



# 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, August 2, 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 August 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 Bryantn Powell  
Assistant City Manager Matt Busby  
City Clerk Kathleen Connelly  
City Attorney Joel Stern  
Public Works Director Giao Pham

Others Present: Captain Troy Mullender

### 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 MODIFICATIONS TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE ARIZONA DEPARTMENT OF REVENUE AND THE CITY OF APACHE JUNCTION FOR THE COLLECTION OF TRANSACTION PRIVILEGE TAXES, RETROACTIVE TO JULY 1, 2016; AND THAT AUTHORIZATION BE GIVEN FOR THE MAYOR TO SIGN THE AGREEMENT; AND

THAT APPROVAL BE GIVEN FOR THE PURCHASE OF TWO NEW REPLACEMENT 2016 FORD UTILITY VEHICLES FOR THE PATROL DIVISION AND ONE NEW REPLACEMENT 2016 FORD F-150 SUPER CREW FOR THE PARKS AND RECREATION DEPARTMENT PARK RANGER DIVISION FROM SAN TAN FORD THROUGH THE COOPERATIVE ARIZONA STATE CONTRACT #K8B/ADSP012-016671 FOR A TOTAL AMOUNT NOT TO EXCEED \$120,796.08; AND

THAT APPROVAL BE GIVEN FOR THE PURCHASE OF A NEW REPLACEMENT 2016 FREIGHTLINER M2-60 DUMP TRUCK FOR PUBLIC WORKS STREETS DIVISION FROM TITAN MACHINERY OF ARIZONA THROUGH THE COOPERATIVE HOUSTON-GALVESTON AREA COUNCIL CONTRACT #HT06-16 FOR A TOTAL AMOUNT NOT TO EXCEED \$127,882.37; AND

THAT APPROVAL BE GIVEN FOR THE PURCHASE OF A NEW REPLACEMENT 2016 FORD EXPLORER XLT FOR THE PUBLIC WORKS MOTORPOOL FROM SAN TAN FORD THROUGH THE COOPERATIVE ARIZONA STATE CONTRACT #K7D/ADSP012-016671 FOR A TOTAL AMOUNT NOT TO EXCEED \$32,852.16; AND

THAT APPROVAL BE GIVEN FOR THE PURCHASE OF A NEW REPLACEMENT 2016 GLOBAL M4 STREET SWEEPER FOR PUBLIC WORKS STREET DIVISION FROM TITAN MACHINERY OF ARIZONA THROUGH THE COOPERATIVE HOUSTON-GALVESTON AREA COUNCIL CONTRACT #SW04-16 FOR A TOTAL AMOUNT NOT TO EXCEED \$286,594.93 OF WHICH 94.3% IS TO BE REIMBURSED THROUGH A CONGESTION MITIGATION AIR QUALITY GRANT; AND

THAT APPROVAL BE GIVEN FOR THE AGREEMENT BETWEEN ARIZONA OFFICE TECHNOLOGIES AND THE CITY OF APACHE JUNCTION FOR COPIER PURCHASES AND MANAGED PRINT SERVICES IN AN AMOUNT NOT TO EXCEED \$88,832.88 FOR THE PURCHASE OF COPIERS AND AN ADDITIONAL \$36,000 A YEAR FOR MAINTENANCE FOR A PERIOD OF THREE (3) YEARS WITH AN OPTION TO RENEW WITH TWO (2) ADDITIONAL ONE-YEAR PERIODS; AND THAT AUTHORIZATION BE GIVEN FOR THE MAYOR TO SIGN THE AGREEMENT; AND

THAT 1) THE MAY AND JUNE 2016 REQUEST FOR PROPOSAL SUBMITTALS FOR JANITORIAL SERVICES BE REJECTED DUE TO NON-RESPONSIVENESS; AND 2) THE JANITORIAL SERVICES AGREEMENT WITH PARAMOUNT BUILDING SOLUTIONS IN THE AMOUNT OF \$200,000 FOR A PERIOD OF ONE (1) YEAR WITH THE OPTION OF RENEWAL FOR FOUR (4) ADDITIONAL ONE-YEAR PERIODS, BE APPROVED; AND THAT AUTHORIZATION BE GIVEN FOR THE MAYOR TO SIGN THE AGREEMENT PENDING FINAL APPROVAL AS TO FORM BY THE CITY ATTORNEY.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

1. [16-342](#) Consideration of acceptance of agenda.
2. [16-343](#) Consideration of approval for the minutes of the regular meeting of July 19, 2016.
3. [16-348](#) Consideration of modifications to the intergovernmental agreement between the City of Apache Junction and the Arizona Department of Revenue for the collection of transaction privilege taxes. The agreement has a retroactive date of July 1, 2016. These are the most recent changes to this agreement as recommended by the League of Arizona Cities and Towns, municipal tax employees and the Arizona Department of Revenue.
4. [16-350](#) Consideration of the procurement of fleet vehicles for the Police and Parks & Recreation departments for the current budget year. Staff requests permission to purchase vehicles for the Police Department which would consist of two new replacement 2016 Ford Utility vehicles for the Patrol Division and one new replacement 2016 Ford F-150 Super Crew for the Parks and Recreation Department Park Ranger Division. Staff requests authorization to purchase the vehicles from San Tan Ford through the cooperative Arizona State Contract #K8B/ADSP012-016671 for a total not to exceed \$120,796.08.
5. [16-351](#) Consideration of the procurement of a 2016 Freightliner M2-60 dump truck for Public Works for the current budget year. Staff requests permission to purchase a new replacement 2016 Freightliner M2-60 for use by the Public Works Streets Division. Staff requests authorization to purchase the dump truck from Titan Machinery of Arizona through the cooperative Houston-Galveston Area Council Contract #HT06-16 for a total not to exceed \$127,882.37.
6. [16-352](#) Consideration of the procurement of a fleet vehicle for the Public Works Department for the current budget year. Staff requests permission to purchase a new replacement 2016 Ford Explorer XLT for use by the Public

Works motorpool. Staff requests authorization to purchase the vehicle from San Tan Ford through the cooperative Arizona State Contract #K7D/ADSP012-016671 for a total not to exceed \$32,852.16.

7. [16-353](#) Consideration of the procurement of a 2016 Global M4 street sweeper for Public Works for the current budget year. Staff requests permission to purchase a new replacement 2016 Global M4 for use by the Public Works Streets Division. Staff requests authorization to purchase the street sweeper from Titan Machinery of Arizona through the cooperative Houston-Galveston Area Council Contract #SW04-16 for a total not to exceed \$286,594.93 of which 94.3% to be reimbursed through a Congestion Mitigation Air Quality grant.
8. [16-356](#) Consideration of approval of the proposed agreement for copier purchases and managed print services with Arizona Office Technologies in the amount not to exceed \$88,832.88 for the purchase of copiers and an additional \$36,000 a year for maintenance for a period of three (3) years with an option to renew with two (2) additional one-year periods.
9. [16-358](#) Consideration of rejection of the May and June 2016 bids due to unresponsiveness and approval of the proposed agreement for janitorial services with Paramount Building Solutions in the amount of \$200,000 for a period of one (1) year with the option to renew with four (4) additional one-year periods.

## **E. AWARDS, PRESENTATIONS AND PROCLAMATIONS**

10. [16-344](#) Proclamation designating August 7, 2016 as National Purple Heart Day.  
Mayor Insalaco read a proclamation designating August 7, 2016 as National Purple Heart Day and presented it to Mike Ferguson, a member of the Military Order of the Purple Heart.  
  
Councilmember Waldron commented there will be a ceremony at the Focal Point flagpoles this Sunday morning at 8:00 a.m. where they will raise the Purple Heart flag instead of the Prisoner of War flag for one day. It will also be done at the VFW posts at the same time.

## **F. ANNOUNCEMENT OF CURRENT EVENTS**

Councilmember Rizzi announced the Superstition Horsemen's Association will be hosting a public forum for the city council candidates at the boys and girls club tomorrow evening.

## **G. CITY MANAGER'S REPORT**

**11. [16-339](#) City manager's report.**

City Manager Bryant Powell thanked Mike from the veterans center, commented on school starting, the Coffee with the Chief program and the road construction on Southern.

**H. PUBLIC HEARINGS****12. [16-354](#) Consideration of an application for an acquisition of control for QuikTrip #437, located at 21 E. Old West Highway, Apache Junction. The next step in the process is for the city council to hold a public hearing on the application 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. Charles Huellmantel, P.O. Box 1833, Tempe, 85280, addressed the council. The founder of the company passed away earlier and he still owned much of the company. It is a family-owned and employee-owned company. The store will stay the same but they had to do an acquisition of control. The location does not change. All the things the state statute considers stay the same.

Councilmember Rizzi commented QuikTrip provides something to the community that many people may not be aware of. It is a safe place. They have posted a sign in the parking lot. If someone needs help or safety they can go there and be protected until the police have made contact. She appreciates that in the community.

Mr. Charles Huellmantel stated they are one of the first to be part of that program. One of the founder's founding principles was that in as much that they think they are better than our competitors, and he hopes all people think they are better than their competitors, they know their customers do not come from very far away. People do not go out of their way to go to a QuikTrip. We serve the people in the community that we have stores in. The founder felt it was always important to do things like that. We do all kinds of things in the

community. One of the things that he does is participate in how they donate their products or funds to things. Early on he suggested getting publicity for things they do but the founder reminded him that is not why they do it.

Councilmember Serdy asked if other liquor licenses expire or have an annual fee. He knows this was a different situation as this involved a death. He asked if other liquor licenses are perpetual.

City Attorney Joel Stern stated the state issues the license and they are perpetual.

Councilmember Serdy asked if there are fees.

City Attorney Joel Stern stated they could ask Mr. Huellmantel that and he will tell you how much they are.

Mr. Charles Huellmantel stated he has the distinction of having been the chair of the state liquor board in the past and can answer that question in greater detail than they probably want. Generally a liquor license continues on until there is a violation or some reason to take the liquor license back including inactivity. If a licensee stopped operating they could not continue to hold the license. One of those things is nonpayment. There is an annual fee to be paid to the state to continue to have the license. They are making a finding here tonight on two things: is this an appropriate person or company and is this an appropriate place to have a liquor license. If they decide on those two things QuikTrip gets a license. This is something you see a little bit more in bars. He hoped he was not going too far out for them.

Councilmember Serdy commented he was not and this is a much better answer than Joel would have given them.

Mr. Charles Huellmantel stated he had to say he has rarely found an attorney who could answer something so quickly and concisely. Obviously he has not learned to be quite as concise to his own detriment.

City Attorney Joel Stern asked if he could interrupt. He asked if it could come back as an extension of premises.

Mr. Charles Huellmantel stated it could come back as an extension of premises.

City Attorney Joel Stern asked if that would be another fee.

Mr. Charles Huellmantel stated it would be.

City Attorney Joel Stern stated he has answered the questions of the councilmember.

Mr. Charles Huellmantel stated he does not want to leave a half thought. If they take someone's bar license, of which there are a limited number of actual bar licenses, then the license still stays with the person until you find a new person that is acceptable. The council will be involved in that process with their recommendation to the state liquor board. They just cannot use the license at that point in time. It depends on which license they are talking about. In this case it gets renewed annually as long as they continue to pay.

Mayor Insalaco opened the public hearing on the item.

Mr. Elliott Fisher, 547 E. Quail, Apache Junction addressed the council. He thanked QuikTrip for coming as he can remember days when people did not show up and acted as if it was a given that they would get the license. He gave them kudos for being good corporate citizens from cleanliness to the friendly nature of people who work there. It seems like a well-run organization. He is concerned that the company will not carry on with those values with the passing of the founder.

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.

Councilmember Waldron MOVED THAT THE APPLICATION FOR AN ACQUISITION OF CONTROL FOR QUIKTRIP #437, SUBMITTED BY TROY DEVOS, BE RECOMMENDED FOR APPROVAL TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL.

Councilmember Wilson SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

## **I. OLD BUSINESS**

None.

## **J. NEW BUSINESS**

None.

**K. COUNCIL DIRECTION TO STAFF**

None.

**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 MOVED THAT AN EXECUTIVE SESSION AT 5:45 P.M. AND A WORK SESSION AT 7:00 P.M. BE HELD ON MONDAY, AUGUST 15, 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, AUGUST 16, 2016, IN THE CITY COUNCIL CONFERENCE ROOM.

Councilmember Evans SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

13. [16-340](#) Executive Session at 5:45 P.M. and Work Session at 7:00 P.M. for Monday, August 15, 2016.
14. [16-341](#) Executive Session at 5:45 P.M for Tuesday, August 16, 2016. Other meetings if necessary.

**M. CALL TO PUBLIC**

Ms. Tess Nesser, 1511 S. Cactus, Apache Junction, addressed the council to remind everyone of the Boys and Girls Club Bowl-A-Thon on August 13, the golf tournament on September 14 and that dugouts have been put in at the ballfield.

Mr. George Schroeder, 2444 W. Virginia, Apache Junction, addressed the council regarding his arrest for the theft of a dog.

Mr. Elliott Fisher, 547 E. Quail, Apache Junction, addressed the council regarding his not being ruled a vexatious litigant by Pinal County Superior Court, his trying to improve city services and his trying to hold up the election.



Councilmember Waldron asked if the superior court ruled that he did not file the proper forms and that is why he is not on the ballot.

City Attorney Joel Stern stated he cannot answer that at this time. They can respond to criticism, ask for it to come back on an agenda or ask staff to look into it.

## **N. ADJOURNMENT**

Mayor Insalaco adjourned the meeting at 7:30  
p.m.