

**THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD AUGUST 13, 2017 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 7:00 p.m. with the Pledge of Allegiance. Mayor King then introduced Eileen Littrell of the Baha'i Faith who gave the invocation.

ROLL CALL:

Present were: Mayor Toney D. King, Sr., Vice Mayor Joe Konrad, Councilmembers Pat Boyle, Larry Dempster, Lupe Diaz, Levi Garner (arriving at 7:05 p.m.) and David Lambert.

EMPLOYEE RECOGNITION: None

PROCLAMATION: Mayor King read a proclamation declaring the month of August, 2018 as "Child Support Awareness Month."

PUBLIC HEARING: None

CALL TO THE PUBLIC: None

CITY MANAGER REPORT:

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

- Monday, August 27, 2018 – City Council Meeting, 7:00 p.m.,
- Saturday, August 18, 2018 – Benson City Pool – Dive in Movie "DC Justice League".
Gates open: 7:30 p.m. Movie Starts: 8:00 p.m. Capacity: 100
- Saturday, September 8, 2018 – San Pedro Golf Course – Lantern Festival 4:00 p.m. – 9 p.m.
Mark milestones, set goals, celebrate with loved ones as you send your lantern into the night sky. Lanterns cost \$25.00 and include admission for two (2) people (5 and under are free). Tickets are available for purchase with limited availability for this inaugural event.

For more information, please visit www.cityofbenison.com or call the City of Benson at 520-586-2245.

NEW BUSINESS:

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

- 1a. Minutes of the June 25, 2018 Regular Meeting
- 1b. Reappointment of Andrew Abernathy to the Benson Planning & Zoning Commission
- 1c. Reappointment of Alwine Frega to the Benson Historic Preservation Commission
- 1d. Invoices processed for the period from July 3, 2018 through July 12, 2018
- 1e. Invoices processed for the period from July 13, 2018 through August 2, 2018

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

Vice Mayor Konrad stated he has seen that the City purchased more used vehicles and he would like to commend the Public Works Department on what they're doing for purchasing the vehicles from Valley Telecom Group, adding they are getting an excellent value.

2. **Presentation of Arizona Department of Environmental Quality (ADEQ) Voluntary Environmental Stewardship Program Certificate to the City of Benson for Operation of the Benson Wastewater Treatment Plant**

Interim City Manager Vicki Vivian stated ARS §49-192 required the Arizona Department of Environmental Quality (ADEQ) to develop, implement and manage a Voluntary Environmental Stewardship Program (VESP) in 2012. Ms. Vivian then stated this program identifies and rewards organizations that have a good history of compliance and that try to go above and beyond legal requirements, adding ADEQ strives to complement existing programs with new tools and strategies that not only protect people and the environment, but also recognize opportunities for reducing cost and encouraging technological innovation. Ms. Vivian then stated organizations and businesses are invited to join VESP to work together on environmental quality issues and support ADEQ's mission, which is to protect and enhance public health and the environment in Arizona. Ms. Vivian then stated membership incentives for joining VESP include: recognition, reduced inspection frequency, conferences, early notice of enforcement rulings, advance inspection notice, reduced reporting requirements and coordination of multiple on-site inspections.

Melissa Hayes, the Southeast Arizona Community Liaison with the ADEQ, then recognized the City of Benson wastewater treatment plant, adding the wastewater treatment plant has been accepted in the program at the bronze level and the recognition is based on the commitment to comply with state and environmental regulations. Ms. Hayes stated the VESP was adopted by the state legislature and signed into law in 2012 to provide recognition and incentives to companies to go above and beyond what is legally required to protect public health. Ms. Hayes then presented the City of Benson with the bronze award, stating it was on the behalf of ADEQ Director Misael Cabrera, P.E. and herself.

3. **Recognition of assistance and support from the Cochise County Explorers for the City's 4th of July festivities**

Interim City Manager Vicki Vivian stated the 4th of July festivities are hosted by the City, but it could not happen without the assistance of many others. Ms. Vivian stated the Cochise County Explorers have assisted with security since 2011 during the celebration and the City would like to thank them for the support and assistance and present them with a plaque in recognition for all they do. Ms. Vivian then stated she would like to offer a special thanks to Officer Berry for running the program and arranging the use of the Explorers.

Mayor King presented the award to the Cochise County Explorers.

4. **Recognition of assistance and support from Arizona G&T Cooperative for the City's 4th of July festivities**

Interim City Manager Vicki Vivian stated the 4th of July festivities are hosted by the City but could not happen without the assistance of many others. Ms. Vivian then stated this year was the fifteenth year that Arizona G&T Cooperatives donated the Audio/Visual (A/V) services for the Benson 4th of July Parade. Ms. Vivian then stated the A/V team consists of James Bujarski and Jay Strickling, who start setting up at 5:30 a.m. and finish setup at 8:30 a.m., adding the equipment used is a sound podium and mixer, eight to ten speakers, three microphones, and related cable and stands. Ms. Vivian then stated once the parade is over, it takes at least two hours to take everything down and with storing the equipment, they work a full eight-hour day, noting overall, each 4th of July setup requires between 20 and 22 man-hours of work. Ms. Vivian then stated Mr. Geoff Oldfather, Manager of Communications and Public Relations for Arizona G&T Cooperatives, has also been providing emcee services for the parade for 8 years. Ms. Vivian then stated when the same setup has been used for commercial events; the commercial rate translates to a charge of between \$4,000 and \$5,000 per venue. Ms. Vivian then stated these employees volunteer their time on the holiday and are not compensated, nor has Arizona G&T Cooperatives ever billed the City. Ms. Vivian then stated the City would like to thank Mr. Oldfather, Mr. Bujarski and Mr. Strickling for their very valued support and service and present them with a plaque in recognition of all they do, but unfortunately, there was no one at the meeting to accept the award and noted she has a meeting with Mr. Oldfather and will get it to him.

5. **Discussion and possible action regarding Resolution 23-2018 of the Mayor and Council of the City of Benson, Arizona, declaring as public record that certain updated codes to be incorporated by reference into Benson City Code; Chapter 3, "Administration", Article 3-1, "Officers in General", Section 3-1-1, "Officers", Article 3-2, "Officers", Section 3-2-2, "City Clerk" and Section 3-2-3 "Finance Director"**

Interim City Manager Vicki Vivian stated the City Code needs to reflect the separation of the Finance Department from the City Clerk/Treasurer's office, to include the addition of a Finance Director, adding the changes in the code have been prepared and is being presented to Council for their consideration. Ms. Vivian then stated to adopt a proposed Code change, Council must adopt the change by an ordinance, which must be published, but noted there is a provision that enables a City to adopt the provisions of a code "by reference" saving on publication costs. Ms. Vivian then stated to do this, the Council must adopt a resolution declaring such provisions as a public record and three copies must be filed in the office of the City Clerk and kept available for public use and inspection. Ms. Vivian then stated Resolution 23-2018 fulfills this requirement and the ordinance, which is the following item, can then be acted on. Ms. Vivian stated if the ordinance is approved, it must be published in full and will notify the public of a City Code change. Ms. Vivian then stated if the Council wished to make changes to the proposed language, the amendments need to be made as part of the resolution action.

There was no Council discussion.

Councilmember Boyle moved to approve Resolution 23-2018. Seconded by Councilmember Lambert. Motion passed 7-0.

6. **Discussion and possible action regarding Ordinance 591 of the Mayor and Council of the City of Benson, Arizona, amending the Benson City Code; Chapter 3, "Administration", Article 3-1, "Officers in General", Section 3-1-1, "Officers", Article 3-2, "Officers", Section 3-2-2, "City Clerk" and Section 3-2-3, "Finance Director"**

Interim City Manager Vicki Vivian stated as noted in the previous item, any change to the City Code must be adopted by an ordinance, which must be published in accordance with State law requirements. Ms. Vivian then stated when a change to the City Code is quite lengthy, there is a provision that enables a City to adopt the provision of a code or a public record without setting forth such provisions in the ordinance; enacting the provisions "by reference". Ms. Vivian then stated the previous item presented to Council, Resolution 23-2018, declared the document, Chapter 3, "Administration" Article 3-1, "Officers in General", Section 3-1-1, "Officers", Article 3-2, "Officers", Section 3-2-2, "City Clerk" and Section 3-2-3 "Finance Director" as a public record and Council may now consider Ordinance 591, which, if approved, will enact the City Code change.

There was no Council discussion.

Vice Mayor Konrad moved to approve Ordinance 591. Seconded by Councilmember Garner. Motion passed 7-0.

7. **Discussion and possible action regarding Ordinance 592 levying upon the assessed valuation of the property within the City of Benson, Arizona, subject to taxation. A certain sum upon each One Hundred Dollars (\$100) of assessed valuation, sufficient to raise the amount estimated to be required in the annual budget**

Interim City Manager Vicki Vivian stated the Property Tax ordinance is adopted annually no earlier than fourteen days following Council's adoption of the Budget for the next fiscal year. Ms. Vivian then stated the levy proposed upon each One Hundred Dollars (\$100.00) of assessed value of all property, both real and personal, within the corporate limits of the City of Benson, except such property as may be by law exempt from taxation, is a tax rate of \$.8288 cents per \$100.00 of the assessed value of all real and personal property in the city of Benson, subject to taxation and such sum is to be set aside and used for the General Fund. Ms. Vivian then stated the Public Hearing was held on July 26, 2018. Ms. Vivian then stated it was important to note that the City is a small portion of the total property taxes paid to the County each year, adding the vast majority of each tax bill goes to support the Benson School District, the San Pedro Valley Hospital and Cochise County. Ms. Vivian then stated as this tax levy ordinance is an administrative method of setting apart funds necessary for use and maintenance, it

does not require an extraordinary $\frac{3}{4}$ vote to make it effective immediately, noting this determination is based on a Supreme Court decision and is fully explained in the Municipal Budget and Financial Manual provided by the Arizona League of Cities and Towns. Ms. Vivian also noted the proposed levy does not require Truth in Taxation and is not over the 15% increase that would require a unanimous vote for approval.

Councilmember Dempster asked if the proposed ordinance would result in the same amount with Ms. Vivian stating the collection amount will be the same, noting the levy rate will be less because property values have increased slightly.

Councilmember Garner moved to approve Ordinance 592. Seconded by Councilmember Lambert. Motion passed 7-0.

8. **Discussion and possible action regarding the cancellation of the August 27, 2018 Regular Council Meeting**

Interim City Manager Vicki Vivian stated the annual Conference of the Arizona Cities & Towns will be held the week of August 20, 2018, adding in the past, the Council would consider cancelling the second meeting in August due to the conference schedule with Council and Staff being out of the office. Ms. Vivian then stated as has been the policy whenever a Council meeting has been cancelled, should anything need to be addressed by Council before the next regular meeting, a special Council meeting could be called. Ms. Vivian then stated placing this item on the agenda for action maximizes public information regarding the Council's schedule.

Mayor King moved to approve the cancellation of the August 27, 2018 Regular Council Meeting. Seconded by Vice Mayor Konrad. Motion passed 7-0.

DEPARTMENT REPORTS: No comments from Council.

ADJOURNMENT:

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

ATTEST:

Toney D. King, Sr., Mayor

Vicki L. Vivian, CMC, City Clerk