

**THE REGULAR MEETING  
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA  
HELD SEPTEMBER 24, 2007 AT 7:00 P.M.  
AT CITY HALL, 120 W. 6<sup>TH</sup> STREET, BENSON, ARIZONA**

**MAYOR FENN  
OPENED THE MEETING AT 7:02 P.M WITH  
THE PLEDGE OF ALLEGIANCE.**

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

**PROCLAMATION:** Councilmember Suagee read a proclamation recognizing Coronado Resources Conservation and Development.

**CALL TO THE PUBLIC:**

Glenn Nichols addressed Council regarding a grant for the Police Department he had applied for and was awarded. It is in the amount of \$12,250 and will be used to purchase video cameras for the existing tasers and additional tasers. Chief Nichols will be bringing the grant agreement before Council in the near future.

David Perry addressed Council stating he is concerned with the reports of consternation among Councilmembers. Mr. Perry stated that Councilmembers behavior and actions affect the residents of the City in all ways.

**CONSENT AGENDA:**

- 1a. Approval of Minutes of the September 10, 2007 Worksession Meeting
- 1b. Approval of Minutes of the September 10, 2007 Regular Meeting
- 1c. Resignation of Stormy Wall from the Benson Arts Commission
- 1d. Bills
- 1e. Purchase of two 2007 Crown Victoria Police Interceptor Vehicles

Councilmember Sacco moved to approve the consent agenda. Seconded by Councilmember Tipton. Motion passed 7-0.

**NEW BUSINESS:**

**Resolution 37-2007  
of the Mayor and  
Council of the City of  
Benson, Arizona,  
approving a Wine Festival  
license for Coronado  
Vineyards, for November  
13, 2007 at the Best  
Western Motel, 699 N.  
Ocotillo, Benson,  
Arizona:**

City Manager Martin Roush and City Clerk Vicki Vivian addressed Council stating that a Wine Festival license was a temporary license issued by the Arizona Department of Liquor Licenses & Control subject to the approval of the governing body of a city or town. The license is limited to the duration of

the wine festival. Councilmember Suagee then moved to approve Resolution 37-2007 of the Mayor and Council of the City of Benson, Arizona, approving a Wine Festival license for Coronado Vineyard, for November 13, 2007 at the Best Western Motel, 699 N. Ocotillo, Benson, Arizona. Seconded by Councilmember McGoffin. Motion passed 7-0.

Resolution 38-2007 of the Mayor and Council of the City of Benson, Arizona, entering into an Independent Contractor's Agreement with D'Co'Sine for Consulting Architectural Services on an As-Needed Basis:

After discussion, Councilmember Suagee moved to approve Resolution 38-2007 of the Mayor and Council of the City of Benson, Arizona, entering into an Independent Contractor's Agreement with D'Co'Sine for Consulting Architectural Services on an As-Needed Basis with the amendment in Section 8 to say with reasonable promptness to be determined by the City Manager on a case by case basis. Seconded by Vice Mayor King. Motion passed 7-0.

Resolution 39-2007 of the Mayor and Council of the City of Benson, Arizona, authorizing Stantec Consulting, Inc., to proceed with Construction Management Services for the Construction of Parking Lot Phase I, Installation of Medium Intensity Taxiway Lighting, and Installation of Automated Weather Observers System in an amount not to exceed \$127,720.00:

Public Works Director Brad Hamilton addressed Council stating with the grants the City has received for this project, the grants will cover most of the costs. The City's direct cost is \$3,193.00. Councilmember McGoffin moved to approve Resolution 39-2007 of the Mayor and Council of the City of Benson, Arizona, authorizing Stantec Consulting, Inc., to proceed with Construction Management Services for the Construction of Parking Lot Phase I, Installation of Medium Intensity Taxiway Lighting, and Installation of Automated Weather Observers System in an amount not to exceed \$127,720.00. Seconded by Councilmember Sacco. Motion passed 6-1 with Councilmember Lodzinski abstaining.

Resolution 40-2007 of the City of Benson, Arizona, entering into an Agreement with K & B Asphalt Company, for Benson Street Improvements (Phase II) Community Development Block Grant (CDBG) #113-07:

Public Works Director Brad Hamilton addressed Council stating K & B Asphalt Company was the lowest qualified bidder for this project. Councilmember Tipton moved to approve Resolution 40-2007 of the City of Benson, Arizona, entering into an Agreement with K & B Asphalt Company, for Benson Street Improvements (Phase II) Community Development Block Grant (CDBG) #113-07. Seconded by Councilmember Lodzinski. Motion passed 7-0.

Resolution 41-2007 of the Mayor  
and Council of the City of Benson,  
Arizona, approving a Delegation  
Agreement with the Arizona Department  
of Environmental Quality for the  
Issuance of Burn Permits within  
the City:

Fire Chief Keith Spangler addressed Council stating this agreement is for the issuance of Open Burn Permits and is a five (5) year contract that can be extended with written notice by both parties. Councilmember Sacco moved to approve Resolution 41-2007 of the Mayor and Council of the City of Benson, Arizona, approving a Delegation Agreement with the Arizona Department of Environmental Quality for the Issuance of Burn Permits within the City. Seconded by Councilmember Lodzinski. Motion passed 7-0.

Discussion regarding the  
Addition of an Invocation  
to City Council  
Meetings:

Mayor Fenn introduced the discussion regarding the addition of an Invocation to City Council meetings. Interim City Attorney Thomas Benavidez stated it has been determined this would not be a violation of any laws as long as the invitation to give the invocation was open to all denominations. Councilmember McGoffin stated she would like to remind all participants that the invocation should remind everyone why they are at the Council meeting, be brief and should not promote any one religion. Councilmember Suagee agreed; stating Councilmembers and others present at Council meetings should remember the invocation is open to all denominations and hoped everyone would be open and respect all denominations. Vice Mayor King stated invocations at meetings have been a part of history and he supports this item. Mayor Fenn agreed with comments made from Councilmembers and stated City Clerk Vicki Vivian had researched and obtained a brochure that gives guidelines on prayer at public gatherings and encompassed most comments from Council. Mayor Fenn then directed City Clerk Vicki Vivian to prepare a letter soliciting organizations wishing to participate in the invocations.

Direction to Staff regarding  
the Future Requirements  
from Developers, for example:  
Septic Tank Restrictions,  
Park Requirements, and  
Pedestrian Facilities:

City Manager Martin Roush addressed Council for direction regarding requirements from Developers stating the current regulations do not give Council the ability to require amenities discussed at recent plat approvals. Councilmembers spoke of open spaces, parks, multi-use parks and pedestrian facilities. City Manager Martin Roush stated City staff would work on requirements and bring to Council for action to implement them.

**EXECUTIVE SESSION:**

As per A.R.S. §38-431.03(A)(1), Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, specifically, the City Manager.

Councilmember Sacco moved to go into Executive Session at 7:55 p.m. Seconded by Councilmember McGoffin. Motion passed 7-0.

Council reconvened at 8:47 p.m.

Discussion and Possible  
Action regarding the  
City Manager's Contract:

Vice Mayor King stated Council had set a lot of goals for City Manager Martin Roush, not all goals were easy, but Mr. Roush had done the impossible. Councilmember Suagee stated she had been recently informed that when an employee is driving a city vehicle, the employee is under the City's Worker's Compensation Insurance from the time the employee gets in the car in the morning until they return home at night and mentioned a vehicle allowance may be an option to consider. Mayor Fenn then stated a merit increase of up to 5% could be given to the City Manager. After further discussion, Councilmember Suagee moved to increase the City Manager severance package to six (6) months. Motion died for lack of a second. Vice Mayor King then moved to increase the City Manager severance package to four (4) months. Seconded by Councilmember Suagee. Motion failed 3-4 with Councilmembers Lodzinski, McGoffin, Sacco and Mayor Fenn voting nay. Councilmember Sacco then moved to approve a \$400.00 per month vehicle allowance for the City Manager with mileage to be reimbursed for any trips that are in excess of 50 miles. Seconded by Councilmember Lodzinski. Motion passed 7-0. Councilmember Suagee moved to approve the City Manager's contract with the amendment to include the previous motion and a 3.5% merit increase. Seconded by Councilmember McGoffin. Motion passed 7-0.

**EXECUTIVE SESSION:**

As per A.R.S. §38-431.03(A) (3) & (4), Discussion or consultation for legal advice with the attorney or attorneys of the public body to update the Council on pending claims and litigation, and for the Council to instruct its attorneys with respect to those matters. Pending matters to be discussed include claims of Jack Puerling, Kevin Derskin, San Pedro Golf Course, and Cathi Juanmijo.

Councilmember Suagee moved to go into Executive Session at 8:57 p.m. Seconded by Councilmember McGoffin. Motion passed 7-0.

Council reconvened at 9:47 p.m.

Discussion and Possible  
Action regarding the  
Jack Puerling Claim:

Councilmember Suagee moved to reiterate Council's previous offer to waive building fees and to pay minimal legal fees and to have Interim City Attorney Thomas Benavidez draft the offer with the stipulation that the offer be valid for 30 days. Seconded by Councilmember McGoffin. Motion passed 7-0.

**COUNCIL DIRECTIVES:**

None.

Adjournment:

Councilmember McGoffin moved to adjourn at 9:50 p.m. Seconded by Councilmembers Sacco and Tipton. Motion passed 7-0.

ATTEST:

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Mark M. Fenn, Mayor

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Vicki L. Vivian, City Clerk