

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD MARCH 25, 2013, 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 Steve Medeiros of the New Life Family Worship Center 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 announced Asher Arnold had 10 years of service with the City of Benson.

PROCLAMATION: Mayor King asked Councilmember Brooks to read the proclamation declaring the weekend of April 26th, 27th, and 28th, 2013 as "Benson Bluegrass Festival Weekend."

PUBLIC HEARING: None

CALL TO THE PUBLIC:

Steve Sacco addressed Council stating he has become aware that Mr. Garcia in the Building Department is currently updating Chapter 7, adding he has been given a copy of the changes and he finds this interesting since at the January 28 Council meeting, the Council voted to table Chapter 7 until a third-party review of the documents could be performed. Mr. Sacco then stated while Mr. Garcia has revised the wording in the general requirements section of the code that deals with building maintenance, he neglected to address any of the other concerns addressed by the citizens of Benson and the updated version still gives the City of Benson the authority to place a lien and ultimately seize properties for the lack of payment for costs. Mr. Sacco then stated it also still creates the Development Services Department and a directorship for its head. Mr. Sacco then stated like many others, he believes all of Chapter 7 should be scrapped and instead be rewritten utilizing the committee approach for representatives of the community and businesses, adding other interested parties should have a say as to its content. Mr. Sacco then stated if Mr. Garcia is interested in becoming a Department Head, he should first have to demonstrate his leadership abilities, adding one way to have done this, was for him to recognize the people who have to follow the Chapter 7 codes should have been given an opportunity to not only comment about them, but more importantly to be a part of creating them in the first place. Mr. Sacco then stated it should be obvious by now this issue is not going to just go away, so he calls upon the Council to scrap the Chapter 7 updates and instead allow the citizens of Benson to craft a new version that is acceptable to the needs of the community.

Kathy Suagee stated she was requesting Council's attention to the petitions submitted tonight by the informal watchdog group, adding this petition was never meant to be a formal petition, so it was not registered with the City Clerk, but instead Council should consider it a letter from their constituents, the people and business owners of Benson, who have strong opinions about the invasion of their privacy and the deletion of grandfathered property rights in the proposed code. Ms. Suagee then stated Council should know that for every signer who put pen to paper to express his or her concern about the new codes, there was at least one more who was afraid to put down his name for fear the City would retaliate against him, adding it is a sad thing that the citizens of Benson fear their government. Ms. Suagee then asked Council to consider this petition signed by over 100 community members and to enter it into the records, so if Benson does indeed, incur the wrath of the State for not submitting an updated development plan because of the

public's recent awareness of what is in the proposed document, this petition may serve to illustrate to the State why they were late. Ms. Suagee then stated during the past month, some people have learned that Mr. Garcia has continued to tweak the code that was submitted to Council in February for a vote, adding the Council wisely voted to table the document pending a review by a third party qualified to assess the content and ramifications of the proposed codes. Ms. Suagee then stated any further work on that document should be on hold, otherwise, how would the public know when it is given to a third party reviewer that what is reviewed is that which will be evaluated. Ms. Suagee then stated the public understands that the City is between a rock and a hard place, with the old codes having been negated because of faulty practices in the adoption of those codes in the 1990s, adding the City essentially is without operative building codes at this time, but the City's lack of planning does not constitute an emergency on the public's part. Ms. Suagee then stated Council is in danger of passing a new set of codes and regulations every bit as wrongly as was done in 1998, adding this is just one more example of having been given bad advice by a bad lawyer.

Dianna Comaduran stated she had signed petitions which are being submitted by the citizens of the Benson community. Ms. Comaduran then read the petition statement. Ms. Comaduran then stated she would hope the Council would not invalidate their concerns by ignoring the petitions and referring to them as illegal petitions. The petitions were then given to the City Clerk and will be retained with the Council packet.

Stephen Insalaco addressed Council stating this evening when he reviewed the City Council packets on the City's website, he noticed the packets now have the content and nothing more than the agenda and he had heard someone in the past say the packets had been removed from the website. Mr. Insalaco then stated he thinks having the packets exposed to the citizens is a good idea and he thinks that it's a bad idea to remove them, adding there is a certain amount of transparency in having the entire Council packet on the City's website, allowing citizens to review the content of the packet with a greater degree of granularity than is exposed by the agenda alone. Mr. Insalaco then stated he was asking for Council's consideration in exposing the content of the Council packet back on the website so the citizens can review the contents. City Clerk Vicki Vivian asked the Mayor if she could address Mr. Insalaco's comments, then stated the Council packets are still posted to the City's website and older packets will not be removed unless there is a storage problem in the future. Ms. Vivian then stated she had received this complaint from 3 other people over the last 8 months, and each time had found no problem, noting the City's website had been checked each time from different locations and no problems were found, adding there must be a technical problem on the person's end. Ms. Vivian then asked Mr. Insalaco to notify her of any problems he may have.

J.T. Moffett addressed Council stating he had some information on a handout for them. The handout will be retained with the Council packet. Mr. Moffett then spoke, reading excerpts from the handout, stating if the Council has not read the emails from Mr. Stephen Rose, the owner of Little Caesar's, they need to, adding the issue is getting out of hand with Mr. Nichols insulting and rudely dismissing a prominent investor who has a legitimate complaint against the City. Mr. Moffett then stated Mr. Rose saw what he liked in Benson and brought a national chain here, which is the sixth one he has opened, adding since the day Mr. Rose opened, he has been plagued with problems stemming from red oil accidentally poured in the wrong port causing the gas lines to be contaminated and foul up their ovens. Mr. Moffett then stated this resulted in a month's revenue loss to Mr. Rose and Little Caesar's corporation, not to mention their labor loss and the public embarrassment suffered by his company at the hands of the City of Benson. Mr. Moffett then stated the Gas Department technician made a mistake and immediately called his supervisor admitting it, adding for this reason, he is the least accountable, but the people above him who made the call to sweep this under the rug and not to notify Little Caesar's should be terminated and that includes City Manager Glenn Nichols. Mr. Moffett then stated everyone makes mistakes and they are forgivable and can be corrected, but coverups in our City government are unforgivable and the citizens of Benson fully expect to see severe disciplinary action taken by Council for the wrong suffered by Little Caesar's and its owner. Mr. Moffett then stated the City first admitted the mistake to Steven Rose and now they are denying it and blaming Eagle Plumbing, a company with an impeccable reputation in this valley for decades. Mr. Moffett stated Council has an obligation to fix the problem and simply need to issue a directive to City Hall to do whatever it takes to satisfy Little Caesar's and make their business like new again, as it should have been when they opened. Mr. Moffett asked Council to do this before there is another unnecessary lawsuit.

Dianne Tipton stated whenever someone tries to grow a garden, they must first prepare the ground by giving it the essentials that will allow for the nourishment it will need for the products desired to produce, adding they must also keep the gardens free of weeds so they don't choke out productive plants. Ms. Tipton then stated they must give them water, food and care and must be aware of all things that may affect it and learn to eliminate anything that may threaten it or there will be nothing produced in the end. Ms. Tipton stated the same can be said for Benson, asking who would allow worms to remain in their corn or in their fruit trees destroying crops from the inside out, we must be caretakers of the garden and protect it from all kinds of varmints and disease by whatever means it takes to ensure a good crop and must act swiftly to avoid any further damage. Ms. Tipton then stated the Councilmembers are the gardeners whom the public has hired to protect the garden in the City of Benson and the public expects you to give those in charge of the departments the support, tools, incentives and rewards they need to produce the way they are expected to best serve the community. Ms. Tipton then stated when something threatens the production of the garden, the public expects the Council to pick up the hoe and hoe the weeds or pick up the spray to rid the garden of any varmints, adding no one likes this part of gardening, but it is essential to produce a fruitful garden. Ms. Tipton then stated recently the residents of this community had to pick up the hoes and the spray cans themselves and eliminate those of Council who were lax in their duties and their promise to serve and protect the citizens. Ms. Tipton then stated the Council was allowing the weeds to grow and became weeds themselves that would destroy the garden, adding a particular weed is known as Chapter 7 and 7.1 of the proposed zoning regulations and the enforcement code. Ms. Tipton then stated on March 12, the voters hired new gardeners and have provided them with the tools they will need to get rid of the destructive elements within our garden and community. Ms. Tipton then stated Mr. Nichols, in her opinion, is just one of the varmints in the garden destroying from the inside out and it is Council's responsibility to pluck him out and prevent him from spewing any more venom like what has been said concerning Little Caesar's and others. Ms. Tipton then stated the Council can do the job the community has paid them to do, which is to protect and serve this community or they could stick their heads in a paper bag, ignoring the weeds and bring more destruction to the garden during the remainder of their terms. Ms. Tipton then stated a public vote terminating Mr. Nichols will tell the public who you are, adding he should not be allowed to resign or retire and escape accountability because the community will no longer accept the status quo and she for one, demands that the issue with Little Caesar's be completely resolved by doing the job the way it should have been done in the first place and replacing and paying for any repairs that may be necessary. Ms. Tipton then stated hopefully Little Caesar's will be spared 4 years of hell and \$700,000 in attorney's fees that Stagecoach Trails, my son Jay Kendrick and myself have had to endure at the hands of vindictive, lax Councilmembers with a few exceptions, but especially at the hands of the City Attorney Michael Masee and City Manager Glenn Nichols as well as others as they attempted to run my son out of business in order to punish me and stop my political speech, which is one of my civil rights. Ms. Tipton then stated to those of the Council who are leaving in a few weeks, they will still be members of this community and they get to choose whether to walk around with their heads held high or they could hide behind a great big pair of sunglasses and hope no one recognizes them or they could move, but she hopes they don't. Ms. Tipton stated she hopes they will stick around and learn how to be good productive members of the community as we all prepare for a new beginning for the City of Benson, as a garden free of weeds and varmints with gardeners that will nourish it and be the caretakers they were hired to be, unafraid to use the hoes and spray. Ms. Tipton then stated if any of the Council that were voted out had any character, they would give up their seats now and allow the new Councilmembers to be seated. Ms. Tipton then stated to the rest of the community, that if a house be divided against itself, that house cannot stand, so let's stand together undivided as we move forward.

CITY MANAGER REPORT:

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

March 26, 2013 – Community Watershed Alliance, 6:30 p.m., City Hall
April 2, 2013 – Planning & Zoning Meeting, 7:00 p.m., City Hall

- April 8, 2013 – City Council Meeting, 7:00 p.m., City Hall
- April 9, 2013 – Library Advisory Board, 4:00 p.m., City Library
- April 20, 2013 – Historic Preservation Commission, 9:00 a.m., City Hall
- April 22, 2013 – City Council Meeting, 7:00 p.m., City Hall
- April 23, 2013 – Community Watershed Alliance, 6:30 p.m., City Hall

- April 20, 2013 – 2013 Relay for Life, 6:00 p.m., Lions Park
- April 26, 27, 28, 2013 – Bluegrass in the Park, Lions Park

Mr. Hamilton then reminded those present of the continuing work on the Interstate 10 and the Marsh Station project, adding up-to-date information can be found at www.azdot.gov. Mayor King then stated there would be a ribbon cutting ceremony on April 2 at 10:30 a.m. to celebrate the completion of the I10/SR90 Interchange Project.

EXECUTIVE SESSION: Pursuant to A.R.S. §38-431.03 (A)(3) & (4), for discussion or consultation for legal advice with the attorney or attorneys of the public body regarding the City’s position and to instruct its attorney(s) regarding pending litigation, Stagecoach Trails Mobile Home Court (MHC) vs. the City of Benson, Arizona, et. al. and 1983 Civil Rights Claim – Stagecoach Trails Mobile Home Court (MHC), LLC and Jay Kendrick vs. the City of Benson, Arizona, et al. and 1983 Civil Rights Claim – Dianne Tipton vs. the City of Benson, Arizona, et. al.

Councilmember Brooks moved to enter into executive session with the City Council, the City’s outside legal counsel provided by the Arizona Municipal Risk Retention Pool, Mr. Jeff Murray and City Clerk Vicki Vivian at 7:35 p.m. Mayor King asked Mr. Murray if he had co-counsel with Mr. Murray stating his co-counsel was Kristin Mackin. Councilmember Brooks then amended his motion to include Kristin Mackin. Seconded by Councilmember Sacco. Councilmember Lambert stated he believed the Council needed to include the City Attorney with Councilmember Brooks stating he felt there was a conflict of interest, adding he knew for a fact there was a conflict of interest and would like to ask Mr. Murray if he would let the Council know on that. Mr. Murray stated he would not address the question. Councilmember Brooks then restated he believed there was a conflict of interest. Mayor King then stated there was a motion on the floor and called for a vote. Motion failed 4-3 with Vice Mayor McGoffin and Councilmembers Lambert, Maldonado and Moncada voting nay. Vice Mayor McGoffin then moved to enter executive session with the City Council, the City’s outside legal counsel provided by the Arizona Municipal Risk Retention Pool, Mr. Jeff Murray and his co-counsel Kristin Mackin and the City Clerk Vicki Vivian at 7:37 p.m. Seconded by Councilmember Lambert. Motion passed 4-3 with Mayor King and Councilmembers Brooks and Sacco voting nay.

Council reconvened at 8:09 p.m.

NEW BUSINESS:

1. Consent Agenda

- 1a. Minutes of the February 11, 2013 Worksession
- 1b. Minutes of the February 11, 2013 Regular Meeting
- 1c. Opening an additional bank account with National Bank of Arizona
- 1d. Invoices processed for the period from February 14, 2013 through February 27, 2013
- 1e. Invoices processed for the period from February 28, 2013 through March 14, 2013
- 1f. Teaming Agreement between the Arizona Commerce Authority and the City of Benson for the Benson Municipal Airport for the development of a UAS test site at the Benson Municipal Airport

Councilmember Brooks stated he would like to remove Item 1f from the Consent Agenda. Councilmember Moncada then moved to approve the remaining Consent agenda. Seconded by Vice Mayor McGoffin. Motion passed 7-0.

Consent Agenda – Items Removed:

- 1f. Teaming Agreement between the Arizona Commerce Authority and the City of Benson for the Benson Municipal Airport for the development of a UAS test site at the Benson Municipal Airport

Public Works Director Brad Hamilton addressed Council stated this is a Teaming agreement between the City and the ACA, which is required in the submittal process for the FAA, adding the agreement states the City is teaming with the ACA and together we have the required capable team to go forward as outlined in the Screening Information Request (SIR). Councilmember Brooks asked if the City Attorney had reviewed this agreement with City Attorney Mike Masse stating he had, adding the agreement doesn't commit the City monetarily or in other areas like that, but just commits the City to work cooperatively with the ACA when they do their submission on behalf of the State of Arizona with the FAA. Councilmember Brooks then stated he knew this item had been received late, but asked why it was placed on the consent agenda since it was not routine in nature. City Clerk Vicki Vivian stated the item did come in late and has to be received by the ACA on March 26, which necessitated adding it to the Council packet late, adding it was placed on the Consent Agenda knowing Council would likely, and should, remove it for discussion, but in doing so, every item in the Council packet didn't have to be re-numbered. Councilmember Brooks then stated he had not fully understood or read the entire document, but realized they needed it back tomorrow, which doesn't give Council much time to review the agreement. Councilmember Brooks then moved to approve Consent Agenda Item 1f. Seconded by Councilmember Moncada. Motion passed 7-0.

2. **Resolution 8-2013 of the Mayor and Council of the City of Benson, Arizona, canvassing, declaring and adopting the Results of the Primary Election held on March 12, 2013**

City Clerk Vicki Vivian stated the City has now received the official canvass, which has been added to the Council packet online, adding the resolution has been amended to reflect 9 provisional ballots and 1 rejected ballot. Ms. Vivian then stated the Council was required by State law to canvass the votes between 6 and 21 days after the election. Councilmember Moncada moved to approve Resolution 8-2013. Seconded by Councilmember Lambert. Councilmember Brooks asked about the General election with Ms. Vivian stating the selected candidates at the Primary election were considered elected with the General election date, adding the current Council terms will remain in effect until June 30, 2013, adding new Councilmembers would be seated close to that date. Motion passed 7-0.

3. **Memorandum of Understanding between the City of Benson and the City of Tucson for sharing Law Enforcement Information**

Chief of Police Paul Moncada stated the MOU is for the Police Department to enter into an agreement with Tucson PD to gain access to their database, called COPLINK, adding this is a useful tool for the officers in the field and investigators who are working investigations. Chief Moncada then stated Benson deals with a lot of people from Tucson and this will allow us to verify their criminal history in Tucson as well as verify their identity because if they have been arrested in Tucson, we'll be able to access the database to get mug shots. Mayor King asked how the officers would obtain this information with Chief Moncada stating this will be installed on their laptops in their cars so they can utilize it in the field adding the detectives have notebooks that have already been given to us by Tucson to access the database as well as having the ability to access it on computers in their offices. Councilmember Lambert asked if Benson has done this with any other agencies with Chief Moncada stating this is new and unique in its nature, adding all the Tucson law enforcement agencies enter data into the database, including Oro Valley, Marana, Pima County, Tucson PD, and we will also be able to access the Maricopa County node through the same software. Chief Moncada then stated we will also be able to access Orange County and Tucson is working on connecting a Las Vegas node into the database. Chief Moncada stated about 4 years ago he attended several meetings in dealing with a regional information sharing database where we could access different nodes through the Tucson link and then enter into agreements with all these different entities such as Las Vegas, Colorado, Northern California, Orange County and others to incorporate them all so that people in California can check the Tucson node, we can check the Tucson or Las Vegas node and actually get information on those

people. Councilmember Brooks asked if the City would need additional agreements with other cities with Chief Moncada stating the City would not need to sign another formal MOU, adding through this MOU, the City will be able to access other nodes. Chief Moncada then noted the MOU has several restrictions regarding how the information is secured and that it is restricted to law enforcement only. Councilmember Brooks then moved to approve the Memorandum of Understanding between the City of Benson and the City of Tucson for sharing Law Enforcement Information. Seconded by Councilmember Sacco. Motion passed 7-0.

4. **Interagency Service Agreement between the Arizona Department of Administration-General Accounting Office (ADOA-GAO) and the City of Benson for hosting and publication of the City's financial data on ADOA-GAO's website**

Deputy Finance Director Megan Moreno stated this agreement is for the City to comply with the new statute with regards to transparency reporting requirements, adding effective January 1 of this year, the City is required to report all revenues and expenditures greater than \$5,000 on a searchable database. Ms. Moreno then stated this website is already in place and has been used, adding the State already posts their transactions there. Ms. Moreno stated a few cities and counties and possibly school districts have already signed up to also host their information on this website, adding there is a cost associated with it, but the Finance Department has looked into options for complying with the new statute and she believes this is the most cost effective and best option for the City. Council discussed the cost with Ms. Moreno stating the annual cost will be based on the number of participants, adding ADOA-GAO will only recover operating costs, which will be spread evenly among all participants and she is hoping it will be between \$500-\$1,000. Councilmember Brooks asked if the contract would give the City the software for the capability to connect with their website with Ms. Moreno stating the City would not receive any software, but would receive the ability to securely log-in on their website, with administrator roles and user roles for the Finance Department to be able to upload the financial data required. Councilmember Lambert asked Ms. Moreno to place a link on the City's website so the public could easily access the information with Ms. Moreno stating the direct website is www.openbooks.az.gov and anyone is able to search the database free of charge, adding the City of Clarkdale has already posted their information. Ms. Moreno then stated the Finance Department would be making the first posting of quarterly data at the end of April. Councilmember Brooks asked if some of this information was on the City's website now with Ms. Moreno stating the annual audited financial statements are on the City's website, but this would be something completely different, allowing users to search in a database from aggregate payments. Council then discussed the annual fee with Ms. Moreno stating the agreement was in effect until 2017, but Council would have adequate notice of the fee amount and could review it each year in the budget process. Councilmember Moncada moved to approve the Interagency Service Agreement between the Arizona Department of Administration-General Accounting Office (ADOA-GAO) and the City of Benson for hosting and publication of the City's financial data on ADOA-GAO's website. Seconded by Vice Mayor McGoffin. Motion passed 7-0.

5. **Employee Benefit Advocate Service Application and Agreement with ESG (Employee Solutions Group) Corporation for insurance brokerage and administration of employee insurance related benefits**

Finance Director Jim Cox stated the City has enjoyed a good relationship with ESG, who has provided FSA, HRA and Cobra Administration in the area of employee benefits for the past 5 years and in fact, were the architects of our insurance plans and our tax advantage plans. Mr. Cox then stated last year the City put out an RFP to solicit competitive bidding for those services and for the administration of our health insurance and ESG was the clear winner in that group, adding ESG offered to renew their services for the same fee. Council then discussed the feature of being able to ask 3 free questions on a variety of human resource issues with a charge of \$125.00 after that with Mr. Cox stating this is a new feature recently installed and ESG would track the questions and document them, adding he would confirm that ESG would then notify the City so the costs could be kept minimal, adding these questions are for legal administration, not coverage issues. Councilmember Moncada noted there were 80 covered employees with Mr. Cox

stating these are the eligible employees, adding some employees elected out of coverage, because they are covered by their spouse's insurance. Councilmember Moncada moved to approve the Employee Benefit Advocate Service Application and Agreement with ESG (Employee solutions Group) Corporation for insurance brokerage and administration of employee insurance related benefits. Seconded by Vice Mayor McGoffin. Motion passed 7-0.

6. Discussion and possible action on City Manager residency requirements in City Code Section 3-2-1 B

Mayor King stated when the Council appointed Mr. Nichols as the City Manager, he was already the Chief of Police and resided just outside the City limits. Councilmember Brooks stated he was in agreement with that decision because of the situation, but he thinks it is vital that the man who is running the City is impacted by the same things he adopts and feels the City Manager should live in the City limits. Councilmember Sacco stated the Council needed to make sure candidates understood they could not reside outside the City limits by more than 2 miles. Council then discussed when a change in the residency requirement would become effective and whether it would affect the appointment of a possible Interim City Manager. Councilmember Moncada moved to approve the change in the residency requirement with City Clerk Vicki Vivian stating there was no proposed ordinance since Councilmember Brooks wished to place the item on the agenda for discussion. Ms. Vivian then stated Council could direct Staff to prepare an ordinance for Council action with Councilmember Moncada asking when it would take effect. City Attorney Mike Masee then stated in the absence of a declaration of an emergency, the earliest the ordinance would take effect is 30 days after its passage, adding Council could always put into an ordinance a future effective date, delaying the implementation if they chose to do so. Ms. Vivian then stated Council could also inform City Manager candidates that the requirement will be addressed, adding she didn't feel any candidate knowing that information would purchase a home outside the City limits. Councilmember Moncada then withdrew his motion. Council then discussed amending the City code by moving to repeal Ordinance 535 with Mr. Masee stating to repeal an ordinance should be done in writing. Councilmember Brooks then moved to table the issue and bring it up when they need to. Councilmember Lambert then asked Councilmember Brooks to amend his motion to direct Staff to bring forward an ordinance to be acted on by Council. Councilmember Brooks then amended his motion to direct Staff to construct an ordinance requiring the City Manager to live within the corporate City limits of Benson and bring it forward in the near future. Seconded by Vice Mayor McGoffin. Motion passed 7-0.

7. Discussion and possible action to reclassify the Recreation Assistant position from part-time to full-time

Recreation Coordinator Laura Parkin addressed Council stating over the past year her department has taken on a lot of additional responsibilities with regards to events and she is having to spend more and more time out of her office working on these events, so it's become necessary to request an additional full-time employee for the Recreation Department. Councilmember Maldonado stated the City has had 2 part-time positions in the City, but they are having a hard time filling them since everyone is looking for full-time employment, adding in the Recreation Department, they are being stretched thin. Councilmember Moncada stated there is no "they" in the Recreation Department, adding the only employee in that department is Ms. Parkin and Council has placed a lot on her in the last year. Councilmember Moncada then stated he has been talking to the public to see what they want out of the Recreation Department and it's clear they want more recreation activities for children, adding Ms. Parkin can't do it all on her own. Councilmember Moncada then stated with the events the Recreation Department has taken on, he thinks the City needs a full-time employee. Vice Mayor McGoffin agreed, stating Ms. Parkin has done an amazing job by herself, with Council having thrown a lot her way and if Council wants the events to be good and still have recreational opportunities, they need a full-time employee. Mayor King concurred, stating he sees Ms. Parkin at every event from early in the morning to late at night. Mayor King also agreed with Councilmember Moncada regarding youth recreational activities, adding he hopes there will be participation and enough interest for the events and the activities. Councilmember Sacco asked about the salary and the review of the position with Finance Director Jim Cox stating the position is a level 12 with a proposed salary of \$20,430.55 annually, adding the employee would be hourly, so they would be eligible

for overtime and benefits and the employee would have a one year probation period and annual reviews like every other City employee.

Councilmember Lambert stated Councilmember Maldonado had touched on key points, with it being difficult to recruit part-time employees, adding most people who would last in the position want full-time employment, adding the Council discussed the need for a full-time recreation employee and he was in agreement. Councilmember Brooks stated he makes less than this and he had 3 jobs, adding he thinks the position should be an exempt position since Council didn't know what events are going to continue and don't know every year if the City will be doing these events, noting the City only did them because there was no one else to do them. Councilmember Brooks then stated he felt it was critically important to hold this event, adding it was the one most critical event for money making and the Council shouldn't skimp on it, even if the City had to hire 2 full-time temporary employees for it. City Clerk Vicki Vivian asked Councilmember Brooks to clarify which event he was talking about with Councilmember Brooks stating he was referring to the annual Bluegrass Festival. Councilmember Brooks then stated he would like to see this as an exempt position until the Council sees the Recreation Department's slack time and knows the job will be full-time, adding at that point, it could be made a full-time position with benefits. Councilmember Moncada asked Councilmember Brooks what he meant by an "exempt position" with Councilmember Brooks stating he meant the position would not have benefits, but would be paid an hourly wage full-time with no benefits. Councilmember Lambert asked Ms. Parkin when her slack or slow time was with Ms. Parkin stating she had no slow time. Mr. Cox then stated the City cannot arbitrarily say one employee has benefits and another employee gets no benefits, adding in order to not be qualified for benefits, the employee would have to work less than 20 hours a week or on a temporary basis for less than 20 weeks, noting these would be the only ways an employee would be excluded from benefits. Councilmember Brooks then stated if the events get taken over by someone else, the Council would have to consider closing the position out.

Mayor King stated Council can always come back and review the position to see if the need is still there. Ms. Parkin then stated in the past 5 years while working in the Recreation Department, the volume of people just with recreation has increased by approximately 75% so even if the Recreation Department is not doing events, the department is still responsible for other duties such as the City's website and social media, adding the department really needs to revamp the summer programs and start moving in the direction that is more consistent in the Recreation Department. Mayor King asked about the visitors to the pool with Ms. Parkin stating the numbers have increased each year, adding October and December used to be her slow months, but now with the Light Parade and the Tree Lighting Ceremony as well as increased community center rentals, she doesn't have a slow month. Ms. Parkin then stated Tuesday nights are the only nights the building isn't rented out with the exception of tax season, adding there is an AARP tax aide in there, so while her work is always changing, it's constantly busy. Councilmember Moncada moved to approve reclassifying the Recreation Assistant position from part-time to full-time. Seconded by Councilmember Lambert.

Councilmember Sacco stated he had further discussion and verified the position is a level 12 with a salary of \$20,430.55. Councilmember Sacco then asked when the employee would be eligible to be moved to the mid-point of the salary range. Mr. Cox stated the employee would be eligible for a salary adjustment when Council willed it, adding Council approves all salary adjustments. Councilmember Sacco asked how the proposed salary was arrived at with Mr. Cox stating it was based on a salary study that is done annually to compare cities within the State. Councilmember Sacco then asked when the employee would be eligible for a raise with Mr. Cox stating he or she would be considered for a raise when Council decides to consider giving any employee a raise, adding it has been a practice to give employees a small raise, up to 5%, when they have completed their probation period at the end of 1 year, but it is not a requirement. Mayor King asked if there was any further discussion before calling for a vote. Motion passed 7-0.

8. Review of City Finances with emphasis on February, 2013 financial results, the City's financial position at February 28, 2013 and discussion of expected future net revenue streams

Deputy Finance Director Megan Moreno stated she would review the financial highlights for February.

Ms. Moreno then stated the City's cash balance increased by \$98,000 noting this was a correction from the presented information. Ms. Moreno then stated there is an increase in sales taxes during this time of year, but the fund balance is still down \$180,000 year-to-date, which is normal, adding last February the fund balance was actually down \$365,000. Ms. Moreno then stated revenues for February were down compared to last year, noting we saw a decrease in grant revenue and a decrease in our construction sales tax, which has continued to decrease month over month. Ms. Moreno then stated we have also seen an increase in gas revenues this is due to the cold weather, adding in other costs, there has been nothing unusual in personnel or other expenditures, showing it is down \$179,000 compared to the previous year, but that is due to an unusual high amount last year with capital expenditures.

Ms. Moreno then moved to the General Fund, stating it is almost spot on with revenues compared to where we were last year and is up \$61,000 year-to-date due to the sales tax, adding she would like to say there is a positive trend, but she can't quite say that yet, adding in the coming months, we will see if it really is a trend. Ms. Moreno then stated the City's fund balance is still negative, but we are in our higher revenue generating months, so we should start to see positive fund balances month over month going forward.

Ms. Moreno then addressed the Enterprise funds stating February was a very rare month in that we only had 3 billing cycles opposed to the normal 4, so revenues are lower than they normally are by 1 cycle, but in spite of that, the Gas fund still made a profit adding it was due to the weather. Ms. Moreno then stated the Water and Wastewater funds were down slightly, adding the Whetstone fees are still at \$70,000 year-to-date, which is the same number reported last month, but thanks to the custom hauler we've built, we have seen a drastic decrease in those fees. Councilmember Brooks asked how much the City still owed on the wastewater treatment plant with Mr. Cox stating the wastewater treatment plant had been paid off with the bond issue, but if it the City had not paid it off, the balance would be approximately \$2,400,000 right now.

Ms. Moreno then addressed the Golf Course stating there was a positive cash flow in the golf course this month of \$10,000, adding it is only down \$10,000 year-to-date, so we've seen a turnaround of \$74,000. Ms. Moreno then stated the Council was aware of the restaurant's new hours and menu and we have seen some of those changes reflected in the numbers for February, but March should show us a better picture of how that is affecting the golf course.

Ms. Moreno then summarized her presentation stating nothing has changed drastically from what was reported last month, adding the City's sales tax collections are still steady and improving, the golf course is looking good and the City's cash flow is beginning to loosen, but the City should maintain its conservative fiscal approach. Ms. Moreno then briefly reviewed sales taxes, stating we didn't see a spike in revenues, but she thinks it is due to timing, because last month we saw increased revenue and next month we'll probably see it even out a little more. Ms. Moreno then stated the bed tax is just slightly above where we were in the prior years and construction sales tax has hit the lowest it's been in 3 years, noting it actually went below \$10,000 and we don't see anything in the foreseeable future that's going to raise it back up. Ms. Moreno then stated the total City sales tax is lower than it's been in the past, but it's partially due to the construction sales tax and also the timing of the other sales tax collections.

DEPARTMENT REPORTS: None

ADJOURNMENT:

Vice Mayor McGoffin moved to adjourn at 9:02 p.m. Seconded by Councilmember Moncada. Motion passed 7-0.

Toney D. King, Sr., Mayor

ATTEST:

Vicki L. Vivian, CMC, City Clerk