

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD MAY 14, 2012, AT 7:00 P.M.
AT CITY HALL, 120 W. 6TH STREET, BENSON, ARIZONA**

CALL TO ORDER:

Acting Mayor McGoffin called the meeting to order at 7:00 p.m. with the pledge of allegiance. Acting Mayor McGoffin then introduced Pastor Blair of the First Baptist Church who gave the invocation.

ROLL CALL:

Present were: Acting Mayor Lori McGoffin, Councilmembers Ron Brooks, David Lambert, Nick Maldonado, Chris Moncada and Al Sacco. Excused was: Mayor Toney D. King, Sr.

EMPLOYEE RECOGNITION: Acting Mayor McGoffin recognized Michelle Johnson for 5 years of service with the City of Benson.

PROCLAMATION: None.

PUBLIC HEARING: None.

CALL TO THE PUBLIC:

Laura Parkin, Recreation Assistant, addressed Council to report on the recent Bluegrass Festival. Ms. Parkin stated the total cost to the City was \$5,741.67, adding the total revenue was \$21,300.37, which included sponsorships, sales from the program ads, vendors, in-kind donations and ticket sales in the amount of \$9,500.00. Ms. Parkin then stated in-kind donations included Arizona G&T printing the programs and Days Inn giving a great rate on rooms we had to purchase, which saved about \$1,000 on lodging for the bands, adding the total expenses were \$27,042.04, which left the City only paying approximately \$5,700 out of pocket for the event.

John Kelly stated he, Amanda Malboeuf, and others with AYSO were working on a benefit event for Toney King and his family which would be held on June 16 beginning at 10:00 a.m. at Lions Park. Mr. Kelly then stated the event would consist of a barbeque, a jumping castle, possible live music and an auction, adding he already has 10 businesses donating services and items for the auction. Mr. Kelly then stated all proceeds from the event will go to an account set up for the King family at the Southeastern Arizona Credit Union, adding Mr. King has touched a majority of the City and with this event, he hopes to now give back to Mr. King and his family. Mr. Kelly then stated he is soliciting participation to make the event successful and he is setting up a website with information for those who are interested. Mr. Kelly then stated the parks are looking great thanks to City and DOC crews.

George Scott, of Southeastern Arizona Economic Development Group (SAEDG) stated SAEDG purchased a new facility and after remodeling and receiving all necessary permits have now moved into the building and invited Council to stop by their new location. Mr. Scott then stated he would like to address the upcoming budget and asked Council to consider allocating \$10,000 to economic development in Community Enrichment, adding in Fiscal Year 2011-2012, this line item was budgeted at \$3,000. Mr. Scott then stated due to the economy, local businesses need support and SAEDG will be working on projects with the Chamber and the City to try and help them, as well as working on other possible projects at the airport, the railroad and a couple of mining projects that are coming to the area. Mr. Scott then stated in the Community Enrichment grant matches in Fiscal Year 2009-2010, \$11,000 was allocated to match grant funding and asked Council to consider putting \$10,000 back into this line item in case the City or the Benson Economic Development Subcommittee is able to obtain any grants that may help the City and to consider increasing the miscellaneous enrichment projects line item.

Lindsay Arnold stated she was present on behalf of the American Cancer Society and the Benson Relay for Life Committee members. Ms. Arnold then stated she would like to thank everyone for their assistance in making the relay a success, including the Council for the funds needed, estimating the committee used approximately \$2,000, and then thanked the City of Benson and City Manager Glenn Nichols for allowing the use of City buildings for their meetings, for allowing staff on the committee to make copies they needed and for allowing them to work on the relay as needed. Ms. Arnold then thanked Bob Nilson and Dick Ferdon for the use and set up of the stage, Jose Ronquillo and the Parks Department staff for making sure the area at the park was properly marked and prepared for the event and the Public Works staff for the barricades and making sure their needs were met. Ms. Arnold then thanked Laura Parkin in the Recreation Department for making sure they had all the proper maps and permits, the Police Department and Fire Department for being there to make sure everyone was safe and Jay Tomerlin of the golf course for the use of the golf carts. Ms. Arnold then stated last, but not least, she would like to thank the community, for their overwhelming support, adding without it, the event would not have been successful. Ms. Arnold then stated the final numbers for Benson's first Relay for Life included 358 participants, 25 teams, and a final total of \$40,752.00 being raised, which surpassed their goal and added the committee is still receiving donations.

J.T. Moffett stated he had given the Council a copy of a disturbing email regarding the Chamber of Commerce doing investigations on private citizens and he found it very disturbing that an organization being funded by the City of Benson for so many years would find the time, energy and money to investigate private citizens in an effort to smear their good names. Mr. Moffett then stated he wanted to bring this to the Council's attention, because if there is anyone left on the Council who wanted to fund them, he hoped this would end that. Mr. Moffett then stated for years, the Council has been setting aside \$35,000 for the Chamber of Commerce and the Benson taxpayers have been asked to swallow this injustice for far too long, adding the decision to give the Chamber the Bed Tax was indeed, repealed and the Bed Tax itself was passed in a law with no specific recipient in mind. Mr. Moffett then stated the Chamber should learn to fend for themselves and in case no one else has noticed, they have not done a single self-initiated fund-raiser that was not financed by the City for a good many years, adding it's time to cut them loose and have them take care of themselves. Mr. Moffett then stated he also gave the Council a copy of the police officers' salary and the Council could see a 5% pay increase for all the patrolmen would total \$34,629.60, which is almost to the penny the \$35,000 the City has been giving to the Chamber of Commerce, adding that money could easily be committed to a yearly pay increase for the police officers if the Council decided not to fund the Chamber in the budget any further. Mr. Moffett then stated funding the Chamber is taking a risk that the City is going to get something back on this money, but with the Police Department, the Council could see the tangible investment in the police officers and the Police Department. Mr. Moffett then asked the Council to keep in mind that the Finance Department's estimates for a 3% raise has nothing to do with this \$35,000, since this is an amount that was already being used for something else, adding it can be pulled in to give the police officers a 5% raise. Mr. Moffett then stated in the case of some officers at the top of their pay scale, the Council could give them a cost of living increase. Mr. Moffett then stated he is not recommending giving raises to the salaried department heads, nor anyone at the golf course and if Council looked at the golf course expenditures, they could see why he was not in favor of giving any raises to the golf course employees. Mr. Moffett then asked Council to please consider what he is asking them to do for the police officers and for the employees who work so hard, adding he thinks a 5% cost of living increase is definitely in order this year for all the regular employees and if Council would bypass the salaried employees at this time, they could easily take care of everyone else.

Paul Lotsof, CAVE FM Manager, addressed the City's advertising expenses, stating using Mr. Cox's monthly reports for the past 12 months, he found the City spent over \$38,031.75, which could be considerably more because he was not including the cost of direct mailings or specialty items such as logos or hats, or many of the abbreviations for expenses that aren't commonly recognized. Mr. Lotsof then stated it is his belief the Benson City government is the biggest spender of advertising dollars in this area and no commercial business comes close and then addressed who the recipients were of these expenses and questioned the efficiency and effectiveness of the advertising that was done. Mr. Lotsof stated the City's

advertising can be divided into 3 categories, the first being legal advertising, along with advertising that is designed to make the public aware of the services the City provides along with public relations, the second being tourism advertising and third being advertisements for the golf course. Mr. Lotsof then stated the biggest single recipient is the local newspaper, which received just over \$11,000 not including payments made to other Wick publications and added it's important to understand that due to an antiquated state law that dates back to 1928, the City is required to place certain types of advertising in the newspaper that is published and printed in the community and since no newspaper is printed in Benson, the City might be able to use a different newspaper with lower rates, but it would not work politically, so the City is stuck with the News-Sun and its rates which are anything but a bargain when you consider that this newspaper has one of the tiniest circulations in the entire state. Mr. Lotsof then stated the Council should realize the City spends vastly more with the News-Sun than the law requires and a lot of the newspaper's readers use its website rather than pay \$.50 plus tax for the print version, adding the City's advertising rarely appears in the paper's internet version and when it does appear, it is hard to find, thus the advertising misses a large percentage of the newspaper's readership so the City is paying top dollar for very little. Mr. Lotsof then stated in some cases, the City pays so much to the newspaper that it would be cheaper and far more effective to send the advertisements by mail to every household in Benson. Mr. Lotsof then spoke about the tourism advertising, which was \$18,393.00, and stated the number one recipient of tourism advertising is a company near San Diego called Certified Folder Display which has received an incredible \$6,300 over the past year, followed by a magazine called RV Journal which got \$4,800 followed by Go Travel Sites with \$1,895.00. Mr. Lotsof then questioned who made the decision to use these companies and what evidence is there that the City is getting this much in additional business as a result of those expenditures. Mr. Lotsof then addressed the advertising for the golf course, which was \$7,266.00, stating most of the advertising dollars spent for the golf course go to a Tucson advertising agency called Akerley Advertising who received \$4,800 and stated hardly anyone knows what Akerley does with all that money. Mr. Lotsof then stated there are over 2 dozen advertising agencies in Tucson and questioned how Akerley was selected, where the \$4,800 goes and asked why handing \$4,800 to an advertising agency is any different from giving a lump sum to the Chamber of Commerce to do anything they see fit. Mr. Lotsof then stated he thinks the public deserves some accountability, including some evidence that the money given to Akerley is bringing at least \$4,800 in golfing dollars into Benson. Mr. Lotsof then stated for 29 years Benson has had a very popular radio station, with its 6000 watt signal reaching listeners in Sierra Vista, Hereford, Tombstone and Green Valley, adding it reaches traffic on the Interstate, Highways 80 and 90 and has a very popular morning program hosted by Benson native Joaquin Haro. Mr. Lotsof then stated the radio ratings company estimates they reach up to 10,000 listeners in a week, which is several times the circulation of the News-Sun and they are not limited to one exposure per week. Mr. Lotsof then stated the radio's share of the \$38,000 spent was nothing and asked the Council to consider the cost of each radio advertisement and the fact that their local employees are the number one cost of operating a radio station, which means a significant percentage of the money spent at CAVE FM would be re-spent in Benson, which is quite a contrast from the money the City spends out of town. Mr. Lotsof then stated he would also like to point out advertising is a very competitive business and asked the City to take advantage of all the competition, adding there is no point in the free enterprise system without a bidding process and stated there is a steep price to be paid when certain vendors are arbitrarily selected and their competitors are shut out. Mr. Lotsof then stated the City Council is the guardian of the public trust and he thinks they could do a lot better by instituting policies that lead to competition, efficiency and results from their advertising dollars.

CITY MANAGER REPORT:

City Manager Glenn Nichols addressed Council, giving the dates of upcoming meetings and events.

- May 15, 2012 – City Attorney Selection Committee, 10:00 a.m., City Hall
- May 16, 2012 – City Council Budget Worksession, 7:00 p.m., City Hall
- May 19, 2012 – Historic Preservation Commission, 9:00 a.m., City Hall
- May 21, 2012 – City Council Budget Worksession, 7:00 p.m., City Hall (if necessary)
- May 22, 2012 – Community Watershed Alliance, 6:30 p.m., City Hall

- May 23, 2012 – City Council Budget Worksession, 7:00 p.m., City Hall (if necessary)
- May 18, 2012 – Movie in the Park begins about 7:30 p.m. with pre-movie entertainment, a jumping castle, 4:00 p.m. at Lions Park
- May 28, 2012 – Memorial Day – City Offices Closed

Mr. Nichols reminded those present of the continuing work on the Interstate 10/State Route 90 Traffic Interchange project, adding up-to-date information can be found at www.azdot.gov.

NEW BUSINESS:

1. Consent Agenda

- 1a. Minutes of the April 16, 2012 Special Meeting
- 1b. Minutes of the April 23, 2012 Regular Meeting
- 1c. Resolution 24-2012 of the Mayor and Council of the City of Benson, Arizona, authorizing the Chief of Police to apply for a grant from the Tohono O’odham Nation for Training Equipment
- 1d. Resolution 24-2012 of the Mayor and Council of the City of Benson, Arizona, authorizing the Chief of Police to apply for a grant from the Tohono O’odham Nation for Training Equipment
- 1e. Resolution 25-2012 of the Mayor and Council of the City of Benson, Arizona, approving and authorizing the execution of a Base Hospital Agreement with Carondelet Health Network for support of the City’s Emergency Medical Services
- 1f. Invoices processed for the period from April 12, 2012 through May 4, 2012

Councilmember Sacco moved to approve the Consent Agenda. Councilmember Brooks stated he would like to remove Items 1a, 1b and 1d from the Consent Agenda. Councilmember Sacco then amended his motion to approve the Consent Agenda without items 1a, 1b and 1d. Seconded by Councilmember Brooks. Motion passed 6-0.

Consent Agenda – Items Removed:

- 1a. Minutes of the April 16, 2012 Special Meeting

Councilmember Brooks stated he did not attend the April 16, 2012 Special Meeting. Councilmember Moncada then moved to approve Consent Agenda Item 1a. Seconded by Councilmember Lambert. Motion passed 5-0 with Councilmember Brooks voting present.

- 1b. Minutes of the April 23, 2012 Regular Meeting

Councilmember Brooks stated he did not attend the April 23, 2012 Regular Meeting. Councilmember Moncada then moved to approve Consent Agenda Item 1b. Seconded by Councilmember Lambert. Motion passed 5-0 with Councilmember Brooks voting present.

- 1d. Resolution 24-2012 of the Mayor and Council of the City of Benson, Arizona, authorizing the Chief of Police to apply for a grant from the Tohono O’odham Nation for Training Equipment

Councilmember Brooks asked about the possibility of applying for more grants through this program, with Chief of Police Paul Moncada stating he believed the Fire Department would also be submitting an application for grant funding. Councilmember Brooks then stated he would like to see an application submitted for economic development, adding it could possibly be done through the Benson Economic Development Subcommittee. Councilmember Brooks moved to approve Consent Agenda Item 1d. Seconded by Councilmember Moncada. Motion passed 6-0.

2. **Update from the Attorney Selection Committee**

Councilmember Moncada addressed Council as the Chairman of the Attorney Selection Committee, stating the committee had completed two days of interviews, with 8 law firms being interviewed so far. Chairman Moncada then stated the committee would be holding the remaining interviews on May 15, after which the committee would meet on May 17 to select their recommendations for the Council to review and interview. Chairman Moncada then stated if the Council had any questions they would like to use in the interviews, to please submit them to Melissa Quiroz in Human Resources by Friday, adding the submitted questions will go through a legal review to ensure they are acceptable. Councilmember Lambert asked about the participation on the committee and if the Council could get a copy of the questions the committee had asked with Chairman Moncada stating Councilmember Brooks could not be on the committee due to scheduling issues, but the remaining committee members attended the meetings and he would have Ms. Quiroz send the committee's questions to the Council.

3. **Resolution 26-2012 of the Mayor and Council of the City of Benson, Arizona, appointing Councilmember Chris Moncada as the City's representative to Coronado Resource Conservation and Development Area, Inc.**

City Manager Glenn Nichols stated he had sent information to the Council about Coronado RC&D and asked if anyone was interested in serving as the City's representative, adding the only response he received was from Councilmember Moncada. Councilmember Sacco then stated he would like to volunteer to supplement Councilmember Moncada's efforts in this matter, possibly being a second representative. Mr. Nichols stated most communities provide one representative and suggested a second Councilmember serve as an alternate in the event the designated representative was unable to attend a meeting. Discussion then focused on the ability to amend the resolution with City Attorney Mike Massee stating any resolution before the Council is susceptible to a motion to amend it, adding if Council did choose to do so, the amended resolution would be prepared by Staff for execution. Councilmember Lambert then moved to accept Resolution 26-2012 with the amendment to make Councilmember Sacco an alternate representative. Seconded by Councilmember Maldonado. Motion passed 5-1 with Councilmember Brooks voting nay. City Attorney Mike Massee then stated the motion made by Councilmember Lambert amended the resolution, but the Council would now need to address the amended motion for action. Councilmember Brooks then expressed his desire to have two representatives designated, with City Manager Glenn Nichols stating Coronado RC&D had asked for one representative to be designated, with an alternate representative to be named. Discussion then focused on the activities and projects Coronado RC&D completes and their objectives, such as water and resource conservation. Councilmember Lambert then moved to approve Resolution 26-2012 as amended. Seconded by Councilmember Maldonado. Motion passed 6-0.

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

City Manager Glenn Nichols stated a Request for Proposals had been advertised for a broker to handle the employee insurance related benefits and ESG provided the best coverage for the proposed cost. Mr. Nichols then stated the proposed contract would allow ESG to be the City's representative in obtaining the best price and the best insurance coverages for the City of Benson. Councilmember Brooks then moved to approve the Employee Benefit Advocate Service Application with ESG (Employee Solutions Group) Corporation for the administration of employee insurance related benefits. Seconded by Councilmember Sacco. Motion passed 6-0.

5. **Discussion and possible action regarding the cancellation of the May 28, 2012 Regular Council Meeting**

Councilmember Moncada moved to cancel the May 28, 2012 Regular Council Meeting. Seconded by Councilmember Brooks. Motion passed 6-0.

EXECUTIVE SESSION: Pursuant to A.R.S. §38-431.03 (A)(3) & (7), for discussion or consultation for legal advice with the attorney or attorneys of the public body regarding the purchase, sale or lease of real property

Councilmember Moncada moved to enter into Executive Session with the Acting Mayor and Council, City Manager, City Attorney, Public Works Director and the City Clerk at 7:42 p.m. Seconded by Councilmember Brooks. Motion passed 6-0.

Council reconvened at 7:54 p.m.

DEPARTMENT REPORTS: None

ADJOURNMENT:

Councilmember Maldonado moved to adjourn at 7:55 p.m. Seconded by Councilmember Brooks. Motion passed 6-0.

ATTEST:

Lori McGoffin, Acting Mayor

Vicki L. Vivian, CMC, City Clerk