

CITY COUNCIL  
REGULAR MEETING  
APRIL 5, 2016

The regular meeting of the City Council of the City of Apache Junction, Arizona, was held on April 5, 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 Waldron led the Pledge of Allegiance.

ROLL CALL

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

(Councilmember Rizzi was absent.)

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

Others Present: Public Information Officer Al Bravo  
Management Assistant Heather Hodgman

ACCEPTANCE OF CONSENT AGENDA )

) Vice Mayor Barker MOVED  
THAT THE CONSENT AGENDA BE ACCEPTED AS PRESENTED; AND

THAT PAUL NEWMAN BE APPOINTED TO THE PUBLIC SAFETY PERSONNEL  
RETIREMENT BOARD IN THE POLICE REPRESENTATIVE POSITION WITH A  
TERM TO EXPIRE OCTOBER 31, 2016; AND

THAT APPROVAL BE GIVEN FOR THE CONTRACT BETWEEN THE CITY OF  
APACHE JUNCTION AND SUNLAND ASPHALT FOR STREET PRESERVATION  
MAINTENANCE WORK IN VARIOUS LOCATIONS IN PARTIAL FULFILLMENT OF  
FISCAL YEAR 2016-2017 STREET MAINTENANCE PLAN THROUGH THE  
COOPERATIVE PURCHASING NETWORK CONTRACT #R5225 IN THE AMOUNT OF  
\$403,135.99 PLUS TEN PERCENT FOR CONTINGENCY IN THE AMOUNT OF  
\$40,313.59 FOR A TOTAL AMOUNT NOT TO EXCEED \$443,449.58; AND  
THAT AUTHORIZATION BE GIVEN TO THE MAYOR TO SIGN THE CONTRACT  
PENDING APPROVAL AS TO FINAL FORM BY THE CITY ATTORNEY; AND

THAT APPROVAL BE GIVEN TO THE PROPOSED AGREEMENT BETWEEN THE  
CITY OF APACHE JUNCTION AND INNOVATIVE MECHANICAL SYSTEMS FOR  
PW2015-16, HEATING, VENTILATION AND AIR CONDITIONING SERVICES  
AND REPAIR IN THE AMOUNT OF \$14,200 FOR A PERIOD OF ONE YEAR  
WITH THE OPTION TO RENEW WITH FOUR (4) ADDITIONAL ONE-YEAR  
PERIODS; AND THAT AUTHORIZATION BE GIVEN TO THE MAYOR TO SIGN  
THE AGREEMENT PENDING APPROVAL AS TO FINAL FORM BY THE CITY  
ATTORNEY.

Councilmember Wilson SECONDED

THE MOTION.

VOTE: Unanimous.

The motion carried.

AWARDS, PRESENTATIONS AND PROCLAMATIONS

Mayor Insalaco read a proclamation designating April 10-16, 2016  
as Week of the Young Child and presented it to Supervisory  
Librarian Pam Standhard.

Supervisory Librarian Pam Standhard stated the celebration will  
be taking place on April 14 at 10 a.m. at Complex Park with  
activities and free books for the youngest learners.

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Mayor Insalaco read a proclamation designating the month of April 2016 as National Child Abuse and Neglect Prevention Month and presented it to Public Safety Director Tom Kelly and Doug Nick with the Arizona State Department of Child Safety.

Mr. Doug Nick thanked the chief for his support and apologized that the director could not be here this evening due to budget problems. He thanked Councilmember Wilson for his prayer mentioning first responders as he considers his staff first responders as well. It is the community's responsibility to look out for the children.

Mayor Insalaco read a proclamation designating April 10-16, 2016 as National Public Safety Telecommunicators Week and presented it to Public Safety Director Tom Kelly.

Mayor Insalaco read a proclamation designating April 10-16, 2016 as National Crime Victims' Rights Week and presented it to Public Safety Director Tom Kelly.

Public Information Officer/Marketing and Communication Matt McNulty and Mayor Insalaco presented certificates of completion to the graduates of the 18th Citizens Leadership Institute.

Vice Mayor Barker stated 20 years ago when the Citizens Leadership Institute was the kernel of a thought in the heads of some council members, she had the honor of working on this and never thought she would sit up here and watch her own daughter graduate from it.

#### ANNOUNCEMENT OF CURRENT EVENTS

Vice Mayor Barker commented Community Against Family Abuse held their annual race.

Vice Mayor Barker commented the United Way held a mayor's breakfast attended by the mayor, herself and Councilmembers Waldron and Serdy.

Vice Mayor Barker commented there was a flag exchange at the Focal Point where hundreds of flags were given away or promised to be mailed as the Veterans of Foreign Wars ran out of flags.

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People brought their old flags in and either got them repaired or were given a new one.

Vice Mayor Barker commented she and the mayor were volunteers at the parks and recreation Easter Egg Hunt. It was her tenth year of volunteering and it was bigger and better. It keeps getting larger and more fun.

Vice Mayor Barker commented she attended the Pinal Partnership Breakfast with Councilmember Wilson and the assistant city manager and listened to all the Pinal County supervisors other than Pete Rios on the accomplishments made in their individual districts.

Vice Mayor Barker commented April 6 is the first global Start by Believing Day. A few years ago Apache Junction was the first city in the state to pass the Start by Believing resolution. It moved from Apache Junction throughout the state until the state legislature passed it, and from our state it moved throughout the United States until the nation passed it, it then went to Mexico and around the world. It creates an awareness of the victims of domestic violence.

Vice Mayor Barker commented on April 13 there will be an event called Raising Hope which will refer back to the resolutions the mayor read having to do with Crime Victims' Rights Week and Child Abuse Prevention Month. It will be at the police department with various activities.

Vice Mayor Barker commented Earth Day will be at Earth Heart Park on April 16 with various games and demonstrations and the ladybugs being released at 10 a.m.

Vice Mayor Barker commented the 2016 Apache Junction Water Festival will be held at Prospector Park on April 28. There will be various learning stations.

Councilmember Serdy reminded everyone about the White Mountain Pony Express Ride starting from Show Low on April 20 and finishing in Apache Junction at the Hitching Post in the afternoon of April 23.

Councilmember Serdy commented the Little League opening ceremonies were Saturday. The mayor was there to welcome everybody. It is good entertainment for free. They did not have as many teams this year so they are doing interleague play with Skyline and Kearny.

Councilmember Serdy commented watch Channel 10 tomorrow as they are doing a story on our Paws and Claws Center featuring the new mural painted by young lady for a school project.

Mayor Insalaco commented the Boys and Girls Club event is this Saturday. He cannot go as he is committed to Relay for Life.

#### CITY MANAGER'S REPORT

City Manager Bryant Powell commented on Paws and Claws being featured, the various events going on this weekend and the high school senior interviews last week.

Mayor Insalaco commented there were five people from the city there and he was impressed with twelve of the students he interviewed. This year's class was outstanding.

City Manager Bryant Powell commented on a Paws and Claws program, running messages for Paws and Claws on the marquee sign, the Social Justice Forum at Central Arizona College, and read a letter to the governor complimenting development services and city clerk staff. He added Fire Chief Paul Bourgeois will give a State of the District report and Heather from public works will give an update on the household hazardous waste collection the city had.

Superstition Fire and Medical District Chief Paul Bourgeois gave a presentation on the State of the District, including information on their mission statement, their 60th anniversary, the Community Medicine Program - CM263, their new ambulance service, new innovative medical care programs, and their volunteer program.

Vice Mayor Barker asked if there is any cost for the community medicine service.

Superstition Fire and Medical District Chief Paul Bourgeois stated there is currently no cost for the service. They will be billing Medicare and Medicaid in the future.

Councilmember Evans asked if they have had any negative feedback from the hospitals. They are at an unfair advantage.

Superstition Fire and Medical District Chief Paul Bourgeois stated they did for a little bit in the beginning, but as things are shaking out everyone is seeing there is a place for this.

Councilmember Evans commented she can see the great benefit, too. So many people do not have health insurance even though they are required to have it. They can still be served.

Superstition Fire and Medical District Chief Paul Bourgeois continued with his presentation.

Councilmember Serdy asked if he had seen the chest compressions machines they have come out with.

Superstition Fire and Medical District Chief Paul Bourgeois stated he had.

Councilmember Serdy asked if those would be coming out soon.

Superstition Fire and Medical District Chief Paul Bourgeois stated they already utilize those. He continued with his presentation.

Councilmember Evans commented she was one of the 9,093 fire calls in 2015. Growing up in a small community with volunteer fire departments, people followed the fire trucks to the fire. A house she owned in Mesa was on fire. It was the first time she had ever followed a fire truck to her own home. They did an incredible job with Mesa coming in behind them.

Councilmember Serdy commented he is worried that they are doing all these innovative things as he thinks there is a chance some big city is going to come in and hire him and his leadership.

Mayor Insalaco commented he does not think that will happen as he has more integrity than that.

Superstition Medical and Fire District Chief Paul Bourgeois stated he loves this city and community. He tells everyone he came here because he wanted to be here. He and his wife are selling their home and moving here as they believe in it that much.

Management Assistant Heather Hodgman gave an update on the household hazardous waste event on February 20 for the city and Pinal County.

Vice Mayor Barker thanked her for all she did. It was an amazing event and those people who participated were very grateful for those items that were taken. They did not feel it was all that slow. They expected it to be stacked with traffic when they got there but they felt it moved fairly rapidly for the number of people that were there.

Councilmember Evans commented they did a very good job.

City Manager Bryant Powell stated he wanted to confirm that the proportions of revenue and costs look okay. If so, they will keep it going. They have as a goal to do two of these per year. They got a call today asking where they could drop off a refrigerator.

Management Assistant Heather Hodgman stated she averages about five calls a week since this event asking when they can do this and come back.

City Manager Bryant Powell stated they will post it on social media and get the word out.

Mayor Insalaco requested a five minute break.

Mayor Insalaco reconvened the meeting.

#### PUBLIC HEARINGS

APPLICATION FOR A SPECIAL EVENT  
LIQUOR LICENSE FOR JOHNNY O  
FOUNDATION FOR APRIL 10, 2016 )

) City Clerk Kathleen  
Connelly briefed the council on the item.

Mayor Insalaco requested the applicant address the council. He commented if people have not been in that place since they have taken over, it is night and day. It is a welcome sight to the community.

Mr. Mark Oravitz, the chief executive officer of the Johnny O Foundation, addressed the council. He stated they are the largest national foundation linking Alzheimer's and traumatic brain injuries. They have gotten involved in the motorcycle industry because of the obvious traumatic brain injuries from accidents. He was very interested when he heard about all the different causes the city is behind. They are growing nationally so they will start hearing more and more about them. They have done a number of these liquor licenses with a number of different organizations that have invited them in for the charitable raising of money for their foundation. He thanked Superstition Harley-Davidson for the opportunity to help them raise the money.

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. There being no further discussion, he called for a motion.

Vice Mayor Barker asked what time it starts.

City Clerk Kathleen Connelly stated it is on the application.

Councilmember Serdy commented he could not find it either.

Mayor Insalaco commented it starts at noon.

Councilmember Waldron MOVED THAT THE APPLICATION FOR A SPECIAL EVENT LIQUOR LICENSE FOR THE JOHNNY O FOUNDATION FOR APRIL 10, 2016, SUBMITTED BY MARK ORAVITZ, BE RECOMMENDED FOR APPROVAL TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL.



Vice Mayor Barker SECONDED

THE MOTION.

VOTE: Unanimous.

The motion carried.

ORDINANCE NO. 1422, REPEALING  
SECTION 4-4-10, PLANNING AND ZONING  
FEES OF THE CITY CODE IN ITS  
ENTIRETY AND ADOPTING NEW  
PROVISIONS AND ESTABLISHING AN  
EFFECTIVE DATE AND A REVOLVING  
SIXTY MONTH REVIEW PERIOD )

) 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. There being no further discussion, he called for a motion.

Vice Mayor Barker MOVED THAT  
ORDINANCE NO. 1422 BE READ BY TITLE ONLY AND THE READING OF THE  
ENTIRE ORDINANCE BE WAIVED.

Councilmember Waldron

SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

City Clerk Kathleen Connelly  
read the ordinance by title only.

Vice Mayor Barker MOVED THAT  
ORDINANCE NO. 1422, AS READ BY THE CITY CLERK, BE APPROVED AND  
ADOPTED.

Councilmember Wilson SECONDED

THE MOTION.

VOTE: Unanimous.

The motion carried.

PROPOSED CONTINUATION OF THE LOCAL  
ALTERNATIVE EXPENDITURE LIMITATION  
(HOME RULE OPTION)

)  
) City Clerk Kathleen  
Connelly briefed the council on the item.

Vice Mayor Barker asked if  
they would be seeing the anticipated dollar amount were it to  
fail.

City Clerk Kathleen Connelly  
stated they will not be talking about that tonight.

Vice Mayor Barker asked how  
it would be titled on the ballot.

City Clerk Kathleen Connelly  
stated we no longer have local authority to number our own  
proposition.

Vice Mayor Barker commented  
it will be a proposition.

City Clerk Kathleen Connelly  
stated that is correct. It has always been Proposition 100. We  
will now have to fall victim to state law and it will be a 400  
series.

Vice Mayor Barker commented  
we do not know what its number will be yet.

City Clerk Kathleen Connelly  
stated not yet. She hopes she might have that information by  
the next public hearing. If they look at the propositions that  
are on the ballot in May, the May special election, they all  
start with the 100 series. That 100 series is reserved for the  
state.

Public Information Officer Al Bravo gave a presentation on the background of the alternative expenditure limitation.

Vice Mayor Barker commented we are having our two mandatory public hearings. She asked if they could also have informational public hearings during our council meetings during the summer. We would simply state what it is, the numbers they will see and what it does rather than just counting on mailers.

City Attorney Joel Stern stated they could have informational-type meetings.

Mayor Insalaco commented he thinks it would be a wise decision.

Vice Mayor Barker commented it would be very smart to do that.

Mayor Insalaco commented we are talking about April and they have May, June and July. Some people might not hear about it. He thinks they could do even just a quick blurb every once and a while.

Councilmember Wilson commented he talked to one community where unfortunately theirs failed. He asked if there is a way of getting someone from that community to come in and talk to us about their experiences and what they had to go through, the hoops they had to jump and everything, that way the community would understand what the ramifications are.

Public Information Officer Al Bravo stated they have already gotten information from the Pinal County community to which he is referring. Unfortunately they are also involved in their own election cycle and going back to their own voters with it. They are not in a position to present in a more formal way. We are going to try to collect some of that information to be shared with the mayor and council as well as the community to get an idea of exactly what they said.

Councilmember Wilson asked if it is possible to send Matt down there to do an interview with him so we have that available. He asked if that would be in violation of the rules.

City Manager Bryant Powell stated he wanted to take a second to express the sensitivity that is going on right now in that community. We had heard the same desire from the city council to reach out to our fellow county community. He reached out to his counterpart, the city manager, and there is a sensitivity of having to discuss it out there. They are doing a very similar program of letting folks know what the facts are about home rule. They are going into their community and doing neighborhood programs. The city manager stated he would really prefer not to have discussions about what has happened in the past.

Mayor Insalaco commented he understands where that would be a sore subject.

City Manager Bryant Powell stated he just said they need to move forward, to press forward. With social media now it will get picked up and there could be that type of perception out there. We have already done some of that. We have some data we could share. They are looking for a video that is a public record that did a great job of explaining that they really did have a tough year. They had to go through an extra-special effort. It would be good for everybody in our community to see what happens if it does not pass. In our case it is \$10 million. That is significant. We can explain it but we would literally have to shut the doors at the multi-gen, the swimming pool, put plywood on the library and, indirectly, he thinks people should also know all the maintenance of the Little League fields, Prospector Park, Black and Gold field, and all these different little groups could be incredibly devastated. They could definitely keep trying but that was the sensitivity of the community when he reached out.

City Attorney Joel Stern stated Councilmember Wilson mentioned the rules. For purposes of advocating a certain position on the ballot, it is something the city cannot do. The city cannot use its resources to do that with employees or at council meetings. But they can do

informational meetings. They could send out information in the mail. They could do it on social media as long as you do not advocate a position. Those are the essential rules. They can present the numbers on what would be at stake. That is not a problem.

Councilmember Serdy commented Al stated two-thirds of the cities do home rule. He asked what the other third does and why they do not have to do home rule. He asked if there was an alternative.

Public Information Officer Al Bravo stated most of the other third, about 30 cities in the state, have either a permanent alternative limitation that they passed or they are under their own city charter in which case they do not have to do home rule election.

Mayor Insalaco commented you have to be a certain size to be a charter city.

Public Information Officer Al Bravo stated he is not sure but he does not think they do.

City Manager Bryant Powell stated they have to do an election.

City Clerk Kathleen Connelly stated Al is correct that some of the cities have enacted what is called a permanent base adjustment. It is something that goes to the voters. It is a different approach but it is allowable. The remaining cities might not have reached that threshold yet. She believes the City of Mesa did their first home rule or permanent base adjustment about four years ago because they had been around for so long they were not butting up against that state imposed limit.

Councilmember Serdy commented since this is always so stressful he would like to look into doing a permanent one someday. Some future council should look into that so we do not have to go through this all the time.

City Attorney Joel Stern stated Al is correct in that they may not have to go to an

election now because of their charter. The charter cities won a big case regarding the election cycles. Our city is not a charter city. We have to go by what the general law cities have to go by. The bigger cities that have a charter, and he could go on for an hour on what a charter is, they do not have to be in the same election cycle as the others. They can pick and choose which year if they want to have an election. It is a little different. But they still have to do the home rule. Like Kathy stated, they may not be there yet, so it might not be the time for them to do it. They may have also done a permanent adjustment.

City Clerk Kathleen Connelly stated she wanted to again add we have never had a summer election. November is fall, August is summer. This is a new wrinkle for us. Not just for home rule, but also for candidates. It is something to look at and have occasional reminders during the summer.

Vice Mayor Barker commented people have become accustomed to March elections. To have an August election when many people are not around, on vacation or what have you, it takes them by surprise. When people ask her and she tells them the election is August 30 they look at her like she is mad.

City Clerk Kathleen Connelly stated hopefully those people have signed up for the permanent early voter and will automatically get their ballot.

Mayor Insalaco opened the public hearing on the item. There being no one wishing to speak, he closed the public hearing and moved on to the next item as this was a public hearing item only with no action tonight.

#### OLD BUSINESS

None.

#### NEW BUSINESS

None.

DIRECTION TO STAFF

None.

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, APRIL 18, 2016, IN THE CITY COUNCIL CONFERENCE ROOM AND CITY COUNCIL CHAMBERS RESPECTIVELY; AND

THAT AN EXECUTIVE SESSION AT 5:45 P.M. BE HELD ON TUESDAY, APRIL 19, 2016, IN THE CITY COUNCIL CONFERENCE ROOM.

Councilmember Wilson SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

CALL TO THE PUBLIC

Mr. George Schroeder, 2444 W. Virginia Street, Apache Junction, addressed the council regarding conversations he has had with Lisa Atkins of State Land, a drunk woman laying down in front of the house next door that he is trying to sell and requested the judge be removed.

ADJOURNMENT )  
 ) Mayor Insalaco adjourned  
the meeting at 8:40 p.m.

Consent Agenda Items are as follows:

1. Consideration of acceptance of agenda.
2. Consideration of approval of minutes of regular meeting of March 15, 2016.
3. Consideration of appointment to Public Safety Personnel Retirement Board.

4. Consideration of award of contract to Sunland Asphalt for street maintenance work in various locations in partial fulfillment of Fiscal Year's 2016-2017 Street Maintenance Plan.
5. Consideration of approval of proposed agreement for PW 2015-16 Heating, Ventilation and Air Conditioning (HVAC) services and repair with Innovative Mechanical Systems for \$14,200 for a period of one (1) year with the option to renew with four (4) additional one-year periods.

ACCEPTED THIS 19<sup>th</sup> DAY OF April, 2016, BY THE  
MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA.

SIGNED AND ATTESTED TO THIS 19<sup>th</sup> DAY OF April, 2016.

  
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 5th day of April, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 11th day of April, 2016.

  
KATHLEEN CONNELLY  
City Clerk