

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD APRIL 14, 2014, AT 7:00 P.M.
AT CITY HALL, 120 W. 6TH STREET, BENSON, ARIZONA**

CALL TO ORDER:

Mayor King asked the Council to be seated. Mayor King then addressed the public stating he had something to say about the Call to the Public, adding he has had a lot of people tell him he hasn't been controlling the situation and that he needed to be more in control of the meetings. Mayor King then said he would be reading a statement and asked the public to please follow it. The statement was, "For too long now, I've allowed speakers to stray from issues that are not in Council's jurisdiction. I will no longer allow any type of slander of any other person, whether by name or by reference, neither will there be more political grandstanding. If you signed up to speak at the Call to the Public tonight, please refrain from this type of comments or threats, otherwise, you will be gaveled and asked to sit down or escorted out. I appreciate your cooperation." Mayor King then called the meeting to order at 7:02 p.m. with the Pledge of the Allegiance. Mayor King introduced Pastor Lupe Diaz of the Grace Chapel 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 Wangsness (via phone).

EMPLOYEE RECOGNITION: None

PROCLAMATION: Mayor King asked Councilmember Moncada to read a proclamation of the Mayor and Council declaring the month of April as "Fair Housing Month."

PUBLIC HEARING: None

CALL TO THE PUBLIC:

J.T. Moffett addressed Council stating he would like to announce his forum, which will be held on April 24 at 7:00 p.m. Mr. Moffett stated we have heard a lot of talk about economic development, adding he has done a lot of study and research regarding the City's critical infrastructure on true economic development. Mr. Moffett then stated the forum will include talking about the Fire Department, the Police Department, the golf course, senior center, uses of the City parks for the youth, the Benson Area Transit system, payroll and operating costs and proposals for a 5-year plan for the City. Mr. Moffett then stated there will be questions and comments by the public throughout, adding it will be an open forum session. Mr. Moffett then encouraged the Council to come, adding he knows that City Manager William Stephens has committed to be there. Mr. Moffett then stated he would like to see the whole Council there and asked the Mayor to have the City Clerk post a quorum notice.

Steven Insalaco addressed the Council regarding the worksession concerning the City ordinances as they would apply to the Benson Economic Development Committee and possibly to the Benson Airport Advisory Committee, stating he agrees with the discussion that direction be given to Staff and perhaps the City Attorney to set the basic ground rules of expectations in City ordinances as they would apply to those committees. Mr. Insalaco then stated the submittals he provided earlier was with the understanding it would be the kick start to formulating what those ordinances might look like, adding he knew some of it is not correct, such as his incorrect definition of a committee or board, but stated he thought the City Clerk could fix it. Mr. Insalaco then stated most significantly, the submittals require the review of the City Clerk and Council's consent to adopt them, possibly with review by the City Attorney. Mr. Insalaco then stated regarding membership, members have always been appointed at the pleasure of the Council, adding it would also be at the pleasure of the Council to remove a member from a committee, adding the process of appointing or removing someone has normally transpired as part of the Consent Agenda. Mr. Insalaco then stated he didn't think in terms of whether a process needed to be in place before removing a member, adding it may be needed in case removal

might be warranted for a lack of attendance or some other problem. Mr. Insalaco then stated regarding the number of Councilmembers who might be on a committee, he thinks the Council is making too much of it, stating he doesn't see a problem with 1, 2 or even 3, adding he thinks it's a good idea to have 1, but for that matter, it would be equally appropriate to have a member of Staff on a committee. Mr. Insalaco then stated if he were lucky to have someone from Council or Staff attends, his first preference would be to have the Airport Manager, adding if the City Manager wanted to attend, he would love that also, but if he was entitled to only have 1 member of Staff, he would probably ask for the Airport Manager. Mr. Insalaco then stated he didn't think there was a problem with too many Councilmembers on a committee, adding it only becomes an issue when a committee becomes populated entirely by Council, noting then whatever subject the committee addressed could just be addressed at the Council level. Mr. Insalaco then spoke about non-voting members, stating he didn't know why the committee needed non-voting members, adding to him they are identical to members of the public in every aspect he sees. Mr. Insalaco then stated if someone is attending the meetings, they should be entitled to a vote and if they don't want to attend meetings on a regular basis, then they are the same as members of the public who attend. Mr. Insalaco then stated he would like to see a separate section, such as 18.1, addressing Open Meeting Laws, adding it would be applicable to all boards and commissions and would make for one-stop shopping for rules and regulations of board, commissions and committees. Mr. Insalaco then stated he thinks the banners on 4th Street would be an excellent idea, adding it would make it look like something is happening in Benson. Mr. Insalaco then spoke about the public transit system, stating it would be wonderful to get a public train and public bus stop building in one place.

Dave Thompson addressed Council stating normally he speaks about negativity, but he didn't want to do that. Mr. Thompson then stated he wanted to see the Council be positive with its actions and decisions, giving as an example, working on the 2012 International Building Codes, which has provisions to help our town, adding without it, insurance rates are going up or will go up and we might as well forget economic development. Mr. Thompson then stated residents of Benson and the Council need to work together and if they cave to outside bullying, Benson will just become a City of cowards and Benson is much better than that.

Vicki Vivian addressed Council regarding the upcoming recall election and the upcoming 2014 City Election, stating the recall election will be held on May 20, 2014 and the Primary Election is scheduled for August 26, 2014 with the General Election to be held on November 4, 2014. Ms. Vivian stated the elections will be held to elect the Mayor and 4 Councilmembers, adding the Mayoral seat is open for candidates wishing to run for Mayor, which is a 2-year term; three Council seats are open for candidates wishing to serve a 4-year term on Council and one Council seat is open for candidates wishing to serve a 2-year term on Council. Ms. Vivian then stated that City residents wishing to participate in the election process must be registered to vote, noting the deadline for voter registration for the recall election is April 21, 2014, the deadline for voter registration for the 2014 Primary Election is July 28, 2014 and for the 2014 General Election, the deadline is October 6, 2014. Ms. Vivian then stated the General Election, if held, will be held to fill any Council positions that may not be seated at the Primary Election.

Lupe Diaz addressed Council stating he is in favor of placing banners on 4th Street, adding it will make it look like something is happening. Mr. Diaz then stated he also would like for the Council to examine the effects of some of the decisions they have made, including the disbanding of the Economic Development Subcommittee, the decisions involving RikerTek and the recall election. Mr. Diaz then stated there aren't a lot of people approaching the (to be formed) Economic Development Committee and he thinks that is a result of the some of the decisions the Council has made, adding he is asking the Council to think about those things and the consequences that have resulted from those decisions. Mr. Diaz then stated when things get disbanded or people get recalled or terminated, some of the best people will not step up, adding their attitude is that if the Council did that to others, they would do it to them also. Mr. Diaz then asked the Council to consider how they make decisions in those areas, adding he has approached people to fill some of those positions and they are not willing to step up. Mr. Diaz then stated we are really shooting ourselves in the foot as far as the community is concerned. Mr. Diaz then spoke about the Stagecoach Trails litigation, stating there has been a lot of talk about being past the point of no return with the case. Mr. Diaz then stated everything he is talking about affects economic development and the community and then asked the Council to consider the Errors & Omission insurance on the former attorney, adding if the City could make a claim toward the former attorney, on his Errors & Omission insurance; the \$2 million he is covered for would probably pay for a lot of the incurred costs that the former City Attorney developed and would clear not only the City but the defendant.

Mr. Diaz then stated he thinks that is a viable direction, noting there were 10-15 actions brought that were very questionable, and he thinks that would be a good move to make. Mr. Diaz then stated the blood moon tonight will take place at 11:00 p.m., adding something significant always takes place during a blood moon.

Mahlon McKenzie addressed Council stating he was a life-long resident and active in the community since the late '70s, primarily in real estate, and he was here to let the Council know that in regards to the Stagecoach Trails situation, he assisted the owner in buying the park and was proud to see that someone could come to town, take a had a half-filled park with a drug trailer in it, turn it around, get rid of all the problems and turn it into probably the nicest park in Benson. Mr. McKenzie then stated as the City goes forward, there are a number of things that come into play, adding he won't repeat Mr. Diaz, but that would be a direction to put the perspective correctly addressed, noting people who act independent of this body should be responsible for the things they say and do. Mr. McKenzie then stated if the Council goes forward and gets this resolved, it will improve the economic viability of this community because it will show that private property rights are respected and upheld, businesses are encouraged to come here, everyone is treated equal and he thinks this town can do that. Mr. McKenzie then stated after all these years, we can see some growth and improvement in our community that we can be proud of, adding he knows the Council will do the best job they can; there are some important decisions to be made and when the Council puts it into perspective, he thinks things will work out very favorably.

CITY MANAGER REPORT:

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

Saturday, April 19, 2014	– Historic Preservation Commission, 9:00 a.m., City Hall
Tuesday, April 22, 2014	– Community Watershed Alliance, 6:30 p.m., City Hall
Monday, April 28, 2014	– City Council Worksession, 6:00 p.m., City Hall City Council Meeting, 7:00 p.m., City Hall

NEW BUSINESS:

1. Consent Agenda

- 1a. Minutes of the March 24, 2014 Worksession
- 1b. Minutes of the March 24, 2014 Regular Meeting
- 1c. Invoices processed for the period from March 13, 2014 through April 2, 2014

Councilmember Moncada moved to approve the remaining Consent Agenda. Seconded by Councilmember Brooks. Motion passed 7-0.

2. Discussion and possible action on an Intergovernmental Agreement (IGA) with Arizona Department of Public Safety Auto Theft Task

Chief of Police Paul Moncada addressed Council stating this IGA with the Department of Public Safety (DPS) will assign an officer to their auto theft task force for southern Arizona, adding it has been newly formed in this region. Chief Moncada then stated the Police Department currently assigns an officer to the GITEM task force, which focuses on gang investigations, but it would be his preference to enter into this IGA and assign an officer to this task force instead, adding this IGA will result in a 75% benefit for the officer's salary and benefits vs. the 60% the department receives as part of the GITEM task force. Councilmember Brooks stated he was not familiar with the GITEM agreement, and asked if the police officer would be basically on loan to DPS and not doing the job of a City police officer and if the City would need to hire another officer with Chief Moncada stating the City would not hire another officer since the officer assigned to GITEM would rotate back in patrol. Councilmember Brooks then stated he hadn't had time to look over the contract thoroughly and asked about the City paying for 25% of an officer who would be spending 100% of his time on the task force with Chief Moncada stating that was correct, however, if the situation arises that the Police Department needs that officer to investigate something that would fall within the parameters of the task force, the department could utilize him and the entire task force, adding this task force would focus on auto theft and crimes

connected to that. Councilmember Brooks then asked if there was more of a need to be part of the auto theft task force instead of a gang task force with Chief Moncada stating both task forces are important, adding he couldn't say which would be more beneficial, but sometimes it is good to change, noting the department has been involved with GITEM for quite a while and this is something that would be a welcome change for the officers going into it, noting the department uses specialty assignments to give officers a break from patrol and to avoid burn out. Councilmember Brooks asked about terminating the IGA with Chief Moncada stating there is a termination clause. City Attorney Gary Cohen then addressed Council stating there is a 30-day termination clause in the IGA.

Councilmember Cook asked if the appointed officer is rotated with Chief Moncada stating when this position or assignments come up, he asks for letters of interest from the officers to see who is interested, adding once he receives the letters, if there is more than 1, he will set up an interview board to determine who is the best candidate for the position, adding they try to give preference to officers who have never been assigned to a specialty position so they get that chance. Chief Moncada then stated the officer assigned to the task force will be assigned to it for a minimum of 3 years, noting it could be as long as 4 years. Councilmember Cook then asked if the GITEM agreement was up and asked about benefit from being a part of that task force with Chief Moncada stating the department gets a tremendous amount of benefit from being part of task forces, noting besides the benefit the City receives in assistance from the task force, they also provide a tremendous amount of education and training, adding the officer assigned to the task force comes back a better officer than when he left, which is a huge benefit to the Police Department. Councilmember Cook then asked about the location the task force would be working in with Chief Moncada stating the focus will be in Cochise County, which is where this squad is being assigned, but they could, if it were a large operation, be taken to other parts of the state, again noting their main focus will be Cochise County and the border area.

Councilmember Boyle asked if the officer assigned to the task force would be available to the Police Department if needed with Chief Moncada stating if he was needed for an investigation that would fit under the mission statement of the task force, the officer and the entire task force would be available, but if the Police Department developed some serious manpower issues, they would have to utilize the opt out clause in the agreement. Councilmember Boyle then confirmed the officer would not be available for daily duties with Chief Moncada confirming he would not. Chief Moncada then stated specialty assignments helps with the morale of the officers as well as the department. Councilmember Boyle asked about officers coming back from specialty assignments and then leaving the Benson Police Department for other opportunities with Chief Moncada stating to the best of his recollection, the Benson Police Department has not lost anyone who came back from these specialty assignments.

Mayor King stated the IGA was a good thing, adding he is familiar with the GITEM program and it has been good for the officer and the Police Department. Mayor King then stated this is the first opportunity for this task force and he thinks it would be something positive for the City, for the Police Department and for whoever is assigned. Councilmember Brooks then asked about the GITEM program and if the officer assigned to the GITEM task force was involved with GITEM 60% of the time with Chief Moncada stating he is involved with the GITEM task force 100% of the time, but the City is reimbursed for 60% of his salary and benefits, adding the City pays the remaining 40%. Councilmember Brooks asked if that officer worked in the area with Chief Moncada stating he works where he is needed, but it is primarily in Cochise County, adding he has utilized the officer quite a bit.

Councilmember Moncada moved to approve the Intergovernmental Agreement (IGA) with Arizona Department of Public Safety Auto Theft Task. Seconded by Mayor King. Motion passed 6-1 with Brooks voting nay.

3. **Discussion and possible action on Resolution 4-2014 of the Mayor and Council of the City of Benson, Arizona, authorizing the City to enter into the Strategic Alliance for Volume Expenditures ("SAVE") Cooperative Purchasing Agreement**

Finance Director Megan Moreno stated this agreement provides a way for the City to participate in a statewide procurement group, increasing the City's procurement power with the ability to piggyback on other entities' contracts for services and products, adding the agreement includes cooperative purchasing language in their

contracts allowing anyone who signs up with the program to be able to take advantage of those negotiated prices. Ms. Moreno then stated the agreement has over 300 other governmental agencies that participate and it would increase the number of contracts available to us, in addition to the 2 other cooperative agreements the City participates in.

Councilmember Wangsness asked how the agreement would affect local businesses, stating provision #10 sounds like it prevents the City from allowing local businesses to compete on a bid. Ms. Moreno then read the provision, which states, “the procuring party shall not use this agreement as a method for obtaining additional concessions or reduced prices for similar materials and services” and then stated the provision does not exclude local businesses from participating, but the agreement gives the City an option to use if there is nothing available locally and we need to find a company that would offer that product or service, noting instead of having to go through the process of putting out an RFP, with researching, marketing and publishing, the City would be able to utilize the cooperative website and see if someone has already done that work. Ms. Moreno then stated the agreement would be primarily for bigger projects where chances are, the product or service wouldn’t be available locally, such as Arizona Fireworks Productions for fireworks, adding the agreement gives the City the opportunity to use them and know that we are following proper procurement protocol as well. Councilmember Wangsness asked if there was a way to publish this and offer local businesses the chance to match the prices, adding provision #10 looks like it says the City can’t go out local companies and have them match the price. Ms. Moreno then stated if a local business can provide the service at the same price and the City would prefer to use them, the choice can simply be made not to utilize the agreement, adding the agreement is just an option and the City is not bound by it. City Attorney Gary Cohen then addressed Council stating if the City were to prepare an RFP for a service and a local company won the bid and then someone from the City determined the service could be obtained for a lower price under the SAVE contract, the City cannot go back to the party that won the bid and demand they reduce their price to match the SAVE agreement price, however, if someone shops locally and it turns out a local business can match or beat the price through SAVE, there would be nothing wrong with that, adding the agreement does not preclude the City from utilizing local businesses. Councilmember Wangsness then stated as long as there is protection for using local businesses; he think the agreement is good.

Councilmember Brooks then stated basically, the City gets a wholesale price out of the SAVE agreement, and if the City did an RFP and someone locally beat the price, they would be selected, but if they didn’t come in cheaper, the City could use the SAVE agreement. Councilmember Brooks then stated he would like to stipulate this is done on larger purchases, adding he thinks the taxpayers expect the City to save money on large purchases, but he would like to consider purchasing locally, especially if an employee has to drive somewhere to make a purchase, adding the cost of time and fuel should be factored into the savings. Councilmember Brooks then stated for small purchases when the City isn’t really going to see a big savings, he would like to see those purchases made locally. Councilmember Brooks then stated about 271 agencies use the SAVE agreement and he thinks it is a good idea with Councilmember Wangsness agreeing.

Ms. Moreno then stated the agencies that utilize the SAVE agreement include a lot of cities, counties and school districts, adding our own school district utilizes the agreement. Ms. Moreno then stated the agreement would be used with the City is focusing on things that would require a bid, adding according to the City’s procurement code, it would be any purchase over \$20,000.

Councilmember Moncada moved to approve Resolution 4-2014. Seconded by Vice Mayor Sacco. Motion passed 7-0.

4. **Discussion and possible action on a request to fill the Kitchen Cook position at the Benson City Grille/San Pedro Golf Course**

Public Works Director Brad Hamilton addressed Council stating this request is to fill the position of an employee who recently resigned, adding the position is in the budget and is nothing new. Councilmember Moncada asked if the position was full-time with Mr. Hamilton indicating it was.

Councilmember Brooks moved to approve the request to fill the position. Seconded by Councilmember Moncada. Motion passed 6-0 with Councilmember Cook abstaining.

5. **Discussion and possible direction to Staff regarding the placement of banners on 4th Street**

Public Works Director Brad Hamilton stated Councilmember Wangsness contacted him about this and stated he had talked to ADOT about putting the banners back up, so Mr. Hamilton contacted ADOT last week, but unfortunately, the person Councilmember Wangsness had spoken to has since retired and the supervisor knew nothing about the request. Mr. Hamilton then stated he was sending all the information back to ADOT to see what could be done. Councilmember Boyle stated someone mentioned to him that there had been a political problem in the past and asked if it had been resolved with Mr. Hamilton stating he had heard the same thing, but if it were the case, it pre-dated him, adding he has never had any issues with ADOT and has always had a good relationship with ADOT in both the district office and the traffic office. Mr. Hamilton then stated ADOT did remove the banners and give them back to the City, but he couldn't recall why ADOT said they had to come down. Councilmember Moncada stated he had also heard of a problem but added it must have been in the past, noting since he has been on the Council, the City has had a really good relationship with ADOT. Mr. Hamilton then stated he would let the Council know what ADOT decided. Councilmember Wangsness then stated he heard the problem with ADOT was that in approximately 2002, ADOT wanted to work on the realignment of Highway 80 and replacing the bridges, adding at the time, they were working with the Council on alternatives and spent about \$300,000 on conceptual designs, but then the Council told ADOT they didn't want it done, so ADOT got upset and saw the banners up without permission and took them down. Councilmember Wangsness then stated Mr. Nilson, Brian Crafts and he were able to renegotiate with Armando from ADOT and got him to agree to make the banners a permanent permit, but then Armando retired. Councilmember Wangsness then stated he wanted to get the Council's blessing on this and see if it could move forward, adding he thinks the banners dress up the downtown area and ties in with the murals. Mayor King stated he thought it was a good idea to have the banners back up.

Vice Mayor Sacco asked if the banners met the sign ordinance restrictions and requirements with Councilmember Wangsness stating the City has to get ADOT approval because 4th Street is part of Highway 80 and the signs would be subject to ADOT. Vice Mayor Sacco asked where the banners would be placed with Councilmember Wangsness stating they would be on the streetlight poles, starting downtown and working west until the City ran out of banners.

Councilmember Brooks stated he thought it was a great idea, and would help celebrate the town, making it look festive, adding they could be up all year long, so they would have to be replaced at some point, but they would make the town more interesting. Councilmember Brooks then stated he would like to direct Staff to see if there is a way to get this done and if Councilmembers Wangsness and Boyle can help facilitate it, he would like to see that also.

Councilmember Moncada moved to direct Staff to work on the placement of banners on 4th Street. Seconded by Councilmember Boyle. Councilmember Cook asked about the condition of the banners with Councilmember Wangsness stating from the one he saw, it looked like they were in excellent condition. Councilmember Wangsness then stated the only concern was the poles were shedding a little bit of fiberglass, so the poles might need to be sealed with fiberglass resin, noting he didn't think it would be expensive to do it, adding the resin is about \$16 a quart and he would be willing to do it. Councilmember Brooks then stated the holders could be used for other banners advertising other events also with Councilmember Wangsness agreeing other events could be advertised using the poles. Mayor King then called for a vote. The motion passed 7-0.

6. **Update and possible discussion of the City's Requests for Proposals; Discussion to include an update on the RFP process for IT services, an Asset Inventory, Marketing and a possible RFP for the lease of the golf course restaurant**

Councilmember Moncada stated he had asked for this item to be placed on the agenda, adding he thought it would be good to discuss this and get an update from Staff with the new City Manager present, since there were quite a few things the Council discussed in the last few months, including the IT services RFP, the asset inventory and branding RFPs, and the RFP Council had discussed for the restaurant at the Golf Course. Public Works Director Brad Hamilton addressed Council stating the IT RFP responses were due back April 21, and

that Staff is working on RFPs for the asset inventory and branding, adding the City has had interest from a company who is supposed to have a webinar coming up on asset inventory. Mr. Hamilton then stated Staff hasn't started research on the RFP for the restaurant at the Golf Course, adding the City will need to look at who has successfully done one before and where to go with that. Mr. Hamilton then stated he would also have a few RFQs coming up through the year for engineering services and noted there will also be an RFQ for UAS operations at the airport. Councilmember Moncada asked if the Council would be seeing the IT RFP award in May with Mr. Hamilton stating it would be brought to Council in the near future.

Councilmember Boyle stated a few months ago, the Council discussed having an engineering study done for awnings at the airport and asked where that project was with Mr. Hamilton stating Armstrong is now on board with a contract in place, adding they are moving forward with the current FAA project, and as soon as those bid documents are out, they can look at hangars, noting the FAA project had to come first since the City was running up against a deadline for it.

7. **Discussion and possible direction to Staff regarding a study and/or possible plan to utilize the City buses to offer tours in and around the City of Benson**

Public Works Director Brad Hamilton stated this item was placed on the agenda by Vice Mayor Sacco and Councilmember Brooks. Councilmember Brooks stated this was a thought Vice Mayor Sacco had brought to him at one time. Councilmember Brooks then stated he had actually talked to Bob Nilson and some other people about this, and he thinks the City can bring tourists in, especially with winter visitors, if we had special tours to Gammons Gulch, Mescal Studios, Kartchner Caverns, maybe even Tombstone, adding he thinks there is a lot more we can do with the buses and he would like to direct Staff to look into the possibilities.

Councilmember Moncada stated the Council had discussed the transit system in a worksession; with bringing other public transportation to Benson and connecting the transit systems with surrounding communities. Councilmember Brooks then stated Staff was working on connecting transit, but he would like Staff to look into doing something monthly or bi-monthly to see if the City could make money and give tourists in the area something more to see, such as a guided tour to the studios, noting a lot of people like to go in groups and this is popular around the country, adding this would be a nice service the City could offer. Councilmember Moncada asked if the buses could be utilized for something like this with Mr. Hamilton stating he would have to check into it, noting there are rules and everything must go to ADOT and the FTA, adding the City has to comply with the grants and where they think the transit service should go. Councilmember Brooks then stated he would like Mr. Hamilton to see what could be done and what he could find out.

Councilmember Cook stated there needs to be a demand for something like this and asked if Mr. Hamilton could look into the demand, how many times the City would offer these tours, where they would be offered to and which of the regular bus routes would be sacrificed to provide these tours.

Councilmember Wangsness stated something else he was working on with Bob Nilson and Jay Tomerlin was trying to tie Amtrak in with a round-trip ticket, coupled with a day of golfing, adding the City could pick up passengers from Amtrak with the bus, take them to golf and then return them. Councilmember Wangsness stated Amtrak comes to Benson and goes back on Thursdays, so this could be a day package or even an overnight package, but he was having problems getting Amtrak to respond and asked if this could also be considered with Mr. Hamilton stating he could look into it.

Councilmember Brooks then stated things to be considered for the tours are Gammons Gulch, Mescal Studios, Kartchner Caverns, adding people could save on parking at the caverns by taking the bus. Councilmember Brooks then stated the tours could be done on weekends and the buses could be used for some of the events in town such as Butterfield, adding the buses have been used in the past for that type of an event. Councilmember Brooks then stated people can leave their cars, have a few drinks and get on the bus without having to worry about driving, adding these are just some thoughts, but he would like to see what we can come up with.

Councilmember Boyle asked how many buses the City had and if there were enough available that a route wouldn't have to be sacrificed with Mr. Hamilton stating the City has 3 front line vehicles, adding 2 are

heavier buses that require CDLs and 1 is the Dial-A-Ride bus, then the City has a backup van-type bus in case one breaks down and 1 of the off-lease buses, which has been dedicated to moving inmate crews around the City for various City projects. Councilmember Boyle then stated it could be adjusted pretty easily without having to sacrifice a route with Mr. Hamilton stating it would depend on the timing, adding he did want to inform Council that the transit numbers have picked up quite a bit, with a lot more phone calls and interest even from well outside the state, who are very interested in Benson because we have a transit system. Mr. Hamilton then stated Cheri Shull and Bob Nilson have done a lot of work to help people who are coming in on Greyhound or Amtrak so they can get rental cars to get where they need to go and to get them the information they need, adding this is something that has grown a lot.

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), in accordance with A.R.S. section 38-431.03(D), 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/or 1983 Civil Rights Claim – Dianne Tipton vs. the City of Benson, Arizona, et. al. Discussion to also include potential claims against prior City Attorney related to these matters.

Vice Mayor Sacco moved to enter into an executive session with the Mayor and Council, the Public Works Director (for the City Manager), City Attorney and City Clerk at 7:57 p.m. Seconded by Councilmember Moncada. Motion passed 7-0.

Council reconvened at 9:19 p.m. City Attorney Gary Cohen addressed the Council stating it was his understanding that the motion was to enter into an executive session for both the executive session regarding Stagecoach Trails and the executive session regarding the investigation of Jim Cox. Mr. Cohen then stated that was not the case, adding since the Mayor and Council did hold an executive session for both subjects, he would ask for a motion and vote to ratify that both executive sessions were conducted in one executive session. Councilmember Moncada moved to ratify that both executive session subjects were held in one executive session. Seconded by Councilmember Boyle. Motion passed 7-0.

EXECUTIVE SESSION: Pursuant to A.R.S. §38-431.03(A)(3), discussion or consultation for legal advice with the attorney or attorneys of the public body about the previously approved Mayor and Council investigation of Jim Cox

This executive session was held in conjunction with the previous executive session. See above.

DEPARTMENT REPORTS: No comments from Council.

ADJOURNMENT:

Councilmember Moncada moved to adjourn at 9:19 p.m. Seconded by Councilmember Boyle. Motion passed 7-0.

ATTEST:

Toney D. King, Sr., Mayor

Vicki L. Vivian, CMC, City Clerk