



# 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, June 5, 2018

7:00 PM

City Council Chambers

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### A. CALL TO ORDER

The City Council Regular Meeting was called to order by Mayor Serdy at 7:01 p.m.

### B. INVOCATION AND PLEDGE OF ALLEGIANCE

Vice Mayor Wilson gave the invocation and Councilmember Evans led the meeting attendees in the Pledge of Allegiance.

### C. ROLL CALL

Present: 7 - Mayor Serdy  
Vice Mayor Wilson  
Councilmember Barker  
Councilmember Evans  
Councilmember Rizzi  
Councilmember Struble  
Councilmember Waldron

Councilmember Robin Barker was present telephonically.

#### Staff Present:

City Manager Bryant Powell  
Assistant City Manager Matt Busby  
City Clerk Kathleen Connelly  
City Attorney Joel Stern  
Assistant to the City Manager Anna McCray  
Public Safety Director Thomas Kelly  
Public Works Director Mike Wever  
Parks and Recreation Director Liz Langenbach  
Development Services Director Larry Kirch  
Presiding Magistrate James Hazel  
Senior Planner Rudy Esquivias  
Public Information Officer Al Bravo  
Sponsorship/Partnership Programs Administrator Roger Hacker

### D. CONSENT AGENDA

1. [18-251](#) Consideration of acceptance of agenda.

A motion was made by Councilmember Robin Barker, seconded by Councilmember

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**Dave Waldron, to Adopt the Consent Agenda. The motion carried by a unanimous vote.**

2. [18-252](#) Consideration of approval of minutes of special meeting of May 14, 2018.

**These minutes were approved.**

3. [18-253](#) Consideration of approval of minutes of regular meeting of May 15, 2018.

**These minutes were approved.**

4. [18-265](#) Award of bid for landscape maintenance services to BrightView Landscape Services, Inc. for Renaissance Point, Arroyo Verde, Phelps Drive Phase I & II, Royal Palm Rd., Ironwood Dr. Exit, Goldfield Rd. Exit, Tomahawk Rd. Exit, Idaho Rd. Exit, Plaza Dr., Old West Highway Median, North Apache Trail, Public Works Facility & Paws and Claws Care Center (PR-18-01) for an amount not to exceed \$154,017.98.

**This award of bid was approved.**

5. [18-263](#) Consideration of award of contract to Viasun Corporation for improvements to the Phelps Drive drainage channel in partial fulfillment of fiscal year's 2018-2019 Street Maintenance Plan. The work would be through the Pinal County cooperative contract no. EC15-008-4 in the amount of \$101,297.90 plus 10% for unseen change orders in the amount of \$10,129.79 for a total not to exceed \$111,427.69.

**This contract was approved.**

6. [18-255](#) Consideration of rejection of bids for representation of indigent defenders in the municipal court, due to unresponsiveness and irregularities in the procurement process.

**The rejection of bids was approved.**

7. [18-257](#) Consideration of approval of proposed first amendment to indigent defense contracts for representation of indigent defendants in the municipal court, proposing the term of the current providers to be extended through and including December 31, 2018.

**The proposed amendment to these contracts was approved.**

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

8. [18-240](#) Recognition by the mayor and city council of individuals and/or organizations who have made donations to support city activities, programs and projects. Recipients may wish to make comments on their donation.

**Sponsorship/Partnership Programs Administrator Roger Hacker, Parks and Recreation Director Liz Langenbach, and Police Chief Thomas Kelly recognized individuals and**

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donors who have made donations through the non-profit organization of Friends of Apache Junction in the previous quarter. Individuals and organizations that were recognized included:

- 1) The thirty plus employees of the Apache Junction Unified School District who contribute through payroll deductions to the Drug Abuse Resistance Program (D.A.R.E.) program
- 2) Dennis and Dawn Douglass for their contribution to the Paws and Claws Center
- 3) The Gila River Indian Community for their contribution for replacement radios for the police department
- 4) The American Legion Post #27 for video cameras to enhance public safety
- 5) Apache Junction Walmart Supercenter for aid in community outreach
- 6) Superstition Mountain Rotary Club for video cameras to enhance public safety
- 7) Lost Dutchman Marathon Incorporated for donations to the police department auxiliary and explorers programs and the parks and recreation running club and scholarship opportunities
- 8) Residents of Gold Canyon who held a fundraiser to donate funds to the Paws and Claws Center

Mr. Hacker stated the particular donors recognized this evening met specific criteria for recognition by the city council. He further stated any donation, big or small, is much appreciated and helps the community.

9. [18-159](#) Presentation of 25-year Service Award to Jan Mason of the City Clerk's Office.

Mayor Serdy and City Manager Powell presented Jan Mason with a 25-year Service Award.

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

10. [18-246](#) Announcement of current events from mayor and councilmembers.

Councilmember Struble announced Logan Reichwald is representing Apache Junction in the National Junior High Rodeo in South Dakota. The Keep Your Car and Truck Dirty Week held a car wash on May 12 was successful and raised \$500.00 for a classmate that needed surgery. The Daughters of the American Revolution held a contest in which 2nd grade students of Desert Vista Elementary participated. Several students won the state contest and moved on to the national contest.

Mayor Serdy mentioned the kachina sculpture that was recently installed at the Focal Point. He also reminded everyone of the high fire risk warnings both in town and the surrounding areas.

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

11. [18-247](#) City manager's report.

City Manager Powell stated he was grateful for residents volunteerism and contributions in the time and energy they give to the community in support of families and youth as well as city services and programs.

12. [18-266](#) Presentation of plaque to Officer Harshman for his five years of leadership in the Apache Junction DARE Program and introduction of the new DARE officer, Carl Halperin.

**City Manager Powell recognized Officer Marty Harshman for his five years of leadership of the D.A.R.E. program. Police Chief Kelly introduced the new D.A.R.E. Officer, Carl Halperin.**

## **H. PUBLIC HEARINGS**

13. [18-259](#) Consideration of application for a new license, corporation, series 10 liquor license for Circle K Store #2741647 located at 2341 S. Ironwood. 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.

**A motion was made by Councilmember Rizzi, seconded by Councilmember Waldron, that this item be Approved. The motion carried by an unanimous vote.**

14. [18-258](#) Consideration of renewal of Off-Track Parimutuel Wagering Permit at Mirage Sports Grill located at 725 W. Apache Trail #2A, submitted by Turf Paradise Race Course on behalf of Turf Paradise. The next step in the process is for the council to hold a public hearing on the renewal and make a recommendation for approval or denial to be forwarded to the Arizona Racing Commission.

**A motion was made by Councilmember Waldron, seconded by Councilmember Rizzi, that this item be Approved. The motion carried by an unanimous vote.**

15. [18-267](#) Public hearing, discussion and consideration on possible motion for reconsideration of conditions on Resolution No. 18-21 related to the May 15th approval of Hitching Post's conditional use permit event center. If council votes to approve the motion for reconsideration, they will then need to select a date, time and location for a new discussion at a public hearing as well as the scope of discussion.

**The mayor and council discussed potential reasons for a possible motion for reconsideration of the conditions contained in Resolution No. 18-21 relating to the Hitching Post's Conditional Use Permit (CUP).**

**The Public Hearing was held.**

**Various members of the community spoke either in favor or against the the reconsideration.**

**Councilmember Rizzi asked City Attorney Stern if the applicant can rescind the CUP application. City Attorney Stern replied that it could be done, however, the original economic development agreement would be enforced. This would eliminate current events and impact parking.**

Mayor Serdy asked for explanation why the traffic analysis was included in staff recommendations. City Attorney Stern called for an explanation by Development Services Director Larry Kirch. Director Kirch explained the reason why this was recommended by staff was because there was no determination of the impact of the proposed scale of the development.

Mayor Serdy asked City Attorney Stern what would happen if the CUP stayed in place and the applicant did not abide by to the conditions with time limits. City Attorney Stern explained staff would present the information to the planning and zoning commission which could then revoke the CUP. The applicant would then be subject to follow the original economic development agreement. He also explained the planning and zoning commission can not revoke the economic development agreement, only the city council can. Councilmember Evans asked if the city council can revoke both the development agreement and the CUP. City Attorney Stern said only the planning and zoning commission can revoke the CUP and only the city council can revoke the economic development agreement with good cause. City Attorney Stern explained the process to revoke the economic development agreement at Councilmember Rizzi's request.

Councilmember Struble requested information on how the reconsideration should be done. City Attorney Stern explained the process and how he recommends the motion be made.

A motion was made by Vice Mayor Wilson for the city council to reconsider conditions numbers 1, 2, and 8 of the Conditional Use Permit contained in Resolution No. 18-21 at the upcoming July 17th Regular Council Meeting, which was seconded by Mayor Serdy. A substitute motion was made by Councilmember Waldron, seconded by Councilmember Barker, to Deny the first motion. The motion to deny the first motion passed with a 5-2 vote (Yes: Barker, Evans, Rizzi, Struble, and Waldron. No: Serdy, Wilson.). No further action on the first motion was required.

**I. OLD BUSINESS**

**J. NEW BUSINESS**

**K. COUNCIL DIRECTION TO STAFF**

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

16. [18-249](#) Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Monday, June 18, 2018.

The meeting dates were approved with an unanimous vote.

17. [18-250](#) Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Tuesday, June 19, 2018. Other meetings if necessary.

The meeting dates were approved with a unanimous vote.

**M. CALL TO PUBLIC**

George Schroeder, 2444 W. Virginia St., Apache Junction spoke in support of the programs for the citizens and animals of Apache Junction. He spoke against Judge Hazel's discussion of workers in the city and against the city's participation in MAG and intergovernmental agreements.

## N. ADJOURNMENT

The meeting was adjourned at 9:25 pm.

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

SIGNED AND ATTESTED TO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

\_\_\_\_\_  
JEFF SERDY  
Mayor

ATTEST:

\_\_\_\_\_  
KATHLEEN CONNELLY  
City Clerk

### CITY COUNCIL MINUTES CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of the City of Apache Junction, Arizona, held on the 5th day of June, 2018. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 19th day of June, 2018.

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KATHLEEN CONNELLY  
City Clerk