



# 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](http://www.ajcity.net)  
Ph: (480) 982-8002

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Tuesday, June 21, 2016

7:00 PM

City Council Chambers

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### A. CALL TO ORDER

The regular meeting of the City Council of the City of Apache Junction, Arizona, was held on June 21, 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.

Vice Mayor Barker 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

Councilmember Waldron appeared telephonically.

**Staff Present:** City Manager Bryant Powell  
Assistant City Manager Matt Busby  
City Clerk Kathleen Connelly  
City Attorney Joel Stern  
Parks and Recreation Director Liz Langenbach  
Development Services Director Larry Kirch

Others Present:       Public Information Officer Al Bravo  
                          Economic Development Administrator Janine Solley  
                          Assistant Planner Stephanie Bubenheim  
                          Captain Troy Mullender  
                          Senior Planner Rudy Esquivias  
                          City Prosecutor Eric Yuva

#### **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; AND

THAT APPROVAL BE GIVEN FOR THE CONTRACT FOR ECONOMIC DEVELOPMENT SERVICES BETWEEN THE GREATER PHOENIX ECONOMIC COUNCIL AND THE CITY OF APACHE JUNCTION IN THE AMOUNT OF \$22,068.00; AND THAT COUNCILMEMBER SERDY BE REAPPOINTED AS THE REPRESENTATIVE OF THE COUNCIL TO THE GREATER PHOENIX ECONOMIC COUNCIL BOARD OF DIRECTORS; AND

THAT APPROVAL BE GIVEN TO RESOLUTION NO. 16-23, A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AUTHORIZING THE SUBMISSION OF APPLICATION(S) FOR FY2015-16 STATE HOUSING FUNDS, WHICH MAY INCLUDE FEDERAL FUNDING THROUGH THE HOME INVESTMENT PARTNERSHIP PROGRAM FOR STATE HOUSING FUNDS, CERTIFYING THAT SAID APPLICATION(S) MEET THE COMMUNITY'S HOUSING AND COMMUNITY DEVELOPMENT NEEDS AND THE REQUIREMENTS OF THE STATE HOUSING PROGRAMS, AND AUTHORIZING ACTION NECESSARY TO IMPLEMENT AND COMPLETE THE ACTIVITIES OUTLINED IN SAID APPLICATION(S); AND

THAT APPROVAL BE GIVEN TO RESOLUTION NO. 16-22, A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, COMMITTING LOCAL FUNDS AS LEVERAGE FOR A FY 2015-16 STATE HOUSING FUND APPLICATION, AND

THAT APPROVAL BE GIVEN TO RESOLUTION NO. 16-21, A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AUTHORIZING THE SUBMISSION OF APPLICATION(S) FOR FISCAL YEAR 2016 COMMUNITY ORIENTED POLICING SERVICES ("COPS") HIRING PROGRAM FOR A SCHOOL RESOURCE OFFICER; AND

THAT APPROVAL BE GIVEN FOR THE CONTRACT BETWEEN THE CITY OF APACHE JUNCTION AND VISUS ENGINEERING CONSTRUCTION INC., FOR PROJECT PWC2015-05, INSTALLATION OF SIDEWALKS ON 1ST AVENUE IN THE GRAND VIEW NEIGHBORHOOD IN THE AMOUNT OF \$203,000 PLUS 10% AS A CONTINGENCY FOR UNFORESEEN CIRCUMSTANCES DURING

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CONSTRUCTION FOR A TOTAL AMOUNT NOT TO EXCEED \$223,300; 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 FOR THE CONTRACT BETWEEN THE CITY OF APACHE JUNCTION AND THE APACHE JUNCTION CHAMBER OF COMMERCE FOR THE OPERATION OF A LOCAL VISITOR INFORMATION CENTER FROM JULY 1, 2016 TO JUNE 30, 2017 IN AN AMOUNT NOT TO EXCEED \$41,000; 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 FOR THE CONTRACTS BETWEEN THE CITY OF APACHE JUNCTION AND WILLIAM PEARLMAN AND THE CITY OF APACHE JUNCTION AND CARRIE CANIZALES TO PROVIDE PUBLIC DEFENDER SERVICES FROM JULY 1, 2016 TO JULY 1, 2017 IN THE AMOUNT OF \$1,725 PER MONTH; AND THAT AUTHORIZATION BE GIVEN FOR THE PRESIDING MAGISTRATE TO SIGN THE CONTRACTS; AND

THAT ITEM NUMBER 11 BE MOVED TO IMMEDIATELY FOLLOW THE CITY MANAGER'S REPORT.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

1. [16-298](#) Consideration of acceptance of agenda.
2. [16-299](#) Consideration for approval of minutes of regular meeting of June 7, 2016.
3. [16-286](#) Consideration of approval of the Greater Phoenix Economic Council (GPEC) contract for economic development services in the amount of \$22,068.00, and appointment of a member of the council as the City of Apache Junction representative to the GPEC Board of Directors.
4. [16-287](#) Consideration of approval of Resolution No. 16-23, authorizing the submission of application for Fiscal Year 2015-2016 State Housing Funds, which may include federal funding through the Home Investment Partnership Program or State Housing Funds, certifying that said application(s) meet the community's housing and community development needs and the requirements of the state housing programs, and authorizing actions necessary to implement and complete the activities outlined in said application(s); and Resolution No. 16-22, committing local funds as leverage for a Fiscal Year 2015-2016 State Housing Fund Application.
5. [16-288](#) Consideration of approval of Resolution No. 16-21, authorizing the submission of application(s) for Fiscal Year 2016 Community Oriented Policing Services (COPS) Hiring Program for a School Resource Officer.

6. [16-290](#) Consideration of approval of proposed contract with Visus Engineering Construction Inc. for the installation of sidewalks on 1st Avenue in the Grand View neighborhood in an amount not to exceed \$223,300.00.
7. [16-305](#) Consideration of award of contract to the Apache Junction Chamber of Commerce for the operation of a local visitor information center in an amount not to exceed \$41,000.00 with a contract term of July 1, 2016 through June 30, 2017.
8. [16-308](#) Consideration of approval of contracts for public defender services.

**E. AWARDS, PRESENTATIONS AND PROCLAMATIONS**

None.

**F. ANNOUNCEMENT OF CURRENT EVENTS**

Councilmember Serdy reminded everyone the fireworks have been moved up to 8:30 p.m. from 9:00 p.m. for the Fourth of July Celebration.

Councilmember Rizzi commented she attended two of the most recent police academy graduations. She welcomed the four new officers to the police department.

Councilmember Rizzi reminded everyone to take extra water with them if they are outside during this record heat and check on anyone who may need some help. She added pets will also need shade and water.

Vice Mayor Barker reminded everyone about the Water for Living Project and listed the locations accepting water donations.

Councilmember Evans commented last Saturday, the mayor, vice mayor and she attended the grand opening ceremony for the newest church in Apache Junction, a Hindu church. She commented on the proceedings.

Mayor Insalaco commented there are only 7 other centers like this throughout the United States. There were 12 swamis there and 2 came directly from India with the rest from all over the United States. He commented on the ceremony.

Mayor Insalaco reminded everyone of the Fourth of July Celebration in two weeks. The parks and recreation staff has done a great job for people of all ages and he listed the

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various activities during the celebration.

## G. CITY MANAGER'S REPORT

### 9. [16-293](#) City manager's report.

City Manager Bryant Powell commented on the Fourth of July Celebration, the social media campaign with the fire district relating to monsoons, read a letter from a former library patron and read a letter of appreciation to the police department.

## H. PUBLIC HEARINGS

### 10. [16-322](#) Presentation, discussion, public hearing and consideration of proposed Ordinance No. 1431, case PZ-6-16, a proposed planned development major amendment request by Superstition Commons LLC, represented by Charles Duck, to amend the conditions of their RM-1/PD (High Density Multi-family Residential by Planned Development)-zoned, 5-acre subdivision property known as Superstition Commons (formerly "The Haystacks") located at 854 S. San Marcos Drive, by allowing the last five buildings (buildings 10 through 14) to be constructed as two-story four-plex townhome buildings, instead of one-story four-plex townhome buildings with basements.

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

**No:** 0

Senior Planner Rudy Esquivias briefed the council on the item.

Mayor Insalaco asked if the applicant is here.

Senior Planner Rudy Esquivias stated the applicant is not here.

Mayor Insalaco opened the public hearing on the item.

Mr. Christopher Agousti, 893 W. 10th Avenue, Apache Junction, addressed the council. He lives south of the proposed changes. Now that the owner has withdrawn his petition he encouraged them to vote no, otherwise the city is voting to confirm someone's profitability. As a business owner, if they were to do that, he would be in here the next day asking the city to confirm his profitability for his business. It sets a dangerous precedent this community cannot afford.

Mr. Reggie Collinger, 820 W. 10th Avenue, Apache Junction, addressed the council. He is just south of the

development. He is not sure why this is an issue to begin with. The original planned development states if the property is sold the new owner is bound to the requirements and design of the approved development plan. He hoped they would all vote no to allow the two-story buildings.

Mayor Insalaco closed the public hearing with no one else wishing to speak. He reopened the item to council discussion. There being no further discussion, he called for a motion.

Vice Mayor Barker MOVED THAT ORDINANCE NO. 1431 BE READ BY TITLE ONLY AND THE READING OF THE ENTIRE ORDINANCE BE WAIVED.

Councilmember Evans 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. 1431, AS READ BY THE CITY CLERK, BE DENIED.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

(During the vote Councilmembers Wilson and Evans commented they were voting yes as the applicant had withdrawn.)

The motion carried.

## **I. OLD BUSINESS**

None.

## **J. NEW BUSINESS**

11. [16-306](#) Presentation, discussion and consideration of the name chosen by the Youth Advisory Council for the downtown park.

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

**No:** 0

Parks and Recreation Director Liz Langenbach briefed the council on the item.

Mr. Jacob Briones, president of the youth advisory council, thanked the council for allowing them to name the new downtown park. They are excited to bring them that name. At their last meeting they took the feedback from the council and voted on the names. The name that was chosen was Flat Iron Community Park. They feel this name represents the community, being unique to Apache Junction. The Superstition Mountains attract a lot of people to the area. They hope the park will attract a lot of people to the area also. The name Superstition is used in many other locations around the city so they wanted to avoid using that. They heard from both the parks and recreation commission and the city council and both wanted the word community included. They know this is very important to the city as it is the first park the city will actually own. Even though they did not include words Apache Junction into the name, they thought they could include it at the top of the park signs.

Vice Mayor Barker commented as she understands him, they are not including the words "Apache Junction" as the name of the park.

Mayor Insalaco commented they are.

Vice Mayor Barker asked if they were.

Mr. Jacob Briones stated they are not but they do hope that all of the signs will have Apache Junction Flat Iron Community Park. The Flat Iron Community Park will stand out as the official name but they want Apache Junction to still be on all of the signs within the park.

Vice Mayor Barker commented it will be on the sign with it.

Mr. Jacob Briones stated that is correct.

Councilmember Rizzi thanked the group for stepping forward and wanting to be a part of the youth advisory council. She thanked them for their time and effort put into this. It is a great name and she really appreciated what they had done.

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

Vice Mayor Barker MOVED THAT THE DOWNTOWN PARK BE NAMED FLAT IRON COMMUNITY PARK.

Councilmember Evans SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

**12. [16-284](#)** Consideration of appointments/reappointments of applicants to the Superstition Mountains Community Facilities District #1 Board of Directors.

**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.

Vice Mayor Barker MOVED THAT JAMES REYNOLDS BE APPOINTED TO THE SUPERSTITION MOUNTAINS COMMUNITY FACILITIES DISTRICT NO. 1 BOARD OF DIRECTORS FOR A TERM TO EXPIRE JULY 7, 2022.

Councilmember Wilson SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

Mayor Insalaco called for a second motion.

Councilmember Evans MOVED THAT JESSE GAGE BE APPOINTED TO THE SUPERSTITION MOUNTAINS COMMUNITY FACILITIES DISTRICT NO. 1 BOARD OF DIRECTORS FOR A TERM TO EXPIRE JULY 7, 2022.

Councilmember Wilson SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

Mayor Insalaco called for one more motion.

Vice Mayor Barker MOVED THAT CHESTER BURGESS BE REAPPOINTED TO THE SUPERSTITION MOUNTAINS COMMUNITY FACILITIES DISTRICT NO. 1 BOARD OF DIRECTORS FOR A TERM TO EXPIRE JULY 7, 2022.

Councilmember Rizzi SECONDED THE MOTION.



VOTE: Unanimous.

The motion carried.

## **K. COUNCIL DIRECTION TO STAFF**

13. [16-323](#) Presentation, discussion and possible direction to staff to proceed with two city-initiated corrective rezonings. The properties were inadvertently and incorrectly zoned with the adoption of the city's new zoning maps in May of 2014. The first property is located at 1080 E. Scenic Street and a corrective rezoning is proposed from Medium Density Single-family Residences, Manufactured Homes Permitted (RS-20M) to Low Density Single-family Residences, Manufactured Homes Permitted (RS-54M). The second property is located at 2428 W. Broadway Avenue and a corrective rezoning is proposed from Medium Density Single-family Residences, Manufactured Homes Permitted (RS-10M) to General Commercial Zone (B-1).

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

**No:** 0

Assistant Planner Stephanie Bubenheim briefed the council on the item.

Vice Mayor Barker commented she is asking that the city process a city-initiated rezoning of the property on 1080 E. Scenic from the RS-20M back to its previous zoning which is the equivalent of R1-43/MH.

Assistant Planner Stephanie Bubenheim stated the old zoning was R1-43/MH. If they do go through the rezoning process it will be RS-54M. That is basically the new zoning designation.

Vice Mayor Barker commented it is a little confusing. She wants them to initiate a rezoning to RS-54M.

Assistant Planner Stephanie Bubenheim stated that is correct. She proceeded to brief the council on the second location.

Vice Mayor Barker commented this is a water station. It does not sound much like the zoning.

Assistant Planner Stephanie Bubenheim continued with her briefing.

Councilmember Serdy asked if the neighbors were

asked to sign off on the rezoning and if they did sign off.

Assistant Planner Stephanie Bubenheim stated this is just the first step to get direction for staff to proceed. The next step will be to give notice to property owners within 300' of the rezoning. They were not alerted originally that this is being requested.

Vice Mayor Barker commented this is basically putting them back to where they were in the beginning.

Assistant Planner Stephanie Bubenheim stated that is correct.

Vice Mayor Barker commented that is what it does, rather than changing their zoning.

Assistant Planner Stephanie Bubenheim stated that is correct.

Vice Mayor Barker commented they would be far more concerned about the latter.

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 TWO CITY-INITIATED REZONINGS: THAT THEY PROCESS A CITY-INITIATED REZONING ON THE PROPERTY LOCATED AT 1080 E. SCENIC STREET TO ZONE IT TO RS-54M AND THAT THERE BE A CITY-INITIATED REZONING ON THE 2428 W. BROADWAY PROPERTY TO B-1.

Councilmember Wilson 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 work session scheduled for July 4, 2016 has been canceled due to the fireworks. The regular meeting scheduled for July 5, 2016 has also been canceled due to the overload of fireworks. She MOVED THAT AN EXECUTIVE SESSION AT 5:45 P.M. AND A WORK SESSION AT

7:00 P.M. BE HELD ON MONDAY, JULY 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, JULY 19, 2016, IN THE CITY COUNCIL CONFERENCE ROOM.

Councilmember Evans SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

- 14. [16-294](#) Executive Session at 5:45 P.M. and Work Session at 7:00 P.M. for Monday, July 4, 2016 are canceled due to the 4th of July Holiday.
- 15. [16-295](#) Executive Session at 5:45 P.M. and Work Session at 7:00 P.M. for Monday, July 18, 2016.
- 16. [16-296](#) Executive Session at 5:45 P.M and regular Council Meeting at 7:00 P.M. for Tuesday, July 5, 2016 are canceled.
- 17. [16-297](#) Executive Session at 5:45 P.M for Tuesday, July 19, 2016. Other meetings if necessary.

#### **M. CALL TO PUBLIC**

Mr. Bo Randall, 1361 E. 18th Avenue, Apache Junction, addressed the council regarding conduct unbecoming that has already been discussed with the city attorney and police chief.

Vice Mayor Barker commented he mentioned he had talked to the city attorney and police chief and she would appreciate any feedback from them on the issues Mr. Randall has brought up.

#### **N. ADJOURNMENT**

Mayor Insalaco adjourned the meeting at 7:40 p.m.