

**THE SPECIAL MEETING  
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA  
HELD AUGUST 21, 2013, AT 7:00 P.M.  
AT CITY HALL, 120 W. 6TH STREET, BENSON, ARIZONA**

**CALL TO ORDER:**

Mayor King called the meeting to order at 7:02 p.m. with the Pledge of Allegiance.

**ROLL CALL:**

Present were: Mayor Toney D. King, Sr., Vice Mayor Al Sacco, Councilmembers Ron Brooks (arriving at 7:08 p.m.), Jeff Cook and Chris Moncada. Absent were: Councilmembers Brian Crafts and Peter Wangness.

**NEW BUSINESS:**

**EXECUTIVE SESSION:** As per A.R.S. §38-431.03 (A)(1), (3) & (4), Discussion or consideration of employment, assignment, appointment, promotion, salaries, or resignation of a public officer, appointee or employee of the City. The Council will discuss and consider the appointment and employment contract of the Interim City Manager and the City Manager, and may receive legal advice and give instructions to the City Attorney

Councilmember Moncada moved to enter into an executive session with the City Council and the City Clerk at 7:04 p.m. Seconded by Vice Mayor Sacco. Motion passed 4-0.

Council reconvened at 7:20 p.m.

**NEW BUSINESS:**

**1. Discussion and possible direction to Staff regarding the City Manager position**

Councilmember Brooks stated for the record he was present for the meeting.

Councilmember Moncada stated as everybody knows the City Manager Recommendation Committee, unanimously recommended Stephen Pauken be offered the job of City Manager and the City enter into negotiations with him. Mayor King stated he had asked Interim City Manager Jim Cox last week if he would just stay on longer adding that Mr. Cox's response was given in writing that Mr. Cox strongly supports Mr. Pauken and he would only consider staying if it didn't work out with Mr. Pauken. Mayor King stated he wanted this on record because of the fact that Mr. Cox is ready to retire. Councilmember Brooks stated he is quite disappointed in how this was handled by the selection committee. Councilmember Brooks then stated he thought the committee would give Council 3 or 4 candidates to seriously consider, not just recommend one man adding that just doesn't flow with anything he has ever seen. Councilmember Brooks stated he saw things in the newspaper that he doesn't know if they are true or not, but apparently Mr. Pauken had an offer already and there are negotiations going on and it is upsetting to hear that. Councilmember Brooks asked if anyone could bring light to that situation. City Clerk Vicki Vivian stated that Interim City Manager Jim Cox has declared to her numerous times that he has not entered into negotiations with Mr. Pauken, but that he had called Mr. Pauken on Friday and told him what the recommendation committee's recommendation was. Ms. Vivian stated that Mr. Pauken didn't really want the news out but there was no way to control that because it was announced at a public meeting of the recommendation committee and they publicly recommended Mr. Pauken to be the sole candidate. Ms. Vivian added it is also very upsetting to Staff to also read negotiations were on-going, knowing it was not the case. Councilmember Brooks asked Councilmember Moncada if that was correct with Councilmember Moncada stating that he was contacted by the Sierra Vista Herald on Friday and they

had asked him what the process was and what went on. Councilmember Moncada stated he had given the paper a phone interview and advised them that the recommendation committee has recommended Mr. Pauken be offered the contract for City Manager and the City enter into negotiations for the contract. Councilmember Moncada stated he has had no contact with Mr. Pauken and doesn't know who would have offered him a contract and wanted to clear that up. Mayor King agreed with Councilmember Moncada, adding the article is wrong and no one that he knows of has started negotiations with Mr. Pauken, however he does not know what will happen after tonight. Councilmember Cook stated he would like to add that he has been quoted in the newspaper and also quoted wrong, adding some of his first quotes were things that he never said, so just because it is in the paper doesn't mean it was really said. Councilmember Brooks stated it had happened to him also. Councilmember Cook stated he did not know of anyone on the Council, the recommendation committee or Staff who has opened negotiations with Mr. Pauken. Councilmember Brooks stated that he had not either but he had heard some things and was concerned. Councilmember Moncada stated there was one more quote that he did say, however it was taken out of context; it was the quote about whether or not he thought Mr. Pauken would accept the contract if it is offered. Councilmember Moncada stated that he responded in the interview saying that he would imagine there would be some back and forth. Councilmember Moncada stated there is no ill will toward the paper, adding it happens all the time and he is sure no one offered Mr. Pauken a contract. Councilmember Cook stated he thinks it is important to clear the air when situations like this happen.

Councilmember Brooks stated he saw in the paper that Mr. Cox was entertaining the thought of taking the job however he doesn't think the Council is finished with the first process yet adding he thinks the Council is still in the process of looking at the 6 candidates the recommendation committee originally chose since they only recommended 1. Councilmember Brooks stated he has his own candidates but does not know if that would be noticed on the agenda with Mayor King stating it is open for discussion and possible direction to Staff regarding the City Manager position. Councilmember Brooks then stated since it is legitimate to discuss this, he wants to see what these other gentlemen are willing to accept as far as wages and see if it is something they want to look at or maybe something higher. Councilmember Brooks stated he can't see spending money to fly someone here but he thinks that is next in the process. Mayor King stated he did not agree with Councilmember Brooks because they had 8 out of 10 committee members choose Mr. Pauken as their number one choice and at the last meeting of the recommendation committee, all approved to recommend Mr. Pauken. Mayor King then stated the committee is the Council already so Councilmembers voted on a recommendation to themselves, adding that is the problem with making the Council a committee. Mayor King added again that 8 of the 10 committee members chose Mr. Pauken as their first choice, noting the vote to do so included 5 of 7 Council members. Mayor King stated he does not recommend making the entire Council a committee in the future because it makes no sense to him that the Council is reporting back to themselves again when they already essentially reported to themselves that night. Councilmember Brooks stated he thinks it would have been better for the Council to handle the whole thing themselves but the Council wanted a committee, so that is how it was done. Ms. Vivian suggested that could be done with the City Attorney Committee with Councilmember Brooks stating that is a suggestion he has already made. Councilmember Brooks stated he would like to move forward and have at least one other candidate in person to interview and see how he stands up because the pay is awfully high here and he does not feel comfortable with that. Councilmember Moncada stated he understands what Mr. Pauken wanted and that when you come to a job interview and are asked what you want, you ask for everything in the world because you know there will be negotiations. Councilmember Moncada then stated again it was unanimous that Mr. Pauken was the number one choice of the recommendation committee and he feels that the process should be to offer Mr. Pauken a contract with terms and enter into negotiations. Councilmember Moncada stated just because a contract is offered and even accepted that it doesn't mean it is a done deal, adding the Council would still have to vote on a final contract. Councilmember Brooks stated he feels uncomfortable just interviewing one person and he doesn't like that process. Mayor King stated with all due respect to Councilmember Brooks, Mr. Pauken was the number one choice, the second choice backed out and the third choice has not worked for a year. Councilmember Brooks suggested a Skype interview with the third choice to ask him what he has been doing for the last year, adding he may have a good reason for it, such as a vacation, noting most City Manager jobs only last 3 or 4 years so he may have been taking a break in between jobs; he is not going to second guess the man.

Councilmember Brooks then stated he would also like to look at Mr. Gunty, if he is still available, and find out what he is about. Councilmember Brooks asked if anyone else had any candidates they would like to interview. Councilmember Moncada stated he would like to move forward in negotiations with Mr. Pauken and if those fail then he is on board with Councilmember Brooks in looking at other candidates, adding there were Skype interviews done with all 6 candidates already. Councilmember Moncada stated he knows it is different interviewing in person, however they were all interviewed and all had the opportunity to shine and he felt all but 3 candidates didn't interview well at all, as far as he was concerned. Councilmember Moncada then stated he would just like to move forward and see if an agreement can be reached with Mr. Pauken.

Vice Mayor Sacco asked how soon Mr. Cox wanted to leave with Mayor King stating after the first of the year. Vice Mayor Sacco indicated there is still time then with Mayor King stating that Mr. Pauken has to give a 60-day notice. Vice Mayor Sacco stated that is plenty of time to get people in for interviews and he feels there may be other candidates out there that can be interviewed because he feels the salary being asked is too much of taxpayers' money. Vice Mayor Sacco then stated he is willing to go with Mr. Cox because he has proven himself, however Mr. Pauken has not proven that he can do the job. Councilmember Moncada stated he is completely surprised that Vice Mayor Sacco would say this because during a recommendation committee meeting Vice Mayor Sacco advised him that this process is taking too long and that we should just hire Mr. Pauken at \$112,000. Vice Mayor Sacco stated he said that a few months ago because we needed a City Manager right away, but now we can go out and test some waters. Councilmember Moncada reminded the Vice Mayor that he said this just last week. Councilmember Brooks asked how soon a Skype interview could be set up with Mr. Howard and Mr. Gunty and asked if that was something that could be done right away with Councilmember Moncada stating he has no idea. Councilmember Brooks stated it has been a really long 3 months and he thinks those two candidates should be given a chance to explain their history. Councilmember Brooks stated he is fairly satisfied to go with Mr. Pauken because there is nobody left to interview, but he wants to see what the others have to say. Mayor King asked for clarification from Councilmember Brooks and asked who he is asking be interviewed with Councilmember Brooks stating Mr. Howard and Mr. Gunty. Vice Mayor Sacco agreed. Councilmember Brooks stated he wanted this scheduled right away, like tomorrow or the next day with Ms. Vivian stating there is a legal requirement to post meetings at least 24 hours in advance. Councilmember Brooks stated he is trying to say he wants the process to move forward and he doesn't want to spend money to get them here, so Skype interviews would be ok. Councilmember Cook stated they were meeting as the City Council and he does not see where it was written that the Council could set a meeting for the recommendation committee. There was discussion on Councilmember Cook's point with Ms. Vivian stating she was assuming Councilmember Brooks wanted the Council to conduct the interviews. Councilmember Brooks stated that is what he was suggesting. Ms. Vivian also suggested that Mr. Cox may be able to ask those questions of the two candidates and get the information back to Council. Mayor King stated for the process to move ahead quickly, another meeting would have to happen by Friday since most of the Council would be attending the League Conference next week, adding otherwise, it would have to wait until the week after the conference. Councilmember Brooks stated it could happen on Saturday and that way Councilmember Crafts could attend.

Councilmember Brooks then moved to keep Mr. Pauken on the table, but also to be able to do a Skype interview to ask both remaining candidates, Mr. Gunty and Mr. Howard, about their past and also what would their minimum acceptable pay would be to be a City Manager for us. Seconded by Vice Mayor Sacco.

Councilmember Cook stated he was on the City Manager Recommendation Committee and they interviewed 8 people, and it seemed as though of the top 4 interviewed, 3 got other jobs. Councilmember Cook then stated the Council is considering 1 of the top 4, Mr. Pauken, and they are now being directed back to consider 1 candidate who has been out of work for a year, another candidate who is looking for a place to retire, and another candidate who has been out of work for 4 years, adding he thinks another candidate, who the committee interviewed via Skype, has been out of work for 10 years. Councilmember Cook then stated he feels very uncomfortable even considering the rest of these candidates who are out of

work and have not found a job. Councilmember Cook then stated he thinks the Council should start the process all over rather than going back to these candidates. Mayor King then called for a vote on the motion. Motion failed 1-4 with Mayor King, Vice Mayor Sacco and Councilmembers Cook and Moncada voting nay.

Councilmember Moncada moved to offer Mr. Pauken a contract at \$100,526.40, which is what Mr. Pauken makes at Bisbee right now, with the stipulation that in 1 year that he will get a \$5,000 raise and then the year after that, he will get another \$5,000 raise if he gets a satisfactory recommendation by at least 4 of the 7 Councilmembers. Seconded by Councilmember Cook. Motion failed 2-3 with Mayor King, Vice Mayor Sacco and Councilmember Brooks voting nay.

Mayor King stated he doesn't mind offering Mr. Pauken a contract but he doesn't like the second \$5,000 increase with Councilmember Moncada stating that Mayor King is welcome to make a motion also. Mayor King stated he would like to offer Mr. Pauken what he is making in Bisbee and then negotiate from there. Councilmember Moncada stated he was ok with that and asked Mayor King if he wanted to offer any incentives after one year and a satisfactory evaluation or just leave that up to the Council. Mayor King responded that he would like to leave that up to the rest of the Council once the negotiations have started. Mayor King then moved to offer Mr. Pauken what he is making in Bisbee (\$100,526.40). Seconded by Councilmember Moncada. Motion passed 3-2 with Vice Mayor Sacco and Councilmember Brooks voting nay.

**ADJOURNMENT:**

Councilmember Moncada moved to adjourn at 7:44 p.m. Seconded by Mayor King. Motion passed 5-0.

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Toney D. King, Sr., Mayor

ATTEST:

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Vicki L. Vivian, CMC, City Clerk