

**THE REGULAR MEETING  
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA  
HELD DECEMBER 10, 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 Pastor Lupe Diaz of Grace Chapel who gave the invocation.

**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:**

Mayor King recognized Leon Vassar for 30 years of service with the City of Benson.

**PROCLAMATION:** None

**PUBLIC HEARING:** None

**CALL TO THE PUBLIC:**

Paul Lotsof addressed Council regarding the new State law requiring the municipal elections to be held in the autumn of even numbered years. Mr. Lotsof stated there are two choices the Council has; one is to do nothing, which would probably result with the City ending up in court or the other is to pass an ordinance to change the dates of Benson's elections. Mr. Lotsof then stated the Council would need to shorten the terms of the Councilmembers who are elected next spring by approximately 6 months, and felt potential candidates and the citizens of Benson have a right to know what the Council's intentions are relative to complying with the new law.

**CITY MANAGER REPORT:**

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

- December 11, 2012 – Library Advisory Board, 4:00 p.m., Library
- December 15, 2012 – Historic Preservation Commission, 9:00 a.m., City Hall
- December 17, 2012 – City Council Meeting, 7:00 p.m., City Hall  
City Council Public Hearing, 7:00 p.m., City Hall
  
- 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 then stated continuing efforts to improve the facilities at Lions Park will affect the softball field, adding in the coming months the field will be graded and leveled, sprinklers will then be installed and the field will be reseeded. Mr. Nichols then stated the work has already begun and will continue into the spring until the new turf is re-established.

## **NEW BUSINESS:**

### **1. Consent Agenda**

- 1a. Minutes of the November 26, 2012 Worksession
- 1b. Minutes of the November 26, 2012 Regular Meeting
- 1c. Contract between Ben Sandoval Productions and the City of Benson for the 2013 Benson Bluegrass Festival
- 1d. Advertising Agreement between the City of Benson and Vail Sun/San Pedro Valley News-Sun
- 1e. Commercial Lease Agreement between the Benson Area Food Bank and the City of Benson for real property located at 370 S. Huachuca Street, Benson, Arizona
- 1f. Invoices processed for the period from November 15, 2012 through November 28, 2012

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

### **2. Presentation on the Relay for Life event and request of continued support and sponsorship of the event to include possible financial assistance**

City Manager Glenn Nichols introduced Alan Birkemeier and Lorraine Green who addressed Council on the Relay for Life program. Ms. Greene then presented the Council with a plaque the Benson Relay for Life Committee was given by the American Cancer Society at the Great West Division Relay for Life Summit in Phoenix. Ms. Greene stated the Relay for Life in Benson was presented the Hope in Numbers Award (the plaque) for being a new relay with the highest income in Arizona, adding their goal was to raise \$27,000, but they surpassed that goal and raised more than \$40,000. Ms. Greene then stated the plaque is to thank the City Council for their support of the inaugural relay in April, 2012. Ms. Greene then stated last year, the City generously donated funds for the committee to purchase purple silicon bracelets which they have been distributing at events in Benson and neighboring communities, adding the City also provided help to set up the relay site before the event. Ms. Greene then stated the 2013 Relay for Life will be held April 20-21 and again they are asking the City to provide workers to prepare the site for the event, adding the committee still has bracelets from last year, so they would like the City to cover the cost of the survivor dinner, which is a celebration of all those attending who have won their battle with cancer, as well as the cost for participant t-shirts. Ms. Greene then informed the Council that statistics indicate more than 500 people in Cochise County will be diagnosed with some form of cancer over the next 12 months with approximately 25 of them being in Benson, adding these people will be our co-workers, our friends and our family members, which makes the Relay for Life an important fund-raising opportunity for the citizens of Benson. Ms. Greene stated the money raised goes not only to research but also to programs to help these patients from the moment they are diagnosed and then she thanked the Council for the opportunity to address them. Mayor King thanked the City employees and others who were involved with the first relay, adding he hopes it is even bigger this year. Vice Mayor McGoffin stated when she brought up having a cancer walk event, it was to honor her mother and the 10 year anniversary of her passing from cancer, adding she was very happy with the turnout and the event. Vice Mayor McGoffin then stated she is happy the event is continuing, although she won't be able to be as involved in the event as she was last year. Vice Mayor McGoffin then stated she knew of a young girl, only 28, married to a first year teacher, with 3 small children, who had been diagnosed with cancer and asked the Relay for Life committee to have someone contact her and let her know what resources were available to her, adding this is why the event takes place, to not only raise money for cancer research and programs, but to raise awareness of the resources available to cancer patients. Council then discussed the financial support the City gave for the first event and the cost of the survivor dinner with Ms. Greene stating the survivor dinner costs approximately \$800 and the participant t-shirts costs approximately \$1,000. Further discussion was had regarding the cost of City employees preparing the site with Mr. Nichols stating the preparation was done during working hours. Mr. Nichols then stated there is funding in the budget for this event. Councilmember Brooks then moved to

support the Relay for Life event with \$900.00 as monetary support and to have City employees set up the site. Seconded by Vice Mayor McGoffin. Motion passed 7-0.

3. **Solid Waste Collection Agreement between the City of Benson and Waste Connections of New Mexico, Inc. dba Southwest Disposal for Solid Waste Collection in the City of Benson**

Public Works Director Brad Hamilton stated in July the City released an RFP for solid waste collections, adding this RFP was a lot more comprehensive than the last one, noting it included the cost for recycling and green waste options we would have in the future. Mr. Hamilton then stated the City received 2 responses; Waste Management and Southwest Disposal, adding after reviewing both proposals, it was Staff's recommendation to approve the proposal submitted by Southwest Disposal. Councilmember Brooks expressed his concerns regarding Southwest Disposal's trucks leaking hydraulic fluid and the damages it causes to the City streets which the City must then pay to repair. Councilmember Brooks stated the proposed contract did require a \$100 fee per incident, but felt the City should receive a reimbursement from Southwest Disposal to repair any damage they cause to the streets.

City Attorney Mike Masee stated the purpose of the \$100 fee for each incident is to allow the City to police the issue before there is damage to the streets. Mr. Masee then added Southwest Disposal has indicated they have upgraded their equipment with Mr. Hamilton stating since they upgraded their vehicles, he hasn't heard of any more problems. Vice Mayor McGoffin then moved to approve the solid waste collection agreement between the City of Benson and Waste Connections of New Mexico, Inc. dba Southwest Disposal for solid waste collection in the City of Benson. Seconded by Councilmember Sacco. Motion passed 7-0.

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

City Manager Glenn Nichols stated this item was discussed at the previous Council meeting, but he had some new information from Fireworks Productions of Arizona that they would no longer accept the City's 3 or 4 day notice to cancel or postpone fireworks. Mr. Nichols stated nothing had been finalized but they were looking at requiring a 30-day notice on a cancellation or postponement, with some sort of financial penalty if the cancellation or postponement notice was shorter than 30 days. Vice Mayor McGoffin stated when she was gathering signatures on her election petitions, she asked people if they would prefer the laser show or the fireworks, adding she only found 1 person who didn't care and the rest of the people she asked thought the laser show was a great idea. Vice Mayor McGoffin stated many people were very frustrated over the last few years in having no display at all and the laser show held more promise of not being cancelled due to weather conditions. Vice Mayor McGoffin then stated she would like to have the laser show and then have fireworks in October for Butterfield Stage Days if it was financially feasible. Councilmember Moncada stated he had talked to a lot of people who like the idea of a laser show, but they want fireworks on the 4th of July, adding they do understand having to cancel the fireworks because of dry conditions. Councilmember Moncada then stated he felt if the fireworks were held with Butterfield Stage Days, there would be less chance of needing to cancel them due to fire danger, adding he is in favor of having a laser show with the 4th of July celebration and fireworks with Butterfield Stage Days. Mayor King stated he concurred with Vice Mayor McGoffin and Councilmember Moncada, adding he also spoke with a lot of people who felt the laser show would be better because of the disappointments in having to cancel the fireworks show the last few years. Mayor King then stated this was also an opportunity to make Butterfield Stage Days even bigger by having a fireworks display, adding with the surrounding Helldorado Days and Rex Allen Days, it may even be able to draw those crowds to Benson. Councilmember Lambert then stated he originally brought up the idea of having both a laser show and a fireworks display at the 4th of July celebration, but he liked the idea of having the fireworks with Butterfield Stage Days better. Councilmember Maldonado agreed. Councilmember Brooks then stated he talked to people and got a different reaction, with most of the people he talked to feeling that fireworks were an American tradition and wanted fireworks for the 4th of July, adding he would not be able to see a laser show from his home

and would have to go to the park to see it. Councilmember Brooks then stated he felt the City may have been a little premature in cancelling some of these things and we may need to be a little more careful on how soon we make a decision like that, adding even if there were a problem, it would probably be in the ravine like it happened before and the fire department had no problem handling it, since they are there for the fireworks display. Councilmember Moncada agreed he would miss the fireworks, but if the City had to decide about cancelling the display 30 days before the event, he felt it might have to be cancelled to be safe. Councilmember Brooks stated he was curious about the amount of the penalty because if the penalty were minimal, it may be acceptable, adding he would like to have that information before making a decision. Councilmember Maldonado asked about the timeframe for booking a laser show with Recreation Coordinator Laura Parkin stating most communities start booking in January for the 4th of July. Mayor King stated he also likes the traditional fireworks, but felt we should go ahead with the laser show this year and then go back to fireworks next year if people wanted to. Councilmember Brooks stated he felt the City couldn't afford to have both a laser show in July and a fireworks display in October. Councilmember Maldonado stated the fireworks have had to be cancelled 2 years in a row and people were very disappointed and we were in danger of vendors not participating in the event. Mayor King then moved to have a laser show for the 4th of July celebration and to have a fireworks display during Butterfield Stage Days. Seconded by Vice Mayor McGoffin. Motion passed 6-1 with Councilmember Brooks voting nay.

**DEPARTMENT REPORTS:** None

**ADJOURNMENT:**

Councilmember Lambert moved to adjourn at 7:27 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