



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 4, 2020

7:00 PM

City Council Chambers

ITEM #7 ON AGENDA WAS AMENDED 02/03/2020 AT 10:15AM

A. CALL TO ORDER

Mayor Serdy called the meeting to order at 7:03 p.m.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Vice Mayor Wilson gave the invocation and Councilmember Barker led the meeting attendees in the Pledge of Allegiance

C. ROLL CALL

Present: 7 - Mayor Serdy
Vice Mayor Wilson
Councilmember Barker
Councilmember Evans
Councilmember Rizzi
Councilmember Schroeder
Councilmember Struble

Staff in Attendance:

Bryant Powell, City Manager
Matt Busby, Assistant City Manager
Anna McCray, Assistant to City Manager
Joel Stern, City Attorney
Jennifer Pena, City Clerk
Al Bravo, Public Information Officer
Larry Kirch, Development Services Director
Rudy Esquivias, Planning Manager/Zoning Administrator
Liz Langenbach, Parks & Recreation Director
Kent Fowler, Police Officer

D. CONSENT AGENDA

Vice Mayor Wilson moved, seconded by Councilmember Barker to approve the consent agenda and approve the minutes of January 21, 2020.

1. [20-035](#) Consideration of acceptance of agenda.

Yes: 5 - Mayor Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember Rizzi and Councilmember Struble

No: 0

Excused: 2 - Councilmember Evans and Councilmember Schroeder

2. [20-036](#) Consideration of approval of minutes of the regular meeting of January 21, 2020.

Yes: 5 - Mayor Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember Rizzi and Councilmember Struble

No: 0

Excused: 2 - Councilmember Evans and Councilmember Schroeder

E. AWARDS, PRESENTATIONS AND PROCLAMATIONS

Mayor Serdy asked Councilmember Rizzi to make a special announcement. Councilmember Rizzi then announced the winner of the 2019 3rd annual holiday light decorating competition. The winner was the Handlebar Pub and Grill. Ms. Heidi Geldis from the Chamber was present, representing the judging committee, the Mayor and Councilmember Rizzi then presented the award to Candace Plzak, owner of the restaurant.

Mayor Serdy then read a proclamation on the 100th anniversary of the Women's Suffrage Movement. The League of Women Voters was founded on February 14, 1920 in Chicago just six months before the 19th amendment was ratified.

F. ANNOUNCEMENT OF CURRENT EVENTS

3. [20-037](#) Announcement of current events from mayor and councilmembers.

Councilmember Struble announced on January 26th they held the 3rd annual AJ Kid's Idol talent competition. He thanked everyone for coming out to support the kids and raise funds which are donated back to the community, usually back to Apache Junction Unified School District. He then announced the winners. In the K-6 category was a duet by Ava Sartan and Jade Grogen. In the 7-12 category Avery Fisher, a sophomore at Apache Junction High School won first place, and the fan favorite was Cole Denham.

Vice Mayor Wilson thanked the local ROTC for inviting him and his wife to the Navy Ball. He is retired Air Force, and they both enjoyed the evening very much. One of the ROTC members had received 3 offers of a full ride scholarship to either Ohio State, ASU, or NAU. The young man is holding his response until he hears whether he will be accepted into the Army or Naval Academy.

Councilmember Barker reminded everyone of the Lost Dutchman Marathon on the weekend of the 16th.

There will be a statewide hoop shoot on the 15th. There is a young lady from Apache Junction competing in the 12-13 year old category named Brooklyn Neace.

Assistant City Manager read comments from Councilmember Evans. She wished to remind everyone of Project Connect on Saturday, February 8th. She also wanted to announce the Family Fun Fest on Saturday, February 22nd.

Mayor Serdy announced the City of Mesa recently held their state of the city and charged approximately \$50.00 per person to attend. There were roughly 900 attendees.

He stated the Apache Junction State of the City will be held Wednesday, February 12th at 7 p.m. at the performing arts center at the high school. Everyone is welcome and it is free!

G. CITY MANAGER'S REPORT

4. [20-038](#) City Manager's Report.

Assistant City Manager Matt Busby provided the City Manager's report. City Manager Bryant Powell was at Sr. Night at the high school and would be joining the meeting in just a few minutes.

Mr. Busby stated Mr. Fox Young was present to provide an update on the Friends of Apache Junction, the Community Development Corporation and Community corporate sponsorships.

5. [20-029](#) Discussion and update on Friends of Apache Junction, Community Development Corporation (CDC) and Corporate Sponsorships.

Mr. Busby introduced Fox Young from the Development Services Department to give an update on the programs and resources for the city.

Mr. Young, Program and Resource Coordinator stated there was over \$57,000 donated to the Friends of Apache Junction (FOAJ) in 2019. The Friends of Apache Junction donated over \$45,000 for city events, programs and improvements. They have a new interactive website that will go live on February 27, 2020. He also reported during the 2019 FOAJ golf tournament netted over \$7,500 in support for the city.

Mr. Young then updated the council on the activities of the Apache Junction Community Development Corporation. Their main event was the Make a Difference Day this last year. There were 130 volunteers and the three areas they focused on was the median project on Apache Trail, Flatiron Park and various neighborhood enhancements.

The total city benefit with partnerships from the community was \$63,926. The Park and Recreation department received \$34,000, Library \$21,096 and the Police department received \$7,400.

Councilmember Rizzi inquired when donations are made on the FOAJ website, are people able to designate the department or project? Mr. Young stated they could.

H. PUBLIC HEARINGS

6. [20-042](#) Presentation, discussion, public hearing and consideration of proposed Ordinance No. 1487, case PZ-8-19, a request by Arizona Water Company, represented by Nicholas Maxwell of Coe and Van Loo Consultants, rezoning 6.91 acres zoned General Commercial (B-1), General Commercial by Planned Development (B-1/PD), and Medium/High Density Single-Family Detached Residential (RS-7) to Public and Institutional by Planned Development (PI/PD).

Councilmember Rizzi moved, seconded by Vice Mayor Wilson that Ordinance No. 1487 be read by title only and the reading of the entire ordinance be waived.

City Clerk Jennifer Pena read Ordinance No. 1487 by title only.

Councilmember Rizzi moved, seconded by Councilmember Barker that Ordinance No. 1487 as read by the city clerk be approved and adopted.

Yes: 5 - Mayor Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember Rizzi and Councilmember Struble

No: 0

Excused: 2 - Councilmember Evans and Councilmember Schroeder

Kelsey Schattnik, planner in Development Services presented case PZ-8-19, a request by Arizona Water Company to rezone 6.91 acres currently zoned General Commercial (B-1), General Commercial by Planned Development (B-1/PD), and Medium/High Density Single-Family Detached Residential (RS-7) to Public and Institutional by Planned Development (PI/PD). the request is to rezone all three parcels to PI/PD (Public and Institutional by Planned Development) to facilitate a lot combination and to allow for the future expansion of their facility.

Her staff report noted the 6.91 acres is a privately-owned piece of land surrounded by residentially zoned land to the north, east, and west and commercially zoned land directly to the east along Southern Avenue. Pinal County is located to the south. The current facility has existed for many years and does not represent a new use in the neighborhood. Rezoning will facilitate construction of future buildings and allow for an expanded equipment yard.

All utility services are readily available to this development. Half street improvements along with onsite improvements will be completed by the applicant/developer at the time of construction. Over the next 2 years, additional improvements that will be made to the property will include constructing additional office space, warehouse, storage facilities, and parking, which will be located behind the existing office building on an enclosed, fenced lot.

Neighborhood meeting notification letters were sent from the applicant to all property owners within a 300-foot radius of the subject site. The applicant also sent additional notices to residents who had previously provided their contact information. On December 5, 2019, the applicant held a formal neighborhood meeting and a total of 19 people attended. The questions and comments received were primarily related to safety, traffic circulation, and overall aesthetics of the site.

The city has also sent out public hearing notices noting the time, place, and proposed request. Staff has not received any comments regarding the rezoning request.

Staff recommends approval of the rezoning case subject to the Planning Division conditions of approval, which are as follows:

1. The uses allowed to locate shall be limited to the use normally allowed in the Apache Junction City Code, Volume 2, Land Development Code, Chapter 1, Zoning Ordinance, Article 1-5, Zoning Bulk and Use Regulations, Section 1-5-3 Non-Residential Use Regulations, PI zoning district.

2. The project shall be developed in accordance with the plans submitted with case PZ-8-19 and all the provisions of the Apache Junction City Code, Volume 2, Land Development Code, Chapter 1, Zoning Ordinance applicable to this case.
3. Upon approval of the rezoning, existing parcels 102-11- 001B, 102-11-001F, and 102-11-0170 will be combined into one cohesive parcel through the city's lot combination process.
4. Developer shall construct offsite half-street improvements including but not necessarily limited to dedication of adjacent rights-of-way, including 50' for Southern Avenue, 40' for Delaware Drive and any necessary cutoff corners for visibility, extension of pavement and the provision of sidewalk, curb, gutter, streetlights, underground utilities, fire hydrants and landscaping and shall be required as part of this planned development project, and subject to review and approval by the City Engineer.
5. All applicable permits shall be applied for and plans shall be designed to current City codes prior to any lot grading or construction on the lots. Inclusively, all applicable development fees shall be paid at the time of permit issuance.
6. Landscape, screening and irrigation improvements, planted within a minimum 10-foot deep strip inside the net property line (but outside of required walls), shall be provided in compliance with the city's landscape and screening requirements contained in Apache Junction City Code, Volume II, Land Development Code, Chapter 1, Zoning Ordinance, Article 1-8, Landscape Regulations, along the street frontage of the proposed expansion areas.

Larry Kirch, Development Services Director answered questions from Council related to the number of lanes on Southern, which is set for improvements of curb, gutter and sidewalks on both sides, and increased visibility at the southwest corner of Delaware and Southern. There will be increased lighting as well.

Applicant Nick Maxwell, applicant spoke briefly on the height of the storage facility, approximately 12-16 feet tall with a 10 foot buffer to the wall at the north that backs up to residential back yards. This is the existing wall of the residents, they do not plan on building an additional wall. In response to questions from Councilmember Barker, Mr. Maxwell said they could accomodate moving the storage structures a bit more south away from the neighbors at the north of the property.

Mayor Serdy opened the public hearing.

George Schroeder, 244 W. Virgiana St. Apache Junction, commented the developer should move the access point farther back to allow for a turning lane.

Receiving no other comments, he closed the public hearing and called for a motion.

7. [20-034](#) Presentation, discussion, public hearing and consideration of Resolution 20-02 finding and determining certain facts and adopting the General Plan 2020-2050 Legendary Landscapes and Lifestyles, and submitting the "Plan" to the city voters at the August 4, 2020 election for ratification.

Councilmember Barker moved, seconded by Councilmember Struble that Resolution No. 20-02, a resolution of the mayor and city council of the City Of Apache Junction, Arizona, finding and determining certain facts and adopting the 2020-2050 general plan, and submitting the plan to the city voters at the August 4, 2020 election for ratification be approved.

Yes: 5 - Mayor Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember Rizzi and Councilmember Struble

No: 0

Excused: 2 - Councilmember Evans and Councilmember Schroeder

Sidney Urias, Sr. Planner, briefly reviewed his presentation given to council last month. During that presentation he gave an overview of the public input process, the surveys that were conducted, public meetings held and input they receive from the Planning Commission. They also went over the formatting of the plan, the 12 elements within the plan, growth area elements and minor administrative edits. Since the last presentation to council, they have held two public hearings.

Mr. Urias then reviewed the administrative edits. He said the Planning and Zoning Commission has recommended approval of the general plan and the item is before the council for ratification and formalizing the direction that the General Plan be submitted to the voters in the fall election.

Mr. Kirch also wanted to thank staff and the residence for all the time and input they provided; without them and their help it would not have been possible.

He stated while the General Plan is adopted every 10 years they worked on a plan to cover the next 30 years. Mr. Kirch then highlighted unique aspects of Apache Junction's General Plan. This included a downtown development plan, not normal for a city of its size, the intergovernmental cooperation element with the Town of Queen Creek, the AJ School District, the Bureau of Land Management, Tonto National Forest Service, our federal, state, and county agencies. They all had input and provided up to date statistics to the general plan.

The other piece is the land use element and this is the Active Transportation Plan.

The city has 6 miles on the north side and six miles on the east side, near Silly Mountain, that is either BLM land or State trust land. The city also has 15,000 Acres south of Baseline of State trust land. When developing this land, the preservation of open space should be the priority and any development should be clustered.

City Manager Bryant Powell thanked staff again for doing such an incredible job. He stated most cities hire an independent consultant to create the General Plan which can cost hundreds of thousands of dollars. This was all done internally by staff. He thanked Sidney and staff for an amazing job and working with so many outside entities.

This is another example of how the city utilizes its staffs talent while saving the city a tremendous amount of money.

Mayor Serdy opened the public hearing.

George Schroeder, 244 W. Virginia St. Apache Junction, stated the reason people come to our city is they don't want to live in an area that looks like a city. We need to shut it all down. Nothing has been done on his street and they can't decide if his area is a flood plain or not. He stated the plan is nothing. It does not help him or his neighbors, it only makes someone look good. He stated it will not help the community at all.

Mayor Serdy closed the public hearing.

Councilmember Struble thanked the residents and staff for all the input and work they did on setting future plans and goals for the community.

I. OLD BUSINESS

J. NEW BUSINESS

8. [20-008](#) Discussion on city fireworks policy.

City Council members had received several comments on the fireworks that went off on Christmas and New Years. The complaints consisted of excessive explosions and launched fireworks which are illegal in the state of Arizona.

Councilmember Rizzi addressed the fact that while the city does have an ordinance prohibiting the use of the illegal fireworks, it can be difficult to catch these people. They know it is illegal, so they run off once they light them. It is dangerous for the animals as well as the environment. This year was a bad year and several animals were injured.

She had asked the City Attorney to provide insight on the matter as a way of informing and updating the council and the public on the law.

Joel Stern, city attorney, stated if someone is sighted shooting off fireworks it is a civil penalty. In 2015 the legislature preempted cities on the regulation of fireworks. It is still illegal for fireworks regardless of what or how they are classified, to be shot into the air. He clarified that while it is legal to purchase these illegal fireworks, you just cannot shoot them into the air.

Mr. Stern reviewed the penalties and fines.

Mayor Serdy introduced Fire Chief Farber who spoke at great length on permissible fireworks. He also spoke that if the risk of a wildfire is high enough, a complete ban on fireworks can be done.

If someone is recording the lighting of these illegal fireworks with their cell phone, it could be used in court to prosecute, you just need a witness who was present.

K. COUNCIL DIRECTION TO STAFF

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

9. [20-039](#) Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Monday, February 17, 2020 is cancelled in honor of President's Day. Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Tuesday, February 18, 2020 in the city council conference room and city council chambers located at 300 E. Superstition Boulevard, Apache Junction, Arizona, respectively; and other meetings if necessary.

Vice Mayor Wilson moved, seconded b Councilmember Barker that an Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Monday, February 17, 2020 be cancelled in honor of President's Day. That an Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Tuesday, February 18, 2020 be held in the city council conference room and city council chambers located at 300 E. Superstition Boulevard, Apache Junction, Arizona, respectively; and other meetings if necessary.

Yes: 5 - Mayor Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember Rizzi and Councilmember Struble

No: 0

Excused: 2 - Councilmember Evans and Councilmember Schroeder

M. CALL TO PUBLIC

George Schroeder, 244 W. Virginia St., Apache Junction agreed fireworks is a problem. He spoke randomly on the legislature, city streets, abandoned houses, and trash service.

William Wallingford 2055 N. Cortez Rd. Apache Junction presented a video on HB2389, which would require prosecution of a noise violation to include an accurate recording and measurement of the noise by a peace officer using specified standards. There is an emergency clause to the bill as well making it retro active. The recording is of the hearing of this bill heard at the Regulartoy Affairs committee on February 3, 2020. The bill was submitted by Representative Kelly Townsend related to noise complaints and requiring the use of sound meters.

Mo (Mehmood) Mohiuddin spoke on the matter and Mr. Wallingford believes Mr. Mohiuddin to be lying and for council to be aware of what he said. Mr. Wallingford stated Representative Biggs was also present.

In the video Mr. Mohiuddin states he owns a business called the Hitching Post, the neighbors moved in about 1 year ago, about 9-12 neighbors. The neighbors are complaining about the noise coming from the Hitching Post and have placed approximately 289 phone calls to the Police Department in the last 2 years.

He believes city employees are directing the neighbors to call the Police Department and Code Compliance and complain. He stated the neighbors are directing the police not to bother with a follow up call, just send the findings or file to the city attorney;'s office and code compliance office. He stated he has 15 counts of criminal nuisance charges against him and there is no evidence. they have a video, but a company he sent the video to said it has been altered.

Mr. Mohiuddin stated he has several police logs stating just that. He has 15-18 criminal nuisance charges filed against him by the neighbors and the case is at the County Attorney's office. The County Attorney won't drop the charges.

Mr. Mohiuddin believes the city is trying to make the property a nuisance so it can sell it to the

highest bidder. He is sitting on 18 acres. He had to sell his house to pay for his attorney's fees.

He would like help.

Donna Carr, 2178 W. Virginia St. Apache Junction, said if you follow the money, Republic Services is owned by black Stone Corporation. You always say shop local. She said she should not be forced into having a specific trash hauler, she should have a choice. Follow the money, this is a large corporation. She should have a choice in her trash provider.

Ken Coburn, 384 N. Valley Dr. Apache Junction, stated he was the individual that asked council to look into the city code so he could use storage containers as a shed. The current code requires 1.25 acres to have a cargo container on your property. He only wants to use if for storage. No to add an extra housing unit to his property, or convert it to an backyard apartment. He feels the discussion is beyond what he was asking for.

N. ADJOURNMENT

Mayor Serdy adjourned the meetign at 8:32 p.m.

ACCEPTED THIS _____ DAY OF _____, 2020, BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 2020.

JEFF SERDY
Mayor

ATTEST:

JENNIFER PEÑA
City Clerk

CITY COUNCIL MINUTES
CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of the City of Apache Junction, Arizona, held on the _____ day of _____, 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2020.

JENNIFER PEÑA
City Clerk