

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, April 16, 2019

7:00 PM

City Council Chambers

A. CALL TO ORDER

Mayor Serdy called the meeting to order at 7:06 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 Struble
Councilmember Schroeder

Staff in Attendance:

Bryant Powell, City Manager

Matt Busby, Assistant City Manager

Joel Stern, City Attorney

Thomas Kelly, Chief of Police

Kathy Connelly, City Clerk

Jennifer Pena, Deputy City Clerk

Al Bravo, Public Information Officer

Larry Kirch, Development Services Director

Rudy Esquivias, Senior Planner

Heather Patel, Grants Coordinator

Dave Zellner, Building Official

E'Lan Vallender, Sr. Economic Development Coordinator

Julianna Pierre, Development Services Intern

D. CONSENT AGENDA

Councilmember Barker moved and Councilmember Evans seconded that the consent agenda be accepted as presented.

Motion passed 7-0.

1. <u>19-123</u> Consideration of acceptance of agenda.

The agenda was accepted.

2. 19-124 Consideration of approval of minutes of regular meeting of April 2, 2019.

The minutes were approved.

3. 19-139

Consideration of approval of proposed Resolution No. 19-06 authorizing the city to enter into the Intergovernmental Agreement (IGA) Amendment No. 2 with Arizona Department of Transportation which will provide additional funding for the construction of the Winchester Road Sidewalk Improvement Project. Amendment No. 2 of the IGA consists of \$2,435,203.00 of federal-aid funds and an estimated city match of \$147,197.00.

Resolution 19-06 was approved.

4. 19-141

Consideration of approval of proposed Resolution No, 19-07 authorizing the city to enter into the Intergovernmental Agreement (IGA) Amendment No. 1 with Arizona Department of Transportation in order to provide additional funding for the construction of the Southern Avenue Roadway Improvement Project. Amendment No. 1 of the IGA consists of \$2,157.890.00 of federal-aid funds and an estimated city match of \$204,570.00.

Resolution 19-07 was approved.

E. AWARDS, PRESENTATIONS AND PROCLAMATIONS

5. 19-155 Proclamation designating the month of April 2019 as "Promise for the Future" month. A representative from Central Arizona College is in attendance to accept the proclamation.

Mayor Serdy read the "Promise for the Future" proclamation and Maggie Dooley, Director of Institutional development from Central Arizona College was present to accept the proclamaton.

Ms. Dooley spoke on a few highlights of the program stating it is a nationwide program with approximately 90 promise programs. The one in Apache Junction is one of the oldest ones in the nation founded back in 2001. It is a dropout prevention program and since 2005, 4,570 students have been awarded scholarships totaling \$6.7 million and in 2018 there were 192 students in Apache Junction who received \$440,000 in scholarships.

In order to keep this program sustainable they have started a campaign called "25 Changes Lives." The campaign goal is to raise \$1.5 million. They have a \$2.5 million dollar endowment for the program but they would like to see that around \$10 million. She left a flyer and some cards for the city council.

She introduced a newly appointed board member for Central Arizona College, Dave Waldron. He most recently was on the Apache Junction City Council.

Councilmember Rizzi stated it was an amazing program, two of her four children went through the program. The Apache Junction School District works very closely with the community college in promoting the program.

F. ANNOUNCEMENT OF CURRENT EVENTS

6. <u>19-125</u> Announcement of current events from mayor and councilmembers.

Councilmember Barker announced the Apache Junction Water Festival will be held on April 25th. At the event, grade school children are taught about where the city water comes from, the life cycle of water from its liquid form, evaporation, back to rain and then the different methods on how the city receives water. She also mentioned the Easter egg hunt which will be Saturday, April 20th.

Councilmember Schroeder commented on the Boys & Girls Club event held Saturday, April 6th. They did very well with the fundraising and raised approximately \$100,000. Thursday he participated in the annual city employee kick ball game.

Councilmember Rizzi stated she also attended the Boys & Girls Club event. She dressed up as a cowboy/wrangler as part of the costume contest. Her disguise was so good, including a fake mustache, that people did not recognize her.

She and the Mayor also attended the Golden Rule awards banquet; however it fell on the same night with the kickball game so she was not able to attend.

She also wanted to congratulate the kids of Apache Junction who were recognized at the academic awards ceremony.

Councilmember Struble spoke briefly on the ladybug release event held last weekend at Earth Heart Park and the amazing performance by the Apache Junction Idol winners who were there performing.

Every month he has the honor of presenting Student of the Month awards to the school kids. The program starts at the 6th grade level on through High School. He is always impressed when the teachers read the background stories they compose on the students receiving these awards.

Councilmember Evans announced she attended the ladybug release event representing the Community Development Corporation. She was promoting the city's first time to participate in the "National Make a Difference Day." She was recruiting volunteers and solicited for projects within the city for the event.

Vice Mayor Wilson stated while the ladybug release event was occurring he attended the 4-H event. The Country Kickers participated in an equine event. The various competitions included English and Western saddle events. He thanked the Apache Junction Rangers for their generous donation to the club.

Councilmember Rizzi reminded everyone the United Way was collecting peanut butter and jelly for the local school children to take home during summer break. She stated there are several business to business competitions going on in order to collect more than 300 jars of each.

Mayor Serdy announced the city needs volunteers for the Centennial celebration of the founding of Apache Junction. The centennial is in 2022. The Focal Point Tourism Group is initiating the celebration. A subcommittee has been formed but they need volunteers. There will be a meeting in the library on May 2nd at 6:00 p.m. to help plan the various year-long celebration events. Please contact Braden Biggs at 573-586-8787.

G. CITY MANAGER'S REPORT

7. 19-126 City manager's report.

City Manager Bryant Powell invited Fox Young, Programs and Resource Coordinator from the Grants and Housing Rehabilitation division in Development Services to provide an update.

8. <u>19-158</u>

Discussion and update on Friends of Apache Junction, Community Development Corporation (CDC) and Corporate Sponsorships.

Mr. Young gave a brief presentation on the following subjects:

- Friends of Apache Junction recently donated \$8,600 to Paws & Claws Care Center and \$7,602 to the AJ Police Department
- . The end of year campaign for the AJPD raised over \$10,000 needed for A/V Equipment
- Over \$34,000 donated to the Friends of Apache Junction since January 1, 2019.
- They have given over \$14,000 in support of city programs since January 1, 2019.
- A recent update to the Friends of Apache Junction website which led to a \$50,000 legacy donation that was put into a will for the Paws and Claws and another donation that will go towards the Dog Park when built.

Apache Junction Community Development Corporation:

- They are creating a new website to increase awareness of the organization
- Make a Difference Day event: Saturday, October 26, 2019
 - o Partner with non-profits, businesses and the city for a day of community projects
 - o Median project on Apache Trail tree planting
- · Corporate Partnerships: including local businesses
 - o SRP already doing a full sponsorship for the movies in the park program.
 - o There has been over \$38,000 this year.
 - o Total City benefit has been over \$105,000 raised/donated for the city

H. PUBLIC HEARINGS

9. 19-152

Presentation, discussion, public hearing and consideration of proposed Resolution No. 19-05, authorizing the submission of Fiscal Year 2019 Community Development Block Grant and Fiscal Year 2019 State Special Project grant applications, and selection of proposed projects.

Grants Coordinator Heather Patel provided a brief summary on the progress and selection of project(s) to be submitted though applications and the requirements the process dictates be covered.

Mayor Serdy opened the public hearing; having no comments from the public Mayor Serdy closed the public hearing.

Councilmember Barker inquired on the progress of the Grand View neighborhood project since they are recommending the applications be submitted for these projects.

Ms. Patel stated it has been a work in progress over the last 3 years. Since the grants only fund so much, the work has been spread out to maximize the grant funds, otherwise the cost would be prohibitive. She stated the recommendation is to continue with the Grand View neighborhood project. The project consists of curb and gutter, sidewalks, and drainage solutions.

Vice Mayor Wilson moved, seconded by Councilmember Barker to approve the Grand View neighborhood improvement projects be submitted for funding through community development block grant (CDBG) and state special project (SSP) funds.

Motion passed 7-0.

Vice Mayor Wilson moved, seconded by Councilmember Rizzi to approve Resolution No. 19-05 authorizing the submission of project applications.

Yes:

Mayor Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember Evans, Councilmember Rizzi, Councilmember Struble and Councilmember Schroeder

No: 0

At this time Mayor Serdy moved to agenda item 12, the public hearing on the draft February 14, 2019 Infrastructure Improvements Plan and Development Fee Report.

10. **19**-129

Presentation, discussion, public hearing and consideration of Ordinance No. 1463 (case PZ-2-18) by Amerco Real Estate Company and U-Haul International LLC, represented by David Pollock, proposing to rezone approximately 50 acres of a vacant 78-acre property, located at the southeast corner of US60 and S. Idaho Road from B-1/PD (General Commercial by Planned Development) to B-5/PD (Light Industrial/Business Park by Planned Development); and amending the plan of development for the remaining B-1/PD-zoned, 28-acre portion of the property.

Councilmember Rizzi excused herself from the dais even though she does not have a conflict of interest.

E'lan Vallender, senior economic development specialist for the city, provided a brief summary on the potential economics to the community regarding the development aspects of the project.

Rudy Esquivias, senior planner, provide an extensive summary regarding the rezoning of the property, meetings with the developer, the long list of development excluded for the sites, and other zoning that will remain for the other acres.

Councilmember Barker stated she resents the fact that Apache Junction is becoming the East Valley storage facility. She expressed concern that the only thing being built at this time on this property is the U-Haul facility and was concerned the rest of the property will never be developed.

Councilmember Evans stated she wished there were enclosed RV facilities because these motor homes and RV vehicles are not cheap and many times she hears people asking for enclosed spaces. She also wanted to make sure that this would have a black blacktop surface rather than gravel.

Mayor Serdy inquired of what the visual effects would be driving on Idaho road or from the top of the freeway he inquired as to the fencing that would be used when it would be a solid wall or something else.

Council member Schroeder stated that he has been involved in the project for over a year and the U-Haul project seems to show more than 50% of the project being used for RV storage so he's not very thrilled about the RV storage aspect.

Mr. David Pollack from Amerco Real Estate Company and U-Haul International presented to Council the project details, building structures, materials to be used, landscaping matters and security of the site. He spoke at great length of the project, projects they have built around the country, and the extensive list of conditions they and city staff have all but agreed to.

He stated they are ready to move forward with the project.

While they have agreed to the roadway improvement at a cost of \$1.5 million, they are concerned the other side of the roadway will not be improved. They have designated 128 spaces for RV covered parking and only one vehicle per space. They will not allow two or three vehicles for one space.

Councilmember Struble stated they have had many developers come before Council making promises, the city has given these developers concessions only to have nothing came to fruition.

He asked Mr. Pollack if it is their intention to help the city market the rest of that land for commercial development. Mr. Pollock stated that while marketing is not their expertise, they have a company to help them market the land for development.

Mayor Serdy then opened the public hearing. Having no comments from the public, he closed the public hearing.

Councilmember Schroeder stated that while he is not a fan of RV storage the design presented would be a good addition for the city.

Vice Mayor Wilson inquired about the perimeter wall around the property.

Mr. Pollock addressed Council describing the secured RV storage area and what the "fencing" entailed. He stated the north and northeast side along the freeway is the mini-storage building is about 10 feet tall it will have some architectural relief, there will also be landscaping on that freeway side; as you head south from that northeast corner, there will be an eight foot tall solid wall for security purposes and landscaping and on the west side of the RV storage there will be additional mini-storage structures that face the U-Haul building and the back of those will act as the wall for the west side of the RV storage area. Along the south end of the property of the RV storage there will be wrought iron aluminum fencing 8 feet tall and the retention basin is also located outside the RV storage area creating another buffer at that south end. So the entire RV storage area will be screened and protected.

Councilmember Struble inquired as to the number of employees that will be employed Mr. Andy Smith, President of U-Haul Company of Eastern Arizona stated the facility usually starts out with 14-15 employees and minimum wage around \$14.00 to \$15.00 per hour.

Councilmember Struble inquired if maintenance on the U-Haul equipment is performed on site, Mr. Smith responded not at all. He asked what the maximum capacity of U-Haul equipment that could be stored on the site. Mr. Polluck stated if all of the U-Haul equipment was on site, it could be 50-75 pieces.

Councilmember Schroder stated while he doesn't like the thought of having more RV storage for the City, he believes the facility is not a bad project considering it is such an upscale project.

Councilmember Barker moved, seconded by Councilmember Rizzi that Ordinance No. 1463 be read by title only and the reading of the entire ordinance be waived.

Motion passed 6-0.

City Clerk Kathleen Connelly read the ordinance by title only.

Councilmember Barker moved, seconded by Vice Mayor Wilson that Ordinance No. 1463 as read by the City Clerk be approved and adopted.

Yes:

Mayor Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember Evans, Councilmember Rizzi, Councilmember Struble and Councilmember Schroeder

No: 0

Mayor Serdy called for a short recess at 9:10 PM.

7 -

Mayor Serdy reconvened the meeting at 9:12 PM.

11. 19-151

Presentation, discussion, public hearing and consideration of Ordinance No. 1471 (rezoning case PZ-4-18) by Jennifer Layton Noel and Kelly Layton Beeson, represented by Randy Carter of Sketch Architecture Company, proposing to rezone a 7.5 gross acres property at the southeast corner of S. Vista Road and E. 12th Avenue from RS-GR (General Rural Low Density Single-family Detached Residences) to B-4/PD (Light Industrial/Business Park by Planned Development) for the purpose of developing a business park with rental or condominium suites and accompanying yards for various business tenants.

Senior Planner Rudy Esquivias provided a brief summary and update regarding the proposed rezoning of 7.5 gross acre property at the southeast corner of S. Vista Road and E. 12th Avenue from RS-GR (General Rural Low Density Single-family Detached Residences) to B-4/PD (Light Industrial/Business Park by Planned Development).

The city did express concern regarding the building structures. They do not want to see just all metal used for the structures; he stated the applicant has worked with the city on implementing different design architectural features.

They have indicated they will not have bay doors facing the street side. Building B and building E were highlighted because they will be the buildings that you see most frequently from the street.

Mr. Esquivias also addressed stipulations regarding storage of materials outside the building and noise compliance because of the residential area so close to the development

The developer has indicated retention will be underground so they can utilize the property to its fullest capacity. In response to concerns expressed by Council regarding the neighboring residential are and light dispersed from the commercial property, Mr. Esquivias stated the developer would have to comply with the Dark Sky ordinance.

With respect to signage for the property, the city allows one sign along the street, so in this case 3 signs.

Mr. Randy Carter, from Sketch Architecture Company, provide a brief presentation of the development site. Most of the buildings have small backyard areas but there is no access to the backyard and they are very small. The only way to the back is through the building.

Hours of operation were discussed at great length and in detail. They are concerned about the hours of operation because of the ambiguity on what is considered external activity. They understand this to mean loud noise like jack hammers, planers or other loud equipment used in production or manufacturing; however if they are to market towards smaller mom-and-pop stores they usually start "prepping" earlier than 7:00 a.m. and are on site after 7:00 p.m.

One of the owners Jake Beeson is working with his brother Jason on the development of this property.

They have agreed to everything Mr. Esquivias has suggested which includes the type of zoning for the property, the type of architectural details and they are bringing sewer to the property.

They will work through the prohibitive uses on the property, he would just like a bit more leeway for the hours of operation.

With regards to the matter of noise, they would like to fall back on the ordinance that is already in the city code because at that point there are enforcement measures that can be taken to mitigate any noise issues.

Mayor Serdy opened the public hearing.

Mr. James Boher, 1950 East 12th Avenue, stated his only concern is noise coming from the property.

There being no further comments from the public, Mayor Serdy closed the public hearing.

Councilmember Barker moved, seconded by Councilmember Rizzi that Ordinance No. 1471 be read by title only and the reading of the entire ordinance be waived.

City Clerk Kathleen Connolly read Ordinance No. 1471 by title only.

Motion passed 7-0.

Councilmember Barker moved, seconded by Councilmember Rizzi that Ordinance No. 1471 as read by the city clerk, be approved and adopted with the following amendment added as item No. 17: "Tenants and business owners shall observe all applicable local and state regulations pertaining to noise.

Yes: 7 - Mayor Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember Evans, Councilmember Rizzi, Councilmember Struble and Councilmember

Schroeder

No: 0

12. <u>19-132</u> Presentation, discussion and public hearing on the draft February 14, 2019 Infrastructure Improvements Plan and Development Fee Report.

Development Services Director Larry Kirch stated the city was in the 5-year update process on infrastructure improvements and development and land use. An update will be provided by Carson Bise of TischlerBise the consultant for this project.

Carson Bise provided a presentation and overview of the impact fee study, the land use assumptions and the Infrastructure Improvements Plan (IIP).

Mister Bise stated of the two items being addressed this evening, land use assumptions and the IIP, both of these have 10 year projected estimates.

He stated it is difficult to make a decision about an infrastructure Improvement plan if you don't know what the resulting fees are. They will perform an analysis of potential revenues and offsets that may reduce the proposed fees.

He stated development fees are a one-time only collection, there are limitations as to what these can be used for as far as certain structures.

These payments can only put towards new development and cannot be used for operations, maintenance or replacement, repair, etc.

There are three different methodologies to calculate the fees: (1) is called cost recovery; basically collecting for over-sized facilities, for new growths fair share of debt service (2) consumption-based based on existing levels of service with the idea that the city will instrumentally expand the infrastructure as growth continues and then (3) plan base method usually reserved for utilities when there's a financing plan.

Mr. Bise then presented the fee structure based on the city's need, its projected growth, and benefit to the city for each of the IIP and development fees.

Councilmember Barker inquired if there was a mechanism in place that would allow the city to adjust those fees in case construction costs increase significantly, or if land becomes available the city would like to purchase.

Mr. Bise stated there is the flexibility, but there is a process and it takes several months to work through. He expanded extensively on this question. They will combine the mobile home parks in with the single family home category.

Mayor Serdy opened the public hearing.

Mr. Tim Sheahan, 20623 E Excelsior Ave. Queen Creek, AZ., stated he owns Apache Junction apartments, and he owns 7.5 acres of raw land they hope to develop soon. His concern was related to the proposed estimate of fees per family unit. As a small developer the fees are expensive.

Having no further discussion from the public, Mayor Serdy closed the public hearing.

Larry Kirch stated the city did meet with home builders regarding the proposed estimates of the fees and they all felt they were in line with the market costs.

Mayor Serdy went back to item number 10, public hearing on Ordnance 1463.

13. 19-134

Presentation, discussion, public hearing and consideration of proposed Ordinance No. 1470, case PZ-2-19, a city initiated corrective rezoning of the Smoketree-Warner Neighborhood from Medium Density Single Family Detached Residential (RS-20M) to Medium/High Density Single Family Detached Residential (RS-7M). The Smoketree-Warner Neighborhood is an area comprised of 41 lots bounded by W. Foothill St., N. Desert View Dr., W. Smoketree St. and N. Warner Drive.

Development Services Director Larry Kirch introduced Julianna Pierre, an intern with the city to provide the detailed summary of the project.

Ms. Julianna Pierre stated this is a city-initiated corrective rezoning for the "Smoketree-Warner Neighborhood."

The request is to rezone the neighborhood from RS-20M (medium density single-family detached residential, conventional and manufactured housing permitted on 20,000 square foot minimum lots) to RS-7M (medium/high density single-family detached residential, conventional and manufactured housing permitted on 7,000 square foot minimum lots) for [properties in the "Smoketree-Warner Neighborhood" that have been incorrectly zoned dating back to the adoption of a new zoning ordinance in 2014.

Planning Staff Analysis and Findings:

In Relationship to the General Plan:

The General Plan designated the area as Medium Density Residential (maximum of six dwelling units/acre). The adjacent properties are all zoned residential. The rezoning is in compliance with the General Plan.

Zoning/Site Context:

The proposed RS-7M zoning is compatible with the subject properties in the neighborhood. Lots with multiple units, non-compliant unit types, parcels that are smaller than the proposed minimum lot sizes, and setback encroachments for main structures and accessory structures will need to be recognized and may be rectified by the rezoning. All structures that do not meet setbacks are considered nonconforming and are allowed to remain. Any new structures must meet the proposed new setbacks. The purpose of correcting the zoning for this neighborhood is to encourage future redevelopment and make the permit process easier for owners and contractors.

City staff conducted a Neighborhood Meeting on March 6, 2019 informing property owners and residents of what the proposed rezoning attempts to accomplish. We had one property owner attend the meeting with questions of how the rezoning will affect current properties. Staff responded that the rezoning will not affect exiting structures, only future construction and recommended that any existing structures in the proposed new setbacks be moved, but that the city will not require it. The property owner who attended the neighborhood meeting did not express opposition to the rezoning.

Councilmember Rizzi moved, seconded by Councilmember Evans that Ordinance No. 1470 be read by title only and the reading of the entire ordinance be waived.

City Clerk Kathleen Connolly read Ordinance No. 1470 by title only.

Motion passed 7-0.

Councilmember Rizzi moved, seconded by Councilmember Evans that Ordinance No. 1470 as read by the city clerk, be approved and adopted.

Yes: 7 - Mayor Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember

Evans, Councilmember Rizzi, Councilmember Struble and Councilmember

Schroeder

No: 0

I. OLD BUSINESS

None.

J. NEW BUSINESS

None.

K. COUNCIL DIRECTION TO STAFF

None.

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

14. 19-157

Selection of date, time and location for budget work session, public hearing and adoption of tentative and final budget for Fiscal Year 2019-2020.

Councilmember Barker moved, seconded by Councilmember Rizzi to hold budget work sessions for the Fiscal Year 2019-2020 budget be held on May 6, 2019 at 7:00 p.m. and that the public hearing and adoption of the Fiscal Year 2019-2020 tentative budget be held on May 20, 2019 at 7:00 p.m. and that the public hearing and adoption of the Fiscal Year 2019-2020 final budget be held on June 17, 2019 at 7:00 p.m.

Yes:

7 - Mayor Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember Evans, Councilmember Rizzi, Councilmember Struble and Councilmember Schroeder

No: 0

15. 19-127

Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Monday, May 6, 2019 and Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Tuesday, May 7, 2019 in the city council conference room and city council chambers located at 300 E. Superstition Boulevard, Apache Junction, Arizona, respectively. Other meetings if necessary.

Councilmember Rizzi moved, seconded by Vice Mayor Wilson that an executive session at 6:00 P.M. and work session at 7:00 P.M. for Monday, May 6, 2019 and an executive Session at 6:00 P.M. and work session at 7:00 P.M. for Tuesday, May 7, 2019 be held in the city council conference room and city council chambers located at 300 E. Superstition Boulevard, Apache Junction, Arizona, respectively.

M. CALL TO PUBLIC

Mr. Allen Suby, 2471 W. Scenic St., Apache Junction, stated he had a petition signed by residence in his neighborhood regarding the washout that occurs on their street during heavy rains. They would like sidewalks and curbing completed on their street. They feel neglected because most of the street projects all around them have curbing, gutter and sidewalks. These projects wrap around to their street, but then end.

City Manager Bryant Powell stated the city has been and will continue its street projects throughout the city, it just takes time.

Councilmember Evans asked City Manager Bryant Powell to reach out to Public Works and make sure that there is some communication with the neighborhood residents regarding this problem.

Mayor Serdy requested at Public Works takes care of the ruts during the rainy season along that street.

N. ADJOURNMENT

Mayor Serdy adjourned the meeting at 10:15 PM