

**THE REGULAR MEETING  
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA  
HELD FEBRUARY 22, 2016 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 7:02 p.m. with the Pledge of Allegiance. Mayor King then introduced Steve Medieros of the New Life Family Worship Center who offered the invocation.

**ROLL CALL:**

Present were: Mayor Toney D. King, Sr., Vice Mayor Lori McGoffin, Councilmembers Pat Boyle, Jeff Cook, Joe Konrad, David Lambert and Chris Moncada.

**EMPLOYEE RECOGNITION:** None

**PROCLAMATION:**

Mayor King read a proclamation of the Mayor and Council declaring 2016 as “The Year of Promoting 211.”

**PUBLIC HEARING:** None

**CALL TO THE PUBLIC:**

Anna Lands, Cascabel Road, Benson read a letter from Elna Odard, Cascabel Road, Benson commenting on Debbie Kilpatrick’s note that was sent out from the San Pedro Chamber of Commerce. The letter read that the Army Corps of Engineers has not been studying the impacts of the Vigneto project despite requests to do so, and are sticking to their previous study. The letter disagreed with Ms. Kilpatrick’s statement that Arizona is a tourism state and development would fit right in with what is already established and what this state is known for because she doubts tourists would want a home in the development and because very little of what Ms. Kilpatrick listed as tourism draws deserves more than visiting once or twice. The letter said birding and hiking is one of the most fulfilling things in Ms. Odard’s mind, but the problem is this size of a development will scare away birds and wildlife, which will destroy the tourism effort. The letter read that some species have been recently filmed in nearby mountains and they are not likely to spend time in a development that is likely to be bigger than Sierra Vista. The letter then asked why the development is wanted and said people are told it will benefit them economically, but Ms. Odard assumes purchases for construction will not be purchased in Benson and that specialized help will be brought in rather than people here being trained, noting for a short time, there may be increased business, but once the development is done, people will shop in the new stores and won’t be shopping at older stores. Ms. Lands then read from a letter from Colonel Kirk Gibbs, U.S. Army Commander and District Engineer, about the scope of the Corps of Engineers’ regulatory authority over development projects being limited to provisions of Section 404, the Clean Water Act 33USC1344, which gives them the authority to regulate the discharge of dredge or fill materials into waters of the U.S. The letter read that the decisions on Section 404 permit applications qualify as federal actions which must also comply with other federal statutes such as the ESA, the Endangered Species Act, which relies on survey protocols outlined by the U.S. Fish and Wildlife Service. The letter went on to explain that the Corps then determines the presence or absence of federally listed species or designated critical habitat within the action area, which is defined as all areas to be affected directly or indirectly by the federal action. If a listed species or designated critical habitat is present within the action area and the Corps determines the federal action may affect such listed species or critical habitat, the Corps will consult under Section 7 of the ESA, but if no listed species or critical habitat occurs within the action area and the Corps determines the federal action would have no effect to listed species or critical habitat, consultation pursuant to Section 7 of the ESA is not required. For effects to listed species outside

the core action area, the developer must first request authorization directly from Fish and Wildlife Service pursuant to Section 10 of ESA.

Stephen Insalaco, Pinto Place, J6 Ranch, stated he understands the development project proposes an Italian theme and cultural overtone with landscaping, community amenities and consumption of local water resources to fit this design. Mr. Insalaco stated he likes the theme, however poor marketing strategies is a concern second only to limited water resources and he would encourage the Council to consider a southwestern theme that uses less water and is more representative of the local heritage, adding he thinks it would be equally prudent if the builder would develop greater sensitivity to the western heritage and limited ground water resources. Mr. Insalaco then stated the City was once told if they built an airport in Benson, it would become the crown jewel of general aviation in the Southwest, but the airport has witnessed very little economic growth and development as a municipal business unit for its operational duration. Mr. Insalaco then stated the City acquired the golf course for pennies on the dollar, yet that business unit has shown continued operating losses, adding just because the City flounders into a great idea doesn't mean it's going to work. Mr. Insalaco then stated great ideas still require, time, energy and effort to make them work and asked where the efforts were to bring additional Fixed Based Operator providers and hangar developers to the airport and what the airport technical advisor was doing to bring new businesses to the airport. Mr. Insalaco then spoke about the importance of advertising and promoting the golf course and the lack of advertising being done, noting the only advertising he has seen for the City Grille is a paper posting at the golf course listing the hours of operation. Mr. Insalaco then stated if the housing development is going to be done, his suggestion is to get aggressive about advertising and marketing it, with signs and brochures. Mr. Insalaco then asked the Council what their strategy was to capture Benson's market share, adding they need to find ways to get the shoppers to buy in Benson instead of Tucson and Sierra Vista where they have lower fuel prices, lower municipal sales tax and far better selection and choices where to shop. Mr. Insalaco then asked the Council to think about marketing.

Tricia Gerrodette, Eagle Ridge Drive, Sierra Vista, stated there are 2 legislative bills that are getting some attention: SB 1268 and SB1400, adding she was not sure if Council is aware of those bills or of the articles and editorials that have been written about them. Ms. Gerrodette then stated she would like to explain why she is angry about SB1268, adding Senator Griffin has proposed these bills and it is fairly clearly SB1268 is an attempt to end the lawsuit over the Tribute development in Sierra Vista. Ms. Gerrodette stated Senator Griffin has failed to grasp that this bill, if passed, will not have any impact on that lawsuit and will not remove the federal reserve water rights, which is the basis of the lawsuit. Ms. Gerrodette then stated the bill would allow a city to declare that a developer would not have to have adequate water in order to build a subdivision and the only person that hurts is the homebuyer. Ms. Gerrodette then stated people were sold homes and lots with inadequate water supply for a number of years in Arizona before the state took some steps to protect homebuyers, adding there is less protection in rural areas than in metropolitan areas, but there is some. Ms. Gerrodette then stated this bill would remove the requirement to have the definition of an adequate water supply before proceeding with the development. Ms. Gerrodette then stated she thinks the Mayor of Sierra Vista spoke at the hearing in Phoenix about 2 weeks ago and made what she feels is some questionable statements and then reached out to Mayors in Cochise County and got them to sign on to a letter in support of SB1268. Ms. Gerrodette stated Mayor King put his signature on the letter, adding that means Mayor King is in support of the bill and not the City of Benson, but a lot of people think if the Mayor's name is there, it implies the entire City and the Council is in support of the bill. Ms. Gerrodette then stated the Council had not discussed the issue or taken a position on the issue. Ms. Gerrodette then stated she was bringing the issue to the Council's attention, adding she feels it was poorly done on the part of Sierra Vista and she wants the Council to be aware that a letter in support of this bill exists with the Mayor's signature along with the Mayors of Tombstone, Douglas and a number of other cities. Ms. Gerrodette then stated the bill is complicated but is moving quickly through the legislature and will remain an issue until it is either signed by the Governor or vetoed.

Christopher Early, Pomerene, asked if the City of Benson was on-track or not, adding that was determined by each resident's and prospector's opinion. Mr. Early stated he felt the City is on-track in the way that it is being less nitpicky on things that have been in such a manner for over 30 years, like the radio station in

Benson. Mr. Early stated the City of Benson can stay focused or they can choose not to stay focused and asked the Council to please stay focused on what's most important.

David Thompson, La Cuesta Drive, Benson stated he was speaking to each individual Councilmember and to Staff because it was personal, adding he is a citizen and resident of Benson; he earns his livelihood, spends his tax money, bought a home, buys groceries, raises his family and invests in Benson. Mr. Thompson stated Benson is important to him and it should be important to the Council, adding the Council made a commitment to protect Benson and its citizens. Mr. Thompson then stated there will be an election in November, which will affect a majority of Council. Mr. Thompson then asked the Council to keep in mind that they can listen to everything said at the call to the public and they can read whatever they are given, but when it comes from people in Sierra Vista, Tucson, San Francisco, San Diego or other places, the Council needs to remember that unless those people are living in Benson, raising families and working in Benson under the City's economic burdens, they have very little impact on the Council. Mr. Thompson then stated the citizens who live in Benson have tremendous impact on the Council; they are the people who are going to reelect Councilmembers and the Council needs to be responsible to them, adding the Council needs to consider their economic needs, their living conditions, their tax conditions and so on. Mr. Thompson then asked the Council to do a good job for the City of Benson.

Alex Binford-Walsh, Cascabel Road, Benson, stated he totally agreed with the previous speaker's point of view, adding he does live in Cascabel, but the residents there feel like Benson is their town as well. Mr. Binford-Walsh stated they come to Benson to do their shopping and drive through Benson every time they go somewhere. Mr. Binford-Walsh then stated he does care about what happens to Benson and then spoke on some economic points being made about the development project. Mr. Binford-Walsh stated he feels like the basis of this whole discussion is that the more GDP Benson has, the better off it is, fading he feels that is the model the whole country is following, but he doesn't know how much it would improve the standard of living for the people who currently live in Benson. Mr. Binford-Walsh stated there may be a lot of shopping in the Benson stores at the beginning and it may put more money into the system, but over time there will be more competition. Mr. Binford-Walsh stated more people will move to Benson and he feels in the end, the City would be left with more service jobs, more government and more human health services such as a fire department. Mr. Binford-Walsh stated the development would affect the entire river valley and he thinks it is the most important and fragile wildlife corridor in the entire south, adding it is pretty much the only wildlife corridor between the mountain ranges in the U.S. and Mexico. Mr. Binford-Walsh stated there is so much fragility in the system and he feels it is important to let it thrive and continue. Mr. Binford-Walsh then stated he thinks there are other ways to help Benson's economic situation, adding Benson is the gateway to the San Pedro Valley and stated trails could be installed along the river, walnut trees could be planted along 4th Street and more traffic on Interstate 10 could be encouraged to stop to enjoy the river, which is the last free-flowing river in the Southwest.

### **CITY MANAGER REPORT:**

City Manager William Stephens addressed Council, giving the dates of upcoming meetings and events.

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| Wednesday, March 2, 2016  | – Benson Economic Development Committee, 6:00 p.m., City Hall       |
| Tuesday, March 8, 2016    | – Library Advisory Board, 4:00 p.m., City Library                   |
| Tuesday, March 8, 2016    | – Planning & Zoning Commission Public Hearing, 7:00 p.m., City Hall |
| Monday, March 14, 2016    | – City Council Meeting, 7:00 p.m., City Hall                        |
| Wednesday, March 16, 2016 | – Community Watershed Alliance, 6:00 p.m., City Hall                |
| Saturday, March 19, 2016  | – Historic Preservation Commission, 9:00 a.m., City Hall            |
| Monday, March 28, 2016    | – City Council Meeting, 7:00 p.m., City Hall                        |

Mr. Stephens then stated for more events in Benson, the public could visit the City's website: [www.cityofbenson.com](http://www.cityofbenson.com) under "What to do Today."

**NEW BUSINESS:**

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

- 1a. Minutes of the January 11, 2016 Worksession
- 1b. Minutes of the January 11, 2016 Regular Meeting
- 1c. Minutes of the January 25, 2016 Regular Meeting
- 1d. Invoices processed for the period from February 1, 2016 through February 16, 2016

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

2. **Discussion and possible action regarding Resolution 8-2016 of the Mayor and Council of the City of Benson, Arizona, appointing \_\_\_\_\_ as the City's representative to Coronado Resource Conservation and Development Area, Inc.**

City Manager William Stephens stated Resolution 26-2012 designated Councilmember Chris Moncada to serve as the representative to Coronado Resource Conservation and Development Area, Inc. (Coronado RC&D) with Vice Mayor Sacco serving as the alternate. Mr. Stephens then stated at the time of the change in Council, the City Clerk communicated with the Coronado RC&D and was informed that the Coronado RC&D may not remain in existence. Mr. Stephens then stated after a recent grant award to the Coronado RC&D, the City was notified that they will be operating for another 3 years; therefore, the City needs to update the records to appoint a Coronado RC&D representative and alternate representative.

Mayor King asked for any volunteers. Councilmember Moncada stated the Coronado RC&D meets once or twice a year in Willcox usually during a weekday morning at 10:00 a.m. to discuss grants, projects relating to species and plants and where to allocate grant funding. Mayor King then volunteered to be the representative. Vice Mayor McGoffin stated she would like to participate but was unable due to work. Councilmember Lambert then volunteered to serve as the alternate representative. Vice Mayor McGoffin moved to approve Resolution 8-2016 with Mayor King as the representative and Councilmember Lambert as the alternate representative to the Coronado RC&D. Seconded by Councilmember Moncada. Motion passed 7-0.

3. **Discussion and possible action regarding Resolution 9-2016 of the Mayor and Council of the City of Benson, Arizona, approving a Special Event Liquor License for Helping Hands @ Cochise Terrace for March 5, 2016 at Cochise Terrace, 1030 S. Barrel Cactus Ridge, Benson, Arizona**

City Clerk Vicki Vivian stated the organization, Helping Hands @ Cochise Terrace has applied for a Special Event Liquor License which allows a charitable, civic, fraternal, political or religious organization to sell and serve spirituous liquor for consumption only on the premises where the spirituous liquor is sold, and only for the period authorized on the license. Ms. Vivian then stated as per ARS §4-203.02, the application is sent to the Arizona Department of Liquor Licenses & Control, where the director may 'subject to the approval of...the governing body of a city or town...' issue the license on a temporary basis. Ms. Vivian then stated it is further stipulated that qualifying organizations will be granted a special event liquor license for no more than ten (10) days in a calendar year and a special event may be held for more than one (1) day, but it must be held on consecutive days and at the same location, or additional licenses will be required. Ms. Vivian then stated if this item is approved, it would be their first special event held in 2016. Ms. Vivian then stated the Helping Hands @ Cochise Terrace is requesting the permit for a fundraiser to be held at Cochise Terrace on Saturday, March 5, 2016 from 6:00 p.m. to 10:00 p.m.

Mayor King stated this organization has held events like this in the past and the Council should be familiar with their request. Vice Mayor McGoffin asked what the organization did with Ms. Vivian stating they choose a local in-need program and donate 100% of the proceeds to that, adding this year, the proceeds will be donated to the Senior Meals program.

Mayor King then moved to approve Resolution 9-2016. Seconded by Councilmember Lambert. Motion passed 7-0.

4. **Discussion and possible action regarding a Fireworks display contract between Fireworks Productions of Arizona, Ltd. and the City of Benson**

City Manager William Stephens stated this item is a 3-year renewable contract with Fireworks Productions of Arizona (FPA), Ltd. for the amount of \$10,000.00 to display fireworks during the 4th of July Celebration, adding the contract requires a 50% deposit by May 15, 2016. Mr. Stephens stated as per the procurement code, Staff sent a request to four different companies requesting a bid for our 2016 show, adding Zambelli Fireworks and Pyritz Pyrotechnics Group L.L.C. stated they were unable to provide a bid and Fireworks Productions of Arizona (FPA) and Lantis Fireworks and Lasers submitted bids. Mr. Stephens stated Staff is recommending a renewable contract with Arizona Fireworks Productions for the following reasons: Each year Staff requests a bid on Fireworks from four different companies and with the exception of this year, FPA is the only company that submits a bid; FPA carries a \$10 million dollar insurance policy, while Lantis carries a \$2 million dollar insurance policy; FPA's renewal terms provide the City with an opt-out clause should the City decide FPA's pricing is no longer in the best interest of the City, while Lantis makes provisions for a 2% – 3% increase for various elements of the agreement. Mr. Stephens stated Recreation Coordinator Laura Parkin was present should Council have any questions.

Councilmember Konrad asked if this was the same company the City has used in the past with Ms. Parkin confirming they were. Councilmember Lambert then clarified that the 50% deposit was an annual deposit of \$5,000 on the \$10,000 yearly price with Ms. Parkin confirming this. Ms. Parkin then stated even though the contract was renewable, it would be looked at each year and she would still request bids, but it wouldn't have to come before the Council. Vice Mayor McGoffin asked if the City normally spent about \$10,000 each year with Ms. Parkin stating the original contract is for \$10,000; then she gets an addendum for additional fireworks in the amount of donations she receives, adding last year, the donations were \$4,000 or \$5,000, bringing the total amount of fireworks up to \$14,000 or \$15,000.

Councilmember Cook asked how the number of fireworks on the proposed contract compared to previous contracts with Ms. Parkin stating the amount of fireworks is basically the same as last year, adding based on the addendum, fireworks are added to the list of firework displays.

Councilmember Konrad stated there was an addition error in the number of fireworks displays and Councilmember Lambert noted the reference to a wrong paragraph related to inclement weather, stating page 4, item 13 of the contract should reference paragraph 9 instead of paragraph 8. Councilmember Lambert then moved to approve the contract between Fireworks Production of Arizona, Ltd. and the City of Benson with the changes noted. Seconded by Councilmember Moncada. Motion passed 7-0.

**DEPARTMENT REPORTS:** No comments from Council.

**ADJOURNMENT:**

Vice Mayor McGoffin moved to adjourn the meeting at 7:43 p.m. Seconded by Councilmember Moncada. Motion passed 7-0.

ATTEST:

\_\_\_\_\_  
Toney D. King, Sr., Mayor

\_\_\_\_\_  
Vicki L. Vivian, CMC, City Clerk