

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD AUGUST 11, 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 Britani Cook who gave the invocation.

**EMPLOYEE
RECOGNITION:**

Mayor Fenn recognized Albert (Jose) Alvarez's retirement and 21 years of service with the City of Benson with a plaque. Mayor Fenn then thanked Mr. Alvarez for his time and dedication to the City.

CALL TO THE PUBLIC:

Thomas Fitzgerald addressed Council requesting the contract for the City of Benson Prosecutor be tabled to give him more time to research the item.

Patricia Rogers addressed Council expressing her concerns over Resolution 52-2008 creating a freeze on employee terminations. Ms. Rogers feels this Resolution makes employee policies and procedures meaningless and ties the hands of the field supervisors, department heads, the City Manager and the citizens of the community. Ms. Rogers then asked the Council to revisit Resolution 52-2008 and rescind their decision.

Sylvia Burnside, Chair of the Benson Arts Commission addressed Council regarding the Arts Commission. Ms. Burnside stated the communications between the Arts Commission and the City have been sporadic or non-existent and that the City needs to embrace the concept of the Arts as part of the fabric of life if the Commission is to be able to move forward. Ms. Burnside then requested a meeting with the Mayor to address basic questions regarding the existence of the Arts Commission.

CONSENT AGENDA:

- 1a. Approval of Minutes of the July 28, 2008 Work Session
- 1b. Approval of Minutes of the July 28, 2008 Regular Meeting
- 1c. Approval of Minutes of the July 30, 2008 Special Meeting
- 1d. River Walk Trail Improvements (CIP PR 07-4) – Authorization of expenditures for completion of Trail Improvements
- 1e. Lions Park (CIP PR 06-1) – Authorization of expenditures for Playground Improvements
- 1f. Processed Invoices

Councilmember McGoffin moved to approve the Consent Agenda. Seconded by Councilmember Lodzinski. Motion passed 6-0 with Mayor Fenn abstaining.

NEW BUSINESS:

1. Benson Municipal Airport Development Project – Authorizing additional expenditures for Construction of a Structural Upgrade of the Original Apron

Public Works Director Brad Hamilton addressed Council informing them that the State's effort to balance their budget has resulted in cutting the aviation fund and that the State will not issue any new grants at this time. Mr. Hamilton then stated the State's priority is to match Federal Grants, but it is undetermined if the City would receive the funding from the State, as was anticipated. Mr. Hamilton then stated staff is asking to move forward with this project as approved since the Federal Aviation Administration has approved a grant for \$564,000 that needs to be expended before the end of the Federal fiscal year and the City has asphalt prices locked in until the end of September. Mr. Hamilton indicated the asphalt prices have increased approximately 35% which would increase the cost of the project by approximately \$50,000 if the project is delayed. Mr. Hamilton then stated without the State's contribution of 2.5% of the project cost, the increased expenditure to the City would be approximately \$15,000. Discussion was then had regarding the condition of the runways and roads at the airport with Mr. Hamilton stating there was money in the budget for the runways and it may be possible to save money by having the work done at the same time.

Councilmember Lodzinski moved to approve the additional expenditures for construction of a structural upgrade of the original apron. Seconded by Councilmember Sacco. Motion passed 7-0.

2. An agreement with Psomas for Professional Consulting Engineering Services for Ocotillo Road from 4th Street to Union Street for Roadway Improvements, Drainage Improvements and Miscellaneous Utility Improvements

Public Works Director Brad Hamilton addressed Council stating a request for qualifications had been advertised with thirteen engineering firms responding and after a committee consisting of Finance Director Jim Cox, former City Manager Martin Roush and himself, had determined Psomas to be the best qualified. Mr. Hamilton stated after entering into fee negotiations, staff was now seeking Council approval of the contract with Psomas for the engineering services for Ocotillo Road. Mr. Hamilton stated these services would include engineering for the water and sewer lines, drainage, hydrology, environmental surveys, public participation and presentations to Council. Mr. Hamilton did state the City would need to contract out for the gas utility separately, since there are very few engineering firms for gas utilities.

Councilmember Suagee asked for Mr. Hamilton to address Council and the public regarding the work recently completed on Ocotillo Road. Mr. Hamilton stated the work recently completed was done to put a temporary surface down to make the road serviceable until such time the City could replace it and did not change any grades.

Discussion was then had regarding the use of HURF funding for Ocotillo Road with Mr. Hamilton stating it may be possible if Ocotillo Road was classified as required for HURF funding. Mr. Hamilton stated the section of Ocotillo Road between 4th Street and Interstate 10 is already functionally classified or eligible; however competition for funding is intense. Mr. Hamilton then stated between Graham, Greenlee, Cochise and Santa Cruz counties, approximately \$1.3 million is available each year, with competition being held for the funding every two years, so that one project can be funded.

Councilmember Suagee then discussed the language in the contract on page 9 in Section X and moved to amend the contract as follows:

X. Disputes:

In resolving questions of fact not resolved by an agreement between the parties to this Agreement, the final determination will be made by the City Engineer/Director of Public Works, ~~or his or her duly authorized representative.~~ **in consultation with the City Attorney.**

Seconded by Vice Mayor King. Mr. Hamilton stated there may be some things that may present savings as the project moves forward, stating the environmental requirements may be less since there is no Federal or State money involved and that with the hydrology, the 100 year storm may be able to flow under the culverts. Mayor Fenn then asked if Mr. Hamilton had an estimate of the project with Mr. Hamilton stating it could be \$1.2 or \$1.3 million a lane mile, however with material escalating in price, it could be higher. Mayor Fenn then verified the funding for this project was in the Capital Improvement Projects in the current budget year. Motion passed 7-0.

3. **Renewal of the Contract for the City of Benson Prosecutor, Ann Roberts, Esq.**

Councilmember Suagee stated in the scope of work on Exhibit A, it stated Ms. Roberts shall not be required to represent the City in its regular City Attorney situations, and stated for the protection of Ms. Roberts, the City and the City Council, she would like to make that language stronger, saying it was always a danger for an attorney to give an opinion on anything for anybody if that attorney is not employed by that person as his attorney. Councilmember Suagee then stated that even if an attorney is not employed by that person, the attorney can be sued for advice he gives. Councilmember Suagee then stated to protect Ms. Roberts and City Council and forestall Councilmembers from inadvertently discussing agenda items with Ms. Roberts; she would like to add a clause to the contract that would forbid any City Councilmember or employee to consult with Ms. Roberts on any City business other than that specified in Exhibit A. Councilmember Suagee then moved to approve the contract with the amendment to add the clause stating that “no City Councilmember or employee will consult with Ms. Roberts on any City business other than that specified in the contract and Exhibit A”. Seconded by Councilmember Tipton. Motion failed 2-5 with Councilmembers Sacco, McGoffin, Lodzinski, Vice Mayor King and Mayor Fenn voting nay.

Councilmember Sacco then moved to approve the contract for the City of Benson Prosecutor as presented to Council. Seconded by Councilmember McGoffin. Motion passed 5-2 with Councilmembers Suagee and Tipton voting nay.

CITY MANAGER REPORT:

Interim City Manager addressed Council with upcoming meetings:

August 12, 2008 – Arts Commission Meeting, 9:00 a.m., City Hall
– Library Advisory Board Meeting, 4:00 p.m., City Library

August 16, 2008 – Historic Preservation Commission Meeting, 9:00 a.m., City Hall

August 25, 2008 – City Council Meeting – 7:00 p.m., City Hall

Mr. Nichols then stated school starts on Thursday, August 14, asking everyone to be careful saying there will be extra officers to hopefully make the start of school safer. Mr. Nichols then informed Council that we are in the process of working with the school on a new Intergovernmental Agreement that has expired for the use of recreational facilities and he will be meeting with the school Superintendent David Woodall to discuss it.

COUNCIL DIRECTIVES:

None.

DEPARTMENT REPORTS:

None.

ADJOURNMENT:

Councilmember McGoffin moved to adjourn at 7:41 p.m. Seconded by Vice Mayor King. Motion passed 7-0.

Mark M. Fenn, Mayor

ATTEST:

Vicki L. Vivian, City Clerk