



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, August 16, 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 16, 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
Public Works Director Giao Pham
Parks and Recreation Director Liz Langenbach
Development Services Director Larry Kirch
Economic Development Director Janine Solley

Others Present: None.

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 THE AWARD OF BID FOR PROJECT NO. PR-16-01, CONSTRUCTION OF FLATIRON COMMUNITY PARK, BE AWARDED TO BLOUNT CONTRACTING INC. IN THE AMOUNT OF \$826,828.90 WITH 10% FOR CONTINGENCY IN THE AMOUNT OF \$82,682.89 FOR A TOTAL AMOUNT NOT TO EXCEED \$909,511.79; AND THAT AUTHORIZATION BE GIVEN TO THE MAYOR TO SIGN THE CONTRACT; AND

THAT RESOLUTION NO. 16-25, A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, APPROVING THE SUBMITTAL OF A GRANT APPLICATION TO THE GILA RIVER INDIAN COMMUNITY FOR PROPOSITION 202 FUNDS ON BEHALF OF SUPERSTITION FIRE AND MEDICAL DISTRICT FOR THE PURCHASE OF SMOKE DETECTORS, BE APPROVED.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

1. [16-370](#) Consideration of acceptance of agenda.
2. [16-371](#) Consideration of approval of minutes of regular meeting of August 2, 2016.
3. [16-374](#) Consideration of the award of contract to Blount Contracting Inc. for project #PR-16-01 construction of Flatiron Community Park in the amount of \$826,828.90 with a 10% contingency of \$82,682.89 for a total amount not to exceed \$909,511.79.
4. [16-349](#) Consideration of approval of Resolution No. 16-25, approving the submittal of an application from Superstition Fire and Medical District to the Gila River Indian Community State Shared Revenue Program for Fiscal Year 2016-2017.

E. AWARDS, PRESENTATIONS AND PROCLAMATIONS

None.

F. ANNOUNCEMENT OF CURRENT EVENTS

Councilmember Waldron commented last Friday the veterans' center hosted a health fair. Eagle One was there and there was a lot of interaction with all the groups.

Councilmember Evans commented the past week the mayor, vice mayor and she attended the first Meet the Chief event at the Multi-gen center. It was suggested to have one in the evening so that working people could attend. There were good comments and requests.

Councilmember Serdy commented there was another one this morning with the police chief with the department trying to do something about homelessness.

Councilmember Serdy commented last Saturday was the Boys and Girls Club Bowl-A-Thon with businesses and organizations buying lanes. The money goes to the Boys and Girls Club. He encouraged people to buy lanes.

Vice Mayor Barker commented she wanted to give out some kudos for the day after the storm. Public Works was out there cleaning up Idaho and Broadway and did a wonderful job.

Vice Mayor Barker commented she took a walk in Superstition Shadows Park yesterday and it is beautiful. They have a park on the north side and the south side. They will soon have one in the middle. She is proud of what the city has done.

G. CITY MANAGER'S REPORT**5. [16-367](#) City manager's report.**

City Manager Bryant Powell commented on the downtown park construction and the coordination of departments during a major rainstorm and showed pictures of the flooding that occurred. He read a comment on Facebook regarding a traffic stop and a letter from the school district regarding the library. He commented on the Arizona Municipal Clerks Association recognizing City Clerk Kathleen Connelly for 35 years of service as a city clerk.

H. PUBLIC HEARINGS

6. [16-378](#) Consideration of application for a permanent extension of premises for Hitching Post LLC located at 2341 N. Apache Trail for an event center. The next step in the procedure is for the 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. Mehmood Mohuiddin, 2341 N. Apache Trail, Apache Junction, addressed the council. He stated he applied for a permanent extension at that location. He had a meeting with planning and zoning where some concerns were worked out. They requested he draw up a plan for the traffic flow and parking in that area to be done by a professional architect. It was supposed to be put in the council packet. He is not sure if they were given it but he has copies for them. The police department came for an inspection. Their concern was people parking on the highway. They did the job according to code. If one has a commercial property and they want to build something, it must be built 20 feet inside. The easement is 33 feet. If they build it at 33 feet there should be no concern about parking, but they built it 20 feet more inside which will open up the spot. But it is a state highway and they have put up no parking signs. They are concerned about people backing up or driving away onto a 50 miles per hour speed limit road as there is a good chance for an accident. He showed them a picture of the no parking signs. They posted signs of no parking anytime around the building. They watch for and make sure people do not park there. They had bull riding last weekend and they put the signs up over there. Last weekend nobody parked there. If anybody parked over there before this they went over and told them to please move the vehicle as it was dangerous to park there or back up and they could cause an accident. The event center is being built because people are requesting it for weddings. They also plan to do some more outside events. They have done three events previously. Two were music events, one bringing in a national act. They hired the police department for traffic control. They will do the same thing in the future. This information should be in their packet. The last time they had an event it only took 15 to 20 minutes to clear up all the traffic. The police department requested the next time they do an event they need to make sure they request the light tower along with the police department because it got dark over there.

They are planning on doing that. There will be maybe 4 or 5 events a year. That is all they are going to do. When the snowbirds come in they will generate a lot of revenue for the city. The last time they had a major event, besides their concert, they had the Pony Express. They had been going to Scottsdale for 46 years. They decided to come down through Apache Junction to the Hitching Post. The 24 horses and riders started in Show Low and Pinetop and brought the mail to the Hitching Post. The local community asked them to stop at the museum where the local horses joined them and continued to the Hitching Post. They had a total of 74 horses coming down State Route 88. The sheriff's department directed traffic. The news channels were there to take a lot of pictures. They reserved 35 rooms in the motels in Apache Junction for those people and their families. They brought a lot of revenue to the city. People came from Canada for the last concert and stayed at the motels and spent money. His goal is to put Apache Junction on the map. Their name is getting out there. Channel 12 and Channel 5 have been out for the bull riding. Channel 10 was out last week regarding the issue with servicedogs wherein they were interviewed along with Supervisor Todd House. Apache Junction and the Hitching Post are getting attention. More people are coming to Apache Junction. He wants to do everything right and bring in more revenue for the city. That is what he is trying to do.

Mayor Insalaco asked if staff had anything to add to this or what the council has in the packet.

Development Services Director Larry Kirch stated they did meet with Mo. They had nine comments with their first email and followed up with those. They had some clarification as to the scope and scale of the events and how parking might be handled. They still came to the overall conclusion that this application, although somewhat different and in a better location, would still need a conditional use permit and an amendment to the current development agreement. He believes they are in the third amendment right now. He thinks it will work but overall they wanted a better fleshed out site plan. It was not clear to them on the application as it just says event center and a map. They were trying to figure out if someone was storing their boat in the back how they would drive through the event center. There is also the issue of how someone would get their semi back there as when they were there a semi was trying to pull out of there. They wanted to see the traffic flow. They also questioned if there would be additional fencing to separate the area. They wanted to know how many events he would have and if they would be large events like the music events or just a couple of weddings. There is still the option of continuing to go through the events process and get a special event liquor license. He could continue to do that for

a year, see how it works out and then come back and get a conditional use permit and amended development agreement.

Councilmember Waldron asked if they would still have to get a conditional use permit for the event even if state liquor recommends approval of the extension of premises.

Development Services Director Larry Kirch stated that is correct, because this crosses several parcels and boundary lines as well. He is not an expert on reading what is in the packet as it has a lot of information about a contiguity issue that was brought up. In the past, the patio to the east was an extension and that is contiguous. They have the bull riding event area and they have an extension of premises there and that is all contiguous to the north. This crosses parcel lines and how all that works. They have a map in the packet that shows there are 6 different tax parcels. The residential house is actually part of a tax parcel that extends all the way to Apache Trail. He thinks all of this could be worked out in a conditional use permit. He does not know if they should do a continuance to a date certain or if Mo has a response as to where he is at with doing a conditional use permit. It does need a conditional use permit and an amendment. They could do all three of these together at one meeting. He does not want to hold up the project. It looks like it is starting to be a nice venue, but it is no different than their conclusions several months ago that a conditional use permit was in order.

Vice Mayor Barker commented the request is for an extension of premises on the liquor license. She asked what premises the liquor license would be for. She asked where they are extending it to.

Development Services Director Larry Kirch stated that is part of the issue. He suggested the city clerk may be able to answer that question.

Vice Mayor Barker commented that is what is totally confusing her. She has looked at all this verbiage and it seems to her what is here is really an amendment to the development agreement in order to do all this event center stuff. It seems like the cart is before the horse for getting a liquor license permit before we even get the event center done.

Development Services Director Larry Kirch stated the site plan on the development agreement shows all of this as parking. That is why they think it needs an amendment to the development agreement because what is shown and agreed upon in the third amendment is that the event center is designated for parking. He knows they were given a site plan that shows the event center and a lot of parking. Some of that parking is also where the storage area is shown. They asked for a professional diagram and they got one, but the issue is that

it crosses three tax parcels and the development agreement shows that as parking.

Councilmember Wilson asked how long it would take to do a special use permit.

Development Services Director Larry Kirch stated the conditional use permit would only go to the planning and zoning commission. That part of it would not come back here. The development agreement would come back here.

City Attorney Joel Stern stated if it is appealed it would come back here.

Development Services Director Larry Kirch stated that is correct. If it was appealed, like last time, it would come here.

City Attorney Joel Stern stated the development agreement would come to the council and not to planning and zoning. A conditional use permit is done by the planning and zoning commission.

Development Services Director Larry Kirch stated that is generally a 60 day to not more than 90 day process.

Vice Mayor Barker commented it seems to her that this does not all fit together yet. It looks like a very interesting idea but she does not see all the pieces fitting together.

Development Services Director Larry Kirch stated the applicant may want to respond to that.

Councilmember Waldron asked if they would have to amend the third development agreement before they could do anything since it shows parking in the agreement where the event center is located.

City Attorney Joel Stern stated that should be amended if they are going to have this plan. However, the liquor board can do what they want. If the council recommends a denial they can still approve it. If people are drinking in the area that is depicted in the picture, they are not violating liquor laws but they are violating zoning rules and possibly the development agreement. It does not fit exactly. It would be nice if it could all be done at the same time but that is hard to do because the liquor license department has their own rules. That could be done now. If they are not comfortable making a recommendation because the city process is not completed, then they do not have to do that. They can continue it or they can

make a recommendation. He spent some time today looking at Title 4, the liquor laws, and he could not find an extension of premises deadline. If someone wants a liquor license usually the city has 60 days to get their decision to the liquor board. If they do not it is deemed approved. There is no deadline for an extension of premises. He could not find anything under the regulations. There is an issue on timeliness. The winter season is approaching. It just depends on how they want to do it. They would also want to hear from the public on this.

City Clerk Kathleen Connelly stated Joel is correct; there is no deadline for the council to act on this. This is different from somebody asking for a liquor license. It is an extension of premises. It starts with the council. Once it goes to the state, the state has a time frame in which they have to act. As far as the state is concerned, this application has not yet crossed their threshold. It is not in their door yet. It is here. The local governing body has a requirement to consider this, act on it, and then forward it to the state.

Mayor Insalaco opened the public hearing on the item.

Mr. David Bowling, 1310 N. Starr Road, Apache Junction, addressed the council. He was speaking by proxy for five of his neighbors that could not attend this evening or are too sickened to speak. They are concerned about instances of loud, outside music. They are very concerned the extension of premises will lead to a continuation, or worse, escalation of it. Amplified music with electric bass carries a great distance as we all know by being anywhere near a vehicle with big bass speakers powered by a big amp that can be heard well down the street. Closing windows in your car or in your home has little to no effect on low frequencies which carry right through the walls over a half mile away during outside music events. There might be comments in favor of granting the Hitching Post request tonight. He asked that the council regard comments by those who live outside the area affected by the noise generated by outside loudspeakers as disingenuous. They get to go home to their quiet homes while telling his neighborhood they do not have the right to do likewise. The Hitching Post used to be a quiet pizza joint with no negative impact on nearby residents and everyone got along just fine. But it is slowly morphing into an entertainment venue that is already having negative effects on the residential property owners immediately abutting its borders and far beyond. They support the right for any business owner to conduct their business as they see fit, but only to the extent that it does not violate the spirit of zoning and noise ordinances by negatively impacting abutting residentially-zoned property residents. This is the intent and effect of zoning ordinances nationwide and should be no different in our small,

emerging city. Before granting permits for continuation or expansion of this premises for what is termed an entertainment venue to the Hitching Post owners, that term must be clearly defined in its business plan and known to the city and those it affects most, those whose homes lie within a mile of the Hitching Post with due time for comment. Any entertainment at the Hitching Post should be with the restriction that all noise from the business, other than normal traffic noise, especially amplified music and amplified public announcement systems, be contained within the structure in such a way as to effectively insulate residents from that noise.

Mr. Donnie Greb, 3550 S. Warner, Apache Junction, addressed the council. He stated he makes his living at the Hitching Post. A lot of the problems he has had have come from ideas he has pushed on him. He introduced him to live bull riding and live music. Mo deserves an opportunity to grow his business in a way that is still respectful of the people around him. Scaling down his events to 3 or 4 a year is in complete respect of neighbors. He believes the revised location of the event center has been in consideration of his neighbors to get it further away from the houses. He knows where his heart is and where his ideas lie. They do lie in the betterment of this town. It is hard to see him take so much criticism and see guys like them who make their living in Apache Junction not be allowed to grow. He thinks they deserve to have the right to be what they possibly can. He does not want to become one of those buildings that are boarded up on Main Street. If you are not growing, you are dying. He would like to see Apache Junction be as proud as Cave Creek. We deserve every bit that Cave Creek has and he thinks they have the ability to do that.

Mr. Frank Schoenbeck, 525 E. Fred Avenue, Apache Junction, addressed the council. He stated a bicycle was recently stolen from the high school. The Hitching Post has raised \$125 towards the purchase of a new bicycle to replace it. He hears about the city wanting to grow and encourage business. It seems Mo is getting hung up on details. One does not move forward by sweating out every detail. Sometimes you put down the bulldozer blade and just move on through and build the road later. He is trying to put the bulldozer through and build a fine road. He also has one fine base of customers and he is doing the kind of things this small town wants. He encouraged them to overlook some of the details and look at the big picture and get him where he needs to go.

Mayor Insalaco closed the public hearing with no one else wishing to speak. He reopened the item to council discussion.

Councilmember Serdy asked what the latest music

will be played and if it is only inside or also outside.

City Attorney Joel Stern stated they can call the applicant back up to answer any questions.

Mr. Mehmood Mohiuddin stated all music will be done before sundown. All events will be daytime in the afternoon. That is their plan. They have their concerns for the neighbors living on Starr regarding the noise. They will be buying a decibel meter and check it out. They will be doing a one mile radius. They want to control it and not bother the neighbors. They want to make sure they have peace and enjoy it. They built a town on one side with a 14 foot wall to reduce the noise travel. It is a decorative town. They built it to knock down the noise. It is a wooden wall because wood will absorb more sound. The sound should travel to the Bureau of Land Management land on the northeast side. The northwest side should not be an issue. If the neighbor has a concern about that, he has a concern about that because he wants to be the best neighbor. It is a commercial property and he does not want to violate any rules, regulations or code. The neighbors have a good concern but they will make sure they work with them. They will buy the decibel meter, see how far the music is traveling, and when they turn it down they will make sure it is turned down. When they are doing a concert it will only be 90 minutes. After that they will close and they are done. The Hitching Post will not be open the day of the event. The event center will have a gate and there will be normal parking every day. On the event day the gate will be closed and the Hitching Post will be closed. People who purchase a ticket will come down the back side to park, enter through the back door, and when it is done they are done. It will not be open to the public in order to cut down the traffic. That would be too much work and they want to make sure they handle it right. They do not want to jeopardize safety, the business or the people. They do not want to have a problem with their neighbors.

Councilmember Waldron asked if he was talking about only having private events.

Mr. Mehmood Mohiuddin stated that is correct.

Councilmember Waldron asked if they would be like weddings or something like that.

Mr. Mehmood Mohiuddin stated they are weddings. He has three requests for weddings. People who get married in the church over there want to come over. They are getting the extension so people can toast and drink. If they have a concert, they may have the concert there. Larry mentioned the conditional use permit. He asked him if he could do events for

six months to a year. That way if there are any problems they can find a solution for it. If there are no problems they could then possibly apply for a conditional use permit. When they made that code for the conditional use permit, they did not realize one thing. There are a lot of locations in Apache Junction that do not have water, sewer or electricity. If he applies for a conditional use permit he has to do the landscaping. There is no water for it in that area, no sewer or electricity. A conditional use permit would also require him to build a bathroom. Consider that for a small business owner, just getting the conditional use permit will cost \$500,000. He would recommend to planning and zoning that instead of getting the conditional use permit with an application fee of \$1,400, they can issue a temporary permit for a small event, just like in Minnesota and Dakota. In Phoenix they do that for a small event and have a \$50 fee. Just go apply with your drawing and \$50 check, give it to the city and they approve it. The city would make more money doing that instead of getting a conditional use permit. They do not have the resources - no water, electricity or sewer. A small business owner cannot afford a \$500,000 project for 5 or 6 events.

Councilmember Waldron commented that was a long answer to a short question. He asked if he was aware there needs to be a modification to the development agreement, the third amendment that the city has. There is parking in the development agreement.

Mr. Mehmood Mohiuddin stated that is the parking in the development agreement. It is going to be parking and when they do the event they will close the gates and they have enough parking in the back.

Councilmember Waldron commented what he is saying is that in the development agreement, the third amendment to it, that says it is parking. It does not say anything about an event center. That would have to be modified before they can consider anything.

Mr. Mehmood Mohiuddin stated yes.

Councilmember Serdy commented he remembered when Harley-Davidson started having bands. It was terrible the first time and they flipped the band around and played into the building. It relieved a lot of the noise pollution.

Councilmember Waldron commented they need another amendment to the development agreement before they can do anything. The current development agreement he is operating under has that as a parking area only. There is no event center in there. He asked if he was correct in assuming they need to

modify that.

City Attorney Joel Stern stated he thought he was making a statement.

Councilmember Waldron commented he will put a question mark after it.

City Attorney Joel Stern stated for him to do the types of uses he wants he does need a conditional use permit. He would also need an amendment to the development agreement which includes the exhibit and the type of uses. He would have to do that. For what they face today, the recommendation for an extension of premises, it is connected but technically they could say yes on this. However, he would not really be allowed to do those uses until those other two things are done with the city.

Councilmember Waldron commented since they are not under a deadline with the state they can package this altogether and get it done.

City Attorney Joel Stern stated the conditional use permit takes a public hearing with the planning and zoning commission.

Councilmember Waldron commented he is talking about the development agreement.

City Attorney Joel Stern stated the development agreement actually would not take as long. The conditional use permit could get passed and then the development agreement could be done. That would not matter unless someone appeals it to the council. They would then see both items. Otherwise they will just see the development agreement. They will hear that the conditional use permit was passed and the appellate rights are no longer on parade. They have been exhausted so they would not even see that.

Councilmember Waldron commented it seems to him that they should have an agreement amended because it is restricted parking. A conditional use permit would not make a lot of difference if it is in violation of the agreement we have in effect.

City Attorney Joel Stern stated that could be another situation where the planning and zoning commission denies the conditional use permit and then they would have approved the development agreement. That would be odd, but technically it could happen.

Councilmember Waldron commented he would like to see the development agreement cleaned up first before we proceed since there is one currently in place that sees this as a parking area only.

City Attorney Joel Stern stated cleaned up as in the type of uses he wants to do.

Councilmember Waldron commented that is correct.

City Attorney Joel Stern stated he has not filed a request to do that.

City Clerk Kathleen Connelly asked if before the events take place, regardless of the permanent extension of premises, an amendment to the development agreement would be required.

City Attorney Joel Stern stated that is correct, and a conditional use permit.

Councilmember Evans asked if the applicant was correct in that if a conditional use permit was ordered he would have to hook up to the sewer and to water lines. She asked if that is a requirement on everything.

City Attorney Joel Stern stated it depends on the occupancies and how many people he is going to bring in. He remembers in 2008 when the whole Hitching Post concept came about whether the current septic tank had to be changed out because of the anticipated use of the old storage garage.

Mayor Insalaco commented it was a marine/boat storage.

City Attorney Joel Stern stated the county somehow bunted on that issue but the occupancy was an issue at the time. That was a health department issue. That is something that would have to be probably submitted to the health department on the type of use.

Councilmember Evans commented and that the city addresses.

City Attorney Joel Stern stated that is correct. The city does not have a sewer. The sewer line is not even close to that location. He knows that is an issue but he invested in the property. He probably should have known that at the time he bought the property.

Councilmember Serdy commented if these are events with a lot of spacing in between them, for a lot of temporary events they bring in port-a-johns.

City Attorney Joel Stern stated they could. For temporary events he seriously doubts the county is going to make the connection to the sewer district. That is not going to happen. And, also, a new septic system. But if this is going to be on a permanent basis, and they are expecting a huge sum of people there, depending on how successful this becomes, at one point a new septic system would be required. He thinks at the conditional use permit hearing the applicant brought up that they bring a company in to get it pumped out quite often. They could do that. They could pump out the septic system often but it is not ideal for commercial uses because it costs a lot of money to do that.

Councilmember Evans commented what he is saying is it would not necessarily be a requirement in the conditional use permit.

City Attorney Joel Stern stated that is correct.

Councilmember Evans commented part of the problem she has with all of this is she likes the one gentleman's idea that since he now owns quite a bit of land and he wants to have continuing events and build a building so that the noise is inside versus outside, even though we have great weather in the evening most of the year. We are still trying to make a very minimal site, minimal building, meaning it was a convenience store that was on septic and on a well. They are putting a lot of lipstick on this. They are trying to make it into something it was not originally intended for. The same question keeps coming up. This is an extension of premises but they still do not know extending where and how much because he owns all of it. It could be over as far as where the tractor trailer storage is. She asked if it could be over there. They do not know. They would all love to have an event center locally. That is not why they are trying to shoot this down. But they have to follow the regulations that are in place. They do not have the pleasure of skipping over details or ignoring certain ordinances that are in place there for public safety. They do not have that luxury. They have to go by what is on the books. It is great to have things happen here but they have to happen correctly or it does not serve the city well at all. They have had a lot of things happen out here that should not have. She does not want to be a part of adding one more thing to it that was not done correctly. They just want it done correctly and have fun.

Councilmember Rizzi asked what would happen if Mo did not want to apply for a conditional use permit at this time.

City Attorney Joel Stern stated basically he could continue to apply for special events. That could be a test period. Councilmember Serdy mentioned that also.

Councilmember Wilson commented he would still have to do a change to the parking lot to have the events there.

City Attorney Joel Stern stated that is correct. He would also have to amend the development agreement.

Councilmember Rizzi commented it sounds like a viable option.

Vice Mayor Barker commented the memo from development services probably says it best. She quoted from their memo "Development services staff is generally in support of Mo's vision for his property and believes that it would be a positive for him as well as the community in tourism. However, it needs to be done carefully and professionally in accordance with the city code safety considerations, sanitation" etc. and all those pesky details. "We would expect no less from any other commercial developer." She thinks that is really important to understand. The council would expect no less from anyone else. This sounds like a great plan. She would love to see him iron out the kinks and knots that are there. She added she was ready to make a motion.

Mayor Insalaco called for any other comments. There being none he called for a motion.

Vice Mayor Barker MOVED THAT THE APPLICATION FOR A PERMANENT EXTENSION OF PREMISES FOR HITCHING POST LLC BE CONTINUED TO SEPTEMBER 19, WHICH IS A WORK SESSION SO THAT WE CAN REALLY POUND ON THIS, AND THEN POSSIBLY SEPTEMBER 20.

City Clerk Kathleen Connelly commented this is a public hearing. She asked if it could be done at a work session or if it would have to be done in this venue.

City Attorney Joel Stern stated it probably should be done at a public hearing.

Vice Mayor Barker commented but they can work on it in a work session.

City Attorney Joel Stern stated they can but they must keep in mind they may want to have public input based

on what the discussion is about.

Vice Mayor Barker commented they would on September 20. The September 20 meeting is a public hearing. In other words, by the time they are finished with the work session then the council would understand exactly where he wants this and exactly what this is going to be. They do not have that information here.

City Clerk Kathleen Connelly stated she understands but ordinarily at a work session they do not hear from the applicant. The applicant gets to present their information as part of the recorded public hearing.

Vice Mayor Barker commented she understands that. She asked if there were development services people who can work with the applicant between now and then and can come back to the council with this information.

City Clerk Kathleen Connelly stated they could.

Vice Mayor Barker commented otherwise they have the same thing they have tonight where they do not have all the information in front of them and they cannot make a knowledgeable decision.

City Clerk Kathleen Connelly stated in addition to the development agreement and the conditional use permit, they need a better map to show where the boundaries of this are.

Vice Mayor Barker commented she had not finished her motion.

Councilmember Wilson asked if it is possible to include the applicant in a work session on this.

City Clerk Kathleen Connelly stated it has to be at a public hearing. The opportunity for the applicant and the public to speak is during the recorded and formal public hearing.

Vice Mayor Barker commented there would be both opportunities. The opportunity with development services and the opportunity for the applicant on the following day.

City Attorney Joel Stern stated that is correct. He recommended continuing it to September 20 for the public hearing. If they do not want to make a vote that night they can go another two weeks and make the vote that night.

Vice Mayor Barker commented if this is going to September 20 and not the work session they better have a lot

more detail to look at. There is no way to make a knowledgeable vote.

City Manager Bryant Powell stated they definitely work on development agreements all the time with people trying to move forward in their efforts. He thinks they can get staff working and have a presentation on September 19 and have a discussion like any other. They could have the September 20 public hearing but be more prepared.

Vice Mayor Barker commented that is what she was trying to say. She MOVED FOR THE SEPTEMBER 19 WORK SESSION AND SEPTEMBER 20 REGULAR SESSION AND THAT THE APPLICANT AND DEVELOPMENT SERVICES STAFF GET TOGETHER, GET THIS THING WORKED OUT

7. [16-362](#) Public hearing, presentation, discussion and consideration of proposed Ordinance No. 1432, case PZ-8-16, a city-initiated corrective rezoning for a 0.5-acre property at 2428 W. Broadway Avenue, owned by Ronald J. Dwyer, from Medium Density Single-family Detached Residential, Conventional and Manufactured Homes Permitted (RS-10M) to General Commercial Zone (B-1). The purpose of the rezoning is to correct the inadvertent rezoning of the property from commercial to residential, with the adoption of the city's new zoning ordinance and zoning districts maps in May of 2014.

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 it needs to be commercial.

Councilmember Wilson asked if it was saying they cannot have a commercial business there but they can live on it.

Assistant Planner Stephanie Bubenheim stated right now it is zoned residential. That commercial property is not allowed to be there.

Councilmember Wilson commented they are wanting to change it to B-1 which is general commercial zoning. He asked if she was saying they could have a facility to live in with general commercial zoning.

Assistant Planner Stephanie Bubenheim stated the general commercial zoning district does not allow the residential site. It will allow the Water N Ice kiosk to be

there. Basically, it used to be commercial, it accidentally got written up residential and now they are trying to right it back. That has to be approved by the city council.

Councilmember Wilson asked if they would still have to have that exception that they cannot have anyone living there if they change it to B-1.

Assistant Planner Stephanie Bubenheim stated it will follow the B-1 regulations in the code. It will be what is currently allowed and not allowed in the code. She asked if he is asking if a house can be put on there in the future.

Councilmember Wilson commented if they change it to B-1 a house cannot be put on there.

Assistant Planner Stephanie Bubenheim stated that is correct.

Councilmember Wilson commented he understands that. He just does not understand why they are making them change it to B-1 with the condition that they cannot put a building on it without living quarters on it which is not there now. He could understand it they were adding living quarters there now.

Assistant Planner Stephanie Bubenheim asked where he saw living quarters.

Councilmember Wilson commented they are talking about that aspect.

Vice Mayor Barker commented all it says is being developed or redeveloped with permanent buildings. In other words, they cannot have a mobile home pull up and open up its doors as a business. It is has to be a permanent building. It just does not look right to you.

Councilmember Wilson commented it does not.

Vice Mayor Barker commented that is okay. We get it.

Mayor Insalaco requested the applicant address the council.

City Clerk Kathleen Connelly stated the city is the applicant.

Assistant City Manager Matt Busby stated it is city-initiated.

Mr. Ron Dwyer, 2428 W. Broadway, owner of the property, addressed the council. He had been in talking to Rudy about another location for another water store in Apache Junction when they realized after looking at the maps that this property was no longer zoned commercial. When he bought the property it was commercial. He is not quite up to speed on the conditions that have to be applied to that or why it should not be changed from the old zoning. He asked if all other properties that were zoned at that point would have to go through this process as well if they were not accidentally moved out.

Assistant Planner Stephanie Bubenheim stated they do.

Mr. Ron Dwyer stated if that is the case he has no problem.

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.

Councilmember Waldron MOVED THAT ORDINANCE NO. 1432 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.

Councilmember Waldron MOVED THAT ORDINANCE NO. 1432, AS READ BY THE CITY CLERK, BE APPROVED AND ADOPTED.

Councilmember Wilson SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

8. [16-373](#) Public hearing, presentation, discussion and consideration of proposed Ordinance No. 1433, case PZ-7-16, a city-initiated corrective rezoning for a 2.5 gross acre property (parcel #101-18-015B) from Medium Density

Single-Family Detached Residential, Conventional or Manufactured Home Permitted (RS-20M) to Low Density Single-Family Residential, Conventional or Manufactured Home Permitted (RS-54M). The adoption of the city's new zoning maps inadvertently zoned this portion incorrectly. This corrective rezoning seeks to re-assign the appropriate zoning district to a large lot located at 1080 E. Scenic Street, west of the northwest corner of E. Scenic Street and N. Cactus Road to allow for future uses permitted under the RS-54M zoning district.

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.

City Manager Bryant Powell asked if she was saying they are trying to return it back to the old zoning.

Assistant Planner Stephanie Bubenheim stated that is correct. It gets confusing because the designations are labeled differently now.

City Manager Bryant Powell stated that is all it is. That is why the condition is on there. Even the old zoning had that condition.

Assistant Planner Stephanie Bubenheim stated that is correct.

City Manager Bryant Powell asked if it would be the same with any other case.

Assistant Planner Stephanie Bubenheim stated that is correct.

Mayor Insalaco asked if the applicant would address the council. There was no applicant in attendance. He 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. 1433 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. 1433, AS READ BY THE CITY CLERK, BE APPROVED AND ADOPTED.

Councilmember Wilson SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

I. OLD BUSINESS

None.

J. NEW BUSINESS

None.

K. COUNCIL DIRECTION TO STAFF

9. [16-377](#) Presentation, discussion and possible direction to staff to proceed with a city-initiated corrective rezoning for a .28 acre property located at 1081 S. Meridian Drive from Medium/High Density Single-Family Detached Residential; Manufactured or Conventional Home Permitted (RS-7M) to General Commercial by Planned Development (B-1/PD). This corrective rezoning seeks to re-assign a B-1/PD zoning district for future commercial development opportunities.

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.

Mayor Insalaco called for any discussion. There being no discussion, he called for a motion.

Councilmember Waldron MOVED THAT THE FOLLOWING DIRECTION BE GIVEN TO STAFF REGARDING THE PROCEDURE FOR A CITY-INITIATED CORRECTIVE REZONING FOR A .28 ACRE PROPERTY LOCATED AT 1081. S. MERIDIAN DRIVE: THAT THEY PROCEED WITH THE CITY-INITIATED REZONING ON THE PROPERTY FROM RS-7M BACK TO ITS PREVIOUS ZONE EQUIVALENT OF C-1/PD WHICH UNDER THE NEW ZONING

WOULD BE B-1/PD.

Vice Mayor Barker SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

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

Vice Mayor Barker commented there will be no work session on Monday, September 5, 2016 due to the observation of Labor 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, SEPTEMBER 6, 2016, IN THE CITY COUNCIL CONFERENCE ROOM AND CITY COUNCIL CHAMBERS RESPECTIVELY.

Councilmember Evans SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

This was approved

- 10. [16-368](#) Executive Session at 5:45 P.M. and Work Session at 7:00 P.M. for Monday, September 5, 2016 are canceled due to the observation of Labor Day.
- 11. [16-369](#) Executive Session at 5:45 P.M for Tuesday, September 6, 2016. Other meetings if necessary.

M. CALL TO PUBLIC

Mr. Lando Voyles, Pinal County Attorney's Office, gave a presentation on the felony statistics and report writing for Apache Junction Police Department and complimented Chief Kelly on his leadership.

Mayor Insalaco commented they have been hearing good comments by people that have been stopped by the officers.

N. ADJOURNMENT

Mayor Insalaco adjourned the meeting at 8:18 p.m.