

CITY COUNCIL  
REGULAR MEETING  
MAY 2, 2017

The regular meeting of the City Council of the City of Apache Junction, Arizona, was held on May 2, 2017, at the Apache Junction City Council Chambers pursuant to the notice required by law.

CALL TO ORDER

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

INVOCATION

Vice Mayor Wilson gave the Invocation.

PLEDGE OF ALLEGIANCE

Councilmember Struble led the Pledge of Allegiance.

ROLL CALL

Councilmembers Present: Mayor Serdy  
Vice Mayor Wilson  
Councilmember Evans  
Councilmember Rizzi  
Councilmember Struble  
Councilmember Waldron

(Councilmember Barker was absent.)

Staff Present: City Manager Bryant Powell  
Assistant City Manager Matt Busby  
City Clerk Kathleen Connelly  
City Attorney Joel Stern  
Public Safety Director Tom Kelly  
Interim Public Works Director John Mitchell  
Development Services Director Larry Kirch

Others Present: Public Information Officer Al Bravo  
Fleet Services Superintendent Brian  
Gleave  
Senior Planner Rudy Esquivias  
Planning Intern Suleima Barrera  
Assistant City Attorney/Prosecutor Eric  
Yuva

ACCEPTANCE OF CONSENT AGENDA )  
 ) Councilmember Waldron  
MOVED THAT THE CONSENT AGENDA BE ACCEPTED AS PRESENTED; AND

THAT THE AWARD OF CONTRACT FOR JANITORIAL SERVICES TO JB  
SUPERIOR MAINTENANCE SERVICES, LLC UNTIL NOVEMBER 1, 2017 WITH 6  
ADDITIONAL THIRTY-ONE DAY PERIODS IN THE AMOUNT OF \$22,988.94  
PER MONTH WITH AN ANNUAL COST OF \$275,867.28 BE RATIFIED; AND

THAT THE EMPLOYMENT AGREEMENT WITH THE PRESIDING MAGISTRATE FOR  
THE PERIOD OF TWO YEARS BEGINNING JULY 1, 2017 AND ENDING JUNE  
30, 2019, BE APPROVED.

Councilmember Rizzi SECONDED  
THE MOTION.

VOTE: Unanimous.

The motion carried.

#### AWARDS, PRESENTATIONS AND PROCLAMATIONS

Mayor Serdy read a proclamation designating May 21-27, 2017 as  
National Public Works Week and presented it to Fleet Services  
Superintendent Brian Gleave.

#### ANNOUNCEMENT OF CURRENT EVENTS

Councilmember Rizzi announced the Flatiron Park grand opening  
was a great celebration with a great turn out.

Councilmember Rizzi announced she and the mayor attended the  
annual Boys and Girls Club Yesteryear fundraiser and it was  
their best year, raising \$106,000 thanks to donations and  
auction participators.

Councilmember Rizzi announced she and the mayor attended the United Way Mayors' Breakfast where they discussed the homeless issue.

Councilmember Rizzi announced she attended the East Valley Opioid Committee but could not stay for the entire meeting. Maricopa County is trying to come up with solutions for addicts that are arrested for small crimes and how to keep them from returning.

Councilmember Rizzi announced most of the council attended the Lost Dutchman Marathon and it was a wonderful turn out and it has brought a great amount to the community.

Councilmember Rizzi announced the council was invited to attend the Apache Junction High School Senior Interviews where they interviewed some of the local seniors. The kids were phenomenal.

Councilmember Rizzi announced they were also invited to attend the high school mock crash the fire district put on the night before the prom to remind the seniors of what can happen when texting or drinking. It brought a lot of awareness to the kids.

Councilmember Rizzi announced the water district had their water festival where the local fourth graders learned about water conservation. She actually learned something and the learning was fun.

Councilmember Rizzi announced the Boys and Girls Club has another fundraiser coming up on Saturday, May 6. It is a cook-off at Tres Banderas with a number of other restaurants involved.

Mayor Serdy commented it will be eight different restaurants reminiscent of what a lot of other communities do. There will be mini-sliders. They hope to go to each restaurant afterwards.

Councilmember Rizzi announced that on Thursday, May 4, there will be a memorial service at the Pinal County Sheriff's Memorial Wall in Florence to remember fallen officers.

Councilmember Struble commented this is the first year he was able to attend the water festival and it was amazing. Anytime

you are around a bunch of kids learning and having fun it invigorates you to make a difference in the world. The park opening was amazing. He had tickets to the Boys and Girls Club fundraiser but stayed at the park to watch the movie that night. The adults were laughing more than the kids. He estimated 100-150 people stayed for the movie.

Councilmember Struble commented he also attended the senior interviews and the kids were amazing. There were mock interviews for jobs to give them experience of what it meant to communicate their goals for the future and how they will make a difference in the world.

Councilmember Struble announced he was invited out to Peralta Trail and Four Peaks Elementary yesterday morning to talk to the fifth graders about leadership and the election process. They will be having the student council elections next week. It is awesome to have young people asking questions about how things work. He will be working with the other schools in August. The kids are amazing in the community and we have a great future ahead of us.

Councilmember Evans read an email regarding the installation of lights at Earth Heart Park which allows them to have evening events once they have the funding to power them. She thanked the community for their donations.

Vice Mayor Wilson commented it was great watching the kids learn about water conservation at the water festival but a lot more fun was when the fire district gave all the kids a shower at the end.

Mayor Serdy announced tomorrow is D.A.R.E. graduation at Peralta School and the other schools will do so later in the month.

Mayor Serdy announced on May 12 the Apache Junction Vets Center will have 9 or 10 entities that do things for veterans for people to learn all about them.

Mayor Serdy announced on May 13 the food bank will be having its annual drive at the county complex.

Mayor Serdy commented on the recent passing of Jimmy Eidson who had a big impact on his life. He would not have been the mayor nor have a business without his guidance and support. Funeral arrangements will be next week and they will have an announcement in the paper.

#### CITY MANAGER'S REPORT

City Manager Bryant Powell commented on the Lost Dutchman Marathon award night, the public works department and the water festival.

#### PUBLIC HEARINGS

ORDINANCE NO. 1446, PZ-12-16,  
REZONING A 1.2 ACRE PROPERTY AT 980  
E. SCENIC FROM HIGH DENSITY  
MULTIPLE-FAMILY RESIDENTIAL TO LOW  
DENSITY SINGLE-FAMILY RESIDENTIAL  
BY PLANNED DEVELOPMENT )

) Planning Intern Suleima  
Barrera briefed the council on the item.

Councilmember Struble  
commented planning and zoning chose not to do the 33' easement  
dedication. He asked her to explain what it is and why they  
would not have done that.

Planning Intern Suleima  
Barrera stated she believes they brought that condition up at  
the eleventh hour. There appeared to be confusion over what  
they were asking for at that point.

Councilmember Struble asked  
what the terminology means.

Development Services Director  
Larry Kirch stated throughout various parts of the city,  
especially in the Y area and north and south of Lost Dutchman,  
these areas were federal land in 1938. They were broken up into  
large lots either 5, 10 or 20 acres. The federal government put  
out easements for access to these properties. They are called  
federally patented easements. They are for future roadways and

utilities. Throughout this area the city has been granted by the federal government easements, in this case 33' easements on Scenic. The property dimension is 159' X 330'. A typical lot would be a little wider than 159'. That would have been 1.25 acres. They are asking for the city to be granted, instead of us having an easement for roadway purposes, that the owner dedicate that land to the city for future roadway purposes. In state law, during a rezoning the city can ask for the dedication of converting the easement to outright city ownership. He apologized for not bringing it up during the staff report or earlier in the discussion with the planning commission. He thought it was important they present this idea. They ask for a dedication during most rezonings. It is property the property owner owns but they cannot build on it or use it because it is encumbered by utility and roadway easements.

Councilmember Struble asked how big .05 of an acre is.

Development Services Director Larry Kirch stated it would be 330' by maybe a foot. He does not know what it is short. The depth of the lot is 330 feet. There is probably a little bit of history to this property. When the property was divided from 2.5 acres one lot ended up being a little bit larger and one smaller. By that circumstance they could technically not have horse privileges by the code.

Councilmember Struble commented it would be 330' by one foot.

Development Services Director Larry Kirch stated it may be but he did not really know.

Councilmember Struble commented that is roughly.

Development Services Director Larry Kirch stated a realtor in the audience advised it is four feet. It would be 330 feet by 4 feet. That is what the lot is short.

Councilmember Evans asked if they would be filing for non-conforming approval.

Development Services Director Larry Kirch stated the planned development is taking care of that. By using the planned development overlay, essentially, by the council using that tool, they are saying they are going to rezone this. It is really not the fault of the applicant that they ended up acquiring property that they thought had horse privileges. Her attorney can explain that. Staff feels they can use the planned development to do a little bit of negotiating. That is where they thought there could be a little bit of landscaping on Scenic. It may be the first and only house on Scenic but they have to start somewhere. They are also asking for the street dedication, which is typical. They should have put that in the staff report.

Councilmember Waldron asked if the applicant knows about the five recommendations.

Development Services Director Larry Kirch stated they do. The fifth one came up during the planning commission meeting and number two was the staff recommendation. The planning commission in their role decided their vote was not to include number two or five. Staff is still recommending them.

Vice Mayor Wilson asked if they are going to start pushing people to have landscaping in their front yard. He asked if that is the goal in the Y area.

Development Services Director Larry Kirch stated staff will ask for it when there is a rezoning. It is the council's prerogative if they think it is important or not. The staff recommendation is to have it. They have done a couple just around the corner in another one of these rezonings.

Councilmember Rizzi commented southwest of this property is a zoning of RSGR. She asked what that is.

Development Services Director Larry Kirch stated it is single-family on 1.25 acre lots.

Planning Intern Suleima Barrera stated it is low density single-family.

Councilmember Rizzi asked if they can have horses.

Development Services Director Larry Kirch stated they can. RS is multiple dwelling and you cannot have horses there plus it is not 1.25 acres. It is .05 acres short. That is the whole purpose of the rezoning. They could have been fine with RM2 but they were short the 1.25 acres.

Councilmember Rizzi commented she is confused as the property just southwest that butts up against Royal Palm looks smaller to her. She asked how it is that they can have horses.

Development Services Director Larry Kirch stated he is not sure if they do have horses. There have been subdivisions that did not go through our subdivision process. Before we were a city or earlier in the history of the city they were doing subdivisions. They can have an RSGR zoning and not have 1.25 acres. There are even some smaller lots there. They may own all four of those parcels. On Cactus there are lots that are smaller and have multiple dwelling zoning. There is a little bit of a mish mash.

Councilmember Rizzi asked if RSGR can have horses.

Development Services Director Larry Kirch stated they can if they have 1.25 acres or if they were to go through this process of the planned development. The planned development overlay allows them to move the setbacks and change some of the criteria. They use planned development a lot around the city where the developer will want a little more density but the city may want more amenities for the residents. It could be an extra park.

Assistant City Manager Matt Busby stated there are two requirements to have horses automatically. It has to be RSGR and be 1.25 acres.

Development Services Director  
Larry Kirch stated that is correct.

Vice Mayor Wilson commented  
he would agree with that for this area, but they also have an  
area that has acre lots and they can have horses.

Development Services Director  
Larry Kirch stated Rudy might be the person to answer that. He  
is not sure where that is.

Councilmember Evans commented  
she agrees with the landscaping being required. They require it  
of any developer whether east or west of the Y. Anybody that  
would build two houses on a single lot has it as a requirement.  
To be fair across the board, if they exempt one and require  
others would set up a bad taste in anybody's mouth. They would  
wonder why they had to do it when others did not.

City Manager Bryant Powell  
stated he remembers on Acacia where the residents there worked  
with the city to get extra landscaping that will grow over time.  
That is what the residents out there wanted from us.

Mayor Serdy requested the  
applicant address the council.

Mr. Brian Locker, an attorney  
from Mesa, representing Kathleen Pavicevic, addressed the  
council. He stated the property was purchased in 2015 because  
the applicant owns horses. She needed a place for her horses.  
One of the reasons she moved to Apache Junction is because it is  
friendly to horses. The MLS listing when she purchased the  
property said horses were okay. As she got further into the  
transaction she received the seller's property disclosure  
statement and in the other conditions and factors it says horse  
property. She believed she was purchasing horse property. She  
found out quickly it was not from a neighboring tenant who filed  
a code complaint which started this whole process. He was  
brought in for the ADR process through the Association of  
Realtors. They were able to get some funding from the other  
party for this real estate transaction to bring this  
application. One thing that is really key is that the

application is simply a change to conform to the character that already exists in the neighborhood. He showed a picture where the highlighted properties were those with horses. He stated the question is the conditions. They are there to right a wrong that was done. She did not buy into this but she has spent the last two years of her life dealing with it. When considering if any conditions should be placed on this approval, he would appeal that she not be punished further and have to go through additional expense. The zoning committee unanimously decided not to add conditions to this approval. He thinks consideration should be made that another panel has already decided on these provisions. This is a special situation. This whole thing does not create an exception in addressing Councilmember Evans comment. By doing this they are maintaining the status quo and putting the applicant in the position she thought she would be in two years ago.

Councilmember Struble asked who is responsible for determining the zoning of the property when someone is purchasing it.

Mr. Brian Locker stated that is a sticky question. The buyer but that is overridden when there are affirmative sentences by the seller that are incorrect. At a certain point a buyer is allowed to rely upon the statements of a seller and the real estate professionals that are representing them who had stated affirmatively both in the MLS listing and the disclosure statement. Legally, the answer to the question is normally the buyer but in this case, which the other parties openly acknowledged and provided funding for this effort, the seller personally and the seller's agent had legal issues with their representations.

City Attorney Joel Stern stated there is also a duty of due diligence from the buyer's perspective. They are supposed to look into it. He believes Mr. Locker is correct that once the other side says it is horse property they can justifiably rely on that representation. If it is wrong, they can sue and there is a causative action. He believes that did happen in this case.

Mr. Brian Locker stated they did not initiate litigation because when a real estate

transaction takes place with real estate agents, one of the provisions of the purchase contract in Arizona is that the parties submit to ADR. There was a settlement conference.

City Attorney Joel Stern  
asked what ADR is.

Mr. Brian Locker stated  
Alternative Dispute Resolution. It can take a number of forms. In this case it was in mediation. A professional came in as a neutral party and hashed out a deal. It did not make the applicant 100% whole but it helped in this process.

Councilmember Waldron asked  
what conditions they do not want of the five conditions.

Mr. Brian Locker stated they  
are simply requesting the application be approved exactly as approved by the zoning commission. They would want to remove condition two and condition five that were recommended by staff. They are affirming what the zoning committee recommended.

Councilmember Evans commented  
they are objecting to planting a couple of trees and dedicating 33' which will reduce her property taxes. She does not understand what the 33' problem is. It is something she cannot utilize anyway. It will significantly lower her property taxes. She asked what the objection is.

Mr. Brian Locker stated they  
did the math. It is about a 9% reduction for property values. It is a fairly negligible difference in property taxes. If, at the end of the day, this would be a deal breaker, it would not. She wants her horses. That is the primary issue. The question is how the applicant will be further burdened after she had been through this much. He is specifically talking about the landscaping. She cannot go back to the parties wronged her and say she has to spend an additional \$500 on trees and plants and get more money from them. It does not work like that. That is the bigger issue here as opposed to the 33' that was brought up in the eleventh hour. It was clearly from the zoning committee's perspective that it was not something they were entertaining. It is a common quid pro quo exchange for an

applicant. The 33' is not a huge deal; the landscaping is the bigger deal for them. It is more money out of her pocket. It leaves a bad taste in his mouth for the sake of tacking them on.

Councilmember Evans commented she does not think it is for the sake of just tacking them on. It is for the city trying to make a better presentation of the city itself. Nobody here does anything just because. It is part of the direction that the city is going in cleaning it up whether it is east of the Y or west of the Y or horse property or not horse property. This is a condition that we require of people. We are not trying to make it extra difficult for her or any harder. She does understand, being a realtor for thirty years, that you do rely on what the MLS tells you. But you also have your own due diligence. She feels bad as she is also a horse person. She understands exactly. You look around and there are horses everywhere around you. The assumption is she bought horse property. The landscaping has been neglected for a long time and she thinks it is important because it does dress up a property. In the long run it would also help her.

Mayor Serdy asked if she wanted to see oleanders out there.

Councilmember Evans commented she does not. There is a list of ten things she does not want to see there.

Councilmember Rizzi asked if the other neighboring horse properties would be required to do the same thing for landscaping. She has had this property for two years and in her mind she should be grandfathered in. She asked why they would require her to have additional landscaping if they are going to make her the same as these other horse properties unless it is already required for the other ones. She does not think it is fair or reasonable. She does think it is punishing her. She asked if the other horse properties in orange in that area are required to have the additional landscaping.

City Attorney Joel Stern stated if they ask for a rezoning then staff would probably

recommend that. However, at this time he is not aware of any rezoning unless Larry is.

Councilmember Rizzi commented the point is to make her whole in comparison to the properties that are already neighboring her. This is not where she is coming in for rezoning so she can build. In that case she could see the additional landscaping. In this case it does appear to be punishment. That is her opinion. There was litigation with the broker or whatnot. The broker should have had to reimburse staff. They have spent staff time. She asked if they have done anything to make the city whole for the time and effort put in to make this right. It is her understanding this was not the city's error. It was an error on the part of a broker.

Mr. Brian Locker stated that would be an opinion that some people might take. It is one he took. He believes that a real estate professional, an agent, and ultimately the seller signs off on the representations made in the MLS agreement, but at the end of the day the seller was responsible and the broker understood there was some exposure for them as well. They both paid; both brokers on both sides and the seller.

Councilmember Rizzi commented there has been an effort to make the landowner whole which is only appropriate, fair and reasonable. She asked if there has been any effort to make the city whole for its losses.

City Attorney Joel Stern stated the city is not a party to the real estate agreements. It was not litigation, it was alternative dispute resolution which is like a mediation arbitration. There are costs associated with it but as for a viable claim for something like that which the city would bring, he is not sure that would be too successful in court.

Vice Mayor Wilson commented he is familiar with the property. The previous owner even had horses on the property and there was a series of complaints several years ago concerning it. He can see how with the equipment that was left on the property that the applicant fell into the belief that it was acceptable to have horses on the

property. He sympathizes with her. He thinks if they are going to try to establish plants and stuff in the areas, they need to go across the board over the entire city and not start out by punishing one person at a time.

Mayor Serdy 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 Wilson MOVED THAT ORDINANCE NO. 1446 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 Wilson MOVED THAT ORDINANCE NO. 1446, AS READ BY THE CITY CLERK, BE APPROVED AND ADOPTED WITH THE FOLLOWING AMENDMENTS: THAT NUMBERS 1, 3 AND 4 BE INCLUDED IN THE REQUIREMENTS.

Councilmember Waldron asked  
about number 5, the dedication.

Vice Mayor Wilson commented  
he is not including 5.

Mayor Serdy commented he  
exempted 2 and 5. He asked if that is what he is saying.

Vice Mayor Wilson commented  
that is correct.

City Attorney Joel Stern  
asked him to repeat the motion.

Vice Mayor Wilson MOVED THAT  
HE RECOMMEND WITH THE FOLLOWING AMENDMENTS BE USED AS 1, 3 AND  
5, NOT 2 AND 5.

Councilmember Waldron  
commented the draft ordinance has 1, 2 and 3 in there. He asked  
if he saw those.

Vice Mayor Wilson MOVED WITH  
THE DRAFT ORDINANCE.

City Clerk Kathleen Connelly  
asked if they are excluding the two additional conditions.

Vice Mayor Wilson commented  
they are excluding the 2 and the 5.

Councilmember Struble  
commented they are excluding the landscaping and the frontage  
dedication.

Mayor Serdy called for a  
second.

Councilmember Rizzi asked  
which ones they are excluding.

Vice Mayor Wilson commented  
they are excluding the requirement for the landscaping and the  
dedication.

Councilmember Waldron  
commented he wants to adopt the ordinance as it was drafted.

Vice Mayor Wilson commented  
as drafted by planning and zoning.

Councilmember Rizzi SECONDED  
THE MOTION.

VOTE: 3-3 (Councilmembers Struble, Waldron and Evans voted in opposition.)

(During the vote Councilmember Struble commented on this particular one he is going to vote no because he thinks they need to have the frontage road dedication.)

(During the vote Councilmember Waldron commented he believes they need the dedication as well.)

The motion failed.

Vice Mayor Wilson asked if they could do another motion.

City Attorney Joel Stern stated they can do another motion.

City Clerk Kathleen Connelly stated they do not read by title only again.

Mayor Serdy called for another motion.

Councilmember Waldron MOVED THAT ORDINANCE NO. 1446, AS READ BY THE CITY CLERK, BE APPROVED AND ADOPTED WITH THE FOLLOWING AMENDMENT: THAT WE ADD CONDITION NUMBER 4 TO READ THAT THE NORTH HALF STREET 33' OF SCENIC ALIGNMENT SHALL BE DEDICATED TO THE CITY.

Vice Mayor Wilson commented that would be number 5.

Mayor Serdy requested it be back on the screen.

Councilmember Waldron commented it would be number 4 in the ordinance because there are three in the ordinance now. This would be number 4.

Mayor Serdy asked that they wait until it comes back up on the screen.

Vice Mayor Wilson commented he is including number 5 but still eliminating number 2.

Councilmember Waldron commented that is correct, except it will be in the ordinance as number 4.

City Clerk Kathleen Connelly stated the current ordinance ends at recommendation number 3. If they add number 5 from the screen it will become number 4 in the ordinance.

Mayor Serdy called for a second.

Councilmember Struble  
SECONDED THE MOTION.

VOTE: 4-2 (Councilmembers Rizzi and Evans voted in opposition.)

(Vice Mayor Wilson commented during the vote that since they had said this was the lesser of the two evils he will vote yes.)

(Mayor Serdy commented he thinks this gets her her horses.)

The motion carried with the amendment.

RESIDENT INTEREST TO AMEND CHAPTER  
8 BUSINESS, ARTICLE 8-8  
REQUIREMENTS FOR COMMUNITY AND  
CIVIC EVENTS, ADDING A PUBLIC  
NOTIFICATION PROCESS ON OUTDOOR  
ENTERTAINMENT ACTIVITIES WHICH  
CREATE NOISE, ODOR, DUST, LIGHTING,  
VIBRATIONS OR OTHERWISE INCLUDE THE  
USE OF AMPLIFIED MUSIC IN ANY FORM )

) City Attorney Joel Stern stated he had told the parties interested in this item that it would be on May 16, so none of them are here today. This was done back in March. They still have to have the public hearing on it.

Mayor Serdy asked if they should postpone this since they sent out the wrong information.

City Attorney Joel Stern stated it was not a legal publication. The council asked him to send out an email to the individuals that were interested in the item. It was his mistake and he asked them to continue it to May 16. They still have to have the public hearing in case someone wants to speak on it tonight. He briefed the council on the item.

Mayor Serdy opened the public hearing on the item. There being no one wishing to speak, he closed the public hearing and reopened the item to council discussion.

Vice Mayor Wilson commented they just need a motion to postpone it to May 16.

City Attorney Joel Stern stated it is to continue it to May 16.

Vice Mayor Wilson MOVED TO  
CONTINUE THIS TO MAY 16.

Councilmember Evans SECONDED  
THE MOTION.

VOTE: Unanimous.

The motion carried.

#### OLD BUSINESS

None.

#### NEW BUSINESS

None.

#### DIRECTION TO STAFF

CHAPTER 8 BUSINESS AND CITY

TAX CODE IN ORDER TO MAKE BOTH  
CODES COMPATIBLE WITH STATE  
CHANGES IN TAX LAW, RESTORE  
THE PRE-JULY 2007 MANNER OF  
LICENSING BUSINESSES, ESTABLISH A  
MEANS OF MEETING THE NEEDS OF  
ZONING AND BUILDING CODES, LAW  
ENFORCEMENT AND PUBLIC SAFETY,  
CUSTOMIZE REQUIREMENTS TO MEET  
LOCAL NEEDS WHERE POSSIBLE AND  
UPDATE TEXT TO REFLECT CURRENT  
DEFINITIONS AND TERMINOLOGY )

) City Clerk Kathleen  
Connelly briefed the council on the item.

Councilmember Waldron asked  
if it would go to the state first if the city did a liquor  
license.

City Clerk Kathleen Connelly  
stated it would not. They have a little one now called a  
permit. It is a percentage based on business licensing. It is  
around \$12.50 a year. It is small. If they created their own  
liquor license she believes it would be called a permit. They  
would have their own process for evaluation. That would be  
assessed on a business license. Some other cities do it and she  
has done some brief research. Mesa and Gilbert do it but that  
is as far as she got. In some cases it is several hundred  
dollars.

Mayor Serdy asked who would  
be writing these ordinances.

City Clerk Kathleen Connelly  
stated she would. She has done them for thirty-five years.

Mayor Serdy asked if they can  
get advice from the business community and see what they are  
thinking about. He asked is this going to make us appear to be  
less business-friendly.

City Manager Bryant Powell  
stated that is absolutely in their purview. Tonight is about

giving direction. His recommendation is in whatever direction their direction is to give staff as much flexibility so they can look at their public policy desires to make it as flexible as possible and adroit for staff to allow for the types and quality of events that they want to have in the future for our location. He does not know how they could say that in the motion but allow staff to look at best practices for events.

City Clerk Kathleen Connelly stated it would be ideal to get input from any number of people in the community. Sometimes people do not want to pay that extra fee but if we are not able to look at who is in the community versus are we getting our tax money the city will lose a significant amount of money. The same amount of money that may go towards paving roads and paying for other services.

City Manager Bryant Powell asked how they could get the business community to review it. He thinks it is a great idea.

City Clerk Kathleen Connelly stated one thing she has to mention is that the Chamber of Commerce in 1980 heavily supported this to the point of asking the mayor and council to put it on the ballot. The idea of having a business license in this community did go on the ballot and the voters approved it. That is why this whole thing is in existence.

Assistant City Manager Matt Busby asked if there are many other communities that have already done this.

City Clerk Kathleen Connelly stated that is correct. We were a non-program city and we have been forced to become, kicking and screaming, a program city. The vast majority of cities and towns in the state were still program cities. They had their tax license and in most cases they had a parallel business license, which is what we had prior to July of 2007.

Mayor Serdy closed the discussion and called for a motion.

Councilmember Evans MOVED THAT THE FOLLOWING DIRECTION BE GIVEN TO STAFF REGARDING CHANGES TO CITY CODE CHAPTER 8 BUSINESS AND THE TRANSACTION PRIVILEGE TAX FEE PORTION OF THE CITY TAX CODE: TO DO A COMPLETE REVIEW OF CHAPTER 8 AND THE SALES AND USE TAX FEE PORTION OF THE CITY TAX CODE IN ORDER TO MAKE THE TEXT COMPATIBLE WITH CHANGES IN STATE TAX LAW; TO RESEARCH AND BRING BACK RECOMMENDATIONS IN CHAPTER 8 FOR THE RESTORATION OF THE PRE-JULY 2007 MANNER OF LICENSING BUSINESSES; ESTABLISH A MEANS OF MEETING THE NEEDS OF ZONING AND BUILDING CODES, LAW ENFORCEMENT AND PUBLIC SAFETY; CUSTOMIZE REQUIREMENTS TO MEET LOCAL NEEDS WHERE POSSIBLE; UPDATE TEXT TO REFLECT CURRENT DEFINITIONS AND TERMINOLOGY; RETAIN PORTIONS OF THE TEXT THAT ARE NECESSARY TO MEET LEGAL REQUIREMENTS; AND TO DO RESEARCH THAT WOULD ALLOW THE CITY TO ISSUE A LOCAL LIQUOR LICENSE AND THE RELATED FEES, REVIEW AND APPROVAL PROCEDURES.

Councilmember Waldron  
SECONDED THE MOTION.

VOTE: Unanimous.

(During the vote Vice Mayor Wilson wanted to verify an aspect. He likes the idea of going to the business community as well to get their input and it will be included in this as well.)

The motion carried.

SELECTION OF MEETING DATES, TIMES, LOCATIONS, AND PURPOSES

Mayor Serdy called for a motion on the next council meetings.

Councilmember Waldron MOVED THAT AN EXECUTIVE SESSION AT 6:00 P.M. AND A WORK SESSION AT 7:00 P.M. BE HELD ON MONDAY, MAY 15, 2017, IN THE CITY COUNCIL CONFERENCE ROOM AND CITY COUNCIL CHAMBERS RESPECTIVELY; AND

THAT AN EXECUTIVE SESSION AT 6:00 P.M. BE HELD ON TUESDAY, MAY 16, 2017 IN THE CITY COUNCIL CONFERENCE ROOM.

Councilmember Evans SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

CALL TO THE PUBLIC

Mr. Wallace Rodgers, 11050 E. Apache Trail #39, Apache Junction, addressed the council regarding stray and feral cats near 350 S. Silver Street.

ADJOURNMENT )  
 ) Mayor Serdy adjourned the  
meeting at 7:55 p.m.

Consent Agenda Items are as follows:

1. Consideration of acceptance of agenda.
2. Consideration of approval of minutes of regular meeting of April 18, 2017.
3. Consideration for approval on the ratification of award of contract for janitorial services to JB Superior Maintenance Services, LLC in the amount of \$22,988.94 per month with an annual cost of \$275,867.25.
4. Consideration of approval of employment agreement with presiding magistrate.

ACCEPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017, BY THE  
MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA.

SIGNED AND ATTESTED TO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
JEFF SERDY  
Mayor

ATTEST:

---

KATHLEEN CONNELLY  
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 2nd day of May, 2017. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 8th day of May, 2017.

---

KATHLEEN CONNELLY  
City Clerk