

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD NOVEMBER 14, 2016 AT 7:00 P.M.
AT CITY HALL, 120 W. 6TH STREET, BENSON, ARIZONA**

CALL TO ORDER:

Vice Mayor McGoffin called the meeting to order at 7:00 p.m. with the Pledge of Allegiance. Mayor King then introduced a representative of the Baha'i Faith who offered an invocation.

ROLL CALL:

Present were: Vice Mayor Lori McGoffin, Councilmembers Pat Boyle, Jeff Cook, Joe Konrad, David Lambert and Chris Moncada. Absent was: Mayor Toney D. King, Sr. Vice Mayor McGoffin stated Mayor King was ill.

EMPLOYEE RECOGNITION: Vice Mayor McGoffin recognized Rudy Peralta for 10 years of service.

PROCLAMATION: None

PUBLIC HEARING:

Vice Mayor McGoffin stated the Council would hold a public hearing to receive comments from the public regarding a proposed rezoning. The proposed rezoning is of multiple parcels surrounding and inclusive of the San Pedro Golf Course from the current I-2 Heavy Industrial zoning district to the R-1-43 Single Family Residential and R-2 Multi-Family Residential zoning districts. Vice Mayor McGoffin opened the public hearing at 7:02 p.m. and stated no one had signed up to speak. Vice Mayor McGoffin asked if anyone present wished to speak, after receiving no requests, Vice Mayor McGoffin closed the public hearing at 7:04 p.m.

CALL TO THE PUBLIC:

Barbara Nunn, La Cuesta Drive, Benson, stated a few weeks ago, Mr. Insalaco made some comments that were very offensive, adding any job is a good job and Benson doesn't have many good jobs. Ms. Nunn then stated there are 17-19 people who wash dishes to pay for their living and most of them have a second job, adding Mr. Insalaco shouldn't disparage dishwashers. Ms. Nunn then stated people come from all over, claiming to care about Benson, and then address the Council to have 5 minutes of fame and then leave instead of staying for the rest of the Council meeting and supporting the City. Ms. Nunn then stated if those people stayed and listened, they might hear something they could help with.

Greg Hall, Mesquite Drive, St. David, addressed the Council stating he guess the Council had something to do with the murals around the City, noting the murals were outstanding the it was a job well done. Mr. Hall then spoke about Post Ranch Road, and stated the issue was like an onion, with more and more layers, adding the more he looked into it, the more he found. Mr. Hall then stated Mr. Reinbold said the road was closed because of the liability issues, but the name of the corporation contained "LLC" which stood for limited liability, adding the corporation wouldn't be totally liable and the people in Portland might have something to say about that. Mr. Hall then stated another reason for closing the road was that there were cows on the property, but in a picture he took of the green road sign, he couldn't see any cows so he asked the state how many cows were supposed to be there and found there were no cattle on the state trust land. Mr. Hall then stated he couldn't wait to see what was under the next layer.

Eric Seabase, Aviation Drive, Benson, stated he and his wife own Vertical Aviation, he is a third generation pilot and he has immersed himself in aviation, adding he has 10 FAA ratings. Mr. Seabase then stated he has a unique perspective at the airport, noting he has been there almost every day for the last 12 years and has seen the struggles. Mr. Seabase then stated a qualified ASC (Airport Service Coordinator) has the opportunity to turn the airport around and with the knowledge of regulations, can make the airport a safe place to land, can

promote growth at the airport to make it support itself and can make the airport an asset instead of a drain. Mr. Seabase then stated the airport has been out of compliance with FAA for many years and is currently in danger of losing FAA funding, adding the City can't afford to make mistakes. Mr. Seabase then stated a qualified ASC would maintain the airport, bring it into compliance and make it valuable, adding the ASC needs experience in grounds, operations and other airport issues. Mr. Seabase then stated he appreciated the City's RFP (Request for Proposal), but what is really needed is an Airport Manager who is passionate and qualified, adding volunteer work is highly valued and appreciated, but it doesn't do the job. Mr. Seabase then stated both the winning proposal and his own proposal didn't meet the requirements because they didn't include a draft contract and then asked by what criteria the winning proposal was selected. Mr. Seabase then stated the RFP read that after 90 days, the draft contract would become part of the contract, again stating his proposal and the winning proposal didn't contain a draft contract, but on the 91st day, a contract was signed with person who submitted the winning proposal. Mr. Seabase then stated he feels this needs to be addressed and the most qualified entity should be chosen, adding lives depend on it. Mr. Seabase then asked the Council to consider issuing a new RFP for the ASC.

Tricia Miller, Foothill Drive, Benson, stated she wanted to yield her 5 minutes to Mr. Stephen Insalaco.

City Attorney Gary Cohen stated individuals were given 5 minutes to address the Council and could not "donate" time to another person.

Sam Miller, Foothill Drive, Benson, stated in 2013, it was reported that aviation contributed directly and indirectly to the Gross Domestic Product, but only if it's done right. Mr. Miller then stated the Benson Airport is currently not properly maintained, managed or marketed, adding he received a letter from the Sierra Vista Municipal Airport in which the Airport Commission invited him to tour their airport. Mr. Miller read from the letter, which stated the Sierra Vista Municipal Airport was one of the finest municipal airports in the country, with hangars, competitive fuel and more, that it was being constantly improved with FAA funding, and has a master plan with over \$30 million in projects being planned over the next several years. Mr. Miller then stated the Sierra Vista airport has box hangars available and is offering moving incentives of only paying for 10 months for a 12-month period and a fuel rebate if the aircraft is based at their airport. Mr. Miller then stated he and a partner, who is based in Tucson, co-own an aircraft, adding his partner was the pilot who had a gear-up landing and slid on the runway. Mr. Miller then stated the landing was ok, but had the pilot deviated left or right, he could have hit some considerable objects in the runway safety area. Mr. Miller then stated this area has to be cleared regularly for this very reason and if something isn't cleared, the City would be held liable, adding the pilot had his daughter with him and had the plane gone off the runway and rolled, there would have been considerable lawsuits if someone had been hurt. Mr. Miller then stated due to the accident, there will be tens of thousands of dollars in repair to the aircraft and it can all be done in Benson. Mr. Miller then stated he wants to be based in Benson and convinced his partner to have the aircraft based in Benson, but he wants the airport to be maintained.

Rhonda Seabase, Jacobs Road, St. David, stated she wanted to yield her 5 minutes to Mr. Stephen Insalaco if she allowed, otherwise, she would forfeit her time.

City Attorney Gary Cohen then spoke stating not allowing people to yield their time was not intended to be rude, but it would be unfair if 20 people signed up for the Call to the Public and then attempted to give all that time to 1 speaker. Mr. Cohen then stated that is not the intent of the Call to the Public.

Tricia Gerrodette, Eagle Ridge Drive, Sierra Vista, stated she was reminding herself about the details of the public hearing and rezoning, adding she was looking through the GDP (General Development Plan) adopted 2 years ago and on page 26 is the GDP circulation 2015, with 4 roads on that graphic: State Route 80, Interstate 10, State Route 90 and the lower one, which was Post Road. Ms. Gerrodette stated it was clearly a road, but there was a lot of confusion and she thinks the Council should investigate and resolve the issue if it's possible. Ms. Gerrodette asked the Council to their best to get clarification on the easements, who owns them and what the Council's role can be or should be. Ms. Gerrodette then stated she thinks there is enough concern about the road and that it was up to the Council to do their best to clarify this issue as much as they can.

Scott Sinclair, Lee Street, St. David, spoke about Post Ranch Road, stating he found the road gated and locked in late August and he has had a number of conversations with Mike Reinbold, has been in to see City Staff and has filed a public records release, adding he received no information, then he received 50 pages about the road that further clouds the issue, and is like a bad novel at best. Mr. Sinclair then stated he had been told by Staff that the City is not going to reopen the gates and that it is above their paygrade. Mr. Sinclair then stated he started a petition and without effort, has gathered over 500 signatures in about 3 weeks, adding he will continue to collect signatures until January. Mr. Sinclair then stated when he spoke to Mr. Reinbold, Mr. Reinbold said there were only about 30 people wanting the road open and Mr. Sinclair asked if Mr. Reinbold would come to the table and talk about solutions, such as adopt-a-ranch or just open the road, if 1,000 signatures were gathered. Mr. Sinclair then stated the developer owns the land on both sides of the road, but not the road; then stated the road has been maintained by the County and the City with taxpayer funds. Mr. Sinclair then stated he is working on other solutions, but the issue is in Council's hands and they can solve it, by asking or demanding the developer to reopen the road, adding the road has been used by the public for at least 50 years. Mr. Sinclair then stated the Council can get everyone to come to the table and be involved, adding US Game & Fish is willing, the State Lands Department is willing to send a representative, citing they are concerned about the realignment of the road because it goes across several washes and would need engineering and they are concerned about the Core of Engineers 404 permit. Mr. Sinclair then stated he can only see this issue escalating in the future, but he was willing to work with the Council, adding he doesn't want to see the issue escalate further to legal action and would like for a solution to be found.

Cindy Sinclair, Lee Street, St. David, stated she owns a house in Benson, she stated she is mystified that the City's General Development Plan, which is a 10-year plan required by law, and the small traffic study can include Post Ranch Road as a collector street and then allow developers to close the road. Ms. Sinclair then stated she hears over and over questions on why the Council and the City would allow this and why the Police Department's facebook page says the property is private property. Ms. Sinclair then asked the Council to help.

Stephen Insalaco, Pinto Place, J6, stated he would like to discuss past protocol and asked for his time to speak not start. Mr. Insalaco then stated he was considering challenging the City for the great deal of bias on the part of legal counsel and that he was asking to address the Council for 10 minutes. Vice Mayor McGoffin stated Mr. Insalaco could address the Council for the normal 5 minutes given to each person. Mr. Insalaco then stated he was wrong before and that the City did advertise the RFP (Request for Proposal) for the Airport Services Coordinator, but did so only in the Benson and Willcox newspapers because they didn't want anyone else to know about it. Mr. Insalaco then stated the advertisement should have also been in the newspapers in Tucson and Sierra Vista. Mr. Insalaco then stated the RFP was on the City's website and then was removed, but after he called in, it was put back on and didn't disappear because of a glitch. Mr. Insalaco then stated the City has turned a blind eye to the requirements of the RFP and others have qualifications that Mr. Thompson cannot compete with, adding the City is focusing on Mr. Thompson's ridiculously low cost, but the best value can't be determined by cost. Mr. Insalaco then stated the RFP was sat on for 3 months and action was only taken after 90 days, with a contract being signed on the 91st day. Mr. Insalaco then a draft contract should have been written by those submitting proposals and asked who counseled and coaxed Mr. Thompson in the writing of the contract. Mr. Insalaco then stated he saw Mr. Thompson dining with the City Manager and there cannot be any guarantee to the community with any level of confidence or assurance that the process has been transparent. Mr. Insalaco then stated state law mandates that City or State officials not accept gratuity or meals and if nothing else, there is the illusion it happened. Vice Mayor McGoffin stated Mr. Insalaco's time to speak had ended. Mr. Insalaco urged the Council not to approve the contract for the Airport Services Coordinator.

CITY MANAGER REPORT:

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

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| Thursday, November 17, 2016 | – Lighting Task Force, 6:00 p.m., City Hall |
| Saturday, November 19, 2016 | – Historic Preservation Commission, 9:00 a.m., City Hall |
| Tuesday, November 22, 2016 | – Community Watershed Alliance, 6:30 p.m., City Hall |
| Monday, November 28, 2016 | – City Council Meeting, 7:00 p.m., City Hall |

Thursday and Friday,
November 24 and 25, 2016
Saturday, December 3, 2016

- Thanksgiving Holiday – City Offices Closed
- Christmas on Main Street and at the Benson Museum
10:00 a.m.– 4:00 p.m.

Festival of Lights – Light Parade, Floats that best represent the theme, “A Christmas Wish” will be awarded 1st, 2nd and 3rd place prizes! Win prizes by donating non-perishable food items for the Benson Food Bank, drop off items at City Hall, Visitors Center, Community Center and the Tree Lighting. The Light Parade starts at 6:00 p.m.

Santa will be attending the Tree Lighting at Benson City Hall, 120 W. 6th Street. The Tree Lighting starts at 7:30 p.m.

Mr. Stephens then stated for more events in Benson, the public could visit the City’s website: www.cityofbenson.com under “What to do Today.” Vice Mayor McGoffin then asked for Staff to check on the Council cancelling the Council meeting on the Monday following Thanksgiving and on why the Christmas festivities were being held the same day Willcox was holding their festivities.

NEW BUSINESS:

1. Discussion and possible action on the Consent Agenda

1a. Invoices processed for the period from October 17, 2016 through October 31, 2016

Councilmember Moncada moved to approve the Consent Agenda. Seconded by Councilmember Lambert. Motion passed 6-0.

2. Discussion and possible action regarding Ordinance 584 of the Mayor and Council of the City of Benson, Arizona, approving a request to rezone Assessor’s Parcel Numbers 123-07-024A, 123-07-024B, 123-07-024C, 123-07-024D, 123-07-024E, 123-07-024F, 123-07-024G, 123-07-024H, 123-07-007A, 123-07-007B, 123-07-007C, 123-48-003A, 123-48-004R, 123-48-004S, 123-48-004T, 123-26-001F, 123-26-002A, 123-07-025, from a Zoning District of Heavy Industrial (I-2) to a combination of Single Family Residential (R-1-43) and Multi-Family Residential (R-2)

Public Works Director Brad Hamilton stated this rezoning is for the land around the golf course and that Planning Technician/GIS Michelle Johnson could address the Council on the rezoning process and the Planning & Zoning Commission’s recommendation, adding Mr. George Scott was present and representing the property owner, Mr. Hartley and could also address questions the Council may have.

Councilmember Cook stated he didn’t see Mr. Hartley’s signature and asked where the legal authorization was for Mr. Scott to act on Mr. Hartley’s behalf with Mr. Hamilton stating Staff has a letter from Mr. Hartley stating that Mr. Scott would be acting as his agent and is authorized to sign all documents. Councilmember Cook then asked Mr. Hamilton to retrieve the letter and have it brought to the Council meeting.

City Attorney Gary Cohen stated while the letter was being retrieved, Mr. Scott could address Councilmember Cook’s concerns on the public record here and now. Mr. Scott stated he was present and was addressing Council on Mr. Hartley’s behalf, adding Staff does have a letter on file from Mr. Hartley, who was planning on being here, but was in the hospital having some heart problems being taken care of. Mr. Cohen then asked Mr. Scott if he was representing Mr. Hartley as authorized with Mr. Scott confirming he was. Mr. Cohen then stated Mr. Scott is well aware that if he was misrepresenting his presence on Mr. Hartley’s behalf, there would be a problem, but if the Council was not satisfied, they could table the item and wait until something else they were more comfortable with was obtained.

Ms. Johnson returned to the Council chambers with the documentation from Mr. Hartley.

Councilmember Lambert stated he had talked to several people about the ingress and egress for Mr. Hartley's property, but it can be addressed at a later time.

Councilmember Moncada moved to approve Ordinance 584. Seconded by Councilmember Lambert. Councilmember Cook stated he wanted to explain his vote, adding the documentation Ms. Johnson provided didn't have Mr. Hartley's signature and felt it was not binding. Councilmember Cook then stated he had no doubt Mr. Scott was representing Mr. Hartley and was not opposed to the rezoning, but there was no signature from Mr. Hartley requesting the rezoning and without that, the Council would be rezoning someone's property without the clear legal authorization to do so. Councilmember Cook then asked about the validity of the rezoning should anyone opposed to the development of the property challenge the rezoning based on the City not having the property owner's signature requesting it.

Motion passed 5-1 with Councilmember Cook voting nay.

EXECUTIVE SESSION: Regarding the Airport Services Coordinator process, proposals, and/or contract as authorized by A.R.S. §38-431.03 (A)(3) and (4).

Councilmember Lambert moved to enter into an executive session with the Mayor and Council, the City Manager, the City Attorney and the Public Works Director and the City Clerk at 7:48 p.m. Seconded by Councilmember Konrad. Motion passed 6-0.

Council reconvened at 8:18 p.m.

3. **Discussion and possible action regarding a contract for an Airport Services Coordinator with David Thompson**

Vice Mayor McGoffin stated there has been some confusion and that the Airport Services Coordinator (ASC) was not the Airport Manager, adding Public Works Director Brad Hamilton is the Airport Manager and the ASC is more of a liaison between the City and the airport community, including pilots and the FBO (Fixed Based Operator). Vice Mayor McGoffin then stated the ASC will report maintenance and other issues to the Airport Manager, but will take care of simple things such as changing light bulbs and will try and get everyone working together.

Councilmember Moncada moved to approve the contract for an Airport Services Coordinator with David Thompson with an amendment in the Scope to read, "With the assistance of a to be determined group, ~~the Southeastern Arizona Economic Development Group~~, organize, promote and manage at least one annual airport air fair, open house, or fly in." Seconded by Councilmember Boyle. Motion passed 5-1 with Councilmember Cook voting nay.

DEPARTMENT REPORTS: No comments from Council.

ADJOURNMENT:

Councilmember Moncada moved to adjourn at 8:24 p.m. Seconded by Vice Mayor McGoffin. Motion passed 6-0.

Toney D. King, Sr., Mayor

ATTEST:

Vicki L. Vivian, CMC, City Clerk