then invited Bob of the Baha'i Faith to offer the invocation.

ROLL CALL:

Present were: Mayor Toney D. King, Sr., Vice Mayor Al Sacco, Councilmembers Pat Boyle, Ron Brooks, Jeff Cook and Chris Moncada. Absent was: Councilmember Peter Wangsness.

EMPLOYEE RECOGNITION: None

PROCLAMATION:

Mayor King read the proclamation declaring the Month of August "Drowning Impact Awareness Month." Mayor King then stated the members of the public could come by City Hall and request a purple awareness ribbon to remind everyone of the dangers of drowning and to encourage Water Safety Discussions.

PUBLIC HEARING: None

CALL TO THE PUBLIC:

Stephen Insalaco addressed the Council regarding economic development and growth. Mr. Insalaco's statement will be retained with the Council packet.

Paul Lotsof, manager of CAVE FM, addressed Council stating his statement was similar to Mr. Insalaco's comments. Mr. Lotsof then stated Council decided to reestablish the Benson Economic Development Committee (BEDC), adding an organization of the exact same name was put together in 1980s and existed for over 20 years. Mr. Lotsof then stated there had been numerous other economic groups since the late 1970s and one thing they all had in common, although they were set up with the best of intentions, is that all of them accomplished nothing or next to nothing. Mr. Lotsof then stated the Council should ask themselves why the new committee will be different and what will be done to make this latest committee work when all the previous committees fell flat. Mr. Lotsof then stated there were several pitfalls that needed to be avoided, adding one of them is defining economic development as just about anything under the sun that might involve money. Mr. Lotsof then stated the City of Benson could possibly learn something from the state of New York, and spoke about New York's new program with tax incentives to anyone who wants to start a new business in that state. Mr. Lotsof stated there are certain businesses that are not eligible for these incentives and read the list of such businesses which included retail and wholesale businesses, restaurants, real estate brokers, law firms, medical or dental practices, real estate management companies, hospitality including lodging for travelers and vacationers, finance and financial services, businesses providing personal services including personal care, death care, pet care, laundry and cleaning services, businesses providing business administrative or support services unless the business is creating 100 new jobs and gets special permission to participate, accounting firms and businesses providing utilities or energy production and distribution. Mr. Lotsof then stated New York isn't run by cowboys and farmers, adding the people who wrote this law gathered advice from professional economists who know something and whose mission is to bring wealth and prosperity and high-paying jobs to the state, adding the same thing that applies to New York would apply in Benson. Mr. Lotsof then stated cultivating retail trade should not be the goal of the BEDC, similarly, other items on New York's list should be what Benson is not going out of their way to get. Mr. Lotsof then stated if the Council and the members of the BEDC don't understand basic economics, the first step should be to bring in a

consultant with the necessary expertise, adding the Council can appoint dozens of people to the new committee, but if they don't know the first thing about bringing dollars into the community, they will accomplish what all the previous committees have accomplished, which is nothing. Mr. Lots of then stated he strongly suggests bringing in some competent advisors and also providing the committee with enough funding to accomplish their goals, adding the Council should learn from the mistakes of others and from their own past mistakes.

CITY MANAGER REPORT:

City Manager William Stephens addressed Council, giving the dates of upcoming meetings and events.

- Tuesday, June 10, 2014 – Library Advisory Board, 4:00 p.m., City Hall
- Thursday, June 12, 2014 – Planning & Zoning GDP Worksession, 7:00 p.m., City Hall
- Thursday, June 19, 2014 – City Council Public Hearings, 7:00 p.m., City Hall
- Saturday, June 21, 2014 – Historic Preservation Commission, 9:00 a.m., City Hall
- Monday, June 23, 2014 – City Council Meeting, 7:00 p.m., City Hall
- Tuesday, June 24, 2014 – Community Watershed Alliance, 6:00 p.m., City Hall
- Thursday, June 26, 2014 – Planning & Zoning GDP Worksession, 7:00 p.m., City Hall

- Saturday, June 14 & 28, 2014 – Dive-In Movie at the City Pool, gates open at 7:30 p.m. Entrance fee is general admission. \$0.25 for 12 and under and \$1.00 for 13 and up. Movies TBA
- Friday, June 27, 2014 – Benson Transportation – Past, Present & Future, 10:00 a.m., Come see the official unveiling of the Historical Railroad logos and murals at the Benson Visitor Center.

NEW BUSINESS:

1. **Consent Agenda**

- 1a. Minutes of the May 5, 2014 Special Meeting
- 1b. Minutes of the May 12, 2014 Special Meeting
- 1c. Minutes of the May 12, 2014 Regular Meeting
- 1d. Resignation of Angel de la Torre from the Planning & Zoning Commission
- 1e. 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, 2014 – June 30, 2015
- 1f. Resolution 14-2014 of the Mayor and Council of the City of Benson, Arizona, authorizing the Chief of Police to apply for a grant from the Tohono O'odham Nation for equipment
- 1g. Invoices processed for the period from May 1, 2014 through May 31, 2014

Councilmember Moncada moved to approve the Consent Agenda. Seconded by Councilmember Brooks. Motion passed 6-0.

2. **Discussion and possible action regarding the financial request from the San Pedro Valley Alliance Summer Programs**

City Manager William Stephens addressed Council stating they have a request from the San Pedro Valley Alliance to receive funding from the City. Mr. Stephens then stated historically, the San Pedro Valley Alliance, in conjunction with various Governor's Office programs and the City, has provided recreation activities for our youth, mainly with trips to movies, water parks, museums and other recreational facilities. Mr. Stephens stated the San Pedro Valley Alliance has been funded, at least in part, by the City in amounts of \$3,000-\$5,000 per year and for the last several years, the budgeted amount was \$4,000, which is also in the current budget. Mr. Stephens then stated at this time, the San Pedro Valley Alliance is requesting the budgeted amount for their 2014 summer activities. Ms. Stephen then stated he would also refer Council to the memo

written by City Attorney Gary Cohen regarding this issue as well. Councilmember Brooks stated he didn't look at this item as gifting, but looked at it more as a contract for services, adding the City's Parks Department does what it can for our citizens and the City is involved in a sponsored DARE program in the middle school taught by police officers on drug abuse and awareness, but he thinks this service is great with a lot of summer activities and is a worthwhile investment for the City. Mayor King stated the City has assisted the San Pedro Valley Alliance for as long as he has been on the Council, adding it's good to keep the kids out of trouble and gives them something to do, which he thinks is important. Councilmember Moncada agreed it was a great program and that the Council should fund it this year, but wanted it noted that due to budget cuts, the Council did remove it from next year's budget, adding hopefully it can be picked up again later.

Councilmember Cook asked if the Governor's Alliance against Drugs was State funded or privately funded, with Councilmember Moncada stating the school funds part of the program and is asking the City to fund the balance. Councilmember Cook then stated he wanted to know if the Governor's Alliance against Drugs entity was partially funded by the State with City Clerk Vicki Vivian stating she did some research on the program, adding it was instituted about 25 years ago and the State used to contribute about \$4,000 or 50%, with the City contributing the same. Ms. Vivian then stated as the State's budget cuts came along, funding was cut to the point of the school now providing the buses and fuel and the City providing funding for the programs. Councilmember Cook asked if the State was providing funding while the gift clause was in effect with City Attorney Gary Cohen stating he would have to research it, but undoubtedly the provision was in existence at the time the Governor's Alliance against Drugs was funding this program. Mr. Cohen then stated that the gifting clause was largely ignored until 2010, with the important case of Turken v. Gordin, but noted he had no idea if there was a nexus between that court decision and the State pulling back funding. Councilmember Cook then stated if the State was willing to contribute funding, he was willing for the City to contribute this year.

Councilmember Moncada moved to approve the financial request from the San Pedro Valley Alliance Summer Programs. Seconded by Councilmember Brooks. Motion passed 5-1 with Boyle voting nay.

3. **Discussion and possible action regarding an Employee Benefit Advocate Service Application and Agreement with ESG (Employee Solutions Group) Corporation for insurance brokerage and administration of employee insurance related benefits**

City Manager William Stephens stated the City has done business with ESG for several years and this is simply the renewal of their contract for services with the City, adding there were 2 representatives present to answer questions Council have. Mr. Al Thunberg of ESG then addressed Council stating there are two components to the agreement, adding the first deals with ESG working with employees and securing tax advantages and strategies the employees can use to help pay for their healthcare costs, such as Health Reimbursement Arrangements (HRAs), Flexible Spending Accounts (FSAs) and those types of programs. Mr. Thunberg then stated the second component is that ESG secures contracts annually for programs the employees utilize for benefits. Councilmember Brooks confirmed ESG's fee of \$2,900 per month and asked what it was for with Mr. Thunberg stated that is the servicing fee for the two components he just described.

Councilmember Cook asked if the fee changed if the amount of employees fluctuated with Mr. Thunberg stating the fee is a fixed fee and doesn't vary like commissions do. Mr. Thunberg then stated the fee is a low rate when compared to commissions on those products, noting without receiving commissions, ESG is on the City's side of the table and tries to secure the lowest rates possible, noting a normal broker who receives a percentage of the premiums as a commission and would be paid more as the premiums go up would not have an incentive to keep premiums as low as possible. Mr. Thunberg then stated ESG has been able to bring the costs for the programs down for 5 years in a row, adding the amount for the programs is substantially down from where it was 5 years ago.

Councilmember Brooks stated Mr. Thunberg mentioned a percentage and asked what ESG receives on that with Mr. Thunberg stating ESG does not receive a percentage, adding his point was that ESG has no commission tied to any products, which is why they charge the fixed fee for the programs they provide and to secure the medical, dental, vision and life contracts, which are all part of the employee benefit package offered

to employees. Mr. Thunberg then noted ESG has not increased their fees for the past 4 years. Mayor King noted the program costs are down 2.4 % from the last year with Councilmember Moncada stating that information was part of the next agenda item.

Mr. Stephens then addressed Council stating this agenda item was simply to renew the contract with ESG and the next agenda item will be the presentation of the health plan for the employees, which will be presented to employees on June 11th.

Councilmember Brooks 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 Sacco. Motion passed 6-0.

4. **Discussion and possible action regarding a Health Insurance contract with Blue Cross Blue Shield for the Employee Benefits for Fiscal Year 2014-2015, and authorization for the City Manager to sign the health insurance contract**

City Manager William Stephens stated in the past, the City contracted with Healthnet for health insurance, however, the initial renewal for Healthnet increased by 13% and after negotiating, the premiums still increased by 12%. Mr. Stephens then stated as a result of this, ESG went out and looked at 5 or 6 other healthcare providers and were able to negotiate Blue Cross Blue Shield down to a 5.5% increase. Mr. Stephens then stated with Obamacare enacted, healthcare costs have gone up and there was no way to avoid a rate increase, but the 5.5% increase was much better compared to the quoted 12% increase with the current healthcare provider. Mr. Stephens then stated at this time, ESG has a presentation regarding the proposed health insurance plan.

Mr. Al Thunberg of ESG then gave a presentation on the medical benefits overview, giving a copy of the presentation to Council, which will be retained with the Council packet. Mr. Thunberg stated there are new mandates required by the new affordable care act which escalated costs substantially as well as 12-15% trend increase due to costs incurred by healthcare providers. Mr. Thunberg then stated with the trend going against the City and the mandates of the affordable care act, ESG counteracted with a decision to consider a different carrier and the preferred rate was with Blue Cross Blue Shield. Councilmember Moncada expressed concern that Blue Cross Blue Shield always came in cheap in the past and then had a very high increase in the second year. Mr. Thunberg stated there is no way to know what will happen, but Blue Cross Blue Shield has been very competitive in other cities, adding they have to stay competitive with the marketplace. Mr. Thunberg then stated he was not as concerned about year 2 as much as he was worried about the general trend in healthcare costs altogether, adding it is a constant battle to find and identify plans to keep costs in check or to reduce costs, if possible. Mr. Thunberg then stated the affordable care act is helping renewals a little with some restrictions, but there are also costs that are escalating as a result of the affordable care act, adding the entire state of Arizona is facing these pressures in the marketplace. Councilmember Boyle asked noted the plan costs less and asked if the tradeoff was that there was no longer an HMO being offered with Mr. Thunberg stating there was no reduction in benefit offering, based on the change to Blue Cross, adding the plan is still a very comprehensive offering with the largest provider network in the state of Arizona and he didn't feel that the City was taking a concession by moving to Blue Cross. Mr. Thunberg then stated there was also an HSA plan as part of Healthnet, then added Blue Cross Blue Shield is very aggressive and competitive in Cochise County and he thinks they wanted to earn Benson's business. Mr. Thunberg then stated he thinks the provider network is a value to the employees at a fair rate.

Mr. Thunberg then stated this year, the City is still offering the traditional PPO plan and the HSA plan where employees can set aside their own money to pay for out-of-pocket expenses without paying any taxes on those contributions. Mr. Thunberg then stated the PPO plan can be used in conjunction with the Flexible Spending Account (FSA) and the HSA plan can be used in conjunction with the Health Savings Account (HSA), adding both plans have the Health Reimbursement Arrangement (HRA) attached to them. Mr. Thunberg then stated the FSA and HSA are extra plans that don't cost the City anything to allow the employees to use, adding ESG administers them as part of the service they provide and both plans tend to pay for themselves with employer taxes that are saved. Mr. Thunberg then explained that there are advantages to having employees participate in

the HSA program, adding due to this, the City is offering an incentive to give every employee the opportunity to participate, adding there are tax advantages to the employee and financial advantages to the City. Mr. Thunberg then stated the employees can also roll their HSA account over from year-to-year as well to pay for future healthcare expenses, if they don't use it in the current year. Mr. Thunberg then stated again that both the PPO and the HSA insurance plans have the HRA attached to them, which allows the City to reimburse the employee for major medical expenses (typically called a deductible) if they have a major medical event, adding this arrangement helps mitigate the costs employees incur under these plans. Mr. Thunberg explained the deductibles on both plans, stating the PPO plan has a \$5,000 deductible with the employee being responsible for the first \$1,000, then the remaining \$4,000 deductible is split, with 90% being paid by the City and 10% being paid by the employee, adding this means the employee's maximum out-of-pocket expense is \$1,400. Mr. Thunberg then stated the HSA plan also has a \$5,000 deductible with the first \$2,500 being paid by the employee and the second \$2,500 being paid through the HRA. Mr. Thunberg then stated the incentive being offered to employees in an attempt to have them participate in the HSA plan is a matching program, adding the City will contribute matching funds up to a certain amount if the employee contributes to the account as well, again noting it is advantageous to the City for employees to participate in that plan.

Mr. Thunberg then stated back in Fiscal Year 2009-2010, the budget for healthcare expenses were \$756,000 a year, adding for all the expenses in the employee benefit plans for the upcoming year, the cost is projected to be \$546,994. Mr. Thunberg then noted another big change is the census, which has decreased by 8 employees. Mr. Thunberg then stated ESG still has to go through the formal contracting process, adding they have secured rates for life, dental, vision, with nominal increases, adding most of these are voluntary plans, meaning the employees pay for those if they would like them. Mr. Thunberg then stated again, ESG administers the HSA, FSA, HRA programs and all tax advantage documentation and compliance and is doing so at the same rate for the fourth year in a row, adding they will be on-site to present the plans to the employees at enrollment meetings on the 11th and will work with employees in making their choices. Mr. Thunberg then stated, again, there are pressures of the affordable care act that will be a challenge each year, but ESG will do what they can to keep costs as low as possible.

Councilmember Moncada moved to approve the Health Insurance contract with Blue Cross Blue Shield for the Employee Benefits for Fiscal Year 2014-2015 and authorize the City Manager to sign the health insurance contract. Seconded by Councilmember Brooks. Motion passed 6-0.

5. **Discussion and possible action regarding a Standard independent Contractor Agreement with Greyhound Lines, Inc.**

Public Works Director Brad Hamilton stated this contract is the first step in the City becoming an authorized ticketing agent as the Council previously discussed. Mr. Hamilton then stated the next step would be tying into Greyhound Connect for the in-kind matches for the City's transit system. Mr. Hamilton stated the tickets for passengers and freight would be sold at the visitor's center and they are planning on the bus stop being at the old City Hall location since they were worried about the bus being able to maneuver at the visitor's center. Mr. Hamilton then stated he will be meeting with SEAGO and other transit organizations to start work to tie the transit systems all together. Mr. Hamilton then stated the contract is an attempt to mirror what the City of Yuma is doing, adding they became an authorized agent and then branched out to serve Yuma County and were able to have an in-kind match last year of about \$160,000 for their grant.

Councilmember Boyle asked if there were any outlays required with Mr. Hamilton stating the requirements so far were staffing and hours, adding Greyhound has been flexible and is willing to see how it goes. Mr. Hamilton then stated Greyhound has no physical ticket agency in Cochise County, which traditionally was a heavy-use area for them and they would like to get back in it, noting right now, the bus stop is at McDonalds and everything has to be done online with a credit card. Mr. Hamilton then stated the other side of the transit system is the goal to tie into both Sierra Vista and Ft. Huachuca, giving passengers the ability to come to Benson on Greyhound and go from there.

Councilmember Brooks asked how many hours of staffing time this would require with Mr. Hamilton stating right now, the hours would be the same as the current hours at the visitor's center, but if ticket sales jump and

the City starts making enough money where it would make sense to staff more hours, he would come back to Council for that discussion, adding again, that Greyhound has been very flexible and understands the City's situation and is also wanting to experiment. Councilmember Moncada verified that Greyhound understands that there is no guarantee passengers can continue on to Sierra Vista with Mr. Hamilton confirming this, but stated the hope is to connect the transit systems in moving forward.

Councilmember Brooks asked what the benefit to the City was with Mr. Hamilton stating the City will receive 8% of prepaid ticket sales. Councilmember Brooks asked if Greyhound estimated the number of customers with Mr. Hamilton stating they think their estimate is lower than what there will be with a ticket agent in place. Mr. Hamilton then stated based on their estimates, the City budget contains \$80,000 for revenues from ticket sales. Councilmember Brooks stated it would be worthwhile to try it for a year and then asked if Staff checked with the City's insurance company to see what increased premiums there might be due to liability. Finance Director Megan Moreno stated she did check with the insurance company and they told her they didn't think there would be any additional premiums because the buses are not City vehicles and the City is not insuring them. Councilmember Brooks voiced his concern for the liability should someone get off the bus and trip at the visitor center with Ms. Moreno stating there was no indication there would be increased premiums for that.

Councilmember Cook expressed concern over the contract requiring the City to provide pickup and delivery service not only within County boundaries, but also in the City of Benson, noting if the City intends to provide pickup and delivery within City of Benson, the contract should use the language to reflect that. Councilmember Boyle then asked about advertising and who would be paying for it with Mr. Hamilton stating Greyhound would pay for their own advertising. City Attorney Gary Cohen then addressed Council regarding Councilmember Cook's concern; Councilmember Cook stated the contract should either mean the County boundaries or the City boundaries or both, adding the way the contract is written, it appears there is a lot of room to argue and he would like "County boundaries" stricken to eliminate having to argue the point. Mr. Cohen stated if the Mayor and Council were to approve the contract, the motion could include the amendment to minus the word "County" listed in the language in the seventh square below 2.1, adding he thinks Greyhound would be fine with it. Councilmember Cook then stated the transit system in the City's budget operates about \$40,000 in the red and if the City were to get \$80,000 in revenues, the transit system would be self-supporting. Ms. Moreno stated some costs to expand the transit system were also budgeted, such as additional fuel and an additional bus, adding the majority of the costs would be covered by ADOT funded grants, but there would still be a portion the City would be responsible for. Ms. Moreno then stated the City is still looking at a contribution to the transit fund next year of under \$30,000 which is less than what was budgeted for this year, adding this is with the hopes that we budgeted low on the revenues from Greyhound and by the end of the next fiscal year, the transit system will be self-sufficient.

Councilmember Cook asked about pickup and delivery for shipping with Mr. Hamilton stating the contract stipulates that Greyhound isn't responsible to pay the City to go door-to-door, adding the City could choose to do it, but Greyhound will not pay for it. Mr. Hamilton then stated passengers can use the City's current transit system to get to and from the bus stop and will have to pay the current rates to do so, adding the contract is stipulating that Greyhound isn't going to reimburse the City for that ride. Councilmember Cook stated the contract requires the contractor to provide or arrange for pickup and delivery service in whatever area Greyhound determines and expressed concern over binding the City to do so and the additional expenses that would be incurred. Mr. Cohen stated if the customer wants that additional service, the customer is going to have to pay for it, adding large companies usually have boiler plate contracts and the ability to negotiate those is somewhat limited, but he did make the best inroads possible, noting the addendum his firm was able to negotiate to make the contract as advantageous as possible for the City. Councilmember Brooks agreed with Councilmember Cook that the contract would require the City to pick passengers up and take them to the bus stop. Councilmember Cook asked if there were any plans to come up with a cost in accordance with such tariffs, rates and regulations if the City were to provide that sort of service with Mr. Hamilton stating the customers would pay the normal transit fee to ride the City's bus.

Mr. Hamilton then stated the next thing the Council would see would hopefully be a contract with Greyhound Connect, which would tie the City into a customer being able to buy a ticket on Greyhound enabling them to travel to Benson on the Greyhound bus and then on to Sierra Vista, Bisbee or Douglas by those transit

systems, adding they would purchase the ticket and bus passes all at once with Greyhound Connect. Mr. Hamilton then stated if a passenger was traveling from New York to Douglas, those miles would be counted for the City and for each transit system, resulting in an in lieu credit, which would then go against the amount of the fund the City pays. Mr. Hamilton then stated he was not sure what the rate was for those credits, but the contract being presented was modeled off the City of Yuma's contract with Greyhound and noted the City of Yuma currently is receiving \$160,000 in in lieu credits over what they get in revenue. Mr. Hamilton then stated the credits come from the federal government and can be used just like cash in the federal grant the City gets for the transit system.

Conversation then moved back to passengers getting to and from the bus stop with Mr. Hamilton stating the passengers could use the current transit system if they chose, either through the fixed bus route, the deviated route or the Dial-A-Ride program, noting the passengers would still have to pay the current bus rates to use the bus. Mr. Hamilton then stated the same thing applies to shipping, adding it is up to the customer to get their packages to and from the visitor's center.

Councilmember Cook then asked about the contractor having to provide a waiting room, furnishings and lavatory facilities, stating those are all available at the visitor's center, but noted if the bus stop is at the old City Hall location, there are no facilities there. Mr. Hamilton stated until improvements are made at the visitor's center parking lot, he didn't believe a bus could get in and out of it, but if the City has the funding next year and is making money on ticket sales, we could possibly look at parking lot improvements at that time. Mr. Hamilton then noted, again, this is on a trial run with some unknowns but both the City and Greyhound will work on issues as they arise. Councilmember Boyle asked about using the right-of-way along the tracks on the other side of the fence with Mr. Hamilton stating that is Union Pacific property, but maybe the City could negotiate something with them in the future.

Councilmember Brooks then moved to approve the Standard independent Contractor Agreement with Greyhound Lines, Inc. Seconded by Councilmember Moncada. Motion passed 6-0.

6. **Discussion and possible action regarding Resolution 15-2014 of the Mayor and Council of the City of Benson, Arizona, canvassing, declaring and adopting the results of the Special election held on May 20, 2014**

City Clerk Vicki Vivian addressed Council stating Resolution 15-2014 satisfies the requirements to canvass an election as per A.R.S. §16-642 (A) Canvass of election; which reads, "The governing body holding an election shall meet and canvass the election not less than six days nor more than twenty days following the election." Ms. Vivian then stated the canvass was received from the County and is an exhibit to the resolution. Councilmember Moncada moved to approve Resolution 15-2014. Seconded by Councilmember Brooks. Motion passed 6-0.

7. **Discussion and possible action regarding Ordinance 570 of the Mayor and Council of the City of Benson, Arizona, repealing Ordinance 569 adopted by action of the Council on May 28, 2014, creating the Benson Airport Advisory Committee and amending the Benson City Code, Chapter 18, regarding Boards, Commissions and Committees by adopting new Article 18-7 as contained in that certain public record entitled, "Benson City Code, Chapter 18 – Boards, Commissions and Committees, Article 18-7, Benson Airport Advisory Committee"**

City Manager William Stephens stated Ordinance 570 would rescind Ordinance 569 so Council move ahead in changing the number of committee members as Council directed. Councilmember Moncada moved to approve Ordinance 570. Seconded by Councilmember Brooks. Councilmember Brooks then stated when the Council previously addressed this committee, he suggested withdrawing his application so the Council could appoint the remaining applicants and have an odd-number of members. Councilmember Brooks then stated he also said that the applicants Mr. Thompson and Ms. Nunn shared a household, adding he never meant to imply that they are anything other than good friends, and wanted to make that clear. Councilmember Brooks then apologized to them, stating he was sorry if the public thought anything else and again wanted to make that clear. The motion then passed 6-0.

8. **Discussion and possible action on Resolution 16-2014 of the Mayor and Council of the City of Benson, Arizona, declaring as a public record that certain document entitled “Benson City Code, Chapter 18 – Boards, Commissions and Committee, Article 18-7, Benson Airport Advisory Committee**

City Manager William Stephens stated this item is to adopt the new resolution relative to the ordinance regarding the Airport Advisory Committee. Councilmember Brooks moved to approve Resolution 16-2014. Seconded by Mayor King. Councilmember Brooks then stated he would like the City Attorney to address when the resolution will go into effect, adding the City code reads that as soon as the Council adopts a resolution or ordinance without a fine or penalty, it becomes effective immediately, but State law is different. City Attorney Gary stated there is a conflict between the current language of the City code which says basically, with certain exceptions, ordinances that are approved by Council are in effect immediately and State law, which says ordinances become effective 30 days after Council action. Mr. Cohen then stated the conflict could be resolved at another time, but the bottom line is ordinances will become effective 30 days after Council action. Councilmember Brooks asked Mr. Cohen if, when dealing with City issues, he referred to the City code or the State statutes with Mr. Cohen stating no lawyer can memorize the entire City code or the 41 volumes of the Arizona Revised Statutes, adding when legal issues arise, he researches both to make a determination, again noting the City code will need to be amended to comply with State law regarding the effective dates of ordinances. Motion then passed 6-0.

9. **Discussion and possible action on Ordinance 571 of the Mayor and Council of the City of Benson, Arizona, creating the Benson Airport Advisory Committee and amending the Benson City Code, Chapter 18, regarding Boards, Commissions and Committees by adopting new Article 18-7 as contained in that certain public record entitled, “Benson City Code, Chapter 18 – Boards, Commissions and Committees, Article 18-7, Benson Airport Advisory Committee”**

City Manager William Stephens stated when addressing New Business Item 7, Council rescinded Ordinance 569, which created the Benson Airport Advisory Board. Mr. Stephens then stated Ordinance 571 will now establish the committee with the next Council item being to appoint members to the committee. City Attorney Gary Cohen then stated the only change from the previous committee establishment was to increase the maximum number of possible members from 9, as had been drafted, to 13.

Councilmember Moncada moved to approve Ordinance 571. Seconded by Councilmember Boyle. Motion passed 6-0.

10. **Discussion and possible action to appoint members to the Benson Airport Advisory Committee**

City Manager William Stephens stated this item is to appoint members to the Airport Advisory Committee, noting Vice Mayor Sacco submitted an application, which has been added to the others. Mayor King and Councilmember Brooks asked how many applications were received with City Clerk Vicki Vivian stating the total number of applications received for committee membership, including that of Vice Mayor Sacco, now totaled 12. City Attorney Gary Cohen reminded Council they needed to appoint an odd number of members, with a minimum of 5 members and a maximum of 13 members, adding the majority of the members should be appointed for a 2-year term with the remaining members to be appointed for a 1-year term.

Councilmember Brooks noted the Council would need to eliminate 1 applicant with Councilmember Moncada stating he was not present when the Council discussed this before, but the Council had discussed having only 1 Councilmember on the committee. Councilmember Brooks then stated he was withdrawing his application in order to have an odd number of applicants. Councilmember Moncada stated he would rather not address each member individually in a motion and asked if the applications were in chronological order using the date they were submitted. City Clerk Vicki Vivian stated the applications were in alphabetical order. Councilmember Brooks stated the Council could alternate each member, giving first an odd-year term, then an even-year term. Councilmember Brooks then asked if the term lengths were something the committee could decide. Councilmember Moncada stated the terms were up to the Council and then agreed with Councilmember Brooks that the Council could go in order and alternate lengths of terms for the members.

Mr. Cohen stated it was up to the Council to choose how to appoint members, but again reminded the Council that if they appointed 11 members, they would need to make sure 6 members were identified as being appointed to a 2-year term and the remaining members would be appointed for a 1-year term.

Councilmember Brooks then stated Cliff Deane would be appointed for a 2-year term, Stephen Insalaco would be appointed for a 1-year term, Roy Jones would be appointed for a 2-year term, Sam Miller would be appointed for a 1-year term, Barbara Nunn would be appointed for a 2-year term, Orville Rohlok would be appointed for a 1-year term, Al Sacco would be appointed for a 2-year term, Eric Seabase would be appointed for a 1-year term, Martin Stickford would be appointed for a 2-year term, Marty Stickford Jr. would be appointed for a 1-year term and David Thompson would be appointed for a 2-year term. Councilmember Brooks then moved to appoint the 11 members as he stated. Seconded by Councilmember Moncada. Motion passed 6-0.

11. **Discussion and possible action regarding when executive sessions can be called, clarifying items that can be discussed and postings**

City Manager William Stephens stated this item was on the agenda at the request of Vice Mayor Sacco and Councilmember Brooks. Councilmember Brooks stated he was waiting for information he has not received yet and would like to table the item. Councilmember Brooks then moved to table this item to the next regularly scheduled meeting. Seconded by Councilmember Moncada. Motion passed 6-0.

12. **Discussion and possible action to determine the names of the majority of members appointed to the Benson Economic Development Committee that will serve two year terms, with the remaining members of this Committee to serve one year terms**

City Manager William Stephens stated this is the same issue the Council addressed for the Benson Airport Advisory Committee, adding on May 28, the Economic Development Committee members were appointed, but the Council did not specify the term lengths for the members. Mr. Stephens then stated the Council would need to do so now, with the majority of the members should being appointed for 2-year terms and the remaining members being appointed for 1-year terms.

Councilmember Brooks moved to appoint committee members Michael Berryhill for a 2-year term, Patrick Boyle for a 1-year term, Ron Brooks for a 2-year term, Annette Buechel for a 1-year term, Stephen Insalaco for a 2-year term, Jamie Muller for a 1-year term and Barbara Nunn for a 2-year term. Seconded by Councilmember Moncada. Motion passed 6-0.

DEPARTMENT REPORTS: No comments from Council.

ADJOURNMENT:

Councilmember Brooks moved to adjourn at 8:37 p.m. Seconded by Councilmember Moncada. Motion passed 6-0.

Toney D. King, Sr., Mayor

ATTEST:

Vicki L. Vivian, CMC, City Clerk