

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD APRIL 28, 2008 AT 7:00 P.M.
AT CITY HALL, 120 W. 6TH STREET, BENSON, ARIZONA**

**MAYOR FENN
OPENED THE MEETING AT 7:00 P.M WITH
THE PLEDGE OF ALLEGIANCE.**

**PRESENT WERE: MAYOR FENN, VICE MAYOR KING,
COUNCILMEMBERS LODZINSKI, McGOFFIN, SACCO, SUAGEE and TIPTON**

Invocation: Mayor Fenn introduced John Cook who gave the invocation.

EMPLOYEE
RECOGNITION: Mayor Fenn recognized Mike Lockett for 10 years of service with the City of Benson.

Call to the Public: Kimberly Lockhart addressed Council, stating she was there on behalf of the San Pedro Valley Chamber of Commerce, regarding the recent Bluegrass in the Park. Ms. Lockhart stated the event was a success and even though she didn't have final numbers, she feels comfortable saying the event has grown and will continue to grow in the future. Ms. Lockhart stated as a chamber, they are proud to establish an event that brings people and dollars to the City of Benson. Ms. Lockhart then stated they realized the event's success was due in large part to the efforts and contributions made by the City of Benson and it's staff, therefore, they wished to offer their appreciation to the entire City Council and the entire staff for their support in promoting Bluegrass in the Park. Ms. Lockhart then stated they believed special recognition should be made to Bob Nilson and Kathleen Castillo in the Tourism Department, Mike Lockett and Jose Ronquillo in the Parks Department and to City Manager Martin Roush for their efforts.

Mayor Fenn expressed appreciation of the Chamber and City staff working together to bring these events to the City.

PROCLAMATION: Mayor Fenn read a proclamation declaring May 16, 2008 as "Poppy Day". Mayor Fenn then presented the proclamation to the members of the American Legion Auxiliary.

Mayor Fenn stated he had asked Councilmember Suagee to read the proclamation regarding the Municipal Clerks Week. Councilmember Suagee then read the proclamation proclaiming the week of May 4-May 10, 2008 as "Municipal Clerks Week".

CONSENT AGENDA:

- 1a. Approval of Minutes of the April 14, 2008 Work Session
- 1b. Approval of Minutes of the April 14, 2008 Regular Meeting, including Executive Session minutes
- 1c. Purchase of two 2008 Chevrolet Colorado standard cab trucks
- 1d. City of Benson Processed Invoices

Councilmember Lodzinski moved to approve the consent agenda. Seconded by Vice Mayor King. Motion passed 7-0.

NEW BUSINESS:

Purchase of HP Design Jet T1100 MFP
(Computer Printer) under Arizona State
Contract (A63309-AZ) for \$21,704.00:

Brad Hamilton, Public Works Director addressed Council stating this purchase will allow staff to scan plans that are currently on file, allowing them to be stored on the server, catalogued and easily accessed. Mr. Hamilton stated it will also enable us to send plans digitally to third party reviewers when necessary. Vice Mayor King moved to approve the purchase of the HP Design Jet T1100 MFP (Computer Printer) under Arizona State Contract (A63309-AZ) for \$21,704.00. Seconded by Councilmember Lodzinski. Motion passed 7-0.

Resolution 25-2008 of the Mayor and Council
of the City of Benson, Arizona approving execution
of a maintenance agreement with Sagem Morpho, Inc.,
for maintenance of the Police Department's
fingerprint hardware and software system:

Police Chief Glenn Nichols addressed Council stating the fingerprint hardware and software system was purchased approximately 18 months ago with grant funding of \$60,000. Mr. Nichols stated the warranty has now expired on the system and this maintenance contract covers maintenance, service and phone support for one year. Councilmember Sacco moved to approve Resolution 25-2008. Seconded by Vice Mayor King. Motion passed 7-0.

Resolution 26-2008 of the Mayor and Council
of the City of Benson, Arizona, approving an
Intergovernmental Agreement between
Cochise County and the City of Benson for
Election Supplies and Services for conducting the
City's upcoming elections:

City Clerk Vicki Vivian addressed Council stating the intergovernmental agreement will cover both the Special Election in September, 2008 and the Regular Elections in March and May, 2009. Ms. Vivian stated the administrative fee for the September Election will remain at \$500.00 since it is a standard countywide election, however, it will increase for our March and May, 2009 elections to \$1,000.00. Councilmember McGoffin moved to approve Resolution 26-2008. Seconded by Councilmember Lodzinski. Motion passed 7-0.

Preliminary Plat for Ocotillo (also known as
Sunset Trails), a residential development generally
situated west of Ocotillo Road, between Union Street
and 4th Street behind the U.S. Post Office located at
250 S. Ocotillo:

Brad Hamilton, Public Works Director addressed Council indicating that this subdivision would tie into Union Street, stating off site improvements to Donald Street would tie it into Union Street for a secondary access. Building Official/P&Z Director then addressed Council indicating where the subdivision would tie into Union Street on the preliminary plat. Mr. Hamilton then confirmed the proposed water line would be an extension off the 12" line that currently serves Wal-Mart. Discussion was then had regarding the possibility of tying in other customers to this line to improve water pressure. Councilmember Lodzinski stated it may be a possibility to utilize that easement to place a sewer line for future use. Councilmember Suagee stated she was initially concerned about the topography and the stability of the soil, but was pleased to see it hadn't changed that much in the last 40 years and her fears were alleviated. Councilmember Lodzinski spoke about a common area and expressed interest in

making it a pocket park, with a basketball court or some swings, stating we could possibly get assistance from the developer with design or other assistance. Mr. Ed Hubert, one of the owners addressed Council indicating they had looked at the idea of a park and think it's a good idea and use for that area. Mr. Hubert said they had discussed it with staff briefly, stating they were more than willing to cooperate, but needed to verify who would assume ownership and maintenance of the park. Vice Mayor King moved to approve the preliminary plat for Ocotillo (also known as Sunset Trails). Seconded by Councilmember Suagee. Motion passed 7-0.

Review and Discussion of a Proposed
Human Resource Policy for the
Employees of the City of Benson:

City Manager Martin Roush addressed Council stating a technical advisory committee to the City Manager was created utilizing management and staff. Mr. Roush stated the committee included the Chief of Police and the Public Works Director as well as two current members and one previous member of the Employee Council. Mr. Roush stated it was important to have the two Department Heads with the most employees on the committee. Mr. Roush also stated the Chief of Police and the former member of the Employee Council had been involved with the initial proposed changes to the Human Resource Policy three years ago, which assisted with the review of the comments from the Employee Council and Department Heads that were submitted previously. Mr. Roush then stated they now had a draft worthy of presentation to the Council to report the status of this process. Mr. Roush stated this draft was a modern Human Resource Policy that is more user friendly. Mr. Roush then stated there were some financial considerations that Council would need to look at such as vacation accrual rates and unused sick leave reimbursement. Mayor Fenn stated the Council's appreciation for the work on the Human Resource Policy and that the Policy will come before Council for approval.

Review and Discussion of the Proposed
Parks & Recreation Code for the City of
Benson, including a proposed alcohol
consumption policy, and rules for parks
use and their maintenance:

City Manager Martin Roush addressed Council stating the need to formulate a modern Parks & Recreation Department; stating this will give the needed tools for staff to understand their role and assist them in performing their jobs. Mr. Roush stated using a model code and existing statewide codes, a technical advisory committee was formed and the draft code was created. Mr. Roush stated with this, a good permit process can be established to assist with ramada rentals; creating cleaning deposits and giving the park staff the authority to do their job independently. Mr. Roush stated the committee had decided the City Manager should set the parks rules and hours, differing from the model codes. Mr. Roush then stated the one area the committee was unable to agree on was the alcohol consumption policy. Discussion was then had regarding three differing options presented for an alcohol consumption policy. Councilmember Tipton spoke regarding her concerns about the use of alcohol in the parks, saying the parks are one of the safe havens for children and that we're sending the wrong message to children if we allow people to be drinking in the parks. Councilmember Tipton stated liquor licenses do not travel with bartenders or people, therefore alcohol can not be sold in the parks and the use of free drink tickets tend to lead to non-drinkers giving their tickets to someone else, which may end up causing problems. Councilmember Tipton also expressed concerns over the enforcement of an alcohol consumption policy and the City's liability in allowing alcohol in the parks. City Attorney Christopher Wencker addressed

Councilmember Tipton's concerns stating the draft parks code states that any activity is not a liability of the City. Mr. Wencker then stated this would include any activity, saying that the park is for public use, and is left open for the public to enjoy but we're not going to assume the liability of everything that happens there. Mr. Wencker then confirmed that liquor licenses can not leave establishments, however, he stated temporary liquor licenses can be applied for and issued from the Arizona Department of Liquor Licenses & Control, once the local board (Council) approved their application. Mr. Wencker then addressed the enforcement concerns expressed by Councilmember Tipton, stating that is a problem with any kind of law that has to be enforced by law enforcement authorities. Mr. Wencker stated it could be problematic, but adjustments could be made, saying other cities and towns have similar provisions. Councilmember Lodzinski stated he would be in favor of allowing alcohol only for organized events with a temporary license, such as a wine festival or the 4th of July, saying anything else would be too complicated to regulate with our limited resources. Councilmember Suagee asked Chief Nichols if there had been problems when there have been Benson Merchant or Commerce sponsored activities in the park. Chief Nichols indicated it has not been an issue. Councilmember Suagee then stated some activities have been a revenue source and would like to leave the option open, saying that Council could always deny a temporary liquor license. Councilmember Suagee then stated she would like the section regarding trespassing in the park during the posted hours to be clarified in the policy. Councilmember McGoffin stated she was also concerned about softball leagues, stating it should be the participant's choice to consume alcohol. Councilmember McGoffin stated it was her job to make sure her children know right from wrong, saying she would like to outlaw drug use in the park also, but it doesn't work. Councilmember McGoffin then stated currently there are no glass containers allowed in the park and if no alcohol is allowed in the park, it could become a bigger problem with people sneaking alcohol in. Councilmember McGoffin then stated she felt it should be a person's choice. Mr. Roush then spoke indicating a permit process for larger events could be created with requirements such as security. Councilmember Lodzinski then stated personal consumption could be allowed but for an organized event, there could be requirements. Vice Mayor King then stated he was against alcohol in the park, and after listening to the attorney's advice, is still against it, but requests that if alcohol is allowed in the park, it be very limited. Councilmember Tipton then stated she was not suggesting that we protect children from everything, but there are some things we can protect them from and feels this is one of them. Councilmember Tipton then stated alcohol consumption in the park can get out of hand and is a bad idea, doesn't see any good that it brings, or is a benefit to the City in anyway and feels Council should be concerned about the message allowing it sends to our children. Mayor Fenn then verified with Mr. Roush that he was not looking for approval of the code, but for direction from Council concerning the alcohol consumption portion of the code. Mayor Fenn then stated his personal belief was there shouldn't be any alcohol in the park, but was realistic and aware that certain people enjoy it. Mayor Fenn then addressed Chief Nichols who indicated the current policy on alcohol consumption seems not to be a big problem. Mayor Fenn then stated he would probably support a policy similar to the current policy. Councilmember Suagee asked if there were a way to poll the public regarding this issue, however, after discussion, it was decided the administration of a poll would be difficult to gather a realistic representation. Mayor Fenn then suggested when the policy was brought back to Council; we could notice the public and through the Call to the Public process, could get a better feel for the direction to take.

CITY MANAGER REPORT:

City Manager Martin Roush gave the Council a memo and calendar indicating the upcoming City meetings and informed Council of the upcoming City events:

April 29, 2008 – Animal Control will be participating in Movie Gallery’s customer appreciation week providing information on the care of pets, Movie Gallery, 1:00 – 5:00 p.m.

May 3, 2008 – Bike Rodeo sponsored by the Employee Council, 9:00 a.m., Lions Park.

Mayor Fenn then reminded those present that the Council would be meeting again on Wednesday, April 30 for the Capital Improvement Program (CIP) Work Session. Mr. Roush stated CIP forms were available for participation.

COUNCIL DIRECTIVES:

None.

Department Head Reports:

Adjournment: Councilmember McGoffin moved to adjourn at 8:18 p.m. Seconded by Councilmember Tipton. Motion passed 7-0.

Mark M. Fenn, Mayor

ATTEST:

Vicki L. Vivian, City Clerk