City of Benson
City Council Communication

Regular Meeting **November 13, 2017**

To: Mayor and Council Consent Agenda Item # 1a

From: Vicki Vivian, CMC, City Clerk

Subject:

Minutes of the March 27, 2017 Regular Meeting

Discussion:

Attached are the minutes of the March 27, 2017 Regular Meeting.

Staff Recommendation:

Council pleasure

THE REGULAR MEETING
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA
HELD MARCH 27, 2017 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 7:00 p.m. with the Pledge of Allegiance. Mayor King then introduced Pastor Kirk Sorenson of the First Assembly of God who offered the invocation.

ROLL CALL:

Present were: Mayor Toney D. King, Sr., Vice Mayor Joe Konrad, Councilmembers Pat Boyle, Levi Garner, David Lambert, Crystal Lewie and Lori McGoffin.

EMPLOYEE RECOGNITION:

Mayor King recognized Deborah Ray for 10 years of service with the City. Ms. Ray was unavailable; Mayor King presented Ms. Ray's plaque to Chief of Police Paul Moncada.

PROCLAMATION: None

PUBLIC HEARING: None

CALL TO THE PUBLIC:

Scott Sinclair, Lee Street, St. David, stated this would be his final appearance in front of Council, adding he was speaking from the heart regarding Post Ranch Road, but is has been to no avail. Mr. Sinclair stated this issue has been ongoing since August and he has tried to reach out to Mike Reinbold for a stakeholders meeting, but Mr. Reinbold has declined that. Mr. Sinclair then stated he has tried to be fair with the Council, and has cajoled the Council somewhat, adding there were a couple of requests to the Chief of Police to have the gates blocking Post Ranch Road taken down and he has also met with County staff, including the County Attorney and Supervisors. Mr. Sinclair then stated privately 95% of the people he has talked to, mostly from the St. David and Benson area, think it was an illegal act (to close Post Ranch Road) and want the gates down, adding the road being open has no effect on the proposed development. Mr. Sinclair then stated the proposed development is being litigated, noting the issue is between federal agencies. Mr. Sinclair then stated the City Council went into an executive session on the issue and then tabled the discussion due to potential legal issues and stated he assumes El Dorado threatened to sue or the County did, because he knows the threat didn't come from the group he represents. Mr. Sinclair then stated at this point, his group feels they have given the Council every opportunity to respond to their requests and the Council is now forcing them down the same litigation path, adding he needed to tell the Council that his group is looking at those options, and he is deadly serious, noting this is not just an idle statement. Mr. Sinclair then stated if they have to take the City to court, they will, and they will win because they have the law on their side, all the way up to the supreme court. Mr. Sinclair then stated there is a famous quote from Wyatt Earp, who after his brother had been shot, said "Hell's a comin' and I'm a comin' with it" and added "Hell's a comin' and he and the voters are comin' with it." Mr. Sinclair then stated he looked at the agenda and is requesting the Council to look into any unethical violations, adding he is not getting information he has requested and while he understands the City is short on staff, but he could get a letter saying his requests are being worked on.

Greg Hall, Catclaw, Benson, stated he didn't make it to the last meeting because he was working on his new house in Benson, adding he is no longer an outsider. Mr. Hall then spoke regrading Post Ranch Road, stating for the last 4 or 5 years, the City's been leaking potable water out with the reason being to keep the water from being stagnant, but instead of having it run down the wash, the water was put in a water trough. Mr. Hall then stated when that was done, the City put the potable water pipe underwater, which is a backflow violation that should be fixed. Mr. Hall then stated the last time he spoke before Council, he talked about Post Ranch Road

being closed and that if it was a public road, it was closed illegally and that if it was a private road, it is a misappropriation of HURF funds to maintain it. Mr. Hall then stated he reached out to the person in charge of HURF funds, Debra Davenport, and she was going to reach out to the Council and speak to them about that.

Cindy Sinclair, Lee Street, St. David, stated she also owns a home in Benson. Ms. Sinclair then showed the Council many documents, and stated they were all exhibits and documents she obtained with a lot of help from staff, as to why Post Ranch Road is a public road. Ms. Sinclair then stated they were provided as a courtesy because the group she represents feels strongly that Post Ranch Road is a public road, adding everyone they talk to feels the same way. Ms. Sinclair then stated the gathered documents represent hundreds of hours of work and can save the City time and money, adding City Attorney Gary Cohen was gracious enough to take the statutes, maps, resolutions, etc. that they gathered on a thumb drive. Ms. Sinclair then stated she has it all organized and should they have to get a judge's order to get the gates removed, they are ready. Ms. Sinclair then sated she recently read an article of Mr. Cohen's regarding the art of persuasion and she liked three points in it. Ms. Sinclair then stated under State law, the City can't make an agreement with a developer that violates the General Development Plan (GDP), and the GDP clearly treats Post Ranch Road as a public road and discusses eventually paving the road with the help of a developer. Ms. Sinclair then stated she also has a copy of the City of Benson Resolution 23-94 that has never been rescinded, and designates the road as a primitive road, releases the City from any liability from traveling the road and declares it as a public street and right-of-way, adding she has many documents dating back to Mayor DiPeso discussing the need to maintain and grade the road. Ms. Sinclair then stated she also has a County document that discusses for Cochise County what makes a primitive road a road, adding that is the document that enables the City of Benson to enter into an IGA with the County to maintain this road. Ms. Sinclair then stated she is still hoping someone will step up to the plate; then noted Sherriff Dannels told her to get a judgement and he'll be happy to cut the locks off. Ms. Sinclair then stated the ADOT Board recently held a meeting in Benson and one of their members drove up and said the road is 100% a public road, then states she is asking the Council to listen to the people who are speaking.

John Davis, Highway 90, Benson, stated he has been a resident of Benson for 18 years and has owned property in Benson for 25 years. Mr. Davis then stated he doesn't hang out at City Hall and he has no political ambitions, but he absolutely does have respect for the job the Council does. Mr. Davis then stated he has been involved in various real estate projects over the past 25 years and has worked with Council and Staff on annexations, rezonings, subdivisions and commercial property. Mr. Davis then stated the only political thing he has done publicly is support Toney King, adding he respects Mayor King's dedication to the community and Mayor King has earned his respect, but noted it was somewhat ironic because of all the things Mayor King has done, one of the largest feathers in his cap is bringing in the City Manager. Mr. Davis then stated he has seen the good, the bad and the very ugly, adding it was ugly before the City Manager got here. Mr. Davis then stated the Council found a guy with a physical stature with some backbone and a military background who, in a very short time, restored civility to the community and City Hall, while at the same time, bringing financial stability. Mr. Davis then stated the City Manager made some tough decisions, and has done a very commendable job. Mr. Davis then stated knows Benson needs growth and growth needs stability, so this is not the time to make any changes. Mr. David then stated he thinks conflict is normal, but everyone needs to put their differences aside and do what's best for the community; they need to let calmer heads rule and keep the staff in place.

Vic Ayala, Mystery Canyon Drive, Benson, stated he was a retired Marine and after going to the State Bar of Arizona to be an investigator, he joined the team to teach at Ft. Huachuca. Mr. Ayala stated he has lived in 37 different countries and he understands people to a certain degree. Mr. Ayala stated he became a Benson citizen in 2008, after he did a lot of research and realized Benson was the place for him due to the fact that people in Benson are religious for the most part. Mr. Ayala then stated he has known the City Manager for about 3 years and that when the City was hurting financially, he knows the City Manager stuck it out, adding the City has a sound leader now. Mr. Ayala then stated he has dealt with politicians and terrorists for 21 years and he knows the City Manager cares about and believes in Benson, adding the City Manager's integrity and moral values are high. Mr. Ayala then stated one of the things he wants to do is to have a business in Benson, adding he has asked around and people tell him there is nothing for kids to do in Benson, adding one of his ideas was to open a bowling alley with 20 to 40 lanes. Mr. Ayala then stated another idea is to open a billiards

place for kids, adding kids need and can learn from those kinds of things. Mr. Ayala then stated he loves the City and also loves the City Manager, adding the City Manager's heart is in the City and he hopes the Council will realize that and let go of what the negative issues are. Mr. Ayala then stated the City needs people like the City Manager to move Benson forward, adding he has made Benson better. Mr. Ayala then stated when he is traveling, the City Manager helps secure his house and added that when he was ill, the City Manager and his wife took him to the hospital, adding he and his wife care about people and everyone in Benson. Mr. Ayala then stated in a small community, small problems will always be prevalent, but asked the Council to allow the City Manager to stay on, adding the City Manager is the leader the City needs in order to move forward.

Stephen Insalaco, Pinto Place, J6, stated he wanted to welcome the new Councilmembers and then addressed the Council concerning New Business Item #3. Mr. Insalaco stated he didn't know what the item was about, adding the topic is scary because there is a tremendous amount of variations possible with the language. Mr. Insalaco then stated Mr. Stephens is already employed as the City Manager, so the idea of a new hire as an agenda item seems out of the question. Mr. Insalaco then stated the first executive session was written in such a manner that at Mr. Stephens discretion, the topic could be discussion in an open forum and from his understanding, an open discussion regarding compensation is not permissible, so he didn't think that was what the item was about, but he was going to address it anyway. Mr. Insalaco then stated Mr. Stephens came to Benson following a long, distinguished career in the military and in the time Mr. Stephens has been here, he's done a tremendous job, leading the City out of a large financial crisis, and in dealing with the Villages of Vigneto housing development, negotiating everything that goes along with running a municipality the size of Benson. Mr. Insalaco then stated Mr. Stephens has a higher workload and deserves a raise. Mr. Insalaco then stated in terms of leadership and management style, despite his earlier whining about the airport ASC RFP process, Mr. Insalaco thinks Mr. Stephens is the greatest thing since the airplane. Mr. Insalaco then stated the item could possibly be about the discipline or dismissal of the City Manager and if that is what this item is about, he would ask the Council to seriously rethink that idea. Mr. Insalaco then stated the City needed to make some hard choices to survive the economic downturn and the Council has been looking for someone to make those decisions, adding the decision between furloughs or layoffs was not popular, but Mr. Stephens made those decisions and did what needed to be done to get the City through it, noting the City of Benson needs Mr. Stephens' skill. Mr. Insalaco then stated he would hate to see taxpayer money being spent to search for another City Manager, adding if there is a problem, the Council should sit down in an executive session and hash the problem out or fix it. Mr. Insalaco then stated the item could possibly be about Mr. Stephens' resignation and if it is, that is unfortunate, adding most City Managers are in Benson 2 years before moving on. Mr. Insalaco then stated he thinks Mr. Stephens understands that Benson is not Tucson or Phoenix and Benson can't afford the compensation those places pay. Mr. Insalaco then stated the Council should enter into an executive session and present their best salary offer and hope it with the combination of the lifestyle in Benson is enough for Mr. Stephens to stay. Mr. Insalaco then stated however, this agenda item turns out, he hopes the Council will demonstrate respect in this topic and it is his hope and aspiration that Mr. Stephens remains in the community as the City Manager.

Marla Davis, Highway 90, Benson, said a lot of the statements she was going to make have already been made, but she would ask the Council three questions before they cast their vote: 1) if they have met in an executive session to evaluate the performance and document the accomplishments and any shortcomings the City Manager may have; 2) if the City Manager has been given written direction from the Council as to their expectations; and 3) if the item is to terminate the City Manager, if it is in the best interest of the City, given that the City currently doesn't have a Finance Director or an HR Director. Ms. Davis then stated she personally feels it is best for the City to try and resolve differences rather than start anew.

Don Buchanan, River Road, St. David, stated he came to talk about concerns with work on the Benson Motel, adding the contractor may have been following Arizona rules, but in any other place in the U.S., it would have been better, noting Arizona rules are different. Mr. Buchanan then stated ADEQ has sold out to big business, and they take the same lack of care about people in the El Dorado enterprises development that they do in the small job at the Benson Motel. Mr. Buchanan then stated someone at the City doesn't care either, adding it's nice how the City put a chain link fence around the fire hydrant. Mr. Buchanan then stated he questions who is in charge of that. Mr. Buchanan then stated he doesn't know much about the City Manager, except that he's an Air Force guy, but he thinks there are some problems or something is wrong when the City has lost 2

Finance Directors, 2 Deputy Clerks, an HR Manager and a P&Z Director. Mr. Buchanan then said there must be something sick about the City and maybe the Council or someone else knows. Mr. Buchanan then stated if he were the City Manager, he knows he would fire one person who works for the City, adding he hears complaints and problems about this person all the time and asked why the City Manager keeps personnel that don't seem to be capable of doing the job. Mr. Buchanan stated when he was on the Council in the 1970s, the first thing he did was get rid of the City Attorneys and the Public Works Director, after getting a letter from the EPA saying they had sent 5 letters to the City and the Council was going to be fined because the EPA didn't get any response. Mr. Buchanan then stated the Council is responsible to the voters in Benson, and if things aren't going right, adding he doesn't think they are going right, the Council needs to do something about it. Mr. Buchanan then stated the Council needs to care more about the citizens of Benson and taking care of them than they care about economic development or environmental disaster, depending on a person's point of view. Mr. Buchanan then stated the Council has a tough job and a tough decision to make, but he thinks there's something sick in the City or the City wouldn't have lost so many good people. Mr. Buchanan then stated the City has 1 employee who has been here forever and is doing a good job; the Chief of Police, adding there are times he wonders why the Chief stays around.

Paul Lotsof, a non-resident and business owner of the CAVE FM radio station in Benson, stated two weeks ago Vice Mayor Konrad did something that hasn't been done in many years; Vice Mayor Konrad questioned a bill Staff had paid. Mr. Lotsof stated the City takes in and spends about $20 million a year and a lot can be learned by following the money trail, making sure the money is wisely spent. Mr. Lotsof then stated he didn't see how the Council could claim to represent people, if they don't look at where the money is going and he doesn't see how the Council can look at all the expenditures and not have any questions to ask. Mr. Lotsof then stated it used to be common for the Council to ask questions, but now the invoices are in the Consent Agenda, adding it's hard for members of the public to find the bills on the City's website unless they know where to look. Mr. Lotsof then sated Vice Mayor Konrad's question had to do with a massive expenditure to National Bank, which simply read "charge card", adding he is guessing that the charge card is used for various vendors for various services. Mr. Lotsof then stated listing the bank, instead of the recipients, is considered acceptable, but it stands in the way of transparency and should be discontinued. Mr. Lotsof then stated he hopes in the future, more of the Council will ask questions and commended Vice Mayor Konrad for taking the lead and doing so. Mr. Lotsof then addressed the Council regarding the Benson Motel stating the report on the property indicated it was owned by GMAC. Mr. Lotsof then stated the motel was built in 1930s and while over the years, some famous people stayed there, today only bums stay there. Mr. Lotsof then stated 2 weeks ago at the City Council meeting, the Public Works Director gave the impression that this real estate, which the County assessor values at over $300,000, could become the City's property for minimal cost. Mr. Lotsof stated the Council wasn't told anything about GMAC, the back taxes in the tens of thousands of dollars, or anything about the Phoenix attorney that paid the back taxes in the amount of $51,000. Mr. Lotsof stated the biggest question is what GMAC will do to protect its substantial investment or if they will write it off as a total loss, adding if they defend their property rights, the City won't get the property, and even if they do nothing, it will still be a mess due to demolition costs and attorneys' fees. Mr. Lotsof then stated if the City does get the property, the property will be exempt from property taxes. Mr. Lotsof then stated he remembers the City doing this with other property and then selling the property for a fraction of its value, adding he is wondering if some developer is using the City to line his own pockets. Mr. Lotsof then stated if the Council is thinking of replacing Mr. Stephens, they should remember how long it took them to find him.

Jeff Cook, Huachuca Street, Benson, stated he had spoken with Mr. Stephens and Mr. Stephens doesn't know why he's on the agenda, but Mr. Cook has spoken to a number of people who are in the know, and the item is to fire Mr. Stephens. Mr. Cook then asked the termination would be for cause or for politics or paranoia, adding the Council has had phony accusations before and he would like to address some of those. Mr. Cook then stated as a Council, they agreed to hire Stephen Paulken and Toney King singlehandedly destroyed that opportunity, adding the City ended up with Mr. Stephens and Mayor King doesn't want that. Mr. Cook then stated since August, nothing has been done about Post Ranch Road, adding back in December, he had possession of state laws regarding the public road and the Mayor didn't. Mr. Cook then stated the Mayor was waiting for someone to tell him what to do and what to think. Mr. Cook then stated Mayor King voted for Wal-Mart and to give them $2.5 million. Mr. Cook then stated at the League Conference, he asked some people from Maricopa about El Dorado and then spoke to Mr. Stephens and the Mayor about it, adding the

next thing Mr. Cook knew, the Mayor was putting a meeting together with the Town of Buckeye, when in reality, Mr. Stephens did it. Mr. Cook then stated Mayor King voted to pay the pizza boy over $15,000 for absolutely no reason, noting the City did nothing wrong and there was no lawsuit or even the possibility of a law suit. Mr. Cook then stated Mayor King was for Don Howard, even after Mr. Cook told the Mayor that Mr. Howard falsified his resume regarding the budget and number of employees. Mr. Cook then stated after the Council found out Mr. Howard was a felon, the Mayor still supported him until Mr. Cox found out that Mr. Howard was not able to be bonded and therefore, could not be in charge of the Police, Gas or Finance Departments. Mr. Cook then stated if anyone needed to be removed for cause, it was the Mayor. Mr. Cook then stated the Mayor went after Mr. Cook, when he called the Mayor's friend a loud-mouthed bully, and when Mr. Cook abstained from a vote, the Mayor attempted to change the City Code to turn Mr. Cook's vote from an abstention to a yes vote. Mr. Cook then stated the Mayor signed a letter in support of Arizona legislation that would eliminate a required 100-year water assurance for developments. Mr. Cook then stated the Mayor voted on a contract El Dorado brought to the Council for Bond Counsel or a Bond Underwriter, and the Mayor voted for the contract even though he had no intention of honoring it. Mr. Cook then stated the people who are in favor of the Mayor's incompetence have incredibly bad judgement, and apparent corruption if they would like to fire Mr. Stephens as the City Manager and hire Terri Jo Neff as the next City Finance Director. Mr. Cook then stated the Mayor betrayed Councilmember McGoffin, ex-Councilmember Wangsness, Stephen Paulken, Jim Cox, Jared Riker and him. Mr. Cook then stated Mayor King had 3 months to prepare and tonight, Mr. Stephens still doesn't know why he's on the agenda, adding if the Council is following the law, a majority of them don't know either and now the Council will be given a few minutes to decide whether to fire Mr. Stephens or not; the same way Mayor King went after Mr. Cox and Mr. Riker and fired them without cause for doing absolutely nothing wrong. Mr. Cook then stated this is what political corruption is. Mayor King stated Mr. Cook was out of time to address the Council. Mr. Cook attempted to continue with both Mayor King and the City Attorney telling Mr. Cook he had exceeded his time to address the Council.

Mahlon MacKenzie, Mescal, addressed the Council concerning the Chamber of Commerce. Mr. MacKenzie stated the Chamber is going favorably and they want to see positive things, adding for the first time in quite a few months, they held a successful mixer at NBA with about 40 people in attendance. Mr. MacKenzie stated the previous mixer held 6 or 8 months ago probably had about 5 public citizens in addition to the business owners, which put a damper on his efforts, but with the successful mixer, he is looking forward to more. Mr. MacKenzie then thanked NBA and Regain Wilmarth for the great jobs they did with the mixer. Mr. MacKenzie then stated the Chamber is looking at holding mixers in May and July in addition to the Spring Fling in April. Mr. MacKenzie then stated downtown needs to move forward in a favorable fashion and the best way to do that is by working together, through bumps and bruises. Mr. MacKenzie then stated he has done a number of things in Benson with real estate and over the years, he has experienced a lot of restrictions and things that have stopped him along the way. Mr. MaKenzie then stated he and another gentleman wanted to do a building project at the airport and it took the better part of a year to even get an RFP out, adding he and the gentleman were 1 of 2 people who bid on the project and it still took them 3 years to put up a metal building on a concrete slab on public property. Mr. MacKenzie stated they were met with bump after bump and that's how long it took just to work through those issues. Mr. MacKenzie then stated an ex-Councilmember told him that of all the people who want to build, it took someone local, who didn't decide to get up and leave because of all the bumps, to do it. Mr. MacKenzie then stated it's time to pull together and work together, adding there are things coming down the pipe and there are a lot of things that need to be done in a favorable fashion. Mr. MacKenzie then asked the Council to think of stability and consistency and make the community a more favorable place to do business for the small business person. Mr. MacKenzie then stated there will be a Chamber meeting tomorrow night and invited the Council to attend, asking the Council again to move forward in a positive fashion.

Barbara Nunn, La Cuesta, Benson, stated the agenda item regarding the City Manager seems threatening and their work phone has blown up over the last 4 days with over 30 people who vote for Councilmembers, calling to ask her what the latest drama is all about. Ms. Nunn then stated of course, no one in the public knows. Ms. Nunn then stated she is very active in the community and comes to the Council meetings, adding people speak through her because they don't have the nerve to come and speak for themselves. Ms. Nunn then stated she sees about 20 people a day, noting a lot of people support Vigneto and some don't, but the ones who don't are

the same people who loved dirt streets and no electricity or running water and don't want change. Ms. Nunn then stated she spent 6 hours on her computer going through Council meetings, and she heard Mayor King commend Mr. Stephens over and over. Ms. Nunn then stated a few years back, the City had Martin Roush and the stupid attorney who cost the City a lot of money and put Benson in the toilet financially. Ms. Nunn then stated the Council might as well fire the City Attorney for wearing a pink shirt because they fire people for no reason, then stated that Mr. Stephens is doing a wonderful job doesn't seem to matter. Ms. Nunn then stated the City can bring J.T. Moffett back and he can stand and scream at one of the Council and they can scream back, adding the public all sat here and listened to that for months and it wasn't stopped. Ms. Nunn then stated Mr. Moffett would tell the Councilmembers how to vote and the people are not going to put up with that again. Ms. Nunn then stated she received a lot of phone calls when Lori McGoffin, who isn't her friend and is someone she doesn't really know, was removed as Vice Mayor, and how weird it was that Pat Boyle brought it up and before it was out of his mouth, Mayor King seconded it. Ms. Nunn then stated lots of times in the past, when Mayor King was sick, she saw Vice Mayor McGoffin assist the Mayor time and time again. Ms. Nunn then stated this agenda item looks contrived and deliberate, adding it's vicious and unfounded. Ms. Nunn then stated she doesn't know what the Council's problem is but they need to work it out, adding they shouldn't bring someone like Mr. Stephens with honor and integrity and then do this, adding what Council is doing is wrong and they need to man up and do the right thing.

Dave Thompson, La Cuesta, Benson, stated he has had a business here for about 8½ years, adding he's not much for tact or diplomacy, as the Council knows, but he is honest and is going to say what's in his heart. Mr. Thompson then stated for years, Benson had no City Manager, noting the City had interims, but no City Manager. Mr. Thompson then stated Mr. Stephens comes along and takes the job at the minimum wage the Council could pay, hoping he could help the City. Mr. Thompson stated Mr. Stephens has military leadership, integrity, very strong character and yes, he is a hardass, but that was his job in the military; to make things happen. Mr. Thompson then stated Mr. Stephens comes to Benson and is told to follow directives from Mayor and Council, noting the military is the same way, a person gets orders and is given time to execute those orders and a chance to respond at the end of that time, and then asked if the Council was doing that here. Mr. Thompson then stated Mr. Stephens is busy answering the phone and doing HR stuff and Council is saying he didn't get the job done, but the Council needs to give Mr. Stephens written directives and needs to be professional. Mr. Thompson then stated the Mayor and Council chose furloughs when faced with the choice between layoffs and furloughs, adding the choice wasn't made by the City Manager, but he hears a lot of people in town say Mr. Stephens was the bad guy who came up with the furloughs. Mr. Thompson then stated he hears that people lost their jobs and income, but 99% are still working today and the ones who weren't any good went away, so there's a positive to the whole thing. Mr. Thompson then stated the Council can vote to set the City back, but he voted for all the Councilmembers because he thought they were honest and the best for the City, and asked them if they were still taking direction from the galley like they did 3 years ago. Mr. Thompson then stated he has fought the tide many times and pissed off a lot of people in doing what he knows to be right and asked the Council to do what they know to be right, adding sometimes a person has to stand alone for what is right. but when it's over, they know in their heart and soul and know it's the best thing. Mr. Thompson then asked the Council to be practical, and asked where the City was going to get the money for new contracts, interviews and all that kinds of stuff. Mr. Thompson then stated the Council could bet that the next guy would want higher salary demands, adding why would anyone take this job when they see City Managers being treated this way. Mr. Thompson then asked the Council to stop be an ego Council, to think of what's best for the City instead of what's best for themselves sand keep Mr. Stephens. Mr. Thompson stated the Council should tell Mr. Stephens what they want, let him perform and stop this nonsense and move forward.

City Attorney Gary Cohen stated he wanted to let the public know and to remind the new Councilmembers that there is a statute that dictates the rules of the Call to the Public. Mr. Cohen then stated the language of the statute reads that 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 ask that a matter be put on a future agenda. Mr. Cohen then stated the Council heard the dialogue of Mr. Cook and there may have been criticism of Mayor King, adding the Mayor asked for permission to respond, and his answer to Mayor King was that he could respond at the conclusion of the Call to the Public. Mr. Cohen then

stated the Council is now at the conclusion and the Mayor has to floor to spend a few minutes to respond before the Council moves on.

Mayor King stated a lot of things were said about him that were uncalled for. Mayor King then stated he can't fire employees, adding there were a lot of misstatements and the things Mr. Cook said were not true.

CITY MANAGER REPORT:

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

Monday, April 3, 2017	–	Planning & Zoning Commission, 9:00 a.m., City Hall
Tuesday, April 4, 2017	–	Planning & Zoning Commission, 7:00 p.m., City Hall
Monday, April 10, 2017	–	City Council Meeting, 7:00 p.m., City Hall
Tuesday, April 11, 2017	–	Library Advisory Board, 4:00 p.m., Library
Monday, April 24, 2017	–	City Council Meeting, 7:00 p.m., City Hall
Tuesday, April 25, 2017	–	Community Watershed Alliance, 6:30 p.m., Library
Saturday, April 8, 2017	–	Little League Opening Ceremonies, Time and additional details to be determined, Lions Park

Mr. Stephens stated for more events in Benson, the public could visit the City's website: www.cityofbenson.com. Mr. Stephens then stated he told Council and specifically Vice Mayor Konrad, that he would look into the $94,000 expenditure issue on the Consent Agenda, adding the Council communication summarized a large number of credit card charges. Mr. Stephens then stated the expenditure information in the Council packet is broken out by department and line item from the budget that was passed last year. Mr. Stephens then stated he went to Finance to get the actual charges and found that the City was recently able to work out a deal to get cash back when charges are made to the Visa card. Mr. Stephens then stated due to this change, more expenditures are being paid for using the credit card, then noted, the particular charges totaling approximately $94,000 were still higher than the normal monthly expenditures, but this was due to the credit card billing cycle having 2 electric bill cycles. Mr. Stephens then stated if the Council would like the invoice information in the Council packet displayed differently, that is something that can be reviewed and discussed to see if it would be plausible. Councilmember Lambert asked what the cash back percentage of charges was with Mr. Stephens stating he would have to get that information. Vice Mayor Konrad stated credit card companies typically give back around 2%.

Mayor King asked about dedicating the Sand Lot at Lions Park with Mr. Stephens stating City Clerk Vicki Vivian had talked to the Little League Board President. Ms. Vivian then stated she had spoken to the Board President who told her he would incorporate the unveiling of the sign into their program on April 8. Ms. Vivian then stated the Board President would be calling her with the details and at that time, she would notify the Council.

NEW BUSINESS:

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

1a. Minutes of the January 3, 2017 Special Meeting
1b. Minutes of the January 11, 2017 Special Meeting
1c. Minutes of the January 23, 2017 Regular Meeting
1d. Resignation of Tom Sanor from the Benson Planning & Zoning Commission
1e. Appointment of Michael Jabkowski to the Benson Planning & Zoning Commission
1f. Invoices process for the period from March 1, 2017 through March 15, 2017

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

2. **Discussion and possible action regarding Resolution 6-2017 of the Mayor and Council of the City of Benson, Arizona, recommending approval of the issuance of a Series 10 (Beer/Wine Store) Liquor License at Chevron, 680 N. Ocotillo Road, Benson, Arizona**

City Clerk Vicki Vivian stated Chevron has applied for a liquor license application and the procedures have been followed according to A.R.S. §4-201, with no written arguments in favor of or opposed to the issuance of the license being received. Ms. Vivian then stated this is now the step where the governing body of the City or Town shall then enter an order recommending approval or disapproval within sixty days after filing of the application, adding once the Council makes a recommendation, she would forward the proper documents to the Arizona Department of Liquor Licenses & Control. Ms. Vivian then stated the owner, Liz Holly was present should Council have any questions. Councilmember Lambert stated he had met with the owner multiple times, adding she also owns Junction Express and also has a liquor license at that location. Councilmember Lambert then stated the new business has an excellent lay out and is nice and clean. Councilmember Lambert then moved to approved Resolution 6-2017. Seconded by Vice Mayor Konrad. Motion passed 7-0

3. **Discussion and consideration of employment, dismissal, salaries, disciplining or resignation of the City Manager. See, however, Executive Session Item #1, below**

Vice Mayor Konrad moved to enter into executive session with Mayor and Council, the City Attorney and the City Clerk. Seconded by Councilmember Boyle. Councilmember Lambert asked which executive session Vice Mayor Konrad was referring to with City Attorney Gary Cohen stating the Council would only be allowed to hold an executive session to obtain legal advice as the City Manager has exercised his right to have then executive session regarding the discussion and consideration of employment, dismissal, salaries, disciplining or resignation of the City Manager discussed publicly under this New Business Item. Councilmember Lambert then stated he knew the answer, but wanted the City Attorney to clarify it. Motion passed 7-0 and the Council entered into an executive session at 8:07 p.m.

Council reconvened at 8:32 p.m.

Mayor King asked Mr. Stephens if he would like to make any statements on his behalf with Mr. Stephens stated he had not been informed what this is about, adding he didn't know if the item was about salaries or dismissals since no one had talked to him. Mr. Stephens then said he couldn't make a statement if he didn't know what exactly this item was about.

Councilmember Boyle stated the open meeting laws almost make this seem all underhanded and it's being done in a way that is deceitful and wrong and dishonest, but Council is not even allowed to speak about their feelings about that because this all has to be done here in the open. Councilmember Boyle then stated amongst the Council, they can't hardly make a cohesive statement, adding Council is not allowed to discuss it among themselves, so it's difficult to do something like this and do it in a way that looks proper, but from what he understands, there are other staff members, who have come and gone, who are unhappy with the way Mr. Stephens does business and left for that reason. Councilmember Boyle then stated he knows there were other people in the community that said Mr. Stephens' style of leadership caused them to want to move on, he has been told it's wrong to have such huge turnover and he has been asked what is wrong with the Council, citing the large turnover. Councilmember Boyle then stated former employees or maybe future former employees are saying they were unhappy with Bill, his leadership, the situation and the way things are going, adding this is what this item stems from tonight. Councilmember Boyle then stated he is telling Mr. Stephens this so Mr. Stephens knows the Council is not trying to be deceitful and underhanded, but is simply following up on what they've been told by Staff and some of the people they have known for a long time. Councilmember Boyle stated the Council appreciates these people's loyalty and diligence, adding they are good people, so when the Council hears these things, the Council takes them at their word when they say there are problems with the City and the way it's being run.

Councilmember Lambert stated turnover was mentioned during the Call to the Public, adding this was over 6 years, but Mr. Stephens has only been here 3 years, so some of the employees who left were out of his control. Mr. Insalaco, in the audience, asked if he could address the Council with Mayor King stating he could not.

Councilmember McGoffin stated the City Manager had nothing to do with furloughs, adding that was the Council's responsibility. Councilmember McGoffin then stated if employees left during the furloughs, she didn't think they should be counted as part of the turnover because Council should bear the burden of the decision regarding furloughs.

Councilmember Lewie stated when she first started running for Council, she heard a lot of great things about Mr. Stephens and she was excited to work with him. Councilmember Lewie then stated she listened to a very emotional Call to the Public; then stated she was here for the people, which is the point of being a Councilmember. Councilmember Lewie then stated she wanted to thank those who spoke for their honest opinion and she hoped the Council could reflect what they wanted.

Mayor King stated he has heard the same things Councilmember Boyle spoke about. Mayor King then stated he has had his differences with the City Manager, adding there are some things he has asked Mr. Stephens to do and they have not gotten done. Mayor King stated he knows Mr. Stephens is busy, but the Council did approve Mr. Stephens hiring help. Mayor King then stated in talking with some of the staff, he finds they aren't happy either, adding this is nothing personal and Mr. Stephens has done a good job since he's been here, but there were some things he's concerned about.

Mr. Stephens then addressed the Council stating he didn't know what this was about until he heard some of the comments, then added he knows of one person who may have said they weren't happy. Mr. Stephens then stated he wouldn't divulge the name, but the person told him that they were leaving for nearly double the salary, then added he would recognize there is a bit of deceit and backpedaling going on. Mr. Stephens then stated the Mayor mentioned there has been some differences, but Mayor King has not actually articulated or mentioned them to him, adding he only knows of 2 things: setting up a telephonic meeting, noting he is gathering information from Staff to do so, and the other issue is to allow folks to do things. Mr. Stephens then stated he has worked diligently trying to inform Council of issues in the City and legislative issues, adding it's difficult because Benson is a small town and doesn't do anything less on the legislative side, noting most towns have an Intergovernmental Staff member specifically for keeping the City Manager and Council informed, but he does that. Mr. Stephens then stated the City doesn't have an HR Director, adding the City did have an HR Coordinator, but he was the HR Director and he could go on and on, adding he is the end-all, be-all when it comes to that and no one has been disgruntled. Mr. Stephens then stated he does have a list of names of people who have transitioned, stating many come from different investigations, police investigations that he actually initiated in order to stop fraud and theft, adding there was money being stolen, alcohol being taken, supplies being taken and sold on eBay and a number of things going on that he discovered on his arrival and worked diligently to clear that up. Mr. Stephens then stated he knows there are some Councilmembers who know what he is talking about and he has done nothing but try to stand between Council and harm's way, adding he is willing to do that. Mr. Stephens then thanked the people who spoke on his behalf, stating he was very moved and appreciated it. Mr. Stephens then stated that no matter the outcome, whether he stayed or went, he would be ok and the City would be ok, adding the City may be in turmoil for a bit, but it will carry on. Mr. Stephens then stated he would request to remain because when he took this job, he could have simply retired, but he wanted to continue to contribute, and as a result of that, he took the lowest salary possible the Council could pay the City Manager, which he has had since the beginning of his tenure. Mr. Stephens then stated he was proud to serve and wants to be here. Mr. Stephens then stated he did have some contact with the City of Benson back when he was younger, adding he didn't grow up in Benson, but he did grow up in Arizona and he was happy to embrace the opportunity to be here and be the City Manager. Mr. Stephens then stated he has grown to care for the community of Benson immensely, as well as many of the people who live in the community, adding he even found an old boss still lives in the area. Mr. Stephens then thanked the Council for the opportunity and stated he was more than willing to sit down with his boss, noting his boss constitutes 7 Councilmembers, and listen to anything they had to say, because if he is falling short or not meeting expectations, he is willing to strive very hard to meet those expectations. Mr. Stephens then stated in the chaos of his day-to-day environment, where he tries to handle things that sometimes come up

spontaneously, he may lose sight of a goal the Council wishes to have done and he may need the Council to refocus him because he's putting out fires as fast as they start. Mr. Stephens then stated he would appreciate that guidance and communication because he represents Council and takes his direction from Council, adding he is not an independent operator. Mr. Stephens then stated he is very familiar with that process, having been in the military; the Council gives him direction and he moves forward to execute what it is the Council wants him to execute. Mr. Stephens then asked the Council to keep in mind there are 7 Councilmembers and they don't always agree, which is why he would like to meet with the Council collectively, adding the Council can then tell him what they want, noting they need to agree because he can't go in 2 or 3 directions all at once on particular issue. Mr. Stephens then stated he is willing to hear the Council and once they agree on what they want him to accomplish, he is will be to their City Manager and get that done. Mr. Stephens then thanked the Council.

Councilmember Boyle stated he had a tough question for Mr. Stephens; then stated a couple months ago, Mr. Stephens tried to get a job with Prescott Valley, adding he realizes that Mr. Stephens has family and responsibilities beyond the scope of Benson and Mr. Stephens needs to take care of him and his family first. Councilmember Boyle then stated the reason he was saying this was because he can't say it privately. Councilmember Boyle then stated he wanted Mr. Stephens to know that there was more to this item than all this, adding the Council realizes Mr. Stephens has actively looked for other jobs in other places to improve his life. Councilmember Boyle then stated when Councilmembers hear about some people being unhappy with Mr. Stephens' leadership and the ways things are being done and then see Mr. Stephens want to move on, the Council could think maybe it is a time for a change, but they can't discuss it among themselves because it would be against the open meeting laws. Councilmember Boyle then stated he didn't mean to come down on Mr. Stephens, but he also wants people to realize that Mr. Stephens is also looking for improvements in his life.

Mr. Stephens stated he appreciated that and then stated Mayor King had talked to him and asked him not to leave, adding this was before he even applied, noting this was because the Mayor appreciated the work he did and told him many times that he thought Mr. Stephens was doing a great job. Mr. Stephens then stated he didn't necessarily look to leave and that was not at all his goal at that time. Mr. Stephens then stated the Mayor made an attempt to try and get a pay raise for Mr. Stephens which was summarily rejected and there was talk of not trusting management, noting he took that personally, because he considers himself honest and full of integrity, Mr. Stephens then stated before he continued, wanted to say that even with all the positive comments made tonight, he is human and makes mistakes, adding sometimes he forgets to double back and sometimes he forgets to return calls or something was communicated and he misses it, which is never his intent, but it does happen. Mr. Stephens then stated a former general officer he worked for called and told Mr. Stephens that the job in Prescott was open and he wanted Mr. Stephens to apply, to which Mr. Stephens told him he would give it a shot. Mr. Stephens then stated he told Mayor King that he didn't want to leave and when Mayor King was talking about a pay raise, he told Mayor King a little would help, as he knows the City Managers before him made $15,000-$35,000 more than he did, but this isn't all about money. Mr. Stephens then stated there was a lot going on and he became disillusioned by the comment that he wasn't trusted, adding that comment was actually made in public. Mr. Stephens then stated in the ultimate end, out of 50 applicants, it came down to 4 and out of those 4 applicants, he was number 2. Mr. Stephens then stated that was 7 months ago and he would like to read from an article written after an interview with Mayor King after that situation. Mr. Stephens then read from the article, stating, "I (Mayor King) know the Prescott position represented a tremendous opportunity for Bill (Stephens), but I'm very relieved that he is staying here with us. He has done an amazing job in the time he's been in Benson. He works hard, pays close attention to problems and details and is an excellent leader. I think I speak for just about everyone who works closely with Bill when I say we were sad about the prospect of losing him as our city manager. While this may be disappointing for him, it is great news for Benson." Mr. Stephens then stated he hoped "everyone who works closely with Bill" includes the Council, then added that not being chosen in Prescott was not disappointing for him and that he is happy to stay in Benson. Mr. Stephens then stated this is about him wanting to move on. Mr. Stephens then stated no one above him has come to him with any issues, adding he knows of 1 employee who may have said things and he knows of a Councilmember talking to that particular individual, adding Mayor King was even unhappy with that communication process. Mr. Stephens then stated he was not here to degrade anyone, adding he just wants to remain here and do a good job.

Vice Mayor Konrad stated he would like to address the portrayed improprieties, adding Councilmember Boyle said it well; the Council is very limited to what they can talk about among their selves. Vice Mayor Konrad then stated because of open meeting laws, when Mr. Stephens reached out to him on Friday, Vice Mayor Konrad told Mr. Stephens very honestly and openly, that he was uncomfortable having a conversation on the phone, let alone having a one-on-one conversation regarding this because he felt that was a job better for the Council, and asked Mr. Stephens if he agreed. Mr. Stephens stated what he agreed with was that he didn't know what this was about and asked Vice Mayor Konrad; then stated Vice Mayor Konrad said he didn't feel comfortable telling Mr. Stephens about it on the phone and that he would meet face-to-face with Mr. Stephens, but he never called Mr. Stephens back. Vice Mayor Konrad then stated he believed he told Mr. Stephens that he felt the entire Council should meet to discuss this. Vice Mayor Konrad then stated he feels this item was an issue the entire Council needed to address, adding he feels minor issues can be addressed with the City Manager one-on-one, but when it comes to this situation, he believes a one-on-one isn't the best way to go. Vice Mayor Konrad then stated he never meant to be disrespectful or deceitful, or anything like that, adding the Council is just very limited on what they can discuss outside of a Council meeting or in an executive session on the different directions the Council could go tonight.

Mr. Stephens then stated in terms of the processes he has mentioned, the Council is his boss, they meet, and go into an executive session, adding to use a cliché, the City Manager would be schooled, and the Council would let him know what he's doing good and where he's falling short. Mr. Stephens then stated they can also discuss in terms of what Council wants to see with a timeline to get it done, if it's appropriate. Mr. Stephens stated the Council can request him to keep the Council apprised of the issue or issues, adding he knows it sounds simple, but it can get convoluted and a defined process can help. Mr. Stephens then stated even though he was told there were problems and was told he and the Council should meet individually, if he takes direction from Councilmember Boyle and it's different than the direction he gets from Councilmember McGoffin, he would already be in conflict, adding he would rather have the 7 Councilmembers discuss and agree on the direction they would want Mr. Stephens to go. Mr. Stephens then stated in that sense, he was with Vice Mayor Konrad, but he was just asking what this agenda item was about, adding he actually asked so that instead of holding a public session that may hurt the City, they could have met in an executive session and Council could discuss with him, their objectives and disappointments. Mr. Stephens then stated that way it would be very clear, adding he hasn't gotten anything other than a lot of smiles and handshakes, adding he doesn't hear a lot of comments about him not doing a good job and if that is the case, he'd like to hear it because he prides himself on doing a good job. Mr. Stephens then stated he aims to please and wants to stay to serve the Council and the citizens of Benson, adding he could retire today, but he doesn't want to. Mr. Stephens then stated it was in the Council's hands and he appreciated the opportunity to speak.

Vice Mayor Konrad stated Mr. Stephens exercised his right to discuss this in public and asked if he would prefer to hold an executive session with Mr. Stephens stated he didn't want to violate the law relative to executive session and would let the attorney address this particular issue.

City Attorney Gary Cohen stated at this time, Mr. Stephens' right has been exercised. Mr. Cohen then stated what he understood Mr. Stephens to be talking about is a procedure, pursuant to Section 15 of his contract in which he is afforded an evaluation process in an executive session. Mr. Cohen then stated the ship had sailed on this issue and the Council needed to stay in the open meeting, but one of their options would be to more forward under Section 15 of the contract to meet at some date and time to be decided by Council. Mr. Cohen then stated the Council could then discuss and evaluate the mutual working relationship, essentially the evaluation, which is authorized not just under statute, but under Mr. Stephens' contract, adding he thinks that is what Mr. Stephens is talking about with Mr. Stephens confirming it was.

Vice Mayor Konrad then stated that depending on the outcome of New Business Item #3, that would be an option moving forward with Mr. Cohen stating Vice Mayor Konrad was correct. Mr. Cohen then stated that as a matter of fact, it could be one of the outcomes; to make a motion with moving forward under Section 15 of the contract to hold an evaluation.

Vice Mayor Konrad then stated he didn't want to mix one thing up with another, adding New Business Item #3 is specifically on the agenda to deal with the City Manager's employment. Mr. Cohen agreed, stating the language on the agenda regarding the consideration of employment is broad and noted that he copied the language from the statute to cover all bases because he didn't know where this was going. Mr. Cohen then stated due to the broad language, one of those considerations could be simply to, if Council wanted, move forward under Section 15 of Mr. Stephens' contract and invoke an evaluation process, as outlined, adding that is one option, then noted there are many options based on this agenda item as it is written.

Vice Mayor Konrad stated it's unfortunate and awkward that it would come to this because it looks like the Council is so disjointed, but he doesn't believe they are, adding he thinks the Council is pretty cohesive. Vice Mayor Konrad then stated at this time, he would move to table this item and schedule an executive session. Don Buchanan in the audience laughed loudly and Mayor King asked Mr. Buchanan to stop interrupting. Mayor King then asked Mr. Buchanan to leave the meeting after Mr. Buchanan flipped off the Mayor. Mr. Buchanan then left the meeting.

Vice Mayor Konrad stated he wanted to review New Business Item #3 and then rescinded his motion.

Councilmember McGoffin stated from what she has gathered, a lot of Councilmembers are apparently talking to employees, which is not the Council's job, adding the employees need to be going to their supervisors and follow the chain of command. Councilmember McGoffin then stated if there is a problem with the employees, the Councilmembers should be taking it to the City Manager to handle and if there is a problem with the City Manager, the Councilmembers need to sit and talk to the City Manager about the issue and see if it can be worked out. Councilmember McGoffin then stated as long as she has been around and her husband has been an employee of the City, she has always had good relationships with employees, adding they have come to her with problems, but that is not the Council's job. Councilmember McGoffin then stated the Council's jobs are to address policies and procedures and how to spend money. Councilmember McGoffin then stated dealing with employees is the City Manager's job and the Council shouldn't be getting in the middle, adding when employees feel like they can come to the Councilmembers, it starts a rift and causes all this ridiculous drama. Councilmember McGoffin then stated Mr. Stephens has done anything she has asked him to and when she has had a problem with the public or staff or him, she has gone and talked to him about it. Councilmember McGoffin then stated Mr. Stephens doesn't even know what's wrong or what's going on and Councilmembers haven't even talked to him and told him they are having a problem or even given him the option to try and correct what's wrong. Councilmember McGoffin then stated she thinks firing someone just because you think they did something wrong without giving them the option to try and get better is wrong, adding if the Council fires Mr. Stephens tonight, it will cost the City 6 months of Mr. Stephens' salary and all of his paid vacation. Councilmember McGoffin then stated the City is also currently without an HR person, a Deputy Clerk, a Finance Director and will then be without a City Manager during budget season. Councilmember McGoffin then stated this is very poor timing, it's unprofessional and is the wrong choice.

Councilmember Lambert stated he agreed with Councilmember McGoffin, adding Mr. Stephens has made himself available to each Councilmember at a moment's notice, almost 24 hours a day, adding Mr. Stephens has his cell phone with him and he's even talked to Mr. Stephens on vacation. Councilmember Lambert then stated Mr. Stephens' job isn't 24/7, but the Council requires Mr. Stephens to be available more than 8-5, adding Mr. Stephens has been and has always been available and has always been professional. Councilmember Lambert then stated every time he's gone to the office and worked with Mr. Stephens, he's heard nothing bad about him; then stated it's not the Council's job to police people, but it is their job to talk to employees and ask how they are doing. Councilmember Lambert then stated Council should not step in and micro-manage the City Manager, but their job was to correct the City Manager if he is making a mistake or something else. Councilmember Lambert then stated Councilmembers brought up an alleged employee who left as a disgruntled employee, adding he had a letter from the former employee written to Mr. Stephens. Councilmember Lambert then stated the letter was written to Mr. Stephens instead of the City Council because Mr. Stephens is the boss of City and the Council is the City Manager's supervisor. Councilmember Lambert then read from the letter, "Dear Mr. Stephens, Please accept this letter as formal notification of my resignation at the City of Benson, as I have been offered a job at another company. It is with sadness that I leave my role as Finance Director, where I have worked with such fantastic and supportive team. I have really enjoyed the

variety of projects and challenges in this job and have leart [learned] much about Municipal finance. This is a decision that has not come easy, as I have built relationships and friendships. As per my employment, I am giving a two week notice and my last day will be March 10th, 2017. I will ensure that all my projects are completed and bring my staff up to speed on things outstanding. I am willing to help as a contractor or contracted employee if you require assistance to get through the next budget. This will need to be flexible, as I will only be available evenings and weekends. I'd like to extend a huge thanks to you, the Council and to the rest of the management team for all you have done for me over the last two years. Please feel free to get in touch should you require information after I have left." Councilmember Lambert then stated this disgruntled employee that the Council is talking about is actually praising Mr. Stephens and City Staff, then asked where the disgruntled part was. Councilmember Lambert then stated the letter is signed by Dustin DeSpain and asked why Mr. DeSpain didn't say he was a disgruntled employee who left because Bill Stephens pissed him off. Councilmember Lambert then stated the Council should get down to it and cut to the chase, because Councilmembers keep bringing this up. Councilmember Lambert then asked where the evidence was and who went to whom, adding he has not had 1 employee come and complain about Mr. Stephens.

Councilmember Lewie stated Mr. Stephens' contract does say that the Council will do an evaluation and it's been brought to her attention that the Council hasn't done any City Manager evaluations since Mr. Stephens started. Councilmember Lewie then stated as a new Councilmember, she feels if the Council isn't doing their jobs, then Mr. Stephens deserves a chance to do his and if there are any legitimate concerns, the Council needs to give him an opportunity to fix them.

Mayor King stated he thought the Council would be going to table the item, adding there are 2 ideas he'd like to address, first each Councilmember has individual ideas and should discuss their differences with Mr. Stephens and second, the Council should look at an evaluation process as soon as possible. Mayor King stated, again, the Council all have different ideas and they needed to sit down individually with Mr. Stephens and let him know what they think and then the Council could move forward from there.

City Attorney Gary Cohen stated after listening to Council, his recommendation would be to suggest, noting that he would be happy to take the lead if they would like him to, that he reach out to all of Council and discuss with all of them all their thoughts, whether positive or negative and could put together a document that gets shared with Council with multiple drafts until the Council feels comfortable with and use that as an evaluation the Council can use to meet with the City Manager on.

Mayor King stated he would like to table this item with Councilmember Lewie stating she doesn't want to table it, adding she thinks tabling it will only make things worse. Mayor King then asked City Attorney Gary Cohen how to address the item with a non-vote with Mr. Cohen stating he wasn't sure how to do a non-vote. Mr. Cohen then stated he understood Councilmember Lewie to say that she would like to make a motion to have the City Attorney take the lead in working with the Mayor and Council to develop a draft evaluation that would be used to meet with the City Manager in an executive session pursuant to Section 15 of his contract.

Councilmember McGoffin disagreed and then stated she thought it was unfair to Mr. Stephens to leave him hanging on whether he has a job or not, so at some point tonight, the Council needed to make a decision on whether Mr. Stephens stays or not. Councilmember McGoffin then asked if she could move to keep Mr. Stephens and in the near future, schedule an evaluation with Mr. Cohen stating she could do so. Mr. Cohen then stated by directing the City Attorney to do as he mentioned, Mr. Stephens obviously would not being terminated and he would remain, adding the Council would simply be invoking Section 15 of the contract. Mr. Cohen then stated if Council wished to reaffirm Mr. Stephens employment, they could, but Mr. Stephens' employment is under contract and would no longer be only if he were voted out by the Council. Mr. Cohen then stated his suggestion would accomplish the same result, but it was up to the Council with Councilmember McGoffin stating the difference would be that the City would have to pay the attorney for that, adding she thinks the Council can all have input and come up with an evaluation. Mr. Cohen stated he understood how his suggestion could be seen as self-serving, but his only intention was to try and be helpful, adding he will leave it at the direction of Mayor and Council.

Mayor King then moved to follow the City Attorney's advice and moved to direct the City Attorney to work with Mayor and Council to create a performance evaluation that would then be discussed with the City Manager in an executive session to take place as soon as possible. Motion died for lack of second.

Councilmember Boyle then moved to drop the matter, referencing New Business Item #3, and advised Staff to prepare a meeting to meet with Mr. Stephens. City Attorney Gary Cohen stated if he was hearing correctly, the motion was to table Item #3. Councilmember Boyle stated if that made it go away, yes. Motion was seconded by Councilmember McGoffin.

Vice Mayor Konrad said he wanted to make a comment, then stated the motion doesn't really make the item go away, adding the Council moves forward from here. Vice Mayor Konrad then stated it was unfortunate and awkward that something comes to this, but all 7 Councilmembers need to get together and resolve any issues that are outstanding. Vice Mayor Konrad then stated if Mr. Stephens is willing to meet with the Council collectively and discuss those issues, he was also willing to meet.

City Attorney Gary Cohen stated one option for Council in that regard, would be to ask Councilmember Boyle if he would amend his motion to include a provision to schedule an executive session to discuss the City Manager at the next meeting. Councilmember Boyle stated that is basically what he was saying and that was his motion. Mr. Cohen then stated if he understood Councilmember Boyle correctly, the motion is to simply table item #3 and to place a discussion of the City Manager's employment and performance on the next executive session for the next meeting.

Mayor King asked if there was a second to the motion with Mr. Cohen asking Councilmember Boyle if he would accept that friendly amendment Vice Mayor Konrad would like. Vice Mayor Konrad then stated Councilmember Boyle did not misstate his motion, then stated he was just clarifying the fact that the Council isn't trying to make something go away. Mayor King then stated a motion and second was on the floor and asked if there was any further discussion. Mr. Cohen stated the pending motion was to table Agenda Item #3.

Councilmember Lambert then asked City Clerk Vicki Vivian who put this item on the agenda. Mayor King stated he did. Councilmember Lambert confirmed this with Ms. Vivian, then asked when it was put on the agenda with Mayor King stating he put it on the agenda on Wednesday afternoon. Councilmember Lambert then stated Mr. Stephens was out ill Wednesday and this item was put on the agenda without his knowledge behind his back. Councilmember Lambert then stated he was just making a statement and no one should get upset, adding they could take a valium if they had to. Councilmember Lambert said he was just making a statement and was just trying to answer some of the questions that were put out at the Call to the Public as to why this is on the agenda, adding Mr. Stephens has impeccable character and high integrity. Councilmember Lambert then stated he was just trying to answer these question, because in his mind, this was false information. Councilmember Lambert then addressed a member of the public, telling him to "Shake your head, Geoff, who cares" with Geoff Oldfather asking if he could address the Council. Mayor King stated he could not. Councilmember Lambert then stated another question is he knows a lot of these things came up, but nobody wants to address them; who put it on there, when, why and how.

Mayor King called for a vote with Councilmember Lambert asking what the motion was. City Attorney Gary Cohen stated the City Clerk should read the motion. City Clerk Vicki Vivian stated Councilmember Boyle moved to drop the matter and advise Staff to prepare a meeting to meet with Mr. Stephens in an executive session as soon as possible. Mr. Cohen clarified the matter would not technically be dropped, but would be tabled. Motion passed 7-0.

EXECUTIVE SESSION: Pursuant to A.R.S. §38-431.03(A)(1), discussion and consideration of employment, dismissal, salaries, disciplining or resignation of the City Manager. This matter may, at the option of the City Manager, be discussed and considered in public pursuant to the above applicable New Business agenda item.

EXECUTIVE SESSION: Pursuant to A.R.S. §38-431.03(A)(3)&(4), discussion or consultation with the City Attorney about the City Manager.

DEPARTMENT REPORTS: No comments from Council.

ADJOURNMENT:

Councilmember McGoffin moved to adjourn at 9:16 p.m. Seconded by Councilmember Lewie. Motion passed 7-0.

_____
Toney D. King, Sr., Mayor

ATTEST:

_____
Vicki L. Vivian, CMC, City Clerk