

**THE REGULAR MEETING  
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA  
HELD JANUARY 13, 2014, 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 the Allegiance.

**ROLL CALL:**

Present were: Mayor Toney D. King, Sr., Vice Mayor Al Sacco, Councilmembers Pat Boyle, Ron Brooks, Jeff Cook, Chris Moncada and Peter Wangsness (via telephone).

**EMPLOYEE RECOGNITION:** None

**PROCLAMATION:** None

**PUBLIC HEARING:** None

**CALL TO THE PUBLIC:**

Mayor King stated he would be limiting speakers to 5 minutes to address the Council.

Edythe Figueroa stated she had been to Council meetings and topics are often focused on growth, but she notices a lot of vacant homes and stated the City appears to be experiencing an exodus of its habitants. Ms. Figueroa then stated the City spends a bazillion dollars on a golf course with new golf carts, millions on painting murals and repairing restrooms at the park, but they don't capitalize on any work that has been done by the most accomplished people in our community, our children. Ms. Figueroa then stated the school system has been rated the top school system in the entire great State of Arizona, yet aside from the small one-time reference by the local media, there has been nothing else. Ms. Figueroa stated everyone watched a community be formed in Vail with a population increase that was more than the entire population of Benson. Ms. Figueroa stated marketing paid off and the next time the Council is talking about what the City needs, they need to remember they can keep doing what they are doing and watch our children grow up and leave or the City can grow. Ms. Figueroa then stated we should all be shouting that the Benson school is number 1, and there should be bulletin boards, TV and radio advertisements telling everyone Benson is number 1.

Mayor King stated he forgot the invocation and introduced Pastor Sarah Isakson of the San Rafael Episcopal Church, who then read a prayer for people who work at night.

Carol Campbell stated she wanted to share her involvement with the committee to recall Councilmember Jeff Cook, adding she, along with the chairman and the treasurer, live in the City limits. Ms. Campbell then stated her efforts resulted in 204 signatures on the petitions. Ms. Campbell then said she would like to clear up one issue regarding the purpose of the recall, stating in a facebook communication, Councilmember Moncada wrote "another issue that has come to my attention is that petition circulators are saying the next step after the recall may be to require all current City employees to live in the City limits or lose their job. I agree the City Manager and maybe future Department Heads should live in the City limits. This idea of requiring current employees to move into the City limits puts the City at risk for lawsuits if we don't compensate employees for the extra expense." Ms. Campbell then stated she spoke to the committee spokesman regarding this issue and she wanted to quote the spokesman, who said "This is a bald-faced lie. The committee's sole purpose is to get the required signatures to give us the right to have an election where voters can then decide from among the candidates running who they want in Mr. Cook's current Council seat. No one on the committee ever supported nor will support any requirement for City employees to live in the Benson City limits that are not

already required to do so.” Ms. Campbell then stated she signed the petition because she is in agreement with the purpose of the committee, with her personal efforts resulting in 134 signatures from voters within the City limits. Ms. Campbell then stated she spoke with even more people over the last week and she felt compelled to share some of the views and comments from citizens of the community. Ms. Campbell stated many people said they didn’t know what was going on in the City and in good conscience, they could not sign the petition, but some said they would come to the Council meeting and see for themselves what is going on, while other people, after hearing the petitions were to recall Councilmember Cook, signed it. Ms. Campbell then stated many signers said the people of Benson should have another opportunity to choose who should be in this City Council seat and other community members who live outside the City limits, said they are still a part of the City, supporting Benson with tax dollars and would like to sign the petition, but couldn’t. Ms. Campbell stated other expressed thoughts were that a lot of people golf and the golf course should stay open because if it closes, Benson will lose many RVers who like to come to golf and Jay Tomerlin is doing a great job trying to get the golf course in a position to support itself. Ms. Campbell stated people in the Meritage development on Hwy 90 are inside the City limits, but they feel they are not accepted as part of the City, with one person asking where to go to get help with street sinkhole problems. Ms. Campbell then stated other people told her that they golf with friends that come here from neighboring Cochise towns, and for the first 15 to 20 minutes, they joke about things they read in the paper that are going on in the City. Ms. Campbell stated many seniors in their 80s who have lived most of their lives here said they really need help from the City because they have no family, adding their neighbors are in the same position and their churches don’t have funds to help them either. Ms. Campbell stated one mother asked what the City will do for her children and another person told her that they had known 1 City worker who was hired for a position he was qualified to do, but over time, the employee was asked to take another position for which he did not have the education and experience for, so when he completed a project, it had to be redone at the taxpayers’ expense and they have seen this happen time and time again. Ms. Campbell stated other people expressed to her that this City Council is a joke; all they do is argue and are an embarrassment to the City of Benson, and in fact, some people were moving because of this, while other people told Ms. Campbell they had retired friends living out of state who have read the paper online and will now not move here because of all the wrangling. Ms. Campbell stated others asked why the Mayor doesn’t take command over the Council meetings and deal with Councilmembers who are out of order. Ms. Campbell then thanked the Council for their time.

J.T. Moffett stated the Mayor had told him that he could have extra time and now he will have to do his best to cut this short. Mr. Moffett stated he hopes the Mayor will stand firm on his commitment to keep people in the public or on the Council from slandering anyone tonight. Mr. Moffett stated he wanted to quote verbatim Councilmember Cook’s words from the last session when he was referring to Mr. Moffett, “We’ve had a member of the community, wait, he’s not a member of the community, he lives outside the City, he comes storming in, kicking down the door, setting the place on fire and blaming somebody else and he’s proven to be wrong over and over and over.” Mr. Moffett stated the definition of community, according to Wikipedia.org, is that a community can refer to a usually small social unit of any size that shares common values, the word community is derived from French and Latin which means a broad term for fellowship or organized society. Mr. Moffett then directed his comments to Mayor King stating, having established the meaning of community, he is offended that a City Councilmember would insult him in such a manner. Mr. Moffett stated there are more than a few people here who can attest to his involvement on many levels in this community. Mr. Moffett stated he owns a local business, he has participated through his business in sponsoring the City’s biggest events, sponsoring little league, senior programs, the community food bank and many others. Mr. Moffett stated in addition to this, his tax bill shows that his property taxes help pay for Benson School District #9, the Benson Hospital, the Benson Fire Department and Cochise College and he is appalled that this Mayor and City Attorney allowed this Councilmember to slander him; especially when the Councilmember is unemployed, owns no business and in fact owns nothing, adding he is living off of his sister in his dad’s old home. Mr. Moffett stated Councilmember Cook is not a Benson taxpayer, noting the hypocrisy of Councilmember Cook sitting up there judging him is shameful. Mr. Moffett stated furthermore, his attorney said he would have a field day with the allegations from Councilmember Cook against himself, of violent behavior that was put on public records from the mouth of a City Councilmember. Mr. Moffett stated he finds it interesting that the City Attorney stopped Vice Mayor Sacco and Councilmember Brooks during a discussion at the last meeting telling them both they were off subject and to stay focused on the agenda item, yet he had no problem allowing

Councilmember Cook to go on slandering him. Mr. Moffett stated he thinks the citizens of Benson have a lot to lose and he is asking the Mayor to keep Councilmember Cook under control or remove him from the chambers if he ignores the gavel again, before he gets the City into yet another lawsuit. Mr. Moffett stated the 204 signatures gathered in one week, for the recall of Councilmember Cook, exemplifies how the public feels about this type of behavior on City Council. Mr. Moffett referred to the agenda stating he received a snapshot of the last 6 months and was not surprised to find that Councilmember Cook and Councilmember Moncada had nothing to offer to Council for the agendas, in fact, except for tonight he cannot remember the last time Councilmember Moncada sponsored an agenda item. Mr. Moffett stated Councilmember Cook never has; he just sits in the shadows and waits for fellow members to put agenda items on and then attacks and criticizes them. Mr. Moffett stated if you do your homework you will see that Mayor King, Vice Mayor Sacco, Councilmember Brooks, Wangsness and Boyle have all sponsored many items during their tenure and the 2 remaining Councilmembers that have not are the same two Councilmembers Cook and Moncada, who sit on the Economic Development Subcommittee and essentially do the same thing, nothing. Mr. Moffett stated during Councilmember Moncada's tenure on the subcommittee, whether he was chairman or not, he has brought nothing to the table from the subcommittee to the Council nor has Councilmember Cook. Mr. Moffett stated he feels that wisdom prevails in this matter to disband the present committee and seek new interested members from the business and social community. Mr. Moffett recommended that Council choose 3 businessmen, 3 citizens and 1 Council representative and let the committee choose their own chairman from their ranks and start moving this City forward. Mr. Moffett stated lastly, he would ask the Mayor to confirm with Megan Moreno that Mr. Moffett was given records from the Finance Department and paid for them and that these records were not accurate concerning RikerTek. Mr. Moffett stated he was told the figure was \$200,000 when the actual total paid to RikerTek this year was just over \$144,000 with \$118,000 as income on a 1099 to Jared Riker and the remaining \$26,000 was for parts and equipment. Mr. Moffett stated he wonders if Councilmember Cook's and Councilmember Moncada's facebook friends will mock Megan Moreno for being wrong as they mocked Mr. Moffett even though Mr. Moffett wasn't wrong. Mr. Moffett stated all outdated equipment for the entire City could have been replaced for under \$90,000 yet RikerTek was paid \$54,000 more than that and the City still has the old equipment. Mr. Moffett then stated the City still has not turned over any of Jim Cox's emails and provided the records request from over 2 months ago. Mr. Moffett stated he has one final note, which is since this Council wisely terminated Jim Cox on November 17 and Jared Riker on December 23, this Council has already saved the taxpayers over \$16,000 and that Councilmember Cook voted against terminating them both.

David Thompson stated he came here 5 years ago and chose to move to Benson because he really liked the area and the people he met. Mr. Thompson stated he met Mr. Moffett about 4 years ago and thought he was a pretty good guy. Mr. Thompson stated last year at election time for City Council, Mr. Moffett was pushing for Mr. Crafts, Mr. Brooks, Mr. Cook and Mr. Wangsness, and Mr. Moffett made the statement to Mr. Thompson, "I get my 4 guys in and I run this town," adding that kind of hit him. Mayor King gavelled Mr. Thompson and stated he needs Mr. Thompson to talk about subjects other than slandering and referred the matter to the attorney. City Attorney Gary Cohen explained Mr. Thompson can talk about anything within the jurisdiction of Benson, under the A.R.S. statutes. Mayor King stated Mr. Thompson needed to stick to the A.R.S. statutes. Mr. Thompson stated what he heard was a fact and it was said to him, so he started looking closely and those people did get elected. Mayor King again gavelled. Mr. Thompson stated one of those has since gone his own way because of his own personal relationships, but Mr. Moffett... Mayor King interrupted Mr. Thompson gaveling again and stated Mr. Thompson cannot slander another member of the public. Mr. Thompson stated he wasn't slandering Mr. Moffett, he was just using his name and wasn't slandering him. Mr. Thompson then stated it is not slander if he tells the truth. Mayor King asked Mr. Thompson to stick to City business. J.T. Moffett yelled from the audience, "I say you're a liar" and Mayor King again gavelled and told Mr. Moffett to stop. Mr. Thompson stated the gentleman that supported getting the people on the Council has since attacked all 3 people that he supported getting on the Council. Mr. Thompson stated this person, since he can't use names, has attacked all 3 individuals that were there and his question today is why are we attacking Councilmember Cook, adding he is a little different and Mr. Thompson doesn't agree with everything he does, but he is the only Councilmember that brought up the fact that we had a City Manager applicant that had a felony background and he probably saved the City a lawsuit and a lot of trouble. Mr. Thompson stated Councilmember Cook is an independent thinker and if you don't want him, just wait and have him voted out.

Mr. Thompson asked why a bunch of money and time should be spent to recall Councilmember Cook in a special election when the public could just wait 90 days and vote him out at a regular election, adding it just does not make sense. Mr. Thompson then stated that was his first issue, adding his second issue is that he is a businessman in the City of Benson and he has a business license, which is required by City ordinance to operate. Mr. Thompson asked Council why there are 2 Councilmembers that operate businesses in the City of Benson that do not have, and refuse to have, business licenses; questioning why is that allowed by the Mayor and by the Council. Mr. Thompson stated Councilmember Wangsness operates Wangsness Optical and he has spoken to him personally about this and Councilmember Wangsness stated he knows exactly what is going on; he does not have a business license. Mr. Thompson then stated Councilmember Brooks operates as a contractor, repairman, handyman, plumber, and electrician and has none of those licenses and has no City business license. Mr. Thompson asked why it is acceptable for them to sit on City Council and make decisions and ordinances for other citizens of the City when they don't want to comply with the rules.

Councilmember Brooks stated for the record that he has had a City business license since 2000 and can show them to anyone. Councilmember Brooks stated he used to have a contractor's license, but he has given that up adding he still operates within the State limits in what he does.

Barbara Nunn stated she saw no point in speaking tonight and she would pass.

Stephen Insalaco addressed the Council concerning New Business Item 6, the future of the Benson Economic Development Subcommittee. Mr. Insalaco's statement will be retained with the Council packet. In closing, Mr. Insalaco announced the Airplane Owner's and Pilot's Association (AOPA), will be conducting a safety seminar Tuesday evening January 14th, at the Holiday Inn Suites located at 4550 South Palo Verde Road in Tucson. The title of the presentation is "Accident Case Study" and he encouraged all pilots and aviation enthusiasts to attend.

Otis Harris stated he was present to talk about building codes, stating the Insurance Services Organization (ISO), rates cities on a scale of 1 to 10 and Benson is currently rated at 4. Mr. Harris then stated as of September 26, 2012, two years ago, this City got its first letter from the ISO stating Benson needed to update our codes to the 2012 codes, adding for 2 years the Mayor and Council have had this letter. Mr. Harris stated on September 20, 2013, ISO asked again about our updates and there is still nothing. Mr. Harris stated again on December 23, 2013, ISO stated they still hadn't heard from Benson. Mr. Harris stated he spent this afternoon getting this information from City records; it is not something he has made up. Mr. Harris then stated again, ISO rates on scale of 1 to 10 and if Council doesn't get rules passed, the City's rate will go to a 9, which could increase every homeowner's insurance in Benson by 25%. Mr. Harris stated these are facts that Council has in emails in their City offices, and he knows the Mayor has been here since at least 2012, and then asked Council what they are going to do about it. Mr. Harris then stated he could understand if it was a week old, but this has been over 2 years. Mr. Harris asked Council to represent the citizens and quit fighting with each other or step down.

Tom Fitzgerald stated he came back a week ago from Phoenix and California, adding he missed the Chinese New Year, but he learned something while he was gone. Mr. Fitzgerald stated he learned from world history that in 1776, the War of Independence had already been started and something remarkably humane happened. Mr. Fitzgerald stated it took over 500 years and finally there were some very clear ideas being talked about and written down, just like they had been when Prince John's hands were forced to sign the Magna Carta. Mr. Fitzgerald stated in Article 39 of the Magna Carta it reads "No free man shall be arrested or imprisoned or deprived or banished or outlawed or in any way ruined, nor will we will take or order action against him except by lawful judgment of his equals, according to the law of the land." Mr. Fitzgerald stated in 1776 Thomas Jefferson wrote the famous independence doctrine and addressed it to the King of England and the world and it goes the Magna Carta one step better by saying "all men are created equal and are endowed by their creator with certain unalienable rights that amongst them are life, liberty and the pursuit of happiness." Mr. Fitzgerald then asked Council if they see the connection between these two documents and continued saying the Magna Carta states in Article 40 "to no one will we sell, to no one will we refuse or delay right or justice" and this was later echoed in the Bill of Rights, to the American Constitution, in the 5th amendment.

Mr. Fitzgerald stated we can learn a lot from these two documents. Mr. Fitzgerald then stated you can ask any lawyer in the United States if being accused of a civil rights crime is to be considered infamous or capital under the law of the land. Mr. Fitzgerald stated if the lawyer should point you to the U.S. codes, you will know civil rights crimes are very serious and that you are indeed talking to a lawyer, not just an attorney and he will not be programmed to turn the wealth of this country back to the crown of England. Mr. Fitzgerald stated the father of the Constitution, James Madison, stated in the Federalist Papers “the accumulation of all powers legislation, executive and judiciary in the same hands, whether of one, a few or many and whether hereditary, self-appointed or elected may justly be pronounced the very definition of tyranny.” Mr. Fitzgerald stated Augustus Blackstone suggested that the sovereignty and wealth of America is being turned back to the crown of England through admiralty jurisdiction, adding in the early 1950’s during a congressional investigation of tax exempt organizations, it was discovered that foundations were working together to control the education system of America so that America would be indoctrinated in the principles of collectivism as opposed to the principles of the original United States Constitution and Declaration of Independence. Mr. Fitzgerald stated today the courts in America display a gold fringe admiralty flag, and asked if the jurisdiction is a secret they don’t want the people to know about and if the Bar Association could be a secret society. Mr. Fitzgerald stated it is important to note that the United States Constitution is the supreme law of the land. Mr. Fitzgerald then stated with this being said, it only makes perfect sense that persons being sued in Benson for committing civil rights crimes against American citizens should make the important decision for the good of Arizona, for the good of this region, for the good of the City of Benson to have their day in court; to have their names cleared by a jury of their peers.

Lucy Moffett stated her husband, J.T. Moffett, spoke to Council earlier tonight about an injustice he had to endure recently for this Council. Ms. Moffett stated Mr. Moffett had told her earlier today that he didn’t want her to speak, but she doesn’t always do as he says; especially if she feels strongly about something. Ms. Moffett stated she is here to let Council know Mr. Moffett is not a one-man band and she supports his efforts. Ms. Moffett stated she would like to address Council, especially the Mayor because he knows Mr. Moffett, and she would like to share her perspectives and truths about her husband. Ms. Moffett stated they love this Benson greater area and its people, adding this is their home and they pray they will be able to spend the rest of their days here. Ms. Moffett stated to them, the Benson community has no physical boundaries and in addition to being local business owners and supporters of a number of community programs, her husband is a local activist who spends countless hours in the fight to ensure rights of citizens in this area. Ms. Moffett stated in Mr. Moffett’s activities around town, he hears from many citizens from all walks of life; from business owners, seniors, law enforcement officers and from people who are just trying to eke out a living in this difficult economic time. Ms. Moffett stated many times people who have their own reasons for not speaking out themselves, come to him with an issue or an injustice they feel needs to be addressed. Ms. Moffett stated Mr. Moffett works to uncover the truth about these injustices or local issues and pays for and gathers facts from public records at Benson City Hall to uncover and address these items. Ms. Moffett stated Mr. Moffett works to communicate these truths by hosting public forums, speaking in the Call to the Public at City Council meetings and generously offers his time and energy to people who have even more questions and other issues to be addressed or whatever they might have on their minds. Ms. Moffett stated contrary to what some may think, Mr. Moffett does this all with no personal motive or gain, but to just share the truth and provide a better place in which we can all live. Ms. Moffett stated she was involved in circulating the recall petitions for Councilmember Cook and had the opportunity to hear from many in the Benson community, both inside and outside the City limits, adding she encouraged them to get involved and to come to the Council meetings because the Mayor and Council are their voice. Ms. Moffett then stated Mayor and Council are the public’s voice to give direction to City Hall, to address their issues, and just hear any input they might want to share. Ms. Moffett then stated she would encourage others here tonight to do the same.

Akos Kovach introduced himself as the Economic Developer for Southeastern Arizona Governments Organization. Mr. Kovach stated he loves this town and thanked the Council for inviting him. Mr. Kovach stated he received an invitation from the Mayor, 2 Councilmembers, the City Manager and the City Clerk so he thought he should show up. Mr. Kovach then stated the Economic Development Subcommittee (EDSC) is the topic he came for but first he would like to digress and say the very first speaker, Ms. Figueroa, said it better than anyone, that Benson is number 1 and he really believes that. Mr. Kovach stated he has said it

publicly here and in other parts of the county that Benson is poised for growth and it's a great place for a lot of different reasons. Mr. Kovach stated there is contention and other things going on, but that cannot take away people's pride, especially the people who are willing to sit on the dais and take the grief they are getting, adding it is unfortunate, but it is part of the process. Mr. Kovach stated the Economic Development Subcommittee is also part of that process. Mr. Kovach stated the EDSC spent half a day in December to plan and strategize and to coalesce their ideas and aspirations and they heard from the City Engineer/City Manager who let them know Benson has tremendous infrastructure. Mr. Kovach stated there is a lot of benefit in that to the City from the standpoint of development. Mr. Kovach stated he heard mention of Vail earlier this evening, adding he would also bring up other communities like Oro Valley who poised themselves as a suburb of Tucson, noting maybe that moniker doesn't sit well with everyone, but there is nothing wrong with it. Mr. Kovach stated Benson is basically a 30-minute drive to a metropolitan area and the quality of life here is hard to match when Benson has I-10, Amtrak, and a number of railroads and attractions that are world class, so to him, Benson is a destination. Mr. Kovach stated in the retreat, the EDSC talked about the benefits of Benson and one of them was that people are willing to serve; both in Staff and on Council and the full Chambers tonight demonstrates the fact that people care. Mr. Kovach then stated he is very proud that he was able to participate in the EDSC for the last couple of years and added tonight marks his 96th visit to Benson as a professional from SEAGO, noting he visits for a lot of different reasons, such as to meet with business and professional people, to bring investors in and help developers here and to address the Council, adding it was all for one reason and that is to support and promote the City of Benson. Mr. Kovach stated he believes the Economic Development Subcommittee should be sustained and he is here to speak in support of the EDSC, adding he believes the leadership of the committee has been very good, noting no one who takes a position of leadership can ever survive without having a few darts thrown at them. Mr. Kovach stated his position is that Benson has done an outstanding job of getting infrastructure in the ground and is poised to grow if Council wants to, adding the leadership team in place knows how to make that happen. Mr. Kovach then stated he would be happy to answer any questions Council may have and then stated he wanted the Council to know he supports the EDSC and asked them to keep it in place and not politicize it.

Mahlon MacKenzie introduced himself stating his company is Long Realty and he has brokered hundreds of transactions over many years. Mr. MacKenzie then stated he would like to go over a transaction he brokered over 10 years ago: Desert Crafts Mobile Home Park. Mr. MacKenzie then stated the park was formed by long-time residents, Abe and Jenny Samuels, and their heirs have indicated to him their concerns over the situation of the park and all the work that has been done since they sold it 10 years ago. Mr. MacKenzie stated the work is really being looked at with a jaundiced eye from the community, adding the park was only about half-filled when it was sold. Mr. MacKenzie stated the new owners got rid of the drug house, improved the park, brought in 32 newer trailers and have turned it into a gem. Mr. MacKenzie stated he believes every trailer is properly licensed and everything was done according to what was required. Mr. MacKenzie then stated he knows Council will go into an executive session tonight to determine what to do about that. Mr. MacKenzie stated he has made an attempt and talked to administration a few months ago when he was told this would possibly be coming around and stated he has a packet of information on the formation of Desert Craft Mobile Home Park that was transferred to what is now Stagecoach Trails. Mr. MacKenzie stated he has been a member of this community all his life, and trying to help folks come this way is not easy when he has to answer questions of why one business is being singled out like this and asked if the Council plans on addressing all the other parks and businesses in a similar fashion. Mr. MacKenzie then stated there were 13 counts in Superior Court that told the City they violated private property rights, adding we live in a country where we do have private property rights. Mr. MacKenzie stated the City Attorney rapidly went back down to re-litigate 10 more counts that were all ruled in favor of the property owner, not the City, and it went on from there. Mr. MacKenzie stated he doesn't want to make it worse than it already is, but his goal for the past 44 years has been to try to invite people here to show them the best things in this town and have them find out this town can grow. Mr. MacKenzie then stated in 1970 Benson had 2,300 people and today we're talking about Benson being over 5,000. Mr. MacKenzie stated he would like to challenge Council to make Benson a kindlier, friendlier, better place to do business so we can attract people and can have people coming to the Call to the Public saying they have a place to be proud of.

Paul Lotsof stated he has 3 issues to address with the first issue being the proposed recall of Councilmember Cook. Mr. Lotsof stated a major problem in the Arizona State Constitution, it that it makes it almost child's play to recall a public official in a small town, but nearly impossible to arrange a recall in a large community. Mr. Lotsof stated you never hear of a recall in Phoenix or Tucson, but anyone who is hell-bent on a little malicious mischief can pull off a recall in a small town like Huachuca City, Tombstone or Benson. Mr. Lotsof stated in most cases, malicious mischief is exactly what it is. Mr. Lotsof then stated those who favor removing Councilmember Cook from office are claiming the voters didn't know what they were doing when they elected him in March, when in fact, Councilmember Cook got 568 votes, second only to Brian Crafts who got 5 more than Councilmember Cook, adding Councilmember Cook also got more votes than any other Council candidate seated in the 2011 election and more votes than any Council candidate got in the 2009 election. Mr. Lotsof stated perhaps most impressive is the fact he did so well while spending not a cent on advertising, in fact, the only advertising he received was paid for by third parties, including of all people, J.T. Moffett. Mr. Lotsof stated if there are some who don't believe him, he will be happy to play them the radio ad in which Mr. Moffett urges people to vote for Councilmember Cook, noting the same ad admonished the public to vote for Councilmembers Crafts and Wangsness; isn't that amazing. Mr. Lotsof stated he doesn't agree with Councilmember Cook on most issues but does think Councilmember Cook represents a portion of Benson with very little in the way of a voice at City Hall. Mr. Lotsof stated as far as the disagreement between Councilmember Cook and the other members of the Council, his comment is this is America, and if there is no room for disagreement, they might want to check out North Korea or Iran, where all the lawmakers agree with each other or else. Mr. Lotsof stated he is also concerned with who will run against Councilmember Cook, adding it will more than likely be someone who will owe favors to the recall organizers, which is a classic example of going from the frying pan and into the fire. Mr. Lotsof then stated he thinks when a person is duly elected for a 4-year term, that person should have a reasonable expectation to remain in office for 4 years unless that Councilmember has done something awful. Mr. Lotsof stated the voters of Benson should turn down this act of malicious mischief. Mr. Lotsof stated his next issue is the Call to the Public. Mr. Lotsof stated during some worksessions there have been various proposals to make changes to the Call to the Public and all of them are thinly disguised attempts to either shut up Mr. Moffett or reduce his influence. Mr. Lotsof stated one suggestion is to move it to the end of the meeting and the reason for doing this is people will leave City Hall early and not listen to speeches from members of the public or people wanting to speak will leave early after deciding it is not worth the wait. Mr. Lotsof stated his proposal is an example of been there and done that, adding that former Mayor Crawford pulled this stunt over a dozen years ago and accomplished nothing of value and nothing of value would be accomplished by this in 2014. Mr. Lotsof then stated nothing would be accomplished because those who attend the typical Council meeting include about a dozen City officials and a few dozen more in the peanut gallery. Mr. Lotsof stated by sharp contrast, the local newspaper claims a circulation of about 2,500 copies a week or more, adding it would be lucky if that many people could be seated at the football field. Mr. Lotsof then stated it should be pointed out that Mr. Moffett has a fabulous relationship with the News-Sun, adding nearly every word Mr. Moffett utters is automatically printed in the newspaper, usually on page one. Mr. Lotsof stated Mr. Moffett's emotionally charged outbursts are mostly for the newspaper, so the Council could move the Call to the Public to midnight, and if the only person listening happened to be Dana Cole, Council would have the same public relations problem they have now, stating a public relations problem is exactly what it is. Mr. Lotsof then stated the City spends about \$24,000 a year on Wick newspapers and one wonders what they are getting for all that cash, adding it is a lot of bad public relations. Mr. Lotsof then stated his final topic is the payment of bills, which he delved into 3 weeks ago when he suggested approving bills before paying them; the way it was done for many years. Mr. Lotsof stated he is aware of only 2 arguments for retaining the current system; saving a minute or two at the Council meeting and that there are a handful of accounts where instant payment of the invoice will result in a discount. Mr. Lotsof stated in his business affairs he has hardly ever run into a situation where the bill couldn't wait for 2 weeks, adding that today's Consent Agenda calls for paying out \$426,731 in public funds. Mr. Lotsof then asked how many of Council would argue such a sum is routine and is not deserving of their attention. Mr. Lotsof then stated to those who say Staff should be trusted; he would remind them that since the City Manager form of government was started, two-thirds of Benson's City Managers have been fired and over the last 10 years, two-thirds of the Benson City Managers have been fired, adding so much for trusting Staff to do the right thing.

## **CITY MANAGER REPORT:**

Interim City Manager Brad Hamilton addressed Council, giving the dates of upcoming meetings and events.

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| Tuesday, January 14, 2014  | – Library Advisory Board, 4:00 p.m., Library  |
| Saturday, January 18, 2014 | – Historic Preservation Commission, 9:00 a.m., City Hall  |
| Monday, January 27, 2014   | – City Council Worksession, 6:00 p.m., City Hall<br>Public Hearing CDBG, 7:00 p.m., City Hall<br>City Council Meeting, 7:00 p.m., City Hall |
| Tuesday, January 28, 2014  | – Community Watershed Alliance, 6:30 p.m., City Hall  |
| Monday, January 20, 2014   | – Martin Luther King Day – City Offices Closed  |

## **NEW BUSINESS:**

### **1. Consent Agenda**

- 1a. Minutes of the December 9, 2013 Worksession
- 1b. Minutes of the December 9, 2013 Regular Meeting
- 1c. Purchase of K9 Patrol SUV for the Police Department
- 1d. Invoices processed for the period from December 13, 2013 through January 2, 2014

Councilmember Brooks stated he would like to remove Item 1c from the Consent Agenda. Councilmember Brooks then moved to approve the remaining Consent agenda. Seconded by Councilmember Moncada. Motion passed 7-0.

### **Consent Agenda – Items Removed:**

- 1c. Purchase of K9 Patrol SUV for the Police Department

Councilmember Brooks stated he had a very busy week and just wasn't aware of this item. Councilmember Brooks asked Chief of Police Moncada to address Council regarding this item and give reasons why it is needed. Chief Moncada stated this item is to authorize the purchase of a new K9 patrol vehicle using RICO funds, which was in the approved budget and doesn't require any funds from the City. Chief Moncada stated all of the money is from the RICO account that is being overseen by the County Attorney's office. Councilmember Brooks asked if the current SUV is beyond miles with Chief Moncada stating it is and the engine has been rebuilt and is in pretty bad shape. Chief Moncada stated his intent is to auction it off. Vice Mayor Sacco asked what the cost of a K9 SUV was and if Chief Moncada went out for a bid on this. Chief Moncada stated it is being purchased off of the State bid so the State has already gone through the process of sending out RFPs and stated the vehicle will be purchased from Courtesy Chevrolet. Chief Moncada then stated the cost of the vehicle is \$34,107.15, which does not include the equipment required to outfit the vehicle and he has gotten a quote from Cochise County Fleet Maintenance and stated they will install it unless they are too busy. Councilmember Boyle asked if the other equipment was included in the RICO money with Chief Moncada stating he has submitted a request for funds from the County Attorney's office which includes a new dog, equipment, labor and the vehicle and the total comes to approximately \$53,900. Chief Moncada stated this item is just to purchase the vehicle; then he will take the next step as far as getting the rest. Councilmember Brooks asked if the equipment in the current SUV could be used in the new SUV with Chief Moncada stating the dimensions are different in the new vehicle and it will be require a new cage, but anything that can be used will be transferred to the new SUV.

Councilmember Brooks moved to approve purchase the K9 Patrol SUV for the Police Department. Seconded by Mayor King. Motion passed 7-0.

2. **Discussion and possible action on a request to fill the Seasonal part-time Prep Cook/Dishwasher position at Benson City Grille/San Pedro Golf Course**

Director of Golf Operations Jay Tomerlin addressed Council stating this is a position that needs to be filled due to an employee resigning. Mr. Tomerlin then stated this is a seasonal position and with the snowbird season and the current schedule of the restaurant, it is important to fill the position. Vice Mayor Sacco asked how many weeks the position is for and what the pay rate is with Mr. Tomerlin stating it depends on business, but typically the season comes to an end around April 15 and the pay rate is \$8.50 per hour. Councilmember Boyle asked if the employee who quit had been planned and scheduled to work through the season with Mr. Tomerlin stating the employee was, adding this is not a new position; it is just being filled and was already approved in the budget. Mr. Tomerlin then stated if the position is not filled, the business plan will have to be looked at and the restaurant will possibly need to close 1 or 2 days a week which would be bad for business. Councilmember Moncada asked if the position receives benefits with Mr. Tomerlin stating it is a part-time position that is over 20 hours per week, so it provides the part-time benefits of paid time off and retirement, but no other benefits. Councilmember Brooks asked what would be the result of not filling the position with Mr. Tomerlin stating the restaurant would possibly have to close 1 or 2 days a week, which would damper the season with the golfers. Mr. Tomerlin then stated oddly enough Saturday is the slowest day since during the week there are business luncheons but noted with the season upon us, it may change.

Councilmember Cook stated he is curious why this is on the agenda, adding as a Council, their job is to set policy and he is disturbed by having to go through this and asked why hiring a dishwasher is being brought to Council. Mr. Tomerlin stated the golf course runs with minimal staff, adding they try to utilize Department of Corrections labor in all maintenance areas, he tries to watch hiring and tries to use positions that are under 20 hours a week, but in the restaurant, there are key positions like waitresses and cooks that are needed. Mr. Tomerlin then stated at the last Council meeting, the Council indicated all hiring requests would need to be approved by Council. Councilmember Cook stated he thinks it was inappropriate for this Council to approve the soft hiring freeze so that the City would have to go through this just to hire a dishwasher, which is why he voted against it.

Councilmember Brooks then moved to approve the request to fill the Seasonal part-time Prep Cook/Dishwasher position at the Benson City Grille/San Pedro Golf Course. Seconded by Vice Mayor Sacco. Motion passed 7-0.

Councilmember Brooks then stated he would like to ask to have New Business Item 6 moved up on the agenda because he believes it might make the other items moot or that Council may not want to discuss them. City Attorney Gary Cohen stated the Mayor and Council may want to consider the discussion at the last Council meeting in which the motion was made and approved to have the items from the Benson Economic Development Subcommittee brought before Council to be considered before there was any discussion to terminate the Economic Development Subcommittee. Mr. Cohen stated since the motion was approved by Council, the Mayor may want to consider the appropriateness of switching the order at this time. Mayor King asked what Mr. Cohen's recommendation was with Mr. Cohen stating he believes, based on the last motion that was passed by Mayor and Council, that New Business Item 6 should remain where it is. Mayor King then stated he would leave New Business Item 6 where it was.

Mayor King then stated New Business Item 8 would be removed due to time constraints.

3. **Discussion and possible action in regards to membership in the Southeast Arizona Economic Development Group (SAEDG)**

Councilmember Brooks stated he would ask to table this item because New Business Item 6 may make this a moot point. Mayor King asked Councilmember Brooks if that was his motion. Councilmember Brooks then moved to table this item to the date the new committee is formed, if that happens. Seconded by Councilmember Boyle. Vice Mayor Sacco asked how long it would be tabled for with Councilmember Brooks stating it depended on the outcome of New Business Item 6, adding if it does not happen, there would

be no sense in tabling it, but if it happens then it would be tabled until a new committee was formed, adding that would be his motion. Motion passed 5-2 with Councilmembers Cook and Moncada voting nay.

4. **Discussion and possible action regarding the Population Growth Plan proposed by the Benson Economic Development Subcommittee**

Vice Mayor Sacco asked how realistic the figures are for the population growth and where were they derived from. Interim City Manager Brad Hamilton stated the figures for population growth very much depends on the market, but noted the infrastructure that is already in place up on the hill will support that growth. Vice Mayor Sacco stated that the plan looked like pie in the sky to him, adding he is not criticizing anyone, but he would like to see some evidence on how the numbers were arrived at. Mr. Hamilton stated the numbers were arrived at using the current infrastructure that is in place and is ready, adding the other element to the plan would be marketing. Councilmember Brooks stated the nothing had happened in 4 or 5 years and questioned why something would happen this year with Councilmember Moncada stating this item was brought forward because of the Strategic Plan of the Economic Development Subcommittee (EDSC) and the numbers are based on the infrastructure that is in the ground and ready to go. Councilmember Moncada then stated the City can support 1,000 new homes with approximately 2.5 people per home. Councilmember Moncada then stated he was asking if the Council would support another 2,500 people and if it was something the Council wants for the future. Councilmember Moncada stated how the plan would be achieved is the next item, but the plan would be to use an asset inventory, branding and a marketing plan. Councilmember Moncada stated, the item being addressed now; however, is if growth is something the Council wants and if it will be part of our vision for the City for the next 3 years. Mayor King stated he thinks it is a good thing and it's something we need to look at. Councilmember Boyle stated it appears that this is already in motion up on the hill as he has seen developers already building new entrances for a new subdivision there. Councilmember Boyle then stated it seemed to him that Benson is already on its way with that project alone and it doesn't require a decision on Council's part, because it's already being done. Councilmember Moncada stated the infrastructure for the subdivision Councilmember Boyle is referring to is not ready, but on the other side of Highway 90 and in lower Benson, it is and this plan is based on infrastructure that is already in place. Councilmember Moncada stated there are a lot of vacant homes in the City; homes that are ready to sell or rent and what Mr. Hamilton is talking about up on Highway 90 are homes that could be built right away because streets, sidewalks and utilities are already done. Councilmember Moncada then stated again, the numbers are based on what is already in place, adding Benson can support 1,000 homes or about 2,500 residents without having to put in more utilities.

Councilmember Moncada then clarified that he was talking about existing homes and approved plats, basically, things that are shovel ready so all that is needed is a building permit and it's ready to go, adding how we get there can be discussed in the next item. Councilmember Moncada stated this item is simply to ask Council if they want this, adding if they don't, the next item is moot; if the Council doesn't want to grow, the other issues will be moot. Vice Mayor Sacco asked if this will be on the Route 90 corridor with Councilmember Moncada stating part of it is, but if you drive around Benson, you will see for rent signs everywhere and what he is saying is the City can support more population than we currently have. Councilmember Moncada stated the thing he likes about a larger population with the current infrastructure is that it doesn't cost anything extra; the services will help pay for themselves. Councilmember Moncada then talked about local businesses and the potential of having 2,500 more customers a month in the City, adding he doesn't think there's much more the City could do in economic development than increasing potential customers for small businesses. Vice Mayor Sacco stated he had heard all this a few years ago from Pulte and it didn't pan out and asked what the difference was now. Councilmember Moncada stated the difference was the housing market, adding Pulte had planned to build and didn't build before the market downturn and everything stopped, but now we are starting to see building again and home prices are going up. Councilmember Moncada then stated on the next item, the Council can see how we can attract those people and show them they can live in Benson, which is better than Sierra Vista or Tucson, and still drive back and forth to those communities and work there, but live and shop in Benson and put their kids in Benson; that's what this is about. Vice Mayor Sacco stated if we are getting people from Tucson they are not going to shop in Benson. Councilmember Moncada stated he is not guaranteeing they are going to do all their shopping

Benson, adding we have people who were born and raised in Benson that don't do all their shopping in Benson, but asked what it would hurt to have more people in Benson. Councilmember Moncada stated if the additional people do some of their shopping here and if they pay property taxes and utilize the school, the City will benefit from that. Vice Mayor Sacco stated there is a city south of us called Sierra Vista and right now most people go shopping there or in Tucson and very few people shop in Benson. Vice Mayor Sacco then stated this is all pie in the sky stuff and Benson can't compete with Sierra Vista or Tucson. Councilmember Moncada disagreed, stating he thinks Benson can compete, adding he thinks with the quality of life and the cost of living in Sierra Vista and Tucson, Benson can compete. Councilmember Moncada stated in Sierra Vista, there are people in the military and people who work on Ft. Huachuca and for the Border Patrol and those same people are buying homes in Benson on Highway 90, because they can get a bigger house for less money and the same thing holds for Tucson, stating housing is going up so people will look in other places. Councilmember Moncada stated again, this item simply asks Council if they would want 2,500 more people, so he is asking if this is the vision the Council sees for the future. Vice Mayor Sacco stated the Council all have a vision, but getting there is the problem. Councilmember Moncada stated he agrees and the next agenda item isn't just a vision; it is the way to get there. Vice Mayor Sacco stated he would like to see the numbers before he makes further comment and stated there is no evidence of the numbers yet.

Councilmember Cook stated he is on the EDSC that came up with this with a great deal of help from Mr. Kovach and other members on the committee. Councilmember Cook stated what struck him was that in order to provide for those 1,000 homes, there would be zero cost to the City because the infrastructure is already in place. Councilmember Cook then stated again, there would be no cost to the City and an example of this would be the new development on the other side of Highway 90, where developers are putting in improvements. Councilmember Cook stated as far as growth goes there are things happening that a lot of people haven't taken the time or effort to look into and one of those is the BLM, who, in their stewardship of the San Pedro River Natural Conservation Area (SPRNCA), is coming up with an active management boundary and that boundary could extend from the Whetstones to the Dragoons. Councilmember Cook stated they are also challenging a subdivision, Tribute, that is from 5,000 to 7,000 homes, and the water company that would be supplying water, called Pueblo Del Sol. Councilmember Cook stated if anyone has any idea how ground water and surface water feed each other and how it is pumped, they will know you will end up with a cone of depression that affects the conservation area and the BLM has the authority to make sure that the SPRNCA is protected, which is why they are challenging the 100-year certificate for that subdivision and that water company. Councilmember Cook stated even though the State has already issued the certificate, BLM is challenging it, and if anyone had any idea what kind of power BLM or the EPA has, or the IRS, then they would bet their money on BLM winning that court challenge against the water adequacy for that subdivision and that water company. Councilmember Cook then stated an example of their power is the building of Freeway 395, going through Carson City, NV, adding they started building it and got up to the BLM land and were told they had to stop and that is where the freeway ended. Councilmember Cook stated the Governor, the Senate Majority Leader of the U.S. Senate, congressmen, and legislators could not overcome the BLM, noting all of this happened in 2005 and the Freeway has not moved an inch since then. Councilmember Cook stated his point is he would bet his money on the BLM and that is the reason housing is so much more expensive in Sierra Vista; they still have growth and there is more competition for fewer homes, which drives up the prices and leads to people buying in our area. Councilmember Cook then stated the same thing is happening in Tucson; when supply is restricted, it drives prices up. Councilmember Cook stated he sees that there are dynamic factors in motion that are going to fuel the growth in Benson and Mr. Kovach, the Economic Development Planner in SEAGO, agrees. Councilmember Cook stated he can see the growth moving our way and see there are things that are going to cause the growth to come our way and the infrastructure is already in place and the City needs to capitalize on that. Councilmember Cook stated by not approving the growth plan and investing in the branding and marketing plan for Benson, and if the Council doesn't continue the EDSC, Benson is going to be missing out on an extremely big opportunity that is on our doorstep now.

Vice Mayor Sacco stated the EDSC has done nothing to attract business to Benson and stated all these words are fine and dandy but until there is information to back it up, he can't buy it. Vice Mayor Sacco stated there are more factors involved other than just asking people to move to Benson. Vice Mayor Sacco then stated he

worked for Litton Industries and they came and looked at Benson and were all set to come here until they found out Benson doesn't have a skilled labor force, which is something that would take them years to develop, adding there are other factors besides housing. Councilmember Boyle stated Councilmember Cook is saying all of these things are already happening and they are beyond our control and they are in our favor, so it seemed to him that the City would spend a lot of money on the next item to do things which are going to happen almost automatically anyway according to Councilmember Cook's comments. Councilmember Boyle stated he realizes the City will have to do some things, but he is not sure spending that much money is ok. Councilmember Moncada stated people won't come to Benson unless they know what we have to offer, adding they might not leave Sierra Vista because they don't know what the other options are; they might look in Tucson, Sahuarita, Vail, Oro Valley or other places.

Councilmember Brooks called a point of order stating that is a discussion for the next agenda item. Councilmember Brooks then asked Councilmember Moncada if he was asking the Council if they wanted this growth in Benson with Councilmember Moncada stating that is the current item Council is addressing. Councilmember Brooks then stated the City definitely needs the growth and the businesses need it, but he didn't think there is any required action on this item, adding he believed the consensus of the Council is they would like to see that growth. Councilmember Moncada disagreed, stating the EDSC is asking Council to approve the growth plan. Councilmember Moncada then moved to approve support of the population plan proposed by the Economic Development Subcommittee. Seconded by Councilmember Cook.

Councilmember Brooks interrupted and said the action plan is the next agenda item and they haven't discussed it with both Councilmember Moncada and Mayor King stating the Council is addressing the growth plan now. Councilmember Brooks asked what the population growth plan is with Councilmember Moncada stating it is what the Council just discussed and if growth is what the Council wants. Councilmember Brooks asked again, what the plan is with Councilmember Moncada stated the plan is growing 2,500 people in the next 3 years. Councilmember Brooks stated the plan is that Council would like to have the growth, but didn't know how to make it happen, which is the next agenda item, so he was not accepting the plan because he didn't know what it was. Councilmember Brooks then stated he thinks what the EDSC should be asking is if Council supports the population growth of that size. Mayor King then stated there was a motion and second on the floor. Councilmember Boyle stated everyone agrees we need the growth and we want the growth and the infrastructure is here, but asked what the cost for the plan would be if the Council approved it with Councilmember Moncada stating to approve growth costs nothing, adding the question is does the Council want to support the growth as proposed by the EDSC. Councilmember Boyle stated he thinks Council all agrees.

City Clerk Vicki Vivian read the motion for clarification. Ms. Vivian stated Councilmember Moncada moved to approve the support of the Growth Plan as proposed by the EDSC, adding the Council packet contains the minutes of the EDSC and explains the proposed growth plan, which is to increase the population of Benson by 2,500 residents in the next 3 years and by 5,000 residents in the next 5 years. Mayor King called for a vote. Motion passed 6-1 with Vice Mayor Sacco voting nay.

5. **Discussion and possible action regarding the development of an Asset Inventory for the City of Benson at the cost of \$15,000, Branding for the City of Benson at \$5,000 and a Marketing Plan for the City of Benson at \$50,000 at the recommendation of the Benson Economic Development Subcommittee**

Interim City Manager Brad Hamilton stated Mr. Kovach is here and can address Council if they would like. Mr. Hamilton then stated this item would fund the growth plan in the last item. Mr. Hamilton stated the City would be paying for a professional firm to perform an asset inventory which helps tremendously with marketing because it shows what we have, what we need and will attract businesses to fill those needs. Mr. Hamilton then stated the branding process is to come up with, more or less, a logo of what we are and what we can advertise, just like with any other product. Mr. Hamilton then stated by the time the asset inventory and branding were complete, we would probably be looking at the marketing plan expense occurring in the next fiscal year budget since we are already half way through the current fiscal year budget. Mayor King asked if this is something that is budgeted with Finance Director Megan Moreno stating these items are not budgeted in

this current budget cycle. Ms. Moreno then stated she would like to echo Mr. Hamilton in saying the asset inventory and the branding could probably happen in this budget cycle and the marketing plan could be planned in the next budget cycle. Ms. Moreno stated in planning to fund the marketing portion, Council could also look at a redirection of some funds already in the budget. Mayor King stated his only concern is that this is money we didn't plan to spend and we are already not looking too good right now financially. Ms. Moreno agreed, stating the City is in a tight budget situation, but she is in support of these three items. Ms. Moreno then stated the reason for this is that the budget solution isn't just going to be cutting expenditures, adding there are 2 sides to the budget. Ms. Moreno then stated the first part is to look at spending and we have been doing that by cutting capital projects, looking at mission critical spending and the soft hiring freeze, which has helped by slowing the rate at which we're dipping into the reserve funds, but the second part that also needs to be looked at is how we are going to help improve the economy and grow our economy to help the revenue side of the budget. Ms. Moreno then stated there are two options for increasing the revenue side; we can increase the tax rate which burdens the people that are already here or we can increase our tax base which means we distribute the revenue we are generating across more people. Ms. Moreno stated this means the tax rate would not be increased, but the number of residents paying taxes would increase resulting in a revenue increase in every one of our major sources of income, adding she is talking about local sales tax, State shared sales tax, property tax, and State shared income tax, not to mention that from bringing in more homes, it would also generate more building permit revenue and construction sales tax revenue. Ms. Moreno emphasized there are a lot of positives that would help us in the future to sustain our budget. Ms. Moreno then stated she looks at these items more as an investment that is necessary for us to position ourselves for the future. Mayor King asked if Ms. Moreno would recommend going forward on these items with Ms. Moreno stating she would.

Councilmember Boyle asked what percentage of money could be redirected from other advertising funds with Ms. Moreno stating she couldn't say until we have gone through the branding exercise because that will tell us where we should be marketing. Ms. Moreno then stated from there we would be able to see if what we are doing right now is good or adequate, adding it would be hard to make that determination right now.

Mr. Hamilton stated in order to pay for the marketing, Council would decide on a possible redirection of funds and things like that as part of the budget cycle. Councilmember Boyle asked how much is already budgeted for advertising with Ms. Moreno stating she doesn't have it off the top of her head. Councilmember Boyle asked if she thought half of the money is already there with Ms. Moreno stating there may be 50% already being used toward marketing in tourism, the golf course does some advertising, and the billboards.

Councilmember Moncada stated in this budget cycle, Council would just be looking at the \$15,000 for the asset inventory and \$5,000 for branding, because they won't be completed by the end of June. Councilmember Moncada then stated marketing is the third element and will be based on what the first two items will tell us. Councilmember Moncada then stated the \$50,000 would be something Council would have to look at next year, adding he thinks Council has talked about this before and not marketing right is something they've all agreed on. Councilmember Moncada stated again, the marketing would be in the next budget year, not this current budget year.

Councilmember Brooks stated he thinks there are lots of things the golf course, the Tourism Department and Parks & Recreation could do together instead of advertising separately for economic development. Councilmember Brooks then stated he doesn't know where this money is going to come from but he will support economic development, adding he always has and he has always put money into the Economic Development fund in every budget we've ever had and he thinks it's critical we start reaching out. Councilmember Brooks then stated this town has never reached out and that's the reason we don't have the businesses. Councilmember Brooks stated all of California is moving out and going to Texas and Nevada and we're missing out on all of that, adding we can use the Arizona Commerce Authority and don't have to put our own money up front. Councilmember Brooks stated he has lots of thoughts and ideas on this, stating the City has an asset inventory already, but then noted it is kind of old. Councilmember Wangsness stated this item should probably have been broken out as 3 separate agenda items and then Council could address each one, adding the Council could have the asset inventory done and then could look at branding and when that is

completed, they could look at the marketing plan, agreeing that the marketing plan would be in the next fiscal year budget. Councilmember Moncada stated the motion could address 1 or more elements of the plan.

Councilmember Wangsness then moved to break this item into 3 separate parts and put it on the agenda at the next Council meeting. Seconded by Councilmember Brooks. Councilmember Cook stated he understood why it might be preferable to break the item into 3 parts, but he didn't understand why it would need to be addressed at a later meeting. Councilmember Wangsness stated if all 3 components are a single item, the Council would have to vote for all 3 at once with Councilmember Moncada disagreeing and stating a Councilmember could make a motion to only approve the asset inventory and the branding if they wanted, adding all 3 components do not have to be in the motion or the motion could approve the asset inventory and the branding and say the marketing would be in the next budget cycle. City Attorney Gary Cohen stated the Council could choose to vote on any component and didn't have to include all 3 in a motion.

Councilmember Brooks stated he doesn't know where the money is coming from and he thinks that a good reason to postpone this item is to find out where the money would be coming from. Councilmember Moncada stated even if all 3 components were approved, the Council would be looking at funding only the asset inventory and the branding components, since the marketing plan wouldn't be addressed until the next fiscal year, so the Council would basically be looking to fund the asset inventory and branding in this budget year. Ms. Moreno stated three is \$4,000 budgeted for Economic Development alone and another \$2,000 for SAEDG, adding she thinks \$20,000 is workable and can be found in the budget. Councilmember Cook stated there is also \$12,000 in the budget for billboards.

Councilmember Wangsness asked if Council should figure out where the money is going to come from before voting on it with Mayor King asking Councilmember Wangsness if he was withdrawing his motion, keeping it or amending it. Councilmember Wangsness stated he was just suggesting that instead of doing any of that tonight, Council should probably should break it up and find out where the money is going to come from before voting on any of them. Mayor King then stated there is a motion and second on the floor. Councilmember Cook stated the Council just finished discussing where the funding would come from with \$12,000 from the billboards, \$4,000 from Economic Development and \$2,000 from SAEDG. Councilmember Brooks stated he never agreed to that and Councilmember Wangsness stated delaying it would allow Ms. Moreno to put the funding together. Ms. Moreno then clarified what she said about the billboards, which was what is currently budgeted for advertising, adding there are different areas budgeted; one of them being about \$12,000 we are already using for billboards. Ms. Moreno then stated when she was talking about redirecting funds, she was talking about the marketing plan in the next fiscal year budget and it would be up to the Council to do so, if they wanted.

Councilmember Moncada asked City Clerk Vicki Vivian to repeat the motion. Ms. Vivian read the motion, which was to break the item into 3 different parts and bring them forward at the next Council meeting. Motion failed 2-5 with Mayor King, Vice Mayor Sacco and Councilmembers Boyle, Cook and Moncada voting nay.

Councilmember Moncada moved to instruct Staff to go out with an RFP for asset inventory and an RFP for branding of the City of Benson. Mayor King asked if Councilmember Moncada wanted to add amounts for these with Councilmember Moncada stating he doesn't know what it will cost and he would just like to go out for RFPs to see what it would cost in the first place for the asset inventory and for branding. Ms. Moreno then stated the amounts are an estimate and would be "up to" the amounts, adding the costs be less but probably will not be exceeding. Seconded by Councilmember Cook.

Councilmember Brooks asked to hear the motion again. Councilmember Moncada repeated his motion was to instruct Staff to do an RFP for asset inventory and an RFP for branding for the City of Benson. Mayor King asked Councilmember Moncada if he was just addressing the first two components with Councilmember Moncada stated he was leaving the marketing plan out of his motion because it couldn't be done before the asset inventory and branding anyway. Motion passed 5-2 with Vice Mayor Sacco and Councilmember Boyle voting nay.

6. **Discussion and possible action regarding termination of the Benson Economic Development Subcommittee with possible directive for advertising and recruiting of members of a reconstituted Benson Economic Development Subcommittee**

Councilmember Brooks stated Council had a worksession several meetings back and he wishes the public would have been there, adding it is not his intention to get personal, but it is very personal to him in how this town is moving forward. Councilmember Brooks stated it has been extremely frustrating and everyone is asking him why the town isn't moving forward and why we haven't seen growth and why sales are down. Councilmember Brooks then stated there really is a buck stops somewhere adding he is not going to blame it entirely on the EDSC, but their main focus is to try and stimulate this economy and he has seen no action from them. Councilmember Brooks stated if anyone goes on the website and looks at the agendas, they can see all the discussions resulting in no action and they can also look at the record of the Councilmembers and how they voted and the work they brought forward and who is trying to get the City moving forward. Councilmember Brooks stated he has had a passion for a long time to see the City move forward and he has been meeting with Mr. Scott twice a week for 3 years now. Councilmember Brooks stated that was the only way he could get the City to move forward, adding he knows Councilmember Moncada said he could have worked with the EDSC but Councilmember Brooks couldn't work with a certain person on there, which is unfortunate and going through Mr. Scott's organization was the only way he could get things done. Councilmember Brooks then stated he has a lot of ideas and vision and if you look at his background, you will see all his experience in business. Councilmember Brooks stated he sees all the problems and wants to do something about them but he doesn't have the authority to do that and he doesn't have the position to do that and it has been extremely frustrating for him. Councilmember Brooks stated he doesn't want to revisit all the things in the past and he is sure Councilmember Moncada would like to do the right thing, but he is bringing experience to the table, adding he is not here to train and he is not here to learn because he has that experience and he wants to move the City forward. Councilmember Brooks stated Mr. Kovach made a statement that his plan was brought to the EDSC a year ago and even though Councilmember Moncada wasn't the chairman, he still had it in front of him. Councilmember Brooks stated he is someone that sees a vision and gets ahold of it with both hands and works on it; he doesn't want to talk about anything he just wants to do it, because he is a doer. Councilmember Brooks stated to put it simply, we need new fresh thinkers here and he sees a lot of people on the committee that need to stay on the committee and he believes they are critical and important, but right now he thinks the committee needs to be terminated and restarted with new thinkers and people. Councilmember Brooks then stated some of these ideas are great ideas, but the City should have been doing this 3 years ago and he doesn't know why the people on the committee never saw that. Councilmember Brooks then stated the committee doesn't even have bylaws, adding he doesn't know what to say about it, but it's frustrating for him. Councilmember Brooks stated he would like to see the Council form a new committee.

Councilmember Brooks moved to terminate the Economic Development Subcommittee and have action going out to look for applicants that would like to apply for this and to put some new citizens on this board and start moving the City forward. Vice Mayor Sacco questioned what has been accomplished by the EDSC with Councilmember Moncada stating they just did the strategic plan, the plan Council just voted on that came from the EDSC, adding that it makes no sense to dissolve a committee when Council just voted on items they brought forward. Vice Mayor Sacco stated this is a different agenda item and if Councilmember Moncada could prove to him that the EDSC made certain accomplishments and brought businesses into the City and created jobs, then he would support it, but as far as he is concerned, the EDSC is a failure. Councilmember Moncada stated Vice Mayor Sacco is on the committee and asked Vice Mayor Sacco what he brought forward while he was on the committee and what ideas he brought to the table. Councilmember Brooks stated Vice Mayor Sacco would be terminated from the committee also. Councilmember Moncada stated he was saying Council shouldn't terminate anyone, adding the committee is just getting going. Councilmember Brooks stated this reminds him a lot of the guys lying next to a tree and then the boss comes down the road and everyone jumps up with a shovel in their hand and he is sorry, but this is a dollar late and two short and this should have been happening three years ago because this town is in dire shape for economic growth. Councilmember Moncada stated he has only been the chairman a short period of time and they are starting to gain some traction, adding Council needs to give it some time. Councilmember Brooks stated time is what the City doesn't have. The motion was seconded by Councilmember Boyle.

Councilmember Cook stated the Economic Development Subcommittee may not have accomplished anything over how many years it's been there, but he knows several of the members have only been on the committee for 6 months and they are getting traction, adding they are also getting a lot of criticism for actually moving things forward. Councilmember Cook then stated he thinks the Council needs to keep the EDSC the way it is and if Councilmember Brooks wants to be a member, and promises not to dominate the committee, he would be willing to add Councilmember Brooks as a member. Councilmember Cook then asked to have the motion restated. Ms. Vivian stated the motion is to terminate the EDSC and have action going out to look for applicants that would like to apply for this and to put some new citizens on this board. Motion passed 4-3 with Councilmembers Cook, Moncada and Wangsness voting nay.

**EXECUTIVE SESSION:** As per A.R.S. §38-431.03 (A)(1), (3) & (4), Discussion or consideration of employment, assignment, appointment, promotion, salaries, or resignation of a public officer, appointee or employee of the City. The Council will discuss and consider the status of negotiations regarding the possible appointment and employment contract of the City Manager, and may receive legal advice and give instructions per A.R.S. section 38-431.03(D).

Councilmember Brooks moved to enter into an executive session with the Mayor and Council, the Interim City Manager, the City Attorney and the City Clerk at 8:56 p.m. Seconded by Councilmember Moncada. Motion passed 7-0.

Council reconvened at 9:07 p.m.

7. **Discussion and possible action in approving an employment contract with William Stephens for the position of City Manager**

Mayor King moved to approve the employment contract with William Stephens for the position of the City Manager. Seconded by Councilmember Brooks. Motion passed 7-0. Councilmember Brooks asked for a break with Mayor King stating the Council would take a 5 minute break. Council reconvened at 9:14 p.m.

8. **Review and discussion of City Finances with emphasis on November 2013 financial results, and the City's financial position at November 30, 2013**

Mayor King stated this item had been removed due to time constraints.

**EXECUTIVE SESSION:** Pursuant to A.R.S. §38-431.03 (A)(3) & (4), for discussion or consultation for legal advice with the attorney or attorneys of the public body regarding the City's position and to instruct its attorney(s), in accordance with A.R.S. section 38-431.03(D), regarding pending litigation, Stagecoach Trails Mobile Home Court (MHC) vs. the City of Benson, Arizona, et. al. and 1983 Civil Rights Claim – Stagecoach Trails Mobile Home Court (MHC), LLC and Jay Kendrick vs. the City of Benson, Arizona, et al. and/or 1983 Civil Rights Claim – Dianne Tipton vs. the City of Benson, Arizona, et. al.

Vice Mayor Sacco moved to enter into an executive session with the Mayor and Council, the Interim City Manager, the City Attorney, outside legal counsel (via telephone) and the City Clerk at 9:15 p.m. Seconded by Councilmember Brooks. Motion passed 7-0.

Council reconvened at 10:23 p.m.

9. **Discussion and possible directive to City Attorney in regards to Stagecoach Trails Litigation Case # 2CA-CV 2011-0085 and/or No. 4:11-CV-00398-RCC and/or No. 4:11-CV-00508-TUC-GEE**

Mayor King stated this item was going to be removed from the agenda, adding the City Attorney will continue as directed. Councilmember Brooks stated he would like it noted that the Kendrick family and Ms. Tipton were in attendance.

**EXECUTIVE SESSION:** Pursuant to A.R.S. §38-431.03(A)(3), Discussion or consultation for legal advice with the attorney or attorneys of the public body regarding the status of the Mayor and Council approved investigation regarding RikerTek

**EXECUTIVE SESSION:** Pursuant to A.R.S. §38-431.03(A)(3), Discussion or consultation for legal advice with the attorney or attorneys of the public body regarding the status of the Mayor and Council approved investigation regarding Jim Cox

**EXECUTIVE SESSION:** Pursuant to A.R.S. §38-431.03(A)(3), Discussion or consultation for legal advice with the attorney or attorneys of the public body regarding possible procedural changes to manner in which review and approval of invoices are conducted

City Attorney Gary Cohen stated since the Council has 3 executive sessions in a row, he would recommend entering into an executive session for all 3 of the next items, but it was up to the Mayor and Council. Councilmember Brooks stated it was almost 10:30 p.m. and asked if it would be possible to call for a special meeting next Monday to finish the meeting. Councilmember Cook stated he would second that. Mayor King stated he would like to go ahead and finish the meeting since the City Attorney was present. Councilmember Cook asked if the items needed to be tabled. Mr. Cohen stated he was hearing 2 things; a suggestion to continue the meeting and a suggestion to table the remaining executive session items and put them on a special meeting agenda. Mr. Cohen stated he serves at Council pleasure, so of course he would be happy to be present at any time, but he was not sure what Council would like to do. Mayor King asked Council what they wanted to do with Councilmember Moncada stating he would prefer to continue the meeting. Councilmember Brooks stated he had a lot of questions. Mayor King stated he would like to continue the meeting with Vice Mayor Sacco and Councilmember Boyle also agreeing to continue the meeting.

Councilmember Moncada then moved to enter into an executive session with the Mayor and Council, the Interim City Manager, the City Attorney and the City Clerk regarding the investigation regarding RikerTek, the investigation regarding Jim Cox and for legal advice regarding possible procedural changes to the manner in which review and approval of invoices are conducted, at 10:26 p.m. Seconded by Mayor King.

Mr. Hamilton asked if the Finance Director could be included in the executive session for legal advice regarding possible procedural changes to the manner in which review and approval of invoices are conducted with Council agreeing to include the Finance Director in that executive session. Motion passed 6-1 with Councilmember Cook voting nay.

Council reconvened at 11:15 p.m.

10. **Discussion and possible action in regard to the way Mayor and Council approve City Invoices**

Councilmember Moncada moved to direct Staff to develop Standard Operating Procedures (SOPs) regarding the procurement code and bring them back to Council for review in a worksession. Seconded by Councilmember Brooks. Motion passed 7-0.

**EXECUTIVE SESSION:** Pursuant to A.R.S. §38-431.03(A)(1), (3) & (4), Discussion or consideration of employment, assignments, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, specifically the City Attorney's employment contract language

Councilmember Moncada moved to enter into an executive session with the Mayor and Council, the Interim City Manager, the City Attorney and the City Clerk at 11:16 p.m. Seconded by Mayor King. Motion passed 7-0.

Council reconvened at 11:37 p.m.

**DEPARTMENT REPORTS:** None

**ADJOURNMENT:**

Councilmember Cook moved to adjourn at 11:38 p.m. Seconded by Mayor King. Motion passed 7-0.

ATTEST:

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Toney D. King, Sr., Mayor

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Vicki L. Vivian, CMC, City Clerk