

CITY COUNCIL
REGULAR MEETING
SEPTEMBER 1, 1987

The regular meeting of the City Council of the City of Apache Junction, Arizona, was held on September 1, 1987, at the Apache Junction City Council Chambers pursuant to the notice required by law.

CALL TO ORDER

Mayor Hill called the meeting to order at 7:00 p.m.

INVOCATION

Councilwoman Gardner gave the Invocation.

PLEDGE OF ALLEGIANCE

Vice Mayor Bakkedah1 led the Pledge of Allegiance.

ROLL CALL

Councilmen Present: Councilman Damiano
Councilwoman Perkins
Councilwoman Gardner
Councilman Bluntschly
Vice Mayor Bakkedah1
Mayor Hill

Councilman Absent: Councilman Burgess (ill)

Staff Present: City Manager Bill R. Da Vee
City Clerk Kathleen Connelly
Deputy City Clerk Lori Zmayefski
City Attorney David Alexander
Director of Public Safety Bill McDaniel
Associate Planner/Deputy Director Jim Nakagawa
Director of Public Works Rich Broman
Director of Community Services Jeff Bell
Economic Development Specialist John Schoeph
Operations Supervisor Doug Dobson
Assistant Planner Julie Reid

Others Present: Mr. Keith Stachar
6301 E. Roundup
Apache Junction, Arizona

CALL TO THE PUBLIC

Mr. Keith Stachar, 6301 E. Roundup, Apache Junction, informed the Council of the County tax situation, and that a State mandate is coming to reassess all industrial property in Pinal County.

CITY MANAGER'S REPORT

City Manager Bill R. Da Vee informed the Council that the State has made a decision to request a re-evaluation of property sales, and there will be a hearing, if anyone is interested in attending. Mr. Da Vee also reported that City of Mesa officials have assured the City that any of their proposed changes would not affect the construction schedule of the Freeway, and the Director of Arizona Department of Transportation felt that the three changes requested by the City of Mesa would not affect the current design features or construction schedule of the Superstition Freeway, and also stated that outside consultants have been contacted to review the State report, and have indicated that a proposal for Council approval will be prepared evaluating the State's recommendation. Mr. Da Vee also reported that Central Arizona Association of Governments Management Committee will be meeting on Thursday to award merit points for the Community Development Block Grant Program, and the City will be making a presentation at that meeting hoping to be funded for the project submitted, which was for improvements in targeted areas and street and lighting improvements in some neighborhoods.

PUBLIC HEARINGS

APPLICATION FOR SERIES 12 LIQUOR
LICENSE, SUPERSTITION SKIES)

) Ms Janet Sotomayor, 945 E. Scenic,
Apache Junction, applicant for the Series 12 Liquor License, requested approval
of the liquor license.

Mayor Hill asked if there was anyone who wished to speak in favor of or in opposition to the application. There being no one wishing to address the Council, Mayor Hill closed the hearing to the public.

Councilman Damiano MOVED THAT THE
APPLICATION FOR A SERIES 12 LIQUOR LICENSE, SUBMITTED BY MR. ESPIRIDION R.
SOTOMAYOR FOR SUPERSTITION SKIES RESTAURANT AND LOUNGE, BE RECOMMENDED FOR
APPROVAL TO THE STATE DEPARTMENT OF LIQUOR LICENSES AND CONTROL.

Councilwoman Perkins seconded the
motion.

VOTE: Unanimous

The motion carried.

PROPOSED ORDINANCE NO. 557, AMENDMENTS
TO ZONING ORDINANCE DEFINING ADULT USES
AND REGULATING THE LOCATION OF ADULT USES
(Postponed Item)

) Associate Planner/Deputy Director

Jim Nakagawa explained that this ordinance is a proposed amendment to the Zoning Ordinance which would define "Adult Uses", would establish zoning districts where those uses may be permitted, and previously the City Council adopted Ordinance No. 486, than adopted a moratorium prohibiting the establishment of any "Adult Use", and than repealed Ordinance No. 486. Mr. Nakagawa stated that Ordinance No. 557 was developed as a result of recent U.S. Supreme Court rulings regarding Zoning Ordinances regulating "Adult Uses", which excludes convenience and video stores that offer only offer these products on an incidental basis, identifies the purpose of the Ordinance, and identifies zoning districts where these uses may be permitted.

Mayor Hill asked if there was anyone who wished to speak on this item.

Mr. Jimmy Eidson, 944 W. 3rd Avenue, Apache Junction, addressed the Council in favor of the Ordinance with the words "substantial and significant" removed.

There being no one else wishing to address the Council, Mayor Hill closed the hearing to the public.

Councilman Damiano MOVED THAT
ORDINANCE NO. 557, BE READ BY TITLE ONLY AND THE READING OF THE ENTIRE ORDINANCE BE WAIVED.

Councilwoman Gardner seconded the motion.

VOTE: Unanimous

The motion carried.

City Clerk Kathleen Connelly read as follows:

ORDINANCE NO. 557, AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING THE APACHE JUNCTION, ARIZONA, ZONING ORDINANCE, BY AMENDING AND ADDING SECTION 5.0101, BY AMENDING AND ADDING TO SECTION 16.0604 (3), BY ADDING SECTION 17.0111, AND BY ADDING SECTION 17.0211; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

Councilman Damiano MOVED THAT
ORDINANCE NO. 557, AS READ BY THE CITY CLERK, BE APPROVED AND ADOPTED WITH THE
FOLLOWING AMENDMENTS:

THAT THE WORDS "SUBSTANTIAL OR SIGNIFICANT" BE REMOVED FROM SECTION 5.0101,
PARAGRAPHS A AND B.

Councilwoman Perkins seconded the
motion.

Councilwoman Gardner asked what the
effect would be by removing those two words.

City Attorney David Alexander stated
that removing those two words, the activities that are regulated could be any
establishment that sells almost any type of adult book, with Circle K's, and
Osco's, as examples.

Mr. Alexander explained that the
Ordinance stated that anyone selling those articles have to be 1000 feet away
from each other, and any currently existing will not be effected.

Vice Mayor Bakkedahl asked if
Section 32 has been rezoned.

Mr. Nakagawa replied that Section 32
is zoned CR-1 Residential Zone, and the State requires a master plan prior to
rezoning this to industrial.

Vice Mayor Bakkedahl expressed a
concern that most adult book stores, etc., aren't usually located in an
industrial area, and a previous case in Washington argued the availability and
accessibility of land, and that as Apache Junction does not have available land
for those types of uses.

Councilman Bluntschly stated that he
could not support any ordinance that says we can have this kind of material in
the community, and asked the City Attorney if this is as stringent an ordinance
that can be adopted.

Mr. Alexander replied that this is
as stringent as he would like, in regards to defensibility, and further that
Vice Mayor Bakkedahl's statement is correct in that the attempt to regulate the
location of adult uses is difficult if a location does not exist, and should the
Council choose to regulate, this is as stringent as it should get.

VOTE: In Favor: Councilman Damiano, Mayor Hill

Opposed: Councilwoman Gardner, Councilwoman Perkins
Councilman Bluntschly, Vice Mayor Bakkedahl

The motion failed.

Councilwoman Gardner suggested postponing this Ordinance for 60 days, until a zoning location can be found.

Mayor Hill stated that he wished to adopt an Ordinance and then find an area.

Councilwoman Gardner asked how long it would take staff to come up with an area.

Mr. Nakagawa replied that there may not be an area other than the south part of Section 32, which has to go through the State requirements for rezoning.

Vice Mayor Bakkedahl expressed the feeling that an Ordinance is necessary eventually, but it is necessary to have an area available first.

Councilwoman Gardner stated that if the Ordinance is not acted on, this use is being left wide open.

Councilwoman Gardner MOVED THAT ORDINANCE NO. 557, AS READ BY THE CITY CLERK, BE APPROVED AND ADOPTED.

The motion died due to lack of a second.

Councilman Damiano MOVED THAT ORDINANCE NO. 557, AS READ BY THE CITY CLERK, BE APPROVED AND ADOPTED WITH THE FOLLOWING AMENDMENTS:

THE WORDS "SUBSTANTIAL OR SIGNIFICANT" BE REMOVED FROM SECTION 5.0101, PARAGRAPHS A AND B, TO BECOME EFFECTIVE IN 31 DAYS.

Councilwoman Gardner seconded the motion.

VOTE: In Favor: Councilwoman Gardner, Councilwoman Perkins, Councilman Damiano
Mayor Hill

Opposed: Councilman Bluntschly, Vice Mayor Bakkedahl

The motion carried.

PROPOSED ORDINANCE NO. 561, PZ-46-86,
AMENDMENTS TO ZONING ORDINANCE -

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CONDITIONAL USE PERMITS)

) Mr. Nakagawa explained that this ordinance outlines procedures and requirements for processing conditional use permits, and became necessary when a loophole in the City Zoning Ordinance that did not outline a process whereby conditional use permits may be granted for certain uses, and stated that the Planning and Zoning Commission recommends approval, and staff has a suggestion stipulation.

Mayor Hill asked if there was anyone who wished to speak in favor of or in opposition to the ordinance . There being no one wishing to address the Council, Mayor Hill closed the hearing to the public.

Councilwoman Gardner MOVED THAT ORDINANCE NO. 561, BE READ BY TITLE ONLY AND THE READING OF THE ENTIRE ORDINANCE BE WAIVED.

Councilman Damiano seconded the motion.

VOTE: Unanimous

The motion carried.

City Clerk Kathleen Connelly read as follows:

ORDINANCE NO. 561, AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING THE APACHE JUNCTION, ARIZONA ZONING ORDINANCE, BY AMENDING SECTION 6.0101; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

Councilman Damiano MOVED THAT ORDINANCE NO. 561, AS READ BY THE CITY CLERK, BE APPROVED AND ADOPTED WITH THE FOLLOWING AMENDMENTS:

THAT SUBSECTION (3)(1) TO READ "ADEQUACY OF ROADWAYS, OFF-STREET PARKING, PUBLIC FACILITIES AND SERVICES TO ACCOMODATE THE PROPOSED USE AND PROVISIONS FOR UPGRADING ORDINANCE IMPROVEMENTS.

Councilwoman Gardner seconded the motion.

Vice Mayor Bakkedahl asked if this this procedure is standard with other cities, or do most go directly to the City Council with an appeal.

Mr. Nakagawa in some cases the Planning and Zoning Commission makes that decision, with an appeals process to the legislative body.

VOTE: Unanimous

The motion carried.

PROPOSED ORDINANCE NOS. 583, TRAFFIC
CONTROL DEVICES (INSTALLATIONS)
PROPOSED ORDINANCE NO. 590, TRAFFIC
CONTROL DEVICES (DELETIONS)
(With the Emergency Clause))

) Director of Public Works Rich Broman explained that these traffic control devices are being installed and deleted, due to new development, flood retarding structures, construction of streets, and abandonments.

Mayor Hill asked if there was anyone who wished to speak in favor of or in opposition to the ordinances. There being no one wishing to address the Council, Mayor Hill closed the hearing to the public.

Councilwoman Gardner MOVED THAT
ORDINANCE NO. 583, BE READ BY TITLE ONLY WITH THE EMERGENCY CLAUSE, AND THE
READING OF THE ENTIRE ORDINANCE BE WAIVED.

Councilman Damiano seconded the
motion.

VOTE: Unanimous

The motion carried.

City Clerk Kathleen Connelly read as
follows:

ORDINANCE NO. 583, AN ORDINANCE OF
THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, ESTABLISHING
LOCATIONS FOR STOP SIGNS THROUGHOUT THE CITY OF APACHE JUNCTION, ARIZONA;
REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR
PENALTIES; AND DECLARING AN EMERGENCY.

Councilwoman Gardner MOVED THAT
ORDINANCE NO. 583, AS READ BY THE CITY CLERK, BE APPROVED AND ADOPTED.

Councilman Bluntschly seconded the
motion.

VOTE: Unanimous

The motion carried.

Councilwoman Gardner MOVED THAT
ORDINANCE NO. 590, BE READ BY TITLE ONLY WITH THE EMERGENCY CLAUSE, AND THE
READING OF THE ENTIRE ORDINANCE BE WAIVED.

Councilman Damiano seconded the
motion.

VOTE: Unanimous

The motion carried.

City Clerk Kathleen Connelly read as
follows:

ORDINANCE NO. 590, AN ORDINANCE OF
THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, REPEALING
THE DESIGNATION OF CERTAIN LOCATIONS FOR STOP SIGNS THROUGHOUT THE CITY OF
APACHE JUNCTION, ARIZONA; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR
SEVERABILITY; PROVIDING FOR PENALTIES; AND DECLARING AN EMERGENCY.

Councilman Damiano MOVED THAT
ORDINANCE NO. 590, AS READ BY THE CITY CLERK, BE APPROVED AND ADOPTED.

Councilwoman Gardner seconded the
motion.

VOTE: Unanimous

The motion carried.

PROPOSED RESOLUTION NO. 87-56, DECLARING
"THE MODEL CITY TAX CODE OF THE CITY OF
APACHE JUNCTION, ARIZONA" AS PUBLIC
RECORD; AND

PROPOSED ORDINANCE NO. 588, ADOPTING
"THE MODEL CITY TAX CODE OF APACHE
JUNCTION, ARIZONA, BY REFERENCE (With
the Emergency Clause - Readoption of
of existing City Tax Code by Model
Tax Code

) Mr. Da Vee explained that the "Model
Tax Code" Ordinance is a culmination of 2½ years of effort by the League of
Arizona Cities and Towns, with the purpose to get the communities who are
involved with the taxation issue to have ordinances that are similar in verbage
and approach, and this code is designed with a variety of options to take with
uniformity. Mr. Da Vee stated that legislation was proposed that would have
pre-empted local options, and the League of Arizona Cities took this approach to
preserve those local options.

City Clerk Kathleen Connelly further explained that this Code does not make any changes in the existing regulations, merely putting them in a different form creating a separate chapter in the Code dealing with City Sales and Transaction Tax regulations, and making the language uniform throughout the cities in Arizona.

Mayor Hill asked if there was anyone who wished to speak in favor of or in opposition to the item. There being no one wishing to address the Council, Mayor Hill closed the hearing to the public.

Councilman Damiano MOVED THAT RESOLUTION NO. 87-56, A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "THE CITY TAX CODE OF THE CITY OF APACHE JUNCTION, ARIZONA," AND DECLARING AN EMERGENCY, BE APPROVED AND ADOPTED;

AND THAT ORDINANCE NO. 588, BE READ BY TITLE ONLY WITH THE EMERGENCY CLAUSE, AND THE READING OF THE ENTIRE ORDINANCE BE WAIVED.

Councilwoman Gardner seconded the motion.

VOTE: Unanimous

The motion carried.

City Clerk Kathleen Connelly read as follows:

ORDINANCE NO. 588, AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, RELATING TO THE PRIVILEGE LICENSE TAX; ADOPTING THE "CITY TAX CODE OF THE CITY OF APACHE JUNCTION, ARIZONA" BY REFERENCE AND FIXING THE EFFECTIVE DATE THEREOF; REPEALING ARTICLE 8-3 OF THE APACHE JUNCTION CITY CODE; PRESERVING RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY BEGUN THEREUNDER; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY, PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND DECLARING AN EMERGENCY.

Councilman Damiano MOVED THAT ORDINANCE NO. 588, AS READ BY THE CITY CLERK, BE APPROVED AND ADOPTED.

Councilwoman Gardner seconded the motion.

VOTE: Unanimous

The motion carried.

PROPOSED ORDINANCE NO. 589, PZ-9-87,
HANSEN)

) Assistant Planner Julie Reid briefed the Council on the request for rezoning of a 1¼ acre parcel from General Rural to Single Family Residence Zone, located at the northwest corner of North Warner Drive and West Tepee Street, and stated that staff recommends CR-1(MH) for the south portion of the site and CR-1 for the north portion with stipulations, which the applicant has concurred with, and that the Planning and Zoning Commission recommends approval of the rezoning suggested by staff, with stipulations.

Mr. Roland Hansen, 2920 W. Tepee, Apache Junction, requested approval of splitting the property.

Councilwoman Gardner asked if the applicant understood all of the stipulations.

Mr. Hansen replied that he did not really understand, specifically the off-site improvements.

Ms Reid further explained the off-site improvements.

Vice Mayor Bakkedahl stated that the applicant needs to sign a paper agreeing to go along with any off-site improvements in the future.

Ms Reid agreed that this is the procedure at this point, that if a development occurs, development should pay for any improvements necessary, but for single family lots a method has been developed for deferring those until everyone in the neighborhood is ready for that, and at this time it doesn't seem that we have a valid method of deferrment.

Vice Mayor Bakkedahl stated that Council should define a policy for that method.

Mr. Da Vee stated that basically the policy is that either the improvements be put in at the time of approval, or are deferred, and possibly a better way to deferr would be to define a time in which an improvement district would be formed, or a decision would be made at that point after a review.

Vice Mayor Bakkedahl asked the applicant if he would agree to a postponement on the off-site improvements for possibly two years, and reconsider it at that time.

Mr. Hansen replied that he is selling the property to his son-in-law, so would like to discuss it with that party first.

Councilman Bluntschly suggested postponing this item, as the applicant does not appear to clearly understand the stipulations.

Mr. Hansen asked why this is so difficult, when many properties adjoining were split in the past.

Mr. Da Vee answered that the difference is that in the past these were deferred based on agreements of the individual that they would agree not to oppose an improvement district, and as that is under challenge now, we can no longer do that.

Mr. Mark Perkins, Sr., addressed the Council, stating that they have already dedicated land to the City and to have to give more is unreasonable, but would be in agreement to having the street paved.

Mr. Da Vee explained that this is what the City is asking, if the applicant would be willing to help pay for that as a participant in an improvement district.

Councilwoman Gardner suggested postponing this, until the applicant can give a complete understanding of off-site improvements.

Mayor Hill requested that the City Manager work with the applicant, so that he understands the entire process.

Councilman Damiano MOVED THAT ORDINANCE NO. 589, BE POSTPONED UNTIL SEPTEMBER 15, 1987.

Councilman Bluntschly seconded the motion.

VOTE: Unanimous

The motion carried.

Mayor Hill recessed the meeting.

Mayor Hill reconvened the meeting 9:02 p.m.

PROPOSED ORDINANCE NO. 591,
PZ-5-87, WILSON

) Ms Reid briefed the Council on the request for rezoning of two combined parcels of 10 acres located at the north side of Southern Avenue between South Cortez Road and South Acacia Road, from CR-4/PD Multiple Family Residence Zone by Planned Development to TH/PD Trailer Homesite by Planned Development, with a General Plan designation of high density residential, and stated that the Planning and Zoning Commission recommends

denial of the application as a trailer park in that area would hurt adjoining property owners.

Mr. Hershel Eugene Wilson, owner of the property in question, outlined the proposed development of a 72 unit mobile home park, and stated that the neighbors are not objecting to the park, after looking at the plans.

Mayor Hill asked if anyone wished to speak in favor of or in opposition to the rezoning.

Ms Margaret Campbell, 915 S. Palomino, Apache Junction, adjacent property owner, addressed the Council in objection to the application for rezoning.

There being no one else wishing to address the Council, Mayor Hill closed the hearing to the public.

Councilman Damiano MOVED THAT ORDINANCE NO. 591, BE READ BY TITLE ONLY AND THE READING OF THE ENTIRE ORDINANCE BE WAIVED.

Councilwoman Gardner seconded the motion.

Councilman Damiano stated that the area is mostly mobile homes, and a trailer park would be appropriate.

Councilman Bluntschly asked the applicant if he would be selling the lots and trailer.

Mr. Wilson replied that he would not be selling the lot, just the mobile home, awnings, skirtings, landscaping, as a package.

Councilwoman Gardner commented that the General Plan designation is conventional homes, and this is a concern.

Councilman Damiano stated that the Mr. Wilson applied for this prior to the General Plan designation.

Mr. Wilson stated that he was assured, by staff, that since the application was made prior to the General Plan being installed, the request would fall under the old guidelines.

Councilwoman Perkins asked if selling the mobile homes and installing them is permitted?

Mayor Hill replied that this is done all the time.

VOTE: Unanimous

The motion carried.

follows:

City Clerk Kathleen Connelly read as

ORDINANCE NO. 591, AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING THE APACHE JUNCTION, ARIZONA, ZONING ORDINANCE BY AMENDING THE ZONING DISTRICT MAP, CITY OF APACHE JUNCTION, ARIZONA, CHANGING THE ZONING DISTRICT CLASSIFICATION IN REZONING CASE PZ-5-87 FROM CR-4/PD MULTIPLE FAMILY RESIDENCE ZONE BY PLANNED DEVELOPMENT TO TH/PD TRAILER HOMESITE BY PLANNED DEVELOPMENT; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

Councilman Damiano MOVED THAT ORDINANCE NO. 591, AS READ BY THE CITY CLERK BE APPROVED AND ADOPTED.

Councilman Bluntschly seconded the motion.

Vice Mayor Bakkedahl reminded the Council that for approval of this case there would have to be a three-quarter vote, due to protests submitted, and as there are only six members of the City Council present, the applicant may wish to postpone this until the next meeting.

City Clerk Kathleen Connelly explained that the vote for approval would require three-quarters of those elected, not present, so it would be necessary to have six voting in approval.

Councilman Damiano suggested postponing this application, and withdrew the motion.

Councilman Damiano MOVED THAT PZ-5-87, ORDINANCE NO. 591, BE POSTPONED UNTIL THE REGULAR CITY COUNCIL MEETING OF SEPTEMBER 15, 1987.

Councilwoman Gardner seconded the motion.

VOTE: Unanimous

The motion carried.

PROPOSED ORDINANCE NO. 592,
PZ-10-87, HARAMBASIC _____)

) Ms Reid explained that this application for rezoning is for a 4.86 acre parcel, located at the northeast corner of North Meridian and West Superstition Boulevard, from General Rural to

C-3 General Commercial District, and stated that this rezoning does comply with the General Plan, and that the Planning and Zoning Commission does recommend approval with stipulations.

Mr. Keith Stachar, 6301 E. Roundup, Apache Junction, representing John and Sylvia Harambasic, stated that the applicant does not have a plan for development at this time, and agrees to submit any plan to the Planning Department and City Council for approval.

Mayor Hill asked if there was anyone who wished to speak in favor of or in opposition to the application. There being no one wishing to address the Council, Mayor Hill closed the hearing to the public.

Councilwoman Gardner MOVED THAT ORDINANCE NO. 592, BE READ BY TITLE ONLY AND THE READING OF THE ENTIRE ORDINANCE BE WAIVED.

Councilman Damiano seconded the motion.

VOTE: Unanimous

The motion carried.

City Clerk Kathleen Connelly read as follows:

ORDINANCE NO. 592, AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING THE APACHE JUNCTION, ARIZONA, ZONING ORDINANCE BY AMENDING THE ZONING DISTRICT MAP, CITY OF APACHE JUNCTION, ARIZONA, CHANGING THE ZONING DISTRICT CLASSIFICATION IN REZONING CASE PZ-10-87 FROM GR GENERAL RURAL TO C-3 GENERAL COMMERCIAL DISTRICT; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

Councilman Damiano MOVED THAT ORDINANCE NO. 592, AS READ BY THE CITY CLERK, BE APPROVED AND ADOPTED.

Councilwoman Perkins seconded the motion.

Councilwoman Gardner wished to add a stipulation that a site plan be submitted as part of the approval at the time of development.

Mayor Hill explained that the stipulation is in the ordinance.

clarification on the parking concern. Councilman Damiano asked for

for parking. Mayor Hill clarified the stipulation

Vice Mayor Bakkedahl commented that the City of Mesa has adopted a policy requiring a site plan and elevation submittal for any change of zoning requests, to avoid the typical speculative zoning, and to tie down zoning to a specific use site plan and design.

VOTE: Unanimous

The motion carried.

OLD BUSINESS

AUTHORIZATION TO CONTRACT FOR ECONOMIC AND FINANCIAL ANALYSIS OF SEWER SYSTEM)

) City Manager Bill R. Da Vee explained that the study called for previously has been revised, to include sewer issues and providing for temporary disposal by running a line to the City of Mesa, and the study submitted has been prepared by Brown and Caldwell Consulting Engineers for Council consideration.

Councilman Damiano MOVED THAT THE CONTRACT WITH BROWN AND CALDWELL CONSULTING ENGINEERS FOR A SEWER SYSTEM ECONOMIC AND FINANCIAL ANALYSIS IN THE AMOUNT OF \$19,743.00, BE APPROVED.

Councilwoman Perkins seconded the motion.

VOTE: Unanimous

The motion carried.

PROPOSED SELECTION OF ALTERNATE DATE FOR PUBLIC FORUM; AND

PROPOSED SELECTION OF ALTERNATE DATE FOR WORK SESSION WITH COMMUNITY FOUNDATION AND GERONTOLOGY RESEARCH FOUNDATION)

) Ms Bonnie Robinson, 1337 W. Rawhide, Apache Junction, spoke as Acting President of the Gerontology Research Foundation, and read a letter requesting a postponement for the requisition of funds until the President, Dr. Marvin E. Seeman can represent the Foundation,

and that he will not be able to attend the work session on September 10th, and that if the work session cannot be postponed, Attorney John Hay will represent the Foundation at that meeting.

City Clerk Kathleen Connelly stated that it is necessary to select dates for the Public Forum and a Work Session with the Community Foundation and Gerontology Research Foundation, and suggested the Public Forum take place in lieu of the regularly scheduled Work Session on October 5th.

Councilwoman Gardner MOVED THAT A PUBLIC FORUM BE HELD ON OCTOBER 5, 1987, AT 7:00 P.M., IN THE CHAMBER OF COMMERCE BUILDING;

AND THAT A WORK SESSION WITH THE COMMUNITY FOUNDATION AND THE GERONTOLOGY RESEARCH FOUNDATION BE HELD ON SEPTEMBER 10, 1987, AT 7:00 P.M., IN THE CITY COUNCIL CHAMBERS.

Councilman Bluntschly seconded the motion.

VOTE: Unanimous

The motion carried.

NEW BUSINESS

APPOINTMENTS AND RESIGNATION FROM BOARD AND COMMISSION:

APPOINTMENT TO THE LIBRARY BOARD
APPOINTMENTS TO THE PARKS AND RECREATION COMMISSION
RESIGNATION AND APPOINTMENTS TO THE BOARD OF ADJUSTMENTS
APPOINTMENTS TO THE PLANNING AND ZONING COMMISSION

) Director of Library Pam Loui stated that there is one vacancy on the Library Board, and recommended Mr. James Lovett be appointed.

Councilwoman Perkins MOVED THAT JAMES LOVETT BE APPOINTED TO THE LIBRARY BOARD, SAID TERM TO EXPIRE JUNE 30, 1988;

AND THAT LOYD LYNCH BE APPOINTED TO THE PARKS AND RECREATION COMMISSION, SAID TERM TO EXPIRE JUNE 30, 1988;

AND THAT THE RESIGNATION OF SHARYN ALGER FROM THE BOARD OF ADJUSTMENT BE ACCEPTED WITH REGRET;

AND THAT LILLIAN CASTRO, AND ELEANOR LYNCH, BE APPOINTED TO THE BOARD ADJUSTMENT, SAID TERMS TO EXPIRE JUNE 1989:

AND THAT PAUL CONNOLLY, BOB JORGENSEN, AND H. CLINE VANHOY BE APPOINTED TO THE PLANNING AND ZONING COMMISSION, SAID TERM TO EXPIRE JUNE 30, 1990.

Councilwoman Gardner seconded the motion.

Councilman Bluntschly stated that he concurred with all of the nominations, except the reappointments to the Planning and Zoning Commission, as there need to be changes.

VOTE: In Favor: Councilwoman Gardner, Councilwoman Perkins,
Vice Mayor Bakkedahl, Mayor Hill

Opposed: Councilman Bluntschly, Councilman Damiano

The motion carried.

COUNCIL LIAISON APPOINTMENTS)
) Mayor Hill MOVED THAT COUNCIL
LIAISON APPOINTMENTS BE POSTPONED UNTIL SEPTEMBER 15, 1987.

Councilman Damiano seconded the motion.

VOTE: Unanimous

The motion carried.

PROPOSED RESOLUTION NO. 87-49, ORDERING
AND CALLING A SPECIAL BOND ELECTION FOR
GENERAL OBLIGATION AND REVENUE BONDS TO
BE HELD IN AND FOR THE CITY OF APACHE
JUNCTION, ARIZONA (With Emergency Clause)

) Mr. Da Vee explained that as the bond attorney is not available to answer questions posed, it is suggested that this be postponed until September 15, 1987.

Vice Mayor Bakkedahl MOVED THAT
RESOLUTION NO. 87-49, ORDERING AND CLALING A SPECIAL BOND ELECTION FOR GENERAL

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OBLIGATION AND REVENUE BONDS TO BE HELD IN AND FOR THE CITY OF APACHE JUNCTION, ARIZONA, BE POSTPONED TO A MEETING ON OR BEFORE SEPTEMBER 15, 1987.

Councilman Bluntschly seconded the motion.

VOTE: Unanimous

The motion carried.

AUTHORIZATION OF EXPENDITURES FOR
PARK DEVELOPMENT PROJECTS (City Hall
Complex; Prospector Park Phase II) _____)

Mr. Da Vee recommended that the two consultants that designed the parks be retained to continue the construction inspections, staking, and analysis of bids.

Councilwoman Perkins MOVED THAT AUTHORIZATION BE GIVEN TO CONTINUE TO UTILIZE THE PARK CONSULTANTS THROUGHOUT THE CONSTRUCTION OF THE PARK DEVELOPMENT PROJECTS, AND THAT THE EXPENDITURE OF FUNDS BE AUTHORIZED IN THE FOLLOWING AMOUNT:

| | |
|-------------------------|--------------------------|
| HENRY HAWS & ASSOCIATES | NOT TO EXCEED \$4,000.00 |
| COE & VAN LOO, INC. | NOT TO EXCEED \$4,913.00 |

Councilman Damiano seconded the motion.

VOTE: Unanimous

The motion carried.

PROPOSED RODEO FACILITY _____)

Mr. Da Vee explained that this proposed agreement for the responsibilities of the rodeo facility has been reviewed by the Development Coordinating Committee, and Parks and Recreation Commission, and requested authorization to proceed to draft an agreement between the City and the Chamber of Commerce, with the purpose of outlining the scope of the project and who is to do what and within what time frame.

Councilwoman Gardner MOVED THAT AUTHORIZATION BE GIVEN THE DIRECTOR OF COMMUNITY SERVICES, THROUGH THE CITY MANAGER, TO DRAFT A FORMAL AGREEMENT FOR RODEO FACILITIES, TO BE PRESENTED TO THE CHAMBER OF COMMERCE BOARD OF DIRECTORS AND CITY COUNCIL FOR FINAL CONSIDERATION.

Vice Mayor Bakkedah1 seconded the motion.

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VOTE: Unanimous

The motion carried.

COUNCIL CONSIDERATION OF CLAIM
AGAINST CITY (JAMES)

) City Attorney David Alexander stated that a claim has been submitted against the City with regard to wrongful issuance of a protective order, and suggested either accepting or denying the claim as there is a 60 day deadline to respond.

Vice Mayor Bakkedahl MOVED THAT THE CLAIM AGAINST THE CITY SUBMITTED BY MR. JERRY D. JAMES, BE REJECTED.

Councilman Bluntschly seconded the motion.

VOTE: In Favor: Councilwoman Perkins, Councilman Bluntschly,
Councilwoman Gardner, Vice Mayor Bakkedahl, Mayor Hill

Abstained: Councilman Damiano

The motion carried.

REQUESTS FOR EXTENSION TO CLEAN
PROPERTY (CITY CODE, ARTICLE 9-2)

) City Clerk Kathleen Connelly explained that the City has received two requests from individuals wishing additional time to clean their property, both having received previous 30 day extensions.

Vice Mayor Bakkedahl MOVED THAT MICHAEL J. NOLAN BE GRANTED AN EXTENSION TO EXPIRE 30 DAYS FROM RECEIPT OF NOTIFICATION;

AND THAT GEORGE A. AND ANNA LAMPANIN BE GRANTED AN EXTENSION TO EXPIRE 30 DAYS FROM RECEIPT OF NOTIFICATION.

Councilwoman Gardner seconded the motion.

Councilwoman Gardner commented that having visited one of the properties in question, there is not justification for a litter violation.

Councilman Damiano stated that in Nolan's case, there is justification for a litter complaint.

VOTE: In Favor: Councilwoman Gardner, Councilman Bluntschly,
Councilwoman Perkins, Vice Mayor Bakkedahl, Councilman Damiano

Opposed: Mayor Hill

The motion carried.

REQUEST FOR CITY CONTRIBUTION TO ARIZONA
SUPERCONDUCTING SUPERCOLLIDER PROJECT)

) Mr. Da Vee explained that this is a request from the State to support the effort to get the contract for the Arizona Superconducting Super Collider, which is a \$4.4 billion dollar construction project, and would be an economic benefit to the State of Arizona, and that our share if we participate, would be \$1,441.00. Mr. Da Vee also stated that many cities have placed the stipulation that should the money not be used, it be returned.

Councilwoman Gardner MOVED THAT AUTHORIZATION BE GIVEN TO EXPEND \$1,441.00 IN SUPPORT OF THE ARIZONA SUPERCONDUCTING SUPER COLLIDER, WITH THE STIPULATION THAT IF THE MONEY IS NOT COMPLETELY UTILIZED, IT WILL BE RETURNED.

Councilman Damiano seconded the motion.

VOTE: Unanimous

The motion carried.

OPPORTUNITY TO ADD A TRANSIT COMPONENT
TO THE AUTHORIZED TRANSPORTATION STUDY)

) Mr. Da Vee stated that the City has recently learned of the possibility of adding a transit component to the Transportation Study presently authorized through our grant from the Arizona Department of Transportation, which could be gained to develop our program for the elderly, handicapped, and economically disadvantaged, and in order to respond it is necessary to commit a matching share of \$2,000.

Councilwoman Perkins MOVED THAT AUTHORIZATION BE GIVEN THE CITY MANAGER TO EXPEND \$2,000 FROM THE CONTINGENCY FUND FOR THE PURPOSE OF MATCHING A GRANT FROM ARIZONA DEPARTMENT OF TRANSPORTATION, TO ADD A TRANSIT COMPONENT TO THE AUTHORIZED TRANSPORTATION STUDY.

Councilman Damiano seconded the motion.

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VOTE: Unanimous

The motion carried.

FUTURE BRIDGE CONSTRUCTION
ON BASELINE ROAD)

) Mr. Da Vee explained that the Arizona Department of Transportation plans to, by dip-section, to go under the Superstition Freeway, but the State has indicated that they will apply the cost of the dip-section to the construction of a bridge. Mr. Da Vee further stated that it would be to the benefit of the City to have ADOT design this as part of the project, and that Pinal County has indicated that they are willing to split the balance of the cost for the bridge.

Mr. Da Vee recommended a bridge project, and explained the alternatives in design.

Councilman Damiano MOVED THAT AUTHORIZATION BE GIVEN THE DIRECTOR OF PUBLIC WORKS, THROUGH THE CITY MANAGER, TO COORDINATE WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION AND PINAL COUNTY TO DEVELOP AN INTERGOVERNMENTAL AGREEMENT FOR CONSTRUCTION OF TWO-LANE BRIDGE WITH PROVISIONS FOR EXPANSION TO FOUR-LANES IN CONJUNCTION WITH THE CONSTRUCTION OF THE SUPERSTITION FREEWAY AT THE PLANNED DRAINAGE CHANNEL CROSSING ONE-HALF WEST OF TOMAHAWK ROAD ON BASELINE ROAD.

Councilman Bluntschly seconded the motion.

Mayor Hill stated that in the future four lanes will be necessary, and the City needs to plan for that by constructing a bridge with four at this time, especially as it is cheaper to do that now.

Councilman Damiano commented that Pinal County should be contributing more than they are.

Mr. Da Vee explained that the basic need is for a two-lane bridge, and if we go for the four-lane, the City will have to assume the cost.

Vice Mayor Bakkedahl stated that ADOT should contribute more to the cost as they are creating the situation.

Director of Public Works Rich Broman explained that as this is getting off the Freeway, ADOT feels that they cannot fund all of the improvements, such as a bridge.

VOTE: Unanimous

The motion carried.

EXECUTIVE SESSION, WORK SESSION,
SEPTEMBER 14, 1987
EXECUTIVE SESSION, WORK SESSION,
SEPTEMBER 15, 1987

) Councilman Damiano MOVED THAT AN
EXECUTIVE SESSION BE HELD AT 6:00 P.M., AND A WORK SESSION AT 7:00 P.M., ON
SEPTEMBER 14, 1987, IN THE CITY COUNCIL CHAMBERS;

AND THAT AN EXECUTIVE SESSION AND WORK SESSION BE HELD AT 6:00 P.M., ON
SEPTEMBER 15, 1987, IN THE CITY COUNCIL CHAMBERS.

Councilwoman Gardner seconded the
motion.

VOTE: Unanimous

The motion carried.

INFORMATION AND REQUESTS
(COUNCIL LIAISON REPORTS)

None.

REQUESTS OF COUNCIL

Vice Mayor Bakkedah1 suggested a future meeting with the Apache Villa
residents regarding Age Specific Zoning.

City Manager Bill R. Da Vee stated that the Apache Villa Board members feel
that the earliest they could meet would be in October.

Councilman Damiano commented that Mr. and Mrs. George Little were back from
vacation and in attendance at this meeting.

ADJOURNMENT

) Councilman Damiano MOVED THAT THE
MEETING BE ADJOURNED AT 10:43 P.M.

*Consent Agenda Items are as follows:

*1. Acceptance of Regular Meeting Agenda

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*2. Acceptance of Minutes from Regular Meeting of June 2, 1987

*3. Acceptance of Minutes from Regular Meeting of August 4, 1987

ACCEPTED THIS 6TH DAY OF OCTOBER, 1987, BY THE MAYOR AND
CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA.

SIGNED AND ATTESTED TO THIS 8TH DAY OF OCTOBER, 1987.



NORMAN S. HILL
Mayor

ATTEST:



KATHLEEN CONNELLY
City Clerk