

CITY COUNCIL
REGULAR MEETING
MAY 1, 2018

The regular meeting of the City Council of the City of Apache Junction, Arizona, was held on May 1, 2018, 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 Barker led the Pledge of Allegiance.

ROLL CALL

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

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 Michael Wever
Parks and Recreation Director Liz
Langenbach
Development Services Director Larry
Kirch
Economic Development Director Janine

Solley

Others Present: Public Information Officer Al Bravo
Economic Development Specialist Elan
Vallender

ACCEPTANCE OF CONSENT AGENDA)
) Councilmember Barker MOVED
THAT THE CONSENT AGENDA BE ACCEPTED AS PRESENTED.

Councilmember Waldron
SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

AWARDS, PRESENTATIONS AND PROCLAMATIONS

Mayor Serdy read a proclamation designating May 19, 2018 as Kids To Parks Day and presented it to Parks and Recreation Director Liz Langenbach.

ANNOUNCEMENT OF CURRENT EVENTS

Vice Mayor Wilson thanked Police Officer David James for stopping a wrong way driver attempting to get on US 60.

Councilmember Barker announced most of them attended the senior interviews at Apache Junction High School and it was an amazing experience.

Councilmember Rizzi announced she and Councilmember Struble also attended the interviews and she was very impressed.

Councilmember Rizzi announced she attended a suicide prevention event with Vice Mayor Wilson on the ripple effect. It was very moving. If you see someone struggling with depression, reach out to them.

Councilmember Rizzi announced they all attended the Golden Rule Banquet which was amazing with incredible entertainment.

Councilmember Rizzi announced several of the council attended the Four Peaks D.A.R.E. graduation ceremony.

Councilmember Rizzi announced she attended the Sunshine Acres grand opening, a new thrift store in the community. They do a lot for foster children in the community.

Mayor Serdy commented if you want to help one of the thrift stores, Sunshine Acres is very worthwhile. They have helped with the upbringing of foster children for thirty years.

Mayor Serdy announced a couple of Saturdays ago he attended the Legion of the Silver Rose ceremony honoring victims of agent orange from Vietnam.

Councilmember Struble announced the student council from Imagine Prep. Their basketball team took second in the state for their division. He introduced the council and other students attending the meeting. The student council announced various accomplishments during the year.

Councilmember Struble announced he attended the Friends of Apache Junction golf tournament over the weekend in Queen Valley.

Councilmember Struble commented it is always an amazing time to see kids talk about their future at the senior interviews.

Councilmember Struble announced they were supposed to have a car wash this Saturday for Peralta Trail but it will probably not happen due to everything that is happening. He will let everyone know when they do as they are raising funds for a classmate that needs surgery.

CITY MANAGER'S REPORT

City Manager Bryant Powell commented on the upcoming free dump week, the Iron series for Parks and Recreation, the ongoing transportation plan with a bike event and the Lady Prospectors were in the softball quarterfinals this afternoon and won.

PUBLIC HEARINGS

REGULAR MEETING OF THE CITY COUNCIL

MAY 1, 2018

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RESOLUTION NO. 18-14, ESTABLISHMENT
OF A NEW SINGLE CENTRAL BUSINESS
DISTRICT WHICH WILL REPLACE THE
EXISTING SINGLE CENTRAL BUSINESS
DISTRICT/RESOLUTION NO. 18-12,
ESTABLISHING THE OLD WEST HIGHWAY
REDEVELOPMENT AREA/RESOLUTION NO.
18-13, ADOPTION OF A NEW
REDEVELOPMENT AREA PLAN FOR THE OLD
WEST HIGHWAY REDEVELOPMENT AREA/
RESOLUTION NO. 18-15, RESCINDING
THE CROSSROADS REDEVELOPMENT AREA
AND ITS ASSOCIATED REDEVELOPMENT
AREA PLAN

)

) Economic Development

Specialist Elan Vallender briefed the council on the item including that adoption of the plan will not create any tax increase, it will not rezone any properties, it will not displace any residents from their homes and will not remove any public hearing requirements from any existing processes now being followed.

Mayor Serdy commented after he mentioned this the last time there were some residents who were very worried. He was able to meet with them and let them know about the issues.

Economic Development

Specialist Elan Vallender stated he had a nice meeting with one of the residents within this area and she expressed some concerns. He continued with his briefing.

Mayor Serdy opened the public hearing on the items. There being no one wishing to speak, he closed the public hearing and reopened the items to council discussion. There being no further discussion, he called for a motion on Item No. 6.

Councilmember Rizzi MOVED
THAT RESOLUTION NO. 18-14, A RESOLUTION OF THE MAYOR AND CITY
COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, DESIGNATING AN
AREA AS THE SINGLE CENTRAL BUSINESS DISTRICT OF THE CITY OF

APACHE JUNCTION, ARIZONA; AND RESCINDING RESOLUTION NO. 00-10,
BE APPROVED.

Councilmember Waldron

SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

Mayor Serdy called for a
motion on Item No. 7.

Councilmember Evans MOVED
THAT RESOLUTION NO. 18-12, A RESOLUTION OF THE MAYOR AND CITY
COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, SETTING FORTH
FINDINGS IN SUPPORT OF THE EXISTENCE OF ADDITIONAL AREAS WITHIN
THE CORPORATE LIMITS OF THE CITY OF APACHE JUNCTION THAT QUALIFY
FOR REDEVELOPMENT PURSUANT TO ARIZONA REVISED STATUTES § 36-
1471, *ET SEQ.*; AND ESTABLISHING THE OLD WEST HIGHWAY
REDEVELOPMENT AREA, BE APPROVED.

Vice Mayor Wilson SECONDED
THE MOTION.

VOTE: Unanimous.

The motion carried.

Mayor Serdy called for a
motion on Item No. 8.

Councilmember Waldron MOVED
THAT RESOLUTION NO. 18-13, A RESOLUTION OF THE MAYOR AND CITY
COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, APPROVING AND
ADOPTING THE OLD WEST HIGHWAY REDEVELOPMENT AREA PLAN FOR THE
OLD WEST HIGHWAY REDEVELOPMENT AREA, BE APPROVED.

Councilmember Rizzi SECONDED
THE MOTION.

VOTE: Unanimous.

The motion carried.

Mayor Serdy called for a motion on Item No. 9.

Councilmember Barker MOVED THAT RESOLUTION NO. 18-15, A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, RESCINDING RESOLUTION NO. 98-15, THE ESTABLISHMENT OF THE CROSSROADS REDEVELOPMENT AREA PASSED AND ADOPTED BY THE CITY COUNCIL ON MAY 19, 1998; RESCINDING RESOLUTION NO. 06-23, THE APPROVAL OF THE DOWNTOWN IMPLEMENTATION PLAN FOR THE CROSSROADS REDEVELOPMENT AREA, PASSED AND ADOPTED BY THE CITY COUNCIL ON JUNE 6, 2006; AND RESCINDING RESOLUTION NO. 13-35, REAFFIRMING THE CROSSROADS REDEVELOPMENT AREA AND PLAN, PASSED AND ADOPTED BY THE CITY COUNCIL ON NOVEMBER 19, 2013, BE APPROVED.

Vice Mayor Wilson SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

OLD BUSINESS

None.

NEW BUSINESS

None.

DIRECTION TO STAFF

RESIDENTIAL COLLECTION OF REFUSE
AND RECYCLING)
) Development Services
Director Larry Kirch briefed the council on the item.

Councilmember Evans commented he mentioned the electronics and the white goods. She asked if this would also include motor oil and tires. Where they are putting in the new turnabout one can see there is a whole stack

of tires that were unearthed. She asked if that would be included in the verbiage for the current motion or would they have to add hazardous waste to encompass all of it.

Development Services Director Larry Kirch stated they have household hazardous waste. They can include that if they want to explore that as part of the request for proposal. They currently have a system. There will be two of those events according to the budget last night. Different cities grow into it. Some cities actually have it where you call them up, get on a list and they will come and pick up your old cans of paint and Drano. Other cities decide that you can haul it in on a Saturday. Currently we write up tires for attracting mosquitos. They write it up as storage of tires. A lot of stores will just charge a fee for keeping the tires but somehow they accumulate. Tires can be taken to the drop off day when we do that. It is kind of like an amnesty day. It is up to the council if they want to include storing household hazardous waste. It is all part of the same waste stream. They did not include it here because it is kind of hard to do in one day and now this could expand it to two days.

Councilmember Evans commented if it becomes a request for proposal they do not know who will bid on it. They might want to pick up some of that as well or not. She thinks it should be more inclusive.

Development Services Director Larry Kirch stated they can put it as a bid option. They could have a bid and say they are going to do this. A lot of cities are like restaurants where you can order a la carte. They can order the special or they can order a la carte. Some cities say here is what they are going to do, this is what the company bid on, and then they get alternative bids for A, B, C and D. Those alternative bids might include alley pick up once a month or quarterly, it is however they can come back and complete the bidding process.

Mayor Serdy commented if this plays out to the full extent the city will be telling some private companies that they cannot do business in the city.

City Manager Bryant Powell stated that is a possible outcome. For example, Florence, Chandler, Queen Creek and almost every valley city has one trash company where residents do their residential trash pick up.

Development Services Director Larry Kirch stated the free market comes into play when they bid on the request for proposal. They may be excluding some over others but it is whoever puts the most qualified bid together. That is where the private market place comes in, in terms of the free market enterprise system.

Mayor Serdy asked how this compares to the tow contracts where we have more than one company and that gets very competitive and there have been some heated discussions. He asked if they would be opening up the city to lawsuits.

City Attorney Joel Stern stated that is a compound question and could take a while to explain. Basically, the tow contract was for towing vehicles that the police department requested for tows and that was the only scope of it. It is limited. Tow companies can still tow private individuals' cars and that individual would have to call them up to do it. It is a little different. This is a little different because any vendor can respond to the request for proposal. The city manager and staff would look at the results and decide if there are responsive and responsible bids. That is how it would work and how it is done in other cities. Some cities have their own trash department, trucks and employees. Some cities divide up the city into sectors for the trash service so that each service provider would have their own area. There would not be 3 to 4 companies on the streets every Monday and Thursday.

Mayor Serdy commented right now we have fairly low rates because as each additional company came in it brought the rates down. He asked if the rates would be locked in if they award this to one company or would they be begging us that they need to go up, up and up to get it up to where they are not competitive any more.

City Attorney Joel Stern stated the market would dictate what they want to put in the request for proposal. Just like they have other contractors like the janitorial contract, it goes up a certain amount per year or every 3 years. It depends on what they want to put in the request for proposal.

City Manager Bryant Powell stated he thinks that is part of the scope that they will want to develop. It will take some time. They will want to look at best practices. It might even be for 5 years before they go out and rebid again. It could be 8 years. They will look at all the valley cities and maybe even nationally for the time frames. They could even do geographic areas. What is essentially important for this community because we have the landfill within our community is that they are going to want to have assurance that the residential solid waste that is so close to your landfill go there. There are lots of different reasons for that. Those may be some other questions they may have.

Vice Mayor Wilson asked how it would impact the landfill where we right now have 2035 as a closure date if they awarded a contract to someone else that hauls their refuse off to their own facility. He asked if that would impact that with the decreased volume they would be getting. He asked if there would be a problem in suddenly having to extend that because they do not have the volume or will it basically open it up to where now they would have trash haulers from other areas coming into our community to go into our landfill in order to still meet that 2035 date for closure.

City Attorney Joel Stern stated he believed they could dictate in the request for proposal where they have to take the trash. If they say they will not and they are going to take it to Phoenix, then that would not be responsive so they would not be a responsive or responsible bidder.

Development Services Director Larry Kirch stated one of the problems they have is two of the firms now take the trash out of the city. Based on code compliance, they have people that are not taking it anywhere. They are burning it. It is not going in any landfill. It

becomes a code case. Eventually it goes somewhere but right now we know that two of the three firms take it outside the city. If what the city attorney is saying is part of this process, if they could have 100% of it go to the landfill, then is there a possibility that the landfill could close early. That is necessarily a good thing for the city but at some point if the landfill closes early then the solid waste will go somewhere else and the cost will probably go up. That is an inevitability anyway. Right now there is an agreement that says it closes in 2035. If not one more ton goes into the landfill, it still closes in 2035.

Mayor Serdy commented they are looking at 7 or 8 months for the process before they see this again.

Development Services Director Larry Kirch stated even though they have some studies, he thinks there is still a lot to be learned from what other communities are doing and they can come back with some options. If they decide no, they will keep business as usual. They may mandate everyone to have it but still keep three firms.

Mayor Serdy asked if part of the process will be reaching out to the four firms. He believes there is a fourth one now.

Development Services Director Larry Kirch stated they would all have to bid.

Mayor Serdy commented he meant reaching out to them for input, ideas and logistics. He asked if he would be reaching out to them for that.

Development Services Director Larry Kirch stated he thinks they have to be careful when they do that, to have folks helping that might bid on it and help with the request for proposal. He thinks that would be problematic. The best input he thinks he can get is from experience from other communities and what they have done that have already gone through this. He brought up the towing contract. There is a community not too far from here that had the same kind of philosophy. If they did not win, then do they

sue the community because they thought their bid was better or more responsive. That happens with any bidding process. Maricopa Association of Governments has just completed a study on best practices. They went out to every city in their region and determined the best practices for solid waste. He thinks they should take advantage of their membership in Maricopa Association of Governments and use those best practices as we think how we are going to go forward in the community.

Mayor Serdy commented that would include sister-type cities that went through this process.

Development Services Director Larry Kirch stated that is correct, from the previous Arizona State University study and whether they are comparable or not. They looked at Fountain Hills, Queen Creek and Buckeye. Paradise Valley has just gone through it. One of the students said they could, in theory, piggyback on Queen Creek's contract. We do that for computer purchases. He does not know if Mesa could be competitive but they could allow another public agency to bid.

Mayor Serdy commented he believed Mesa is one of those that has municipal trash.

Development Services Director Larry Kirch stated but they might be a vendor. That is what they have to think about. They have to ask themselves if it is just the private sector. Mesa could come in with a lower and more qualified proposal than the three here. Everybody sharpens their pencil on bids.

City Manager Bryant Powell stated they may already see City of Mesa trucks going into the landfill but we do not control the infill rate. What goes in the landfill is completely private. He thinks this process may also involve a pre-scoping before they even get together to decide how to pull it together. They have a major change going on with one of the major waste haulers in the city. One of them has just been bought out. They will need to establish a relationship so they know what is going on. We have Waste Management and Republic. They will want to keep them aware of

what is going on. They will need to get input from our residents. It is a major change.

Councilmember Struble asked if this will increase our code compliance or reduce the code compliance when they make this mandatory for all of our citizens to do the hauling and collection. He asked if he had any feel for that.

Development Services Director Larry Kirch stated in theory, over time, it will go down. He thinks education is the big component. Right now, if you live on the other side of Mountain View, you have to have somebody take your trash. It is mandatory in the county that you have to have somebody come and get it. Inside the city and in the county islands, that is another thing they have been talking about, that maybe there is a way for the county islands to become part of this contract. They have not even been thinking about that. He thinks education will be key and there will continue to be code enforcement but he hopes the open burning will go down and most of the stuff will be starting to move its way out of backyards and into these bins. We would probably keep the free dump week and maybe keep it over the period of the contract with Republic. The Community Development Corporation was talking about amnesty. Maybe the city should go out and put 40-yard dumpsters throughout the city a couple of times for the first couple of years and get people to fill up those dumpsters, knowing they have to have mandatory trash pick up but there is incentive by having a dumpster at the end of the street for a week and they can go fill it up. Those are all things that he thinks can ease the citizens into a mandatory system.

Councilmember Struble commented he knows there are a lot of older residents in our town that would not fill up a container as quickly as a family. He asked if they would be able to share containers amongst two neighbors or three neighbors so that they could save costs due to their limited income.

Development Services Director Larry Kirch stated they can explore that. Typically, they would end up with a container that is very small but still automated. It would only hold one or two bags opposed to one that holds six

bags. It is almost like a pay as you throw or they pay less because they generate less. Right now, when you have single street recycling, the recycling bin usually has more stuff in it than the trash bin if it is being done correctly. Everybody could end up with a 60-gallon or 30-gallon toter instead of a 90- gallon toter. They have seasonal residents. There are people that shut off their water during the summer now. They could create a system where they keep the toter but only pay for the time that they are here. There is still a lot of work to do. They need to determine what size property becomes a commercial property and what a duplex or fourplex would be under. They are not going to have this deal with commercial businesses. They are still going to do what they do. A lot of the RV parks will probably be treated like a commercial contract. They already handle their own solid waste. They are really talking about residential.

Mayor Serdy asked what a toter is and if it is a Wisconsin thing.

Development Services Director Larry Kirch stated it could be. They just call them toters. It is wheeled out and there are three sizes. It is a bin. A lot of them have identification chips so that when it goes in the truck it reads it. Where he used to work people would complain about the trash not coming that day. They knew it never made it to the curb because it never went in the truck. It has a bar code scanner and they know that the truck came and picked it up at 6:30 a.m. They end up reducing complaints about missed pick ups and things like that.

Councilmember Rizzi commented she struggled with the mandated part and there will be some community members that may, but they have faced some horrific situations in the last couple years where people were not mandated to have the trash picked up and it was piling up in the backyard. They have vermin and diseases. That is probably what is causing us to get to this point. One of the other problems that she has with this is she hates to take away the competition because then they get into the pricing issue. Jeff had alluded to that. They have one company and they just continue to raise the prices. It is a concern but we are getting to the point where we have to look at this. We are probably one of the only

ones in the East Valley that does not have the mandate. We are getting into situations where we have to do something. It is not pleasant but change is coming and we have to do something about it.

Councilmember Barker

commented prices could be addressed in the request for proposal and increases could be no more than "x" percent in the request for proposal. They could control those prices.

Development Services Director

Larry Kirch stated in theory they should not be more than they are today. They actually should come down because one company has the bigger contract so they would have more doors to stop at.

Mayor Serdy commented he

lives in between Winchester and Royal Palm. They have all the apartment complexes that are on Winchester. They have multiple dumpsters out there that do not get taken back in. He would like to see that addressed. The day they are picked up they have to be picked up. Right now they stay out there for days.

Development Services Director

Larry Kirch stated that is currently in the code and they could start on those. They also have these county islands. There is a gentleman who called him that lives on Southern who stated they are not picking them up along Southern. Giao and he wrote letters to all those people and it got better. The county sent letters to the county island people.

Mayor Serdy commented that

this would have more teeth in it. Letters do not really scare anybody. They have the contract and they make sure the customers pick them up. That is what he is asking for.

Development Services Director

Larry Kirch stated they can only put them out for so many hours before and they have to bring it in so many hours after it is picked up. That is kind of what the current code says. They talk about the big picture of what they are trying to enforce. They have big properties where there is lots of criminal

activity. When there are 5 RVs on one property, it ends up being a low priority. It is part of the educational process.

Mayor Serdy asked if this is an opportunity to put some teeth in it. To enforce it rather than get a letter a week later.

Development Services Director
Larry Kirch stated absolutely.

Mayor Serdy called for a motion.

Councilmember Barker commented they can add the hazard waste information on the last line.

Councilmember Evans MOVED
THAT THE FOLLOWING DIRECTION BE GIVEN TO STAFF REGARDING
DRAFTING A REQUEST FOR PROPOSAL FOR RESIDENTIAL SOLID WASTE,
RECYCLING SERVICES AND HAZARDOUS WASTE: THE CITY MANAGER, ALONG
WITH THE APPROPRIATE CITY STAFF CONDUCT FURTHER RESEARCH OF
OTHER METRO-REGION MUNICIPALITIES ALONG WITH MARICOPA
ASSOCIATION OF GOVERNMENTS' RECENT BEST PRACTICES FOR SOLID
WASTE MANAGEMENT REPORT AND DRAFT A REQUEST FOR PROPOSAL FOR A
COORDINATED RESIDENTIAL SOLID WASTE AND RECYCLING PROGRAM FOR
FURTHER CONSIDERATION BY THE MAYOR AND CITY COUNCIL AT A FUTURE
MEETING.

Councilmember Barker SECONDED
THE MOTION.

There was general discussion as to whether hazardous waste had been added to the motion. It was determined it had.

VOTE: Unanimous.

The motion carried.

SELECTION OF MEETING DATES, TIMES, LOCATIONS, AND PURPOSES

Mayor Serdy called for a motion.

Councilmember Barker MOVED THAT AN EXECUTIVE SESSION AT 6:00 P.M. AND A WORK SESSION AT 7:00 P.M. BE HELD ON MONDAY, MAY 14, 2018, 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 15, 2018, IN THE CITY COUNCIL CONFERENCE ROOM.

Councilmember Evans SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

CALL TO THE PUBLIC

None.

ADJOURNMENT)
) Mayor Serdy adjourned the meeting at 8:04 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 17, 2018.

ACCEPTED THIS _____ DAY OF _____, 2018, BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 2018.

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 1st day of May, 2018. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 7th day of May, 2018.

KATHLEEN CONNELLY
City Clerk