

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD AUGUST 24, 2020 AT 7:00 P.M.
AT THE BENSON COMMUNITY CENTER, 705 W. UNION STREET, BENSON, ARIZONA**

CALL TO ORDER:

Mayor King called the meeting to order at 7:03 p.m. with the Pledge of Allegiance.

ROLL CALL:

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

EMPLOYEE RECOGNITION:

Mayor King recognized Officer Jesse Ingram for five years of service with the City of Benson.

Mayor King then recognized Troy McGoffin, noting this was the second time Mr. McGoffin was recognized for 5 years of service with the City, as Mr. McGoffin was a Police Officer for over 25 years. Mayor King then presented a plaque to Mr. McGoffin, thanking him for his total time spent of 32 years of service.

PROCLAMATION: None

CITY MANAGER'S SUMMARY OF CURRENT EVENTS REPORT:

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

Tuesday, September 8, 2020 – Planning & Zoning, Meeting, 7:00 p.m., Community Center
Monday, September 14, 2020 – City Council Meeting, 7:00p.m., Community Center

Saturday, September 19, 2020 – Benson is about to make history. Not only will we have the Vietnam Wall, but we are honored with the unveiling of the Afghanistan/Iraq Warrior Tribute. Benson will be the first place this will be displayed, and no one will be able to display it again until 2021 adding this means that any pictures on the website, or brochure advertising for this tribute will all be of Benson! How exciting is that?"

The event will be held on Saturday from 9am-9pm with lots of vendors, and entertainment on stage throughout the event on Saturday. The walls being in place for viewing from September 16-20th.

Benson Clean & Beautiful is making plans for their annual car show to be held on Saturday, September 19, 2020 at Lions Park. It is now called "Classis Cars Off Main" and will focus on the car show with two classes - classic and rat rods. There will be food vendors plus live music, raffles and lots of prizes!!

NEW BUSINESS:

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

- 1a. Invoices processed for the period from July 30, 2020 through August 12, 2020
- 1b. Job Description for a Finance Manager

Councilmember Boyle moved to approve the Consent Agenda. Seconded by Vice Mayor Nunn. Motion passed 7-0.

2. **Discussion and possible action to approve the AZCares Fund Program grant agreement with the State of Arizona, Office of the Governor, Grant Number ERMT-EP-21-010, Award Amount \$3,523.07, and authorize the Mayor, City Manager, and City Attorney to take all actions necessary to accept grant funds and administer the grant**

City Manager Vicki Vivian stated a public health emergency has been declared by the World Health Organization and the United States Department of Health and Human Services, adding the World Health Organization then officially declared a pandemic due to COVID-19. Ms. Vivian also stated in Arizona, Governor Ducey declared a State of Emergency and at the national level, President Donald J. Trump proclaimed that the COVID-19 outbreak in the United States constitutes a national emergency. Ms. Vivian then stated here in Benson, Mayor King declared a state of emergency within the City and issued an emergency proclamation on March 20, 2020.

Ms. Vivian then stated in accordance with Section 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act 42 U.S.C. §§ 5121-5207 ("Disaster Relief Act"), eligible emergency protective measures taken to respond to the COVID-19 emergency at the direction or guidance of public health officials may be reimbursed (at a rate of 75% of eligible expenses) under Category B of the Department of Homeland Security's Federal Emergency Management Agency's ("FEMA's") Public Assistance Program ("Public Assistance").

Ms. Vivian then stated as part of the CARES Act and the allocation to the State of Arizona, the Governor's office established an Express Pay Program funded with \$150 million adding this program expedites those payments from FEMA's Public Assistance Program. Ms. Vivian also stated the state works with cities, towns and counties and other qualifying entities to review applications before they are submitted adding they then assess the application and pay a portion to the applying entity. Ms. Vivian then stated they believe the state payment will be made within 7 days after they submit the City's application. Ms. Vivian also stated the state will then wait on the FEMA reimbursement, which will help cities and others that don't have the ability to wait for reimbursements that (coming directly from FEMA) may take longer to get. Ms. Vivian then said the state will then be reimbursed the \$150 million for this program.

Ms. Vivian also stated the City established internal tracking to record monthly activities and costs associated with the COVID-19 response efforts and Staff has filed several applications for reimbursements, adding after working with state officials, Ms. Vivian was notified of the first successful application and the award of the reimbursement. Ms. Vivian then stated the next step is to have the Council take action on the required agreement and if approved, Staff will submit the agreement and await the distribution of funds. Ms. Vivian then stated the expenses that were submitted were for the months of March, April, and May adding Staff is currently working on June and July, and this approved amount was for the month of April's expenses.

Vice Mayor Nunn moved to approve the AZCares Fund Program Grant Agreement #ERMT-EP-21-0010. Seconded by Councilmember Maldonado. Motion passed 7-0.

3. **Discussion and possible action regarding Resolution 24-2020 of the Mayor and Council of the City of Benson, Arizona, authorizing the City Manager to apply for Arizona Department of Transportation Section 5339 Funds to construct Sidewalks to and from assorted Bus Stops**

City Manager Vicki Vivian stated Staff is seeking approval and authorization from the City Council to apply for the Arizona Department of Transportation Grant for rural transit capital project(s) adding the grant funding will be used to construct sidewalks to and from assorted bus stops, benefitting the area residents. Ms. Vivian then stated Transit Specialist Kathe Williams will be available to answer any questions Council may have.

Councilmember Maldonado asked about the amount the City is requesting with Ms. Williams stating the City is asking for \$100,000 to use the funds as far as the funds will go and because the City will be using it for an ADA (Americans with Disabilities Act) facility there will be a 10% match of \$10,000.

Councilmember Boyle asked if the \$10,000 was budgeted with Ms. Vivian stating it was. Councilmember Boyle also asked if the work will be done in-house or if the City needs to contract someone with Ms. Williams stating the

City is still working out the details, adding if the City does the work in-house, it will mean more bang for the buck so, Staff is looking into whether the City can.

Councilmember Boyle moved to approve Resolution 24-2020. Seconded by Councilmember Diaz. Motion passed 7-0.

4. **Discussion and possible action regarding an Amendment to the Final Plat for Cochise Terrace RV and Manufactured Home Park**

City Manager Vicki Vivian stated Planning Technician/GIS Michelle Johnson will be available to answer any questions Council may have.

Ms. Johnson stated the applicant is present, if anyone has any questions, adding it is fairly straightforward. Ms. Johnson then stated the amendment takes a common area, which is less than one acre and is currently designated for one purpose, and designates it for another purpose. Ms. Johnson then stated typically, plats have common areas, but don't designate the use on the plat; then stated this plat included language on the purposes of the common areas, which meant the plan must be amended to change the use from Function A to Function B.

Vice Mayor Nunn asked what the purpose of function B is, with Ms. Johnson stating the current function is an open space and they would like to change the function to put in a recreation and maintenance space.

Councilmember Boyle moved to approve an Amendment to the Final Plat for Cochise Terrace RV and Manufactured Home Park. Seconded by Councilmember Maldonado. Motion passed 7-0.

5. **Discussion and possible action regarding Resolution 25-2020 of the Mayor and Council of the City of Benson, Arizona, canvassing, declaring and adopting the results of the Primary Election held on August 4, 2020**

City Manager Vicki Vivian stated this Resolution is a requirement that must be completed no later than 20 days after the election adding Resolution 25-2020 officially approves the canvass of the votes cast in the August 4, 2020 Primary Election as follows:

1,379 Ballots Cast

Proposition 400 – AEL (Home Rule)

Yes	796
No	440
Undervotes	143

<u>For Mayor</u>	<u>Votes Rec'd</u>	<u>For Councilmember</u>	<u>Votes Rec'd</u>	<u>For Councilmember</u>	<u>Votes Rec'd</u>
		4-year term		2-year term	
Konrad, Joe	1,111	Boyle, Patrick	919	Larry Dempster	1,113
Write-in	59	King, Sr., Toney D.	758	Write-in	25
Under Votes	209	Maldonado, Anicleto (Nick)	928	Under Votes	241
		Write-in (Cook, Jeff)	21		
		Write-in	45		
		Under Votes	1,466		

Ms. Vivian then stated A.R.S. §9-821.01 addresses the calculations of a majority of votes cast for the Mayor and Council seats adding the steps to calculate the majority are 1 – add the total number of actual votes cast for all candidates for an office whose names were lawfully on the ballot for that office, 2 – divide that sum by the number of seats to be filled for that office and 3 – divide that number by 2 and round up to the highest whole number. Ms. Vivian then stated if someone received more than this number of votes, they would be considered “seated” at the Primary election. Ms. Vivian continued stating if there were to be more candidates that received more than the

majority than there were seats to be filled, the City would declare those candidates who receive the highest number of votes (equal to or over that number) to fill the number of seats.

Ms. Vivian then stated in using this calculation, the following candidates are considered seated:

Mayor	Joe Konrad		
Councilmembers	Patrick Boyle	Councilmember	Larry Dempster
4-year term	Toney D. King, Sr.	2-year term	
	Anicleto (Nick) Maldonado		

Ms. Vivian then stated due to all the open seats being filled, there will be no General Election for the City of Benson in November.

Mayor King stated he would like to thank Ms. Vivian for all her hard work.

Vice Mayor Nunn moved to approve Resolution 25-2020. Seconded by Councilmember Diaz. Motion passed 7-0.

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 and discussions or consultations with the Mayor and Council's designated representatives to consider its position and possibly instruct its representatives regarding negotiations for the purchase, sale, lease, or exchange of city-owned real property.

No executive session was held.

6. **Discussion and possible action regarding Ordinance 606 relating to Real Estate; approving an Exchange of Real Property located along Interstate 10 in north Benson; authorizing the Mayor to execute an Agreement with San Pedro Real Estate, LLC and Thomas Barenberg and any Deeds and other Documents necessary to accomplish the Exchange; and declaring an Emergency**

Ms. Vivian stated Mr. Barenberg approached the City with a proposal to exchange property, adding Staff negotiated with Mr. Barenberg and the attached agreement represents the results of those negotiations.

Ms. Vivian then stated the required Notice of Intent was published as mandated by statute on July 29 and August 5, adding Council can now take action on the proposed ordinance approving the agreement, should they choose.

Councilmember Boyle moved to approve Ordinance 606. Seconded by Councilmember Maldonado. Motion passed 7-0.

ADJOURNMENT:

Councilmember Maldonado moved to adjourn at 7:24 p.m. Seconded by Councilmember Diaz. Motion passed 7-0.

ATTEST:

Toney D. King, Sr., Mayor

Vicki L. Vivian, CMC, City Clerk