

**THE REGULAR MEETING  
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA  
HELD NOVEMBER 10, 2014 AT 7:00 P.M.  
AT CITY HALL, 120 W. 6TH STREET, BENSON, ARIZONA**

**CALL TO ORDER:**

Mayor King called the meeting to order at 7:00 p.m. with the Pledge of the Allegiance. Mayor King then introduced Brother Robbie Robinson from the Church of Christ who offered the invocation.

**ROLL CALL:**

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

**EMPLOYEE RECOGNITION:**

Mayor King recognized Gary Douglas for 15 years of service with the City of Benson.

**PROCLAMATION:**

Mayor King asked Councilmember Boyle to read a proclamation urging all citizens of our community to commend America's veterans and to observe with solemn pride November 11, 2014 as Veterans Day and to take part in as many ceremonies and events as possible to honor these men and women.

**PUBLIC HEARING:** None

**CALL TO THE PUBLIC:**

Stephen Insalaco, the Benson Economic Development Committee (BEDC) Secretary, addressed Council concerning New Business Item #2. Mr. Insalaco stated the BEDC currently consists of 7 members, adding 1 never attended and 2 are on an approved medical leave of absence. Mr. Insalaco then stated the committee would like to request consideration of enlarging the membership size to 9 or 11 and would like to fill the vacancy left by Mr. Mueller. Mr. Insalaco then stated this will permit the BEDC to properly address project topics the committee is currently exploring. Mr. Insalaco then congratulated the winners from the recent election who were present, adding he would hope the other election participants would continue to provide support to the community, if they could. Mr. Insalaco thanked the Council for their time.

Arron Botts addressed Council stating there was a fire a couple weeks ago and 3 or 4 fire departments were called to respond. Mr. Botts then stated the structure was full of drugs and needles and asked if this could have been prevented by the Police Department staging the house. Mr. Botts then stated the Police Department is great, but they know where the drug houses are, adding one of these days, it's going to hurt our kids. Mr. Botts then stated he lives in Pomerene, is on the Pomerene Fire Department and he is proud to be a fireman, but again, one of these days, someone is going to get hurt. Mr. Botts then stated he understands when people say the Police Department's hands are tied, but asked why people couldn't be arrested, adding even if those people were to get out of jail the next day, it might save one person from drugs. Mr. Botts then asked the Council if there was anything they could do. City Attorney Gary Cohen stated the Council couldn't engage in a discussion at the Call to the Public. Mr. Botts then thanked the Council for their time.

Tom Fitzgerald addressed Council stating he didn't want to reenact the discovery of the new world and he didn't want the Council to think he was playing the part of Christopher Columbo or any other new world detective, but he did want to offer the Council 2 plans, adding the Council has a document he hand delivered to the Administration office on Friday that they could read. Mr. Fitzgerald then stated Plan 1 would be more difficult, but more satisfying to the loyal devotees of the old world charm of cowboys and Indians and steam locomotives that used to stop in Benson. Mr. Fitzgerald then stated there are people here who are much less

sensitive to the steam locomotives or the current high speed diesel locomotives with high emissions. Mr. Fitzgerald then stated if someone was rabidly in love with high emissions, then Plan 1 is for them. Mr. Fitzgerald then stated to implement that plan, a person would be making waves and bucking a head wind, adding it will be hard work, but they would start in Tempe, then Phoenix, Chandler, Maricopa County, Flagstaff and Wellton on Interstate 8 to complete a sales mission, selling the unwinding of a quiet zone, which would be a reversal of fortune for the people who want quiet zones in these cities and are living happier now. Mr. Fitzgerald then stated if someone is opposed to quiet zones, they would be the best ones to know which train operators close to the train whistle stand the most to gain by giving free reign to urges of signals to heated relatives and what lets them go so loud when the rules are too important to civilized society to ignore. Mr. Fitzgerald then stated he would address Plan 2, adding this is a better way of handling the situation without the drawbacks of Plan 1. Mr. Fitzgerald then stated Plan 2 is to go with the compromise that is already in place and agreed upon by governments and railroads, which is called the Final Train Horn rule, set up in 2005. Mr. Fitzgerald then asked the Council to listen to what it sounds like around here and then to try to see if the Federal Railroad Administration is treated with respect here, adding it doesn't sound like it is.

### **CITY MANAGER REPORT:**

Public Works Director Brad Hamilton addressed Council, giving the dates of upcoming meetings and events.

- Saturday, November 15, 2014 – Historic Preservation Commission, 9: 00 a.m., City Hall
- Saturday, November 22, 2014 – Benson Airport Advisory Committee, 8:00 a.m., Airport, Hangar B9
- Monday, November 24, 2014 – City Council Meeting, 7:00 p.m., City Hall
- Tuesday, November 25, 2014 – Community Watershed Alliance, 6:30 p.m., City Hall
  
- Tuesday, November 11, 2014 – Veterans Day – City Offices Closed
- Monday, November 17, 2014 – A free seminar provided by the City of Benson's Attorney, for the Citizens of Benson. The seminar topic is "The Ins & Outs of Premises – Liability, Nuisance & Trespass," 5:30 p.m. to 7:30 p.m., at the Benson Community Center, 705 West Union Street, Beverages and Snacks will be included.
- Tuesday, November 25, 2014 – Tree Lighting Ceremony, the Benson Museum and Quilt Gallery, 180 S. San Pedro Street. There will be music from The Bost Family Traditions, Children's Crafts, Guest Speaker, Tree Lighting, Santa will visit and there will be refreshments. Festivities will begin at 6:00 p.m.
- Thursday, November 28 and  
Friday, November 29, 2014 – Thanksgiving Holiday – City Offices Closed

Mr. Hamilton then stated for more events in Benson, the public could visit the City's website: [www.cityofbenison.com](http://www.cityofbenison.com) under "What to do Today." Mayor King stated there would also be a ceremony on Veterans Day at 10:30 a.m. at Veterans Memorial Park and invited the public to attend.

### **NEW BUSINESS:**

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

- 1a. Minutes of the October 13, 2014 Regular Meeting
- 1b. Removal of Kathleen Castillo as a City of Benson representative to the Cochise County Tourism Council (CCTC)
- 1c. Appointment of Laura Parkin as a City of Benson representative to the Cochise County Tourism Council (CCTC)
- 1d. Invoices processed for the period from October 16, 2014 through October 29, 2014

Councilmember Boyle moved to approve the Consent Agenda. Seconded by Vice Mayor Sacco. Motion passed 5-0.

2. **Discussion and possible action regarding an appointment to fill a vacant position on the Benson Economic Development Committee (BEDC); to include possible direction to Staff regarding the number of members**

Mayor King stated there had been comments made regarding increasing the membership of the BEDC during the Call to the Public and that is something he would like the Council to consider.

Councilmember Boyle stated he was a member of the BEDC and it's a small committee, adding there are a lot of things the committee is trying to do and a lot of things they could do, but it's a matter of logistics with not having enough people on the committee, noting there are several members out with health problems which has made it very difficult. Councilmember Boyle then stated he thought it would be a good idea to at least increase the membership to 9 from 7 so that business can be transacted and the committee can move things along.

City Clerk Vicki Vivian stated she did receive 1 application solicited by the committee, adding at the September 22 Council meeting, Staff was directed to advertise the vacant position, which was done with 2 advertisements, giving 1 month for submissions. Ms. Vivian then stated no further applications were submitted. Councilmember Boyle asked if Ms. Vivian had received an application from John Comaduran with Ms. Vivian stating Mr. Comaduran's application was the one she said she had, but then stated no further applications have been submitted.

Councilmember Cook stated he knew 1 member never attended a meeting and that 2 members were out on medical leave, adding it appeared to him that the Council was going to have to replace those 3 members and increase the membership from 7 to 9. Councilmember Cook then stated each advertisement costs approximately \$91.00 and with no responses, he thinks it's a complete waste of money to advertise. Councilmember Cook then stated he thought the Council should accept Mr. Comaduran as a member to fill the current vacancy and the membership should remain at 7 for now, however, if the BEDC would like to solicit more applications, which seems to be how the entire committee has been populated; through direct solicitations rather than advertisements, and they found others they wanted to put on the committee, they could bring it to Council and the Council would likely approve it.

Councilmember Wangsness stated the subject before the Council is just about filling a vacant position, and asked if the Council could even discuss changing the size of the membership and if it needed to be a separate agenda item. City Attorney Gary Cohen stated there are two issues under this item, adding the first issue is whether or not to accept the application of Mr. Comaduran and the second issue is if the Council wants to direct Staff modify the BEDC ordinance to increase the membership, noting the Council could legally discuss both issues, since they are both listed in the agenda item.

Councilmember Boyle asked if the BEDC could continue operating with 7 members if Staff was directed to prepare the paperwork to increase the membership to 9 with Mr. Cohen stating the BEDC could continue operating until then. Councilmember Boyle then stated, as Councilmember Cook mentioned, Council could direct Staff to prepare paperwork to increase the BEDC membership and then the BEDC could solicit applications for membership and if they found people who wanted to be on the committee, the Council could increase the membership and appoint new members at that time with Mr. Cohen agreeing.

Mayor King stated he would like to make a comment about Mr. Comaduran, adding Mr. Comaduran spent 30+ years on the school board, which tells the Council that Mr. Comaduran is very dedicated to what he puts his mind to. Mayor King then stated he believed Mr. Comaduran would be a good example of someone who needs to be put on the BEDC. Councilmember Boyle stated he seconded that. Ms. Vivian asked if that was a formal motion with Mayor King indicating it was not. Councilmember Boyle then moved to direct Staff to redraft the current ordinance that makes up the BEDC to allow for 9 members and to appoint Mr. Comaduran to the BEDC. Seconded by Vice Mayor Sacco. Motion passed 5-0.

3. **Discussion and possible action regarding a Jennella Drive Pre-Annexation Water Extension Agreement between Fannie Mae, property owner of 804 W. Jennella Drive, Benson and the City of Benson**

Public Works Director Brad Hamilton stated this is another request in the county for water service off the Jennella line, adding requirements put in place by Council for this service were a fee and a pre-annexation agreement so the City would be given credit in the 100-year assured water supply. Councilmember Cook stated he read the agreement and sees that the property owner has agreed to participate in any annexation, if the City chose to do that, and to participate in the City's favor. Councilmember Cook then stated the agreement also includes that the property owner has agreed not to resell any of that water. Councilmember Cook then asked about the size of the property and if it was able to be subdivided with Mr. Hamilton stating he was unsure of the property size, but he didn't believe it could be subdivided, adding the terrain is not conducive to subdividing. Mayor King stated this is something the Council has done in the past and asked if there was any further discussion. Councilmember Boyle moved to approve the Jennella Drive Pre-Annexation Water Extension Agreement between Fannie Mae, property owner of 804 W. Jennella Drive, Benson and the City of Benson. Seconded by Vice Mayor Sacco. Motion passed 5-0.

4. **Discussion and possible action regarding the Extension of the Contract for City Attorney Services between Mesch, Clark & Rothschild, PC and the City of Benson**

Councilmember Boyle stated he thought the City Attorneys have done a good job and the costs have been reasonable considering the Stagecoach Trails problem and the amount of work it required, adding he knew it sounded like the City had spent a lot of money with Mesch, Clark & Rothschild, but it was a monumental task. Councilmember Boyle then stated he watched the different individuals within the firm handle the case very professionally, adding they did an outstanding job and they have since represented themselves well here in front of the Council. Councilmember Boyle then stated he thought the attorneys were worthy of the Council's continued endorsement and that they be allowed to stay on as the City Attorneys. Mayor King agreed, stating he believed the attorneys have done a great job since they've been here, adding there were a lot of battles they had to walk into and help defend and they had done a good job with every one of them. Councilmember Cook stated he had noticed a number of different opinions the City Attorney, Gary Cohen, had to present to the Council and Councilmember Cook saw that Mr. Cohen had not favored one political side or the other, but his opinions were designed to protect the City. Councilmember Cook then stated he appreciated and admired that. Councilmember Wangsness then stated if the City Attorneys were crazy enough to stay with the City for another year, the Council should let them. Councilmember Wangsness then moved to approve the extension of the contract for City Attorney services between Mesch, Clark & Rothschild, PC and the City of Benson. Seconded by Councilmember Boyle. Motion passed 5-0.

5. **Discussion and possible action regarding additional time off for the holidays in recognition of City Employee Service**

Mayor King stated this is something the Council has done over the last several years, adding he has been a strong advocate of this. Mayor King then asked Finance Director Megan Moreno how she felt about this process with Ms. Moreno stating she felt this was a good idea, adding Staff has taken a big hit this year with furloughs and have given up a lot in their salaries, noting this would be a great way to recognize employees by giving them extra time at the holidays without having it coming out of their pay as well. Councilmember Boyle asked how this has been done with Ms. Moreno stating it was Council pleasure, but in the past, the Council has given employees 1 day off at Christmas and 1 day off at New Year's Day. Ms. Moreno then stated this year the holidays fall on Thursdays, so Council could give those Fridays off with full-time employees getting 8 hours and part-time employees getting 4 hours of paid time off for each holiday. Ms. Moreno then stated she didn't believe extra time was given to temporary employees in the past. Councilmember Boyle asked if the time was standard and not overtime with Ms. Moreno stating the time granted would not count as hours worked so it wouldn't push someone into overtime. Councilmember Boyle then asked if the City could afford this with Ms. Moreno stating the City could, as this would not be an extra cost, adding if the City were to stay open on those days, the employees would still be paid for those days. Mayor King then stated the Council was looking at granting December 26 and January 2 as additional time off

and asked if there was any further discussion. Councilmember Boyle moved to go ahead and allow the additional time off for the holidays in recognition of City employee service. Seconded by Councilmember Wangsness. Motion passed 5-0.

6. **Resolution 29-2014 of the Mayor and Council of the City of Benson, Arizona, authorizing Armstrong Consultants, Inc. to proceed with design services for the construction of helicopter parking apron and lighting rehabilitation in an amount not to exceed \$86,661.00**

Public Works Director Brad Hamilton stated this is a notice to proceed with the airport design with the City's consultants, Armstrong Consultants. Mr. Hamilton then stated the majority of this project is funded by federal and state grants. Mr. Hamilton stated he needs to move forward at this time so he can bill against the state grant, adding he is still waiting for the federal grant to be cleared, but there will be no more billing other than the state portion. Mayor King verified the grants will cover most of this with Mr. Hamilton stating right now, this will cover both design and construction services. Councilmember Boyle asked if there was a grant match required and if it was in the budget with Mr. Hamilton stating there is a matching amount in the budget, adding the project is still in design, so it's very preliminary, but the City is looking at between \$2,200 and \$4,300. Councilmember Boyle then moved to approve Resolution 29-2014. Seconded by Mayor King. Motion passed 5-0.

**DEPARTMENT REPORTS:** None

**ADJOURNMENT:**

Vice Mayor Sacco moved to adjourn at 7:37 p.m. Seconded by Councilmember Boyle. Motion passed 5-0.

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Toney D. King, Sr., Mayor

ATTEST:

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Vicki L. Vivian, CMC, City Clerk