

**THE SPECIAL MEETING  
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA  
HELD JULY 18, 2016 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 7:06 p.m. with the Pledge of Allegiance. Mayor King then stated he would like to ask those present to observe a moment of silence for the police officers who were killed in Baton Rouge.

**ROLL CALL:**

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

**PUBLIC HEARING:** The Mayor and Council will be available to receive comments from the public regarding El Dorado Benson LLC's proposed Final Community Master Plan for The Villages at Vigneto, the area formerly known as Whetstone Ranch. A public hearing is an opportunity for the public to voice questions, concerns or support for the proposed Final Community Master Plan directly to the City Council.

Mayor King stated he would be moving any speakers signed up for the Call to the Public to the Public Hearing if the subject they were speaking on was the Community Master Plan; then noted he would be limiting both the Call to the Public and Public Hearing comments to 3 minutes due to the number of people signed up to speak. Mayor King then opened the public hearing at 7:12 p.m.

Larry Catton, representing the Southeastern Arizona Governments Organization (SEAGO) located in Bisbee, read a letter from SEAGO supporting the CMP. The letter read "As you consider the proposed Community Master Plan for the Villages at Vigneto project, SEAGO would like to take this opportunity to reaffirm its position in support of the project. On August 28, 2015, the SEAGO Executive Board passed resolution 2015-05 supporting the City of Benson and its consideration of The Villages at Vigneto project. The Resolution concluded with the following: 'NOW, THEREFORE, BE IT RESOLVED; by the SEAGO Executive Board that it hereby expresses its support for the master-planned community development The Villages at Vigneto project proposed by El Dorado Benson, LLC, as a means for substantial economic growth within Southeastern Arizona. BE IT FURTHER RESOLVED, that the SEAGO Executive Board is confident that the actions taken by the Benson City Council will adequately and responsibly address the economic impact, community impact, and environmental impact of the subject master-planned community development project, and will act in the best interests of the citizens of the City of Benson.' SEAGO maintains it's considered resolve that The Villages at Vigneto project will be a catalyst for substantial economic growth in the region for many years. SEAGO also continues to express confidence in you, as members of the Benson City Council, to carefully consider all issues relative to the project, and utilize your wisdom, judgment, good faith, and Economic Development sound planning principles to assure that the project will be in the best interests of the citizens of the City of Benson. The City of Benson, Cochise County, and the entire SEAGO Region will benefit from a well-planned and developed Villages at Vigneto project."

Bob Gent, S. Hohokam Drive, Sierra Vista, stated he was representing the Astronomical League, a Federation of over 280 Astronomical Societies that has 11 member societies in southern Arizona, and thousands of members. Mr. Gent then stated he was also representing the Huachuca Astronomy Club and was also speaking as a member of the outdoor lighting code committees for Cochise County and Sierra Vista. Mr. Gent then stated those organizations do not oppose The Villages of Vigneto, adding he thinks the project is a great idea because the economic development in Cochise County is dismal at best and they look forward to the possibility of having this development bring jobs to the area. Mr. Gent then stated they are a bit concerned about Benson's current lighting codes, which need to be updated because the current

codes don't address things such as the proliferation of LED lighting. Mr. Gent then stated after 20 years of debate, the AMA (American Medical Association) finally took the position that outdoor lighting can be harmful to human health, cause problems to wildlife and create other issues, adding the AMA just issued a press release last month with their position. Mr. Gent then stated his concern is the CMP moving forward without the best lighting code in place, adding he has a team of experts willing to serve as volunteers and work with Benson and the developer to create a really good lighting plan. Mr. Gent then stated he looked forward to working with the City and he hoped to integrate a good lighting plan into the development, adding this development could be the best lit facility in America and they could live with that.

Kevin Oberg, Silver Street, Tucson, stated he owns property in Benson and he would like to emphasize the amount of time Council has spent putting the CMP together. Mr. Oberg then stated the developer, the Council and City staff have created a tremendous opportunity and he hopes the Council comes together and votes 7-0 in favor of the CMP.

Nancy Jean Welker, S. 2nd Street, Bowie, stated she was the Bowie Chamber of Commerce President and the Chairperson of the Bowie Economic Development Group. Ms. Welker then stated she sent a letter to Council expressing their support of the CMP for The Villages at Vigneto and she hopes to see a unanimous vote to approve it and move the project forward to help the county. Ms. Welker stated the county needs these types of projects to move the county ahead.

Tricia Gerodette, Eagle Ridge Drive, Sierra Vista, stated the certificate of adequate water supply issued by ADWR doesn't carry any protection of the San Pedro River. Ms. Gerodette then said members of the Council have stated their support for the river and for keeping it healthy, adding if the Council does care, it is up to them to take necessary and appropriate action to achieve that protection. Ms. Gerodette stated the Council shouldn't count on ADWR to look out for the welfare of the riparian area because it is not in ADWR's purview. Ms. Gerodette then asked the Council to make the USGS study a requirement for moving forward, because without it, the best understanding of how groundwater pumping in the Benson sub-basin will affect artesian springs and artesian wells, the caverns and how it will impact the lower San Pedro flow and mitigation properties will not be achieved. Ms. Gerodette then stated a groundwater flow model is needed that uses the latest information instead of outdated information. Ms. Gerodette stated the end of this process is near and she knows the Council wants the development so much they can taste it and she hopes for Benson the taste will be sweet, but she fears it will be bitter or at the very least, sour. Ms. Gerodette then urged the Council and the newly-elected Councilmembers to pursue other avenues for Benson's future and not to depend on this development to save Benson. Ms. Gerodette then stated if the development fails, which could happen, the Council should have an alternative plan in place, as several people have urged the Council to do for more than a year now.

Karen Corey, N. Old Divide Road, Bisbee, stated she spent 13 years on the County Planning & Zoning Commission and after reading the CMP 3 or 4 times, she has a list of several red flags she has noted, which includes the overuse of water in the desert, 1 or more golf courses, water parks, multiple and unlimited swimming pools and weak water conservation measures and language, adding the words "encourage" and "discourage" do not equal regulation. Ms. Corey then stated the plan has no mention of best practices regarding using grey water in landscaping, rain water harvesting, drip irrigation or pool covers. Ms. Corey stated the development will have a negative impact on neighboring wells, adding drawdowns on wells are being seen all over the county. Ms. Corey then stated the CMP addresses agribusiness and urban farming, but she has no idea what that will be, adding the fertilizer and chemical use, high water usage and unregulated, unnamed crops with non-native species are all concerns. Ms. Corey then said the State Park has concerns and conditions that have not been addressed and then asked about new hydrology information being used. Ms. Corey stated this development will create a false environment by having a Tuscan-type setting in the San Pedro River Valley, which isn't harmonious, adding the environment that is already here should be appreciated. Ms. Corey then stated development is good if it's done well and stated the City should strengthen lighting regulations and shouldn't allow any exemptions from the lighting regulations or any other City regulations, such as height limit exemptions, noting she loves the mountains and doesn't want architecture to be the view. Ms. Corey then stated the CMP also doesn't include any commitment to

clean renewable energy and mentions very little about solar energy, adding the CMP is not using best practices and even though the Council may think a lot of work has gone into the CMP, she considers the CMP incomplete. Mayor King told Ms. Corey her time to speak had ended with Ms. Corey stating she would give the Council her notes. The notes will be retained with the Council packet.

Debra Wright, High Road, Bisbee, stated was a science lab manager at Cochise College and wanted to voice her concern. Ms. Wright stated people are saying this development will provide a good economic benefit to Cochise County, but she wonders what the benefit will be when all the water is gone.

Russell Moore, the Head of Planning & Development for Arizona State Parks, stated he would like to provide an update regarding some of the State Parks' concerns. Mr. Moore stated after he expressed concerns regarding groundwater and possible negative effect on the caverns at the Planning & Zoning meeting on July 5, he received a call from the City Manager and the City Engineer, who orchestrated a wonderful workshop with them and the developer, adding they met at the caverns for several hours and the meeting was very fruitful. Mr. Moore then stated the caverns and their safeguard are important to all, adding they spent a lot of time and came up with a series of strategies everyone felt would be fruitful for safeguarding the caverns. Mr. Moore then stated at the conclusion of the meeting, it was agreed there should be an agreement in place to address safeguarding the caverns and the drafting of the agreement was in process, adding it will take several months to complete, but he is confident there will be a document in place that everyone feels good about. Mr. Moore then thanked the City Manager and the City Engineer for bringing the parties together and allowing this to be worked out, again stating he is confident a great document will be in place to protect and safeguard the caverns.

Deb DeBeasee, 4th Street, Benson, stated she was a small business consultant and has been in Benson about a year. Ms. DeBeasee stated it has been interesting to be exposed to the process of the development and she realizes it is an important task to complete, noting she thinks it may have been overwhelming at times, but she commends the Council on their hard work and effort in the progress they have made in the approval of a CMP, which will lead to a bright and prosperous future for Benson and Cochise County. Ms. DeBeasee stated she knew it wasn't easy, especially with all the naysayers and all the false information that was thrown at the Council, but the Council handled it professionally and made their decisions based on fact and truth. Ms. DeBeasee then stated she recently learned that El Dorado didn't have to go through the expense, delays and aggravation of a CMP and could have gone to construction the next day, but they didn't, adding the CMP shows the developer's consideration for the community and that community engagement and input was valuable. Ms. DeBeasee stated it was encouraging to see that the developer has proven they are workable, flexible and completely transparent and don't want to jeopardize the community of Benson, Cochise County or the environment and that they are compliant to the laws that are written. Ms. DeBeasee stated the developer stands on high values and clearly will produce a project Benson will be proud of, adding she hopes the Council will vote for the CMP, for the benefit of everyone in the county.

Sharon Rock, Quality Hill, Bisbee, stated her parents were born in the great depression and grew up in Los Angeles and moved to Orange County before moving to rural San Diego County to try and maintain a quality of life that can be had with a lower density population. Ms. Rock stated they gave up a lot to be more in touch with peace and quiet and a slower, simpler way of life. Ms. Rock then stated when she told her 83-year-old mother about the development and what it represents without any bias, her mother expressed concern for the "poor people" who live in Benson and have to have development be their economic solution. Ms. Rock stated her mother has seen development over the past 80 years and has seen the affluent move in and not assimilate with the other people and what happens when there are too many people and not enough water and the traffic development creates. Ms. Rock then stated on a different subject, someone told her there was a movie, The Big Short, about a man named Michael Burry, one of the investors who predicted the housing bubble would collapse and made almost a billion dollars. Ms. Rock said at the end of the film, Mr. Burry said he was putting all of his money into investments that were based on the commodity of water, adding this man who saw the housing bubble and made a billion dollars, is now looking at water as being the most valuable resource on the planet. Mayor King informed Ms. Rock her time to speak had expired.

Mark Fenn, Pomerene Road, Benson, stated he was a supporter of The Villages of Vigneto and was a member of a family that settled here over 100 years ago, noting his grandfather arrived in 1912, which is the same year Arizona became a state, and has been here ever since. Mr. Fenn then stated he supposed he would be one of the “poor people” who will be a victim of the development, but he doesn’t see it that way, noting he sees it as someone is willing to take a risk in our town and invest heavily and bring economic growth. Mr. Fenn then stated he doesn’t discount the concerns brought forward such as water, scenery and the San Pedro Valley, adding he can appreciate those because he lives here and also enjoys the scenery, but at the same time, he appreciates others who are willing to invest, take a risk and bring economic growth to Benson. Mr. Fenn then stated having served as the Mayor of Benson in the past and on City Council, he can appreciate the effort that goes into these projects by the developers, City staff, and various engineers and consultants, and the time and money that is spent to try and bring forward the best product possible. Mr. Fenn stated anyone questioning how the developer can expect to sell 28,000 homes needs to realize any investor is going to take time, look at the market and plan the project accordingly, adding he did the same with his investments in Benson. Mr. Fenn then stated he looks forward to other projects that will benefit all of the citizens of Benson and he would like to encourage the Council to approve the CMP tonight.

Lupe Diaz, S. Post Rd, Benson, stated he has been the Pastor of Grace Chapel in Benson for 28 years and has worked with many families and the business community. Mr. Diaz then stated time has been taken on the CMP process, adding the studies have been reviewed and approved, the Corps of Engineers did their job, the plan was presented to the public, comments were heard and adjustments were made. Mr. Diaz stated the Planning & Zoning Commission did their job, the City Manager and the Council has taken the time to make sure it was done to the satisfaction of the people and those concerned and it was all done in the open, adding several organizations helped by keeping the public informed and involved. Mr. Diaz then stated the Council has also heard from those in favor of the project with their recommendations as well as those who oppose the project; their questions were asked and answered and that is all behind the Council, noting now the time has come to vote on the CMP. Mr. Diaz then stated with the current socio-economic condition of Cochise County, the Council has his support and the support of the Chamber of Commerce for an affirmative vote on the CMP, adding he will stand with the Council and defend their vote for the CMP in the community. Mr. Diaz then stated the environmental and economic considerations that have been presented for and against the project are not the only considerations, adding the development of the property is a constitutional right of the property owner. Mr. Diaz stated the previous owner and the new owners are willing to develop their property so that others can own a portion of that land, which again, is a constitutional right, adding there has been much opposition that is in direct conflict to the right of property ownership. Mr. Diaz then stated the CMP outlines the lifestyle and quality of life made possible because of this project and while people may or may not remember this night, they will remember that they had the opportunity to own land in the community that will be developed because of the Council’s vote tonight. Mr. Diaz then stated the Council has the socio-economic future of Cochise County and the possibility of jobs and merchandise that will be needed to make the development happen in their hands and tonight is the time to approve the plan with a vote for a growing and thriving Benson, the region and for future generations who can have a place to call home.

Stephen Insalaco, W. Pinto Place, J6, stated he had not reviewed the latest draft of the CMP, but had reviewed a previous recent edition and he saw a lot of detail in the plan, adding he thinks the Council did a tremendous job and had considered more things than he imagined, but he still had some remaining concerns about water, dark skies and economic development. Mr. Insalaco stated he recently had his well serviced by Allen’s Drilling and in speaking with the owner, found his company was very busy; not drilling new wells, but deepening existing wells in the area. Mr. Insalaco then stated he thinks there is something to the groundwater concerns. Mr. Insalaco then spoke about dark skies, adding they are one of Cochise County’s strongest attributes and he would like to endorse the comments made about updating lighting codes. Mr. Insalaco then stated there’s no doubt the development will have a positive economic impact, both to Benson and the surrounding areas, but he would like to see the development not be the City’s “Plan A” for economic development, adding he would like to see the Council and City move forward with other economic development plans that are separate and independent from the development of The Villages at

Vigneto. Mr. Insalaco then stated a final draft document is never a final document, adding the parties always come back and revisit it and he would hope the CMP could be like that and as new issues are identified, both parties can come back and negotiate and work through those issues again. Mr. Insalaco then stated he thinks the issues with groundwater and lighting are easy and negotiable and can be resolved to everyone's satisfaction. Mr. Insalaco then asked the Council to move forward with the plan.

Jerry DeGrazia, N. Painted Quail Place, Tucson, stated he was representing San Pedro Partners with Hal Ashton and they are a developer with approximately 400 acres in the community. Mr. DeGrazia stated the last 2 speakers were very eloquent and spoke about the things he also wanted to address, adding the CMP is a complete plan that was worked on very hard. Mr. DeGrazia stated the people on both sides of the issue have great things to say. Mr. DeGrazia then stated he sees that this kind of development is a 30-year project and will evolve over that time and that it will affect all aspects of northwest Cochise County and the entire county. Mr. DeGrazia then stated the reason people live here or have property here is that Benson is beautiful and has water, adding this project will lift all projects, stating San Pedro Partners will be competing against the development, but he believes competition is a good thing. Mr. DeGrazia then stated the developer has made a tremendous commitment, spending over \$30 million already, and they will put much more in it. Mr. DeGrazia stated there are a lot of concerns the developer will have to deal with, but the CMP is basically the structure of the development right now, noting the project will evolve as it develops in stages and the developer will find and address situations as they move forward. Mr. DeGrazia then supported approval of the CMP, stating San Pedro Partners, LLC endorses the project.

David DiPeso, 4th Street, Benson, stated he was representing the realtors in the area and they support The Villages at Vigneto and growth and economic development, adding if a town doesn't grow, it dies. Mr. DiPeso stated the Council can see in Willcox what has happened without development, noting the empty buildings and businesses that have closed, adding this is what happens when the opportunities to grow aren't taken. Mr. DiPeso then stated he appreciates the work that went into the CMP and he looks forward to Council approving it with a unanimous vote.

Rich Cortez, N. Ocotillo, Benson, stated he owns Frontier Fitness Club and Spa in Benson and there are 2 reasons he hopes the project goes forward; first to help his business, adding more people in Benson will make his business stronger and the second reason is that he is planning an expansion, with about 8% of it benefitting the youth and underprivileged of the City and with a larger city, it will be easier to get funding. Mr. Cortez then stated he was all for the development and he appreciated all the work that was done on it.

Brent Davis, S. Country Club Road, Tucson, stated several years ago, he had the distinct honor of coordinating the Strategic Plan for the City, meeting with former Mayor George Scott and the Council, adding they held a series of meetings with that Council and developed a strategic plan. Mr. Davis then stated the plan was the Council's and citizens' plan and a major component of the plan was the economic success of this community, adding it was clear that the success of the community was dependent upon growth. Mr. Davis stated in those days, the City was counting on several different developers with tens of thousands of acres, but when 2008 hit, the bottom fell out not only in Benson, but all over the country and the economic plans sizzled downward. Mr. Davis then stated it's not often a city the size of Benson gets a chance to make a commitment to plan growth and it certainly is very rare they get a second chance to do it, but that is what the Council has tonight. Mr. Davis then encouraged the Council to support the development and approve the CMP, adding this is a second chance to make Benson grow and be prosperous.

Matt Clark, E. University, Tucson, stated he was with the Audubon Society in Tucson and he was here to distribute a stack of previous comments on the CMP as well as letters the Audubon Society has sent to the Army Corps of Engineer regarding The Villages at Vigneto. Mr. Clark then stated he would like to give his remaining speaking time to the Executive Director of the Tucson Audubon Society, Karen Fogas.

Karen Fogas, Executive Director of the Tucson Audubon Society in Tucson, stated the Tucson Audubon Society was established in 1949 and focuses its work in Southeast Arizona. Ms. Fogas stated she could

appreciate that the City of Benson seeks to provide economic growth for its community, however, the Audubon Society has legitimate concerns that The Villages at Vigneto Community Master Plan, as currently proposed, is unsustainable. Ms. Fogas stated the best available information suggests the future could look very grave for the community and its residents in the face of predicted water shortages for current and future citizens and the Audubon Society feels compelled to speak. Ms. Fogas stated the predicted water shortages will not only impact the current and future City of Benson, including Vigneto, but also the quality of life for people and the habitat for birds and wildlife, some of which are threatened or endangered and the Audubon Society is concerned that the City of Benson is creating a significant liability for its future in a rush to approve a sweeping, flawed CMP for Vigneto. Ms. Fogas stated there is ample information to suggest that the CMP before the Council today is in direct conflict with Benson's General Development Plan's goal to "protect the San Pedro River," described in the Plan as one of Benson's "key attributes" and by relying solely on ADWR's 2008 assured water supply permit, to the exclusion of other data which did not consider impacts to the river or the addition of a significant development, Benson officials are failing in their duty to consider the development's impact on the San Pedro River. Ms. Fogas stated the City must exercise its responsibility on behalf of current and future residents, including Vigneto, to exact even nominally reasonable and prudent conditions of approval regarding potential adverse impacts of this mega-development, especially to hydrology and at the very least, including adequate and ongoing hydrological monitoring as a condition, at the developer's expense, should be a requirement. Ms. Fogas stated due to the lag time between pumping and observed effects, even the most careful groundwater monitoring will not give the City sufficient time to react and protect the river, existing City residents and residents of the San Pedro Valley, which suggests even further need for proceeding with caution. Ms. Fogas stated additionally, it would seem that a developer concerned about its future citizens and the community in which they will live would want to include such monitoring. Ms. Fogas then stated dewatering the San Pedro River will undoubtedly adversely impact the region's local economy, not to mention a \$1.4 billion/year industry for watchable wildlife by compromising an international migratory pathway that provides global ecosystem value as a habitat for migrating birds and threatened and endangered species. Ms. Fogas stated the City of Benson has an obligation, on behalf of its current citizenry and on behalf of future generations, to act responsibly to protect this resource and has an obligation to consider all information relevant to this development, not just that which it chooses to consider because it favors the goal of economic development so desperately wanted by the community and City leaders. Ms. Fogas stated by so clearly failing to consider all available information, the City may open itself to the consequences of harm to its citizens and its most important resource: the River. Ms. Fogas then thanked the Council for their consideration of her comments.

George Scott, E. 4th Street, Benson stated he was representing the Southeast Arizona Economic Development Group, (SAEDG), who would like to express thanks to City staff, the developers and Council for their extensive work that has gone into the CMP for The Villages at Vigneto, adding they know the process has taken well over 2 years and has been thought out very thoroughly. Mr. Scott then stated Benson and Cochise County will benefit from new businesses, jobs and money that will come into the area from this development, noting Cochise County and Benson have been on a decline financially for many years and have lost several thousand jobs and population because of the weak economy. Mr. Scott then stated The Villages at Vigneto offers Benson the opportunity to become a great city to live in and work in and will give hope to younger families who would like to stay here, raise their families and open businesses or just have a good job to support their family. Mr. Scott then stated the development will also benefit the whole community and asked the Council to continue to listen to the voters and citizens of Benson, as he knows they have. Mr. Scott then stated he thinks the Council has heard enough from the naysayers who think the Council and City don't know what they are doing, adding he thinks the City sees an opportunity and needs to take it. Mr. Scott then stated the project should be approved so Benson can become a great town to live in and a town that other people will want to move to; then asked the Council to please vote and approve New Business Items 2 and 3.

Anna Lands, a non-resident of Benson, asked why the purchase of 633 acres in the Tres Alamos area with Mike Reinbold as the contact person was buried beneath layers of Delaware registered corporations.

Mayor King asked if there were any comments from the Council. After receiving no comments, Mayor King closed the public hearing at 8:00 p.m.

### **CALL TO THE PUBLIC:**

Lupe Diaz, S. Post Road, Benson, spoke about the purchase for equipment at the golf course, stating about 2 years ago, the City went through a period of time looking into the need to tax citizens for the shortage in the budget and the Council approved a 1% tax increase. Mr. Diaz then stated the golf course has been struggling and while this purchase seems like a drop in the bucket, it says a lot to the business community. Mr. Diaz then stated there is talk of not letting the .5% sales tax sunset and he was bringing that rumor to Council's attention. Mr. Diaz then stated he thinks the Council needs to take the things talked about and heard in the community into consideration.

Stephen Insalaco, W. Pinto Place, J6, spoke concerning airport hangar inspections, stating he understands inspections are forthcoming and he believes they are a good idea, adding he would like to dispel the idea that City inspectors are bad guys, but he, like many other hangar tenants are concerned about how inspections will be implemented. Mr. Insalaco stated there could be unsettling feelings about City inspectors coming into hangars in the tenants' absence to conduct an inspection when it's something that has never been done before and the tenants have no knowledge of the inspection criteria. Mr. Insalaco then spoke about maintaining good relationships between the City and hangar tenants and that it would help if there was a well-thought out inspection checklist that could be provided to hangar tenants with enough time for them to come into compliance before the inspections and to conduct the inspections when the tenant can be in attendance. Mr. Insalaco said a worksession the City officials, inspectors and tenants before developing the inspection criteria and checklist may also help, and added there are some recent FAA rulings from June, 2016 on the topic of hangar utilization at grant-funded airports that the City might want to consider. Mr. Insalaco then said the primary purpose of hangars is supporting general aviation needs, but it's important to recognize both supporting a healthy general aviation community at the airport and generating revenue streams that support both the business communities at the airport and the City's overhead burden of the airport's operating cost. Mr. Insalaco said to that extent, it's important that hangar utilization support storage, maintenance, refurbishment and construction of new aircraft, including all types of aircraft. Mr. Insalaco stated the hangars are the proper places for these activities, but he agrees there should be limitations, such as no painting and no welding in aircraft hangars and limits on flammable substances. Mr. Insalaco stated he believes if the City involves the airport community in the establishment of these regulations before the inspections, more cooperation and stronger relationships with the airport community will be achieved.

Councilmember Jeff Cook stated he would like to respond to the criticism and that he had not heard anything about the .5% tax not sunseting. City Attorney Paul Loucks confirmed that Councilmember Cook could respond. Councilmember Cook then stated he was in City Hall and spoke to the City Manager several times and had heard nothing about the .5% tax not sunseting. Councilmember Cook then stated Mr. Diaz was the first person to bring this up and noted it was a political year and someone may be trying to plant some doubt.

### **NEW BUSINESS:**

#### **1. Discussion and possible action on the Consent Agenda**

- 1a. Purchase of Golf Course Equipment
- 1b. Reappointment of Debra Braatz to the Benson Planning and Zoning Commission

Vice Mayor McGoffin moved to approve the Consent Agenda. Seconded by Councilmember Lambert. Councilmember Lambert stated Item 1a was the purchase of lawn mowing equipment, which was in the budget and without it, the golf course may as well shut down.

Councilmember Konrad stated he wanted to reiterate this purchase was a budgeted item and the budget has been approved. Motion passed 6-1 with Councilmember Moncada voting nay.

2. **Discussion and possible action on Resolution 27-2016, of the Mayor and Council of the City of Benson, Arizona, declaring that certain document entitled “The Villages at Vigneto Final Community Master Plan and Development Plan” to be a public record**

Mayor King spoke about this item and that there were 3 bullet points from Staff to consider.

City Manager Bill Stephens stated this resolution will make the final Community Master Plan a public record and that Agenda Items 2 and 3 should be discussed and considered by Mayor and Council at the same time in order to incorporate any changes or modifications to the document as part of that public record. Mr. Stephens then stated the staff recommendation is for the Mayor and Council to adopt Resolution 27-2016 to be inclusive of the Supplemental Corrections discussed during the worksession Council held on Saturday and any other conditions or modifications imposed by City Council. Mr. Stephens stated this may be accomplished by approving Resolution 27-2016 with an amendment to include the Supplemental Corrections as shown in New Business Item 3, Exhibit 3; Staff’s recommendation regarding wattage exemption as discussed in New Business Item 3; and incorporating any additional conditions or modifications proposed by Mayor and Council. Mr. Stephens then stated another way to make changes would be for the Mayor and Council to make motions on individual proposed changes to the document and once the Council has approved all updates, they could then approve Resolution 27-2016 declaring the document as updated by Mayor and Council to be a public record.

Mayor King stated everyone has had a chance to read the document and Council has discussed the changes, adding everyone put a lot of time and effort into it. Mayor King then thanked everyone who worked on it, including the developer, Staff and the City Attorneys.

Vice Mayor McGoffin confirmed with City Attorney Paul Loucks that one motion could be made and then moved to approve Resolution 27-2016 to include the Supplemental Corrections as shown as New Business Item 3, exhibit 3, the Staff recommendation regarding wattage exemptions as discussed in New Business Item 3 and also incorporating any additional conditions and modifications imposed by Mayor and Council. Seconded by Councilmember Moncada. Mr. Loucks stated the third bullet point (any additional conditions and modifications imposed by Mayor and Council) would be any items Council brings up tonight and if no items are brought up, can be omitted from the motion.

Councilmember Cook asked about the Council bringing up any additional conditions or modifications and if it would be done as part of this agenda item or the next item with Mr. Loucks stating the next item is the ordinance adopting the declared public record as the new Community Master Plan, so any changes would have to be made at this point before the resolution is approved declaring the document a public record.

Mayor King asked Vice Mayor McGoffin if she wished to amend her motion with Vice Mayor McGoffin stating she would not. Mayor King then called for a vote. Motion passed 7-0.

3. **Discussion and possible action on Ordinance 582, of the Mayor and Council of the City of Benson, Arizona, approving and adopting that document known as “The Villages at Vigneto Final Community Master Plan and Development Plan” to be the Final Community Master Plan for the project known as The Villages at Vigneto, the area formerly known as Whetstone Ranch**

City Manager Bill Stephens stated there is a lot of history explained on the Council Communication in the Council packet, detailing the history of the CMP process and changes to the original Whetstone Ranch Plan. Mr. Stephens then stated this plan decreases the number of units from 60,000 to 28,000 actual units being built on the land. Mr. Stephens then stated the developer has 12,500 acres to work with and 8,500 acres are approved under the current certifications, then noted the CMP would spread the 28,000 units

across the entire acreage, adding the developer would have to work to get the other 4,000 acres into compliance.

Councilmember Moncada thanked everyone who worked so hard on the project, adding there have been some heated arguments and some great worksessions and again thanked everyone who worked on this, stating there were too many people to name.

Mayor King agreed and reiterated thanks to everyone who worked on this. Mayor King then stated he truly believes this is one of the most pivoting points in Benson's history, not only for residents, but for the future of our youth. Mayor King then stated he knows there are concerns about water, lighting and other issues, but he truly believes there have been enough conversations with the developer, noting he has spoken to Mr. Reinbold about things the developer is going to do; with Council, Staff, Attorneys, the caverns staff and others and that this is the right thing to do. Mayor King then stated he is looking forward to seeing his grandkids being able to work in Benson in 20 years and to seeing medical facilities being built in Benson and jobs being brought to the community. Mayor King then stated the concerns regarding water are proper concerns, but he believes the developer will work hard on those and the City will focus on those through the buildout of this project and hopefully, many other projects to come.

Councilmember Konrad stated he didn't have a lot to say that hasn't already been said and then thanked everyone involved, adding this has been a lot of hard work. Councilmember Konrad then stated one of the concerns brought forward was the idea of economic development and this project being one and the same, adding he thinks over time, this project will bring additional economic development to this area and will work hand-in-hand with economic development, but it's not the only thing there is. Councilmember Konrad then stated work is being done on other things, then noted this project will help kickstart those other things.

Councilmember Lambert stated he would like to specifically thank Brad Hamilton, the City Engineer for his time and Planning Technician/GIS Michelle Johnson for how much time she has worked on this, adding Ms. Johnson has been the buffer between the City and the developer and has put in numerous hours; probably more than Council has, adding a lot of things go on behind the scenes. Councilmember Lambert then stated he wanted to address the issue that came up during the Public Hearing regarding effluent water, and said the development is being monitored by not only the state of Arizona, but across the Federal government. Councilmember Lambert stated everyone is watching this development because it will be setting new a precedence on water conservation and the use of effluent water, adding the effluent water system is going to be built into the actual infrastructure of this development at the same time streets are being built instead of something that is thought about 5 or 10 years down the road. Councilmember Lambert then stated this plan addresses water conservation more than any plan ever in the state of Arizona right now.

Councilmember Cook stated there were a few more people to thank, adding City Manager Bill Stephens and City Attorneys Gary Cohen and Paul Loucks have all put in a lot of time in addition to a lot of other City staff and City residents. Councilmember Cook then stated the Councilmembers aren't water, traffic or lighting experts and they don't all have the time for all the engineering studies, so when the preliminary master plan was submitted, he had a lot of conversations with as many people as he could to make sure there were many eyes on this project and many points of views from both people who are totally in favor of the project and people who are completely opposed to it, including people who either work in the City or live in the City. Councilmember Cook then stated those conversations sometimes open a door of insight that hasn't been seen and he would like to also thank all the people he spoke to, adding he appreciates their time, thoughts, insights, questions and concerns they expressed. Councilmember Cook stated those helped the Council and although they did lengthen the process, they made for a product in the final CMP that he thinks made many people happier than if those were not included in the process.

Councilmember Moncada moved to approve Ordinance 582. Seconded by Vice Mayor McGoffin. Motion passed 7-0.

4. **Discussion and possible action regarding settlement with KBB/Mueller**

City Manager Bill Stephens stated the K9 the City purchased from KBB/Mueller did not work out and Staff worked with the owner of the facility regarding a refund, adding Chief of Police Paul Moncada was present to answer any questions Council may have. Chief Moncada stated the Council had been made aware of the dispute between KBB and the Benson Police Department and as directed, the City Attorney and he discussed the issue and negotiated the agreement before Council for consideration.

Councilmember Konrad moved to approve the settlement agreement. Second by Vice Mayor McGoffin. Councilmember Konrad then expressed his appreciation of the efforts of both the City Attorney and the Chief of Police.

City Attorney Paul Loucks asked that the motion be modified to approve the settlement agreement and release. Councilmember Konrad amended his motion to approve the settlement agreement and release regarding the K9 agreement. Amended motion seconded by Vice Mayor McGoffin. Motion passed 7-0.

5. **Discussion and possible action regarding Arizona Department of Revenue IGA with the City of Benson Modifications to existing IGA agreement to collect Transaction Privilege Tax**

City Manager Bill Stephens stated the Finance Director, Dustin DeSpain, was present to talk about the IGA the City has regarding the collection of the TPT (Transaction Privilege Tax). Mr. DeSpain stated there is a modification to the IGA the Council approved in July, 2015, adding recent legislation now mandates that the Arizona Department of Revenue (DOR) be the sole collector and enforcer of tax collections for TPT. Mr. DeSpain then stated the main modification is that the IGA is perpetual and renews every year automatically unless the City gives the DOR a 60-day notice to terminate the agreement, then noted by law, the City has to use DOR to collect taxes.

Councilmember Cook stated he recently read about the DOR getting rid of about 60 employees who do tax collections and asked how that would affect the City with Mr. DeSpain stating the tax filing form has been changed and the DOR is promoting taxes being paid online, adding the DOR will be fining people who don't. Mr. DeSpain then stated this change, according to the DOR, is going to require less employees to process tax collections.

Vice Mayor McGoffin moved to approve the Arizona Department of Revenue IGA modifications. Seconded by Councilmember Boyle. Motion passed 7-0.

**ADJOURNMENT:**

Councilmember Konrad moved to adjourn the meeting at 8:31 p.m. Seconded by Vice Mayor McGoffin. Motion passed 7-0.

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Toney D. King, Sr., Mayor

ATTEST:

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Vicki L. Vivian, CMC, City Clerk