



City of Apache Junction, Arizona

Meeting Minutes City Council Meeting

Meeting location:

City Council Chambers
at City Hall
300 E Superstition Blvd
Apache Junction, AZ
85119

www.ajcity.net
Ph: (480) 982-8002

Tuesday, February 2, 2016

7:00 PM

City Council Chambers

This document may not reflect the most current legislation adopted by the City of Apache Junction and is for convenience and informational use only. For further information on the official version of council meeting minutes please contact the Apache Junction City Clerk's office at (480) 982-8002.

A. CALL TO ORDER

The regular meeting of the City Council of the City of Apache Junction, Arizona, was held on February 2, 2016, at the Apache Junction City Council Chambers pursuant to the notice required by law.

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

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Councilmember Wilson gave the Invocation.

Councilmember Waldron led the Pledge of Allegiance.

C. ROLL CALL

Present: 7 - 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
City Engineer Emile Schmid
Development Services Director Larry Kirch

Others Present: Public Information Officer Al Bravo

D. CONSENT AGENDA

Yes: 7 - Mayor Insalaco, Vice Mayor Barker, Councilmember Evans, Councilmember Rizzi, Councilmember Serdy, Councilmember Waldron and Councilmember Wilson

No: 0

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

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

1. [16-44](#) Consideration of acceptance of agenda.
2. [16-45](#) Consideration of approval of minutes of regular meeting of January 19, 2016.

E. AWARDS, PRESENTATIONS AND PROCLAMATIONS

None.

F. ANNOUNCEMENT OF CURRENT EVENTS

Councilmember Wilson commented they had the driving competition at the rodeo grounds two weeks ago with over 50 teams participating. People who came to visit the community praised the grounds and the view we have, including some from many different countries.

Councilmember Evans reminded everyone this Saturday is the farmers' market at the community garden.

Vice Mayor Barker announced they have the ValenTails pet adoption event at Walmart this Saturday.

Vice Mayor Barker commented a couple of weeks ago the Chamber of Commerce had their business fair with lots of merchants doing their thing.

Vice Mayor Barker commented last Saturday there was an appreciation day with over 500 people attending.

Councilmember Waldron commented he and the mayor were invited to the annual inspection of the JROTC program at the high school last Wednesday. It is a required inspection to keep their certificate going. J.L. Coombs partnered with them. The navy commander in charge of naval recruitment for Arizona and New Mexico is a 1988 graduate of Apache Junction High School.

G. CITY MANAGER'S REPORT**3. [16-40](#) City manager's report.**

City Manager Bryant Powell commented on the upcoming home rule election.

H. PUBLIC HEARINGS**4. [16-53](#) Consideration of application for a special event liquor license for Superstition Mountain Rotary Club #1246 for Lost Dutchman Days, February 26-28, 2016, at 1590 East Lost Dutchman Boulevard. The next step in the procedure is for the council to hold a public hearing and make a recommendation for approval or denial to the Arizona Department of Liquor Licenses and Control.**

Yes: 7 - Mayor Insalaco, Vice Mayor Barker, Councilmember Evans, Councilmember Rizzi, Councilmember Serdy, Councilmember Waldron and Councilmember Wilson

No: 0

City Clerk Kathleen Connelly briefed the council on the item.

Mayor Insalaco requested the applicant address the council.

Mr. Michael Cowan, 17844 E. Pacana Court, Gold Canyon, addressed the council to answer any questions.

Mayor Insalaco asked if they are doing this to make any money.

Mr. Michael Cowan stated that is what it is all about, to help the kids.

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.

Vice Mayor Barker commented they do not have the fire department memo in the packet.

City Clerk Kathleen Connelly stated then they did not give us one.

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

Councilmember Waldron MOVED THAT THE APPLICATION FOR A SPECIAL EVENT LIQUOR LICENSE FOR SUPERSTITION MOUNTAIN ROTARY CLUB #1246 FOR FEBRUARY 26-28, 2016, SUBMITTED BY MICHAEL COWAN, BE RECOMMENDED FOR APPROVAL TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

I. OLD BUSINESS

5. [16-26](#) Presentation, discussion and annual review of the .2% sales tax dedicated to fund roadway maintenance and repairs.

City Manager Bryant Powell briefed the council on the item, including the history of the sales tax, the revenues collected, the expenses, efforts from last year and the future projects.

Mayor Insalaco commented at the last three neighborhood meetings he has attended he has asked them if they are upset with the .2%. One gentleman stood up and said it is better than him having his car repaired because of the Trail. The residents understand.

Councilmember Evans asked, so far with the numbers that have come in, if the city sales tax revenue increased at the same point in time over last year.

City Manager Bryant Powell stated based on what they are seeing, they are seeing a 2% to 3% overall increase in the sales tax year to year. That is probably what they will be projecting for fiscal year 2016/2017 when they see the budget revenues for the general fund.

Councilmember Evans commented it is going in the right direction.

City Manager Bryant Powell stated it is a great thing to see. We have had five years where it was not. These last two or three have been positive.

Councilmember Wilson thanked Bryant for the presentation. He has talked to a few of the businesses. They have complimented the city. They were very fearful at first on what was going to happen to their businesses during construction. They said the impact was very minimal, they

appreciated the speed within which it was done and the improvement of the road. They really appreciated it.

Vice Mayor Barker asked if the Southern Avenue plan is inclusive of the Pinal County tiger grant.

City Manager Bryant Powell stated he is not sure on that. He is not sure they have that exact information but they can find out for her.

Vice Mayor Barker commented as far as she is aware the design is in 2017 and build out is in 2018. She believes it came in around \$600,000 for our share.

City Manager Bryant Powell stated that may be it.

Assistant City Manager Matt Busby stated this just means the project is in design right now and that is the total cost of the project.

Vice Mayor Barker commented she thought they might be looking at a little more there.

City Manager Bryant Powell thanked Councilmember Wilson for bringing that point up. He remembered the dialogue they had for months about the investment in our economic development corridor. Our residents and our businesses receive these services from the city. We do not have a city property tax. Half of our revenues come from the sales tax and from our businesses. Healthy businesses, healthy community, healthy streets and roads all tie together. He will pass his comments on to the public works department for all those who were involved in making these things happen.

This was an information only item with no council action to be taken. Mayor Insalaco closed the item with no further discussion and moved on to the next item.

J. NEW BUSINESS

None.

K. COUNCIL DIRECTION TO STAFF

6. [16-36](#) Direction to staff authorizing the city manager to transmit a commitment letter to the Arizona Department of Housing (ADOH) committing the City of Apache Junction to a local government contribution providing a cash flow loan in an amount equal to or greater than one percent of the development budget as identified as total direct construction costs (currently estimated to be between \$58,500 to \$80,000) including a future development/redevelopment

agreement, loan agreement and promissory note which shall be approved by the city council should the project be approved by the state in order to facilitate the rehabilitation of The Crossings at Apache Junction (380 South Phelps Drive) as part of a Low Income Housing Tax Credit application to the ADOH by the Englewood Group.

Yes: 7 - Mayor Insalaco, Vice Mayor Barker, Councilmember Evans, Councilmember Rizzi, Councilmember Serdy, Councilmember Waldron and Councilmember Wilson

No: 0

Development Services Director Larry Kirch briefed the council on the items.

Councilmember Waldron commented these have to be submitted by March 1, 2016. He asked when they would find out if they have been awarded.

Development Services Director Larry Kirch stated around the first of June. This would be in next year's fiscal budget. They might have to have a closing and they would have to time it with that. Construction would start a few months after that. They had a question for the Crossings the last time they met with them. They will try to do 16 units at a time. They talked about displacement and how they revamp an entire apartment complex in order to displace the fewest families as possible. They feel it would be most efficient for them to do one pod at a time, which is 16 units. They have almost 100% occupancy so they will have to stage how that works. They will know in June and they will have a loan closing like any typical loan closing.

Councilmember Waldron commented for budget purposes they need to get that in the budget in case they do get approved.

Development Services Director Larry Kirch stated the only contingency is the city is saying it is going to do this unless they do not get the project awarded.

Councilmember Waldron commented but they have to include the numbers just in case they do get awarded.

Development Services Director Larry Kirch stated they will have a definitive number by March 1.

City Manager Bryant Powell stated they will include them in the budget in anticipation that they would. It may be the case both of them get awarded, only one does or neither. We would have to address it at that point.

Councilmember Evans asked the city manager if he anticipates the city will have enough cash to do both projects.

City Manager Bryant Powell stated he does. He added in each of these projects an investment of \$7 million and possibly \$5 million in the other will bring potentially \$197,000 just in development fees on one of the projects. They have not talked about that yet. It will bring 70 to 100 jobs to the area during that year for each of those projects. There are some other elements about these investments. When he talked to the economic development director, the investment of having housing in these two areas will only enhance the private investment that is coming in, such as Kroger and their investment. Keeping that in mind, the likelihood of those is staying strong.

Councilmember Evans asked if one would look unfavorably on one or the other if both of them are approved.

Development Services Director Larry Kirch stated he asked that question of the state housing director and she indicated as we are part of Pinal County and there is a rural component to it, there is no request by the city to pick which one we like better. They both have equal chances and hopefully both of them are approved.

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

Vice Mayor Barker MOVED THAT THE FOLLOWING DIRECTION BE GIVEN TO STAFF REGARDING AUTHORIZING THE CITY MANAGER TO TRANSMIT A COMMITMENT LETTER TO THE ARIZONA DEPARTMENT OF HOUSING FOR THE ENGLEWOOD GROUP: THAT THE CITY MANAGER DRAFT A LETTER COMMITTING THE CITY OF APACHE JUNCTION TO A LOCAL GOVERNMENT CONTRIBUTION PROVIDING A CASH FLOW LOAN IN AN AMOUNT EQUAL TO OR GREATER THAN ONE PERCENT OF THE DEVELOPMENT BUDGET AS IDENTIFIED AS TOTAL DIRECT CONSTRUCTION COSTS, CURRENTLY ESTIMATED TO BE BETWEEN \$58,500 AND \$80,000, INCLUDING A FUTURE DEVELOPMENT/REDEVELOPMENT AGREEMENT, LOAN AGREEMENT AND PROMISSORY NOTE WHICH SHALL BE APPROVED BY THE CITY COUNCIL SHOULD THE PROJECT BE APPROVED BY THE STATE IN ORDER TO FACILITATE THE REHABILITATION OF THE CROSSINGS AT APACHE JUNCTION, 380 SOUTH PHELPS DRIVE, AS PART OF A LOW INCOME HOUSING TAX CREDIT APPLICATION TO THE ARIZONA DEPARTMENT OF HOUSING BY THE ENGLEWOOD GROUP.

Councilmember Wilson SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

7. [16-37](#) Direction to staff authorizing the city manager to transmit a commitment letter to the Arizona Department of Housing (ADOH) committing the City of Apache Junction to a local government contribution providing a cash flow loan in an amount equal to or greater than one percent of the development budget as identified as total direct construction costs (currently estimated to be between \$60,000 to \$80,000) including a future development agreement, loan agreement and promissory note which shall be approved by the city council should the project be approved by the state in order to facilitate the development and construction of a 52 unit townhome development to be known as Apache Junction Villas (SE corner of Tepee Street and Plaza Drive) as part of a Low Income Housing Tax Credit application to the ADOH by Adams Construction & Management Co., Inc.

Yes: 7 - Mayor Insalaco, Vice Mayor Barker, Councilmember Evans, Councilmember Rizzi, Councilmember Serdy, Councilmember Waldron and Councilmember Wilson

No: 0

Councilmember Waldron MOVED THAT THE FOLLOWING DIRECTION BE GIVEN TO STAFF REGARDING AUTHORIZING THE CITY MANAGER TO TRANSMIT A COMMITMENT LETTER TO THE ARIZONA DEPARTMENT OF HOUSING FOR ADAMS CONSTRUCTION & MANAGEMENT CO., INC.: THAT THE CITY MANAGER DRAFT A LETTER COMMITTING THE CITY OF APACHE JUNCTION TO A LOCAL GOVERNMENT CONTRIBUTION PROVIDING A CASH FLOW LOAN IN AN AMOUNT EQUAL TO OR GREATER THAN ONE PERCENT OF THE DEVELOPMENT BUDGET AS IDENTIFIED AS TOTAL DIRECT CONSTRUCTION COSTS, CURRENTLY ESTIMATED TO BE BETWEEN \$60,000 AND \$80,000, INCLUDING A FUTURE DEVELOPMENT AGREEMENT, LOAN AGREEMENT AND PROMISSORY NOTE WHICH SHALL BE APPROVED BY THE CITY COUNCIL, SHOULD THE PROJECT BE APPROVED BY THE STATE IN ORDER TO FACILITATE THE DEVELOPMENT AND CONSTRUCTION OF A 52 UNIT TOWNHOME DEVELOPMENT TO BE KNOWN AS APACHE JUNCTION VILLAS, SOUTHEAST CORNER OF TEPEE STREET AND PLAZA DRIVE, AS PART OF A LOW INCOME HOUSING TAX CREDIT APPLICATION TO THE ARIZONA DEPARTMENT OF HOUSING BY ADAMS CONSTRUCTION & MANAGEMENT CO., INC.

Councilmember Evans SECONDED THE MOTION.

Vice Mayor Barker asked if that was number 7. That was the second one, but that is okay because they talked about both of them. She will do the first one when they have this one done.

City Clerk Kathleen Connelly stated this is not on the Englewood Group, it is on the second one.

There was general discussion on the two motions being reversed.

VOTE: Unanimous.

The motion carried.

8. [16-46](#) Direction to staff on allowing firearms on and in city owned property and buildings.

Yes: 3 - Councilmember Rizzi, Councilmember Serdy and Councilmember Wilson

No: 4 - Mayor Insalaco, Vice Mayor Barker, Councilmember Evans and Councilmember Waldron

Councilmember Serdy briefed the council on the item.

Councilmember Waldron commented he saw the information on the six hours but that is only one of the qualifications. He could submit his honorable discharge and get a concealed weapons permit.

Councilmember Serdy commented he believed so.

Councilmember Waldron commented that was 43 years ago. For him, he was in law enforcement so he is up on it but a lot of people are not. That is a bit concerning to him that they will allow people with concealed weapons who are not basically combat trained. It is a whole different situation when someone is shooting bullets at you then it is on television. You end up with crossfire issues and all sorts of problems. That, quite frankly, bothers him. He has been around guns his whole life. He owns them now and he believes in the second amendment. But it bothers him they could, in fact, have innocent people hurt because somebody in the council chambers or some other building is carrying a weapon and decides they need to use it. They may be justified in doing so but without the range training, it just bothers him. It scares him just to have that. They are talking about concealed weapons because open carry is not allowed by anybody.

Councilmember Serdy commented that is correct, but he feels you have the right to defend yourself and everybody in here should be able to in all of the buildings.

Councilmember Waldron commented he is not arguing that. There is a safety factor involved as well.

Councilmember Serdy commented it is not very safe when a mentally challenged person comes in and wants to do harm.

Councilmember Waldron commented that is why we have a police officer here.

Councilmember Serdy commented there may not always be a police officer there. He does not want him taking that right from himself or these people to defend themselves. He says he is for the second amendment; that is what the second amendment means when it shall not be infringed. He may not really be for the second amendment if he says but.

Councilmember Waldron commented but here is the...

Councilmember Serdy commented there is no but in the second amendment.

Councilmember Waldron commented he is incorrect because we do not know, there could be concealed weapons sitting out there right now.

Councilmember Serdy commented there probably are. There probably are everywhere you go.

Councilmember Waldron asked why they do not just leave it alone and leave it like it is.

Councilmember Serdy commented because they would be breaking the law, and with what President Obama proposed last month, if there was an incident and a gun was produced they would then have a weapons violation and lose their gun rights, which is, there again, against the Constitution. They would be infringing on their second amendment rights.

Councilmember Waldron commented that is his opinion.

Vice Mayor Barker commented rights are not ultimate. We have a first amendment right, but if we yell fire in a theater we just broke the law. That right is taken away when we put people in danger. She thinks opening the doors to concealed weapons puts people in danger. He has in his motion that a city resident, or a city representative, will advise the visitors. She asked who that representative is. She asked who is going to do that.

Councilmember Serdy commented that could be an employee or perhaps that should be stricken. Maybe that is infringing too much there itself. He believes that would be only if they see someone open-carrying.

Vice Mayor Barker commented it actually says a city representative is to advise visitors coming into city buildings to store their firearms. It does not say they have seen them. It does not say they have said anything to them. It simply says they will advise them. This tells her there will be somebody out there at the door and they will check every person that comes in. That is what she sees in this motion.

Councilmember Serdy commented the motion may be incomplete. He asked the city attorney if he had any thoughts on that. He believed his intent with this motion was if someone is carrying in the open they can then be asked to store their weapon. Perhaps he neglected in adding that. They do not want a Walmart greeter out there telling everyone coming in of their rights.

City Attorney Joel Stern stated he can add such language. Most of this was taken from Gilbert. He can add that if he wants to.

Vice Mayor Barker commented they have the word allow there. That would mean then there really probably is not going to be anybody asking or looking anyway. That would go back to what he referred to a couple of weeks ago as the honor system.

Councilmember Serdy commented he never brought up the honor system.

Vice Mayor Barker commented that he did.

Councilmember Serdy commented they brought it up and he said yes, probably.

Vice Mayor Barker commented okay. In that case, and he is saying people are probably carrying out here right now, nobody is paying attention to the sign anyway.

Councilmember Serdy commented he does not believe they should ask people to break the law. Right now it would be against the law. He wants to make it law-abiding.

Vice Mayor Barker commented he wants to make it so those people who are breaking the law now will not any more.

Councilmember Serdy commented that is correct.

Councilmember Rizzi commented the state says people can carry concealed with or without a permit. The city has a sign on the window that is more strict than the state law. Cities can be more strict but they cannot be less strict than what the state has given. She asked if the sign in the window

is an ordinance or could they simply just say they are going to take the signs down and go with the state. She asked if that were possible or if they would need an ordinance to do that.

Vice Mayor Barker commented the state also says you can open carry.

City Attorney Joel Stern stated that is a compound question.

Councilmember Rizzi asked if they so choose to give direction to staff to take the sign down from the window, we are not going to have gun free zones, we are just going to take the sign down without creating another ordinance. She asked if they could do that.

City Attorney Joel Stern stated they could. It is not an ordinance that allows the sign. It is a state law. The state law allows them to say they cannot bring guns in unless you have a locker. State law says that in the statutes he provided them. There are also three exceptions: they cannot be brought into court, the city prosecutor's office or the police department. If they take the sign down then anybody could bring any gun into any city building open or concealed.

City Manager Bryant Powell asked if they would take the gun lockers down.

City Attorney Joel Stern stated that would be a city manager policy if they wanted to take the gun lockers down. They could still offer it to them if they wanted to go store it. That is a policy decision.

Councilmember Rizzi commented the problem she has with do not ask, do not tell, is as policy makers when they do that, we are asking people to break the law. It may not be a big law. She asked at the last meeting if somebody came in carrying would they would be hauled off and arrested. That might not be the case but essentially we are encouraging people to break the rules. As a policy maker, she has a problem with that, saying do not ask, do not tell. We need to have it one way or the other and stick with it. She disagrees with do not ask, do not tell. It is either a rule they need to follow and make sure it is being followed or we change and not have that rule. One or the other. She does not agree in saying as long as they do not know it is okay and telling people that. It is not okay to tell people that. We are telling people it is okay to break the rules. It is not.

City Attorney Joel Stern stated some of these laws were not done at the same time. That complicates it a little bit. The locker thing was in place before the concealed

weapons permit.

Vice Mayor Barker commented which is why we put the lockers in, because the locker thing came up that we could do that. That is why the lockers went in. She has another scenario. Of all people Mr. Serdy knows she is not anti-gun being she has bought her guns from him; he is very well aware of that. He says, okay, they can carry anywhere around here except those places which are specifically noted in state law, i.e. the courts, the police department, et cetera. Then you have staff that says, hey, wait a minute, they have an angry guy that comes in once a month screaming and hollering and now you are telling him he can carry. We want bulletproof glass. We want glass up there to protect us because we need as much protection as anybody else. Or, on the other hand, they say, no, we want to be able to carry, too. So now you have a gunfight going on. She truly does not believe the city complex is the appropriate place for weapons. She does not believe that. The state legislature does not believe their chambers are the correct place for weapons and she agrees with them.

Councilmember Serdy asked if anyone here honestly believes the little painted thing on the window will keep someone from coming in here that intends to do harm.

Mayor Insalaco commented no.

Councilmember Serdy commented it is not.

Vice Mayor Barker commented but his not checking them at the door does not change that. It does not change it. All he has done is say come on down. Anybody who wants to stick a pistol in the back of their britches can do so.

Councilmember Serdy commented after they have taken six hours of class.

Vice Mayor Barker commented only if somebody catches them. And he is not going to have anybody catching them.

Councilmember Serdy commented they could be doing that now. She is arguing something that does not matter if they are doing it now.

Vice Mayor Barker asked if it did not matter.

Councilmember Serdy commented they are going to encourage people to take the class. Someone in the legislature is trying to give a tax credit of \$400 to encourage people to take the class.

Vice Mayor Barker commented yes they are and it is \$80 but she still disagrees.

Councilmember Evans commented she has a whole different outlook on this. She is a gun owner. She does not have a concealed weapons permit. She has it just for her house. Thinking about both sides of this argument over the last month or so, it keeps coming back to her would she be any less dead if she was shot in crossfire by people in the audience, whether they were trying to shoot someone who was trying to shoot us. This is not the solution to her for their safety issue. In Mesa, for example, you go into any Mesa building you go through a metal detector. She would rather install metal detectors and stop everybody from carrying. If someone gets a concealed weapons permit it is good for five years. With her background, mental health issues come up in five years. They can come up in three months. Now we have someone with a concealed weapons permit that has some instability happening to them for whatever reason. She asked if she was any safer now and answered no, she is actually at more risk because he is allowed to do it because he would have a permit. The permit is not the do all save all to safety in any public setting. She does not think this is, if they are interested in safety, and safety in the city complex and city buildings, the answer. She wished she could agree with him and she understands his point but she does not think it is the solution.

Councilmember Serdy commented lawbreakers are going to break the law. There are laws against shooting people.

Councilmember Evans commented absolutely.

Councilmember Serdy commented that does not stop people. Painted signs on windows do not protect you.

Councilmember Evans commented that is right.

Councilmember Serdy commented if she has to, this is one of the only resorts. The law-abiding person is not going to be the problem. It is the people that are not going to obey the laws.

Councilmember Evans commented what she is saying, even from what the mayor has said at the last meeting, is it has been a long time since he shot his gun. There are cataracts, there are all kinds of things. Someone in the audience is trying to shoot the bad guy or just trying to shoot whomever, she could still be shot. She would just as soon not have the guns in here.

Councilmember Serdy commented she could be hit

by a car, also. We cannot do these potential scenarios. It is endless to keep going on and on with these.

Councilmember Evans commented she agreed with that.

Councilmember Serdy commented the statistics show that if they know people are allowed to have firearms they will not attack here. They will go to the places like a pre-school or a place where absolutely no guns are allowed. That is why it is important.

Councilmember Evans commented unstable people are everywhere; the ones with guns, the ones without guns. Her whole point is she would just as soon have a metal detector. She does not want to have a police officer asking everybody that is coming in here. She wants them just to be able to walk in if they walk through the metal detector and it does not go off, because it could be a knife or any kind of weapon. She has no idea what metal detectors cost but she knows other municipalities have used them as their solution to this problem. It is not just we are all armed so we are safe. To her that is not the solution.

Councilmember Rizzi commented it sounds to her like the feelings of some of the council members here would be that by allowing it we would be increasing the number of people coming in with guns. That is what she is hearing. She is hearing the other council members would think that if we get this, if we approve this, all of a sudden people are just going to start showing up left and right with guns. She disagreed with that. She compares it to a lot of the laws with the medical marijuana. She does not think any more people are going to come to the council chambers or the city complex carrying a weapon than what we already have because we changed whether or not they can come in. She does not see that happening.

Councilmember Serdy commented he had one more point. Guns do make you safer. That is why whenever you see President Obama or anyone he is surrounded by guns. They are making him safer. His children go to a school and there are guns there making his children safer. Everyone in this building and all of these buildings should have the same right to be made safe and protect themselves.

Councilmember Wilson commented something he thought was very interesting was one of the things being taught now for a situation for a mass shooting has changed. Before police used to always say to cooperate or run and hide. They are now saying find ways of protecting yourself. That is one of the biggest changes. The police admit they cannot always be

there and with the situations that have occurred over the years one of the things that has stopped them has been someone that has put up resistance. He just thinks it is very interesting they are now starting to teach you to develop ways of defending yourself.

Councilmember Rizzi commented maybe she should say this and maybe she should not. Maybe she is putting it out there and making herself a sitting duck. Actually, they are all sitting ducks. A wackadoodle could come in at any point and we are sitting ducks. We do not have a way to protect ourselves. We do not know who a wackadoodle might be. They might be a law-abiding citizen one moment. It is not for them to determine when someone becomes a crazy person. It could happen. At the same time they are sitting ducks. She does not own a gun but she does not fear people that do. She does not fear people that come in. She is not looking to protect herself with a gun. She will just run and hide. At the same time, people have that right. If they are law-abiding citizens she thinks they are taking peoples' rights away when we create gun free zones. She does not hunt. She was not raised around guns. She is not a big fan but she thinks they are taking something away from law-abiding citizens that have the right to protect themselves whether it is pepper spray, a pocket knife or a gun. They are a sitting duck to somebody. They sit there and they have no way to protect themselves. She chooses not to carry to protect herself but for those that do, she thinks they have the right to do that.

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

Councilmember Serdy commented he may struggle with the first line as he has rewritten it as they were speaking. He MOVED THAT STAFF BE DIRECTED AS FOLLOWS: TO DRAFT AN ORDINANCE/ADMINISTRATIVE POLICY THAT ALLOWS IF A CITY REPRESENTATIVE OBSERVES VISITORS COMING INTO CITY BUILDINGS CAN ASK THEM TO STORE THEIR FIREARMS IN A READILY ACCESSIBLE LOCKER UNLESS THE VISITOR IS IN POSSESSION OF CURRENT AND VALID CONCEALED WEAPONS PERMIT PURSUANT TO ARIZONA REVISED STATUTES SECTION 13-3112; A VISITOR IN POSSESSION OF A CURRENT AND VALID CONCEALED WEAPONS PERMIT PURSUANT TO ARIZONA REVISED STATUTES SECTION 13-3112 TO BE DIRECTED BY A CITY REPRESENTATIVE TO CONCEAL THEIR FIREARM OR STORE IT IF IT CANNOT BE CONCEALED; THE CITY TO PROHIBIT ARMED VISITORS REGARDLESS OF WHETHER THEY HAVE A CURRENT AND VALID CONCEALED WEAPONS PERMIT ISSUED UNDER ARIZONA REVISED STATUTES SECTION 13-3112 IN THE POLICE DEPARTMENT, THE MUNICIPAL COURT AND THE PROSECUTOR'S OFFICE PURSUANT TO ARIZONA REVISED STATUTES SECTION 13-3118.

Councilmember Wilson SECONDED THE MOTION.

VOTE: 3-4 (Vice Mayor Barker, Councilmembers Evans and Waldron and Mayor Insalaco all voted in opposition.)

The motion failed.

9. [16-50](#) Direction to staff on updates to Chapter 13, Public Works.

Yes: 7 - Mayor Insalaco, Vice Mayor Barker, Councilmember Evans, Councilmember Rizzi, Councilmember Serdy, Councilmember Waldron and Councilmember Wilson

No: 0

City Engineer Emile Schmidt briefed the council on the items.

Councilmember Evans commented compared to the rest of the numbers the pavement cut fee chart looks like an error has been made more than anything. She asked if it was an error or if it is meant to be \$1.50 per square yard.

City Engineer Emile Schmid stated that is correct. Staff added that last line item. Chandler does not have that 6 year plus item at all. They felt it was fair considering the range of time of pavement life it would be encompassing.

Councilmember Evans commented they would not get much at \$1.50 a square yard.

Mayor Insalaco asked if that is only for what they are charging.

City Engineer Emile Schmid stated that is charging to cut. There is also a line item for the pavement that is going in as well. This is above the pavement going in. He continued with his briefing.

Mayor Insalaco called for a motion on item number 9.

Vice Mayor Barker MOVED THAT THE FOLLOWING DIRECTION BE GIVEN TO STAFF REGARDING PROPOSED ORDINANCE NO. 1424, AMENDMENTS TO CHAPTER 13 PUBLIC WORKS: THAT STAFF PRESENT A FINAL PROPOSED ORDINANCE BASED ON THE DRAFT DATED DECEMBER 10, 2015 INCLUDING ANY CHANGES DEEMED NECESSARY BY THE CITY ATTORNEY, ELIMINATING THE EMERGENCY CLAUSE AND TO BRING IT BACK FOR A PUBLIC HEARING AND VOTE ON APRIL 19, 2016.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

10. [16-54](#) Direction to staff on updates to Chapter 10, Engineering Design Guidelines and Policies.

Yes: 7 - Mayor Insalaco, Vice Mayor Barker, Councilmember Evans, Councilmember Rizzi, Councilmember Serdy, Councilmember Waldron and Councilmember Wilson

No: 0

Mayor Insalaco called for a motion on item number 10.

Councilmember Evans MOVED THAT THE FOLLOWING DIRECTION BE GIVEN TO STAFF REGARDING PROPOSED ORDINANCE NO. 1423, REPEALING CITY CODE VOLUME II DEVELOPMENT CODE, CHAPTER 10 IN ITS ENTIRETY AND ADOPTING A NEW CHAPTER 10; THAT STAFF PRESENT A FINAL PROPOSED ORDINANCE BASED ON THE DRAFT DATED DECEMBER 10, 2015 INCLUDING ANY CHANGES DEEMED NECESSARY BY THE CITY ATTORNEY, ELIMINATING THE EMERGENCY CLAUSE AND TO BRING IT BACK FOR A PUBLIC HEARING AND VOTE ON APRIL 19, 2016.

Vice Mayor Barker SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

11. [16-52](#) Direction to staff on updates to Chapter 4, Fees.

Yes: 7 - Mayor Insalaco, Vice Mayor Barker, Councilmember Evans, Councilmember Rizzi, Councilmember Serdy, Councilmember Waldron and Councilmember Wilson

No: 0

Mayor Insalaco called for a motion on item number 11.

Councilmember Waldron MOVED THAT THE FOLLOWING DIRECTION BE GIVEN TO STAFF REGARDING PROPOSED ORDINANCE NO. 1426, REPEALING EXISTING AND ADOPTING NEW PUBLIC WORKS ENGINEERING FEES: THAT STAFF PRESENT A FINAL PROPOSED ORDINANCE BASED ON THE DRAFT DATED JANUARY 21, 2016 INCLUDING ANY CHANGES

DEEMED NECESSARY BY THE CITY ATTORNEY AND BRING IT BACK FOR A PUBLIC HEARING AND VOTE ON APRIL 19, 2016.

I FURTHER MOVE THAT STAFF TAKE ALL ACTIONS NECESSARY TO MEET THE LEGAL REQUIREMENTS SET FORTH IN STATE LAW REGARDING NOTIFICATION OF THIS PENDING ACTION.

Vice Mayor Barker SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

L. SELECTION OF MEETING DATES, TIMES, LOCATIONS, AND PURPOSES

Yes: 7 - Mayor Insalaco, Vice Mayor Barker, Councilmember Evans, Councilmember Rizzi, Councilmember Serdy, Councilmember Waldron and Councilmember Wilson

No: 0

Vice Mayor Barker commented the executive session and work session scheduled for Monday, February 15, 2016 are canceled due to the observance of Presidents' Day. She MOVED THAT AN EXECUTIVE SESSION AT 5:45 P.M. AND A WORK SESSION AT 7:00 P.M. BE HELD ON TUESDAY, FEBRUARY 16, 2016, IN THE CITY COUNCIL CONFERENCE ROOM AND CITY COUNCIL CHAMBERS RESPECTIVELY.

Councilmember Evans SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

12. [16-42](#) Executive Session at 5:45 P.M. and Work Session at 7:00 P.M. for Monday, February 15, 2016 is canceled due to the observation of Presidents' Day.

13. [16-43](#) Executive Session at 5:45 P.M. and Work Session at 7:00 P.M. for Tuesday, February 16, 2016. Other meetings if necessary.

M. CALL TO PUBLIC

Mr. James Boerigter, 1054 E. Roosevelt, Apache Junction, addressed the council to thank them, the chief of police, the city attorney, the city manager and code enforcement for all the work done on the property by him.

Mr. Wayne Standage, 1920 E. 20th Avenue, Apache Junction, filled out a form but withdrew.

Mr. Jimmy Eidson, 1309 W. 15th Avenue, Apache Junction, addressed the council to thank the chief of police for an

excellent job and his concern about the council denying to change the policy on visitors carrying weapons on city property.

Mr. Thomas Aulik, 503 E. Montebello, Apache Junction, addressed the council regarding loud commercials on television, metal detectors for the council chambers, the water pipe at Southern and Idaho that needs to be replaced, Bureau of Land Management land, a new roadway in Queen Creek and new road construction in Apache Junction.

Mr. George Schroeder, 2444 W. Virginia, Apache Junction, addressed the council regarding the differing opinions on the laws concerning carrying guns and forming a committee to address the situation and bring their results to council.

N. ADJOURNMENT

Mayor Insalaco adjourned the meeting at 8:05

p.m.