



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, December 17, 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 Schroeder led the meeting attendees in the Pledge of Allegiance.

C. ROLL CALL

Present: 6 - Mayor Serdy
Vice Mayor Wilson
Councilmember Barker
Councilmember Evans
Councilmember Schroeder
Councilmember Struble

Excused: 1 - Councilmember Rizzi

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
Thomas Kelly, Police Chief
Al Bravo, Public Information Officer
Larry Kirch, Development Services Director
Liz Langenbach, Parks & Recreation Director
Maureen Fredrickson, Office Support Specialist

D. CONSENT AGENDA

Councilmember Barker moved, seconded by Councilmember Vice Mayor Wilson to approve the Consent Agenda.

1. [19-589](#) Consideration of acceptance of agenda.

Yes: 6 - Mayor Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember Evans, Councilmember Schroeder and Councilmember Struble

No: 0

Excused: 1 - Councilmember Rizzi

2. [19-590](#) Consideration of approval of minutes of the regular meeting of December 3, 2019.

Yes: 6 - Mayor Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember Evans, Councilmember Schroeder and Councilmember Struble

No: 0

Excused: 1 - Councilmember Rizzi

E. AWARDS, PRESENTATIONS AND PROCLAMATIONS

F. ANNOUNCEMENT OF CURRENT EVENTS

3. [19-591](#) Announcement of current events from mayor and councilmembers.

Councilmember Struble highlighted the annual holiday parade and festival stating it was a great event and the rain held off for most of the day.

He announced the AJ Kids Idol will be held January 26, 2020 at Mountain View Luthern Church at 6:00 p.m. Tickets are available.

He announced the second annual Prayer Walk will be held January 11, 2020 and afterward there will be a gathering at Flatiron Park. Information can be found on Facebook. He wished everyone a Merry Christmas and blessed New Year.

Vice Mayor Wilson commented on the holiday parade; noting one of the horses in the parade was one that was rescued here in the community and thought by many would not survive. He was proud of the community's outreach efforts in saving animals.

Councilmember Barker announced she attended the Greater Phoenix Economic Council meeting and heard that 2020 will be a great economic year.

Mayor Serdy spoke on the tree lighting and holiday parade. He commented on the ADOT meeting held earlier that morning. The road to Fish Creek Hill will be open from both sides in about 6 months, but Fish Creek Hill will not be reopened for a very long time.

G. CITY MANAGER'S REPORT

4. [19-592](#) City Manager's Report.

City Manager Bryant Powell announced the Citizen Leadership Institute will be starting soon and invited residents to sign up for the program. It consists of eight sessions from January through April.

He announced the bike lane on north Ironwood from Lost Dutchman heading north is now open to McKellips.

The State of the City will be held February 12, 2020 at the Apache Junction High School Performing Arts Center. a reception and networking event will start at 6:30 p.m. and the program begins at 7:00 p.m.

Installation of five Wayfinding signs around the down town area has been completed.

H. PUBLIC HEARINGS

5. [19-599](#) Presentation, discussion, public hearing and consideration of proposed Ordinance No. 1486, case PZ-6-19, a rezoning request by Better Choice Homes, represented by Dennis Roberts of Atwell Group, from general rural low density single-family detached residential (RS-GR) to high density multiple-family residential by planned development (RM-1/PD).

Councilmember Evans moved, seconded by Councilmember Barker that Ordinance No. 1486, be read by title only and the reading of the entire ordinance be waived.

The motion passed 6-0 to read Ordinance No. 1486 by title only.

City Clerk Jennifer Pena read Ordinance No. 1486 by title only.

Councilmember Evans moved, seconded by Councilmember Barker that Ordinance No. 1486, as read by the city clerk, be approved.

Vice Mayor Wilson stated before he votes, he would like the record to reflect the city and council follow the General Plan and noted that high density development is not part of the city expansion north of Tepee.

Yes: 4 - Vice Mayor Wilson, Councilmember Barker, Councilmember Evans and Councilmember Struble
No: 2 - Mayor Serdy and Councilmember Schroeder
Excused: 1 - Councilmember Rizzi

Mayor Serdy requested Sidney Urias from Development Services provide a staff update.

Sr. Planner Sidney Urias provided a presentation on rezoning case PZ-6-19, a request by Better Choice Homes for the development known as Coyote Crossing.

Comments from Council expressed concern over two lots located in the cul-de-sac which were extremely small lots with almost no yard.

Mr. Urias stated the city has not received any comments from the neighbors. He stated the planning commission actually recommended denial even though the setbacks are the same as what has been approved for the Lennar build.

Mayor Serdy asked the applicant if they would like to comment on the project.

Mr. Chris Young with Better Choice Homes responded to questions from Council stating the average price for the homes will be around \$240,000 and the two smaller lots mentioned earlier do not have room to increase the setbacks due to drainage and retention areas.

Mayor Serdy opened the public hearing.

Eric Bridges, 330 W. Smoketree Street stated some of his neighbors joined him tonight and wanted to express concerns over the zoning change.

The original zoning was rural, and they bought their homes in this area specifically because of the zoning which allowed for horses and other animals. Changing the zoning to a high density housing area raises red flags with them. They appreciate the city limiting the zoning changes north of this area, but once the precedent is set to rezone it is hard to step back. Residents that move into these "neighborhoods" start to have issues with the dusty environment and smells of livestock and manure. He stated there are other parcels in the area already zoned for high density.

They would like the city to reject any further rezoning requests which increase the density in a rural zoned area and the city officially establish Tepee Street as the northern boundary for high density housing projects.

Mayor Serdy closed the public hearing. He stated he appreciated one spokesperson for the 7 other individuals that showed up to speak on this item.

Councilmember Barker wanted to share that the General Plan does designate everything north of Tepee to be rural and while the General Plan is not cast in stone, it is the Council's desire to retain the rural areas.

6. [19-598](#) Presentation, discussion, public hearing and consideration of proposed Resolution No. 19-35, case SD-1-19, requested by Better Choice Homes, represented by Dennis Roberts of Atwell Group, proposing a preliminary subdivision plat of a vacant 2.5 acre property located near the southwest corner of Tepee Street and Idaho Road for a 12 lot single-family home subdivision to be called Coyote Crossing.

Councilmember Barker moved, seconded by Councilmember Evans to approve Resolution No. 19-35 approving the preliminary subdivision plat for case SD-1-19 Coyote Crossing be approved.

Councilmember Evans stated she is voting yes but understands the value and importance of open space. It is also important to include others that do not want acreage. It is a community of people with different needs.

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

No: 1 - Councilmember Schroeder

Excused: 1 - Councilmember Rizzi

Sr. Planner Sidney Urias stated the Resolution is for the same project. The resolution would approve the preliminary subdivision plat for Coyote Crossing subdivision.

Mayor Serdy opened the public hearing, receiving no comments, Mayor Serdy closed the public hearing.

7. [19-604](#) Presentation, discussion, public hearing and consideration of Resolution No. 19-36, declaring as a public record that certain document filed with the city clerk entitled "2019 Amendments to Apache Junction City Code, Volume 1, Chapter 4: Fees, Article 4-4: Development Services Fees, § 4-4-1 Building Permit Fees, § 4-4-2 Grading Permit Fees, and § 4-4-3 Planning, Subdivision and Zoning Fees"; repealing any conflicting provisions; providing for severability; and establishing an effective date and a revolving sixty month review period.

Councilmember Barker moved, seconded by Councilmember Evans that Resolution No. 19-36, declaring as a public record that certain document filed with the city clerk entitled "2019 Amendments to Apache Junction City Code, Volume 1, Chapter 4: Fees, Article 4-4: Development Services Fees, § 4-4-1 Building Permit Fees, § 4-4-2 Grading Permit Fees, and § 4-4-3 Planning, Subdivision And Zoning Fees"; repealing any conflicting provisions; providing for severability; and establishing an effective date and a revolving sixty month review period be approved.

Yes: 5 - Mayor Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember Evans and Councilmember Schroeder

No: 1 - Councilmember Struble

Excused: 1 - Councilmember Rizzi

Larry Kirch, Director of Development Services stated items 7 and 8 are related to each other. They are related to fees they published approximately 75 days ago. In order to change Chapter 4 of the City Code, which relates to fees, it is required to post the change in fees for 60 days on the City website. Staff is bringing back the resolution, which will adopt the City Code changes by reference, and the ordinance is the full version of changes to the City Code. These fees are related to four different items; fees for Public Art, changes to the collection of legal advertisement fees for planning and zoning cases, this proposes a flat fee structure and then minor clean up items. Mr. Kirch presented the slideshow just to reiterate where the fees were changed and the details related to those fees. When dealing with rezoning, the text which changes code must be published in full, it cannot be adopted by reference as done by a resolution.

Mayor Serdy opened the public hearings for both items, 7 and 8, receiving no comments, he closed the public hearings.

8. [19-600](#) Presentation, discussion, public hearing and consideration of proposed Ordinance 1482, amending Apache Junction City Code, Volume I, Chapter 4: Fees; adopting by reference that certain document entitled, "2019 Amendments to Apache Junction City Code, Volume 1, Chapter 4: Fees, Article 4-4: Development Services Fees; § 4-4-1 Building Permit Fees, § 4-4-2 Grading Permit Fees, and § 4-4-3 Planning, Subdivision and Zoning Fees; repealing any conflicting provisions; providing for severability; and establishing an effective date and a revolving sixty month review period.

Councilmember Evans moved, seconded by Councilmember Barker that Ordinance No.1482, amending Apache Junction City Code, Volume I, Chapter 4: Fees, be read by title only and the reading of the entire ordinance be waived.

The motion passed 6-0 to read the Ordinance by title only.

The city clerk read the ordinance by title only.

Councilmember Evans moved, seconded by Councilmember Barker that Ordinance No. 1482, as read by the city clerk, be approved.

Yes: 5 - Mayor Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember Evans and Councilmember Schroeder

No: 1 - Councilmember Struble

Excused: 1 - Councilmember Rizzi

-
9. [19-601](#) Presentation, discussion, public hearing and consideration of proposed Ordinance No. 1485, amending Apache Junction City Code, Volume I, Chapter 7: Buildings, Article 7-1: Division Of Building Safety and Administrative Code, Section 7-1-11 Construction Standards for Manufactured Home, Mobile Home, Park Model, and Recreational Vehicle Standards; repealing any conflicting provisions; providing for severability; and providing for penalties.

Councilmember Barker moved, seconded by Vice Mayor Wilson to continue the item, Ordinance No. 1485, to March 3, 2020.

Yes: 6 - Mayor Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember Evans, Councilmember Schroeder and Councilmember Struble

No: 0

Excused: 1 - Councilmember Rizzi

City Attorney Joel Stern requested a moment to update the council on recent events related to this item.

He stated within the last week he received a letter from an attorney who represents the manufactured housing industry and today received an email from another attorney who represents several mobile home parks. There are objections to some of the language within this ordinance and in an ordinance passed in June. They are requesting this item be continued so staff can meet with the attorneys and industry representatives as to what language would be acceptable.

Larry Kirch, Development Services Director reviewed the changes staff was proposing.

Mayor Serdy opened the public hearing.

Bradley Scott, Attorney with the law office of BFSO, 4343 E Camelback Rd. Ste 210, Phoenix AZ. He represents Charley Keif who owns a few RV parks here in Apache Junction. He stated that the changes being considered are cost prohibitive for his client. If the changes being recommended were approved it would put his client out of business. He stated his office was hired that afternoon and they are still reviewing the proposed changes. He referenced an ordinance adopted over the summer. One of the requirements limits replacement of manufactured homes to no more than 10 years old. This new ordinance limits replacement of park models, which did not have replacement restrictions in the summer's ordinance. This new restriction will have severe consequences on the parks, let alone his client. He is asking city council to continue the hearing to allow staff and stakeholders to meet and work out some of the issues.

Melissa Parham, Attorney with the law office of Williams, Zinman & Parham, located at 7701 E Indian School Rd., Scottsdale AZ, stated her firm represents manufactured housing communities in Arizona. She stated the June 20, 2019 ordinance greatly restricted mobile home parks abilities to replace units. She highlighted recent articles on the housing market in the Phoenix metro area and how affordable housing is a severe issue in this area. Manufactured homes and mobile home parks are an alternative for lower income individuals. The restrictions the June ordinance causes also has some legal matters they would like to address with staff. There were 11 persons standing in the audience as members of the parties Ms. Parham represented.

I. OLD BUSINESS

10. [19-586](#) Presentation, discussion and consideration of whether to terminate the 1992 agreements between the city and the "self-policing" parks which include Sunrise RV Park, Countryside RV Park, Golden Sun RV Park, Lost Dutchman RV Park and Rock Shadows RV Park pursuant to paragraph 11 of the said agreements.

Councilmember Evans moved, seconded by Vice Mayor Wilson that the 1992 agreements between the city and the "self-policing " parks which include: Sunrise RV Park, Countryside RV Park, Golden Sun RV Park, Lost Dutchman RV Park And Rock Shadows RV Park pursuant to paragraph 11 of the said agreements be terminated.

Yes: 6 - Mayor Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember Evans, Councilmember Schroeder and Councilmember Struble

No: 0

Excused: 1 - Councilmember Rizzi

Rudy Esquivias, Planning Manager & Zoning Administrator provided council with the history of the agreement as he had done so in September and October. The self-policing agreement was not being enforced and as the parks have changed hands over the years are not monitoring the additions or structural changes to the models in their parks. He asked council to consider revoking the agreement to allow the city to have permitting and inspection authority as a health and safety matter.

J. NEW BUSINESS

11. [19-573](#) Presentation, discussion and consideration of proposed Resolution No. 19-32, authorizing the City of Apache Junction's Police Department (AJPD) to enter into an intergovernmental agreement with Department of Public Safety (DPS) for one (1) AZ P.O.S.T. certified sworn AJPD personnel to assist DPS with the Gang & Immigration Intelligence Team Enforcement Mission State Gang Task Force.

Councilmember Barker moved, seconded by Vice Mayor Wilson that Resolution No. 19-32, authorizing the City of Apache Junction's Police Department to enter into an Intergovernmental Agreement with the Department of Public Safety for gang & immigration intelligence team enforcement mission, state gang task force be approved.

Yes: 6 - Mayor Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember Evans, Councilmember Schroeder and Councilmember Struble

No: 0

Excused: 1 - Councilmember Rizzi

12. [19-605](#) Presentation, discussion and consideration of proposed Resolution No. 19-33, authorizing the City of Apache Junction's Police Department to enter into an intergovernmental agreement with the Town of Gilbert for the donation of taser equipment in exchange for use of the city's firearms range.

Councilmember Evans moved, seconded by Vice Mayor Wilson that Resolution No. 19-33, authorizing the City Of Apache Junction's Police Department to enter into an Intergovernmental Agreement with the Town of Gilbert for the donation of taser equipment in exchange for use of

the city's firearms range be approved.

13. [19-597](#) Presentation, discussion and consideration of proposed Resolution No. 19-34, authorizing the City of Apache Junction's Police Department to enter into an intergovernmental agreement with Arizona Department of Transportation for connectivity of electronic crash records database ("AzTraCS").

Councilmember Barker moved, seconded by Vice Mayor Wilson that Resolution No. 19-34, authorizing the City Of Apache Junction's Police Department to enter into an Intergovernmental Agreement with Arizona Department of Transportation for connectivity of electronic crash records database "AZtracs" be approved.

K. COUNCIL DIRECTION TO STAFF

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

14. [19-593](#) Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Monday, January 6, 2020 and Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Tuesday, January 7, 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.

Councilmember Barker 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, January 6, 2020 and an executive session at 6:00 p.m. and work session at 7:00 p.m. for Tuesday, January 7, 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: 6 - Mayor Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember Evans, Councilmember Schroeder and Councilmember Struble

No: 0

Excused: 1 - Councilmember Rizzi

M. CALL TO PUBLIC

Terry Reynolds, 1121 S. Lawther Dr. Apache Junction AZ stated at the September 23rd city council meeting a contract was awarded to Regional Pavements for the slurry seal of Apache Villa and Ironwood Cove subdivisions. A flyer went out notifying that affected residents and indicated that between November 11th and November 26th which streets would be affected. His street, Lawther Drive was scheduled to be worked on the date of the 11th and 12th. The eastside of Lawther Dr. was done on the 11th and the westside of Lawther Dr. was done on the 12th except for the eastside of Lawther Dr. between 10th Street on the North and 13th Street on the south side was never done. Last week all the barrier cones and construction signs were removed for the project and it appears there will be no more slurry seal done on the remaining areas of Lawther Dr. or the other untouched areas within the contracted area. There also seems to have been adequate time and weather that would have permitted completion of this project and nothing has been done. In his opinion staff needs to take a more proactive approach in monitoring contracts that are awarded, inspections and verification of the work performed to ensure the contract was completed in its entirety and per contract terms anything less is a failure by this Administration to perform at its best for the citizens of Apache Junction.

George Schroeder, 244 W. Virginia St., Apache Junction AZ, commented on the lack of maintenance work performed on his street. The city still has drug addicts, dealers and gangs in

the city that need help. There is a health and safety issue related to the property located at 2525 W. Virginia St. The property needs to be condemned.

Mayor Serdy asked Staff to provide an update/report on the completion of the construction project mentioned.

Councilmember Schroeder requested staff visit Virginia Street and report back on its conditions.

N. ADJOURNMENT

Mayor Serdy adjourned the meeting at 8:33 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 17th day of December, 2019. 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