

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD APRIL 13, 2020 AT 7:00 P.M.
AT THE BENSON COMMUNITY CENTER, 705 W. UNION STREET, BENSON, ARIZONA**

CALL TO ORDER:

Mayor King called the meeting to order at 7:00 p.m. with the Pledge of Allegiance.

ROLL CALL:

Present were: Mayor Toney D. King, Sr., Councilmembers: Pat Boyle (via phone), Larry Dempster (via phone), Lupe Diaz, and Nick Maldonado and Barbara Nunn (via phone).

EMPLOYEE RECOGNITION:

Mayor King recognized Dorthey Moncada for five years of service and Audrey Traywick for ten years of service with the City of Benson.

PROCLAMATION: Mayor King read a proclamation of the Mayor and Council declaring April “Fair Housing Month.”

PUBLIC HEARING: The Mayor and Council will receive comments and questions from the public regarding the Home Rule Option (Alternative Expenditure Limitation).

City Manager Vicki Vivian stated she would like to read a document giving information on Home Rule. The document read, “***What is Home Rule? The Home Rule election requires a “yes” or “no” vote on whether the City’s annual limit on expenditures should be set according to the State of Arizona Annual Expenditure Limitation formula for the City of Benson, or if the limitation should be set annually by City Council as the total of its Approved Budget.***

A “YES” vote for “Home Rule” will give the City Council the authority to set the City’s Annual Expenditure Limit each year through the Budget process.

A “NO” vote for “Home Rule” will set the City’s Annual Expenditure Limit according to a formula issued by the State of Arizona.

Background

Arizona voters approved Article IX, Section 21 and 22, of the Arizona Constitution on June 3, 1980. The Article prescribes an annual expenditure limit for each political subdivision in the State. The Arizona Economic Estimates Commission (EEC) establishes annually for each political subdivision an Expenditure Limit based on actual expenditures in the 1979-1980 fiscal year. The limit is adjusted each year for changes in population and inflation factors.

The Article approved by the voters also contained provisions that allow cities to establish a voter-approved alternative expenditure limitation (Home Rule). In order to have Home Rule, the voters must approve Home Rule in an election every four years.

Is Benson currently a Home Rule City?

Yes. City of Benson voters have approved Home Rule in elections held in 1985, 1989, 1993, 1997, 2001 and 2005, 2009, 2013, 2016, each time the issue has been placed before the voters.

What would the expenditure limit be if Benson was not a Home Rule city?

The State imposed Expenditure Limit for fiscal 2019-2020 would have been about \$5,205,000, plus grants, any amounts borrowed, or interest collected. The actual Expenditure Limit under Home Rule is \$22,219,140, the total of the City Council Approved Budget for 2019-2020.

If the City was subject to the State Imposed Limit, would City services be affected?

Yes. Currently, the City's annual expenditures for utility services alone (natural gas, water, sewer, and garbage) exceed \$4,100,000. Meanwhile, all other City services (police, fire, parks, streets, library etc.) cost nearly \$8,900,000. Hence, basic City services today cost about \$13,000,000, and that is before consideration of any necessary capital projects.

If the City was subject to the State Imposed Limit, it could not function to provide for the basic needs of its citizens. Choices such as "do we want water and sewer service, or would we prefer police and fire protection?" would have to be addressed and resolved if the City were subject to the State Imposed Limit."

Mayor King thanked Ms. Vivian for the information and then opened the public hearing at 7:08 p.m. Mayor King then asked Staff if anyone had emailed any comments to be read and entered into the record with Deputy Clerk Denise Tapia stated no comments were received.

Mayor King then closed the public hearing at 7:08 p.m.

CITY MANAGER'S SUMMARY OF CURRENT EVENTS REPORT:

City Manager Vicki Vivian addressed Council, giving the dates of upcoming meetings and events.

- Monday, April 27, 2020 – Council Meeting, 7:00 p.m., Community Center
- Monday, May 11, 2020 – Council Meeting, 7:00 p.m., Community Center

Ms. Vivian then stated the City of Benson Mayor, Council, and City Manager care deeply about our residents and are pleased to announce the Benson Area Transit, in cooperation with the Benson Community Food Pantry, will provide a free no-contact home-delivery service every Wednesday during this pandemic, adding the City aspires to keep everyone healthy by limiting social exposure and assisting residents with underlying health conditions to meet their basic food needs.

Ms. Vivian stated Wednesday, April 8, was the first time offering this service and it was a huge success with almost 40 deliveries being made to Benson, Mescal/J-6, Pomerene and St. David.

Ms. Vivian then stated to have food delivered, you must call Benson Area Transit at 520-586-9406 each week by 3 p.m. the Monday before, adding people need to be prepared to give their name, address, birthdate, and number of people in their household, noting this information is helpful for federal funding.

Ms. Vivian then stated if people prefer to pick up their own food box, the Food Pantry opens Wednesday at 9 a.m., is located at 1120 West 4th Street, Benson (off Easy Street), and they will be practicing safety measures. If anyone has questions, please contact them directly at 520-200-5186 for other hours and more information.

Ms. Vivian then stated weekly Wednesday distribution of food changes but typically includes bread, canned goods, fresh fruit and vegetables, dairy products, and meat. Ms. Vivian then stated the City does not have control over inventory, so this free service is dependent upon supplies and manpower, and is on a first-come, first-served basis, so please get orders in as early as possible before each Monday at 3 p.m.

Ms. Vivian then stated City Staff will leave the box of items near their front door or on their porch, and knock before leaving, so the resident and the driver are both protected; noting City drivers will be unable to bring groceries inside due to COVID-19.

Ms. Vivian then stated Staff is also suggesting that those receiving food use the CDC-advised precautions such as washing all produce well, cleaning food-prep areas, and so on. Ms. Vivian then stated this service will be provided until further notice.

NEW BUSINESS:

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

- 1a. Minutes of the January 27, 2020 Regular Meeting
- 1b. Minutes of the February 24, 2020 Regular Meeting
- 1c. Minutes of the March 9, 2020 Regular Meeting
- 1d. Appointment of Travis Weddle to the Board of Adjustment
- 1e. Appointment of George Lounsbury to the Board of Adjustment
- 1f. Acknowledgment of Concussions in Katherine Jessen's February 28, 2020 Informal Opinion Letter
- 1g. Full Release of Subdivision Assurances for Lots 1-201, inclusive, and Common Area "A" & "B" KARTCHNER VISTAS. Meritage Homes of Arizona, L.L.C for Kartchner Vistas, Lots 1-201
- 1h. Invoice processed for the period from March 2, 2020 through March 11, 2020
- 1i. Invoices processed for the period from March 12, 2020 through April 1, 2020

Councilmember Diaz moved to approve the Consent Agenda. Seconded by Councilmember Maldonado. Motion passed 6-0.

2. **Discussion and possible action regarding Resolution 12-2020 of the Mayor and Council of the City of Benson, Arizona, calling the election**

City Manager Vicki Vivian stated Resolution 11-2020 was passed by Council on March 9 to inform the public of the 2020 City Election details; however, it did not include the issue of the Alternative Expenditure Limitation (AEL), otherwise known as "Home Rule." Ms. Vivian then stated Resolution 12-2020 notes the AEL issue will be placed on the primary election ballot.

Councilmember Maldonado moved to approve Resolution 12-2020. Seconded by Councilmember Nunn. Motion passed 6-0.

3. **Discussion and possible action regarding Resolution 13-2020 of the Mayor and Council of the City of Benson, Arizona, directing the City's Banking partners to recognize the signatures of certain persons on electronic fund transfers, deposit and/or withdrawal checks, and declaring an emergency regarding this resolution**

City Manager Vicki Vivian stated the proposed resolution authorizes the Mayor, Council, City Manager/City Clerk, and the Finance Director to sign bank transfers and checks for deposit and/or withdrawal. Ms. Vivian then stated with all Councilmembers named in the resolution, there would be a total of 8 authorized personnel to sign checks, noting 2 signatures are required, which gives Staff the ability to have checks executed when some of the authorized persons are not available. Ms. Vivian then stated Resolution 13-2020 removes former Vice Mayor Joe Konrad.

Ms. Vivian then stated as a policy, one member of the Council and one member of Staff will sign checks, providing one of the many checks and balances the Finance Department maintains; however, should circumstances arise with Staff not being available, two Councilmembers may be asked to sign checks, noting a process has been put into place in the Finance Department to offset this before two Councilmembers are asked to sign checks.

Councilmember Nunn moved to approve Resolution 13-2020. Seconded by Councilmember Maldonado. Motion passed 6-0.

4. **Discussion and possible action amending the final plat for Radine Ridge subdivision for Lots 27-53 and Lots 62-66 and Common Area "A"**

Michelle Johnson, AICP, Planner/GIS stated this item amends the final plat, adding the original plat exists and has not been built; then noted the amendment results in a reduction in the number of lots and adds drainage areas.

Councilmember Diaz moved to approve amending the final plat for Radine Ridge subdivision for Lots 27-53 and Common Area "A." Seconded by Councilmember Maldonado. Motion passed 6-0.

5. **Discussion during and/or after presentation by City staff of City Finances, with emphasis on January 31, 2020 financial results and the City's financial position at the end of January 2020. All revenues and expenses**

of the City may be discussed

Finance Director Seth Judd stated he would be discussing the financial position at January 31, 2020, adding he will be comparing Fiscal Year 2019 to 2020 and as a point of reference 59% of the fiscal year has passed. Mr. Judd stated for the month of January, the Citywide revenue was at \$1,119,678 compared to last year at \$1,331,48, which was a decrease of \$211,803. Mr. Judd then stated year-to-date, the City is up \$1,985,714 over last year, which is due to an increase of sales taxes, noting this year the City is at \$8,142,005 compared to last year at \$6,156,291. Mr. Judd then stated the expenditures for the month of January were \$1,024,003 compared to last year which were \$753,557, noting the increase of \$270,445. Mr. Judd then stated this is partly due to needed projects that were delayed being completed since there was an increase in revenues. Mr. Judd then stated year-to-date expenditures were \$6,482,584 compared to \$5,608,506 last year, which is an increase of \$874,078. Mr. Judd then stated the City's net position was \$95,676 compared to last year at \$577,924, which is a decrease of \$482,248, but year-to-date, the City was at \$1,659,420 compared to last year at \$577,924, which is an increase of \$1,111,636. Mr. Judd then stated he would like to update Council about the budget, noting he and the City Manager have been meeting with Department Heads so he will have a recommended budget in the next few weeks.

6. **Discussion and possible action regarding Resolution 14-2020 of the Mayor and Council of the City of Benson, Arizona, that designates City Manager Vicki Vivian as the City's Applicant Agent for purposes of signing all necessary documents and conducting all reasonable and necessary business for the City of Benson to successfully apply for and receive Emergency Assistance**

City Manager Vicki Vivian stated the World Health Organization declared a public health emergency on January 30, 2020, the United States Department of Health and Human Services declared a public health emergency related to coronavirus disease 2019 (COVID-19) outbreak on January 31, 2020, and the World Health Organization officially declared a pandemic due to COVID-19 on March 11, 2020 adding in Arizona, Governor Ducey on March 11, 2020 declared a State of Emergency exists in Arizona due to COVID-19 outbreak. Ms. Vivian then stated the President of the United States of America, Donald J. Trump, on March 13, 2020 found and proclaimed that the COVID-19 outbreak in the United States constitutes a national emergency. Ms. Vivian then stated Mayor King here in the City of Benson, declared a state of emergency within the City and issued an emergency proclamation on March 20, 2020, adding the City is responding to the spread of the coronavirus disease and working with federal, state, and local governmental authorities and with schools, businesses, non-profits, medical facilities, and faith groups within the City to combat and reduce the spread of COVID-19 outbreak.

Ms. Vivian then stated in accordance with Section 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act 42 U.S.C. §§ 5121-5207 ("Disaster Relief Act"), eligible emergency protective measures taken to respond to the COVID-19 emergency at the direction or guidance of public health officials may be reimbursed under Category B of the Department of Homeland Security's Federal Emergency Management Agency's ("FEMA's") Public Assistance Program ("Public Assistance") and to seek FEMA public assistance reimbursements, the City must designate an applicant agent authorized to execute for, and on behalf of the City.

Ms. Vivian then stated the City has already established internal tracking codes within the City's financial software system to record activities and costs associated with the COVID-19 response efforts, noting the City will continue to incur costs combatting and reducing the spread of COVID-19 and in order to seek public assistance, the City must designate an applicant agent.

Ms. Vivian also stated if Resolution 14-2020 is approved, Staff will proceed with executing and filing applications for public assistance in the appropriate state offices, and provide Information to federal and state authorities for the purpose of obtaining certain financial assistance under the Disaster Relief Act or otherwise available from the disaster relief fund for public assistance.

Councilmember Diaz moved to approve Resolution 14-2020. Seconded by Councilmember Maldonado. Motion passed 6-0.

ADJOURNMENT:

Councilmember Boyle moved to adjourn at 7:25 p.m. Seconded by Councilmember Dempster. Motion passed 6-0.

Toney D. King, Sr., Mayor

ATTEST:

Vicki L. Vivian, CMC, City Clerk