

**THE WORKSESSION  
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA  
HELD AUGUST 8, 2011 AT 6:00 P.M.  
AT CITY HALL, 120 W. 6TH STREET, BENSON, ARIZONA**

**CALL TO ORDER:**

Mayor King called the meeting to order at 6:00 p.m. with the pledge of allegiance.

**ROLL CALL:**

Present were: Mayor Toney D. King, Sr., Councilmembers Ron Brooks (arriving at 6:21 p.m.), David Lambert, Chris Moncada and Al Sacco. Excused were: Vice Mayor McGoffin and Councilmember Nick Maldonado.

**NEW BUSINESS:**

- 1. Discussion regarding the Development Services Department; consolidating both the Planning & Zoning Department and the Building & Safety Department. Discussion may include implementation, proposed changes to the departments and to the City Code to reflect such changes and direction from Council concerning the departments.**

Mayor King asked the Councilmembers if they would like to reschedule the worksession since there were only 4 members present and Councilmember Sacco did not have the material. Councilmembers Lambert & Moncada felt the worksession should continue stating the information presented may answer some questions Councilmember Sacco had, adding another worksession could be scheduled later, if needed.

Building Official Luis Garcia gave a presentation on combining the Planning & Zoning Department with the Building & Safety Department. Mr. Garcia's comments included that on November 26, 2007, the Council voted 7-0 to combine the positions of the Planning & Zoning Director and the Building Official, noting some of the reasoning for this was that the functions of the Planning & Zoning Director and the Building Official have overlapped for years, including the functions of the Zoning Administrator and the Building Inspector. Mr. Garcia stated the combining of the two departments creates a streamlined process and consistent enforcement by establishing a one-stop shop for development projects. Mr. Garcia's presentation then addressed the proposed changes to the current Building chapter, including the omission of the Board of Appeals, stating the establishing of the Board of Appeals is contained in the adopted Building Safety Code; the omission of the Construction Standards for Public Works, stating these provisions are appropriate in the respective Public Works chapter; the omission of the Mobile Homes/ Manufactured Housing, stating the regulations for the installation of manufactured homes are contained in the rules adopted by the State of Arizona Manufactured Housing; and the omission of Fire Prevention, stating the Fire Prevention provisions are appropriate in the respective Fire Department chapter. Mr. Garcia's presentation then addressed the proposed changes to the current Health and Sanitation chapter, including the omission of Solid Waste Collection & Disposal, stating these provisions are appropriate in the respective Public Works chapter; the expansion of Definitions, stating these were expanded to be more complete and give both the public and Staff a more accurate and consistent application of these provisions; the clarification of Correspondence, stating this process was incomplete in the current chapter and lacked provisions on dealing with all conditions; the omission of Smoking, stating this may be contained in an appropriate chapter; and the omission of Sale of Ephedrine or Pseudoephedrine, stating these provisions are appropriate in another chapter.

Councilmember Sacco asked about staffing with Mr. Garcia stating in 2007, Council voted to combine the positions of Building Official and Planning & Zoning Director and to approve the position of a Senior Planner. Mr. Garcia stated the job descriptions were still separate, but the functions were approved to be combined and are being done together. Mr. Garcia then stated the consolidation of the departments would not require any additional staff, adding approximately 10 months ago, the City Manager appointed him as

the Zoning Administrator and with his experience in planning, put him into the position of the Building Official and Planning & Zoning Director. Councilmember Sacco asked if this was in the budget or if it would have to be added with Mr. Garcia stating the consolidation would require no budget changes, adding after Council approved this change in 2007, this is how the departments have been operating, it's just not reflected in the City Code. Councilmember Sacco then stated he would like a copy of the correspondence Staff sends to property owners for property violations. **Councilmember Sacco also stated the Planning & Zoning Commission needed to be included in the City Code, Chapter 18, "Boards & Commissions" as they were not mentioned. Mr. Garcia stated Staff was currently reviewing the City Code, chapter by chapter to update it and this would be addressed.**

Councilmember Brooks asked who was in charge of Planning & GIS with Mr. Garcia stating he was currently over Planning & Zoning and Building & Safety, encompassing GIS as well. Councilmember Brooks then stated a lot of the definitions were good, then asked how the changes will come about and what type of enforcement will be done, adding he is a property rights advocate and thinks the government already has too much control. Councilmember Brooks then stated he is all for a cleaner city, but the implementation scares him a bit and asked how it would be done so people would not feel it was done intentionally. Mr. Garcia stated life safety issues would be enforced first, which is always the policy, and would be the approach, adding the lack of paint is not the issue, it's the deterioration of the membrane behind the paint. Again stating, the life safety issue would trigger enforcement and the Building Inspector would enforce the code under the guidance of the Building Official. Mr. Garcia then stated the City's adopted building safety codes would kick in to provide clarification, if needed.

Mayor King then talked about enforcement asking if there was someone who couldn't do what was needed, if that would be taken into consideration. Mr. Garcia stated he is very sensitive to this and likes to provide discretion to allow those time frames, adding discretion is exercised now, but it is not clear in the current City Code chapters.

Councilmember Sacco asked if the proposed changes would impact any boards or commissions or any applications in process now, with Mr. Garcia stating it did not.

Councilmember Brooks asked if the proposed changes would impact what is happening now, with Mr. Garcia stating the only change proposed at this point is to combine departments and provide a clearer premise maintenance.

Councilmember Sacco asked if the existing parks would be grandfathered, or if they were to pull out a trailer and put one in, if they would have to follow the new code with Mr. Garcia stating the proposed section will apply to all buildings, structures and lands within the City of Benson without regard to the use, the date of construction, improvement or alterations. Mr. Garcia then stated the proposed section will not require changes in existing buildings and utilities when alterations were installed and have been maintained in accordance with the City of Benson Building Safety Codes in effect at the time of construction or alteration of the subject building or utilities.

Councilmember Sacco then stated he wanted the public to understand it wouldn't affect them with Mr. Garcia stating it does not give the right for a property to become out of maintenance, regardless if it's existing or new.

Councilmember Sacco asked if the changes were for "new development" only and then asked for a marked up version so he could tell what was being changed. Mr. Garcia stated the changes were so substantive; a red-lined version wouldn't help with the clarification. City Clerk Vicki Vivian suggested referencing sections from the current chapters to the proposed new chapter. Mayor King then suggested Mr. Garcia offer a small write-up or explanation on the changes in each section. Mr. Garcia stated he could provide the current Chapters 7 and 9 with commentary on what happened to that provision, showing omissions and revisions instead of a red-lined version. Mayor King stated that would be a good tool for the next worksession **on the proposed changes.**

Councilmember Brooks asked if property deterioration was addressed in the existing code with Mr. Garcia stating everything in the proposed chapter currently exists and the only changes were to combine chapters into one new chapter and add items contained in the adopted Building Safety Codes, which are not referenced appropriately now. Mr. Garcia then stated the proposed chapter gives Council, Staff and the public more clarity.

Mr. Garcia then stated he will provide a commentary on the existing chapters and schedule an additional worksession for Council.

**ADJOURNMENT:**

Councilmember Sacco moved to adjourn at 6:39 p.m. Seconded by Councilmember Moncada. Motion passed 5-0.

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Toney D. King, Sr., Mayor

ATTEST:

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Vicki L. Vivian, CMC, City Clerk