

# CITY OF BENSON CITY COUNCIL SEPTEMBER 10, 2018 – 7:00 P.M. REGULAR MEETING

A REGULAR MEETING OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA  
WILL BE HELD ON SEPTEMBER 10, 2018 AT 7:00 P.M.,  
AT THE BENSON COMMUNITY CENTER,  
705 W. UNION STREET, BENSON, ARIZONA

---

Vicki L. Vivian, CMC, City Clerk

## A G E N D A

The Council may discuss, direct, consider and take possible action as indicated below pertaining to the following:

**CALL TO ORDER:** The Call to Order will consist of the Mayor calling the Council to order. The Mayor or his designee shall then lead those present in the Pledge of Allegiance before introducing the invocation speaker, who will offer the invocation.

**ROLL CALL:** The City Clerk shall call the roll of the members, and the names of those present shall be entered in the minutes.

**EMPLOYEE RECOGNITION:** The Mayor shall use this time to present employment awards to those City employees or to present recognition awards for specific acts regarding public service, if any.

**PROCLAMATION:** A proclamation of the Mayor and Council proclaiming the week of September 17-21, 2017 as “Benson Bobcat Week.”

**PUBLIC HEARING:** None

**CALL TO THE PUBLIC:** Communications and comments from the citizens regarding the City of Benson or other matters properly addressed to the City Council shall be heard by the Council. Such remarks shall be addressed to the Council as a whole and shall be limited to five (5) minutes unless this time is adjusted in the discretion of the Mayor or Council. \*\*

**CITY MANAGER REPORT:** The City Manager will announce meetings and events taking place regarding matters involving or related to the City of Benson.

### **NEW BUSINESS:**

1. Discussion and possible action on the Consent Agenda: \*\*\* **APPROVED**
  - 1a. Minutes of the July 26, 2018 Special Meeting \*
  - 1b. Minutes of the August 13, 2018 Regular Meeting \*
  - 1c. Invoices processed for the period from August 3, 2018 through August 17, 2018 \*
  - 1d. Invoices processed for the period from August 18, 2018 through August 29, 2018 \*
2. Recognition of assistance and support from Arizona G&T Cooperative for the City’s 4th of July festivities – **Vicki Vivian, CMC, Interim City Manager/City Clerk** **TABLED**
3. Recognition of Wild Dogs being chosen as one of the “10 Best Places in the Nation to get a Hot Dog” and as “One of the Best Places for Hot Dogs in Arizona” – **Vicki Vivian, CMC, Interim City Manager/City Clerk** **PLAQUE PRESENTED TO WILD DOGS**
4. Discussion and possible action regarding Resolution 24-2018 of the Mayor and Council of the City of Benson, Arizona, approving a Construction Agreement with CXT Concrete Buildings, an LB Foster Company for installation of an ADA-Compliant Restrooms/Concession Project at Lions Park, pursuant to CDBG Grant #128-18 – **Bradley J. Hamilton, P.E./City Engineer, Public Works Director** \* **APPROVED**
5. Discussion and possible action regarding Resolution 25-2018 of the Mayor and Council of the City of Benson, Arizona, canvassing, declaring and adopting the results of the Primary Election held on August 28, 2018 – **Vicki Vivian, CMC, Interim City Manager/City Clerk** \* **APPROVED**
6. Discussion and possible action regarding the Fourth Temporary Extension of License Agreement between Cox Communications Arizona, LLC, a Delaware limited liability company, authorized to transact business

in the State of Arizona (“Cox”), and the City of Benson – **Vicki Vivian, CMC, Interim City Manager/City Clerk** \* **APPROVED**

7. Discussion and possible action regarding the requests from the Benson Butterfield Rodeo Committee and the General Federation of Women’s Clubs – Arizona Benson Junior Women’s Club for assistance with Butterfield Stage Days by providing and assisting with set up of bleachers and serpentine fencing, providing equipment and personnel to assist with chalking the parking lot at the Arena, giving access to water for prep and dust control and becoming a sponsor for the Benson Butterfield Rodeo – **Vicki Vivian, CMC, Interim City Manager/City Clerk** \* **APPROVED LOGISTICAL SUPPORT AS REQUESTED, APPROVED SPONSORSHIP OF \$5,000 FOR THE BENSON BUTTERFIELD RODEO**
8. Update on City Council chambers demolition, possible temporary Council meeting facilities and City Hall Facilities; to include direction to Staff regarding a possible temporary meeting facility – **Vicki Vivian, CMC, Interim City Manager/City Clerk** **STAFF DIRECTED TO BRING BACK MULTIPLE OPTIONS FOR A TEMPORARY MEETING ROOM**
9. Discussion and possible action regarding Ordinance 593 of the Mayor and Council of the City of Benson, Arizona, amending prior inconsistent ordinances including 559, reducing to five (5) the number of members of the Planning & Zoning Commission, and expanding the residency requirement for those members to allow them to reside within the incorporated limits of the City of Benson or a seven-mile radius beyond such, so long as said residence is also within Cochise County – **Gary J. Cohen, City Attorney** \* **MOTION TO REDUCE PLANNING & ZONING COMMISSION TO 5 MEMBERS, WHO MUST ALL RESIDE IN THE CITY LIMITS; ATTORNEY TO BRING BACK AMENDED ORDINANCE FOR CONSIDERATION AT THE NEXT COUNCIL MEETING**

**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 possible appointment and the language of a possible employment contract for a City Manager, and may receive legal advice and give instructions to the City Attorney

10. Discussion and possible action regarding Ordinance 594 of the Mayor and Council of the City of Benson, Arizona, amending the Benson City Code, Chapter 3 “Administration,” Article 3-2 “Officers,” Section 3-2-1-(B) “Manager” – **Gary J. Cohen, City Attorney** \* **APPROVED**

**DEPARTMENT REPORTS:** Written Department Reports will be provided to Councilmembers as part of the Council packet monthly, discussion and direction to Staff, if any, may ensue.

## **ADJOURNMENT**

POSTED this 7th day of September, 2018

Material related to the City Council meeting is available for public review the day before and the day of the meeting, during office hours, at the City Clerk’s Office located at 120 W. 6th Street, Benson, Arizona, 520-586-2245 x 2011.

All facilities are handicapped accessible. If you have a special accessibility need, please contact Vicki L. Vivian, City Clerk, at (520) 586-2245 or TDD: (520) 586-3624, no later than eight (8) hours before the scheduled meeting time.

Any invocation that may be offered before the start of regular Council business shall be the voluntary offering of a private citizen, for the benefit of the Council and the citizens present. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the religious beliefs or views of this, or any other speaker.

Executive Sessions – Upon a vote of the majority of the City Council, the council may enter into Executive Sessions pursuant to Arizona Revised Statutes §38-431.03 (A)(3) to obtain legal advice on matters listed on the Agenda.

\* Denotes an Exhibit in addition to the Council Communication

\*\* Call to the Public

Arizona Revised Statutes §38-431.01(H) provides that “A public body may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions to allow individuals to address the public body on any issue within the jurisdiction of the public body. At the conclusion of an open call to the public, individual members of the public body may respond to criticism made by those who have addressed the public body, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.” As such, a Call to the Public, if on the agenda, is provided as a courtesy.

In order to speak during the Call to the Public, please complete the Call to the Public form requesting to do so.

\*\*\* Consent Agenda

The Consent Agenda will be the first item under New Business and shall list separately distinct items requiring action by the City Council that are generally routine items not requiring Council discussion. A single motion will approve all items on the Consent Agenda, including any resolutions or ordinances, or claims/invoices that are of a routine nature. A Councilmember may remove any issue from the Consent Agenda, and that issue will be discussed and voted upon separately, immediately following the Consent Agenda under its proper regular category of New Business.

**NOTICE TO PARENTS:** Parents and legal guardians have the right (with certain exceptions) to consent before the City of Benson makes a video or voice recording of a minor child. A.R.S. §1-602(A)(9). Regular and Special Meetings of the Mayor and Council for the City of Benson are recorded, and that recording is usually posted on the City's website. If you permit your child to participate in a Regular or Special Meeting of the Mayor and Council for the City of Benson, a recording will be made. If your child is seated in the audience your child may be recorded, but you may request that your child be seated in a designated area to avoid recording. Please submit your request to the City Clerk.