

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD OCTOBER 28, 2013 AT 7:00 P.M.
AT CITY HALL, 120 W. 6 TH STREET, BENSON, ARIZONA**

CALL TO ORDER:

Mayor Toney D. King, Sr. called the meeting to order at 7:00 p.m. with the Pledge of Allegiance. Mayor King invited Pastor Sarah Isaacson from the Episcopal Lutheran Church to give the invocation.

ROLL CALL:

Present were: Mayor Toney D. King, Vice Mayor Al Sacco, Councilmembers Patrick Boyle, Ron Brooks, Jeff Cook, Chris Moncada and Peter Wangsness.

EMPLOYEE RECOGNITION:

Mayor King recognized George Haro for 10 years of service with the City of Benson.

Councilmember Brooks stated he would like to make a short statement that we all should be grateful for that grand sunset we had this evening and to live in a state like we do adding he is thankful to be here in Arizona.

PROCLAMATION: None

PUBLIC HEARING: None

CALL TO THE PUBLIC:

Mayor King stated Council needs to really be careful about how they respond to the public. Mayor King stated he needs Councilmember Cook to back off some because it is going to end up putting Council in some type of suit the way he is bringing up stuff and he asked Councilmember Cook to please stop that. Mayor King stated he wants to put the ability to censure into the code for those Councilmembers who won't stop going back and forth with the public, which is what has to happen in order to have some leverage to make this stop. Mayor King stated the Council needs to be careful how they say things and asked Councilmember Cook to please be careful because he borders on slander sometimes and asked the whole Council to be careful when responding to the public and how they answer things. Councilmember Cook responded stating only one thing comes to mind and that is when he was responding to a particular individual who is not here tonight and that he was telling the truth and was not going out on a limb politically. Councilmember Cook stated he will probably do it again but he may just do it differently. Councilmember Brooks stated he would like to see the Council start talking more. Councilmember Brooks then stated a lot of these issues don't need to go into ordinances and all these rules because a lot of times it is just a matter of Councilmember Cook not seeing eye to eye with whoever it is out there and he needs to make an effort and give it a try. Councilmember Brooks stated a lot of the issues can just be solved between the Councilmembers and they don't have to get to these legalistic things, adding he is just making a comment on that.

Will Jakobek stated he is not a lawyer; however Council may want to seek legal advice about what Mayor King just covered. Mr. Jakobek stated things that are addressed by Council should be on the agenda and just talking amongst Councilmembers may be breaking the Open Meeting Law. Mr. Jakobek stated his comments kind of dovetail in with Councilmember Brooks' recent remarks about what Council is doing as members of this community and if things really need to come down to ordinances, rules and regulations, enforcements, court dates and 30-day permissions. Mr. Jakobek stated this is a community that needs a lot of stuff; it is lacking a whole lot and some of the same people who show up to play golf are probably also drawn here for some of the other services that are provided in Benson that doesn't cost the City one dime.

Mr. Jakobek stated one of the areas he would like to address is that he spent 2 hours today at the Benson Food Pantry Board of Directors meeting. Mr. Jakobek stated the Food Pantry easily takes care of 25,000 hungry mouths here in Benson, and it is not the only food bank. Mr. Jakobek stated except for Councilmember Boyle, who had an easy pass this time, a lot of Council has been elected by the people, and asked how many of the Council have really gone out and taken time to talk to people. Mr. Jakobek stated people took the time to vote for Councilmembers, but asked, again, how many Councilmembers took the time to find out what people's opinion is on the latest matters. Mr. Jakobek stated he does a little volunteering and he is not asking Council to match his time, but asked each Councilmember what they have done, adding there is a lot of volunteer work to be done, even if it is just one hour a week or a year. Mr. Jakobek stated by being a volunteer, Councilmembers are going to touch base with some of these people that are known as citizens and Councilmembers can ask their opinion informally and can talk with them about their issues. Mr. Jakobek stated he was at a grocery store with a Councilmember recently and when people would walk by, he was greeting them, but other people would walk by and didn't even know who he was, adding that is how in touch the Councilmembers are with their community. Mr. Jakobek stated Council needs to reach out to their community and just sitting up there doesn't get the job done. Mr. Jakobek then stated Council is going to be talking a lot of rules and regulations and how they are going to go out and give people 30 days to clear up the right-of-way and what would happen if it wasn't done, adding maybe a person wants to sell their house and now maybe they have to pave the right-of-way. Mr. Jakobek then stated instead of going through a 30-day process and dragging the person through court and being that big strong macho government the Council is, why not show some leadership and go out there and organize a little clean-up campaign, meet the people on the block and ask them to join with Council in cleaning up the place. Mr. Jakobek stated it is the Councilmembers' city too; it doesn't belong just to the poor and downtrodden on the north side and people need food to eat and that is evident in how many different food banks are here. Mr. Jakobek stated he is not asking Council to go down to Wal-Mart and pick up 65 pound boxes of food to donate and he is not asking for a dime out of their pockets, he is just asking them to go down there when they are having a charity drive and just sit there and ask for donations, adding he wants Council to join the community.

Councilmember Boyle stated he would like to point out this last Saturday there was a National Day of Service and the Mayor and his family, along with a lot of different people in the community, met right here in the park next door and spent from about 8:00 a.m. to 12:00 noon cleaning up the streets and the alleys of Benson, Arizona. Councilmember Boyle stated they volunteered that time so it is not like the Mayor and other members of the Council aren't doing those things themselves; the public may not see it, but it is happening.

Hector Figueroa stated he is an applicant for legal services and he has made a proposal to serve as an Interim City Attorney. Mr. Figueroa stated he was interviewed last week and he wanted to thank members of Council who interviewed him and thanked Mayor King, Vice Mayor Sacco and Councilmembers Boyle and Brooks for asking questions. Mr. Figueroa stated he was really upfront and honest about everything including the question that was asked during the worksession about retainers and who will charge for travel and all of that. Mr. Figueroa stated he answered those questions and he does not charge for travel, adding if Council checks their notes, he lives in Willcox and would travel here and his time would not start until he got into town, adding he does not charge for mileage. Mr. Figueroa stated he has an office in Willcox and one in Tucson with his associate, adding he would be the lead counsel and he has been a City Attorney for 12 years. Mr. Figueroa stated he also recommends the City call the Risk Pool company that handles South Tucson and Willcox to see how many lawsuits they had to defend as a result of his firm not giving the proper advice. Mr. Figueroa stated someone mentioned the Rothschild firm is \$175 per hour. Mr. Figueroa explained he was the second candidate with 3 votes from Mayor King, Vice Mayor Sacco and Councilmember Boyle and was the third choice of Councilmember Brooks. Mr. Figueroa stated Rothschild is a well-respected firm and he likes the idea that Councilmember Moncada and others requested a proposed contract from the top 3 firms which would include Mr. Figueroa and that Councilman Moncada also asked for the last 2 legal service contracts with Mr. Masee and Mr. Benavidez, for comparison. Mr. Figueroa asked the Council about a firm for \$175 an hour without a retainer and if they thought they will use only 1 or 2 or 3 hours a month. Mr. Figueroa stated the Council has a City Attorney here and also had Thomas Benavidez here, adding the firm of Mesch, Clark & Rothschild charges \$140 per hour. Mr. Figueroa then stated he has made a proposal for \$100 per hour on an on-call basis and any time Council

wished not to use his services any more, all they had to do is put a date on Mr. Figueroa's letter, adding it can't be any clearer than that. Mr. Figueroa then stated he had not asked for a retainer and he knows the City will need legal counsel to review every contract, every resolution and ordinance, adding a lot of those legal documents have to have the attorney review and approve as to form. Mr. Figueroa then asked Council who was going to draft their legal contracts and if they thought it would be this law firm out of Tucson for \$175 an hour. Mr. Figueroa stated if Council multiplied that by 40 hours a month, it would total \$7,000 a month and whether it is a retainer or not, Council is going to have to pay \$7,000. Mr. Figueroa then stated for the City Attorney here that is on an at-will contract like Mr. Figueroa proposed, at \$140 an hour, is \$5,600 a month. Mr. Figueroa stated in his proposal he submitted, he put in what he was being paid in Willcox, which was \$6,000 per month, and South Tucson, which was \$6,700 a month, adding it was more expensive in South Tucson because he was the City prosecutor as well as the legal counsel there. Mr. Figueroa then stated he wanted to thank Council for taking time to question him and those that did question him were obviously convinced of his answers and his ability to do this. Mr. Figueroa stated he welcomes the opportunity to bring Council a draft contract with more details on it and if Council wishes him to offer what he offered before, the Interim, to give them an opportunity to try him out, he is willing to do that or if Council wants to go with the proposal from the RFP, it is \$125 per hour and over 40 hours would be \$150 an hour with no travel charges, no mileage charges and no retainer.

George Scott stated he is with Southeast Arizona Economic Development Group and is here to offer their support and ask for Council support for New Business Item 2, the design and construction of the shade ports and hangars at the Benson Airport. Mr. Scott stated the airport has an opportunity to bring in a lot of business here shortly, not only with the UAS program, but with other private people coming in and he thinks it is very important the Council move the airport forward, adding it has been sitting stagnant for a long time. Mr. Scott also spoke about New Business Item 7, the proposed second phase of the mural project behind the caboose by the Visitor's Center, stating he would like to ask for support on that. Mr. Scott stated he has had a lot of people stop and take pictures and heard a lot of good comments on the murals. Mr. Scott then asked again for Council support on New Business Items 2 and 7.

Stephen Insalaco asked the Mayor for more than 5 minutes. Mayor King granted permission. Mr. Insalaco stated it pleases him to see that New Business Item 2 has been brought before Council, adding it is a product of the Economic Development Subcommittee which is chaired by Chris Moncada. Mr. Insalaco stated he would like to address Council on this item in 3 parts: 1 – Why it is important to build more aircraft hangars and t-shades, 2 – Why the City of Benson should build them and 3 – Where, on the airport property, hangars and t-shades should be built. Mr. Insalaco then stated additional aircraft hangars and t-shades should be built on airport property for a variety of reasons including the idea that there has been a continuous demand for these facilities since the airport opened, adding the most important thing that can be done for the economic health, development and growth of the airport is to base more aircraft on the airport property. Mr. Insalaco stated the additional hangars and t-shades are the catalyst for making this happen, the slogan 'build it and they will come' applies so well to hangars and based aircraft that it is an undeniable facet of general aviation business practices. Mr. Insalaco stated pilots want to shelter their aircraft, it is that simple. Mr. Insalaco stated he is a pilot and an aircraft operator/owner and his aircraft is in a hangar. Mr. Insalaco stated having a lot of based aircraft at the airport provides momentum for general aviation businesses to want to set up shop at our airport; businesses like certified aircraft repair stations, avionics shops, aircraft parts supplier outlets, aircraft paint and upholstery shops, flight schools, charter services and emergency response organizations. Mr. Insalaco stated Council has already addressed in these chambers, the idea that the U.S. Forest service and emergency response teams want to establish their presence on our field with large commercial hangars including personal dormitory facilities. Mr. Insalaco stated having adequate hangars and t-shades brings based aircraft to the airport, having based aircraft on the field brings more aviation business on the field and having more business on the field yields more business transactions, giving the airport the critical business mass it needs to survive as a successful municipal business unit. Mr. Insalaco stated it also implies the movement of transaction taxes into the City's financial resources in the form of more airport property leases, aviation fuel flowage fees, aircraft parking apron fees and municipal sales tax dollars. Mr. Insalaco stated as the federal budget tightens Federal Aviation grant awards will be less lucrative and subject to more analysis and criticism on the basis of actual need rather than want and while airport safety always plays a role in the grant award amounts, the FAA will be looking more at statistics, like the number of based aircraft at each airport and the number of airport operations.

Mr. Insalaco then stated FAA AIP Grant awards typically cover 95% of the cost of airside capital improvements; ADOT usually covers 2.5% and the City the other 2.5%. Mr. Insalaco stated airport operations are the number of take-offs and landings used in determining airport need, although he is unsure of how this is being tracked. Mr. Insalaco stated the City should consider building and leasing new hangars and t-shades on the airport property, adding he believes the City can do this for less cost and greater ease than a private party and it will put the revenue money into the City's bank account. Mr. Insalaco stated he agrees with the financial outlook in the Council packets and the City will have 60-80 years of a clear profit margin once they are paid off. Mr. Insalaco stated he worked at the Tucson Airport many years ago and they still have the same structures and they will probably last another 40 years. Mr. Insalaco stated the City should be looking for grants for these projects. Mr. Insalaco then presented a diagram to Council showing where he believes the structures should be built. Mr. Insalaco stated Pad C is a vacant pad and if Council is going to build a hangar row, it would be his thoughts it should be built on Pad G, Sections M and N to take advantage of existing asphalt. Mr. Insalaco stated he hopes Council will consider this in near future because it would offset the operating costs of the airport.

David Thompson stated he was confused because at the last meeting, Council had an Executive Session and decided to keep Mr. Cox until they can find a permanent City Manager. Mr. Thompson stated earlier this week he heard that had been rescinded and there are thoughts of putting in Brad Hamilton and splitting the City Manager job with the job Mr. Hamilton holds now. Mr. Thompson stated there is a business thing called the 'Peter Principal' that applies here; Mr. Hamilton is pretty busy and he does a really good job at what he does so the Council promotes him half way to City Manager and the City has a half way supervisor and a half way City Manager, adding Council has promoted him into an area of incompetence on two projects and Mr. Hamilton loses, the City loses and it costs everyone money. Mr. Thompson then stated Mr. Cox has said he would stay here until the Council finds a permanent manager so he thinks the Council needs to find people who want to be here and work in the City of Benson and if the Council has background questions, they need to run them through our Police Department and find someone who wants to work for the City of Benson. Mr. Thompson stated he knows codes in Benson need to be updated and he knows everyone in Benson is going to suffer from higher insurance premiums if the codes are not brought up-to-date, adding he wants a decision made and have updates adopted and move on. Mr. Thompson then stated he has spent 8 months in Planning & Zoning coming up with the 10-year plan for Benson and Council sat on it too long, so now the process has to be started over. Mr. Thompson stated Council needs to make decisions and live with them, adding they can correct decisions if they are wrong.

CITY MANAGER REPORT:

Interim City Manager Jim Cox addressed Council, giving the dates of upcoming meetings and events.

- Tuesday, November 5, 2013 – Planning & Zoning Commission, 7:00 p.m., City Hall
- Saturday, November 16, 2013 – Historic Preservation Commission, 9:00 a.m., City Hall
- Tuesday, November 19, 2013 – Library Advisory Board, 4:00 p.m., City Library
- Monday, November 25, 2013 – City Council Worksession, 6:00 p.m., City Hall
City Council Meeting, 7:00 p.m., City Hall
- Tuesday, November 26, 2013 – Community Watershed Alliance, 6:30 p.m., City Hall

- Tuesday, October 29, 2013 – Kick Off for Relay for Life in Benson, 5:00-7:00 p.m., City Hall
- Thursday, October 31, 2013 – Benson Jr. Women's Club will be hosting a Halloween Carnival at the Fire Station, 6:00-8:00 p.m.
- Monday, November 11, 2013 – Veterans Day, City Offices Closed
- Tuesday, November 26, 2013 – Tree Lighting Ceremony, 6:00 p.m., Benson Museum
- Thursday and Friday,
November 28 and 29, 2013 – Thanksgiving Holidays, City Offices Closed

Mr. Cox stated information for continuing projects on Interstate 10 could be found at www.adot.gov.

NEW BUSINESS:

1. Consent Agenda

- 1a. Minutes of the September 23, 2013 Worksession
- 1b. Minutes of the September 23, 2013 Regular Meeting
- 1c. Minutes of the September 30, 2013 Special Meeting
- 1d. Minutes of the October 7, 2013 Special Meeting
- 1e. Resignation of Walt Schmidt from the Industrial Development Authority (IDA) of the City of Benson
- 1f. Reappointment of Nancy Huey to the Industrial Development Authority (IDA) of the City of Benson
- 1g. Reappointment of Linda Lamb to the Industrial Development Authority (IDA) of the City of Benson
- 1h. Invoices processed for the period from October 4, 2013 through October 15, 2013

Councilmember Brooks stated he would like to remove items 1e, 1f and 1g. Councilmember Moncada moved to approve the Consent Agenda without items 1e, 1f and 1g. Seconded by Mayor King. Motion passed 6-1 with Councilmember Wangsness abstaining.

Consent Agenda – Items Removed:

- 1e. Resignation of Walt Schmidt from the Industrial Development Authority (IDA) of the City of Benson
- 1f. Reappointment of Nancy Huey to the Industrial Development Authority (IDA) of the City of Benson
- 1g. Reappointment of Linda Lamb to the Industrial Development Authority (IDA) of the City of Benson

Councilmember Brooks stated concerning the resignation of Walt Schmidt, he would like to have some sort of recognition done for people who have served. Interim City Manager Jim Cox stated he would take that as direction to Staff and will make a plaque for presentation and put it on the next agenda. Mayor King stated that is something we need to do adding he believes that Mr. Schmidt has served as a volunteer for the City for 30 years.

Councilmember Brooks stated regarding the reappointment of Nancy Huey and Linda Lamb to the Industrial Development Authority, he does not know how this committee does it but usually on boards, a new application is filled out and suggested that in the future any appointments or reappointments fill out an application. Councilmember Brooks stated the Council is taking responsibility for appointing these people and he thinks Council needs to know a little more about them.

Councilmember Brooks then moved to approve items 1e, 1f and 1g. Seconded by Vice Mayor Sacco. Motion passed 7-0.

Councilmember Cook requested through Mayor King that item 6 change places with item 2. Mayor King stated that would be fine.

6. Review of City Finances with emphasis on July and August, 2013 financial results, the City's financial position at August 31, 2013, and discussion of potential expenditure reductions

Finance Director Megan Moreno stated she was going speak about the financial highlights for July and August. Ms. Moreno stated unrestricted cash has decreased by \$245,000, and now sits at \$1.2 million, due to the bond payment made on July 1. Ms. Moreno stated bond proceeds are at \$1.12 million and there have not been any more draws since her last report. Ms. Moreno then stated the month of August shows a positive fund balance citywide, noting July was a negative fund balance because of the bond payment, adding the City took hit in July and recouped a bit in August, but is still showing negative \$93,000 for the fiscal year. Ms. Moreno stated August revenues sat at \$660,000, which is a slight increase over 2012 for the year-to-date numbers of \$1.48 million so the City is on par with last year. Ms. Moreno then stated Council will see a \$38,000 increase in Personnel, which is due to a retirement and raises in the Police Department which were awarded during the budget process and went into effect July 1. Ms. Moreno stated other expenditures are \$12,000 in capital expenditures in August for projects that include water meter upgrades, upgrades to street signage and work at Lions Park. Councilmember Moncada asked how much

the bond payment is and if it the same every year with Ms. Moreno stating the payment amount fluctuates a little bit, with the payment made on July 1st being \$309,000 and midway through the year there is an interest payment of about \$95,000.

Ms. Moreno reported General Fund revenues were \$316,000 which is down from August, 2012 but there is an increase of \$44,000 year-to-date which she stated was a timing issue. Ms. Moreno stated in August, personnel expenditures increased slightly, noting revenues did exceed expenditures by \$149 in August. Ms. Moreno stated Enterprise Funds are promising as we saw gas, water, waste water and sanitation all post positive for the first two months of the fiscal year. Ms. Moreno stated food and beverage at the Golf Course made a profit as well in August of \$610, adding golf operations had a negative fund balance of \$42,000 due to a major seed purchase of about \$25,000; however there should be an increase in revenues down the road.

Ms. Moreno stated the Sales Tax Analysis shows a really strong showing in retail sales tax in July, but then took a dip, adding it is following the same trend as in Fiscal Year 2011-2012 and she thinks it is just a timing issue. Ms. Moreno stated Bed Tax is also following Fiscal Year 2011-2012 and is right in line, adding collections were \$6,735 in July and \$4,731 in August. Ms. Moreno stated Construction Sales Tax is inflated in July due to multiple period returns that came in, and for August is back down around \$11,000, which is where it was in the previous fiscal year. Ms. Moreno then stated total City Sales Tax is a high number of \$331,000 in July due to that inflated TPT sales tax and Construction Sales Tax, but decreased in August, adding the two should even each other out. Ms. Moreno stated State Retail Sales Tax shows a small increase in July and August.

Ms. Moreno then spoke about potential expenditure cuts stating after speaking with all Department Heads and going over budgets at each department level she has identified \$265,000 of projects and non-emergency purchases that can be pushed back. Ms. Moreno stated she has a list of those if Council is interested in knowing a little more, adding every Department Head has identified these and is willing to forego them for this budget. Vice Mayor Sacco asked when all of this will be done with Ms. Moreno stating this is an ongoing process and will continually be done throughout the year. Vice Mayor Sacco asked for Ms. Moreno to provide him with what has been done to date by dollar amount with Ms. Moreno stating she will send that in an email. Councilmember Brooks stated he would like the list of all of the expenditures listed that departments can do without. Mayor King stated all Councilmembers would like a copy of that with Ms. Moreno stating she will send it to Council in an email.

Ms. Moreno stated utility rate studies need to be considered even though she just reported that all of the Enterprise Funds are making money. Ms. Moreno stated the positive balance for those months didn't include unusual expenditures or the once a year expenditures that come up. Ms. Moreno stated Enterprise Funds are making money during parts of the year and still showing a negative balance at the end of the year and Council still needs to look at rate studies for water, waste water and possibly sanitation. Ms. Moreno stated small things can add up, noting she cannot find one expenditure for \$800,000 and cut it; there will have to be a combination of things. Ms. Moreno stated her responsibility as Finance Director is to make it a priority to seek out those cost savings on a daily basis and she wants Council to put their faith in her to find things to save costs on and she will report them monthly. Councilmember Brooks asked what Council can do to make things better, adding he knows he can cut coupons so to speak, but the bottom line is he needs to find a better paying job. Councilmember Brooks asked how to increase sales with Ms. Moreno stating sales tax is the number one source of revenue and there is a possibility of raising the TPT tax rate. Ms. Moreno stated she has looked at other cities and at least one has raised their TPT tax rate when the State reduced their rate so it was a wash, noting consumers never saw the difference in what they were paying. Ms. Moreno stated ours is 2.5% and other municipalities tax rate may vary from 2.5% to 4%. Ms. Moreno stated their sales tax collections are very much in line with Benson's and they are projecting to raise revenues \$1.2 million, adding Council has to make the call on how much to pass on in sales tax or to make internal cuts. Councilmember Brooks stated he was looking for the answer to increase sales volume in town with Ms. Moreno stating that would be a job for all City employees collectively or Council to bring in new businesses. Ms. Moreno stated if we want to promote a city of growth and want more business to come in, that is where Council needs to lead us. Ms. Moreno stated another thing for possible revenues is selling tickets for Greyhound and actively searching for how that may benefit the City. Councilmember

Cook stated Council is going to be asked to donate money from time to time throughout the year and some of these things are not budgeted for. Councilmember Cook asked if the bottom line is the negative \$197,000 on the last page of the slide show with Ms. Moreno stating that is where the City was in August. Ms. Moreno stated if the City keeps going the way it is, it will be close to what it was for 2012, which was about a negative \$840,000, adding she would like to be able to cut that in half if possible, but she knows that is just really positive thinking.

2. **Discussion and possible direction to Staff concerning design, construction and financing of aircraft shade ports and aircraft hangars at the Benson Municipal Airport**

Public Works Director Brad Hamilton stated this item came from the Economic Development Subcommittee (EDSC) and it is not a CIP listed project this year in the budget. Mr. Hamilton stated he needs to know if Council wants to move forward on design and possible financing options for t-shades or hangars at the Benson Municipal Airport. Mr. Hamilton stated an offer came up after Council packets had gone out last week of financing and actually getting the projected deficit between revenue and expenditures down on the payment; but the project is to the point that we are going to have to spend some money to start the preliminary studies. Mayor King asked if this was money Council had budgeted with Mr. Hamilton stating it was not. Councilmember Moncada stated he thought there was half a million dollars in the budget for hangars with Mr. Hamilton stating that was an expenditure, but was also a revenue anticipating something with UAS. Mr. Hamilton stated this will be an expenditure without an offsetting revenue. Councilmember Moncada asked how much the design study would cost with Mr. Hamilton stating it could cost from \$7,000 to \$10,000 for the survey. Councilmember Moncada stated the EDSC has been working on this project for a long time and when the numbers were ran before, they were looking at 100% occupancy and were looking at being in the hole about \$7,000 a year but looking at the financing Mr. Hamilton was talking about, it will be a lot closer to breaking even. Councilmember Moncada stated there is an opportunity for growth in the airport, adding 12 t-shade hangars isn't just 12 t-shade hangars, but will be something new and will bring interest and there will be more people based at the airport and more fuel sales. Mayor King stated he thinks this is something that is needed. Councilmember Brooks stated he has been working on this for a long time and thinks it is something that has been neglected. Councilmember Brooks stated \$17 million dollars has been invested by the FAA over the years and Council is sitting on their hands with it, adding there is a lot of potential at the airport with the t-shades and the hangars and there are already people ready to commit to the t-shades. Councilmember Brooks stated he believes "if you build it, they will come" and there are a lot of pilots in the City of Sierra Vista who are looking for another place to put their aircraft, so he thinks they could fill them up. Councilmember Brooks stated he thinks it would be a good investment, especially with the financing Mr. Hamilton was speaking about. Councilmember Brooks stated he would like to find out about trying to open this up to independents, for other builders that would like to come in and build their own hangars, because that is also potential revenue for the City due to the rental of the land. Mr. Hamilton responded that there was an RFQ sent out and there were no responses so it has not been advertised again, but it is still open and if anyone is interested, they can talk to him. Councilmember Brooks asked where the RFQ was advertised with Mr. Hamilton stating it was in the local paper and in the Daily Territorial, which puts it out to all the plan rooms and the listserves for any business that does that kind of work. Councilmember Brooks stated he would like to see private investment at the airport also. Councilmember Moncada stated it might bring private investment if the hangars are done, not only with the people that want to be there, but with those that will take notice to the building that is being done. Councilmember Brooks stated he remembers meeting with an airport committee about 6 months ago, which fell apart and he is thinking that maybe Council needs to reinstate an airport committee and would like to see that on a future agenda. Councilmember Brooks stated he knows that Medi-flight and others were seriously looking at the Benson Airport and he thinks the City should grab these opportunities. Councilmember Brooks stated the City should at least do a survey to find out what the cost will be. Councilmember Boyle asked if, given the fiscal report just given, there was any way to taper down this project a little bit, and instead of having a full study, it could be cut down to half. Mr. Hamilton stated the study would be pinning down all the requirements and would come back to Council for a final decision, adding all he is asking for is money for the preliminary survey. Mr. Hamilton stated he assumes it will be a 10-bay or 12-bay t-shade and he is just trying to find costs and the returns, adding if it was designed right now, the project could be shelved for a later time. Councilmember Boyle asked if it could be done in phases with Mr. Hamilton stating it could but sometimes costs more to do that. Councilmember

Brooks stated this is a 20-year loan at 1%, adding hopefully, the money comes in from somewhere else and payments from hangars will make the loan payments so it will not dip into the budget. Vice Mayor Sacco asked if anyone is searching for grants with Mr. Hamilton stating we are always looking for grants. Mr. Hamilton explained if an FAA Grant is for revenue generating projects, it would suspend any airside grants for 3 years and with our extension on the runway already out there, he would not want to delay that if there are other ways to finance the project. Councilmember Wangsness stated he likes the project, but would like to wait 6 months due to the financial situation, adding long term it is a good idea but he doesn't want to create negative revenues. Councilmember Brooks stated it would depend on interest rate. Councilmember Boyle stated interest rates are going up right now and the economy is uncertain, adding flying is a luxury and he doesn't know if the City would be able to cover the payments if it should slow down. Councilmember Wangsness stated in Willow, California they put solar panels on the rooftops of shades and maybe by combining the two, it could offset some of the costs, adding it could generate revenue and the City could possibly get a solar grant. Councilmember Brooks stated he had also thought if they were built strong enough, that may be a possibility in the future, adding solar grants are good for residential but for commercial or municipal, they are not that good of a deal. Councilmember Wangsness stated Willow, California did a similar solar project and received \$1.4 million they did not pay for. Councilmember Brooks stated the survey is just to see what can be put at the airport with Councilmember Wangsness stating these are just things to look into over the next 6 months and he also thinks it would be more comfortable to wait until we have a City Manager. Mayor King stated he thinks the Council should at least look into the project and he knows it is a good idea, adding he is nervous too but Council can always cut it or move it back 6 months or a year and he would like to take a step forward and see what it will cost. Councilmember Boyle stated he drove around last week with Mr. Hamilton and a question he had asked was what kind of emergency preparedness plans the City has and he was advised there isn't a plan for emergencies, adding he doesn't see the Council spending money for t-shades when it would be nice to have a large generator and a trailer to move it on in order to run the water wells in an emergency. Councilmember Brooks stated if the City needs something like that, he would think it could be bought. Councilmember Boyle stated maybe Mr. Hamilton could provide more insight into this with Mr. Hamilton stating if the demand is not high, a generator could possibly be rented, but offhand he does not know what the lead time would be. Councilmember Cook stated he has 7 concerns, but he wanted to let everyone know he is in favor of t-shades and hangars. Councilmember Cook then stated one concern is the bad economy and the City may not see the revenue from the shades that they are hoping for. Councilmember Cook stated if the City cannot breakeven, then the City is subsidizing 12 aircraft owners for 20 years and he is not in favor of that. Councilmember Cook stated the 1% loan was discussed but all he has is information on a 4% loan in his packet along with 4 letters of interest which falls way below the breakeven point, noting the letters show a rental rate lower than what would be needed to breakeven. Mr. Hamilton stated the 1% option came out late last week after Council packets were distributed, adding he doesn't have a lot of background yet but the projection would be 100% occupancy at \$125 per month to breakeven. Councilmember Cook stated if the shades are oriented in a north-south configuration they won't accomplish what they need to during the long summer days, adding they need to be moved or oriented differently. Mr. Hamilton stated orientation would depend on the traffic pattern because normally runways are set and parking runs perpendicular along with travel lanes, adding this is something that can be looked at. Councilmember Brooks stated with bracketing the panels, the orientation can be changed and turned with Councilmember Cook stating he was not referring to solar panels. Councilmember Cook stated a friend had advised him that private investors can also do this instead of the City, and the City would have all the same benefits if a private investor came in, adding they may even be able to do it cheaper. Councilmember Cook stated he has a printout for hangars which are \$325 a month in Tucson, as opposed to \$90 being offered for our t-shades. Councilmember Cook stated he is in favor of doing this with private investments and asked Mr. Hamilton if the survey would have to be done if private investors built the t-shades with Mr. Hamilton stating that was a good question because what the City is looking at to make the cost right, is building on the existing apron which was paid for by a federal grant. Mr. Hamilton then stated all of the hangars at the airport are owned by private investors and leased from the City, adding the private industry has the same questions Council has; is it right time to commit to spending the money. Councilmember Cook stated he forgot t-shades will be built on existing tie downs the City is already getting revenue from and the study would cost between \$7,000 and \$10,000 if the City was not doing the survey. Mr. Hamilton stated if a private investor came in to build, the study would be the investor's cost. Councilmember Boyle asked why a study needs to be done if they were already using the existing layout,

adding it seems a guy with a post hole digger could go out and drill the holes and it seems like we could get by a lot cheaper. Mr. Hamilton stated part of it is due diligence, adding we don't want the liability and with the soil conditions, he would not want to do anything without a study. Mr. Hamilton then stated ADOT or any grant always wants pictures and calculations in applying for grant. Councilmember Moncada stated insurance would also matter with Mr. Hamilton stating there are guidelines and the City can't just use post hole diggers. Councilmember Brooks asked Mr. George Scott of the Southeastern Arizona Economic Development Group about financing with Mr. Scott stating there is an opportunity in Benson called the Rural Economic Development Grant from the USDA and is done through AEPCO. Mr. Scott stated the City could get a loan for as low as 1% and could finance the whole project. Mr. Scott then stated Council needs to get over the idea of having a mediocre city, adding we want a city that is making money and an airport that is making money, otherwise we will continue with what we already have and right now, that is not doing anything. Mr. Scott stated there is an opportunity coming up with some people who want to be based at the airport and Council needs to show some progress and to spend \$10,000 to make some money at the airport is a good investment. Mr. Scott commented that Council blew \$10,000 on fireworks at Butterfield in about an hour and got nothing for that. Mr. Scott then stated there are people out there who will rent t-shades for \$150 to be able to park in the shade. Councilmember Cook stated the City spent \$6,000 to \$10,000 on fireworks and we have 5,000 residents that enjoyed that show, adding he thinks it was a bad comparison to compare fireworks benefits to subsidizing 12 aircraft owners. Councilmember Cook stated it is not being mediocre to seek out private investors. Councilmember Brooks stated the City has done surveys that have not panned out and there have been some events that have not turned out, adding for example, the Bluegrass Festival lost \$9,000. Councilmember Brooks then stated he does like fireworks and will support keeping them and agrees that was a bad comparison. Councilmember Brooks then stated this community has to invest if they want something back and he would like to take the risk and do the survey. Mr. Hamilton stated he is asking for direction on where to go with the survey. Councilmember Moncada moved to direct Staff to find out the cost on the design, construction and financing of shade ports. Seconded by Councilmember Brooks. Motion passed 7-0.

3. Appointment of members to the Transit Advisory Committee (TAC)

Public Works Director Brad Hamilton stated this is the Transit Advisory Committee (TAC) that is required by the federal grant for the transit system. Mr. Hamilton stated the members have to meet certain qualifications, adding for example, there needs to be a representative of disabled citizens. Mayor King asked if the members had to be voted on individually or if they could be done as a whole committee with Mr. Hamilton stating it may be done as a whole. City Attorney Michael Masee stated this item is to start the Transit Advisory Committee with all those that have been approached and agreed to volunteer, adding he believes a motion could be made to appoint the committee as presented. Councilmember Brooks moved to approve the appointment of the members of Transit Advisory Committee. Seconded by Councilmember Moncada. Motion passed 7-0.

4. Resolution 29-2013 of the Mayor and Council of the City of Benson, Arizona, to accept the Water Infrastructure Finance Authority of Arizona Project Technical Assistance Grant funding of \$35,000

Public Works Director Brad Hamilton stated this is a Water Infrastructure Finance Authority (WIFA) Grant and for SCADA, which is a computer controlled system for our water system. Mr. Hamilton explained that currently operators go out once a day and check tank levels to make sure there are not any problems and what this will do is put everything in a computer at one site that can be easily checked. Mr. Hamilton added the tanks are spread out so this takes time. Mr. Hamilton then stated there is a grant match required, however it can be done in-kind which means any time he or any employee spend on this grant can be charged back to the grant as part of our match. Councilmember Moncada asked what the dollar amount would be if there was not any in-kind with Mr. Hamilton stating it would be about 40%, adding a lot of data capture will require employees collecting it and was always kept in mind when he applied for the grant. Mr. Hamilton stated if Council approves the grant tonight he will be bringing back a contract with the engineer adding he really did like their approach because they are used to working with smaller water systems so they understand the City doesn't have millions of dollars for this project. Mr. Hamilton stated he has heard from other water companies they have worked for were happy with both the price and the quality of the work. Councilmember Moncada stated if this project is approved it should reduce staff time,

such as operators going out on weekends to check the tanks and things like that so it will actually save money. Mr. Hamilton agreed, stating it will also alert us of any problems sooner, adding it is very much an upgrade using technology to make our operations more efficient. Councilmember Brooks stated he knows in the future the City can use SCADA for controlling valves (opening and closing them) and to set alarm limits, pressures and temperatures and it will send all of that information to the City and then asked if the project includes the transmission system. Mr. Hamilton stated this is strictly technical assistance for design, not construction, but there may be other opportunities once the design is done, such as low interest loans or other grants if we can justify the savings. Councilmember Brooks asked if Mr. Hamilton had any idea of the costs for the equipment with Mr. Hamilton stating he would hesitate to guess adding when it was looked at years ago, it was kind of high, but technology has changed over last few years giving more options. Councilmember Moncada moved to approve Resolution 29-2013. Seconded by Councilmember Boyle. Motion passed 7-0.

5. Discussion and possible direction to Staff regarding the formation of an Employee Appeals Commission

Interim City Manager Jim Cox stated this item is being placed on the agenda as a result of a recent termination of a City employee who made a threat to appeal their termination. Mr. Cox stated the employee did not follow through with the threat, however it brought to the forefront that we do not have the appeals process set up as it is laid out in the Human Resource Manual. Mr. Cox explained policy manual Section 19.3 calls for the formation of an Appeals Commission “to be appointed by Council to consider employee appeals of discipline consisting of suspension, demotion or dismissal of the employee...” and stated the commission is charged with the responsibility to either uphold or deny the discipline that has been applied to the employee. Mr. Cox stated the commission is to be composed of 3 non-employee residents of the City and appointed by City Council with terms of 2 years. Mr. Cox stated there are 2 other temporary members who would be appointed for each discipline matter; 1 will be appointed by the accused employee and 1 appointed by the Department Head of the employee. Mr. Cox stated this has not been activated in the past because there have been no contested terminations. Mr. Cox stated we need to proceed forward and he is asking for direction to be allowed to talk to citizens who might be interested in serving on the commission and bring back several names to Council at the next meeting for consideration. Vice Mayor Sacco asked if there has been input from other cities and if they are successful with Mr. Cox stating he has not gotten any input and there is no success or failure, since it would be a commission who would judge of the appropriateness of the discipline. Mr. Cox stated the intent would be to ask local citizens who may have experience in Human Resource Management and have sensitivity toward employee issues, adding it would be one more layer of protection for the City. Councilmember Boyle asked if the City would be bound by the decision with Mr. Cox stating the City would be bound by it. City Attorney Michael Masee explained this is like the Board of Adjustment where either party who is aggrieved by the decision could appeal to the court within 30 days as a special action, adding the City is very unlikely to appeal its own merit condition. Mr. Masee stated an employee can also appeal the merit commission process to court. Mr. Masee stated as long as the process was done fairly and properly then a court would be unlikely to reverse that. Councilmember Wangness asked how this would compare to just an executive session with Mr. Masee stating this is very different from an executive session. Mr. Masee explained an executive session is where the Council can evaluate a staff member that is directly answerable to the Council opposed to this situation where discipline has already been imposed. Mr. Masee stated this is not in front of Council for approval or denial of the procedure, noting the procedure is already in place. Mr. Masee then stated the City has just never had an appeal and rarely has had to go to these levels and what is before Council is direction on how to staff the appeal board that will be appointed. Mr. Masee stated by statute, police are required to have a merit appeal process available but it is not required for other employees, however, the Council adopted the process for all employees and now needs to staff a committee. Councilmember Brooks asked what liabilities Council may have by doing this with Mr. Cox stating the intent of this is to eliminate risk and to eliminate any further exposure of the City, adding termination of an employee is a very serious matter and the more opportunity we give the employee to present their side of a story, the better the City protects itself. Mr. Cox stated it is a testimony of how well the City has protected itself in that we have had this framework in place since 2009 and never had to use it. Mr. Cox stated we are now just filling positions with persons who would be prepared to serve in the unlikely event they would need to. Councilmember Brooks asked what kind of individuals would be

making judicial judgments on this and what kind of training would they have to be able to do this, adding he would like to see training for individuals. Councilmember Brooks stated he does see this benefitting the employee, especially if something was indiscriminately done by a supervisor. Councilmember Brooks then stated he thinks this is a good idea but he thinks there are some issues and wants more time to see what some of the other cities have. Vice Mayor Sacco suggested before forming this commission, Council outline what the requirements are and what capabilities are required, adding this item is putting cart before the horse. Mr. Cox stated the intention would be to get human resource professionals as he stated earlier. Councilmember Brooks stated Council can create guidelines and he would like to table this issue to address it with guidelines, adding it would be more acceptable to him to know there is something in place. Vice Mayor Sacco stated Council needs to make sure the outside public can handle it, noting Staff can't just go up to someone on the street and say "hey you, you look like an honest guy, how about being on our commission". Councilmember Brooks stated he agrees with Vice Mayor Sacco in that even if they didn't know anything, they could be trained and certified to sit in that position and make those kinds of judgments, adding this gives the employee somewhere to go. Mayor King asked Councilmember Brooks if he would like to make a motion to table it with Councilmember Brooks stating it could be tabled for 30 days or so, but didn't know if that is what he wanted to do.

Councilmember Cook stated he heard a couple of times tonight that the Council needs to delay forming this commission, but he has also heard a couple of times tonight that the commission was already formed in 2009 and when he looked in the packet on page 2, there already are the guidelines for it. Councilmember Cook stated he doesn't think Council needs to change or delay this, but he does agree there should be training and additional guidelines. Councilmember Cook stated Council is just staffing a commission that has already been formed. Councilmember Brooks read from page 2 that the commission has already been formed. Councilmember Moncada stated Council still has to vote on who gets appointed and he assumes Mr. Cox will go out and find those professionals who do Human Resource for a living in other companies and they will know rules and procedures and stuff because they do this for their own company, adding again those applications will come before Council to decide. Councilmember Moncada stated Council can authorize more training and he wanted to point out that this is not the final step, adding the appointment of the 3 permanent members will come back to Council for approval, but Council does not have a say in the other 2 members.

Councilmember Brooks moved to approve item 5 with condition they have some sort of formal training before they take a seat. Seconded by Councilmember Moncada.

Vice Mayor Sacco stated there are no guidelines and you can't just take Joe Blow off the street. Mr. Masee stated the type of feedback Staff is looking for in this discussion, and he thinks it is happening, is the type of people in the community that can be approached to serve on such a commission. Mr. Masee stated he thinks it would be great to go forward and authorize Staff to approach certain individuals and he thinks the type of people that will be looked at for this commission are: small business owners, Human Resource professionals or retirees with Human Resource experience already and professionals of that nature. Mr. Masee stated what Mr. Cox was asking for was direction on where to go for the pool to be appointed to this kind of commission. Vice Mayor Sacco stated his concern is that the employee gets a fair shake. Councilmember Brooks stated we have had a hard time getting volunteers on a lot of boards and commissions so if Staff is looking for a business man, they may not have much luck, but if they could take a normal individual and train them on the labor laws, they may have more success. Councilmember Moncada stated if Staff recruits from other Human Resource departments, the people will already have the training. Mr. Cox stated the intention he had in setting this up is, of course, it is absolutely basic to invite other Human Resource professionals to be on this commission, adding he can't imagine a City Manager that would go out and try to recruit Joe Blow off the street and that is not a fair statement. Mr. Cox stated his intention was to invite several Human Resource professionals from other cities of our size and in our neighborhood that experience the same kinds of things the City does plus possibly someone from the school, hospital or college, but they would all be trained Human Resource professionals who already know laws and they would not need to take a special course in the Benson Employee Manual because they write manuals themselves. Mr. Cox then stated again, he is talking about professional people and not about pulling some Joe Blow off the street as he stated in his opening comments. Councilmember Moncada asked if there is protection against lawsuits for those on the committee with Mr. Masee stating yes, the

Risk Retention Pool already has standard language in their policy and in the likelihood something should go to court, the City would remain a party of interest. Councilmember Brooks stated that goes to show there is a liability to have these commissions, adding when he was on the Board of Adjustments he went through training on what they could and could not do and what some of the laws are. Councilmember Brooks then stated there is a section in the packet that says the employee gets to choose someone for the commission during their decision which means they can just choose anyone who doesn't know anything about labor laws and they would be one of the members there to help review the decision so he thinks they need some kind of training in what the commission can and cannot do. Councilmember Moncada stated there is a motion on the floor. Motion passed 7-0.

7. **Discussion and possible action to provide financial support for a proposed mural on the outdoor wall behind the caboose near the Visitor's Center on 4th Street**

Ms. Liz Hill, Chairperson from the Benson Clean and Beautiful Committee, stated she is here asking for permission to paint a mural on the wall behind the caboose on 4th Street and for help with financing. Ms. Hill stated she would like the City to buy yellow paint to match the other walls and give some financial assistance toward the \$3,500 it is going to cost to paint and preserve the mural. Ms. Hill stated she is almost ashamed to ask for money, but is certain the murals will bring tourists and revenue to the City of Benson. Councilmember Brooks asked Finance Director Megan Moreno if there is any money available to do this with Ms. Moreno stating there is not a specific line item set aside for this in the Community Enrichment budget, adding City Promotions for the year was only budgeted at \$2,500 and Council already gave \$1,500 for the first mural project, leaving \$1,000 in that line item. Ms. Moreno stated she and Mr. Cox had discussed different options that would be available if Council would like to discuss those. Ms. Moreno then stated there is \$3,000 available from the cancellation of the Bluegrass Festival and some savings from unused funds for the 4th of July in the amount of about \$2,600. Councilmember Boyle asked if these funds were part of the money she was talking about saving in her presentation with Ms. Moreno stating they were not. Councilmember Moncada stated he loves the project at the Visitor's Center and always sees people stopping and looking at the murals, adding he thinks there is no problem with the permission and would like to find an amount that is feasible for the City to give. Mayor King suggested \$2,000. Vice Mayor Sacco stated the committee is asking for \$3,500 with Mayor King stating he is offering \$2,000. Councilmember Brooks stated there are two other phases to this project with Ms. Hill confirming there is a project with the school and one with the hospital. Councilmember Brooks asked if this is the last time they will come to the City for funding for a while with Ms. Hill stating yes. Councilmember Boyle asked if \$2,000 would work with Ms. Hill stating \$2,000 would work except for the yellow paint. Mr. Cox stated there was already money for the yellow paint in the maintenance budget. Vice Mayor Sacco stated the murals are a good thing and attract visitors. Vice Mayor Sacco moved to give the Benson Clean and Beautiful Committee \$2,000 plus the yellow paint for the wall from the maintenance budget. Seconded by Councilmember Wangsness.

Councilmember Cook asked how much money has been raised for this mural with Ms. Hill stating the Committee hasn't raised any money; but they still have money left over from projects done in 2004-2005. Ms. Hill stated they are in the process now of planning a major art auction to be held in February in hopes of raising several thousand dollars and she has also sent out letters to businesses in Benson to help sponsor some of these murals. Vice Mayor Sacco asked if they have contacted Apache Powder with Ms. Hill stating letters were sent out last week. Councilmember Cook asked how much the first murals cost with Ms. Hill replying \$2,400 without the clear coating and anti-graffiti paint which is built in now. Councilmember Cook stated the item on the agenda calls for a mural to be painted on the wall and asked how big the mural is and which pictures from the packet will be used. Ms. Hill stated the wall to the caboose is a long wall, about 62 feet, and there will be 5 murals with each mural depicting a piece of history with local desert landscaping in between them. Councilmember Cook stated he would like to see a picture of the jaguar photographed by the Rosemont Mine and the jaguar photographed by the Chiricahua Mountains a decade ago, adding he thinks it would be great to have a jaguar in a mural. Ms. Hill stated the jaguar has been discussed along with some other animals in Arizona, to be a full long mural. Ms. Hill stated the murals for this project are the mule train, smelter, miner and mule, engines and mule trains. Councilmember Brooks asked if we offered \$900 or \$1,000 on the original paintings with Councilmember Moncada answering Council gave \$1,500. Councilmember Brooks asked about the mural on the

Horseshoe Café and if Benson Clean and Beautiful is sponsoring that with Ms. Hill stating they do not sponsor businesses however they are putting up some money to help in the restoration of the ghost riders on the building. Motion then passed 7-0.

8. Discussion and possible action regarding the cancellation of the November 11, 2013 Regular City Council Meeting

Interim City Manager Jim Cox stated the first regularly scheduled meeting in November falls on Veterans Day. Mr. Cox stated he is bringing this to the attention of Council so they can move or cancel the meeting. Mr. Cox stated if there are a number of items on an agenda, Council could perhaps call a special meeting. Mayor King stated he does not have a problem with cancelling the meeting. Councilmember Moncada stated he doesn't think there is anything pressing and asked if there were already things being worked on for that agenda. Mr. Cox stated there were no pressing items at this time and recognized that could change at any time. Councilmember Brooks stated the City Manager is a pressing item adding Council will be doing interviews for the City Manager position and items could be added to those agendas if there are housekeeping items. Mayor King stated they could also call a special meeting. Vice Mayor Sacco asked if there is a problem calling a special meeting with Mayor King stating there is not a problem calling a special meeting. Councilmember Moncada moved to cancel the November 11, 2013 Regular City Council meeting. Seconded by Councilmember Brooks. Motion passed 7-0.

9. Discussion and possible action regarding the Interim City Manager's contract

Councilmember Brooks asked Mr. Cox the dates of his contract with Mr. Cox stating he thinks his current contract expires on November 17th. Vice Mayor Sacco stated he thinks it is the 19th. Councilmember Brooks stated as it stands Council has until the 17th so they would have to have another special meeting to approve the contract for another month if they needed to. Mr. Cox stated his contract is automatically renewable so Council only needs to take action if they want to terminate the contract. Councilmember Brooks wanted to look at maybe bringing in an Interim City Manager from the League to take over for Mr. Cox until Council can come up with a permanent City Manager, adding he thinks Mr. Cox would like to retire and he does not know how long this process will take. Mayor King stated if Council brings someone in, they will have to pay them so it kind of defeats the purpose of trying to save money. Councilmember Brooks stated cities can actually rent people from the League like secretaries and City Managers. Mayor King asked why Council would rent someone if they already have someone. Councilmember Cook stated that is not part of this agenda item. Councilmember Brooks moved to continue with Mr. Cox until Council can find an interim or a permanent City Manager. Councilmember Moncada stated Councilmember Brooks was making a motion to not do anything. Councilmember Brooks stated he has no intention of letting Mr. Cox go without having someone to replace him. Vice Mayor Sacco stated Brad Hamilton has been Acting City Manager off and on for a long time and his suggestion is that the Council appoint Brad Hamilton as Interim City Manager. Mayor King advised Vice Mayor Sacco that is the next agenda item with Vice Mayor Sacco stating he wants to discuss it now. Mayor King advised him it cannot be discussed. Councilmember Brooks then moved to continue with the present City Manager until Council can find another one with Councilmember Cook suggesting that a motion not be made and the item would die from the lack of a motion. Item then died for lack of a motion.

10. Discussion and possible action regarding the appointment of an Interim City Manager

Councilmember Brooks stated he wanted to discuss hiring another interim City Manager. Mayor King stated it does not make sense to hire another interim City Manager. Councilmember Brooks argued that Mr. Cox didn't expect to be on this long and he is doing this because he said he would and that is honorable. Councilmember Brooks then stated he is disappointed in the service Council has got from Mr. Cox and he thinks Council would do better with another City Manager. Councilmember Brooks stated Vice Mayor Sacco brought up Brad Hamilton but he doesn't think Mr. Hamilton has the qualifications and wearing two hats would be too much. Vice Mayor Sacco asked Councilmember Brooks how long he thinks it will take to get a City Manager with Councilmember Brooks answering it has already taken 5 or 6 months. Vice Mayor Sacco stated that is because Council has not been doing their job, adding they have a lot of applications in so they need to look those over and get interviews and hire someone. Councilmember

Brooks stated he agreed but this could go on for another couple of months which means Council could have Mr. Cox here for another couple of months. Councilmember Brooks stated he would like to look at how much it would be to bring in a City Manager in the interim and if he makes what Mr. Cox is being paid, it may be feasible. Councilmember Brooks then stated a new interim may have a whole fresh look at our city and Council may learn a lot from him, adding this man may be experienced and say we are doing things the wrong way and here is the way to do it. Councilmember Brooks stated he would like to take a look at what the League is offering. Councilmember Boyle stated he has more confidence than everyone else in Brad Hamilton and he thinks he would do outstanding for a month or two and he does not think Mr. Hamilton can get the City into any trouble in that length of time. Councilmember Boyle stated it would save over \$10,000 a month for two months. Councilmember Boyle then moved to appoint Brad Hamilton as Interim City Manager and let Mr. Cox retire. Seconded by Vice Mayor Sacco.

Councilmember Brooks asked Mr. Hamilton how he would be able to do his job, which is a strenuous job, and run the City at the same time for a couple of months with Mr. Hamilton stating as long as the appointment is short-term, a couple of months would be the maximum he would think, he would volunteer to do it. Vice Mayor Sacco stated if Council does this, they save money because Mr. Hamilton is already on the payroll. Councilmember Brooks asked Vice Mayor Sacco if he was asking Mr. Hamilton to do 2 jobs for the same money, adding he deserves the opportunity to make more money for doing the job. Mayor King asked Mr. Hamilton if he would mind doing the job for the same money he already makes with Mr. Hamilton responding he would not, as long as it was temporary. Vice Mayor Sacco stated he does not want to spend a hell of a lot of money and not get his money's worth when Council has somebody here to fill those shoes. Councilmember Wangsness asked Mr. Hamilton if he had an assistant or someone to help and step up too with Mr. Hamilton stating he does. Vice Mayor Sacco asked Mr. Hamilton if he was willing to accept this on a temporary basis with Mr. Hamilton stating as long as it is temporary. City Attorney Michael Masee stated Council just had a discussion on Mr. Cox's contract and his current 30-day term goes until the 17th and he asked for a clarification if this is for Mr. Hamilton to start immediately, in which case Council is going to be paying for Mr. Cox until the 17th, or if they are waiting for November 18th to have Mr. Hamilton take over. Councilmember Moncada asked if this was a legal motion, adding Council is filling a position that is already filled and Council can't hire a replacement and then fire Mr. Cox. Councilmember Moncada asked what would happen if the Council appointed or hired Mr. Hamilton or another person and then didn't have the votes to fire Mr. Cox. Vice Mayor Sacco stated he does not even know where Councilmember Moncada is coming from and this all depends on the Council firing Mr. Cox. Councilmember Brooks stated he has the solution, which is to leave Mr. Cox on until the 17th so he can cross train Mr. Hamilton and on the 18th, Mr. Hamilton can take over.

Councilmember Wangsness asked if since no motion was made on agenda item 9 if it could be brought up again with Mr. Masee stating it would be up to the discretion of Council and what he thinks they are moving towards is merging items 9 and 10. Mr. Masee stated what he is hearing is to appoint Mr. Hamilton immediately as Interim City Manager while continuing to pay Mr. Cox through the end of this 30-day period and utilizing Mr. Cox as a consultant for the City Manager to advise Mr. Hamilton on anything that would be necessary. Councilmember Moncada stated if this was done, the Council would have two City Managers from now until the 17th. Mr. Masee stated if the motion passes there will have to be just one person who is accountable to City Council with the title of Interim City Manager. Mr. Masee stated it needs to be recognized that Council will continue to pay Mr. Cox until the end of his 30-day term. Councilmember Boyle stated he wanted to make it clear that he was not intending to fire Mr. Cox with his motion he just wants Mr. Cox to be able to retire. Mr. Cox stated they could just vote to allow his current contract to expire and at that point he disappears off into the sunset and Council could appoint Mr. Hamilton as the Interim City Manager when he leaves.

Councilmember Brooks moved to hire Brad Hamilton as the Interim City Manager immediately while also keeping him as the Public Works Director and to let Mr. Cox's contract expire on the 17th with the designation that Mr. Hamilton will be in charge as Interim City Manager. Mr. Masee asked for clarification on the date Mr. Hamilton will be designated the Interim City Manager so there is an automatic transition with Councilmember Brooks stating what he is making clear is the transition will be immediately. Mr. Masee stated it needs to be clear because that is not what he understood. Councilmember Boyle stated the motion said hiring Mr. Hamilton and that would imply that Mr. Hamilton

is getting all of the salary and benefits that go with that so maybe it needs to be changed because that is not what Council is doing. Councilmember Moncada stated Mr. Hamilton needs to bring a contract to the next meeting with Mr. Hamilton agreeing unless a permanent City Manager is hired before then. Councilmember Brooks agreed Council will need a contract with Mayor King explaining that is why Council needs to keep Mr. Cox until the 17th and then let Mr. Hamilton take over.

Councilmember Brooks moved to terminate the month-to-month contract with Mr. Cox on November 17th and to have Mr. Hamilton step in as Interim City Manager and also be the Public Engineer for the same benefits and wages he has right now. Seconded by Councilmember Boyle.

Councilmember Cook stated he likes Mr. Hamilton, but doesn't know what the big rush is to get him in as Interim City Manager. Councilmember Cook stated Mr. Hamilton has never struck him as a person to be a great supervisor or manager, adding he thinks Mr. Hamilton is a great engineer and does that part of his job very well. Councilmember Cook stated he is not opposed to Mr. Hamilton being the City Manager in the interim except that he doesn't see a need to have an additional City Manager overlaid on the current one and to be subsequent to him until Council has a permanent City Manager; it seems like madness to him. Councilmember Cook stated the motion was made by Councilmember Brooks and it is clear to Councilmember Cook that because of various harassment complaints against Councilmember Brooks and the investigation that officially started against him last week, this looks like vengeance, retribution and punishment for Mr. Cox. Mayor King called Councilmember Cook out of order with Councilmember Cook replying that this is what Council is discussing. Councilmember Cook stated Council is going to get rid of Mr. Cox because of a harassment complaint initiated by Mr. Cox and this is punishment for Mr. Cox, adding the Council needs to recognize that and do something about it because firing Mr. Cox is not the way to do this. Mayor King called for a point of order and stated that is Councilmember Cook's opinion but is not his opinion. Councilmember Cook stated this is not an opinion, this is a fact. Councilmember Boyle stated the City is spending money to keep Mr. Cox on and he does not care about what Councilmember Cook is saying; what he is concerned about is saving money. Councilmember Brooks stated Mr. Cox wanted to retire if he is not going to be hired for a year. Councilmember Cook then asked for clarification from Mr. Cox on the harassment issue. Councilmember Brooks stated that issue is not on the agenda. Councilmember Cook asked if Mr. Cox would please bring back point of order to the meeting. Mr. Masseur replied to Councilmember Cook that if he thinks this motion has been made in bad faith to pierce underlying motives, it is up to Mayor King to recognize that and ask for further action on this. Mayor King stated no. Councilmember Cook stated the Mayor called him out of order and he thinks the Mayor needs to find out the facts for himself. Councilmember Cook told the Mayor he could find out the truth right now, adding all he has to do is ask but he is refusing to find out the truth. Mayor King asked Mr. Cox if he felt that is the reason for being let go because what has been mentioned is a savings of money. Mr. Cox stated his answer regarding money is that there is no monetary savings; it just means that the City Manager job won't get done in the way it has been. Mr. Cox stated with regard to the connection, he doesn't believe a connection can be made; the facts are that, but the connection is conjecture, adding there is conjecture about an awful lot of things that go on around here, but absolutely no truth. Mr. Cox stated he would never make that accusation.

Motion passed 5-2 with Councilmembers Cook and Moncada voting nay.

11. Discussion and possible action regarding the City Attorney proposals

Councilmember Moncada moved to direct Staff to ask for a contract from Mesch, Clark & Rothschild, PC that can be voted on at the next meeting. Seconded by Councilmember Brooks. Motion passed 7-0.

Councilmember Moncada then gave direction to Staff to get a monthly report from the airport FBO, like a Department Head report, with information of things that are going on at the airport and things they think the Council should know. Mr. Hamilton stated he will check the contract, adding he doesn't think he can order the FBO to write a report. Councilmember Moncada stated it would help Council keep abreast of things that are going on and also Council can see what they are getting for the money they pay him. Mr. Hamilton stated he would ask.

ADJOURNMENT:

Vice Mayor Sacco moved to adjourn at 9:38 p.m. Seconded by Councilmember Boyle. Motion passed 7-0.

Toney D. King, Sr., Mayor

ATTEST:

Vicki L. Vivian, CMC, City Clerk