

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD FEBRUARY 24, 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 7:04 p.m. with the Pledge of the Allegiance. Mayor King then introduced Mr. Larry Kreps of the First Baptist Church who offered the invocation.

ROLL CALL:

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

EMPLOYEE RECOGNITION:

Mayor King recognized Lupe Varela for 20 years of service with the City of Benson.

PROCLAMATION: None

PUBLIC HEARING: None

CALL TO THE PUBLIC:

Stephen Insalaco spoke to the Council regarding New Business Items 3, 4 and 6. Mr. Insalaco spoke in favor of a monthly report from the local Fixed Base Operator. Mr. Insalaco stated he was also in favor of changes to the Call to the Public form as well as updates to City Code Chapter 18. Mr. Insalaco's comments will be retained with the Council packet.

J.T. Moffett addressed the Council stating with a new Call to the Public form, the Council has a golden opportunity to bring some order to these meetings, adding a few months ago, Mayor King gave an impassioned speech about the disrespect and aggressive behavior coming from both the public and certain members of Council, of which he and others have been guilty. Mr. Moffett then stated he welcomes the constraints while others such as Councilmember Cook, Mr. Thompson and Ms. Nunn apparently did not. Mr. Moffett then asked Council to adopt the form Councilmember Brooks proposed, as it makes it clear what the rules are and then asked Mayor King to enforce those rules with his gavel. Mr. Moffett stated it is up to the Council to decide what the rules are going to be; but asked what good rules are if the Council does not enforce them. Mr. Moffett stated anyone speaking at the Call to the Public must sign the form in order to speak and anyone violating the rules set forth should be silenced and asked to sit down. Mr. Moffett stated campaigning during a City sponsored meeting is absolutely off limits and asked Council to not allow it. Mr. Moffett then stated allowing any member of the public using this forum to smear, spread rumors and use foul language against another member of the community or Councilmember should not be tolerated at all. Mr. Moffett stated Mayor and Council should tell the public how they want these meetings to proceed and he will abide. Mr. Moffett then stated the Council is to limit the Call to the Public to address only issues under Council's jurisdiction, which is anything that is on the agenda or will be on a future agenda, adding it does not include any of the following, such as an election or a campaign, a member of the public's activities outside of these chambers, alleged conversations between members of the public and opinions of members of the public about one another. Mr. Moffett then stated Councilmembers have no right to comment or respond to the Call to the Public unless they are accused or attacked and then can only refute what was said; not give a long dissertation of their opinion. Mr. Moffett stated he is asking the Mayor and Council to adopt the Call to the Public form and set strong standards to bring some integrity back to these Council sessions. Mr. Moffett then changed subjects, stating if the Council needs to question the attorney concerning proper procedure or need the attorney's opinion, they should ask it in public and request him to give the answer in public as well, so the public may understand what is happening, adding eye contact or a nod of the head is not appropriate or adequate for a legal opinion or admonishment. Mr. Moffett then stated these sessions are chaired by Mayor

King and no one should be allowed to turn their back on the Council and address the public. Mr. Moffett stated in Bill Simms' lessons, Mr. Simms told the Council that all comments and questions must be directed at and through the Chairman. Mr. Moffett stated he was speaking for many members of the audience and asked Mayor King not to accept anything less than quoted law from the City Attorney when he is giving legal advice. Mr. Moffett stated he believes the entire Council would benefit from a refresher course from Mr. Simms. Mr. Moffett then stated he read the RikerTek investigation, adding he wonders how many of the Council have read it. Mr. Moffett stated anyone reading it would find it shocking that according to the report and quoted "the overwhelming evidence is that RikerTek did not overcharge the City and the City appropriately paid for all services requested by various departments." Mr. Moffett stated throughout the report it seems to contradict that statement, but none more than these: "ProLogic, an entity hired to assist the City in this investigation, concluded that it appeared that RikerTek had been patching the network together for some time and the network did not undergo any significant restructuring under RikerTek at all" and "In 2012, Finance provided the following, they paid RikerTek \$39,200 and Scholer Technologies \$21,630 for a total of \$60,830 and in 2013 they paid RikerTek \$118,370" and "these payments represent nearly a 100% increase in spending for IT services in 2013." Mr. Moffett stated he would be back with more on this matter. Mr. Moffett then stated an interesting observation he got from the report parallels the recent outcry from Councilmember Cook's supporters about the \$13,500 cost for the recall election, adding according to the investigation, it was RikerTek's negligence that caused the major systems crash and subsequent loss of data and we still don't have all the records and don't even know which records were lost. Mr. Moffett then stated in spite of that, the City paid RikerTek to fix it. Mr. Moffett then stated it was \$13,500 for the recall election and the City paid RikerTek \$13,450 to fix his own mistake.

Paul Lotsof addressed Council, stating he would like to brief them on two unrelated matters. Mr. Lotsof stated first he would like to discuss the proposed changes governing the Call to the Public. Mr. Lotsof stated he has a friend who is an attorney and it is the attorney's belief that the proposed rules taken from the Town of Taylor will fail to withstand the court test; the problems are the words "boisterous" and "verbally attack." Mr. Lotsof stated the attorney thinks the words are such vague concepts that they would be voided due to vagueness. Mr. Lotsof then stated his basic question is why after all these years, are new rules needed to govern the Call to the Public, adding the worst case scenario is someone could say some nasty things for 5 minutes, assuming the Mayor does not grant them extra time. Mr. Lotsof then asked if someone could tell him why some people get 5 minutes and others get twice that. Mr. Lotsof then stated he would now move on to something far more important to him personally, adding his company has been operating out of a building that was manufactured 50 years ago and it is so badly depreciated that the Cochise County Assessor's Office has determined that the full cash value is less than \$500.00. Mr. Lotsof stated for years he has wanted to scrap the 1964 structure for a newer one and the only thing in the way is the City. Mr. Lotsof stated about 6 years ago he approached Michael McMillan who was working for the City and was given a list of things to do in order to comply with the rules that were in effect, adding Mr. Garcia echoes Mr. McMillan's opinion. Mr. Lotsof stated under the Zoning Regulations that currently apply, he has no rights whatsoever as a result of occupying the property since 1981, adding it is just as though we were going to build a brand new office on a vacant parcel of property noting they must be considered a new office building because there is no category for a radio station. Mr. Lotsof stated by far, the two worst things are the need to construct a paved parking lot and an elaborate concrete foundation, both of which benefit no one and would be expensive, plus there are a host of other costly requirements that make the project so expensive that it wouldn't be worth it. Mr. Lotsof stated the best way around this would be to make some minor changes in the zoning ordinance, adding the changes would be to Section 19 and apply to the B1 zoning district. Mr. Lotsof stated he has given each Councilmember a copy of the proposal to create a new classification that would take his business from an office building category to a studio, which is what it really is, adding the amendment would also release him from other costly requirements that make his project impossible. Mr. Lotsof stated his legal research shows the proposal would not have to be presented to the Planning & Zoning Commission, which he feels would be a waste of time, adding if the City Council would be good enough to approve this amendment or something like it, he would like to get going on the project this summer. Mr. Lotsof stated nothing can be discussed unless someone is willing to put it on a future agenda and that is his request. Mr. Lotsof stated the radio station has been serving Benson for nearly 31 years and all he asks is that the Council give him the ability to serve the community better by giving him a chance to give his employees a nicer place to work and asked that Council not stand in the way of property improvements.

CITY MANAGER REPORT:

Interim City Manager Brad Hamilton was unable to attend the Council meeting; Mayor King asked City Clerk Vicki Vivian to give the City Manager report. Ms. Vivian then addressed Council, giving the dates of upcoming meetings and events.

- Monday, March 10, 2014 – City Council Worksession, 6:00 p.m., City Hall
City Council Meeting, 7:00 p.m., City Hall
- Tuesday, March 11, 2014 – Library Advisory Board, 4:00 p.m., Library
- Wednesday, March 12, 2014 – Planning & Zoning Citizen Review, 7:00 p.m., City Hall
- Monday, March 24, 2014 – City Council Worksession, 6:00 p.m., City Hall
City Council Meeting, 7:00 p.m., City Hall
- Tuesday, March 25, 2014 – Community Watershed Alliance, 6:30 p.m., City Hall

Ms. Vivian also advised Council that on March 28-30, the Crossroads Country Music and Poetry Gathering is to be held at the River Basin Ranch.

NEW BUSINESS:

1. Consent Agenda

- 1a. Minutes of the February 10, 2014 Worksession
- 1b. Minutes of the February 10, 2014 Regular Meeting
- 1c. Invoices processed for the period from January 30, 2014 through February 11, 2014

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

2. Request sponsorship of the Benson Bobcat Booster Club Golf Tournament to be held on March 15, 2014

City Clerk Vicki Vivian introduced Benson Bobcat Booster Club President Tammy Fenn, stating Ms. Fenn would be addressing Council concerning this item. Ms. Fenn addressed Council, stating she was coming to Council in request of a sponsorship for the golf tournament that will be held on March 15 at the San Pedro Golf Course. Ms. Fenn stated last year the tournament raised over \$2,000 for the school's athletic programs, adding the Booster Club always gives the money to the athletes and athletic programs at the school. Ms. Fenn then read from the letter given to the Council stating, "All proceeds from the golf tournament will go directly to our Benson Bobcat athletes. As you know, in the past few years there have been major budget cuts that have affected the athletic programs throughout the state. It is the mission of the Benson Bobcat Booster Club to provide our student athletes with the funds they are in need of beyond what the school district is able to provide. Our goal is to provide for our teams and individual athletes so that any person with the desire to participate in a sport will be able to, regardless of their financial situation at home." Ms. Fenn then stated last year Council was willing to donate \$200 which included a 3' x 5' banner with the City's logo in support of our community athletes, adding she was present to request that sponsorship again. Councilman Moncada stated the Director of Golf Operations, Jay Tomerlin had a suggestion about the golf fees and asked Mr. Tomerlin to address the Council. Mr. Tomerlin stated the City owns the golf course and can set the rates for charity events, then suggested setting a lower rate for each player for the tournament, adding the difference in the player rate would provide the Booster Club with additional financial assistance. Councilmember Brooks asked for the City Attorney to provide his opinion on doing so with City Attorney Gary Cohen stating there are situations that implicate the gift clause, adding the proposal Mr. Tomerlin suggested is a lot cleaner than the first, but it would be difficult to give a formal opinion without researching the issue, adding if the decision could wait, he could have an answer for the Council to consider the request at the next Council meeting.

Mayor King asked about the reduced player rate with Mr. Tomerlin stating if the Council approved a \$31.00 per player rate from the current tournament player rate, the extra \$4.00 per player would be given to the Booster Club, adding last year, the Booster Club had 60 players and if they had the same number this year, it

would result in an additional \$240.00 being raised by Booster Club. Councilmember Wangness asked about the special rate being applied to any non-profit with Mr. Tomerlin stating it would be up to the Council.

Councilmember Moncada then moved to set the player rate at \$31.00 per tournament player for the tournament. Seconded by Councilmember Brooks. Motion passed 7-0.

3. **Discussion and possible direction to Staff regarding the Benson Municipal Airport Fixed Base Operator (FBO) to provide reports to City Council on a monthly or otherwise basis giving updates on activities at the Benson Municipal Airport**

City Clerk Vicki Vivian stated this item was on the agenda at the request of Councilmember Brooks. Councilmember Brooks then stated he had spoken with Roy Jones, the FBO, because of some of the information that was given to him, such as the gates not working, lighting not working and investors coming to the airport looking for hangars. Councilmember Brooks then stated Council doesn't seem to be in the loop on these things and he would like this information brought to them to make them aware. Councilmember Brooks then stated Mr. Jones said he would be happy to come to the Council meetings and give updates on the airport. Councilmember Brooks then stated he didn't know if the Council could require what kind of sales volume was being done since it was a private business, but he thought Council could ask how many aircraft come in each month and about activity and conditions at the airport, adding he would like to have the reports bi-weekly, because the Council shouldn't wait a month to find out someone was looking for hangars or other important information.

Ms. Vivian stated Mr. Hamilton said he had spoken with Councilmember Brooks about this, but was hoping to wait until the new City Manager came and they could discuss and formulate a report with the information Council wanted. Councilmember Brooks agreed the new City Manager, Mr. Stephens, may want to be very involved in the airport, noting his current profession a commander of an air base. Councilmember Brooks then stated there also may be an airport advisory committee coming together, depending on what is needed there, but in the meantime, he would like the FBO to come to the Council meetings and give Council updates on the airport.

Councilmember Moncada stated he thought the report should be a written monthly report, just like any other department report. Mayor King agreed, stating other departments provide monthly written reports, which gives Council time to read it, and if something is happening that needs to be brought to the Council's attention, it could always be added to the City Manager's report.

Council discussion on reports continued with Councilmember Boyle expressing his concerns that information would have to wait until the monthly report. Council then discussed the fact that important information requiring Council's attention could be brought to the Council at any time and wouldn't have to wait. Councilmember Brooks expressed his desire to have the reports in person, noting Council could ask questions during the presentation, which they may not be able to do in just getting a written report. Councilmember Moncada stated just as with any other department, the Council could always contact the appropriate person and ask their questions at any time. Councilmember Brooks continued expressing his desire for the report to be done in person, stating the Council isn't getting the information they need to, adding the City has a huge investment in the airport and needs to keep an eye on it.

Vice Mayor Sacco spoke about the previous airport advisory committee and stated he felt a report on the airport should be given to Council every month, either in writing or in person. Councilmember Brooks stated an airport advisory committee was something he thought would be looked at or that the new City Manager may be given the title of the "airport manager" if he would like to be more active in the airport, but in the meantime, Councilmember Brooks would like to have a written report on the airport activity that Council can review prior to the Council meeting, but stated he would still like a report in person because there's a lot of things he would like to ask the FBO, such as what we are doing to try and increase the sales out there and what the FBO is doing, adding he knows the FBO is very active and has done a lot to bring sales. Councilmember Brooks then stated he would like these reports in person for at least the next 2 or 3 meetings, adding he thinks the new City Manager will be here after that and either there will be advisory committee or the City Manager can do it after that. Vice Mayor Sacco agreed with Councilmember Brooks.

Councilmember Cook then stated he thought it was a good idea for written reports, adding if there are no big changes between Council meetings; the second report should be limited to follow up of the first report. Councilmember Cook then stated as far as the report being an oral report, he wasn't certain it would be helpful to the City, Staff, Council or the public, adding the Council has had several Council meetings go 4 hours or more and adding an oral report that generally involves or requires needless discussion would lengthen it, so he would like to see the report be a written report. Councilmember Cook then stated as far as the concern about the timeliness of the reports, he thinks there's a trend on this Council to try to micromanage all of the City's departments and businesses, and he would like the Council to be mindful of the damage that does. Councilmember Cook then stated the way it is now, the Public Works Director, Brad Hamilton deals with the airport and if there is anything that would require Council action, he would contact the Mayor and either have it put it on the agenda or if needed, he would talk to the Mayor about calling a special meeting.

Vice Mayor Sacco agreed, stating the airport should be treated like any other department and there should be a written report submitted to the City Manager just like any other department, adding it was not necessary to have someone appear before the Council. Vice Mayor Sacco then stated if the Council had questions, they could pick up the phone and ask them, just like with any other department. Vice Mayor Sacco then asked why Council needed to put another layer on and be micromanaging. Councilmember Cook stated that was his point and was glad Vice Mayor Sacco agreed with him. Vice Mayor Sacco agreed. Councilmember Cook then stated in considering an airport advisory committee, it wasn't on the agenda, but expressed he was not for it or against it.

Mayor King asked if there was further discussion with Councilmember Brooks stating he guessed he wasn't making his point really well. Councilmember Brooks then stated there is a service operating at the airport right now, that is going to be leaving and the airport is going to lose the business because of something the Council was not aware of, adding Council can't make decisions on things they aren't aware of. Councilmember Brooks then stated the Council should have had their eyes on the airport, but can't if they don't have the information they need to do so. Councilmember Brooks then stated he would like to ask Mr. Insalaco to step up and explain this service that's going to be going elsewhere because he wanted the Council to understand the importance of businesses leaving our town. Mayor King stated the Council was to be discussing reports they wanted to get from the airport with Councilmember Brooks stating he feels the Council needs to hear from Mr. Jones, the FBO, to get this information because it wouldn't show up on a monthly report.

Mayor King disagreed, stating the Council could ask for it to be included on the reports, adding if any Councilmember finds something in the report that they would like to discuss, they could always request that it be put on an agenda, adding if the Councilmember feels it is that critical, they could always contact them by phone or in person to find out what is going on, instead of making them come in at each meeting. Mayor King then stated again, he felt a department report would be just as good so the Council could read through it and then any Councilmember could place something on the agenda, if they felt it was needed. Vice Mayor Sacco agreed with Mayor King, stating the Council should have a monthly report on the airport, just like every other department.

Councilmember Brooks stated there is information the Council has not been getting and the Council can't afford to let people leave the area because the Council isn't giving them attention, adding without having that information, the Council can't do anything. Councilmember Brooks then asked how he could give them his attention if he didn't know anything about it until it was too late, adding the Council needs something in place so they know what is happening. Vice Mayor Sacco stated that was the purpose of the previous airport advisory committee with Councilmember Brooks stating the Council could look into that, but he would like to get the new City Manager's opinion first. Councilmember Brooks then stated it sounded like the consensus of the Council was to get reports on the airport, and he would agree if the Council could get a report every 2 weeks, but added he would like the report to include the amount of aircraft that come and go in that reporting period, the amount of sales if they can ask that or possibly the number of planes that got fuel, so the Council can see the amount of activity, any problems with the airport and airport conditions.

Councilmember Moncada then moved to have the FBO provide bi-weekly Department Head reports to the City Council. Seconded by Mayor King. City Attorney Gary Cohen addressed the Council stating the agenda item is for discussion and possible direction to Staff, adding the FBO is not Staff, but is a private entity. Mr. Cohen then stated if the Council was going to direct Staff, they may wish to direct the City Manager. Councilmember Moncada then stated he would amend his motion, and moved to direct the City Manager to provide bi-weekly updates on the Benson Municipal Airport. The amended motion was seconded by Mayor King.

Councilmember Cook stated he would like to know what information for the report would be included in the motion with Councilmember Moncada stating the report should include anything that is pertinent. Councilmember Cook stated that information could change every week and asked if the report should be consistent. Councilmember Moncada stated he thought it was better if the FBO discusses it with the Interim City Manager and they decide what information to give Council, adding if the Council decides they want additional information, they could request it at that time. Councilmember Brooks stated he would like for the Interim City Manager to review the Council discussion here, so he'll know what to look for.

Mr. Cohen stated he was tracking the information that, at a minimum, Council is asking the City Manager to report back on during the period of the report, which was the aircraft count that have come and gone, general activity, sales at the airport including but not limited to gas sales, any perspective buyers and any problems at the airport. Councilmember Brooks stated he would also like to be made aware of investors and the aircraft that are based at the airport so if it changes, the Council will know what is going on. The motion passed 7-0.

4. **Discussion and possible action regarding the “Call to the Public” form**

Mayor King stated he felt the Council needed an executive session due to questions regarding the language on the forms. Mayor King then moved to go into an executive session with the Mayor and Council, the City Attorney and the City Clerk at 7:53 p.m. Councilmember Moncada asked if Mayor King wanted to address New Business Items 4 and 5 in the executive session with Mayor King stating he did. Seconded by Councilmember Moncada.

Councilmember Cook stated an executive session was not on the agenda with City Attorney Gary Cohen stating the agenda contains a statement that reads the Council can always go into an executive session for legal advice if a majority of the Council chooses to do so.

Councilmember Brooks asked if this was something that could be done in public with Mayor King stating his concern was the confidentiality of the information the Council had from the City Attorney, adding there may be a few other questions the Council might have. Councilmember Wangsness asked if the Council couldn't just instruct the attorneys to review the different proposals and put something together that they think is a preferred format for the Council to take action on. Mayor King stated the Council could do so, but that there was a motion on the floor. Mayor King then called for a vote. Motion passed 7-0.

Council reconvened 8:20 p.m.

Mayor King stated he felt the Council needed to have the forms sent to the attorney to address the language. Councilmember Brooks stated the Council had draft forms and moved to direct the City Attorney to make modifications in the forms and then bring the item back to Council for approval. Seconded by Councilmember Boyle. Motion passed 7-0.

5. **Discussion and possible action regarding a “City Council Agenda Request” form**

Councilmember Brooks stated the Council had a draft form for citizens and people in the community to put things on the agenda, and once again, he would like to move to direct the City Attorney to remove the demeanor policy from the draft and accept it as is and bring it back to Council at the next meeting for approval. Vice Mayor Sacco asked who red-lined the language “is the requestor a City of Benson resident” and asked not only how they would prove it, but if it was legal. City Attorney Gary Cohen stated the language was not red-lined, adding he was not aware of anything illegal in asking if the requestor is a City of Benson

resident on the Benson City Council Agenda Request form. Mr. Cohen then stated it was just a question that is being asked for the Mayor and Council to consider amongst many other things they may or may not consider in deciding what should or should not be on the agenda. Vice Mayor Sacco asked about there being a conflict if the requestor wasn't a resident. Mr. Cohen stated whether it would be a conflict or not would be up to the Mayor and Council to decide, but he was not aware of it being a legal conflict. Mr. Cohen then stated again, that the question about whether the requestor is a Benson City resident or not on this particular form, which is one of many mechanisms available for people to suggest things that should be on the agenda, is not illegal and is just one factor of many that Council may or may not want to consider in deciding what should or should not be on the agenda.

City Clerk Vicki Vivian then stated there was a copier issue and that may be why Vice Mayor Sacco sees the red line, adding the copier has since been serviced. Mayor King then stated there was a motion on the floor. Seconded by Vice Mayor Sacco. Motion passed 7-0.

6. **Discussion regarding Benson City Code Chapter 18, Boards, Commissions and Committees**

City Clerk Vicki Vivian stated the City Code needs updating, adding recently, the focus has been on the Council Rules and Procedures in conjunction with Chapter 2, as well as Chapter 9 and now Chapter 18. Ms. Vivian then stated Staff was directed by the previous administration to review the City Code and propose updates and changes that needed to be incorporated. Ms. Vivian then stated the City has 14 boards, commissions and committees, with 3 being completely inactive; however, the current chapter addresses only 4 of them. Ms. Vivian then stated in working on a draft of Chapter 18, she has researched the documents that established the City's boards, commissions and committees and is working on incorporating all 14 of them into the Chapter as they currently exist. Ms. Vivian stated once this was done, direction was going to be sought from the City Manager on implementing changes to the boards, commissions and/or committees to make them as uniform as possible, adding input from boards, commissions and committees as well as legal review would be sought before bringing the proposed changes to Council for action. Ms. Vivian then stated Mr. Insalaco presented a proposal to Council, which would need Staff review as well as legal review, before Council consideration. Ms. Vivian then stated it would be up to Council at this time to direct Staff in whatever direction they wanted to proceed.

Vice Mayor Sacco stated he would like to see all the boards, commissions and committees in one chapter, with Ms. Vivian stating that is what she was working on.

Councilmember Brooks stated he put this on the agenda because Mr. Insalaco had taken a lot of time to put a draft together for Council, but noted there are a lot of things Mr. Insalaco isn't aware of with different boards and commissions, such as with the Economic Development Committee, members don't need to be a citizen to make decisions or help make suggestions, but that there are certain boards and commissions that require members to be a City resident to be on. Councilmember Brooks then stated he would like to see Chapter 18 start with 18-1 that gives the generalization that applies to all boards and commissions and then have the chapter address each board and commission with its own bylaws that apply to it only, noting in the case of the Board of Adjustments, he believes a member would need to be a citizen because they are making decisions on someone who lives in the City vs. the Economic Development Committee that is just for the general area of Benson and growth. Councilmember Brooks then agreed with the City Clerk and Vice Mayor Sacco that Chapter 18 would be a great place for all the boards and commissions. Ms. Vivian then stated a duplication of information or references would be fine, but she felt there should be one place anyone could look for any board, commission or committee. Vice Mayor Sacco agreed.

Councilmember Brooks stated he would like to suggest the Council have further discussion and felt a worksession should be held with the City Attorney present, adding the worksession could be held other than a Monday night so it wouldn't interrupt Council meetings. Councilmember Moncada stated he felt the Council could direct Staff and the City Attorney to work on it and bring back recommendations for Council consideration, adding this is going to take some time due to the Council having them work on other City Code chapters and issues, as well as their other duties.

Councilmember Brooks stated the Council knows between them what they want and they could then forward it to the City Attorney for his remarks and then have it brought back.

Ms. Vivian stated she could insert a new article into the draft she was working on to address general administration of boards and commissions with things that would apply to all boards and commissions. Ms. Vivian then stated she was suggesting that she continue on that draft, which will include information on and individual requirements of all boards and commissions as they exist now, then Council can review that document and make changes as they want, adding she wouldn't want to try and anticipate what Council would want to change. Ms. Vivian then stated she could add something addressing the new Benson Economic Development Committee that hasn't been formed yet, as a proposal, but she would not propose any other changes until the Council reviewed what is currently in place and decided what changes they wanted to make to each board, commission and committee.

Councilmember Brooks stated the City is taking applications for the Economic Development Committee right now and will be putting the committee together, adding the Council could add the information with the understanding that Section 18-1 would be reserved to address Open Meeting Law and all the standard things that apply to all boards and commissions; then break out the section for the Economic Development Committee and what Council wants to see in that, such as whether members need to be City residents or not, how the members are voted in and out and added all that could be defined in that subsection, asking if those would be called the bylaws of the committee. Ms. Vivian stated bylaws are a separate document and are not part of the City Code, noting the Library Advisory Board has its own bylaws. Ms. Vivian then stated she would prefer to have all the boards, commissions and committees rules and procedures incorporated into the City code, so all the information would be in one place, but it would be up to the Council.

Councilmember Brooks stated Mr. Insalaco gave Council a proposed draft of Section 18-1 and Section 18-7, adding 18-1 was the general administration of boards and commissions and 18-7 addressed the Economic Development Committee, adding they were pretty well written and he would like to have a worksession to possibly get the Economic Development Committee defined before the committee is in place.

Councilmember Moncada stated he would prefer to direct Staff to work on Chapter 18, and then bring it back to Council for review.

Councilmember Brooks stated again, he would like the Council to hold a worksession on Section 18-7 that addressed the Economic Development Committee so the Council could get the committee defined, adding they wouldn't have to address all the other boards or commissions at the worksession.

Ms. Vivian stated the Council didn't need to actually write the section, adding the Council could hold the worksession and decide the parameters of the committee and once Council decided what they want in the committee, such as the membership, voting members, residency requirements, then Staff can do their job and create a draft document for Council to consider. Councilmember Brooks stated that was what he was suggesting.

Councilmember Cook stated he didn't know how many proposals they would have for Section 18-7, adding the Council needed to put the proposal from Mr. Insalaco aside and might want to consider not acting on anything until Council let Staff come up with proposed rules that are best for the committee.

Councilmember Brooks stated again, he felt the Council needed to put something together, adding it would be nice if there was something in place with some rules such as how people are going to be chosen. Councilmember Brooks then stated he would like a worksession before the end of March, maybe on a weekday.

Mayor King asked Ms. Vivian if that would give Staff enough time with Ms. Vivian stating Staff didn't need any time for Council to decide whatever general rules they wanted, adding if the Council was going to review Mr. Insalaco's proposed Section 18-7 and pick certain elements from it, it was something Council could do, but she wouldn't propose any draft of a document until Council decided the components and parameters of the

committee. Ms. Vivian then stated after Council decided those, she could go back and draft a document, have legal review done and present it to Council for their review, changes and approval.

Council then discussed a worksession being scheduled for March 26. Mr. Cohen noted the direction to Staff was to properly notice a worksession for March 26 for the purpose of discussing proposed requirements for the Benson Economic Development Committee and asked Council what time the worksession would be held. Council agreed to hold the worksession at 6:00 p.m.

7. **Review and discussion of City Finances with emphasis on January, 2014 financial results, and the City's financial position at January 31, 2014**

Finance Director Megan Moreno addressed Council with the financial highlights for the month of January, stating the City's unrestricted cash balance dropped below \$1 million, noting even though the City had a good financial report for the month of January; cash continues to be a concern. Ms. Moreno then stated the bond proceeds remain at the same amount, noting the City has held off on capital projects and since the bond money is used to fund those projects, the City has not done a bond draw this year.

Ms. Moreno then addressed revenues stating the good news was that revenues exceeded expenditures in the month of January, adding the City made \$236,000 citywide, which includes the General Fund and all the Enterprise funds combined, adding year-to-date it's still down \$297,000, but it did take away a big chunk of the negative the City has been operating in. Ms. Moreno then stated by comparison, at this time last year, the year-to-date was down \$366,000, noting the City is doing better than last January. Ms. Moreno then stated citywide revenues for January were \$934,000, and were \$5.4 million year-to-date, noting this is a huge decrease over 2012, but was due to less grant revenue being received this year, less bond proceeds being drawn on and to construction sales tax being considerably down.

Ms. Moreno then addressed personnel citywide, stating it was actually down for the month of January, but up \$69,000 year-to-date over 2012. Councilmember Brooks asked why this was with Ms. Moreno stating part of the reason for the increase was the raises Council gave to the Police Department and she thought the decrease in January was due to critical positions, such as the City Manager, being vacant.

Ms. Moreno then stated she would like to point out capital expenditures were only \$20,000 for the month of January and only \$245,000 year-to-date, adding the City has put a lot of those on hold, noting last year, we had already spent over \$1 million on capital projects at this time.

Ms. Moreno then addressed the General Fund, stating she was happy to report the City saw increases during the months of December and January in local sales tax, noting it was actually up year-to-date by \$87,000. Councilmember Boyle asked if this was up from last year with Ms. Moreno stating it was up from last January by \$29,000 and was up year-to-date by \$87,000. Ms. Moreno noted she had given Council a financial comparison report earlier and also wanted to mention that not only local sales tax collections are up, but State shared revenues are up as well. Ms. Moreno then stated overall, revenues are up for the General Fund by \$140,000 over last year, which is very encouraging to see. Ms. Moreno then stated in the General Fund balance, revenues exceeded expenditures by \$140,000, noting the City is still operating in the red by \$390,000 but to compare to last year, the City was operating in a negative \$543,000 at this time, so we are doing well compared to last year.

Ms. Moreno then stated another piece of information in the reports she gave Council earlier is that each department has decreased expenditures from last January, adding that shows Department Heads understood budget issues and have taken steps toward mission critical spending, which is starting to show in the financials.

Ms. Moreno then addressed Enterprise Funds, stating all the utility funds are now operating in the black with the Gas fund balance being \$43,000 year-to-date, the Water fund balance being \$68,000 year-to-date, the Wastewater fund balance being \$83,000 year-to-date and the Sanitation fund balance being \$76,000 year-to-date.

Ms. Moreno then stated the Golf Course also made money in the month of January, stating they made \$15,000 without the additional stipend they were getting last year. Ms. Moreno then stated the Food and Beverage side almost broke even and only lost \$864.00.

Ms. Moreno then addressed sales tax, stating the City was up over the last two years for January, with the City retail sales tax being \$271,000 for the month of January. Councilmember Brooks asked Ms. Moreno for her opinion on why it increased with Ms. Moreno stating she assumes it was in preparation for the holiday season, noting January results are based on November sales. Councilmembers stated it may have also been due to winter visitors and a new retail store opening with Ms. Moreno stating the City also had a strong October, so the winter visitors may be part of the increase, but noted the retail store Council mentioned was not open until the end of November. Ms. Moreno then stated there were also several events held around Benson, which may also have contributed to the increase. Councilmember Brooks asked if the bed tax was part of the increase with Ms. Moreno stating the bed tax was actually down from January in the past two years. Ms. Moreno then noted the construction sales tax had experienced some good levels at the beginning of the fiscal year, but now has decreased and was \$7,900 for the month of January.

Ms. Moreno then concluded her presentation, stating the City was still up, even though there were decreases in both the construction sales tax and bed tax, noting the increases on the retail side, both locally and at the State level put the City overall above where it's been in the prior two Januarys and then asked if there were any questions. Councilmember Boyle asked Ms. Moreno if she expected to see a drop now that the holidays were over, with Ms. Moreno stating she thinks the next couple of months will still be elevated, noting the winter months are the City's stronger months.

DEPARTMENT REPORTS: None

ADJOURNMENT:

Councilmember Moncada moved to adjourn at 8:55 p.m. Seconded by Councilmember Brooks. Motion passed 7-0.

ATTEST:

Toney D. King, Sr., Mayor

Vicki L. Vivian, CMC, City Clerk