

**THE SPECIAL MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD SEPTEMBER 30, 2013, AT 7:00 P.M.
AT CITY HALL, 120 W. 6TH STREET, BENSON, ARIZONA**

CALL TO ORDER:

Mayor King called the meeting to order at 7:00 p.m. with the Pledge of Allegiance. Mayor King then introduced Pastor Lupe Diaz of Grace Chapel who gave the invocation.

ROLL CALL:

Present were: Mayor Toney D. King, Sr., Vice Mayor Al Sacco, Councilmembers Ron Brooks, Jeff Cook, Chris Moncada and Peter Wangness.

CALL TO THE PUBLIC:

Jim Grey stated he wanted to address the Call to the Public, adding everyone signs the sheet that has the rules on it and one of the rules is that remarks should be limited to general statements about the City or Council as a whole and should not consist of personal attacks or direct arguments. Mr. Grey stated whoever has been in control of the meeting, whether it is the Mayor or the Vice Mayor, has let personal attacks go on far too long and it has caused a lot of disagreements within the City. Mr. Grey then stated if there are direct attacks against individuals on the City Council during the Call to the Public, that person should not be allowed to continue speaking or they should be asked to leave, adding it's not constructive and right now we need good positive constructive thoughts in the City.

Hector Figueroa stated he submitted a response to the City's RFP for a City Attorney, adding he has attended the last 3 Council meetings. Mr. Figueroa then stated he had been the City Attorney in South Tucson for over 12 years and was the City Attorney in Willcox from 2007 until last year. Mr. Figueroa then stated he has been keeping up with all the activity and news in Benson and he has provided the City Clerk with a letter telling the Council he would be willing to serve as an Interim City Attorney at the cost of \$100.00 per hour at the pleasure of Mayor and Council, until they decide on a City Attorney. Mr. Figueroa then stated he believes he could contribute a lot to the Mayor and Council not only in legal advice, but in leadership, adding the City Attorney is the parliamentarian, and is the one who calls someone out of order, guides the Council and gives legal advice. Mr. Figueroa then stated whether Council wants to appoint a new Interim City Attorney tonight or at a future meeting, he would be happy to answer any questions in an executive session or in public, adding he would be available at any time to do so.

Councilmember Cook addressed the employment contract with Donald Howard, stating he didn't feel that everything he would want to say would be allowed during the discussion so he was using the Call to the Public to bring forward some of his investigation of Mr. Howard. Councilmember Cook then stated when the contract was up for discussion, he was going to ask the Council to offer no moving expenses, no vacation or sick time, no severance provision and no salary. Councilmember Cook stated this was due to the discrepancies he found in Mr. Howard's resume compared to the last position he held, adding Mr. Howard stated he managed operations with approximately \$10 million budgets and the highest budget in Pine City between 2007 and 2012 is \$2.9 million, adding he would guess the discrepancy could be called "creative accounting." Councilmember Cook stated another discrepancy was that Mr. Howard said he managed 65 full-time and part-time employees, adding he spoke to Mr. Howard, who told him those employees included 25 volunteer firemen and part-time and seasonal employees for winter hockey ponds and the summer ball fields. Councilmember Cook then stated he had also spoken to a Councilmember in Pine City who told him the number of employees was approximately 25. Councilmember Cook then stated Pine City's budget is approximately \$2.9 million with about 25 employees and Benson's budget is approximately \$20 million with about 104 employees, adding he thinks Mr. Howard was misleading in his resume and is not qualified to be the City Manager of Benson. Councilmember Cook then stated in addition to this, the local newspaper in

Pine City cited the reasons Mr. Howard was fired from Pine City as being the incompetencies of communication, that he doesn't lead City staff on function or teamwork and the Council was not confident on his ability for future progress on these issues. Councilmember Cook then stated it was also reported that Mr. Howard received \$22,000 for a 4-month severance package, adding this means Mr. Howard was making approximately \$67,000 a year and with all of these issues, the Council is considering paying Mr. Howard \$85,000 a year. Councilmember Cook then reiterated that when the contract was discussed he would ask Council to insert zero for the compensation.

J.T. Moffett stated he had all kinds of speeches planned tonight, but it had been a day of a lot of nonsense and he was only going to comment on the Call to the Public. Mr. Moffett then stated George Scott sent Council an email recommending they stop what he terms as personal attacks on Councilmembers, adding it was said again tonight. Mr. Moffett then stated the Council needs to be careful, noting one thing missing in all this advice, is that the Call to the Public rules are nothing more than guidelines and he is sure the City Attorney would confirm this. Mr. Moffett stated the rules are not law and Council needs to remember the first amendment, which is law, and not trample on it. Mr. Moffett then stated the first amendment of the Bill of Rights is the most precious right citizens in this country and in this City have. Mr. Moffett then stated Councilmembers don't have the same rights the public does because when they are in City leadership and government, they don't have the same rights the average person does, adding when they get in office, they are targets. Mr. Moffett then asked who is to determine the definition of personal attacks, adding if someone brings up a public record or behavior on Council, it is not an attack; it is a fact. Mr. Moffett then stated the people who are trying to influence the Council on this matter are putting them in a very dangerous and precarious situation in trying to take away the public's first amendment right of freedom of speech. Mr. Moffett then stated people here tonight have said many things he vehemently disagrees with, but he would never want to take away their right to speak their opinion at the Council meetings, adding that is a precious right he and the public have. Mr. Moffett then stated there has been a lot of talk regarding Council ethics and behavior as of late and tonight the Council has an opportunity to put all that to rest, adding it has been many years since the Council has had such an important agenda, noting there are 4 very critical agenda items. Mr. Moffett then stated the good people of this valley are looking to the Councilmembers to help move the City forward and he knows there are more than a few different points of view concerning the items on the agenda tonight, but the key is for the Council to have a balanced mature discussion and to agree to disagree for the well-being of the community. Mr. Moffett then stated the people are watching and waiting for Council to move them forward and asked the Council to not let them down. Mr. Moffett then asked the Council to appoint a new Councilmember tonight and not to put the issue on hold or go back to the drawing board, adding they have 5 candidates and should discuss them, then vote and revote until they come up with someone tonight. Mr. Moffett then stated the Council should also move forward by giving some definitive direction on the City Attorney, asking why the RFP process was pulled and stated the Council needs to decide what they are going to do and stick to it. Mr. Moffett then stated Council also needs to be discreet and respectful concerning our candidates for the City Manager, adding this comment was not intended for Councilmember Cook's remarks, but noted there had been some late-breaking news concerning Mr. Howard that the League of Cities should have provided a long time ago. Mr. Moffett then stated he was a little disturbed with the League, adding it is kind of funny how they waited until today to provide the City with some background information on Mr. Howard when the City should have had it weeks or months ago. Mr. Moffett then stated it sounded like dirty politics to him, adding the League never mentioned why Mr. Pauken was terminated from Frederick, Colorado, but there would be more to come on that. Mr. Moffett then stated the Council should just focus on what they have to do tonight, adding the main thing is for them to choose a Councilmember and they should do so, no matter what it takes. Mr. Moffett then stated the Council needs to agree to disagree, adding he is not telling them who to choose, but he would like them to have an open mind with each other.

NEW BUSINESS:

Mayor King stated he would be addressing New Business Items 3 and 4 first.

3. **Discussion and possible action in approving an employment contract with Donald Howard for the position of City Manager**

Mayor King stated he had spoken to Mr. Howard, who asked the Council to table this item until the news that came in could be discussed in an executive session. Councilmember Moncada moved to table this item until the next Council meeting. Seconded by Councilmember Brooks. Motion passed 6-0.

4. **Review and possible action regarding approval of Municipal Legal Services Contract for the City Attorney**

Mayor King stated he had been asked to table this item also. Councilmember Brooks stated he would like to know why with Interim City Manager Jim Cox stating as he put on the Council information sheet, this item was put on the agenda at the request of Councilmember Wangsness, but Mr. Cox has been unable to make contact with Mr. Sims until last Friday, when Mr. Sims told him that he would be unable to attend the meeting and that he wanted to come before Council at a future worksession to put forth information similar to a presentation that Councilmember Brooks has attended in the past. Mr. Cox then stated Mr. Sims would like to have some interaction with Council before he would consider or entertain the idea of being the City Attorney. Councilmember Brooks then stated the RFP has been out for a long time, adding he personally knows Mr. Sims, thinks he is highly professional and that the contract looked pretty good to him. Councilmember Brooks then stated he thinks the Council could even save money by doing teleconferences. Councilmember Brooks then stated he would like to meet Mr. Sims and hear what he has to say, but he really thinks it has to happen right away. Councilmember Moncada stated since the Council didn't know more details about Mr. Sims, they should still move forward with the RFP process and schedule interviews for the attorneys the Council has already asked the interviews to be scheduled with and the City should still be sending letters out to the other attorneys. Councilmember Moncada then stated if it didn't work out with Mr. Sims, they wouldn't have to start completely over at that point, but if they decided to approve a contract with Mr. Sims, then they could just cancel the RFP process. Councilmember Brooks stated he would like the process to move forward in a timely manner, even if it meant meeting 2 or 3 times a week until it was done. Councilmember Moncada then moved to table this issue until the next Council meeting, but with the direction to continue with the RFP process and letters being sent out to the other attorneys. Seconded by Councilmember Wangsness. Motion passed 6-0.

1. **Resolution 26-2013 of the Mayor and Council of the City of Benson, Arizona, authorizing the execution, and delivery of Lease-Purchase Agreement No. 008-0517180-303 dated September 16, 2013, in the principal amount of \$259,642.05, between City of Benson, Arizona dba San Pedro Golf Course, 120 W. Sixth Street, Benson, Arizona 85602 and TCF Equipment Finance, Inc., 1111 West San Marnan Drive, Suite A2 West, Waterloo, Iowa 50701-8926; providing 60 monthly lease payments of \$4,774.90 each from legally available funds; and prescribing other details in connection therewith**

Interim City Manager Jim Cox stated Council approved the lease-purchase agreement at the September 23, 2013 Council meeting, adding the lease company has requested a formal resolution of the Council accepting the lease-purchase agreement and all the terms thereof, which are contingent upon annual funding by the City. Mr. Cox then stated the lease company asked for this additional formality because a municipality, unlike a private company, can cancel a lease agreement and because the current Council cannot commit future funds from future budgets. Mr. Cox then stated the City has a very favorable lease agreement with a 3.97% interest rate. Councilmember Cook asked if the City would still be bound by the lease agreement or could require the lease agreement be taken over by a purchaser of the golf course should the City decide to sell it with City Attorney Mike Masee stating in that situation, the City would transfer the obligation to the purchaser, but nevertheless, would still be guarantor under the contract unless the lease company agreed to release the City from the agreement.

Council discussion continued regarding the City's obligation should the City Council decide not to fund the golf course with Mr. Masee stating the City's obligation is to make all reasonable efforts and look at all reasonable options to continue funding the lease payments, but if there are none, future Councils can elect to

not fund the obligation, in which case, there's going to be a security interest filed with the Secretary of State, since the golf cars are basically pledged as collateral on the loan. Mr. Masee then stated if future Councils don't pay on the lease agreement, the lease company would foreclose their security interest and come collect the cars. Mr. Cox then stated the repossession of the cars would constitute a full payment of the debt, but as a practical business matter, noted there is instant equity in the fleet, adding the useful life of the fleet far exceeds the 5-year payment period, so there will always be equity in the fleet. Mr. Cox then stated the lease company and the City aren't assuming much risk due to this.

Councilmember Cook asked about the timing of the anniversary date of the agreement in conjunction with the City's fiscal year dates with Mr. Masee stating this means the City Council will have to certify with this resolution that there are funds in the current fiscal year to pay the monthly payments for the rest of the fiscal year, adding the Council has those funds budgeted. Mr. Masee then stated when it comes to next fiscal year's budget, the concept is Staff will budget the payments, subject to final legislative approval by City Council, adding every year, the option to fund the payments on this loan will be presented to Council and if they don't fund it, the golf cars will be recovered or repossessed, noting again, the decision will be up to the City Council each year. Councilmember Moncada moved to approve Resolution 26-2013. Seconded by Councilmember Brooks. Motion passed 6-0.

2. Resolution 27-2013 of the Mayor and Council of the City of Benson, Arizona, appointing a City Tax Collector

Interim City Manager Jim Cox stated this resolution is a housekeeping item, adding each municipality must have an officially-designated Tax Collector and most municipalities in the state have the Finance Director fulfill that role. Mr. Cox then stated the appropriate City official is the person who has the knowledge of the tax code and effectively deals with the public in tax matters, which is the Finance Director, Megan Moreno. Vice Mayor Sacco stated he believed the City should have someone independent, adding the City should not have a Finance Director doing a self-audit. Mr. Cox explained that the Tax Collector is the person who has the authority to deal with tax matters, but does not have an audit function at all. City Attorney Mike Masee stated under the Model City Tax Code, a Tax Collector is vested with certain limited discretion in applying and interpreting the tax code and is merely acting as the City's agent in collecting taxes on behalf of the City. Vice Mayor Sacco stated he still believed it needed to be an independent person. Mr. Cox then stated it needed to be a person working for the City who had knowledge of the tax laws with Vice Mayor Sacco stating he believed an independent person who had that knowledge could be found. Mr. Cox then stated the City's Tax Collector must be a City employee, adding the person who has the expertise is the Finance Director.

Councilmember Cook asked if the Tax Collector actually collects taxes, adding he knew the County collects property tax for the City and the State collects transaction privilege tax for the City, but wasn't sure if additional taxes were collected in Benson. Mr. Cox stated the Tax Collector is characterized as the chief administrator of the tax code for the City and is the person who provides interpretation of the tax law for taxpayers, but has nothing to do with the physical collection of taxes, noting the City has an Intergovernmental Agreement with the State of Arizona to perform the physical functions of collecting taxes and auditing taxpayers. Mr. Masee then stated the Model City Tax Code does speak in terms of the Tax Collector having certain responsibilities and authority, so it is important a specific person be identified and accountable for those responsibilities. Councilmember Moncada moved to approve Resolution 27-2013. Seconded by Vice Mayor Sacco. Motion passed 6-0.

3. Discussion and possible action in approving an employment contract with Donald Howard for the position of City Manager

See above. New Business Item 3 was the first item of New Business addressed.

4. Review and possible action regarding approval of Municipal Legal Services Contract for the City Attorney

See above. New Business Item 4 was the second item of New Business addressed.

5. Appointment of Council Member to fill vacancy left by resignation of Brian Crafts

City Clerk Vicki Vivian stated the City had received 5 applications for the vacant Council seat, naming them in the order they were received: Lori McGoffin, Patrick Boyle, David Bryan, E. Kathy Suagee and Angela Roberts. Ms. Vivian then stated the appointed person will serve on the Council until the primary election held in August, 2014, at which time the seat will be open for candidates to run for the 2 years remaining in the term. Ms. Vivian then stated the successful candidate of that election will be seated when the Council canvasses the vote which must be done between 6 and 20 days after the August 26 election, adding the regularly scheduled Council meeting on September 8, 2014 is the 13th day after the election, so the successful candidate should be seated then. Councilmember Moncada asked about the primary election for this term and if the appointed person would automatically be on the ballot with Ms. Vivian stating the appointed person would not automatically be listed on the ballot, adding the Council seat for the remaining 2 year period would be open to any qualifying resident who chose to run in the election.

Councilmember Wangsness asked if this was due to the recently passed consolidated election law with Ms. Vivian stating it was due to the statutory requirement found in A.R.S. §9-235, which requires the Council to fill a vacancy that may occur by appointment until the next regularly scheduled Council election if the vacancy occurs more than 30 days before the nomination petition deadline.

Councilmember Brooks stated he didn't know all of the applicants and he felt the Council should allow them to make a statement on their behalf. Councilmember Brooks then stated if the Council was going to vote on someone, he would like to do something like an electoral vote instead of just someone making a motion for one person, adding when the Council appointed someone to the Planning & Zoning Commission, a couple of candidates didn't get a chance to be considered. Councilmember Brooks then stated he was thinking the Council could take these 5 candidates and list them in the priority Councilmembers would like to see them on Council and tally the scores that way. Councilmember Moncada verified the Council would still need to make a motion with City Attorney Mike Masee stating Councilmember Brooks is suggesting a process and if that process is acceptable, the process needs to be adopted by a motion and a vote of the Council.

Councilmember Moncada stated he would like the applicants to make their statements before doing anything. Mayor King agreed, and asked for the applicants to come forward and tell the Council why they wanted to be appointed, adding the applicants would be addressed in the order their applications were received.

Lori McGoffin came forward and stated she has been a resident of Benson for more than 30 years and has served on the Council for 8 years, adding the last 2 years she served as the Vice Mayor. Ms. McGoffin then stated she didn't campaign much in the last election, but she is very dedicated to the City. Ms. McGoffin then stated she is a very positive person and the City could use that, adding right now there seems to be a lot of negativity. Ms. McGoffin then stated she did accomplish several things while she was on the Council, such as the Relay for Life event, which is very important to her, adding she wanted to start it because of her mother whom she lost to breast cancer at the age of 49 adding she also lost her sister-in-law to cancer. Ms. McGoffin then stated the City Council had tailgate parties with the school for football games and the City pool was also completed while she served on the Council. Ms. McGoffin stated she has a lot to give to the City, adding if she is not on the Council, she still plans giving to the City as much as she can because she cares a lot about it. Ms. McGoffin then stated if she isn't appointed, she would prefer someone who doesn't have a history with the Council, adding she would hope the Council would seriously consider David Bryan, who doesn't have any sides and would vote fairly on Council.

Patrick Boyle came forward and stated he has lived in Benson since the end of 2005, adding he is a 4th generation Arizonan, being born and raised in Tucson and has been coming to Benson for the last 30+ years because his mother lived in the same place she left to him when she passed away. Mr. Boyle then asked to be considered because he thinks as a citizen of Benson and as an American citizen, he has a duty and

responsibility to himself, his family, friends and neighbors to do the best he can for his community. Mr. Boyle then stated he tried for years to write letters to congressmen, senators, and even the president and as everyone can imagine, he was lucky if he got a response, so he decided the only way he could do anything that might make a difference is to work at the local level and do the best he can to make his community better. Mr. Boyle then stated he had been self-employed for 40 years and he was a fiscally conservative person, adding he doesn't believe in big government and he would like to see it be as efficient, smooth and small as possible. Mr. Boyle then stated he felt the citizens of Benson should be least encumbered by the government as possible and should have as much freedom as possible to do things they want and to raise their families here.

David Bryan came forward and stated he appreciated being considered for the Council, adding he knows they have a hard job with good candidates to consider. Mr. Bryan then stated he is glad there is interest in this position and he would like to thank Lori McGoffin for her endorsement, which was certainly not expected or planned. Mr. Bryan then stated he has been a resident of Benson for 11 years and he is an engineer at SSVEC, adding he has also been on the Chamber of Commerce Board of Directors and involved in church and a few other things. Mr. Bryan then stated he basically tries to help the community as much as possible, adding he recognizes there is a need for government, but there is also a need for lesser government as much as possible and he would appreciate the Council's consideration.

E. Kathy Suagee came forward and stated her name is Ella Kathleen Suagee, adding as Council knows; she was on the Council for 6 years and also served on the Benson School Board for 6 years. Ms. Suagee then stated she also taught at Benson Schools as a teacher and a substitute teacher. Ms. Suagee then stated she has experience in grant writing and has a lot of connections throughout the county and across the state, but more throughout the county, adding she thinks she still has a lot to give to the City in terms of her experience and abilities. Ms. Suagee then stated she lived in Benson from 1960-1969, noting she graduated from Benson High School in 1967 and her husband graduated from Benson High School in 1966. Ms. Suagee then stated she moved back to Benson in 1987, and has now lived here 26 years as an adult, adding her children also graduated from Benson High School. Ms. Suagee then stated she thinks there are a lot of ways in which she can help move the City forward, adding she knows she has been at odds with the Council, but the benefit of appointing her to the vacant seat is that she wouldn't be harping all them all the time. Ms. Suagee then stated as she said in her application, she is a nitpicker when it comes to processes and she thinks all public bodies need a nitpicker. Ms. Suagee then stated there are certain ways in which things should be done and she thinks sometimes in the heat of getting things done, people forget the proper process and she would hope to help with that. Ms. Suagee then stated there are a lot of good candidates and she is very impressed with the lineup of people, adding she hopes to work with each of them at some point in some way. Ms. Suagee then stated if she is not chosen, she would like to contribute to the City in whatever way she can, adding she once volunteered to be on the Historic Preservation Commission, but the Council would not even consider her application at that time, so perhaps she can serve in other ways. Ms. Suagee then stated she wanted to stress, once again, that she has a degree in English, experience in writing grants and a good ability to write and to speak. Ms. Suagee then stated she would change some things that she did when she was on the Council, but she was the only one who voted against Wal-Mart because she didn't want to be paying them \$250,000 a year, which the City is now doing, so she thinks she is vindicated in that, but she didn't keep any grudges, adding she was the only one who didn't vote for it and that was ok.

Angela Roberts came forward and stated she has only been here about 3 years, adding she left the Army to retire and she really likes the community. Ms. Roberts then stated she sees the vast potential and whether or not it's being used at this time, she would really like to be a part of helping the community grow to its potential greatness. Mr. Roberts then stated she would like to serve the community, adding to her, service is very important and is why she joined the Army, but unfortunately, she can no longer serve in that capacity, so she would really like to be here to serve her community and make things great for everyone. Ms. Roberts then stated should she not be selected, she hopes whoever is selected is the absolute best for the community.

Mayor King then stated if the Council appoints someone at this meeting, the City Clerk will swear them in and they will be seated.

Councilmember Brooks suggested each Councilmember picking their top 2 applicants, to narrow the selection down and then calling for a vote on those applicants with Mayor King stating the Council should just vote on each applicant in the order their applications were received. Councilmember Cook agreed, stating he would be in favor of keeping all 5 applicants up for a vote by the Council. Councilmember Brooks agreed.

Councilmember Moncada moved to appoint Lori McGoffin to Council. Seconded by Councilmember Cook. Councilmember Cook then stated he didn't know Ms. McGoffin very well, but one time during the summer when it had rained very hard and water had washed mud and silt onto one of the ball fields at Lions Park, he saw her with some people who may have been her kids, but there was no crowd or cameras around and he saw them shoveling the mud and raking it out of the ball field. Councilmember Cook then stated she did this from approximately 8:00 p.m. till 10:00 p.m., adding when Ms. McGoffin says she is involved in the community and she cares about it and she's going to do things whether she is on Council or not, from what he has seen, she really means it, adding that is an experience and an image he won't forget for a long time. Councilmember Moncada stated Ms. McGoffin lost the previous election by only 5 votes, adding if the Council is going to go technically with what the people wanted, Lori McGoffin had the next highest votes and was next in line. Councilmember Brooks stated in Ms. McGoffin's remarks, she suggested the Council not select someone that has been associated with Council. Councilmember Brooks then stated he knew Ms. McGoffin was behind his recall and the Council was going to have a hard time because the Council needs someone they can get along with. Councilmember Brooks then stated he didn't believe Ms. McGoffin's intentions are what she says they are and he doesn't trust her and he wants to be able to trust the people he is working with here, so he would say no. Councilmember Brooks then stated he did believe the people spoke and they said what they wanted, regardless of whether it was 5 votes or not, it was the people's decision. Councilmember Wangsness stated he was going to pick by priority and he didn't see Ms. McGoffin as his number 1 choice, so he would have to pass. Vice Mayor Sacco stated he thought they needed to get some new blood on the Council to get some new ideas, so as far as Ms. McGoffin went, he didn't think she could do it. Mayor King called for a vote. Motion failed 3-3 with Vice Mayor Sacco and Councilmembers Brooks and Wangsness voting nay.

Councilmember Moncada moved to appoint Patrick Boyle to Council. Seconded by Mayor King. Councilmember Brooks stated the Council misunderstood what he previously said, adding before the Council got to some of the applicants, someone could be selected and that is what his problem was. Councilmember Moncada stated the Council all know who the choices are and if a Councilmember doesn't want an applicant, they could vote against them, adding whoever is appointed will have to get a majority of the votes and if Council goes through all 5 applicants and doesn't have a majority vote for 1 of them, the Council will have to do it again. Councilmember Moncada then stated he didn't know Mr. Boyle very well, but he has heard him speak at the Call to the Public, adding Mr. Boyle seems articulate and open-minded, citing one time, Mr. Boyle spoke and Councilmember Moncada corrected him on the facts and Mr. Boyle thanked him and was ok with being corrected. Councilmember Moncada then stated he thinks open-mindedness would be nice to have on Council. Vice Mayor Sacco stated he thought Mr. Boyle would be a good person to fill the spot. Mayor King agreed, stating Mr. Boyle has been coming to Council meetings and has been speaking out on some things, adding Mr. Boyle seems to be very honest and seems to have no ties, which is what Council needs. Mayor King then stated the Council needs someone who is going to sit on this Council and vote the way they want to vote and not be pulled either way, adding he feels Mr. Boyle won't be anchored from either side, but will vote his mind and go forward with it. Councilmember Cook stated he didn't know Mr. Boyle very well, but he agreed with Councilmember Moncada that Mr. Boyle is very articulate and does regularly attend Council meetings. Councilmember Wangsness stated he didn't know Mr. Boyle very well, but he would not have been his top choice. Councilmember Wangsness then stated he was afraid the way the Council was doing this, they could end up with a 4-2 vote selecting someone before all the applicants were discussed, adding that is why he wouldn't vote for Mr. Boyle until a second pass. Councilmember Brooks stated he did appreciate Mr. Boyle coming to the Council meetings, adding it's great to have citizens come and show concern, but he didn't know Mr. Boyle very well and would also pass for now. Mayor King called for a vote. Motion failed 3-3 with Councilmembers Brooks, Cook and Wangsness voting nay.

Councilmember Brooks then moved to appoint David Bryan. Seconded by Councilmember Wangsness. Councilmember Brooks stated he knew Mr. Bryan through SSVEC, though not very well. Councilmember Brooks then stated he knew Mr. Bryan has been involved in City events and government, noting Mr. Bryan had been on the Chamber Board. Councilmember Brooks then stated he likes that Mr. Bryan is civic-minded and wants to be involved in the community, adding Mr. Bryan is very intelligent and the Council needs thinkers, adding Mr. Bryan would be a good choice for the Council. Councilmember Wangsness stated Mr. Bryan has a lot of management qualities and he thinks Mr. Bryan is a neutral party, which wouldn't hurt to have on Council. Mayor King called for a vote. Motion failed 2-4 with Mayor King, Vice Mayor Sacco and Councilmembers Cook and Moncada voting nay.

Councilmember Brooks then moved to appoint Kathy Suagee. Seconded by Vice Mayor Sacco. Councilmember Brooks stated he had known Ms. Suagee vaguely back in the days when she was on Council and things got pretty ugly, adding he knows more now than he did back then. Councilmember Brooks then stated Ms. Suagee is a thinking person and she does her research, adding he thinks she has experience on the Council and the rules they use to run their meetings and he thinks it's important for Council to know those. Councilmember Brooks then stated he thought Ms. Suagee's heart is in the right place, which is what he is looking for in a City Council person and he would recommend her as the next Councilmember. Vice Mayor Sacco stated he would like to say Ms. Suagee has experience because she was on the Council and he thinks she would be a good replacement right now. Mayor King called for the vote. Motion failed 3-3 with Mayor King and Councilmembers Cook and Moncada voting nay.

Mayor King stated the next applicant to be considered was Angela Roberts. Councilmember Brooks stated he didn't know her really at all, besides her resume and he had no knowledge of her background. No motion was made.

Mayor King then moved to appoint Patrick Boyle to Council. Seconded by Councilmember Moncada. Motion failed 3-3 with Councilmembers Brooks, Cook and Wangsness voting nay.

Councilmember Brooks stated he would like to rank the applicants, adding Council might end up with someone. Councilmember Wangsness asked if the Council should try voting for 2 out of 3 of the people and then seeing what is left, adding what he is suggesting is that David Bryan and Angela Roberts were basically knocked out, leaving Lori McGoffin, Patrick Boyle and Kathy Suagee. Councilmember Wangsness then stated he is suggesting out of those 3, Councilmembers vote for 2 to see if they can narrow it down to 2. Mayor King asked how to do that without a motion with City Attorney Mike Masee stating if the Council were to choose to proceed in a way suggested by Councilmember Brooks or Councilmember Wangsness, it would be vested in the discretion of Council to do so.

Mayor King then stated he would like each Councilmember to give him their top 2 choices. Councilmember Cook gave the names of David Bryan and Lori McGoffin. Councilmember Wangsness gave the names of David Bryan and Kathy Suagee. Councilmember Brooks gave the names of David Bryan and Kathy Suagee. Vice Mayor Sacco gave the names of Patrick Boyle and Kathy Suagee. Councilmember Moncada gave the names of Patrick Boyle and Lori McGoffin. Mayor King stated his choices were Patrick Boyle and Lori McGoffin. Council then stated this only narrowed it down to 4 applicants since they all received 3 votes each. Councilmember Brooks stated each Councilmember could vote for 1 person and not do it openly so they couldn't hear who is doing what, adding when they were finished, they could then read their votes out loud. Council agreed to attempt this with Councilmember Cook choosing Lori McGoffin, Councilmember Wangsness choosing David Bryan, Councilmember Brooks choosing David Bryan, Councilmember Moncada choosing Lori McGoffin, Vice Mayor Sacco choosing Patrick Boyle and Mayor King choosing Patrick Boyle. Councilmember Wangsness stated this narrowed the selection down to 3 applicants. After a brief discussion on whether or not to continue addressing this item, Mayor King called for each Councilmember to give him their top choice of the 3 candidates left. Councilmember Cook chose Lori McGoffin, Councilmember Wangsness chose David Bryan, Councilmember Brooks chose David Bryan, Councilmember Moncada chose Patrick Boyle, Vice Mayor Sacco chose Patrick Boyle and Mayor King

chose Patrick Boyle. Mayor King then stated Council would still need a motion and a vote to appoint Mr. Boyle. Councilmember Wangsness asked if 3 votes on the Council would constitute a majority with Mr. Massee stating any motion would still need a minimum of 4 votes. Councilmember Moncada then moved to appoint Patrick Boyle to Council. Seconded by Vice Mayor Sacco. Motion failed 3-3 with Councilmembers Brooks, Cook and Wangsness voting nay.

Stephen Insalaco, from the audience, requested speaking to the Council, adding he was missed during the Call to the Public. Mayor King stated he did inadvertently skip Mr. Insalaco and gave him permission to address the Council. Mr. Insalaco then suggested each Councilmember ranking the applicants with a number of 1 through 5 and writing them down. Mr. Insalaco then stated as the City Clerk calls each name, each of the Councilmembers would provide the ranked number for each of the applicants and the City Clerk would sum up the numbers, adding the applicant with the highest number would be the winner. Mr. Insalaco then stated if this resulted in a tie, the Council could eliminate the lowest applicant and do the process over. Councilmember Moncada stated the process the Council used here had already narrowed it down to 2 applicants with City Attorney Mike Massee stating whatever process the Council decided on and used, the Council would still need a final motion carried by a majority of the Council.

Mayor King agreed, stating the Council had already narrowed down the applicants to either David Bryan or Peter Boyle and asked Council how they wanted to proceed. Councilmember Cook agreed the Council should vote on the 2 remaining applicants, stating they just completed a vote on Patrick Boyle and should now vote on David Bryan. Councilmember Cook then moved to appoint David Bryan to Council. Seconded by Councilmember Wangsness. Motion failed 3-3 with Mayor King, Vice Mayor Sacco and Councilmember Moncada voting nay.

Mayor King stated the Council could go back to Patrick Boyle with Councilmember Brooks stating they had already voted on him. Councilmember Moncada stated he would like to vote again on Patrick Boyle. Mayor King then moved to appoint Patrick Boyle to Council. Seconded by Councilmember Moncada. Motion passed 4-2 with Councilmembers Brooks and Wangsness voting nay.

Mayor King asked Mr. Boyle to come forward. City Clerk Vicki Vivian swore in Mr. Patrick Boyle who was then seated.

ADJOURNMENT:

Councilmember Brooks moved to adjourn at 8:25 p.m. Seconded by Vice Mayor Sacco. Motion passed 7-0.

Toney D. King, Sr., Mayor

ATTEST:

Vicki L. Vivian, CMC, City Clerk