



# 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

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Tuesday, February 7, 2017

7:00 PM

City Council Chambers

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### A. CALL TO ORDER

The regular meeting of the City Council of the City of Apache Junction, Arizona, was held on February 7, 2017, at the Apache Junction City Council Chambers pursuant to the notice required by law.

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

### B. INVOCATION AND PLEDGE OF ALLEGIANCE

Vice Mayor Wilson gave the Invocation.

Councilmember Evans led the Pledge of Allegiance.

### C. ROLL CALL

**Present:** 7 - 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 Giao Pham  
Parks and Recreation Director Liz Langenbach  
Development Services Director Larry Kirch

**Others Present:** Public Information Officer Al Bravo

**D. CONSENT AGENDA**

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

**No:** 0

Councilmember Barker MOVED THAT THE CONSENT AGENDA BE ACCEPTED AS PRESENTED; AND

THAT RESOLUTION NO. 16-34, A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AUTHORIZING THE CITY OF APACHE JUNCTION TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH PINAL COUNTY FOR FUNDING OF SENIOR SERVICES, BE APPROVED; AND

THAT APPROVAL BE GIVEN FOR THE AWARD OF CONTRACT TO SOUTHWEST SLURRY SEAL FOR PW2016-30, SPRING 2017 PRESERVATION STREET MAINTENANCE, IN THE AMOUNT OF \$279,076.17 PLUS THE AMOUNT OF \$26,923.83 FOR CONTINGENCY FOR A TOTAL AMOUNT NOT TO EXCEED \$306,000; AND THAT AUTHORIZATION BE GIVEN FOR THE MAYOR TO SIGN THE CONTRACT; AND

THAT RESOLUTION NO. 17-01, A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AUTHORIZING THE CITY OF APACHE JUNCTION TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR HOUSEHOLD HAZARDOUS WASTE PICKUP PROGRAM PARTICIPATION WITH PINAL COUNTY, BE APPROVED.

Councilmember Rizzi SECONDED THE MOTION.

Councilmember Struble requested a couple of corrections to the minutes. On page 32, where they were talking about the rezoning of the area down on 16th Avenue, he believes he said 16th Avenue and the minutes say south of the 60, make a note of that. And then on page 39, they were talking about the sewer district, it says Tuesday evening and he thinks he said Tuesday morning, but just to make a note in the minutes of it.

(1. A replay of the recording of the discussion in the January 17, 2017 council meeting minutes showed that the comment on the tape for P. 32 of the minutes could have been "16th" instead of "60" so the record has been revised to reflect the change requested by Councilmember Struble. "I'm going to, like Councilmember Wilson, is this, this, like I said, I, I, I live in that area and I understand and believe me, since the properties, the, the Villaggio and the other properties south of the (16 or 60) were built, and with the neighborhood, it is very, it is improved immensely. It is, and, I, I agree with that so I'm going to vote yes on that."

2. A replay of the recording of the January 17, 2017 council meeting minutes showed that the discussion on the tape was accurately reflected in the minutes. The record has not been changed. "Councilmember Struble: You, you current, you currently serve on P, planning and zoning and industrial development, you said. Luciano Buzzin: Yes. Councilmember Struble: Do you understand the meetings schedule for the sewer district? Luciano Buzzin: I understand it is during, during the day, not, not at night. Councilmember Struble: Yeah, they, they, well they currently, in December the board approved to have the meetings on the fourth Tuesday of every month. Luciano Buzzin: Yes. Councilmember Struble: Give or take. I mean. You would be able to attend the Tuesday night? Luciano Buzzin: No problem because my schedule allowed me to do that."

Vice Mayor Wilson asked if they would also have to vote on the changes he is recommending.

City Clerk Kathleen Connelly stated they would be incorporated unless they disagree with them.

VOTE: Unanimous with changes as noted by Councilmember Struble.

The motion carried.

1. [17-006](#) Consideration of acceptance of agenda.
2. [17-007](#) Consideration of approval of minutes of regular meeting of January 17, 2017.
3. [17-005](#) Approval of Resolution Number 16-34, authorizing the City of Apache Junction to enter into an intergovernmental agreement with Pinal County for assistance in funding Senior Services in a one-time donation in the amount of \$18,000.
4. [17-028](#) Consideration of award of contract to Southwest Slurry Seal for street maintenance work in various locations within the city in partial fulfillment of fiscal year's 2016-2017 Street Maintenance Plan. The work would be through the Pinal County cooperative "JOC-Pavement Preservation Repair Services" for \$306,000.00 including a ten percent contingency.
5. [17-018](#) Consideration of approval of proposed Resolution No. 17-01, allowing the city to enter into an Intergovernmental Agreement with the Pinal County Public Works Department to include Pinal County residents to partake in the city's annual household hazardous waste event for a term of three (3) years with an option to renew for an additional two (2) years. Pinal County shall reimburse the city for costs attributable to county residents participation up to

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an amount not to exceed \$10,000.

## **E. AWARDS, PRESENTATIONS AND PROCLAMATIONS**

None.

## **F. ANNOUNCEMENT OF CURRENT EVENTS**

Vice Mayor Wilson commented Lost Dutchman Days and the Marathon are coming up.

Mayor Serdy commented tomorrow there is Breakfast with the Mayor. It will be at Village Inn from 8-9 a.m. He will have a different member of staff come each time and tomorrow it will be Chief Kelly.

Councilmember Struble commented there have been a number of neighborhood partnership meetings in various parks in the community over the last couple of weeks. It has been enjoyable to meet with the citizens and hear what is going on. He thanked them for allowing them to come to their parks.

## **G. CITY MANAGER'S REPORT**

### **6. [17-035](#) City manager's report.**

City Manager Bryant Powell introduced Andrea Chisolm, chairperson of the Apache Junction Chamber of Commerce, to present a quarterly report.

### **7. [16-590](#) Presentation by and discussion with Larry Johnson and/or Andrea Chisolm of the Apache Junction Chamber of Commerce and Visitors Center on the performance of the Visitor Information Center for Fiscal Year 2016/2017 - Quarter 2.**

Ms. Andrea Chisolm gave a presentation on the report for the second quarter for the Visitor Information Center for Fiscal Year 2016/2017.

Mayor Serdy asked what countries the foreign people signing in are from.

Ms. Andrea Chisolm stated they have the book. She does not have the specific data with her but she can get that to him. She knows there was one from Asia who was photographed with Larry in his rotarian shirt.

City Manager Byrant Powell commented on the contract for the visitor information center.

**H. PUBLIC HEARINGS**

8. [17-012](#) Consideration for approval of an application for an interim permit, person transfer, limited liability company, series 6 liquor license for Cobbs Restaurant and Lounge located at 944 W. Apache Trail. The next step in the process is for the council to hold a public hearing on the application and make a recommendation for approval or denial to the Arizona Department of Liquor Licenses and Control.

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

**No:** 0

City Clerk Kathleen Connelly briefed the council on the item.

Mayor Serdy requested the applicant address the council.

Mr. Duane Carble, 447 N. 111th Place, Mesa, addressed the council.

Vice Mayor Wilson asked if he was aware of the problems that had been identified and if he had been correcting them.

Mr. Duane Carble asked what particular problems he meant.

Councilmember Barker commented from the fire department.

Mr. Duane Carble stated he was aware of those. They gave him a list of things that will need to be updated.

Councilmember Struble commented there was a building code issue.

Development Services Director Larry Kirch stated he believed his department's issues were on the same line as the fire department, mainly related to the hood. If those things are being corrected, it will be fine with his department.

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.

Councilmember Rizzi MOVED THAT THE APPLICATION FOR AN INTERIM PERMIT, PERSON TRANSFER, LIMITED LIABILITY COMPANY, SERIES 6 LIQUOR LICENSE FOR COBBS RESTAURANT AND

LOUNGE, SUBMITTED BY DUANE CARBLE, BE RECOMMENDED FOR APPROVAL TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL.

Councilmember Waldron SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

9. [17-013](#) Consideration of application for a special event liquor license for Superstition Mountain Rotary Club for Lost Dutchman Days, February 24-26, 2017, at 1590 E. Lost Dutchman Boulevard. The next step in the process is for the council to hold a public hearing on the application and make a recommendation for approval or denial to be forwarded to the Arizona Department of Liquor Licenses and Control.

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

**No:** 0

City Clerk Kathleen Connelly briefed the council on the item.

Mayor Serdy requested the applicant address the council.

Mr. Michael Cowan, 17884 E. Picana Court, Gold Canyon, addressed the council. He stated this is the 53rd year of the rodeo. Last year the rotary raised over \$10,000.

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.

Councilmember Rizzi MOVED THAT THE SPECIAL EVENT LIQUOR LICENSE APPLICATION FOR SUPERSTITION MOUNTAIN ROTARY CLUB FOR FEBRUARY 24-26, 2017, SUBMITTED BY MICHAEL COWAN, BE RECOMMENDED FOR APPROVAL TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL.

Vice Mayor Wilson SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

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10. [16-605](#) Public hearing and consideration of Resolution No. 17-03, a resolution of the mayor and city council of the City of Apache Junction, Arizona, declaring as a public record that certain document filed with the city clerk and entitled "2017 Amendments to the Apache Junction City Code, Volume I, Chapter 15: Public Park Regulations"; and declaring an emergency.

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

**No:** 0

Parks and Recreation Director Liz Langenbach 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. There being no further discussion, he called for a motion.

Councilmember Barker MOVED THAT RESOLUTION NO. 17-03, A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "2017 AMENDMENTS TO THE APACHE JUNCTION CITY CODE, VOLUME I, CHAPTER 15 PUBLIC PARK REGULATIONS", AND DECLARING AN EMERGENCY, BE APPROVED.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

11. [16-604](#) Public hearing and consideration of Ordinance No. 1442, an ordinance of the mayor and city council of the City of Apache Junction, Arizona, amending Apache Junction City Code, Volume I, by repealing Chapter 15: Public Park Regulations in its entirety; and adopting by reference a new Chapter 15: Public Park Regulations more fully detailed in that certain document entitled "2017 Amendments to the Apache Junction City Code, Volume I, Chapter 15: Public Park Regulations"; repealing any conflicting provisions; providing for severability; providing for penalties; and declaring an emergency.

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

**No:** 0

City Clerk Kathleen Connelly stated this is the same item as the resolution that was just done. The ordinance is a companion item. She was not sure if Liz had anything to add.

City Attorney Joel Stern stated the reason there is a separate ordinance and resolution is to essentially save publication costs. The public still can see it, however the city would not have to publish the entire ordinance after it is approved. The city probably saves thousands of dollars because of the requirements for being published. The Arizona Revised Statutes allow the city to do it this way.

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.

Councilmember Waldron MOVED THAT ORDINANCE NO. 1442 BE READ BY TITLE ONLY WITH THE EMERGENCY CLAUSE AND THE READING OF THE ENTIRE ORDINANCE BE WAIVED.

Councilmember Evans SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

City Clerk Kathleen Connelly read the ordinance by title only.

Councilmember Waldron MOVED THAT ORDINANCE NO. 1442, AS READ BY THE CITY CLERK, BE APPROVED AND ADOPTED.

Councilmember Evans SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

## I. OLD BUSINESS

12. [17-004](#) Consideration of appointment to an existing vacancy on the Superstition Mountain Community Facilities District #1 Board of Directors. The council interviewed applicants for consideration at the January 17, 2017 City Council Meeting. This item gives council the opportunity to appoint an applicant to the sewer district board if they wish to do so.

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

**No:** 0

Vice Chairperson Wilson commented this is for the sewer district.



Mayor Serdy commented they have already interviewed the applicants. He called for a motion.

Councilmember Struble MOVED THAT TERRY DUNN BE APPOINTED TO THE SUPERSTITION MOUNTAINS COMMUNITY FACILITIES DISTRICT NO. 1 BOARD OF DIRECTORS FOR A TERM TO EXPIRE JULY 7, 2020.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

## **J. NEW BUSINESS**

None.

## **K. COUNCIL DIRECTION TO STAFF**

13. [17-002](#) Direction to staff authorizing the city manager to transmit a commitment letter to the Arizona Department of Housing (ADOH) in support of Adams Construction and Management Co., Inc., Low Income Housing Tax Credit (LIHTC) application for a 52 unit townhome project known as Apache Junction Villas and providing for a one-half of one percent cash flow loan (currently estimated between \$30,000 to \$50,000), as well as future consideration by the city council of a development agreement, loan agreement and promissory note (SE corner of Tepee Street and Plaza Drive).

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

**No:** 0

Development Services Director Larry Kirch briefed the council on the item.

Councilmember Waldron asked what kind of direction he needed.

Development Services Director Larry Kirch stated direction to authorize the city manager to sign the letter. It is the letter essentially committing the city to this \$30,000-\$50,000 loan. It is the same way we handled it last year, only there were two letters. They need authorization for the city manager to transmit a letter to the Department of Housing as part of their application.

Councilmember Struble asked why it was denied last year.

Development Services Director Larry Kirch stated it is a very competitive process. Maybe last year there might have been 39-40 applicants and they only have so much money to go around. This year they are going to apply for a little sub-pot of money. Most of these projects that get awarded have points for transit. The city does not have transit. There are some automatic points that we do not get. This time the applicant is looking at going for a little sub-pot of money that does not rely so much on the points for transit. The developers might submit two and see if they get one. He thinks last year there were 39 applicants and 12-15 were awarded. There are usually more applications than awards that can be made. Hopefully they will be more successful by not going into a pool of applicants that get the transit points.

Councilmember Struble asked if the loan agreement would come back to the council if it is approved.

Development Services Director Larry Kirch stated it would. It would be a developer's agreement, a loan agreement and a promissory note that all comes back to the council.

City Manager Bryant Powell stated he wanted to remind them that this is the same developer that did the development right across the street from the library. It developed really quickly. They have had some years to watch the maintenance of it and it is doing really well. The developer communicated to him that they have a waiting list for this type of product in Apache Junction. He feels it would be a good complement to our community.

Mayor Serdy commented the kind of infill we are looking for. He called for a motion.

Councilmember Waldron MOVED THAT THE FOLLOWING DIRECTION BE GIVEN TO STAFF REGARDING AUTHORIZING THE CITY MANAGER TO TRANSMIT A COMMITMENT LETTER TO THE ARIZONA DEPARTMENT OF HOUSING IN SUPPORT OF ADAMS CONSTRUCTION AND MANAGEMENT CO., INC. LOW INCOME HOUSING TAX CREDIT APPLICATION: THAT WE PROCEED WITH THE LETTER AND TRANSMIT IT TO THE STATE.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

14. [17-034](#) Council direction to staff on amendments to city code creating authority for

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council to schedule special elections for referendum, initiative and recalls.

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

**No:** 0

City Attorney Joel Stern briefed the council on the item.

Councilmember Barker asked if he needed a date for this or does he simply need direction to create an ordinance.

City Attorney Joel Stern stated he needs direction. If they put a date on it then he has to bring it back by that date.

Councilmember Barker asked to put a specific date on it would seem kind of off if this is going to be an ordinance for forever and a day because it would not be the same date a year from now when something else comes up. They do not want a date.

City Clerk Kathleen Connelly stated it will change.

City Attorney Joel Stern stated just tell him when to bring it back. If they want it as soon as possible we could although they would have to get the items on pretty quickly.

Councilmember Barker asked what would be a good time frame for bringing this back.

City Clerk Kathleen Connelly stated the first meeting in March.

City Attorney Joel Stern stated the city manager has agreed that the first meeting in March would be quite satisfactory.

City Manager Bryant Powell stated this gives our city and community for the long haul the authorization if needed to do a special election if it should come up.

Vice Mayor Wilson commented this has nothing to do with the referendum that was just denied.

City Attorney Joel Stern stated this provides them future authority for future referendum and initiatives. It does not directly involve the current referendum attempt.

Mayor Serdy commented hopefully there will not be any.

Councilmember Struble asked if he needs direction from them to look at other cities as an example.

City Attorney Joel Stern stated he thinks there was enough discussion last night that they can craft something. They will bring it back for a work session and then have a meeting for them to vote on it.

Mayor Serdy called for a motion.

Councilmember Barker MOVED THAT THE FOLLOWING DIRECTION BE GIVEN TO STAFF REGARDING AMENDMENTS TO CITY CODE CREATING AUTHORITY FOR COUNCIL TO SCHEDULE SPECIAL ELECTIONS FOR REFERENDUM, INITIATIVE AND RECALL: THAT THE CITY ATTORNEY CRAFT SUCH AN ORDINANCE AND BRING IT BACK THE FIRST MEETING IN MARCH 2017.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

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

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

**No:** 0

Mayor Serdy called for a motion.

Vice Mayor Wilson MOVED THAT AN EXECUTIVE SESSION AT 6:00 P.M. AND A REGULAR MEETING AT 7:00 P.M. BE HELD ON TUESDAY, FEBRUARY 21, 2017, IN THE CITY COUNCIL CONFERENCE ROOM AND CITY COUNCIL CHAMBERS RESPECTIVELY.

Councilmember Evans SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

- 15. [17-036](#)** Executive Session at 5:45 P.M. and Work Session at 7:00 P.M. for Monday, February 20, 2017 is cancelled due to President's Day.

16. [17-037](#) Executive Session at 5:45 P.M for Tuesday, February 21, 2017. Other meetings if necessary.

## M. CALL TO PUBLIC

Ms. Debra Collins, 2500 E. Tepee, Apache Junction, addressed the council regarding how she was treated by staff in development services when she requested information on filing an application for an auxiliary building and the reason given for denial. She requested there be a review on how this was handled.

Mr. Darryl Cross, 1018 N. Acacia, Apache Junction, addressed the council regarding requesting a control measure on the care and maintenance of oleanders in horse property areas.

Mr. Douglas Mathewson, 794 N. Hilton, Apache Junction, addressed the council regarding oleanders in horse property areas and requested the council address the problem.

Councilmember Evans directed the city manager to check into the request by Ms. Collins for someone from the city to give her a call and see if there is any way to resolve her question.

City Manager Bryant Powell stated they will and they will provide some options to the resident.

Vice Mayor Wilson commented they are possibly bringing back oleanders at the next work session.

City Attorney Joel Stern stated there will be an old business item on the February 21 agenda.

Mayor Serdy asked if there is some way for Ms. Collins' request to re-interpreted as it is a trust and not a sole owner. He would like someone to look into that.

## N. ADJOURNMENT

Mayor Serdy called for a motion to adjourn the meeting.

Vice Mayor Wilson SO MOVED.

Councilmember Evans SECONDED THE MOTION.

Mayor Serdy adjourned the meeting at 7:50 p.m. with no vote.