

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD MAY 12, 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 7:00 p.m. with the Pledge of the Allegiance. Mayor King introduced Brother Robbie Robinson of the Church of Christ 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: Mayor King recognized Melissa Quiroz for 10 years of service with the City of Benson.

PROCLAMATION:

Mayor King asked Councilmember Brooks to read the proclamation proclaiming the month of May as "Drug Court Month." Councilmember Brooks then presented the proclamation to City Prosecutor Ann Roberts.

Mayor King then asked Councilmember Pat Boyle read the proclamation declaring the week of May 18 - May 24, 2014 as "National Public Works Week." Councilmember Boyle then presented the proclamation to Public Works Director Brad Hamilton.

PUBLIC HEARING:

City Clerk Vicki Vivian stated the public hearing was on the proposed rezoning of parcels 124-01-010F and 124-01-010G from RT Rural Transitional to B-2 General Business. Mayor King then opened the public hearing at 7:11 p.m.

Tom Fitzgerald stated he signed up to speak by mistake, adding he intended to sign up for the Call to the Public instead. Mayor King then asked if there were any others present who wished to speak. After receiving no requests, Mayor King closed the public hearing at 7:12 p.m.

CALL TO THE PUBLIC:

Anita Gilmore, Chair of the City of Benson 4th of July Committee addressed Council stating the committee sent sponsorship packets out and had only received about \$250.00 in sponsorships and \$250.00 for the adopt-a-firework funds. Ms. Gilmore then stated the committee would be following up on their solicitations but they wanted the Council to know where the funding stood at this time.

Dave Thompson addressed the Council regarding the Economic Development Committee and the Airport Advisory Committee, stating 2 meetings ago there was some discussion about Councilmembers being on the committees. Mr. Thompson stated it was his understanding that the committees will be advising Council on points to ponder or vote on and will be advisory in nature with all their information being brought to Council for consideration. Mr. Thompson then stated he felt, to some people, having a Councilmember on the board would be a form of intimidation. Mr. Thompson then stated it was also not necessary for a Councilmember to be on the committee, adding if a Councilmember wanted to do something related to the advisory committee, they could. Mr. Thompson stated he felt the committees should act independent of the Council and then bring items to Council, adding otherwise, the Council is controlling the committees. Mr. Thompson then stated the

Council also needs to put the 2012 building codes in place, so if the committee have an idea, it could be implemented.

Dianne Jones addressed Council submitting a letter to them regarding the upcoming recall election. Ms. Jones' letter will be retained with the Council packet. During the reading of Ms. Jones' letter, Mayor King asked her to stop reading. Ms. Jones stated she wanted to present information to the people in the audience about cases being brought against Mr. Moffett. Mayor King again asked Ms. Jones not to continue reading her letter. Councilmember Brooks stated the Council meeting was a forum to conduct City business only. Ms. Jones did not finish reading her letter.

Barbara Nunn stated Mr. Moffett had been attributed with spreading information about Councilmember Cook's physical behavior toward other Councilmembers in an attempt to discredit him, adding she meant no offense to Councilmember Cook, but she thought she could whip him herself. Ms. Nunn then stated there were more rumors about Mr. Cook's uncontrollable temper and she wanted those present to know she had never seen any indication of such.

George Scott of the Southeast Arizona Economic Development Group (SAEDG) addressed Council asking for their support of the rezoning request, adding it will make Benson easier to sell to developers and will help the City grow. Mr. Scott then spoke about the proposed gun range, requesting Council support of that item as well, adding he has spoken to 3 different clients that would like to use a gun range. Mr. Scott stated it would be good if SAEDG and the City could work together on the gun range.

Jim Grey addressed Council regarding reducing the City's employee expenses. Mr. Grey stated he had no vendetta against anyone who works for the City, but just has statistics he has given to the Council before to try and educate them on what has happened. Mr. Grey then stated RV parks have lost 20% of their occupancy and the trend needs to be reversed. Mr. Grey then stated Sierra Vista has reduced 20% through a hiring freeze and eliminating and prioritizing positions, adding Bisbee also has 26 less employees. Mr. Grey then stated there are only 3 ways to improve problems, and they are to raise new revenue, cut costs or borrow money, adding the City borrowed a lot of money to refinance the wastewater treatment plant. Mr. Grey then stated during the recession, the City has hired many new employees and the only thing they haven't done is cut costs. Mr. Grey then stated he hoped the Council and the new City Manager can make some tough choices to put the City on the road to recovery.

Stephen Insalaco addressed the Council regarding the proposed gun range, the Economic Development Committee and the Airport Advisory Committee asking Council to support these items. Mr. Insalaco's letter will be retained with the Council packet.

Tom Fitzgerald stated he was going to address the Council but decided to not say anything because he knows too much and is worried about hotheads. Mr. Fitzgerald then stated it was sad because the people he was talking about weren't present, but they hear things through the grapevine and it makes it worse. Mr. Fitzgerald then stated he would like to ask for a rollback and a reprieve and end to the trial period for Wal-Mart, adding he would want to live here the next 8 years without Wal-Mart and if Wal-Mart wants to move to Willcox, the City should let them move.

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 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.

CITY MANAGER REPORT:

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

- Tuesday, May 6, 2014 – Planning & Zoning Meeting, 7:00 p.m., City Hall
- Monday, May 12, 2014 – City Council Worksession, 6:00 p.m., City Hall
City Council Meeting, 7:00 p.m., City Hall
- Tuesday, May 13, 2014 – Library Advisory Board, 4:00 p.m., City Library
- Saturday, May 17, 2014 – Historic Preservation Commission, 9:00 a.m., City Hall
- Tuesday, May 27, 2014 – Community Watershed Alliance, 6:30 p.m., City Hall

- Friday, May 16, 2014 – Movie in the Park – “Frozen” will be playing at Lion’s Park, 7:00 p.m.
- Thursday, May 22, 2014 – Benson Middle School Graduation, 6:30 p.m., Benson High School
Football Field
- Friday, May 23, 2014 – Benson Union High School Graduation, 7:30 p.m., Benson High School
Football Field
- Friday, May 23, 2014 – Benson City Pool opens at 11:00 a.m.
- Monday, May 26, 2014 – Memorial Day – City Offices Closed

Mr. Stephens then stated the City Attorney would be in Benson, assisting Recreation Coordinator Laura Parkin with lifeguard training on May 17, at no cost to the City.

Mayor King then stated New Business Item #13 would be addressed as the first item of New Business.

NEW BUSINESS:

13. **Discussion and possible action to approve and authorize execution of a proposed settlement agreement for pending litigation cases: 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 Moncada moved to approve the proposed settlement agreement for pending litigation cases: 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. Seconded by Councilmember Boyle. Councilmember Brooks stated he was sorry to see this take so long and that the Council would have a public release for the public’s information.

Mayor King then read the joint press release in its entirety. The joint press release read:

The City of Benson and its representatives, along with Stagecoach Trails Mobile Home Park, Jay Kendrick and Diane Tipton announce that they have resolved all disputes between them that pre-date this Release, including all matters related to the litigation between them pending in both the Cochise County Superior Court and the Federal Court for the District of Arizona. The Parties no longer wish to discuss these matters, but instead make this joint public statement to inform the public that this litigation has been settled on mutually agreeable terms, with neither side acknowledging victory, liability, wrongdoing, or fault. The Parties intend to move forward from these matters, and work with each other in a spirit of respect and cooperation. The Parties encourage all Benson citizens to do the same. Now is the time for every person involved with these contentious disputes, the City of Benson, and its citizens, to heal and move past these matters in a positive way.

Mayor King then called for a vote. Motion passed 7-0.

1. **Consent Agenda**

- 1a. Minutes of the April 28, 2014 Regular Meeting
- 1b. Appointment of Gerald Thomson to the Historic Preservation Commission
- 1c. Invoices processed for the period from April 17, 2014 through April 30, 2014

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

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

City Manager William Stephens stated this item has been placed on the agenda for Council to give direction to Staff regarding entering a contract with Fireworks Productions of Arizona, Ltd. for the amount of \$10,000.00 to display fireworks during the 4th of July Celebration. Mr. Stephens stated the Contract requires a fifty percent deposit by May 15, 2014 and is similar to the contracts the City has entered into with them for the past 9 years. Mayor King stated he was looking forward to traditional fireworks with Councilmembers Moncada and Brooks agreeing. Councilmember Brooks then stated he hoped more people would contribute donations toward the fireworks.

Councilmember Wangsness stated one of the problems in the past was that the fireworks were cancelled due to fire hazards, adding he had previously spoken to Jay Tomerlin about using the golf course for the fireworks display since it has 3 acres of watered land. Councilmember Wangsness then stated people could watch the fireworks at the golf course and could purchase beer and wine from the restaurant there. Councilmember Wangsness then asked if the Council wanted to consider that option. Mr. Stephens stated the contract has been negotiated to launch the fireworks in the tradition place at the park, adding Staff has been clearing a large piece of acreage west of Lions Park to eliminate the fire hazard. Mr. Stephens then stated launching the fireworks at the golf course would present some challenges and while they would not be insurmountable, the committee worked toward holding the fireworks in Lions Park this year. Councilmember Moncada stated the golf course could be considered for future years or as an alternate location to launch fireworks. Councilmember Wangsness then stated he just wanted to bring the idea up for the Council's consideration in the future, adding the festivities could still be held at the park during the day, and then the fireworks could be held at the golf course at night.

Councilmember Cook stated he had spoken to Staff about previous fireworks displays being cancelled and stated dry conditions were not insurmountable, adding the dry grass and brush could be cleared and the Fire Department could water down the area so there should be no problem having the fireworks at Lions Park. Councilmember Brooks stated the first year the fireworks were cancelled, there had been a very large fire in the Sierra Vista area, so the fireworks were cancelled to be cautious. Councilmember Brooks then stated he thinks Lions Park is a good location to launch the fireworks, adding the 4th of July is a major event in the City and generates a lot of revenue for the City.

Councilmember Brooks then moved to approve the Fireworks display contract between Fireworks Productions of Arizona, Ltd. and the City of Benson. Seconded by Councilmember Moncada. Motion passed 7-0.

3. **Discussion and possible action to designate \$4,000.00 to advertise the 4th of July Festivities**

City Manager William Stephens stated the City of Benson 4th of July Committee is requesting advertising funds in the amount of \$4,000.00, adding during these difficult economic times, sponsorship has steadily decreased and the committee has had minimal funds available to provide a quality event for our residents. Mr. Stephens then stated the proposed advertising budget is based on expenditures for other events with a comparable demographic for the 4th of July Celebration and due to the fact the Committee will be bringing back the popular Fireworks Display, advertising will contribute to the success of this event. Councilmember Moncada asked about Cox donating advertisements with Recreation Coordinator Laura Parkin stating in the past the Committee has applied for an in-kind match, adding the committee purchases \$1,200 in advertisements and Cox Communications donates another \$1,200 in public service announcements (PSA).

Ms. Parkin then stated the PSAs are used to target the Tucson market. Councilmember Moncada stated he felt advertising should be done.

Councilmember Brooks asked what area Cherry Creek Radio covers with Ms. Parkin stating it covers most of Cochise County, playing newer country music and will reach a different demographic, targeting the Sierra Vista area. Vice Mayor Sacco expressed thanks for having fireworks instead of a laser show. Councilmember Brooks then stated advertisements should be done and moved to approve \$4,000.00 to advertise the 4th of July Festivities. Seconded by Councilmember Moncada. Councilmember Cook stated there were not a lot of other communities in Cochise County putting on fireworks with Ms. Parkin agreeing. Ms. Parkin then stated a few years ago advertisements were placed to target Sonoita, Patagonia and Safford, adding if the cost of advertisements were right and the funds were available, the committee would target those areas as well. Motion then passed 7-0.

4. **Discussion and possible action on Resolution 10-2014 of the Mayor and Council of the City of Benson, Arizona, recommending approval of the issuance of a Series 12 (Restaurant) Liquor License at Galleano's, 601 W. 4th Street, Benson, Arizona**

City Clerk Vicki Vivian addressed Council stating Galleano's located at 601 W. 4th Street, has applied for a liquor license application, adding procedures have been followed according to A.R.S. §4-201, with no written arguments in favor of or opposed to the issuance of the license being received. Ms. Vivian then stated the City is now at the step where the governing body of the City or Town shall then enter an order recommending approval or disapproval within sixty days after filing of the application and once Council makes a recommendation, she will forward the proper documents to the Arizona Department of Liquor Licenses & Control. Councilmember Cook asked if the license was a renewal of the current license held by the previous owner or a new license and Councilmember Boyle asked if the license was for wine and beer or hard liquor with Mr. Galleano (the applicant) stating it was a new license and the type of liquor to be served under this license varied and would be up to him, as the applicant. Councilmember Moncada moved to approve Resolution 10-2014. Seconded by Councilmember Brooks. Motion passed 7-0.

5. **Discussion and possible action on Ordinance 567 of the Mayor and Council of the City of Benson, Arizona, approving a request to rezone Assessor's parcel numbers 124-01-010F and 124-01-010G, from a Zoning District of Rural Transitional (RT) to General Business (B-2)**

Building Official/Zoning Administrator Luis Garcia addressed Council introduced Mr. Jerry Garcia of the San Pedro Partners to present their request to Council. Mr. DeGrazia stated he was present with his partner, Hal Ashton. Mr. DeGrazia then showed those present a map, stating recently San Pedro Partners had one section of their property designated as MXU in the General Development Plan (GDP), and they were now at the process of asking for a zoning designation of B2, adding the use for this zoning would be the same uses as identified in the MXU land designation. Mr. DeGrazia then stated most property bordering this area was identified as Commercial in the GDP and the property would benefit from the new interchange development, the access it has to sewer, water and other types of utilities as well as transportation, adding the site would then be ready for development when developers, builders and commercial users start coming to town. Mr. DeGrazia then stated this would also allow the City to act quickly if they needed to, adding San Pedro Partners will also start marketing the property.

Councilmember Cook stated the requested rezoning will make the property compliant with the GDP and asked if there was any public opposition or public proposals amendments to the rezoning with Mr. DeGrazia stating there was none to his knowledge. Councilmember Cook then stated he understood San Pedro Partners had already provided 2 new transportation corridors with Mr. DeGrazia stating they had constructed the street, Nueva Jennella, and the other access would be rerouting Titan Road into the site, adding they will also remove the S-curve. Councilmember Cook then asked about the water source with Mr. DeGrazia stating San Pedro Partners has their own water assurances that include this site and others they own. Mr. DeGrazia then stated the wells would be on their property and would be given to the City, adding this water has no mercury and would be an addition of water to the City.

Mr. Garcia stated San Pedro Partners has the access to water and assurances that guarantees the water and noted that any discussion with the developer will address compliance with City standards at that time, adding the City Engineer will be involved in those discussions.

Councilmember Brooks stated the requested zoning seemed conducive to him. Councilmember Brooks then stated he knows San Pedro Partners has worked on this for a long time, adding he is sorry it took so long, but sometimes it does. Councilmember Brooks then stated he was in favor of the zoning request.

Councilmember Cook stated his last comment was that he thought the City had enough residential zoning ready to go and in order to balance that out and provide for the growth that is probably coming to the City, he thought zoning other than residential was needed to bring business in and he liked the proposal so far.

Councilmember Moncada stated his only concern had been the transportation, but San Pedro Partners had addressed it and he would like to commend them on that. Mr. DeGrazia stated with both Nueva Jennella and Titan Road, they feel they have addressed transportation concerns. Mr. DeGrazia then stated both roads will be able to handle about 16,000 cars a day and have enough right of way to be expanded to 4 lanes if needed, adding the capacity can be enhanced depending on access points, driveways and development.

Councilmember Brooks stated more traffic would probably use Nueva Jennella rather than going through the McDonald's parking lot with Mr. DeGrazia stated Nueva Jennella will be a major street going both east and west. Councilmember Brooks moved to approve Ordinance 567. Seconded by Vice Mayor Sacco. Motion passed 7-0.

6. **Presentation on the Economic Impact of Parks and Recreation Services**

City Manager William Stephens stated in 2010, the National Recreation and Park Association published a study entitled, "Measuring the Economic Impact of Park and Recreation Services." Mr. Stephens then stated this report defines the value of Parks and Recreation as a key contributor to the economics of our communities and introduced Recreation Coordinator Laura Parkin to present the study, adding he felt it would be informative for the Mayor and Council, as well as the public.

Ms. Parkin then began the presentation stating the primary reason for leisure travel is attractions such as sports tournaments, festivals, national, state and local parks and major recreation facilities. Ms. Parkin then stated the 2012 National Park Service report found that 145,000 visitors came to Cochise County to visit our 3 national parks, spending roughly \$8 million in communities and creating roughly 107 jobs. Ms. Parkin then reviewed the economic benefits, including tax impacts of these visitors. Ms. Parkin explained how this funding works with residents and visitors investing in the community by providing tax dollars, which can then be used to subsidize development of recreation programs and facilities, which in turn attract additional out of town visitors that spend money in the local economy. Ms. Parkin stated this creates income and jobs which ultimately provide a benefit to our investors, the taxpayers, through increased services and facilities. Ms. Parkin then gave a brief history of parks development stating it came about through grants, adding the railroads also played a huge factor in the development of parks, noting the development of these parks created the need for motor and tourist travel. Ms. Parkin stated in a report done in 1865, it was found that people are willing to spend money to observe natural beauty and the benefits of these tourists far outweigh the expenses of developing parks. Ms. Parkin added that the railroads realized they were the appendage to these national parks and that they could increase their earnings by increasing the attendance to those parks. Ms. Parkin then stated Stephen Mather, the first Director of the National Park Service, proposed a goal of establishing a state park every 100 miles from coast to coast in order to stimulate tourism, adding this drew great political and public support and communities and states began to acquire lands to create national parks to attract tourists and stimulate local economies. Ms. Parkin then stated other benefits of recreation are a reduction in crime and delinquency, adding since the City installed playground equipment near the City pool, she hasn't observed children throwing rocks like they were before the equipment was installed. Ms. Parkin then spoke about the relationship between travel and parks and recreation, adding when the government shut down national parks there was an acute negative economic impact as well as big public outcry. Ms. Parkin then stated in the last decade, at the local level, the economic impact has been the driving force behind what is sometimes termed

“an arms race” in the development of youth athletic complexes. Ms. Parkin then stated municipalities find that amenities are money-generating tourist magnets and are an investment into the community that provides an economic return. Ms. Parkin then spoke about generating new revenue with sporting events and tournaments and how to apply that locally, stating the City currently has 1 regulation ball field and the ability to host a 2-day tournament with one local team and 10 out of town teams with 150 players, adding to host a tournament of this size would generate revenue of approximately \$40,000 into the community. Ms. Parkin then stated if the City had 2 regulation ball fields; the tournament could increase the number of teams on the fields to 330 out of town players, generating new revenue in the community of approximately \$89,000. Ms. Parkin then stated the City also currently has the ability to host the Little League district all-stars, estimating the revenue generated from doing so would be approximately \$17,889 for the week. Ms. Parkin then concluded her presentation stating parks and recreation are an asset to our community’s quality of life, health and wellness; it reduces crime and increases tourism and helps generate new revenue.

Councilmember Moncada asked if there had been interest or needs expressed from outside the community to have tournaments with Ms. Parkin stating we are starting to see a need, adding the men’s fast pitch league would like the City to be the regional area for their tournaments. Ms. Parkin then stated the City will be hosting a wood bat tournament for the men’s fast pitch league in Benson, but was limited to hosting that tournament due to only having 1 regulation size field, adding more could be done in Benson if another regulation size field existed. Councilmember Wangsness agreed that parks are an integral part of economic development. Council thanked Ms. Parkin for the information she presented.

7. **Discussion and possible action regarding the cancellation of the May 26, 2014 Regular City Council Meeting**

City Manager William Stephens addressed Council stating the next regular City Council meeting falls on Monday, May 26, 2014 which is Memorial Day, adding on this holiday, City offices are closed. Mr. Stephens then stated if an unexpected issue of importance needs Council action, a special meeting could be called, adding at this point, Staff was requesting consideration to cancel the regular meeting. Councilmember Brooks asked about canvassing the recall election with City Clerk Vicki Vivian stating State law requires canvassing the election no earlier than 6 days and no later than 20 days after the election, adding the canvass must first be received from the County. Ms. Vivian then a resolution canvassing the election could be presented to Council at the June 2 or June 9 meeting, adding both meeting dates would fulfill the State requirement.

Councilmember Moncada then moved to cancel the May 26, 2014 Regular City Council meeting. Seconded by Mayor King. Motion passed 7-0.

8. **Discussion and possible direction to Staff regarding establishing a gun range**

Councilmember Boyle stated this item was in regards to economic development. Councilmember Boyle stated he was envisioning something that wouldn’t cost a lot of money, adding he realizes if the City could spend a lot of money, it could be a Class A facility, but doesn’t have the money to do that. Councilmember Boyle then stated the City could first acquire a piece of property that would be suitable, adding he would like to see the City and volunteers get involved in doing this, adding City equipment could be used to clear the area and create berms. Councilmember Boyle then stated the local police department currently goes to a wash to do their practice shooting, noting the gun range the City would put up wouldn’t have to be a fancy place with buildings and air conditioning, but could simply be an area that is clear, at least 100 yards deep and a couple hundred feet across to enable 10-12 stations across, adding it could be the size of a football field in length and about half that in width. Councilmember Boyle then stated it could have a shooting station at one end and portable bathrooms, adding the development of the range doesn’t have to happen all at once, but could be improved with a platform, chairs, benches, an awning and so on as time goes on and as the budget improves. Councilmember Boyle then stated a gun range would have a lot of positive effects and that it doesn’t cost hardly anything to run it, adding there are no annual expenses to speak of, with possibly the exception of insurance, but it may not be an issue if it was outside the City. Councilmember Boyle then stated in any case, we would have a revenue generating thing, where people would want to come to the area. Councilmember Boyle stated he had spoken to several people who run mobile home parks and RV parks and one of the things

they are asked on a regular basis is where people can go to shoot. Councilmember Boyle then stated he realized some people may look at shooting with disdain; however, it is a part of our culture and is a good thing to do and learn. Councilmember Boyle then stated it would provide a lot of opportunities for activities that can be done that would bring revenue to the City at a very minimal cost. Councilmember Boyle then stated it could be done with a minimal cost and as time goes on, it could be improved, but for now, he would like to just get the Council's approval to look into this and to start gathering information, adding he wanted to seek the support of the Council and the citizens to look into this, again noting it wouldn't cost anything to direct Staff to look into acquiring or finding some land that might be available. Councilmember Boyle then stated the Southeast Arizona Economic Development Group was talking about some people who were interested in helping with this, but it would all be contingent on support from the City and the Council, which is what he is looking for. Vice Mayor Sacco stated he thought this was a good idea. Mayor King agreed, stating he has had to go out of town to do his shooting. Mayor King then stated if there was a gun range here, it would be much easier, adding this would be something good for the community and he guarantees it would be used. Mayor King then stated a lot of people in Benson like to go out firing their guns and it is a constitutional right to own guns.

Councilmember Boyle stated a lot of people in the past, including himself, ended up going out to shoot in the desert, adding occasionally people end up on someone else's property, rounds are all over and they are shooting toward someone's property, noting a gun range would help to restrict the activity and make it a lot safer.

Councilmember Moncada stated he would feel more comfortable with a private entity opening a gun range, then stated some questions he would like answered would be about insurance and how the insurance carrier feels about an open range vs. a facility, the point Mr. Stephens brought up about the EPA's rules on lead, where the range would be put, how the people around that property would feel about it, if Staff would be required to man the range and if they would have to be trained to do so.

Councilmember Boyle stated if there were some private developers, as was mentioned in the Call to the Public, maybe it could be done, but he thinks before those developers spend money or invest in the community, they are looking to see if there is support from the City and the Council. Vice Mayor Sacco stated all the Council was doing was authorizing some investigating of the matter with Councilmember Moncada stating those were the questions he had for the Staff to look into.

Councilmember Cook stated the Council was not authorizing moving forward to make a gun range happen, but to just look into it, adding he also had some questions he would like answers to. Councilmember Cook then stated he was on both sides of the issue, adding he has also been out shooting, noting the locations he went to started out very safe, but growth kept moving toward those sites and safety didn't stay the same. Councilmember Cook then stated he sees there is a need for a supervised shooting range and a cost in acquiring the property, adding the Council would have to have some answers before they could make an informed decision, such as where it would be, noting there is a lot of growth all over, there is almost nowhere that won't be near a residence and that there will be shots that will go over the berm.

Councilmember Boyle stated he was thinking of the range being toward the airport if there was land available, where shooting could be north of the airport, adding he knows there are some people there, but the area is pretty undeveloped. Councilmember Boyle then stated he didn't necessarily want this in town, but he would like it to be close enough to go to, yet be in a safe place where people would be firing off to an area where there is almost nothing.

Councilmember Moncada stated that raises another question for Staff to look into, adding he would like to know if the City could own property that was not in the City Limits.

Councilmember Cook stated he had several other concerns, adding it appears the range would have to be manned while it was open and he imagines the liability would be off the charts if it were not. Councilmember Cook then stated one of the items on tonight's agenda is to possibly cut employee expenses by 10% and this

would increase employee expenses, adding he has a hard time justifying either firing 10% of the employees or having them take a 10% cut in wages, so the Council can hire someone for the gun range.

Councilmember Boyle stated he wasn't sure if it was possible, but he would like to see if the gun range could be at the public's own risk with rules posted, but that they would know they were shooting at their own risk. Councilmember Boyle then stated he wasn't sure how it would work, which is why he would like Staff to look into it, adding he is thinking of doing the gun range in the most minimal way. Councilmember Boyle then stated he would like to point out that if all the Council does is contract, because they are trying to save money, there will be no expansion in the opposite direction to cause growth, which in turn would allow the City to keep Staff and other things. Councilmember Boyle then stated there needs to be a balance of a certain amount of growth and whether this project is it or not, he didn't know, but at least it's a step in that direction at a minimal cost, and it would help bring in revenue and improve the economy, just like parks and recreation and pointed out a gun range is actually a part of parks and recreation.

Councilmember Brooks stated he thought a gun range is great, adding he would like to see an indoor range eventually which can also be used for close hand pistol practice. Councilmember Brooks then stated a number of people have been looking at this area for doing such a thing, and maybe the City could own the property and lease it out to someone who would carry their own liability insurance, or as the Benson Economic Development Committee (BEDC) moved forward, they could see if there are people who want to do this. Councilmember Brooks then stated it would have to be in an area where you're not going to have someone hurt, but he would like to see the City explore it. Councilmember Brooks then stated the City, maybe through the BEDC, could facilitate the project with private individuals or maybe lease property out to do it, adding the Council would have to look at the liability, but if they carried their own insurance, that may be a partnership that could be worked out. Councilmember Brooks then stated he doesn't like to see the City getting into business again, but he thinks a gun range is a really good revenue source and would bring people in.

Vice Mayor Sacco stated all the Council was doing is have Staff investigate and come back to the Council with costs and locations for approval, adding he thinks it's a good idea, but the Council needs more information.

City Manager William Stephens stated the Council had all expressed good ideas and that there are some varying models for firing ranges that deal with many of the issues they discussed, if not all of them. Mr. Stephens then stated Staff can look into the issue and come back to Council with information, options and compliance issues that would be involved. City Attorney Gary Cohen stated a motion to do so would be preferred.

Councilmember Boyle moved to direct Staff to look into these matters and report back to the Council in 90 days with some proposals. Seconded by Mayor King. Motion passed 7-0.

9. **Recognition of the CAVE FM Radio station for their 30 years of operation**

Mayor King presented a certificate of recognition to Mr. Lotsof of CAVE FM, recognizing them for their 30 years of operation. Mr. Lotsof asked if he could address Council and stated in 1981, he decided to move a 1964 trailer onto the property, which was a couple of years before they went on the air, adding a few days after he moved the trailer in, he saw a note on the door, which told Mr. Lotsof that the neighbors were mad because the trailer was an eyesore and they were trying to sell the property next door and couldn't do it because of the trailer. Mr. Lotsof then stated after all these years, the same trailer is in place and the only thing preventing him from getting rid of this eyesore is the City, adding he is hoping maybe the Council will help him out in getting a new building. Councilmember Brooks then thanked Mr. Lotsof for his service to the community.

10. **Appointments to the Benson Economic Development Committee Membership, to include appointing members in different term lengths to establish staggered terms and possible appointment of a temporary Chairperson until such time the committee elects its Chairperson**

Mayor King stated the Council had just received these applications today. City Clerk Vicki Vivian then addressed Council, stating the advertisement for the applications indicated that the deadline to turn applications in was Friday, May 9 at 5:00 p.m. Councilmember Brooks stated most of the Council knew the applicants. Councilmember Brooks then stated he was a little disturbed why there is a felony question on the application and none of them were checked off by the Clerk to make sure they were all answered. Councilmember Brooks stated he thought the Council could have had the applications last Tuesday and then any that came in last minute could have been given to the Council, but to receive them 10 minutes before the meeting makes it a little difficult to make a good, responsible decision. Councilmember Brooks then stated he was a little upset about this, because this committee needs to happen, adding he still thinks the Council is familiar with a lot of the applicants. Councilmember Moncada stated all the questions were answered on the applications he received. Councilmember Brooks then stated one of the questions relating to the applicant being convicted of a felon was not answered on Mr. Muller's application with Councilmember Moncada stating the application had a letter attached to it that stated Mr. Muller has never been convicted of a felony or any other crime.

Mayor King stated he thought the item should be tabled. Councilmember Brooks then stated he wanted to protest strongly about this being given to the Council 10 minutes before the meeting, adding he is sure the City Clerk knew the Council couldn't make a good decision and he wanted that to be known. Councilmember Moncada stated the application process closed on Friday, and asked if Councilmember Brooks expected to receive the applications on Friday at 5:00 p.m. Councilmember Brooks then stated these applications have been in for about 3 or 4 weeks and the Clerk could have given them to Council as they came in, adding he is sure the Clerk is very well aware that it would be irresponsible for the Council to make a decision and now they are looking at a month going by before the committee is appointed, adding it is very disturbing to him. Councilmember Moncada stated it might be disturbing to Councilmember Brooks, but he would prefer to get the applications all at once, adding he didn't want to read one application a week and then have to go back and try and remember them or compare them again. Councilmember Brooks stated the Council received their packets on Tuesday and the applications could have been given to Council then with Councilmember Moncada stating the application processed just closed on Friday, May 9 at 5:00 p.m. Councilmember Brooks stated there may be applications turned in next week also with Councilmember Moncada stating that would be too late since the deadline was Friday at 5:00 p.m. Councilmember Moncada moved to table this item. Seconded by Mayor King. Motion passed 5-2 with Vice Mayor Sacco and Councilmember Brooks voting nay.

11. **Appointments to the Benson Airport Advisory Committee Membership, to include appointing members in different term lengths to establish staggered terms and possible appointment of a temporary Chairperson until such time the committee elects its Chairperson**

Mayor King stated he thought this issue should be tabled as well. Mayor King then moved to table this item. Seconded by Councilmember Moncada. Motion passed 7-0.

12. **Discussion and possible direction to the City Manager to cut employee expenses by 10% for the Fiscal Year 2014-2015 budget**

City Manager William Stephens stated this Friday there will be a budget meeting all day long to dig into the depth and details of what some of the budget cuts might look like, pending Council approval. Mayor King stated he felt the agenda item should read a minimum of 10% in case additional cuts need to be made. Vice Mayor Sacco agreed.

Councilmember Brooks stated he would like to see a minimum of 10% with a cap of 30%, adding he knows that sounds a little high, but if there is a way to consolidate and make the City more efficient, he thinks the citizens will like the Council for that. Councilmember Brooks then stated he knows Willcox has cut almost 30% and he heard from Mr. Grey that Sierra Vista has cut almost 20%, adding Bisbee is also doing the same thing. Councilmember Brooks then stated 6 years ago, other cities were smart enough to start doing this through attrition so they didn't have to fire anyone, adding the Council didn't do that here because they thought the City was doing better and didn't know any different until the new Finance Director was here, adding the Council now knows the condition the City is in is pretty serious. Councilmember Brooks then

stated the Council needs to turn this around and he believes they have the right City Manager to do this, adding he thinks if anyone can do this, the City Manager can. Councilmember Brooks then stated he would like to see it as a restructuring in a way to maybe consolidate positions, make more use of what we have and maybe even have it be possible to give a raise to some employees, adding the way it is now, the Council can't afford a raise for anyone. Councilmember Brooks then stated he did talk to the City Manager about it and he tends to agree. Councilmember Brooks then stated his thoughts are cuts that are a minimum of 10% with a cap of 30%, and to still maintain services needed to run the City.

Councilmember Moncada stated this is a waste of time and is a discussion for the budget meeting, which is happening on Friday, so putting this on the agenda looks like political grandstanding to him. Councilmember Moncada then stated there is no reason to even discuss this yet, adding he doesn't know if anyone has read their budget books, but this discussion should be held at the budget meeting, again stating talking about it now is a waste of time. Councilmember Wangness agreed, stating he thought it was best handled by the City Manager in the budget worksessions rather than the Council just coming up with an arbitrary number.

Councilmember Boyle asked if the Finance Director could show the Council before Friday, what a 10% cut looks like, what a 30% cut looks like and everything in between so it would give them an idea of what they are talking about when they discuss this on Friday. Finance Director Megan Moreno stated the recommended budget already includes a 10% cut to personnel, so the Council could see what a 10% reduction looked like and asked if the Council wanted to see a 30% reduction in one year or over several years. Councilmember Brooks stated the Council could discuss that in the budget meeting, then stated he wanted to get this subject out in front of people. Councilmember Brooks then stated he knew there were a lot of figures already together for Council to see what the plans are and then make adjustments, but he wanted to get this out front because he thinks it's important and needed to be said. Councilmember Brooks then stated this should have been done months ago, adding he would have liked the Council to go to the public and ask them what they wanted to see the City do before the Council discussed the budget, since the public are the bosses here, but it was kind of late in the game to do so. Councilmember Brooks then stated he wanted to give a heads up that the Council is looking at this and then when they get into the actual negotiations, they can figure out what they can and can't do in that process. Councilmember Brooks then stated this is not a political situation for him, adding it's something he knows has needed to be done for a long time, adding Vice Mayor Sacco made a statement a week or 2 ago about the sacred cow that no one wants to touch and the Council can't afford it anymore and it needs to be dealt with. Councilmember Brooks then stated he doesn't like to see anyone lose their job, adding he has lost jobs before and he knows it doesn't feel good, but this is what happens in life. Councilmember Brooks then stated it was too bad the Council couldn't have done this through attrition, which would have been much better, but maybe they could do it with incentives, such as early outs to get some of the older people into retirement early so other people can move up. Councilmember Brooks then stated he thought he was going to take Mr. Stephen's recommendations on whatever process he felt was good, again stating he just wanted to get this issue out there that this is where the Council needs to head, adding he'd like to hear what Mr. Stephens has to say about this.

Mr. Stephens stated he would like to say up front that if the Council would like to offer him an early retirement, he would take it.

Vice Mayor Sacco stated he would like to suggest that this not include the police department, and that Mr. Stephens just look at the non-essential people.

Mr. Stephens stated key and essential personnel are always a consideration when looking at where to structure and make cuts. Mr. Stephens then stated part of allowing him to look, whether the reduction is 10% or up to 30%, gives him the chance to work with Department Heads and gives them the opportunity to take a look within their departments to see where they might be able to cut different aspects of services they provide with as little impact as possible to the public. Mr. Stephens then stated he can also take a look at whether there's an absolute requirement for personnel reduction or if there are losses that would allow certain positions not to be filled for a period of time that would result in budget and expenditure reductions over the upcoming fiscal year. Mr. Stephens then stated he thought what Ms. Moreno has put together is a fairly reasonable budget, adding he knows the Council will discuss it on Friday and he is looking forward to that opportunity.

Vice Mayor Sacco stated he was pleased to see this on the agenda, adding he has talked about reductions for a long time and he knows it will be painful for some people, but the Council can't continue to have that expense on that side of the ledger. Mr. Stephens stated it was a basic economic principle that when you spend more than you make, at some point, you are going to run out, adding the City is not there yet and we do have the opportunity to turn things around, but also continue to provide good service to the public and continue to grow as a City, adding he sees what he potentially believes to be future growth on the horizon.

Councilmember Cook stated he felt blindsided by the item being listed as cutting employee expenses by 10%, adding he doesn't know who, how or where the cuts need to be made and he thinks there are many facets to the budget that go beyond employee costs which need to be looked at rather than having the knee jerk reaction to some bully outside the community demanding that people be fired. Councilmember Cook then stated he has suggested to Luis Garcia that since the City is so low on building permits and subdivisions, maybe some employees could be cross trained into other departments, possibly part-time, but he hasn't heard anything back. Councilmember Cook also stated the Council needs to look at the enterprise funds to see if those rates need to be raised, adding he thinks the Council will look at those during the budget meetings. Councilmember Cook then stated he thinks the Council needs to look at all aspects of the budget to see where cuts can be made and definitely needs to do so, but that to focus on 1 area and bow down to some loud mouthed bully is just wrong.

Vice Mayor Sacco stated he thought the Council needed to look very seriously at the sub-contracting that was being done, adding he thinks it's pretty heavy.

Councilmember Brooks stated he didn't want to see the Council have to raise taxes, adding he knows the enterprise funds are running negatively but Sulphur Springs Valley Electric and Cochise College are going to raise their rates and Cochise County is one of the overtaxed counties in the state, adding the City's tax rate is pretty high and taxes are driving people out. Councilmember Brooks then stated raising taxes is not a way to increase revenues; it's a way to drive yourself into bankruptcy and he thinks the Council has to be careful of what they do in raising funds for anyone right now in these hard times. Councilmember Brooks then stated as far as the employees, there is nothing in particular, but he believes the City is over heavy right now, adding back in 2006, there was potential expansion on Highway 90 and it made sense to hire all those extra people, but the expansion never happened. Councilmember Brooks stated the recession hit and for the last 6 years, no one has questioned why there are all these extra employees on board and it's eaten up almost \$5 million of bond money. Ms. Moreno then stated bond money is restricted and used only for capital projects, adding there are 2 separate pools of money she reports on; one being the cash in the bank and the other being bond proceeds, which are only used for major capital improvements, adding some of those projects have included pavement, the library roof and utility meter replacements, but bond money has never been used for payroll costs. Councilmember Brooks then stated there has been an excess burden of payroll for the last 6 years and asked where that money is coming from with Ms. Moreno stating she was curious to know where Councilmember Brooks thinks the City is overstaffed, adding numerous employees have been added for the golf course, noting a huge portion of the extra payroll is the golf course and then stated the City has also added employees to the transit department, but then noted along with the golf course personnel costs, has also been increased revenues from the golf course as well. Ms. Moreno then asked Councilmember Brooks if there was a particular area of concern that he would like her to do some research on.

Councilmember Brooks stated he didn't want to have this discussion tonight, but as Councilmember Cook says, the loud mouthed bully says there were 65 employees in 2006 and now there are 114. Councilmember Brooks then stated he didn't think the extra 60 employees were at the golf course or the transit department. Ms. Moreno stated the increase in employees since 2006 is about 30 people and most of them are at both the golf course and the transit department. Councilmember Brooks stated this is something to look at and he thinks it sounds like at least a 10% reduction to him, adding he knows the City is overstaffed; it's been talked about by many people and people are unhappy about it, but the Council hasn't done anything about it. Councilmember Brooks then stated to be fiscally responsible; the Council needs to take a serious look at it. Councilmember Brooks then stated the Chief of Police made a hail Mary pass last year and dumped capital improvement projects to get his men a raise, and he admires the Chief for that, but what happens if the roof

falls in next year, adding the Council needs to find a way to get them that raise but not jeopardize the maintenance of the buildings and assets the City has. Councilmember Brooks then stated he knew that the Council needed to do at least a 10% cut from what he has seen since he moved here in 1997, adding he knows the City is overstaffed and he didn't want to say how now, but the Council could get to that in the budget meeting. Councilmember Brooks then stated he thinks Mr. Stephens has a better idea of where those cuts could happen. Councilmember Brooks then restated that he just knew the item needed to be put on the agenda, talked about and discussed in front of the public so they understand that the Council is doing the right thing here.

Mayor King asked if a vote was necessary with City Attorney Gary Cohen stating a motion and vote was not necessary as there is a process in place to approve the budget, which includes the upcoming budget meeting, a public hearing and time for the Council to readdress the budget, adding for tonight, he believes the Council has covered it sufficiently.

Councilmember Brooks then moved to cut employee expenses by at least 10% with a cap of 30%. Seconded by Vice Mayor Sacco. Mr. Cohen stated the motion was not something that could legally be done at this point in time, adding there is a process in place in State law that the City must follow, again stating this is premature at this point and can't be done.

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.

No executive session was held.

13. **Discussion and possible action to approve and authorize execution of a proposed settlement agreement for pending litigation cases: 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.**

This item was addressed as the first item of New Business.

DEPARTMENT REPORTS: No comments from Council.

ADJOURNMENT:

Councilmember Moncada moved to adjourn at 9:07 p.m. Seconded by Councilmember Brooks. Motion passed 7-0.

ATTEST:

Toney D. King, Sr., Mayor

Vicki L. Vivian, CMC, City Clerk