

CITY COUNCIL
REGULAR MEETING
JANUARY 19, 2016

The regular meeting of the City Council of the City of Apache Junction, Arizona, was held on January 19, 2016, at the Apache Junction City Council Chambers pursuant to the notice required by law.

CALL TO ORDER

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

INVOCATION

Councilmember Wilson gave the Invocation.

PLEDGE OF ALLEGIANCE

Councilmember Serdy led the Pledge of Allegiance.

ROLL CALL

Councilmembers Present: Mayor Insalaco
Vice Mayor Barker
Councilmember Evans
Councilmember Rizzi
Councilmember Serdy
Councilmember Waldron
Councilmember Wilson

Staff Present: City Manager Bryant Powell
Assistant City Manager Matt Busby
City Clerk Kathleen Connelly
City Attorney Joel Stern
Public Safety Director Tom Kelly
Development Services Director Larry Kirch

Others Present: Public Information Officer Al Bravo

ACCEPTANCE OF CONSENT AGENDA)
) Vice Mayor Barker MOVED
THAT THE CONSENT AGENDA BE ACCEPTED AS PRESENTED.

Councilmember Rizzi SECONDED
THE MOTION.

VOTE: Unanimous.

The motion carried.

AWARDS, PRESENTATIONS AND PROCLAMATIONS

None.

ANNOUNCEMENT OF CURRENT EVENTS

Councilmember Rizzi commented the mayor had invited her to join him during the holiday season at Operation Headstart where he played is guitar and sang Christmas carols with them. She then showed a video of the event.

Councilmember Wilson announced this Saturday will be the team driving contest at the rodeo grounds.

Councilmember Waldron announced this evening he, Councilmembers Rizzi, Wilson and the mayor, Bryant and the chief attended a ribbon cutting ceremony at the Salvation Army where they put up a basketball court. They have really spruced the place up.

Councilmember Waldron announced on February 12 they will have the grand opening of the veterans' center. They will give away a renovated park model to a veteran.

Councilmember Evans commented she attended some continuing education classes in real estate that covered the new consumer fraud protection bureau. Any funds wrongly collected will be given to the Veterans' Administration. She also sat in on a medical marijuana landlord class where she learned if a neighbor complains on someone with a medical marijuana card residing in multi-family housing they can be evicted.

Mayor Insalaco commented he was at Talking Stick on Saturday morning with members of various Indian tribes to listen to congressmen. The casino issue is going back to congress in February and Councilmember Waldron will be attending in his place. It has passed in the house twice but has failed in the senate reportedly because a lot of the eastern states and southern states voted it down because they have no county islands within their city limits. They do not know how it is out here.

CITY MANAGER'S REPORT

City Manager Bryant Powell offered his and staff's condolences to the vice mayor at this time and welcomed the Hindi faith religious group to the city.

PUBLIC HEARINGS

RESOLUTION NO. 16-02/APPROVING A
FINAL PLAT AMENDMENT OR A "RE-PLAT"
OF THE TRAILWAY APARTMENTS FINAL
SUBDIVISION PLAT AND INCORPORATING
IT INTO A NEW, ONE PARCEL FINAL
SUBDIVISION PLAT NAMED "DOWNTOWN
PARK" SUBDIVISION)

) Development Services

Director Larry Kirch briefed the council on the item.

Mayor Insalaco opened the public hearing on the item. There being no one wishing to speak, he closed the public hearing and reopened the item to council discussion.

City Manager Bryant Powell stated staff met with the design firm today. There are still a couple of months left in design. They have been working with Arizona Water on the water line. Matt and Giao are working closely with Salt River Project on some aesthetics efforts to underground the utility line. Those are the first things they will see publicly. They are making progress in this area. He is also working on local partnerships in the community to sponsor some of the dollars needed.

Mayor Insalaco commented he talked to the Senior Rodders that were there tonight and they will be coming up with some money.

City Manager Bryant Powell stated the phase one effort is the field, the area for heart scape, landscaping and lighting. It will make it nice for events. It will set the place for food trucks and other events to come. They are shooting for an interactive water feature which will be a nice splash pad.

Mayor Insalaco closed the discussion with no further comments and called for a motion.

Councilmember Evans MOVED THAT RESOLUTION NO. 16-02, A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, APPROVING A FINAL PLAT AMENDMENT OR A "RE-PLAT" OF THE "TRAILWAY APARTMENTS" FINAL SUBDIVISION PLAT AND INCORPORATING SAID FORMER SUBDIVISION INTO A NEW, ONE PARCEL, FINAL SUBDIVISION PLAT TO BE NAMED "DOWNTOWN PARK" SUBDIVISION, IN CASE SD-1-15 BY THE CITY OF APACHE JUNCTION, ARIZONA, BE APPROVED.

Councilmember Wilson SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

OLD BUSINESS

None.

NEW BUSINESS

None.

DIRECTION TO STAFF

NEXT STEP IN DISCUSSION OF ALLOWING
FIREARMS ON AND IN CITY OWNED
PROPERTY AND BUILDINGS _____)

) City Manager Bryant Powell
briefed the council on the item.

Councilmember Waldron
commented he wondered if it might be prudent to wait until the legislature is out of session. There has been a bill introduced in the senate concerning concealed weapons. He believes it is Senate Bill 1032. The word is there will be several more. We do not know what the state is going to come up with, if anything at all.

City Manager Bryant Powell
asked which one he saw. He saw one where the universities had one dropped just in the last week to allow professors and students to carry them.

Councilmember Waldron
commented he will get him the number. He just saw it today.

Vice Mayor Barker commented
it is a copy of 2320 from last year. The same one that Brewer vetoed three years in a row and last year it did not make it through the senate.

Councilmember Waldron
commented he wondered if they should just wait until they see what the legislature, if anything, comes out with at the tail end of it. They would not be in the middle of something and then have to reverse direction on it.

Councilmember Serdy commented
he would not be in favor of waiting. If someone needs protection in the meantime he would hate to have it be in the process. He asked if there would be a great expense to the city to look into it in the meantime.

City Manager Bryant Powell
stated it depends on what exactly he wants.

Councilmember Serdy commented
just to write.

City Manager Bryant Powell asked if he wanted him to start looking into a policy.

Councilmember Serdy commented that is correct.

City Manager Bryant Powell stated that would not be an expense.

Councilmember Serdy commented he would not be for waiting. He has some more information. The class is actually now six hours. It has gone up from four to make it a little more stringent because some people were not teaching it properly. In the meantime, since we met, Missouri actually overrode a veto by the governor there. They opened it up. There are more bills going through all the time. He would want to see the city be a leader on this and get some protection in.

Councilmember Rizzi commented she is a little confused. At the last discussion she thought they were going to have Bryant do some sort of survey with staff in the different departments to get a feel or pulse on how our employees felt.

Councilmember Serdy commented he thought that was regarding whether or not employees would be allowed to carry. He would hope they would, maybe a do not ask, do not tell thing. Many times the people that are targeted are employees.

Councilmember Rizzi asked if that is the direction he is looking for, to survey our employees to see where they are with that or was there something further that he wanted to do.

Councilmember Serdy commented if they go through with this he would like to continue looking at it. If they do not go along with employees carrying he would at least want visitors to be protected.

Vice Mayor Barker commented from what she can find in researching today and last week, state

law allows concealed carry with a permit and even without for that matter. Sometimes, depending on who and where, there are some exceptions which she was sure Joel would be happy to recite again for them. State law allows open carry of weapons with certain exceptions. We as a city can be more restrictive than state law but not less. She asked the city attorney for confirmation.

City Attorney Joel Stern stated they cannot be more restrictive. They set a line.

Vice Mayor Barker commented you can tighten for the city but you cannot loosen it, more or less. She asked if that was correct.

City Attorney Joel Stern stated kind of less because they have a pretty good exemption for anything that is not mentioned in state law.

Vice Mayor Barker commented if that is the case and the legislature did not pass 2320 which allows for concealed carry with permits in public buildings, then it appears to her the council, like the state legislature, decided to have no weapons in this chamber so they put up a sign. Since we do not have metal detectors and we do not have officers frisking people as they walk through the door or gun-smelling dogs or anything like that, we do not know who is carrying. Mr. Serdy inferred a couple of weeks ago that he suspected it was quite possible people were already carrying in the chamber because it is on the honor system. The concealed weapons with permit he is proposing would also be on the honor system. It seems to her that whether they have a policy or not, if they do not see it, it is all on the honor system. She agrees with Dave in that the legislature is going to do more. They have never, ever been shy about telling cities and counties what to do and how to exactly to do it. She would prefer to wait and see what the legislature does before we attempt to do this. We are within state law now. All people have to do is close their coats it appears. She thinks it is a waste of their time to do this.

Councilmember Rizzi asked the city attorney to explain because the state says people can

lawfully carry under those terms but because we have the sign on our building that says people cannot bring any firearms into the building, what happens if she has the permit to carry and she brings it in here against what the rules are for the city, and they find out or the chief finds out. She is a law-abiding citizen with a permit to carry but she broke the city rules and laws by coming into a city building. She asked what could happen to her.

City Attorney Joel Stern stated administratively the police chief is probably going to direct one of his officers to approach the individual and say he thinks the individual has a gun and if the individual does it needs to be taken to a locker or to their car. That is what the law says. An officer can do that now.

Councilmember Rizzi asked if she could be cited and get a court date.

City Attorney Joel Stern stated technically if the person refuses the person could be arrested for a violation. He thinks it is a class one misdemeanor.

Councilmember Rizzi commented generally speaking she is a law-abiding citizen with a permit, she comes into the city, she forgets or does it on purpose and she gets caught, since they are on the honor system. She will not be hauled off, arrested, taken to jail or given a ticket. She will just be asked to store it or to leave. She must get out of the building.

City Attorney Joel Stern stated administratively that is what probably would happen. She can ask the chief what he would tell his officers to do. If he was asking for legal advice, he would say do not arrest him but if they refuse to do what they want them to do they might tell them it is against the law and they can be arrested for that. They would really like them to follow the law.

Councilmember Rizzi commented our city rules are a little bit stricter than what the state says, the state says we can but the city says not here.

City Attorney Joel Stern stated he wished to clarify that. The law says if you have a sign with a cross through with a gun, we can say go outside and put it in a locker. The rule is they have to have the locker in an accessible location near the entrance. We do that. It is right out there by the court. It is like 60 feet away. The law allows that. It is not a city ordinance. It is more of a city administrative policy. There is no council policy on it that he is aware of. There is in Mesa and in Gilbert. They wanted that law not to be enforced. Instead they wanted people to be able to come in and actually be able to carry a concealed weapon without having to take it to a locker.

Councilmember Serdy commented he has a couple of points on that. He thinks it just becomes trespassing if they refuse to take their weapon out. If it escalates, they could then get on their record a weapons violation. The president just spoke a few weeks ago about looking for more and more reasons to deny people the right to have a gun. If they have any kind of a weapons violation on their record they would then lose their gun rights. That is why it would be important to protect people from getting fined or getting this on their record. They are looking for any reason they can to deny us our rights. Secondly, he does not think it is a waste of time to allow people to protect themselves. He would like to go ahead with it and he is prepared to make a motion on such.

Councilmember Evans asked the city manager if he found out any information as far as our insurance carrier, if they have any regulations in our policy.

City Manager Bryant Powell stated he reached out to our risk retention pool and they shared the coverage would be an interesting situation in terms of liability with our employees who are not trained like our police officers. There could be some coverage issues with our insurance if employees were to start shooting. That was their initial response to the city.

Councilmember Rizzi commented if they were to move forward and if they were to vote in favor of this, the employees would have to have this permit. She

added she does not own a weapon and does not know a lot about the subject which is why she is asking so many questions. It is a tough decision and she wants to make sure she has as much knowledge as possible for when they go to make this decision. It is her understanding that if we were to allow the employees and people to have them inside the building they would have to have the permit and the training. She asked if they could just carry it.

Councilmember Serdy commented they would have to have a permit to have it concealed.

Councilmember Rizzi commented that is concealed. She asked if an employee could come in with it on their belt loop. She responded to someone nodding no and said they cannot.

Councilmember Serdy commented he would not be for that.

Councilmember Rizzi commented he is advocating to have people that are going to have them inside our city buildings, employees or civilians, to have this permit which means they would have this training and certification.

Councilmember Serdy commented the motion that he will make says visitors, not employees. There is one more bit of legislation and Channel 3 is covering it tonight, there is actually a tax credit bill that if you get your concealed carry permit you would get an income tax credit.

Mayor Insalaco closed the discussion and called for a motion.

Councilmember Serdy MOVED THAT STAFF BE DIRECTED AS FOLLOWS: TO DRAFT AN ORDINANCE THAT ALLOWS ANY PEACE OFFICER TO ADVISE VISITORS COMING INTO CITY PROPERTY TO STORE THEIR FIREARM IN AN AVAILABLE LOCKER LOCATED IN CLOSE PROXIMITY TO CITY BUILDING ENTRANCES UNLESS THE VISITOR IS IN POSSESSION OF A CURRENT AND VALID CONCEALED WEAPONS PERMIT PURSUANT TO A.R.S. SECTION 13-3112-2. VISITOR IN POSSESSION OF A CURRENT AND VALID CONCEALED WEAPON PERMIT PURSUANT TO A.R.S.

SECTION 13-3112 TO BE DIRECTED BY A PEACE OFFICER TO CONCEAL THEIR FIREARM OR STORE IT IF IT CANNOT BE CONCEALED. THE CITY TO PROHIBIT ARMED VISITORS REGARDLESS OF WHETHER THEY HAVE A CONCEALED WEAPONS LICENSE PURSUANT TO A.R.S. SECTION 13-3112 IN SECURE AREAS OF MUNICIPAL BUILDINGS INCLUDING THE POLICE DEPARTMENT, THE MUNICIPAL COURT AND THE PROSECUTOR'S OFFICE PURSUANT TO A.R.S. SECTION 13-3118.

Vice Mayor Barker asked for a point of clarification. She understands that there will be an officer at the door and every person that comes through that door will be checked for a weapon.

Councilmember Serdy asked who she was asking.

Vice Mayor Barker commented she was asking him.

Councilmember Serdy commented no because there is not an officer in every building which is one of the reasons this is needed.

Vice Mayor Barker commented if she understood his motion correctly he said an officer would meet visitors at the door, would ask them to put their weapon in an accessible locker or, if they had a concealed weapons permit, they would be allowed in. That would mean that an officer would have to check everybody to insure those things occurred. She asked if that was correct.

Councilmember Serdy commented it is not. It would be if there were a police officer present like in this building.

Vice Mayor Barker commented if.

Councilmember Serdy commented for instance at the library there is not, usually. There is one on campus close. If the officer sees a problem then he would be asked.

Vice Mayor Barker commented
so it is the honor system.

Councilmember Waldron
commented he would like to have an opportunity to look up those
statutes before we vote because he does not know what those say.
If they do a yes vote they are basically agreeing with those
sections and personally he does not know what they are. He
would like to get a chance to read those.

Councilmember Wilson asked if
he is suggesting they table this until the next meeting.

Councilmember Waldron
commented that is correct. Then he can provide them with those
statutes that will be in the motion. That is the reason he is
asking.

Councilmember Serdy commented
this is just direction to staff. In the meantime they could be
looking at those statutes.

Councilmember Waldron
commented before he says yes he wants to read those statutes.

Councilmember Serdy commented
they would be back in two weeks.

Councilmember Wilson
commented he does not have a problem with seconding it but he
does not want to cause a problem. If Jeff is in agreement they
will go ahead and let them look at the statutes and they can
then do the motion again at the next city council meeting.

Councilmember Rizzi commented
she thinks that is a good idea for everybody's comfort level.
Let us look at these statutes. She feels the same. She does
not know enough. She knows this is just giving direction to
staff but she wants to be comfortable, too, before moving
forward and know that everybody else is comfortable in the vote.
Let us take a look at those statutes before giving direction to
staff. She agrees with that.

Councilmember Wilson asked
what they have to do with this.

Mayor Insalaco commented
there is a motion on the floor.

Councilmember Waldron
commented the motion can die without a second.

City Clerk Kathleen Connelly
agreed.

Councilmember Serdy commented
or he can withdraw it.

City Clerk Kathleen Connelly
stated they might want to direct staff to bring back that motion
and the associated A.R.S. so that everybody can take a look at
it.

Councilmember Wilson
commented if Jeff removes it he can make a motion to bring it
back.

City Clerk Kathleen Connelly
stated if there is no second it dies or he can withdraw it.

Councilmember Serdy WITHDREW
HIS MOTION.

Councilmember Wilson MOVED
THAT WE BRING THIS MOTION BACK AT THE NEXT CITY COUNCIL MEETING.

Councilmember Serdy SECONDED
THE MOTION and added they can then address the police officers
wherever they may be, whenever they may occur.

VOTE: Unanimous.

The motion carried.

SELECTION OF MEETING DATES, TIMES, LOCATIONS, AND PURPOSES

Vice Mayor Barker MOVED THAT
AN EXECUTIVE SESSION AT 5:45 P.M. AND A WORK SESSION AT 7:00
P.M. BE HELD ON MONDAY, FEBRUARY 1, 2016, IN THE CITY COUNCIL
CONFERENCE ROOM AND CITY COUNCIL CHAMBERS RESPECTIVELY;

AND THAT AN EXECUTIVE SESSION AT 5:45 BE HELD ON TUESDAY,
FEBRUARY 2, 2016, IN THE CITY COUNCIL CONFERENCE ROOM.

Councilmember Rizzi SECONDED
THE MOTION.

VOTE: Unanimous.

The motion carried.

CALL TO THE PUBLIC

Mr. Chester Burgess, 250 S. Tomahawk, Apache Junction, addressed
the council to thank the public works department for removing a
big saguaro cactus that had partially fallen into the road and
to thank the police department for their quick response times.

Mr. Chris July, 2162 W. Apache Trail, Apache Junction,
representing 1st Auto and Marine, addressed the council
regarding their sales going down after being told they could not
put display vehicles in the right-of-way. He asked for a mutual
solution.

Councilmember Waldron requested the city attorney to look into
it.

ADJOURNMENT)
) Mayor Insalaco adjourned
the meeting at 7:38 p.m.

Consent Agenda Items are as follows:

1. Consideration of acceptance of agenda.
2. Consideration of approval of minutes of regular meeting of
January 5, 2016.

ACCEPTED THIS _____ DAY OF _____, _____, BY THE
MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, _____.

JOHN S. INSALACO
Mayor

ATTEST:

KATHLEEN CONNELLY
City Clerk

CITY COUNCIL MINUTES
CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of the City of Apache Junction, Arizona, held on the 19th day of January, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 20th day of January, 2016.

KATHLEEN CONNELLY
City Clerk