

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

**CALL TO ORDER:**

Mayor King called the meeting to order at 6:05 p.m. Mayor King then led the public in the Pledge of Allegiance.

**ROLL CALL:**

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

**NEW BUSINESS:**

**1. Discussion regarding the City Attorney submittals to the Requests for Proposals**

Mayor King opened the meeting for discussion and asked Interim City Manager Jim Cox to address this item. Mr. Cox stated this worksession was designed to discuss the city attorney selection process and for Council to discuss among themselves what the findings were from the interviews that were conducted. Councilmember Brooks suggested Council talk about the top 2 candidates. Councilmember Brooks suggested the Clerk read the names of the candidates that were just Skype interviewed with Deputy Clerk Danna Judd reading the names of Justin Allred from the Allred Law Office, Hector Figueroa from Figueroa & Associates, Roger Frazier from Gust Rosenfeld, Kelli Peterson from Mangum, Wall, Stoops & Warden, Gary Cohen from Mesch, Clark & Rothschild and John Brady from Udall Law Firm. Councilmember Brooks stated he has couple of favorites out of those candidates. Mayor King asked if Council wanted to pick their top 2.

Councilman Moncada stated that would be fine with him adding the one that stood out the most to him was Kelli Peterson who interviewed well again and she is from a firm, which is what Council decided they wanted to go with. Councilmember Moncada stated he did not have a second choice.

Councilmember Boyle stated Ms. Peterson is from Flagstaff, which is a downfall and then stated Figueroa is hands down the easiest way to go because if Council doesn't like him, he is done in a heartbeat, adding he has a lot of experience, he is handy and answered all of the questions fabulously. Councilmember Boyle then stated his second choice would be Gary Cohen out of Tucson.

Vice Mayor Sacco stated Mr. Figueroa was his first choice and the lawyer from Rothschild was his second choice.

Mayor King stated he was also going to go with Mr. Figueroa as his first choice and Rothschild as his second choice.

Councilmember Cook stated he has a different view on this from the last time, adding Vice Mayor Sacco made a good point in stating the Council needs a firm instead of a lone wolf and he agrees with that and thinks the Council needs to go with a law firm. Councilmember Cook stated hands down his number one choice is Gary Cohen and his second choice is Kelli Peterson.

Councilmember Wangness stated he cannot add a lot to the discussion, however he understands the Rothschild firm represented the City of Tucson until one of them became the City Manager and he believes that would be the one to go with since that will bring a lot of experience and they are not far away like Peterson would be. Councilmember Wangness stated he did not have a second choice.

Councilmember Brooks stated he agrees with Vice Mayor Sacco when he says it is time the Council has a firm, adding he thinks a firm gives accountability to an attorney because he has a firm behind him and he cannot just do what he wants. Councilmember Brooks stated he was very impressed with Gary Cohen's interview and he thinks there is no retainer so there is money to be saved and he is right there in Tucson. Councilmember Brooks stated he was extremely impressed with Kelli Peterson and if she were in Tucson he would choose her hands down. Councilmember Brooks stated Mr. Brady was also excellent, but the \$8,000 retainer scares him a little bit. Councilmember Brooks stated his top two choices would be Gary Cohen and John Brady. Mayor King asked for clarification if he meant Brady or Peterson with Councilmember Brooks stating Brady because he thinks Peterson is too far away and she would have to rent a car to get here, adding he wanted someone more local. Councilmember Brooks stated he liked Mr. Cohen and the \$175 per hour fee because he will only be paid when he is needed and he will be here for all the meetings and is very experienced and has 4 other people in the firm.

Mayor King stated there were 4 Councilmembers for Rothschild, 3 for Figueroa, 2 for Cohen, 1 for Peterson and 1 for Brady. Councilmember Cook stated he counted 6 Councilmembers selecting Cohen as their top candidate with Councilmember Brooks and Wangsness agreeing. Councilmember Wangsness stated everyone liked this firm except for Councilmember Moncada with Councilmember Moncada stating he would be on board with Cohen; it is just that he couldn't hear the interview very well from the audio recording but he did like their resume. Councilmember Moncada stated where the confusion lies is the Mayor has listed both Cohen and Rothschild, which is the same firm. Mayor King agreed and corrected himself stating that Cohen is number one candidate for 6 out of 7 Councilmembers and reconfirmed with Councilmember Moncada that he would also agree with Mr. Cohen. Mayor King then stated it looks like the Council agrees on the top candidate and asked what to do from here. Interim City Manager Jim Cox stated this is just a worksession, so a decision is not in order and that this item is on the agenda of the Regular Meeting tonight, adding this was an opportunity to discuss the interviews and Council can vote on it at the meeting after this. Councilmember Brooks stated there is a good selection to choose from opposed to what they have had in the past and doesn't think it needs to be put back out for an RFP.

Councilmember Moncada stated he would like to see a contract before this is voted on with Councilmember Brooks agreeing. Councilmember Boyle stated he thought Mr. Cohen had mentioned he needed to see what the terms were going to be before he got right down to the nuts and bolts of what it was going to cost the City. Councilmember Brooks stated he didn't have his notes with him but he does remember the \$175 an hour and travel expenses. Councilmember Brooks asked the Deputy Clerk if she had that information with the Deputy Clerk showing she had the RFP that was submitted that showed the \$175 per hour rate but had no travel information. Councilmember Cook asked Staff to provide him with the last 2 City Attorney contracts so Council would have them for comparison before they begin negotiations. Vice Mayor Sacco stated the same rationale would apply to any candidate that would be chosen. Councilmember Brooks restated that he is satisfied with these candidates and does not think there needs to be another RFP advertised. Mr. Cox stated he will give Council Mr. Masee's contract and Mr. Benavidez's contract for them to review and he will ask the firms that have been chosen tonight to submit a proposal.

**ADJOURNMENT:**

Councilmember Brooks moved to adjourn at 6:26 p.m. Seconded by Councilmember Moncada. Motion passed 7-0.

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Toney D. King, Sr., Mayor

ATTEST:

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Vicki L. Vivian, CMC, City Clerk