

**THE REGULAR MEETING  
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA  
HELD NOVEMBER 26, 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.

**ROLL CALL:**

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

**EMPLOYEE RECOGNITION:** None

**PROCLAMATION:** None

**PUBLIC HEARING:** None

**CALL TO THE PUBLIC:**

Donna Harrison stated she was representing the Benson Junior Women's Club. Ms. Harrison then addressed Council stating there had been a lot of attention regarding the toy drives and the Shop with a Cop event and she wanted to bring attention to what the Benson Junior Women's Club has done for the last 25 years, which has been to provide Christmas food baskets and toys for numerous children in the area. Ms. Harrison stated last year alone, they provided food baskets to 110 families and toys and clothes to 151 children, adding they don't just pull a child out of a family, but provide gifts for all the children in the family from newborn to 18 years of age, as long as they are in school. Ms. Harrison then stated there has been a lot of talk about Shop with a Cop, which is a great organization, but she has never seen the Council recognize the Fire Department, which is all volunteer, with the exception of the recently paid position of the Fire Chief. Ms. Harrison then stated the Fire Department not only responds voluntarily to fire calls and emergencies, but every year for over 25 years, has sat on the corner and collected toys for their organization, adding the Benson Junior Women's Club could not do what they do without the Fire Department and she would really like to see the Council recognize the Fire Department, as well as the George Salcido Marine Corps League, who also supports them by collecting funds and toys. Ms. Harrison then stated their organization also held a "Stuff the Bus" event because they had so many children ask for clothes instead of toys; although they still made sure each child got a toy. Ms. Harrison then stated their organization contacted the City to see if they could use the transit bus, thinking a "Stuff the BAT" event would be a great promotion for the City, but was told no, because other organizations would then request the same thing, adding it was very disappointing, but fortunately, the school stepped up very fast and provided a bus. Ms. Harrison then stated she wanted to provide the Council with this information and would hope the Council realizes what the Fire Department has done for them all these years without any recognition.

Janet Barnett declined to speak.

Jeff Cook addressed Council regarding the proposed code changes presented in the worksession held at 6:00 p.m. Mr. Cook then stated he was concerned about the proposed chapter addressing residences that Councilmember Brooks stated would result in almost everything north of the railroad being condemned. Mr. Cook then stated his residence has a peeling roof and no screens, which is not allowed under the proposal, adding when he first looked into the proposal, there was something in the code that specified the

Director of Development Services shall make no exceptions or give preferential treatment to anyone in respect to these codes, and he suspects that provision is still in the proposal. Mr. Cook then stated unless the good intentions of the Development Director are codified, he fears with a different makeup of the City Council, the nit picky stuff like missing window screens and roofs peeling could, would and probably should, according to the way the proposed code is written, be enforced, adding he fears it would be done unevenly and without a priority of the worst to the least aggravating offenses. Mr. Cook then stated with the current Council, he doesn't have that fear, but his fear is with a different Council, the intentions Mr. Garcia stated would not matter. Mr. Cook then stated the proposal, in one paragraph, addressed old cars that have a "registration out of date by 3 months, have 3 months of dust on the car, if the tires are flat, or it's inoperable" than it is in violation and is a public nuisance. Mr. Cook then stated the intention of his suggestion is to draw distinction between the vehicles and vehicle parts that have no future other than the junkyard and those old vehicles that may sit for a year or a decade before being restored, adding he thinks this issue needs to be addressed. Mr. Cook then thanked the Council for their time.

### **CITY MANAGER REPORT:**

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

- November 27, 2012 – Community Watershed Alliance, 6:30 p.m., City Hall
- December 4, 2012 – Planning & Zoning Meeting, 7:00 p.m., City Hall
- December 10, 2012 – City Council Meeting, 7:00 p.m., City Hall
- December 11, 2012 – Library Advisory Board, 4:00 p.m., Library
- December 15, 2012 – Historic Preservation Commission, 9:00 a.m., City Hall
  
- November 27, 2012 – Christmas Tree Lighting Ceremony at the Museum, 6:00 p.m. – 8:00 p.m. at the Benson Museum located at 180 S. San Pedro Street in Benson. Activities include Benson Middle School performing Christmas songs, Santa Claus, the Tree Lighting by Mayor Toney King, refreshments and children's crafts. For more information, contact the Community Center.
- December 8, 2012 – Festival of Lights "Holidays Around the World" Light Parade, 6:30 p.m. Prizes will be given for 1st, 2nd, and 3rd place and a donation to a charity of the winner's choice for 1st, 2nd, and 3rd place. For more information, go to [www.bensonvisitorcenter.com](http://www.bensonvisitorcenter.com)
  
- Christmas on Main Street, 9:00 a.m. – 5:00 p.m., For more information, contact Lupe Diaz at the Benson/San Pedro Valley Chamber of Commerce, [www.bensonchamberaz.org](http://www.bensonchamberaz.org)
- December 15, 2012 – Shop with a Cop
- December 24-25, 2012 – Christmas Holidays – City Offices Closed
- December 31 and  
January 1, 2013 – New Years Holidays – City Offices Closed

Mr. Nichols 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](http://www.azdot.gov). Mr. Nichols stated this project is winding down and the next project will be the Marsh Station project, which will be a 2-year project. Councilmember Moncada then stated on December 8, there would also be a Street Fair at the Benson Museum. Mayor King and Vice Mayor McGoffin then encouraged the community to attend these activities and stated if the public would like to make donations to the Shop with a Cop program or to the Benson Junior Women's Club, which are very worthwhile causes, they could still do so, adding toys could be dropped off at the Fire Department.

## **NEW BUSINESS:**

### **1. Consent Agenda**

- 1a. Minutes of the October 29, 2012 Worksession
- 1b. Minutes of the October 29, 2012 Regular Meeting
- 1c. Minutes of the November 5, 2012 Regular Meeting
- 1d. Invoices processed for the period from October 27, 2012 through November 14, 2012

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

### **2. Resolution 60-2012 of the Mayor and Council of the City of Benson, Arizona, to accept the State of Arizona Department of Transportation Aeronautics Division Grant for Improvements at the Benson Municipal Airport (E3S1S)**

Public Works Director Brad Hamilton addressed Council stating this grant will cover repaving the last 2000' of the airport entrance road, adding this portion of the road qualifies as part of the airport. Mr. Hamilton stated the grant is a 90/10 split and the proposed project is in both the current budget and Capital Improvement Plan. Mr. Hamilton then stated accepting the grant is the first step of the project with project design, contract bid and administration to follow. Councilmember Moncada then moved to approve Resolution 60-2012. Seconded by Councilmember Brooks. Motion passed 7-0.

### **3. Resolution 52-2012 of the Mayor and Council of the City of Benson, Arizona, amending the City's Human Resources Administrative Policy by adding new Section 15.5 regulating employee use of Social Media**

City Manager Glenn Nichols addressed Council stating this item has been brought back before Council after removing the section addressing personal use of social media. Mr. Nichols then stated the policy, if approved, will be added to the Human Resource (HR) Administrative Policy, as Section 15.5. Vice Mayor McGoffin asked about regulations on employees using social media while they are working with Mr. Nichols stating the policy addresses the use, which should be on the employee's lunch or break. Mayor King then added department heads should monitor that to make sure employees don't use social media when they should be working. Councilmember Brooks then asked if employees had the means to vent about their job without the concern of backlash with Mr. Nichols stating the employees have a grievance procedure in place for issues they may have. Councilmember Lambert asked when the City would have an active facebook page with Mr. Nichols stating the proposed policy needed to be approved first. Councilmember Brooks asked about having a policy in place to address employees talking to media outlets with Mr. Nichols stating the issue is addressed in the current HR policy, adding most department heads have discussed with their employees that information is not to be given out without prior approval. Vice Mayor McGoffin then moved to approve Resolution 52-2012. Seconded by Councilmember Moncada. Motion passed 7-0.

### **4. Discussion and direction on the proposal to change the 4th of July Celebration from a Fireworks Display to a Laser Light Show**

City Manager Glenn Nichols stated Mr. Dick Ferdon, the Chairman of the 4th of July Committee was present and would address Council. Mr. Ferdon then addressed Council stating the 4th of July celebration occurs on the cusp of the monsoon season, but the City has had to cancel the fireworks for the last two years due to drought conditions. Mr. Ferdon then stated this has resulted in the loss of attendance and vendors with many complaints. Mr. Ferdon stated the committee tried to hold other activities such as a dance and a DJ but neither activity was successful. Mr. Ferdon then stated the committee came up with a

viable option, which is a laser show that wouldn't have to be cancelled due to the weather, adding it would be a unique event and may draw additional crowds. Mr. Ferdon then provided a video demonstrating a laser show.

Council then discussed fireworks vs. a laser show with the Council agreeing fireworks are traditional and they would like to see them continue, however, there were many complaints when the fireworks had to be cancelled. Discussion then focused on the details and cost of both the fireworks display and the proposed laser show with Mr. Ferdon stating the fireworks usually cost approximately \$12,000-\$15,000 and the proposed laser show would cost approximately \$10,000. Mr. Ferdon then stated the committee would need to look at booking the laser show in January as the company books up very quickly. Council then discussed the possibility of having both the fireworks and the laser show during the 4th of July celebration and getting feedback from the community on which they preferred since the event is for the community. Recreation Coordinator Laura Parkin then addressed Council stating the recommendation of the 4th of July committee is to provide a laser show only, stating her concern on having both the fireworks and the laser show is that the public may come to expect both every year. Councilmember Brooks then asked if the item could be tabled in order to get public input. Councilmember Moncada then suggested having the laser show for the 4th of July celebration and the fireworks for Butterfield Stage Days, adding the weather is more conducive to fireworks in October. Council then discussed having the fireworks with Butterfield Stage Days stating the crowds enjoyed seeing the rodeo and then moving to the park for the fireworks this past year. Ms. Parkin then stated from a strategic aspect, a laser show for the 4th of July would be unique to the area and fireworks in October during Butterfield would be something that isn't offered elsewhere and may draw bigger crowds then also. Mr. Nichols then stated the item would be placed on the December 10, agenda for Council action.

**5. Review of City Finances with emphasis on September, 2012, financial results, the City's financial position at September 30, 2012, and discussion of expected future net revenue streams**

Finance Director Jim Cox addressed Council stating he would quickly review the financial highlights for month of September. Mr. Cox began with citywide financial highlights, stating the City's balance is down \$120,000 to \$1.7 million in unrestricted cash, adding this happens every year and will continue to decline through the month of December. Mr. Cox then stated the Bond proceeds balance is \$1.6 million and will be \$1.3 million at the end of December, adding the City's high revenue months are coming. Mr. Cox then continued with citywide fund balances stating they are down \$27,000 for the month of September and up \$46,000 year-to-date. Mr. Cox then stated overall the City is slightly down due to higher expenses without higher revenues to compensate.

Mr. Cox then addressed the General Fund, stating revenues were \$312,000 for the month of September, down \$42,000 compared to 2011, due to timing issues. Mr. Cox then stated personnel expenditures in the General Fund were \$241,000, which is up \$31,000 compared to the same month in 2011, with other costs in the General Fund being \$112,000, which is comparable to 2011. Mr. Cox then stated the General Fund balance decreased by \$40,000 in the month of September, but is still up \$71,000 year-to-date, adding that number will go down over the next 3 months.

Mr. Cox then moved to the Enterprise funds, stating the Gas Fund is right where it should be, down \$6,000 for the month of September and down \$26,000 year-to-date, noting we are just now going into high revenue months, adding the Gas Fund is positioned pretty well, being ahead of where it was in 2011 by \$20,000. Mr. Cox then stated the Water Fund is up \$10,000 for the month of September, and is up \$60,000 year-to-date, which is slightly better than it was in 2011. Mr. Cox then stated the Wastewater Fund is up \$5,000 for the month of September, and up \$12,000 year-to-date, which is down \$79,000 compared to last year, but was solely due to the fact that the City has had to absorb the cost of the Whetstone wastewater haul, costing approximately \$80,000 year-to-date. Mr. Cox then stated Public Works Director Brad Hamilton and his staff have been working very hard to put together the equipment the City needs to do our own hauling,

which will cut the cost for hauling by approximately 90%, adding the equipment has been purchased and is about to go into service.

Mr. Cox then addressed the Golf Course, stating it was down \$3,000 for the month of September, but was also closed for 10 days during that month, and is up \$9,000 year-to-date. Mr. Cox then stated compared to 2011, revenues have increased \$30,000 and expenses have decreased \$49,000, which is an \$80,000 turn around in the first quarter of the fiscal year, adding those are the worst revenue months. Mr. Cox then stated Staff watches the trend everyday and it's very encouraging, adding all the changes that have been made and new play that has been attracted from out of the area have really contributed to revenue enhancement. Mr. Cox then stated the restaurant operations are improving, with sales up slightly, and the costs becoming more and more manageable on a month by month basis. Mr. Cox then stated the course operations are smooth and the course is in the best shape it's ever been in, noting a very successful overseeding has been completed and makes the course physically very attractive. Mr. Cox then stated trend wise, memberships have expanded dramatically, due primarily to the efforts of Jay Tomerlin, who has put together some very attractive programs people have hit on, which are designed to increase our repeat play and have been very successful in achieving that.

Mr. Cox then gave a quick summary of sales tax stating the State sales tax collections are steady and have slightly improved over the prior year, with City year-to-date tax collections having improved, adding that trend has held for 3 months and he hopes it continues. Mr. Cox then stated overall, the City's financial performance is slightly below where we were last year and he expects it to be that way at the end of December, adding it makes cash flow a challenge as we begin to put together the budget for next year. Mr. Cox then stated the cash situation will recover in the first 6 months of the physical year, which is the last 6 months of the fiscal year, adding the City will be ok in the cash position, but we keep using a little of our savings each year, which is something we'll have to address at budget time. Mr. Cox then stated the bottom line is the City remains fiscally sound under current conditions, but if we see a major economic downturn, he believes Staff will have to come to Council, asking for advice on how to react.

Mayor King then stated the Council is very involved in financial aspects of the City along with the City Manager, adding the City usually has a downturn during this time each year, but recovers over the next 6 months. Mayor King then stated when he first became a Councilmember, the City had approximately \$200,000 in savings and the City has achieved much higher balances that the Council wants to maintain. Mayor King then stated he wanted the Finance Director to keep Council informed so they could take the necessary steps to react to the situation should it become a problem. Mr. Cox agreed, stating Council has always been pro-active, adding he looks forward to that continuing.

**DEPARTMENT REPORTS:** None

**ADJOURNMENT:**

Councilmember Moncada moved to adjourn at 8:00 p.m. Seconded by Vice Mayor McGoffin. Motion passed 7-0.

ATTEST:

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Toney D. King, Sr., Mayor

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Vicki L. Vivian, CMC, City Clerk