

**THE REGULAR MEETING  
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA  
HELD JANUARY 23, 2017 AT 7:00 P.M.  
AT CITY HALL, 120 W. 6TH STREET, BENSON, ARIZONA**

**CALL TO ORDER:**

Mayor King called the meeting to order at 7:00 p.m. with the Pledge of Allegiance.

**ROLL CALL:**

Present were: Mayor Toney D. King, Sr., Vice Mayor Joe Konrad, Councilmembers Pat Boyle, Levi Garner, David Lambert, Crystal Lewie and Lori McGoffin.

**EMPLOYEE RECOGNITION:**

Mayor King recognized both Braulio Hammons and Brad Hamilton for 10 years of service with the City.

**PROCLAMATION:** None

**PUBLIC HEARING:** None

**CALL TO THE PUBLIC:**

Greg Hall, Mesquite Drive, St. David, stated he knows what the Councilmembers get paid and he appreciated their service. Mr. Hall then state the murals are the City are awesome, but he was here to speak about Post Ranch Road. Mr. Hall then stated he happened to take off work on January 13 and he noticed the County's road grader on Post Ranch Road. Mr. Hall then stated he assumed it was there on the IGA, but normally the County and City doesn't grade private roads and if the road is private, the taxpayers shouldn't be paying for it. Mr. Hall then stated if the road is a public road, the grader should be there, but there shouldn't be any gates blocking access to the road. Mr. Hall stated the City can't have its cake and eat it too. Mr. Hall then asked the Council to please put the issue of Post Ranch Road on an agenda so the Council can talk about it.

Scott Sinclair, S. Lee Street, St. David, welcomed the new Councilmembers and thanked the Council for their service. Mr. Sinclair then stated he was also here to speak about Post Ranch Road and its closure, adding he had a couple of props to display, but he first would like to address a personal issue. Mr. Sinclair then stated there has been a smear campaign going around about him as part of the Save Post Ranch Road Committee being an environmentalist, adding it came from Mr. Reinbold and from someone in the City as well, noting he didn't have a name or he would speak up. Mr. Sinclair then stated in the handout from the Blue Ribbon Coalition, there is also a press release about a federal level lawsuit he was involved with about getting another public land reopened to the public. Mr. Sinclair spoke about the property, stating it is an area of dunes in southern California that is used by hundreds of thousands of people throughout the year and it was closed down for a number of years with litigation. Mr. Sinclair then stated the environmental community ended up getting a pretty good chunk of land and the rest of the land was eventually reopened, adding it took from 2000 to the end of 2016 in federal court with Fish and Wildlife service having to consult. Mr. Sinclair then stated he rides dirt bikes, has a street legal dirt machine and a degree in wildlife biology and he can see both sides, adding he wanted to clear that up because people have been calling him an environmentalist per se, but he's not. Mr. Sinclair then stated many times, he's sided with the environmental community if he feels it's necessary, but other times, he's with the Blue Ribbon Coalition, adding he was on their board of directors for 2 years and is a life member. Mr. Sinclair then stated he has a poster board from the Benson General Development Plan (GDP) update done in 2015 and it shows Post Ranch Road running from Highway 80 to State Route 90 and is shown as a 4 lane paved connector road, but the update doesn't address Mr. Reinbold's plan to realign the road. Mr. Sinclair then stated Mr. Reinbold is free to add to the road if he wants, but the road as identified in its current lands is where Mr. Sinclair is asking the road to stay. Mr. Sinclair then stated the update also identifies the road in the plan, as a public road and neither the City nor the County can give that road away to a private entity without a full legal battle. Mr. Sinclair then stated he

wants the Council to know that he is not against or for the Villages at Vigneto development; he is only for getting a public road reopened, adding this road really will have no impact on the development, whether the development moves forward or not. Mr. Sinclair then stated he doesn't understand why the stakeholders can't sit down and talk about this in a rational manner, but so far, Mr. Reinbold doesn't want a stakeholders meeting. Mr. Sinclair then reiterated that he is not for or against the development, but he feels the road needs to stay there and be open to the public as it has for the last 70+ years.

Tricia Gerrodette, Eagle Ridge Drive, Sierra Vista, stated she would smear herself with the label of environmentalist, adding she is one. Ms. Gerrodette then stated Mr. Reinbold recently spoke at the Southern Arizona Contractors Association luncheon and said he expects the first house will be for sale the first of next year. Ms. Gerrodette then stated she read that with no small amount of amusement and she was willing to bet \$50 with anyone that it won't happen, adding the reason it won't happen is multi-fold. Ms. Gerrodette then stated Mr. Reinbold went on to say a number of other things she is sure were reassuring to the contractors association, but when there are lawsuits with the federal government involving endangered species and water issues, it takes years to move forward. Ms. Gerrodette then stated the Corps of Engineers hasn't even agreed whether or not they will consult with the Fish and Wildlife service about the impacts on the critical habitat and then endangered species, adding she is hoping they will agree to consult. Ms. Gerrodette then stated once they agree to consult, it will take more than a year to do the consultation and to do an environmental impact statement, adding these things go on for a long time. Ms. Gerrodette then stated she wished it didn't take a long time, but it does. Ms. Gerrodette then stated she wanted to express to the Council that nothing is going to happen in 2018, despite what Mr. Reinbold said and repeated that she would be happy to place a bet on it. Ms. Gerrodette then stated she also looks forward to hearing more on what sounds like the incredibly mixed up and confusing issue of Post Ranch Road, adding she hopes it will be on a future agenda so the public can hear some official information, statement and position.

Paul Lotsof, a non-resident and business owner of the CAVE FM radio station in Benson, read his editorial he broadcast on the radio over the last 3 days regarding Dick Hamilton's passing. Mr. Lotsof stated he was able to get along with Mr. Hamilton and although they didn't agree on a lot of issues, he simply had to respect Mr. Hamilton because Mr. Hamilton sincerely loved Benson and wanted nothing but the best for his town. Mr. Lotsof then stated Mr. Hamilton moved to Benson as a small child and eventually followed in his father's footsteps, both in taking over the pharmacy his father founded and in community affairs, serving as Councilmember, Vice Mayor and Mayor, as his father had. Mr. Lotsof then stated one of the things he admired about Mr. Hamilton was his ability to spot a rip-off from a mile away and that during City Council meetings, Mr. Hamilton would go through the bills submitted for payment and ask Staff to explain an entry and if he was not satisfied with the explanation, he would suggest not paying it until it could be justified. Mr. Lotsof then stated today, the Council doesn't even look at the bills and it's no wonder the City is run with terrible inefficiency, adding over the past 10 years or so, the population has hardly increased, but the size of the City government has mushroomed. Mr. Lotsof then stated Mr. Hamilton had some rough moments in his political career and he was often involved in feuds between the City and the Chamber of Commerce, adding in the early 90's, the Chamber hired a woman named Jane Kennedy Holehan to be the manager and she went around town and bad mouthed the City's Attorney and other City officials. Mr. Lotsof then stated the City reacted by taking away the Chamber's funding in an attempt to have her fired and one day Ms. Holehan showed up for a meeting with Mayor Richard Saenz and Councilmember Dick Hamilton and Mr. Hamilton suggested she quit criticizing the City and all would be fine. Mr. Lotsof then stated what Mr. Saenz and Mr. Hamilton didn't know was that Ms. Holehan had a tape recorder under her blouse and she later filed a civil rights suit against the City. Mr. Lotsof stated, fortunately for Mr. Hamilton, the judge dismissed the case. Mr. Lotsof then stated one of his favorite memories of Mr. Hamilton was an incident that took place during a Council meeting at the time the Mayor was Mr. DiPeso. Mr. Lotsof stated the discussion on the issue was clearly going nowhere and the Mayor pointed out the issue was unlikely to be settled; then announced the Council would be moving on to the next item, but Mr. Hamilton completely out of order, shouted that the Council would not be moving to the next item and that the Council was going to resolve and act on the issue right then. Mr. Lotsof stated the Mayor backed down and the matter did get resolved that evening. Mr. Lotsof then stated another incident involved Mr. Hamilton always thinking of ways to get Benson on the map and directing the City Manager to contact the TV stations in Tucson to have them put Benson on their weather maps, but the City Manager was unable to do so, citing there were some things not in the Council's power. Mr. Lotsof then stated his favorite memory happened after new Councilmembers took their administrative oath of office,

adding Mr. Hamilton admonished new Councilmembers that now they were sworn in, they should get ready to be sworn at. Mr. Lotsof then stated Mr. Hamilton was a class act and Benson could use a few more like him.

## **CITY MANAGER REPORT:**

City Manager William Stephens addressed Council, giving the dates of upcoming meetings and events.

- Tuesday, January 24, 2017 – Community Watershed Alliance, 6:30 p.m., City Hall
- Tuesday, February 7, 2017 – Planning & Zoning Meeting, 1:00 p.m., City Hall
- Monday, February 13, 2017 – Council Meeting, 7:00 p.m., City Hall
- Lighting Code Task Force – The task force continues to meet, for details please contact Michelle Johnson at City Hall.
  
- Friday, February 3, 2017 – Intercity Bus Service Workshops. Come to a workshop to learn the results of recent community input regarding the possible introduction of an intercity bus service and provide feedback regarding possible service options. There will be four upcoming 1-hour workshops in Bisbee, Douglas, Sierra Vista and Benson. The Benson workshop will be held on Friday, February 3, 2017, 12:30-2:00 p.m. at the Benson Community Center, 705 W. Union Street. More information regarding the workshops is available on the flyer in the Council chambers and information on this project is available at [www.CochiseTransitPlan.com](http://www.CochiseTransitPlan.com). If you are unable to attend a workshop, you can share your ideas and comments at the same website.
  
- Friday-Sunday  
February 3-5, 2017 – The Spring Crown Tournament held by the Society for Creative Anachronism will be held Friday, February 3 through Sunday, February 5, 2017 at Lions Park. The site opens Friday at 2:00 p.m. and closes at 5:00 p.m. on Sunday. Event registration fees for members, adults and youth (children under 5 are free) are required in addition to camping fees for dry camping, if reserved. For more information, see the flyer on the table in the Council chambers or contact the event stewards Jeanette Fiori-Clemente and David Clemente via facebook.
  
- Monday, February 20, 2017 – Presidents' Day – City Offices Closed

Mr. Stephens then stated for more events in Benson, the public could visit the City's website: [www.cityofbenson.com](http://www.cityofbenson.com). Mayor King stated he had been able to see the Crown Tournament and it's an awesome event. Mayor King then encouraged those present to go see it and to let others know about the event.

## **NEW BUSINESS:**

### **1. Discussion and possible action on the Consent Agenda**

- 1a. Minutes of the October 24, 2016 Worksession
- 1b. Minutes of the October 24, 2016 Regular Meeting
- 1c. Resignation of Catherine Abernathy from the Benson Library Advisory Board
- 1d. Resignation of Kathleen Bushman from the Benson Library Advisory Board
- 1e. Appointment of Jeannine Lockwood to the Benson Library Advisory Board
- 1f. Appointment of Tawn Tripp to the Benson Library Advisory Board
- 1g. Invoices processed for the period from December 3, 2016 through January 6, 2017

Councilmember McGoffin moved to approve the Consent Agenda. Seconded by Councilmember Garner. Motion passed 7-0.

2. **Discussion and possible action regarding Resolution 1-2017 of the Mayor and Council of the City of Benson, Arizona, prescribing standards of Financial Disclosure for Local Elected Officials**

City Clerk Vicki Vivian stated this past legislative session, House Bill 2429 amended the financial disclosure statement required for candidates and public officers, adding the primary change was a new category on the statement that requires reporting of certain travel-related expenses, which when reported, are exempt as a “gift” under the law. Additionally, the law no longer requires the specific names of the public officer’s spouse or children to be included on the statement as long as a general description is provided and allows the public officer to provide a home or work address. Lastly, the Secretary of State is authorized to prescribe the electronic format for the local public officer’s financial disclosure statements and the new law was effective on January 1, 2017. Ms. Vivian then stated following a Campaign Finance Training session, the issue was raised that the current financial disclosure resolution adopted years ago by cities and towns no longer reflects the current law and the League agreed that the recent legislation necessitated an update to previously adopted resolutions, which Benson adopted as Resolution 108-83. Ms. Vivian then stated Resolution 38-2016, approved by the Council on November 28, contained revised language reflecting the statutory changes enacted since 2011, as well as the changes that were effective January 1, 2017, while it maintained a statement that is tailored to local public officials. Ms. Vivian then stated the Council took action and approved Resolution 38-2016; however, after the Council action, she was contacted by the League with the following information: “There was a discrepancy in the definition of “dependent business” on page 1 of the resolution compared with the statute. At some point, we suspect the statute may have changed prior to 2011 and the resolution was not updated to reflect the change. The financial disclosure statement we issued was correct so the attached resolution now contains the current definition of “dependent business,” which matches the financial disclosure statement and A.R.S.§38-541(4). I apologize for any inconvenience.” Ms. Vivian then stated Resolution 1-2017 has been changed as noted (below).

Section 1, #4: “Dependent business” means any business in which the local public officer or any member of his household has an ownership or beneficial interest, individually or combined, amounting to more than a TEN PERCENT INTEREST, AND DURING THE PRECEDING CALENDAR YEAR THE BUSINESS RECEIVED FROM A SINGLE SOURCE MORE THAN TEN THOUSAND DOLLARS AND MORE THAN FIFTY PERCENT OF ITS GROSS INCOME ~~fifty percent interest~~.

Councilmember McGoffin moved to approve Resolution 1-2017. Seconded by Councilmember Lambert. Motion passed 7-0.

3. **Discussion and possible action regarding Resolution 2-2017 of the Mayor and Council of the City of Benson, Arizona, approving a Special Event Liquor License for Helping Hands @ Cochise Terrace for February 25, 2017 at Cochise Terrace, 1030 S. Barrel Cactus Ridge, Benson, Arizona**

City Clerk Vicki Vivian stated the organization, Helping Hands @ Cochise Terrace has applied for a Special Event Liquor License which “allows a charitable, civic, fraternal, political or religious organization to sell and serve spirituous liquor for consumption only on the premises where the spirituous liquor is sold, and only for the period authorized on the license.” As per A.R.S.§4-203.02, the application is sent to the Arizona Department of Liquor Licenses & Control, where the director may “subject to the approval of...the governing body of a city or town...” issue the license on a temporary basis. It is further stipulated that “qualifying organizations will be granted a special event license for no more than ten (10) days in a calendar year. A special event may be held for more than one (1) day, but it must be held on consecutive days and at the same location, or additional licenses will be required”. Ms. Vivian then stated if the resolution is approved, this will be their first special event held in 2017, adding Helping Hands @ Cochise Terrace is requesting the permit for a fundraiser to be held at Cochise Terrace on Saturday, February 25, 2017 from 6:00 p.m. to 10:00 p.m., noting this is the same event held over the past few years.

Mayor King stated this event is held annually and Helping Hands @ Cochise Terrace raises money for charitable groups. Councilmember Lambert moved to approve Resolution 2-2017. Seconded by Vice Mayor Konrad. Motion passed 7-0.

4. **Discussion and possible action regarding a contract with Shell Energy North America for supply of Natural Gas and related services**

Public Works Director Brad Hamilton stated this contract is for the supply of natural gas, adding basically, there are 2 major companies that supply our area on the El Paso line; Shell and BP. Mr. Hamilton then stated 2 years ago, he published an RFP for natural gas suppliers and after receiving no responses, he contacted Shell and asked them to keep us as a customer and they agreed to. Mr. Hamilton then stated this time, he contacted both BP and Shell, adding BP was not interested in a contract with the City, but Shell agreed to supply the City for an additional 2 years with the exact same terms contained in the previous contract. Mayor King asked about pricing with Mr. Hamilton stating one of the negotiating issues is that Benson is too small. Mr. Hamilton then stated if the sales of natural gas were depicted as a piece of paper, Benson and Willcox combined would be a single dot on the page. Councilmember Lambert asked why the contract was only for 2 years with Mr. Hamilton stating Shell would only agree to provide natural gas for a 2-year period.

Councilmember McGoffin moved to approve the contract with Shell Energy North America for the supply of natural gas and related services. Seconded by Councilmember Boyle. Motion passed 7-0.

**DEPARTMENT REPORTS:** No comments from Council.

**ADJOURNMENT:**

Councilmember McGoffin moved to adjourn at 7:34 p.m. Seconded by Councilmember Lambert. Motion passed 7-0.

ATTEST:

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Toney D. King, Sr., Mayor

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Vicki L. Vivian, CMC, City Clerk