



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, May 16, 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 May 16, 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: 6 - Mayor Serdy
Vice Mayor Wilson
Councilmember Evans
Councilmember Rizzi
Councilmember Struble
Councilmember Waldron

Absent: 1 - Councilmember Barker

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

Others Present: Public Information Officer Al Bravo
Planning Intern Suleima Barrera

Planning Intern Lindsay Bresnahan
Assistant City Attorney/Prosecutor Eric Yuva

D. CONSENT AGENDA

Yes: 6 - Mayor Serdy, Vice Mayor Wilson, Councilmember Evans, Councilmember Rizzi, Councilmember Struble and Councilmember Waldron

No: 0

Councilmember Waldron MOVED THAT THE CONSENT AGENDA BE ACCEPTED AS PRESENTED.

Vice Mayor Wilson SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

1. [17-188](#) Consideration of acceptance of agenda.
2. [17-192](#) Consideration of approval of minutes of the regular meeting of May 2, 2017.

E. AWARDS, PRESENTATIONS AND PROCLAMATIONS

None.

F. ANNOUNCEMENT OF CURRENT EVENTS

Councilmember Waldron announced last Friday he and the mayor attended the second annual Stand Down at the Veterans Center where they talked about the homeless. The new director of the Phoenix Veterans Administration attended and answered a lot of questions.

Councilmember Struble announced he attended some D.A.R.E. graduations over the last couple weeks and there will be a couple more. It is a great way to recognize the graduates.

Councilmember Struble announced last week the high school R.O.T.C. program had their awards and advancement ceremonies and it was humbling to watch them.

Mayor Serdy commented the D.A.R.E. graduations last week were Peralta and Desert Vista. Tomorrow is Avalon Academy and Four Peaks. He commended Officer Harshman for his awesome job at that.

Councilmember Rizzi commented she wanted to thank the school

district for their efforts in inviting staff and council to their functions. She appreciated their recognition that they need to work together.

Mayor Serdy announced the high school graduation ceremony is next Wednesday, May 24 at 6 p.m.

Mayor Serdy announced the services for Ed Barker were last Saturday and a lot of the community turned out for that.

Mayor Serdy announced on June 1 the Chamber of Commerce Awards Banquet will be held at Dolce Vita. It is awards for businesses, teacher of the year and fireman of the year.

G. CITY MANAGER'S REPORT

3. [17-179](#) City manager's report.

City Manager Bryant Powell commented on the Chamber of Commerce awards banquet, community service team and inmate team cleaning the city and the taxpayer education workshop.

Assistant City Manager Matt Busby gave an update on the monthly financial statement.

H. PUBLIC HEARINGS

4. [17-194](#) Consideration of approval for an application for a new license, limited liability company, series 10 liquor license for A-Plus Product Source located at 832 N. Main Drive. 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: 6 - Mayor Serdy, Vice Mayor Wilson, 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.

Ms. Lorena Parenti, 832 N. Main, Apache Junction, addressed the council. She opened the business in March and was there to answer any questions.

Mayor Serdy commented with the 202 connecting

there it is busier than it was 10 years ago. This would be a good idea. He then 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 A NEW LICENSE, LIMITED LIABILITY COMPANY, SERIES 10 LIQUOR LICENSE FOR A-PLUS PRODUCT SOURCE, SUBMITTED BY LORENA PARENTI, BE RECOMMENDED FOR APPROVAL TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL.

Councilmember Waldron SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

5. [17-200](#) Consideration for approval of an application for a new license, limited liability company, series 18 liquor license for Cobbs Restaurant and Lounge located at 944 W. Apache Trail. The next step in the process is for the council to make a recommendation for approval or denial to be forwarded to the Arizona Department of Liquor Licenses and Control.

Yes: 6 - Mayor Serdy, Vice Mayor Wilson, 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.

Councilmember Waldron asked where they stand with all the violations that building found.

Mr. Duane Carble stated he thinks they are on the same page with some of the issues he has. He was not completely understanding what they were looking for. He now understands completely what they need. Some of the issues are not as serious as they appear. Some of them have been fixed already. Some have not. He is negotiating right now with purchasing the property. The landlord is not really helping them with much. A lot of it is going to come with him. He needs to have the agreement in hand before he can start on some of the major renovations.

Councilmember Waldron asked what the timeline is to getting the agreement and moving ahead with correcting everything.

Mr. Duane Carble stated he was told today that a portion of it was signed today. He should see something by the end of this week. He was supposed to have it in hand two weeks ago.

Councilmember Evans commented he has not purchased the property yet.

Mr. Duane Carble stated they are in the process of that now.

Councilmember Evans asked how that affects the liquor license with his not being the owner of record.

City Clerk Kathleen Connelly stated the owner of record of the location really has no bearing on the liquor license application. The state does not look at property ownership. It is not unusual for somebody to be leasing a property and still applying for a liquor license.

Councilmember Evans commented he does not have a lease on it, either.

Mr. Duane Carble stated he does have a lease on it.

Councilmember Evans commented he does have a lease on it.

Mr. Duane Carble stated the renovations are extensive. At this point it needs to be his property before he moves forward and starts renovating it.

Councilmember Evans commented she understands that completely. She asked where this falls timewise in getting that remedied for approval. The list that they have looks extensive. Some of them are safety issues. She asked if they can continue this.

City Clerk Kathleen Connelly stated they can. They have 60 days from the date he filed the application with the state which she believes was April 17. They can continue this to the next meeting which is June 5 or 6 and still be within that 60 days.

Councilmember Evans asked if that would still give them enough time to complete the violations if we just continue this until the next meeting.

Mr. Duane Carble stated it would. It would be plenty.

Assistant City Manager Matt Busby stated staff has sat down with Duane and we are working closely with him. We all agree it would be in the best interests for everyone to continue this to June 6.

Mayor Serdy commented this is the type of thing that everyone has been asking for. They want microbreweries and distilleries and for them to become a destination. This helps us become that. He has also changed up the menu. He has smoke food.

Mr. Duane Carble stated he has a lot of smoke food and things like that. He thinks the barbecue and microbrewery will go hand-in-hand.

Mayor Serdy commented he is open for business now with the regular restaurant part.

Mr. Duane Carble stated he is.

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 Evans MOVED THAT THE APPLICATION FOR A NEW LICENSE, LIMITED LIABILITY COMPANY, SERIES 18 LIQUOR LICENSE FOR COBBS RESTAURANT AND LOUNGE, AS SUBMITTED BY DUANE CARBLE, BE CONTINUED TO JUNE 6, 2017 CITY COUNCIL MEETING.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

6. [17-187](#) Presentation, discussion, public hearing and consideration of proposed Ordinance No. 1447, case PZ-1-17, a city-initiated corrective rezoning of Evelyn Subdivision from Medium Density Single-Family Residential, Conventional Home Permitted (RS-10) to Medium/High Density Single-Family Residential by Planned Development, Conventional Home Permitted (RS-5/PD). Evelyn Subdivision is located on Main Drive between W. 1st Avenue and W. Broadway Avenue. The purpose of the rezoning is to correct non-conforming lots, setbacks, and lot widths through the use of a Planned Development Overlay for this subdivision

that has been incorrectly zoned dating back to the city's incorporation.

Yes: 6 - Mayor Serdy, Vice Mayor Wilson, Councilmember Evans, Councilmember Rizzi, Councilmember Struble and Councilmember Waldron

No: 0

Development Services Director Larry Kirch provided the initial briefing on the item and introduced the two planning interns, Lindsay Bresnahan and Suleima Barrera, for an additional briefing.

Planning Intern Lindsay Bresnahan 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 Waldron MOVED THAT ORDINANCE NO. 1447 BE READ BY TITLE ONLY AND THE READING OF THE ENTIRE ORDINANCE BE WAIVED.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

City Clerk Kathleen Connelly read the ordinance by title only.

Councilmember Waldron MOVED THAT ORDINANCE NO. 1447, AS READ BY THE CITY CLERK, BE APPROVED AND ADOPTED.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

7. [17-193](#) Presentation, discussion, public hearing and consideration of proposed Ordinance No. 1448, case PZ-2-17, a city-initiated corrective rezoning to rezone Hughes Place Subdivision on Ocotillo Drive between W. 1st Avenue and W. Broadway Avenue from Medium Density Single-Family Residential, Conventional Housing Permitted (RS-10) to Medium/High Density Single-Family Residential by Planned Development, Conventional Housing Permitted (RS-5/PD) . The rezoning proposes to correct non-conforming lots, setbacks, and lot widths through the use of a Planned Development Overlay for this subdivision that has been

incorrectly zoned dating back to the city's incorporation.

Yes: 6 - Mayor Serdy, Vice Mayor Wilson, Councilmember Evans, Councilmember Rizzi, Councilmember Struble and Councilmember Waldron

No: 0

Planning Intern Suleima Barrera briefed the council on the item.

Councilmember Evans asked what the average age is of these homes.

Planning Intern Suleima Barrera stated the original plat map is from 1951.

Councilmember Evans commented she stated the accessory buildings would have to be moved out of the right-of-way from where they are at. One slide shows a mobile home sitting there as well. That is non-conforming. She asked if that is going to be accepted.

Development Service Director Larry Kirch stated there are some properties, like the mobile home and some duplexes on the left, where there may be a letter of nonconformity. He thinks there are four on this street and maybe one or two on another street. They can go through a process, and he believes one of the gentleman is in the audience tonight for the one on the left where he is a caregiver for a person that lives in the home. If it was there prior to 1985, like a lot of things that have happened in the city, they have vested rights in the city and can stay there. They can apply for a lawful letter of nonconformity. They are trying to reduce those nonconformities as possible. That is why they see some of those with four or five lots. That is what the planned development overlay does. It allows for the 3' setbacks or list the five lots that only have to be 3,000 or 4,000 square feet. We are essentially saying with the planned development that lots 1-5 can be smaller than 5,000 square feet.

Councilmember Evans asked about the one that is on the right.

Development Services Director Larry Kirch stated that may be just a code violation that they will have to address. He believes the one on the left has been there since 1985.

Councilmember Evans commented it is prudent for them to apply for the letter.

Development Services Director Larry Kirch stated that is correct. They may put that in the letter. One

of the other parts of this is if they have the duplex, the 50% rule still applies. They may have a nonconformity and they can add to one but the other cannot be remodeled over the 50%. The one they can invest in right now but it is tough to do either because it may not have the setbacks. That is the other part of this. If they have a sixplex, and there is one, that is a legal nonconforming use as it was there prior to 1985. They can paint it or put a new roof on it but they cannot make it a seven unit. The one on the left he believes is a lawful nonconforming use and the one on the right may or may not be a violation.

Councilmember Evans commented there are just so many of these. Many of them are not on a recorded document. That is why she is asking the question as to when they start making these a recorded document that proves a legal nonconforming use.

Development Services Director Larry Kirch stated they do not have to record a legal letter of nonconformance. It is probably a good idea to record it but they are not required to.

Councilmember Evans commented at this time it would benefit them greatly to do that.

Development Services Director Larry Kirch agreed.

Councilmember Evans commented that maybe that needs to become part of the process.

Development Services Director Larry Kirch stated this may be step one, getting as many as possible to have at least conforming lots. They do not have to have 10,000 or 7,000. These lots were originally 6,000. They were 60' deep and 100' wide. A lot of it relates to people moving lot lines back and forth probably before the city was a city. This may not solve 100% of the problems but he thinks it gets a lot of the folks to be able to invest in their properties.

City Attorney Joel Stern asked if he could explain how a letter of lawful nonconformity works administratively including how the research is done and how the application process works because he thinks that needs to be explained in a little more detail.

Development Services Director Larry Kirch stated in the zoning code there is a provision that allows a property owner to apply for a letter of lawful nonconformity. The burden of proof is on them, not necessarily the city. They have to provide a level of evidence that could be affidavits

from previous property owners, aerial photos or photography that shows the house in 1968 or whatever it is. They have to have some kind of evidence that says what was here was here before March of 1985. They apply for that, they can go through their findings of fact and then do an analysis. Staff can then say it was there before March 1985 or that it was not. They have the ability to appeal our letter. They can go to the board of adjustment if they think staff missed something or was in error.

City Attorney Joel Stern stated the letter itself can be recorded because it is basically a land use right that would be associated with the land. It would run with the land which means successive owners would have the same right. They would step in the shoes as if they were the person who applied for the letter of lawful nonconformance.

Development Services Director Larry Kirch stated the big difference is that the other subdivision has a 20' setback. If they look at the other subdivision virtually everybody complied with the 20' setback but here, because the lots are only 60' deep, they decided to go down to an 8' setback and even then there would be a few encroachments. They were asked about the 3' setback. It is safe but not ideal but it is a setback they allow in RV parks. It provides some level of safety but they are not going to go around and ask people to move their yard shed. It is up to them if they want to do that.

Vice Mayor Wilson commented it looks like the one on the right that is back one more slide is actually over the property line. He asked what happens here.

Development Services Director Larry Kirch stated that would be an issue between the neighbors. If there is an encroachment there could be an adverse possession issue. That would be between the property owners and a civil matter. They are not going to step into that. It is the way the tax bill comes and it shows their property line. One thing he has to point out with the GIS is that they are looking at plats from 1949 and 1951. As they were looking at the assessor data and trying to line up maps exactly where that lot line is, it is not necessarily what they see on the screen. It is close but it could be off a few feet. They can see on that one there is kind of a fence that is in between showing the lot line and possible encroachment but it is really unknown until they go out to the property and do a survey. There may not be an encroachment there.

Vice Mayor Wilson asked if they are recommending they do a survey of their property.

Development Services Director Larry Kirch

stated that is up to them. They are not going to ask folks to do that. They can see between those properties there appears to be a fence and the one building is right up to it. Where the lot line is it may be slightly different than what they see on the map. These are not survey maps, they are GIS maps using Salt River Project's parcel data.

Councilmember Evans commented she wanted to thank them as this is an immense amount of work to get these documents together. They did a good job.

Development Services Director Larry Kirch stated it was the property owner that said he wanted to do something with these properties. It probably could have been fixed a long time ago but they really appreciate Lindsay, Suleima, Rudy and Stephanie and everybody's help and the planning commission for helping out and the neighbors that showed up at the meetings.

Mayor Serdy asked if Suleima was finished with her presentation.

Planning Intern Suleima Barerra stated she was.

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. 1448 BE READ BY TITLE ONLY AND THE READING OF THE ENTIRE ORDINANCE BE WAIVED.

Councilmember Rizzi SECONDED THE MOTION.

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there are some properties, like the mobile home and some duplexes on the left, where there may be a letter of nonconformity. He thinks there are four on this street and maybe one or two on another street. They can go through a process, and he believes one of the gentleman is in the audience tonight for the one on the left where he is a caregiver for a person that lives in the home. If it was there prior to 1985, like a lot of things that have happened in the city, they have vested rights in the city and can stay there. They can apply for a lawful letter of nonconformity. They are trying to reduce those nonconformities as possible. That is why they see some of those with four or five lots. That is what the planned development overlay does. It allows for the 3' setbacks or list the five lots that only have to be 3,000 or 4,000 square feet. We are essentially saying with the planned development that lots 1-5 can be smaller than 5,000 square feet.

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Mayor Serdy asked if Suleima was finished with her presentation.

Planning Intern Suleima Barerra stated she was.

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. 1448 BE READ BY TITLE ONLY AND THE READING OF THE ENTIRE ORDINANCE BE WAIVED.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

City Clerk Kathleen Connelly read the ordinance by title only.

Councilmember Waldron MOVED THAT ORDINANCE NO. 1448, AS READ BY THE CITY CLERK, BE APPROVED AND ADOPTED WITH THE FOLLOWING AMENDMENT: THAT CONDITION NUMBER 10 BE ADDED AND READ "NO REQUIRED PARKING SPACES SHALL BE ALLOWED IN THE RIGHT-OF-WAY".

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

8. [17-106](#) Public hearing on Apache Junction City Code, Volume I, Chapter 8, Business, Article 8 - 8, Requirements for Community and Civic Events process.

Yes: 6 - Mayor Serdy, Vice Mayor Wilson, Councilmember Evans, Councilmember Rizzi, Councilmember Struble and Councilmember Waldron

No: 0

City Attorney Joel Stern briefed the council on the item.

City Manager Bryant Powell stated he had nothing to add except to let them know Al Bravo is here to answer any questions on the current process.

City Attorney Joel Stern stated the public hearing process would be whoever wants to speak would have five minutes to speak.

Mayor Serdy opened the public hearing on the item.

Mr. Jim Duncan, 2745 E. Smoketree Street, Apache Junction, addressed the council. He thanked the city attorney for sponsoring the item. He stated Ordinance No. 1421 was to simplify the community event process and it removed the need to come before the council for every event. Staff would approve the events. Residents learned of the change in 2016 when asking staff why an event was approved that had a negative impact on the neighborhood. There is nothing in the approval process that allows residential concerns as part of the final decision. The code itself sets up the administrative review process. A few of them came to a meeting and council suggested a review of the ordinance and process. Five neighbors met with the city attorney and other staff in January and they reviewed the process and suggested some recommended amendments. They thought the city attorney would provide a redline draft to the council. There were three very important amendments including the zoning administrator reviewing the application for anticipated neighborhood impact and neighborhood notice of the filing of the event application. The appeal would be performed by the city manager or his designee. They do not add any additional cost or burdens to the process. It may add 5-10 days to the process. They were notified of this item being of this agenda. Many neighbors are here and support these amendments and request the council direct staff to add them into the code. They also asked that any member of the city council that does not support this please give them their opinion as to why.

Mr. Mehmood Mohiuddin, 2304 N. Cortez, Apache Junction, addressed the council. He stated has heard these people complaining about the noise. They purchased their property without investigating if there was any commercial property around. Commercial properties are zoned for businesses and the businesses can change. There are plenty of commercial properties on North Apache Trail and someone could start a new business tomorrow. There will be neighborhood people who could be against it. This all started with the Hitching Post and he tried to discuss with them what can be done but nobody came. He would like to be friends with his neighbors and try to make things easier for them. He is trying to help the city. Property taxes go to the county and do not help the city. Business owners generate the revenue and their customers pay the sales tax which goes to the city. Some people have their businesses in Mesa and they do not generate anything for Apache Junction. There is a noise ordinance where noise becomes an issue after 10 p.m. They have bull riding two nights a week and they have a meter to record everything and nothing more than 53 or 54 like a general conversation. Some businesses are being

picked on. Harley-Davidson has concerts going on and outdoor amplified music and no one complains about it although they are only 100 feet away.

Mayor Serdy closed the public hearing with no one else wishing to speak. He reopened the item to council discussion.

Councilmember Waldron asked if they have a list of the three items Mr. Duncan talked about.

City Attorney Joel Stern stated he was not directed to put those in the materials tonight by council. What they are is the zoning administrator would review the application, the notice of the filing of an application would be put out to the residents either on the internet or in some kind of press release or by mail for those within 300' of the location where the business was going to have a special event and there would be an appeal process that would either go the city manager or the council. Those were the general issues.

Councilmember Waldron asked how that would differ with what is being done now.

Public Information Officer Al Bravo stated currently an applicant who wants to hold a special event, whether it falls under this particular definition or otherwise, goes through an administrative review that he starts and the clerk's office may be involved in. They review the particular issues of the application and it goes forward from there. If there is a particular issue that comes in from any of the reviewers, whether it is development services or any other office, then that application might get questioned. There is not a lot more that his office handles, depending on the nature of the event, as far as informing anyone. If it is a private event any kind of marketing will be done on their own.

Councilmember Waldron asked if there is any appeals process.

Public Information Officer Al Bravo stated there is not unless someone were to point out a particular issue with any of the reviews. There is nothing in place right now.

City Manager Bryant Powell stated over the years, as he has watched different events, it is interesting to see how they develop or not develop. Some events they thought would have a big showing yet very few turned out for it. The Central Arizona College violence walk anticipated hundreds of people walking and they had very few. Some of the early events at Superstition Harley had problems with the speakers and they

had to turn them. It is a relationship that gets built over time.

Councilmember Waldron commented they do not do them every weekend. It is just special events.

Councilmember Struble asked how many times a year would this issue be taken up.

Public Information Officer Al Bravo stated they probably see 10-12 special events a year depending on the size that would require the application process. They might be seeing a little bit more as they are seeing a little more activity in the business community in the last couple years and certainly since he has been with the city.

Mayor Serdy commented one of the goals of this council and staff is to have more and more events and be more like a tourist area. He thinks in the future they may see more and they can hopefully streamline whatever they can to make it easier to have events.

Councilmember Struble commented it would not affect things that would go on a continuous basis.

Public Information Officer Al Bravo stated it would not. This does not affect the annual or city sponsored events such as Lost Dutchman Days, Festival of the Superstitions or Fourth of July. Those are not affected by this. There is a review in place for those but it is more logistical in nature. These would be proposed events usually from the business community and sometimes involving nonprofits in the city.

Councilmember Struble commented such as the blues festival they had a couple of months ago.

Public Information Officer Al Bravo stated exactly. If someone wants to hold a special concert or hold a special event at a particular venue or business; that is exactly where it falls. It is the same thing if a nonprofit wants to hold a walk or wants to hold a fundraising event. Sometimes that falls under that category as well.

Councilmember Rizzi asked if there would be an issue if they were to differentiate between city sponsored events and these other events and they have different rules. Someone could say they do not have the rules for the city sponsored events and they are being held to extra rules. She asked if that could come back on the city.

City Attorney Joel Stern stated they used to be

called special events. That was one category. It got changed in 2015 to community and civic events. There are certain events that the city sponsors and others they do not. Her question is if they have rules for one but not the other and if that would be discriminatory. He would say no as the council has the legislative ability to do that. One comment was made that there is a noise ordinance and there cannot be any noise after 10 p.m. That is not true. There is a noise ordinance but there is no hour. It does not say after 10 p.m. It says there cannot be noise or other types of nuisances that occur that unreasonably interfere with the reasonable use and enjoyment of one's property. It is a general ordinance and nears state law under Title 13. It is hard to change and it takes a considerable number of persons to prove it. It is a difficult case. He stated the prosecutor was present and he could tell them the proof that is required for a criminal case or civil case.

City Manager Bryant Powell stated the community events such as the marathon have committees of their own. All participates on those. We are very concerned about public safety, health and welfare. There is a committee that goes through a similar review process.

Councilmember Evans asked if the application for a special event asks if they are going to have amplified music. She asked how the application actually reads.

Public Information Officer Al Bravo stated every application is the same for every special event. It falls under the definitions that we have set. It asks how many people will be there and the nature of the event.

Councilmember Evans commented the time of day.

Public Information Officer Al Bravo stated exactly. All of the basic logistics and whatnot. They can figure out what kind of event it is. As part of the process for the different departments and himself, if there is any question as to exactly what is going on the applicant is contacted. For a larger event or one that they deem they need to meet with the applicants regarding more effort from the city such as the police department and other issues, they will call the applicant in and have a meeting to go through the logistics. They want to make sure everyone is on the same page.

Mayor Serdy commented he sees no suggested motion for this item.

Councilmember Waldron commented he would like to see the wording proposed.

Mayor Serdy asked if they would be coming back with this.

City Attorney Joel Stern stated if they want to see wording, and there were several versions but he was not directed to put that on tonight, they can make a motion to bring it back with wording which would include the renditions and/or city proposed language.

City Manager Bryant Powell stated from a point of process and point of order, if council does nothing, from a staff perspective, they will continue to do the process and communicate out in the public.

City Attorney Joel Stern stated they can see to bring it back and take a look at some language. If then they want to make a change in the code, they would have to direct staff to write the ordinance. That would take a public hearing. This was a public hearing but it did not have to be. He was asked to put it on the agenda as a public hearing. He would think they would want individuals to be able to address this even at the next one. They could see the language in a version of what would be a code amendment. It would not be in ordinance format. It would be in redline format so they know what is being stricken, what is not being stricken and what is being added.

Mayor Serdy commented he appreciated the residents condensing their comments down into one person speaking to save time. He called for a motion.

Councilmember Waldron MOVED THAT THIS ITEM BE CONTINUED UNTIL THE JUNE 20 MEETING. He asked if that is the public hearing meeting.

City Attorney Joel Stern stated June 20 is a Tuesday night so that could be a public hearing.

Councilmember Waldron CONTINUED HIS MOTION WITH AND PROVIDE THE COUNCIL WITH A REDLINE VERSION SHOWING THE PROPOSED LANGUAGE IN THE ORDINANCE.

City Attorney Joel Stern asked if that is as the residents requested.

Councilmember Waldron commented that is correct.

Councilmember Evans SECONDED THE MOTION.

City Clerk Kathleen Connelly stated she is not

sure what the public hearing would be on. She asked if they are asking for preparation of an ordinance.

Councilmember Waldron commented no. He was thinking about getting feedback on the proposed ordinance, to get additional feedback based on the redline version.

City Attorney Joel Stern stated it is pre-ordinance language.

Councilmember Waldron commented that is correct.

City Clerk Kathleen Connelly stated at the last meeting they gave her direction to make changes to Chapter 8. This will kind of skew things.

City Attorney Joel Stern stated this is related to civic and community events.

City Clerk Kathleen Connelly stated she understands but that is also part of Chapter 8.

City Attorney Joel Stern stated it is.

Mayor Serdy commented there is a motion and second on the floor and asked for a roll call.

VOTE: Unanimous.

The motion carried.

Mayor Serdy called for a short recess.

Mayor Serdy reconvened the meeting.

I. OLD BUSINESS

None.

J. NEW BUSINESS

9. [17-184](#) Discussion, consideration of and potential action on Resolution No. 17-13, endorsing and supporting the Pinal County regionally significant routes for safety and mobility update. On March 6, 2017 Andrew Smith of Pinal County presented an update regarding Pinal County's transportation planning update. Pinal County is requesting municipalities adopt this resolution in support of the regionally significant routes for safety and mobility study.

Yes: 6 - Mayor Serdy, Vice Mayor Wilson, Councilmember Evans, Councilmember Rizzi, Councilmember Struble and Councilmember Waldron

No: 0

Assistant City Manager Matt Busby briefed the council on the item.

Vice Mayor Wilson asked who they are sending the report to.

Assistant City Manager Matt Busby stated the Pinal County Board of Supervisors.

Mr. Andrew Smith, Pinal County staff, stated in 2008 they had done the same thing and all the cities and towns as well as the Gila River Indian Community, Ak-Chin and San Carlos Apache Tribe all provided resolutions of support at that time. This is really what they are doing, it is just the next generation of updates to the plan. This is an updated map of what the region should look like.

Mayor Serdy closed the discussion with no further comments and called for a motion.

Vice Mayor Wilson MOVED THAT RESOLUTION NO. 17-13, A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, ENDORSING AND SUPPORTING THE REGIONALLY SIGNIFICANT ROUTES FOR SAFETY AND MOBILITY UPDATE, BE APPROVED.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

K. COUNCIL DIRECTION TO STAFF

10. [17-185](#) Council direction to staff regarding permanent base adjustment.

Yes: 6 - Mayor Serdy, Vice Mayor Wilson, Councilmember Evans, Councilmember Rizzi, Councilmember Struble and Councilmember Waldron

No: 0

Assistant City Manager Matt Busby briefed the council on the item.

Vice Mayor Wilson commented this would be at the August not November election.

Assistant City Manager Matt Busby stated that

is correct.

City Manager Bryant Powell stated Kathy Connelly had provided them with a great tool showing the propensity of communities as they have changed in the 2000s. There are some very progressive cities listed.

Mayor Serdy commented any city that is growing and doing things has gone to the permanent base adjustment. He will look forward to telling the voters that they have to plead with every 4 years that this is the last time they will have to do this. It will be so easy to do.

Assistant City Manager Matt Busby stated they heard that a lot when they were out this last time educating people. They were asked why they have to do this every 4 years.

City Manager Bryant Powell stated it is almost like they have been asking for a solution on doing it. It would be a discussion. They would have to really work in the community. They would have to do their facts and tell them about what this is and the authorization they are giving to the community to help manage their own resources within their own authorized budget. It is still the same, the city still has to budget for what is brought in.

Mayor Serdy commented he was impressed from the last discussion that Gilbert went from 90,000 people to 250,000 and they were able to provide all the services that were needed. It is a success story.

Councilmember Waldron commented it is interesting to note that Colorado City has a permanent base adjustment.

Vice Mayor Wilson commented he also looks at the cost of doing home rule every four years. It is a cost to the city.

Assistant City Manager Matt Busby stated they could eliminate that additional cost at every election.

Mayor Serdy called for a motion.

Councilmember Struble asked if they would provide them with the information from the League where the gentleman talked about the exemption. They really have to take that into consideration and how it affects the calculation.

Assistant City Manager Matt Busby stated they will. The League produces a large booklet on how to approach the permanent base adjustment, including how to go through it.

They also know of several communities that have gone through it recently. As they learn more about it they will share that information with the council.

Councilmember Struble commented it works for the process of putting it on the ballot and promoting it. He asked if it is the same basic process as home rule as far as who can talk about it.

Assistant City Manager Matt Busby stated that is correct. The same applies to these types of elections.

Mayor Serdy called for a motion.

Councilmember Waldron MOVED THAT THE FOLLOWING DIRECTION BE GIVEN TO STAFF REGARDING PERMANENT BASE ADJUSTMENT: THAT THEY LOOK INTO THE OPTIONS THAT ARE AVAILABLE TO US AND GIVE US THE PARTICULARS ON GOING THROUGH PERMANENT BASE ADJUSTMENT.

Mayor Serdy asked if they need something in there saying moving towards an election.

The consensus was they did not.

Councilmember Evans SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

11. [17-202](#) Council direction to staff on having a retreat and/or townhall.

Yes: 6 - Mayor Serdy, Vice Mayor Wilson, Councilmember Evans, Councilmember Rizzi, Councilmember Struble and Councilmember Waldron

No: 0

City Manager Bryant Powell briefed the council on the item.

Mayor Serdy commented they discussed this last night and it seemed that everyone was in agreement. They can add things to it as it gets closer but they just need to get the process started.

City Manager Bryant Powell stated that is correct. If they want to start working with sponsorships and those type of things he recommended they get going on that now. It would be great to hear dates and yes or no on both or one or the other. He can then start working up what they want to do.

Mayor Serdy called for a motion.

Councilmember Struble commented since this was first proposed about a month and a half ago he has been doing a lot of talking among the city citizens and watching events, looking at things that will be affecting the city for the next 5-20 years. It is a very important thing for them to be doing, for them to be holding town hall meetings for citizens to give their input and for the council to do a retreat to formulate short term and long term plans or visions so that they can prepare for the things that will be happening to us in the city. They will be having to deal with things like possibly the San Tan Valley incorporation and how that might affect us. Another is when we get the Bureau of Land Management land and the State Trust land approved for sale. There are a lot of different issues that will be coming up that they have to plan ahead for so they are not doing things by the seat of their pants when they actually do happen. They need to plan for the item as we go forward. He looks forward to working on this process.

Mayor Serdy called for a motion.

Councilmember Struble MOVED THAT WE DIRECT THE STAFF TO ORGANIZE THE FACILITATION WITH THE ASSISTANCE OF ARIZONA TOWN HALL OF AN APACHE JUNCTION TOWN HALL MEETING IN SEPTEMBER OR EARLY OCTOBER 2017; FOR STAFF TO INVITE UP TO 50 LOCAL STAKEHOLDERS TO PARTICIPATE IN THE DEVELOPMENT OF RECOMMENDATIONS TO THE CITY COUNCIL ON A VISION AND PROJECTS TO MOVE APACHE JUNCTION FORWARD INTO THE NEXT 20 YEARS. I ALSO MOVE THAT WE DIRECT STAFF TO ORGANIZE A WORK SESSION RETREAT IN LATE OCTOBER OR EARLY NOVEMBER 2017. THE RETREAT WILL BE FACILITATED BY AN INDEPENDENT CONSULTANT WHO WILL ASSIST IN THE DEVELOPMENT OF A VISION STATEMENT AND MISSION STATEMENT FOR APACHE JUNCTION WHICH WILL ALLOW APACHE JUNCTION TO PREPARE FOR THE SHORT AND LONG TERM NEEDS OF THE COMMUNITY.

Councilmember Rizzi SECONDED THE MOTION.

Mayor Serdy commented before he takes a second he wanted to ask why they would limit that to 50. He asked if they can leave that more open.

Councilmember Struble commented the reason why he put down 50 is because they had some concerns last night of preparing for a meeting and to prepare for food and such things if they wanted to do that. But, also, if it is going to be a town hall meeting they are going to have the city council there and it will be open to the public so anybody can attend. It will be treated like the Bureau of Land Management where we will have a facilitator who will direct the members that are invited to actually do the inputting and development of the plan.

City Manager Bryant Powell asked if he meant Environmental Protection Agency process.

Councilmember Struble commented that is correct. He asked if that is not what he said.

Councilmember Rizzi advised him it was not.

City Manager Bryant Powell stated that is alright. That is how the Environmental Protection Agency process was when Janine set that up.

Councilmember Struble commented he meant the Environmental Protection Agency.

City Manager Bryant Powell stated there were several of them there that night that did not participate in the group but they were in the room.

Mayor Serdy commented he understands that now and he will take a second.

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

(During the vote Vice Mayor Wilson commented he would vote yes but he would like to look at the idea of possibly going beyond the 50 to include a lot more.)

The motion carried.

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

Yes: 6 - Mayor Serdy, Vice Mayor Wilson, Councilmember Evans, Councilmember Rizzi, Councilmember Struble and Councilmember Waldron

No: 0

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

Councilmember Evans MOVED THAT AN EXECUTIVE SESSION AT 6:00 P.M. AND A WORK SESSION AT 7:00 P.M. BE HELD ON MONDAY, JUNE 5, 2017, IN THE CITY COUNCIL CONFERENCE ROOM AND CITY COUNCIL CHAMBERS RESPECTIVELY; AND

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

Councilmember Rizzi SECONDED THE MOTION.

VOTE: Unanimous.

The motion carried.

12. [17-180](#) Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Monday, June 5, 2017.

13. [17-181](#) Executive Session at 6:00 P.M for Tuesday, June 6, 2017. Other meetings if necessary.

M. CALL TO PUBLIC

Mr. George Schroeder, 2444 W. Virginia, Apache Junction, addressed the council regarding the public trust land for the school district.

N. ADJOURNMENT

Mayor Serdy called for a motion to adjourn.

Vice Mayor Wilson MOVED TO ADJOURN.

Mayor Serdy adjourned the meeting at 8:35 p.m.