

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD OCTOBER 8, 2012, 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. Mayor King then introduced Eileen Littrell of the Baha'i Faith who gave the invocation.

ROLL CALL:

Present were: Mayor Toney D. King, Sr., Councilmembers Ron Brooks, David Lambert, Nick Maldonado, Chris Moncada and Al Sacco. Absent was: Vice Mayor Lori McGoffin

EMPLOYEE RECOGNITION: Councilmember Moncada recognized P.J. Moncada for 5 years of service with the City of Benson.

PROCLAMATION: None.

PUBLIC HEARING: None.

CALL TO THE PUBLIC:

Jim Grey addressed Council stating he has been pushing for billboard signs for 1½ years, adding he has researched the issue, but was not here when the committee was selected and he hoped it would not be too late to have some input on the signs. Mr. Grey then stated he was not impressed with what was presented to Council and that the signs need to indicate the amenities available in Benson, adding that is what draws people off the freeway, which is what the purpose of the signs is. Mr. Grey then stated the signs should be bold, clear, precise and easily read by travelers who may need gas, food or lodging, adding this is what he looks for when he is traveling. Mr. Grey then stated the signs need to also draw RVs into the City, adding the City's revenue has been down 10-15% and RVs park visitors are down 10-15%, showing a direct correlation. Mr. Grey then stated RVers look for amenities, such as RV parks, restaurants, golfing and recreation.

Christopher Early addressed Council, stating he was the sales and account representative of Cochise Trading Post. Mr. Early then stated the Trading Post now covers all of Cochise County, is on the internet and has the best rates around. Mr. Early then asked Council to consider the Trading Post for the City's advertising needs.

CITY MANAGER REPORT:

City Manager Glenn Nichols addressed Council, giving the dates of upcoming meetings and events.

- October 9, 2012 – Library Advisory Board, 4:00 p.m., Library
- October 20, 2012 – Historic Preservation Commission, 9:00 a.m., City Hall
- October 23, 2012 – Community Watershed Alliance, 6:30 p.m., City Hall
- October 29, 2012 – City Council Meeting, 7:00 p.m., City Hall
- November 5, 2012 – City Council Meeting, 7:00 p.m., City Hall

- October 13-14, 2012 – 27th Annual Butterfield Overland Stage Days. Parade at 9:00 a.m. and the Pony Express Mail Office opens at the Arena Bar at 10:00 a.m. For schedules and information, please go online to www.bensonvisitorcenter.com/events

- October 26, 2012 – Tailgate Party at Benson High School. The Bobcats will take on the Tombstone Yellowjackets, with the Community Tailgate Party beginning at 5:30 p.m.
- October 31, 2012 – Halloween Carnival, 6:00 p.m., at the Fire Station located at 375 E. 7th Street in Benson. The Carnival is sponsored by GFWCAZ Benson Juniors.

Mr. Nichols then stated the October 22 Council meeting has been rescheduled for October 29 and the November 12 Council meeting has been rescheduled to November 5, due to requirements for the Alternative Expenditure Limitation public hearings to be held on those dates. Mr. Nichols then read a proclamation declaring October 26, 2012 as “Benson Bobcat Day” and stated the proclamation will be presented to the school at the Tailgate Party. Mr. Nichols also reminded those present of the continuing work on the Interstate 10/State Route 90 Traffic Interchange project, adding up-to-date information can be found at www.azdot.gov.

NEW BUSINESS:

1. Consent Agenda

- 1a. Minutes of the September 10, 2012 Regular Meeting
- 1b. Resolution 49-2012 of the Mayor and Council of the City of Benson, Arizona, permitting the public display of fireworks during the Butterfield Stage Day festivities
- 1c. Arizona State Purchasing Cooperative Agreement between the State of Arizona Procurement Office and the City of Benson
- 1d. Appointment of Phillip Bagwell to the Board of Adjustment
- 1e. Appointment of Steven Butler to the Local Public Safety Personnel Retirement Boards for the Fire and Police Departments
- 1f. Invoices processed for the period from August 30, 2012 through September 11, 2012
- 1g. Invoices processed for the period from September 12, 2012 through September 24, 2012
- 1h. Donation to the Benson Shop with a Cop Program

Councilmember Lambert moved to approve the Consent Agenda. Seconded by Councilmember Moncada. Motion passed 6-0.

EXECUTIVE SESSION: Pursuant to A.R.S. §38-431.03 (A)(3) & (4), for discussion or consultation for legal advice with the attorney or attorneys of the public body regarding the City’s position and to instruct its attorney(s) regarding both pending litigation matters, Stagecoach Trails Mobile Home Court (MHC) vs. the City of Benson, Arizona, et. al.

Councilmember Lambert moved to enter into Executive Session with the Mayor and Council, City Manager, City Attorney Mike Masee and the City’s outside legal counsel provided by the Arizona Municipal Risk Retention Pool, Mr. Jeff Murray and the City Clerk at 7:15 p.m. Seconded by Councilmember Moncada. Motion passed 6-0.

Council reconvened at 7:47 p.m.

2. Resolution 50-2012 of the Mayor and Council of the City of Benson, Arizona, authorizing the City Manager to execute a Mutual Aid Compact with the State of Arizona and other local Jurisdictions

City Manager Glenn Nichols addressed Council stating the mutual aid compact allows for requests between the parties for any and all types of needed resources, including police, fire, and public works. Councilmember Brooks stated he understood the Fire Chief would be identifying the apparatus the City would make available. City Attorney Mike Masee then addressed Council stating he had reviewed the agreement, which contemplates that Benson could request additional resources from neighboring jurisdictions or could respond to such requests, adding the agreement stipulates if the responding agency

needs to be compensated for their assistance, they must indicate the financial responsibility prior to responding and that all districts will identify what resources they have available. Mr. Masee then stated the agreement also contemplates meetings with jurisdictions and possible additional standard operating procedures. Councilmember Brooks asked how compensation would be determined with Mr. Masee stating if an agency requires compensation, they will notify the requestor ahead of time, adding if it is not made known at that time, they should respond without compensation. Councilmember Brooks moved to approve Resolution 50-2012. Seconded by Councilmember Sacco. Motion passed 6-0.

3. **Discussion and possible action to approve an expenditure of up to \$6,000 to conduct a Parks and Recreation Survey pursuant to FY 2012 CIP PR 12-4 to update the Parks Master Plan**

Recreation Coordinator Laura Parkin addressed Council stating for the past 3 years, the City has been searching for someone to create a survey that will assist with a Parks, Trails and Open Spaces master plan, adding the survey results will provide information on what the community wants and to what extent they are willing to fund what they want, adding once we have this information, we'll be able to create a Parks, Trails and Open Spaces master plan. Council then discussed the survey process with Ms. Parkin stating there will be a series of mailings, first sending out approximately 600 surveys, followed by a postcard reminding them to complete the survey; then a second mailing, down 25% from the first mailing, again followed with a postcard reminding them to complete the survey. Ms. Parkin stated the cost of the survey includes Dr. Rodriguez's time to compile the data received from the survey. Ms. Parkin then stated the survey can be done a few different ways, adding community input is very important which can be obtained through focus groups. Ms. Parkin then stated Dr. Rodriguez spent an extensive amount of time with herself and Michelle Johnson touring Benson and has gathered quite a bit of information and has an idea of the existing facilities and what the possibilities are for the future, adding Council input is always welcome. Councilmember Moncada stated he wanted to make sure the public was involved, especially with regards to Lions Park and the groups and/or teams that use it. Mayor King agreed, then stated we also need to include others in the community, such as some of the elderly who may want to give input on things such as benches. Ms. Parkin then stated there are a lot of things that need to be taken into consideration, such as if the community would prefer to have overused ball fields and put money into making improvements to the existing facilities we have prior to building new facilities that may or may not get a lot of use, if they would want multi-purpose trails linking Highway 90 to downtown Benson and Ocotillo and if the community wants a "Rails-to-Trails" program. Ms. Parkin then stated the national recommended minimum guidelines are to have 5-8 acres per thousand persons of population. Mayor King then stated getting community input is important and we need to be sure and listen to the community in moving forward with park plans. Mayor King then stated there is a lot of space on the other side of the park and we need to keep tournaments in mind, whether they be soccer, baseball or softball tournaments, adding they bring in a lot of people and money to communities and can help the park pay for itself in some aspects. Councilmember Brooks then asked if the survey was going to cover the entire City with Ms. Parkin indicating it would. Councilmember Brooks then stated he has planned to hold 1 or 2 forums to involve the public, adding the newspaper is usually good about informing the public of such an event, but he may ask for the City to pay for advertising the forums to ensure as much public participation as possible. Councilmember Brooks then stated maps of the City can be available at the forums as well as some of the proposals people would like to see, including the community lake. Councilmember Brooks then stated he felt this is important, because there are a lot of age groups in the City and he would like to see a little more for everyone in the City. City Attorney Mike Masee stated Councilmember Brooks could use the Council chambers for forums as there's an open policy for the chambers. Councilmember Brooks then asked about advertising with City Manager Glenn Nichols stating it would be a possibility. Mr. Nichols then stated the survey is an important piece in the process of updating the master plan. Councilmember Brooks then stated he thought Ms. Parkin wanted the information from the forums to give to Dr. Rodriguez to use in creating the survey. Ms. Parkin then stated that would be one way to do it, adding what she would recommend is for the City to hold 4-8 focus groups, with each focus group looking at different components of what is needed in the Parks, Trails and Open Spaces master plan. Ms. Parkin then gave an example of a focus group concentrating on the lake, with questions being asked of them such as do they want a lake, is that something they are interested in, what are the costs that we're going to incur with building the lake, what are maintenance costs going to be, can the

City afford to hire staff to maintain the lake, what are the insurance liabilities going to be and what are the insurance costs going to be. Ms. Parkin then stated the general conversation around Benson is there is some interest for a lake, adding she thinks it's something that would definitely need to be included with the survey, but then again, along with the survey, we also need to find out from the public what they are willing to fund with their tax dollars. Councilmember Brooks then stated he liked the idea of trails, adding they give a nice feel to the City and he would love to see something like that here. Ms. Parkin agreed, stating good parks and recreation facilities and programs encourage people to come to our community and would be an added feature by creating this master plan. Councilmember Moncada then moved to approve an expenditure of up to \$6,000 to conduct a parks and recreation survey pursuant to FY 2012 CIP PR 12-4 to update the Parks Master Plan. Seconded by Councilmember Brooks. Motion passed 6-0.

4. **Discussion and possible action regarding a fund raising project to raise funds for Skate Park equipment**

Recreation Coordinator Laura Parkin addressed Council stating Ty Moncada has kindly volunteered to work with her and the Recreation Department on raising money to put new equipment into the skate park, adding the current equipment is not usable for BMX bikes and inline skating so by replacing this equipment, it will allow the ability to let BMX bikes and inline skaters into the skate park along with the skateboarders. Ms. Parkin then stated it would increase insurance costs by \$2,500 per year, which has been put into the current budget. Mayor King stated he thought it was a great idea. Councilmember Lambert asked Ms. Parkin to explain how this item ties in with the next item with Ms. Parkin stating the grant application to NoWhere 2 Ride requires community involvement and interest, fundraising involvement and that the City be willing to designate funding toward completing the project. Councilmember Brooks asked about using the grant for biking trails with Ms. Parkin stating the grant program is strictly limited to BMX biking and skateboarding. Councilmember Moncada stated BMX biking is becoming more popular, with Ms. Parkin stating at skate parks around the country, the bikers and skateboarders work well to cooperate and share facilities. Councilmember Brooks stated he was a little reluctant, adding when he is at the park, he doesn't see the skate park being used, but added there isn't a lot for kids and this would expand the skate park's use. Councilmember Brooks then asked if the skate park would be enlarged with Ms. Parkin stating until the master plan is completed, we would need to keep the skate park in its current boundaries. Ms. Parkin then added through focus groups, we may find that the skate park is important enough to the community that we might want to add it to the survey for future improvements. Councilmember Lambert moved to approve the fundraising efforts by Ty Moncada with the expenditure of the funds in the CIP budget. Seconded by Councilmember Moncada. Motion passed 6-0.

5. **Resolution 51-2012 of the Mayor and Council of the City of Benson, Arizona, authorizing the City Manager to apply for a grant from NoWhere 2 Ride, Inc. to fund bicycle amenities at the City Skate Park at Lions Park and authorizing expending up to \$5,000 of City funds for same purpose**

Councilmember Lambert moved to approve Resolution 51-2012. Seconded by Councilmember Brooks. Motion passed 6-0.

6. **Discussion and possible authorization of funds from the Community Enrichment Fund and direction to Staff to promote a Tree Lighting Ceremony and Light Parade in conjunction with the San Pedro Valley Arts & Historical Society**

Recreation Coordinator Laura Parkin stated the Recreation Department would like to work with the museum to hold a tree lighting ceremony on November 27. Ms. Parkin then stated Mr. and Mrs. Arney, who are local residents, have done research for her and checked with different nurseries as to what type of trees are best for our community, adding she would prefer to purchase a living tree that would later be planted somewhere within the City, helping with beautification. Ms. Parkin then stated the community would be invited to participate in the ceremony and to help decorate the tree by making ornaments and putting them on the tree, adding someone will judge the ornaments and the winner will receive a gift certificate to the Benson City Grill for a family of four for the prize. Ms. Parkin then stated the City will

provide the refreshments and the museum has offered to serve the refreshments, adding the museum is also going to put lights around the property and they are looking forward to the event as kind of an open house for the museum, getting members of the community to come and see what they have to offer. Ms. Parkin then spoke about the Light Parade, stating it would be held on December 8. Councilmember Moncada stated he has been pushing for more events, adding he knows the event won't make money, but it will bring the community together and he feels it is important to give back not only to our winter visitors, but to our local residents as well. Councilmember Moncada then expressed the desire for a 15' tree, but stated it seems to be very difficult to find one that big that will survive. Mayor King agreed stating anytime an event of this type is held, we have a very good turnout and giving back to the community is important. Councilmember Lambert stated he had spoken with Laura on these issues and stated this event could grow each year, adding the City's current big parade is during the 4th of July, adding schools are out for the summer and if this parade was held, we could invite local bands to participate, stating again there is a big opportunity for growth of this event and it would be great for kids and the rest of the community. Councilmember Brooks stated he agrees the tree should be around 15'. Discussion then focused on where the event is being held with Council agreeing they would like to have the tree on 4th Street or somewhere the tree could be seen from 4th Street with Ms. Parkin stating having it on 4th Street wasn't feasible with the traffic concerns and the liability. Ms. Parkin then stated she would like to start on the event earlier next year and may be able to find a different location and a larger tree, but with the limited time this year, felt it was best to utilize a partnership with the museum since they wanted to be involved and they could assist with keeping vandals away. Further discussion centered on other locations, such the current City Hall location and the vacant lot where City Hall used to be, noting the tree could be seen from 4th Street if it were placed at that location. The general consensus was to look at other possible locations for the event next year. Councilmember Brooks then asked about the City's cost of the last parade with Mr. Nichols indicating the cost would be approximately \$1,000 for staffing and overtime. Councilmember Lambert then moved to authorize funding from the Community Enrichment Fund to pay for the Tree Lighting Ceremony and the Light Parade as presented in the budget not to exceed \$3,625.00. Seconded by Councilmember Sacco. Councilmember Brooks then asked about the type of tree that would be purchased for the event with discussion on possible places to purchase trees, such as tree farms in Willow Lakes and Elfrida. Ms. Parkin then stated based on information received from Mr. and Mrs. Arney, who spoke with Mesquite Valley Growers along with numerous other people, it is strongly recommended the City purchase a blue point juniper. Motion passed 6-0. Ms. Parkin then stated this would be an annual event and next year the City would start promoting it earlier.

7. **Resolution 52-2012 of the Mayor and Council of the City of Benson, Arizona, adopting a Social Media Policy to regulate the use of Social Media by City of Benson employees and incorporating the Social Media Policy into the City's Human Resources Administrative Policy**

Mayor King stated Vice Mayor McGoffin had requested this item be tabled by the Council. Councilmember Lambert agreed stating he believed Council should table it, but bring the item back in a worksession so Council and Staff could go over the item in more depth and with questions being able to be asked between both. Councilmember Sacco agreed. Councilmember Moncada asked if the item was time sensitive with City Manager Glenn Nichols stating the policy should be put in place to protect the City from any issues pertaining to social media, adding Staff has worked on the policy a long time and the policy has gone under legal review. Mayor King stated if the Council did table the item, he would like to task the Councilmembers with doing some homework on the social media issue, whether it be researching or asking questions of Staff, adding in private corporations, such regulations are standard. Councilmember Brooks then moved to table this item to the October 29 meeting in a worksession to be held at 6:00 p.m. prior to the regular meeting. Seconded by Councilmember Maldonado. Motion passed 6-0.

8. **Discussion and possible action to select a design or designs and approve its/their display on billboard(s) along I-10 to advertise and promote the community of Benson to the traveling public**

Tourism Director Bob Nilson addressed Council stating a group of 5 people, who had various backgrounds in marketing and planning, was put together to come up with billboard designs. Mr. Nilson stated there

were 5 different ideas of which way to go, but the group agreed on the designs presented to Council for consideration, which were done by an artist at AEPCO. Mr. Nilson then stated he and the City Manager met with both a Clear Channel representative and a Bowlin representative to see what billboards were available, adding Bowlin had the billboard in front of the Mescal Bar & Grill available, but Clear Channel didn't really have any good sites available. Mr. Nilson stated the designs can look great on paper in a presentation, but can look very different in the actual setting, adding this is why he superimposed the designs on a potential billboard. Mr. Nilson then stated travelers have about 8 seconds to read a sign and the Clear Channel representative suggested having a sign 10 miles out and then one at an exit in Benson. Mr. Nilson then stated he would like input from Council on what they would like to see on the designs and what locations they would prefer, adding some signs are 10 x 32 and others are 12 x 48, so we should be sure about the size before we look at buying vinyl, at a cost of approximately \$200 per square foot, that can't be moved to a better location later on. Mr. Nilson then stated there weren't very many good locations available, but Bowlin told him they would have more westbound signs after the election.

Mayor King expressed concern in advertising specific businesses, with Mr. Nilson stating when people come to the visitor center they are looking for a Wal-mart, adding Benson has the only Wal-mart between Tucson and Deming, New Mexico which draws people off the freeway. Discussion then focused on what would draw people off the freeway with the consensus being the billboard should include RV parks, restaurants, since Benson has 23, golfing, Wal-mart, maybe Safeway and the possibility of changing Benson from being the "gateway to the San Pedro Valley" to the "gateway to Cochise County" since to travel to the surrounding areas you have to come through Benson. Discussion then turned to RVers and their contribution to the local economy with Councilmember Brooks stating they also liked stopping where there was easy access back to the freeway.

Councilmember Brooks stated he would like to table the item for a couple of weeks, noting he wasn't very happy with the designs that were presented and he would like for Mr. Grey to have an opportunity to look at this. Councilmember Brooks then stated he would like to see the signs up before the winter visitors arrive, but he thinks better designs need to be looked at with emphasis on what will draw people off the freeway. Councilmember Brooks then stated the designs presented to Council were done by people that are not businessmen, adding business people have a drive about them and want to get people off the freeway to increase their businesses instead of just promoting the City.

Mr. Nilson then confirmed the Council wanted to see some additional proposals and have the designs include RV parks, restaurants, exits 302, 303 and 304, golfing and easy return to the freeway. Mr. Nilson then asked about the sign locations Council would like to see. Councilmember Moncada stated 1 westbound sign and 1 eastbound sign were probably best for now, adding he didn't know if the City could afford 3 or 4 signs. Councilmember Moncada then stated he felt the last design presented in the options had everything Council mentioned and he was concerned that if Council tabled the item, the signs would miss our prime audience, noting it will take time for the committee to meet and present new designs to Council for their selection, as well as the time to create the actual signs and have them installed. Councilmember Lambert agreed with Councilmember Moncada, stating he felt the last design presented had everything Council wanted, but suggested making the Benson logo smaller, so the listed amenities could be larger.

Councilmember Brooks moved to table the item. Seconded by Councilmember Sacco. Discussion then centered on when to have the item brought back to Council with the consensus being to have designs brought back to Council for action at the October 29 Council meeting. Councilmember Brooks stated this would give the committee 10 days to come up with new designs and if they couldn't, the Council could choose from what they currently had.

Mr. Nilson then stated he now had the input from Council on what they wanted the designs to include and he could contact the artist who designs billboards with Bowlin and see what he could come up with. Councilmember Brooks then stated this would also give Council a chance to find out more about advertising businesses. Motion then passed 4-2 with Councilmembers Lambert and Moncada voting nay.

City Attorney Mike Masee then confirmed with Council the item was to be brought back at the October 29 Council meeting.

9. **Discussion and possible direction to Staff regarding the Benson Unified School District / City of Benson Tailgate Party at the homecoming football game on Friday, October 26, 2012**

City Manager Glenn Nichols stated he had numerous meetings with the school regarding the Tailgate party. Mr. Nichols then stated the Council has designated \$750 in the budget to assist with this event, which will include a free meal with the price of the football game ticket, bands and the arrival of the game ball by helicopter. Mr. Nichols then stated the Council has been invited, along with the school board, to serve meals like they did last year. Mr. Nichols then stated he had also approved the City transit buses to be available, adding the school is expecting approximately 1,200 people in attendance. Mr. Nichols then stated the school might need additional assistance with funding which could come out of community enrichment budget. Mayor King stated he would also be presenting the proclamation declaring October 26, "Benson Bobcat Day". Councilmembers agreed the event last year was a lot of work, but was a lot of fun and they received a lot of positive feedback. Councilmember Lambert brought up parking locations with Mr. Nichols stating the parking lot at City Hall and along Patagonia as well as the parking lot across from the elementary school would be used with the transit buses running around those parks around 5:00 p.m. and again at 9:00 p.m. Mr. Nichols stated the school is going to put the parking locations and transit information on their flyers. Councilmember Moncada moved to approve the tailgate funds and the use of the City transit bus. Seconded by Councilmember Lambert. Motion passed 6-0.

10. **Discussion and possible action to authorize the City Manager to negotiate a contract for purchasing property located at 101 E. 6th Street, Benson, Arizona**

City Manager Glenn Nichols stated after the property owners contacted him to see if the City was interested in the property, which consists of a house and 3 lots, he spoke to Council and then made an offer of \$50,000. Mr. Nichols then stated the property owners first countered, but then informed him they would take the City's offer. Councilmember Brooks asked if any asbestos had been identified, with Mr. Nichols stating it would probably be found in the floor and roof, but it hadn't been tested since the City was not going to pay for the testing prior to purchasing the property. Mr. Nichols then stated the two outbuildings have metal roofs, so they should be ok, adding the last time the City addressed an asbestos abatement, the cost was approximately \$5,000. Councilmember Lambert moved to authorize the City Manager to negotiate a contract for purchasing property at 101 E. 6th Street. Seconded by Councilmember Maldonado. Councilmember Lambert then confirmed the contract would come before Council for action with Mr. Nichols stating it would. Motion then passed 6-0.

DEPARTMENT REPORTS: None

ADJOURNMENT:

Councilmember Sacco moved to adjourn at 9:06 p.m. Seconded by Councilmember Sacco. Motion passed 6-0.

Toney D. King, Sr., Mayor

ATTEST:

Vicki L. Vivian, CMC, City Clerk