

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, January 15, 2019

7:00 PM

City Council Chambers

A. CALL TO ORDER

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

B. INVOCATION AND PLEDGE OF ALLEGIANCE

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

C. ROLL CALL

Staff in Attendance:
Bryant Powell, City Manager
Matt Busby, Assistant City Manager
Anna McCray, Assistant to the City Manager
Kathy Connelly, City Clerk
Jennifer Pena, Deputy City Clerk
Police Chief Kelly
Joel Stern, City Attorney
Eric Yuva, City Prosecutor
Thomas Kelly, Chief of Police
Larry Kirch, Development Services Director
Janine Solley, Economic Development Director
Al Bravo, Public Information Officer
Dave Zellner, Building Official
Raquel Schatz, Public Works Engineer

Present: 7 - Mayor Serdy

Vice Mayor Wilson
Councilmember Barker
Councilmember Evans
Councilmember Rizzi
Councilmember Struble
Councilmember Waldron

Excused: 1 - Councilmember Schroeder

D. CONSENT AGENDA

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

1. <u>18-588</u> Consideration of acceptance of agenda.

The agenda was accepted.

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

Evans, Councilmember Rizzi, Councilmember Struble and Councilmember

Waldron

No: 0

Excused: 1 - Councilmember Schroeder

2. 18-589 Consideration of approval of minutes of regular meeting of December 18,

2018.

The minutes were approved.

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

Evans, Councilmember Rizzi, Councilmember Struble and Councilmember

Waldron

No: 0

Excused: 1 - Councilmember Schroeder

E. AWARDS, PRESENTATIONS AND PROCLAMATIONS

18-587 Presentation of plaque to Councilmember Waldron acknowledging his years
of service to the City of Apache Junction.

Mayor Serdy thanked Councilmember Waldron for his years of service and presented him with a plaque and his City Council photograph.

Councilmembers Waldron and Evans expressed their appreciation of working with him over the years and wished him the best in his future endeavors.

4. 18-607 Oath of office and seating of newly elected mayor and councilmembers. As

required by law, the city clerk will administer the oaths of office to Mayor-elect

Serdy and Councilmembers-elect Evans, Rizzi and Schroeder.

City Clerk Kathy Connelly administered the oath of office to Mayor-elect Serdy and Councilmembers-elect Evans, Rizzi and newly-elected Councilmember Schroeder. They then took their seats at the Dias.

F. ANNOUNCEMENT OF CURRENT EVENTS

5. 18-590 Announcement of current events from mayor and councilmembers.

Councilmember Struble announced the first annual prayer walk will be held January 27th. This year will be the 2nd annual K-12 talent competition at Barleens Arizona Opry. The competition is a fund raising event for the school district. This year funds raised will be used to purchase new musical instruments and repair existing ones.

Councilmember Rizzi thanked the Jr. Honor Society for making all the Christmas cards that are taken to the nursing facilities around Apache Junction. She stated while the elementary kids make them, the Jr. High school students also participate by joining the group in passing out the cards and singing Christmas carols.

She mentioned a post on Facebook where a W.W. II veteran in California was turning 96 and all he requested for his birthday, were birthday cards. She mentioned the community united again and Apache Junction sent 153 cards to the veteran.

Lastly she mentioned they were still working on the voting of the holiday decoration competition known as "Light the Trail." A notice of how the voting will take place will be published on the City's website soon.

Mayor Serdy announced his formal attire could be attributed to his daughter Taylor. She was married just last month. He wore it to the wedding and she insisted he wear it for his swearing in ceremony.

He announced the Airport Board meeting was held in that morning and Allegiant Airline is still adding small cities to their flight routes. Currently there are 48 destinations out of Phoenix-Mesa Gateway.

He stated the mayors of Pinal County were invited to a breakfast with Senator Martha McSally who announced her intentions to meet with all the Mayor's in Arizona and see what she can do to help municipalities.

G. CITY MANAGER'S REPORT

6. <u>18-591</u> City manager's report.

City Manager Bryant Powell read a letter he recently received from a resident regarding one of Apache Junction's Police Officers. The letter praised Officer Painter's professionalism, intelligence, and kindness during his conversation with him. The resident was extremely appreciative of the personal engagement of officer Painter.

H. PUBLIC HEARINGS

7. <u>18-606</u>

Consideration of application for a special event liquor license for Salt River Wild Horse Management Corporation, 2910 W. Apache Trail, for the Superstition Harley-Davidson event on Saturday, January 26, 2019. The next step in this 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.

Mayor Serdy opened the public hearing.

City Clerk Kathy Connelly provided an overview of the proposed event and stated no city departments or the fire district had concerns or issues with the annual event. The applicant was present for any questions.

Sabrina Brown, 10623 E. Carmel, Mesa AZ., applicant, stated the event is held each year to raise funds to help the Salt River Wild Horse Management Corporation provide medical services and other care to the wild horses.

No further discussion was held and the public hearing was closed.

Councilmember Rizzi moved and Councilmember Barker seconded that the application for a special event liquor license for Salt River Wild Horse Management Corporation, for an event to be held at Superstition Harley-Davidson, 2910 W. Apache Trail, Apache Junction, Arizona, on Saturday, January 26, 2019, be recommended for approval 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

Schroeder

No: 0

Excused: 1 - Councilmember Waldron

8. <u>18-604</u> Presentation, discussion, public hearing and possible consideration of the proposed Active Transportation Plan.

Larry Kirch Development Services Director announced several other cities throughout the valley were working on Active Transportation Plans and the Maricopa Association of Governments (MAG) was also working on a Regional Transportation Plan. He then introduced Dean Chambers with J2 Designs, the company that has been working on the Active Transportation Plan for the City.

Mr. Dean Chambers of J2 Designs summarized the overall project study describing the various types of transportation modes the plan addresses. Modes of transportation usually consist of walking and bicycling, but the study includes transportation modes such as motorized scooters, non-motorized scooters, horses, wheelchair, and other non-traditional methods to move about without the use of a vehicle.

They held 26 events throughout the year. A survey conducted had a response rate of 67% with 79% of those surveyed averaging at 45 years of age. The three highest ranked projects included: Trails, Bicycle lanes, and sidewalks/shared use paths. Those comments were incorporated into the survey and should be reviewed when moving forward and prioritizing projects.

Mr. Chambers touched on several areas and alternatives for improvement such as speed limits, and reducing traffic lanes that caused considerable discussion from the community. He recommended an extensive traffic study and traffic light study, called a gap study, be done.

After some discussion and concerns expressed by Council, City Manager Bryant Powell stated the study is a proposed plan that is subject to further analysis and adjustments designed to help the city with future transportation elements, and future funding mechanisms.

In response to further questions from Council, Assistant City Manager Matt Busby stated the plan creates a foundation of priorities of the various transportation methods people use throughout the community and how to implement the changes. The plan is a fluid document subject to change and safety matters.

In response to questions from Council, Mr. Chambers stated the State Department of Transportation was included, but there was never a representative present during the 26 events held. However, they were included in the correspondence and communications related to the study.

Rhonda Baker - 4338 E. 6th Avenue, Apache Junction, expressed concerned about reduction of lanes on Superstition Boulevard. The turn lanes into the post office are an issue and she raised concern with access to the road for the Fire trucks. Narrowing the lanes to accommodate a bike lane was extremely concerning considering the community is home to a significant number of seniors that need the wider lane and for those driving a Class A motorhome. They need the wider lanes regardless.

Darla Cheves, 1482 W. Martabella Avenue, Apache Junction, stated Ms. Baker is spot on when she addressed several issues of safety if the lanes on Superstition Boulevard are reduced or if the

width of traffic lanes be narrowed. She would like to see more beautification along the trails and walkways. The city is growing. Its population is increasing as well as the traffic. The future growth and traffic of the community should be considered and that includes increased lanes, bike lanes, and alternative traffic routes, not reducing the number of lanes, or narrowing them.

Stewart Park, 1255 N. Sunset Road, apache Junction, moved here for the opportunities that bicycling offered. Apache Junction is a beautiful place that won't stay hidden forever. The route they have coined as Legacy Loop will attract many people to the city. He suggested signage on roadways where there is no bike lane to reminding drivers to share the road.

Darryl Cross, 1018 N. Acacia Road, Apache Junction, stated the Superstition Horsemen's Association likes the plan with one caveat: that Superstition Boulevard not be modified. It is already a significantly used roadway especially when there is construction or a traffic accident that causes closures or extended delays on Apache Trail.

Councilmember Barker moved and Councilmember Rizzi seconded to accept the Active Transportation Plan as recommended by the Planning and Zoning Commission and Parks and Recreation Commission and that the Active Transportation Plan be incorporated into the Circulation Element of the City of Apache Junction General Plan 2020-2050 "Legendary Landscapes and Lifestyles".

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

Evans, Councilmember Rizzi, Councilmember Struble and Councilmember

Schroeder

No: 0

Excused: 1 - Councilmember Waldron

I. OLD BUSINESS

J. NEW BUSINESS

9. 18-456 Presentation and discussion by Sharon Stinard of the Apache Junction Focal Point Committee to introduce ideas for the 2022 100-Year Founders Day

Celebration.

Sharon Stinard introduced Jeff Danford from the Superstition Mountain Museum and Braden Biggs Community Programs Manager with the United Way and they make up the Founders Day Committee.

Ms. Stinard stated August 21, 2020 will mark the 100 year anniversary of the founding of Apache Junction. She provide a brief history on the founding family of Apache Junction and how it received its name. The Committee meets regularly at the Chambers of Commerce to organize the year-long celebration recognizing the anniversary, and invited the City and community to help plan, organize and fundraiser for the events.

Mr. Danford stated they will be loaning several historical photographs to the committee and highlighted several events the City holds annually. He would like to see an incorporation of the 100 Anniversary theme brought to these events. This will help in continuing the year-long celebration. They will be working on a community outreach program, but asked everyone present to remember to mention the event and that help from the community members is needed.

The celebration will run from January 1, 2020 to December 31, 2020 with the large celebration on August 21, 2020.

Mr. Biggs stated he will be working on social media platforms to spread the word. They will be working on a video for the big anniversary event, and would like to recognize past and present community leaders that have made Apache Junction what it is today. He provided is personal cell phone at this time for people to contact him, 573-586-8787.

It was noted that since the Apache Junction Focal Point Committee is not a 501C(3), Friends of Apache Junction will be the Fiscal Agent. However, when making a donation you must specify that your donation is for the 100 anniversary event.

Council took a short recess at 8:25 p.m.

10. <u>18-598</u>

Presentation, discussion and possible consideration of proposed Resolution No. 18-33, approving extinguishments on portions of public roadway easements located on Acacia Road from Pioneer Street to Smoketree Street and Pioneer Street from Cortez Road to Acacia Road.

Public Works Project Engineer Raquel Schatz provided a brief summary and presentation on the proposed extinguishment of the easement and addressed the regulations governing the easement and access to the property.

The property has a GLO easement which is a roadway and utility easement created by the initial transfer of land titles from the Federal government to individuals, through the General Land Office (GLO), now the Bureau of Land Management (BLM), pursuant to the provisions of an Act of Congress approved June 1, 1938.

Federal Patent Easements (FPEs) are either 5 or 2 $\frac{1}{2}$ acre parcels with a reservation of right-of-way of 33' in width along the boundaries of said land.

The reservation of right-of-way along the boundaries of the land ensured that no individual parcel would be land locked, or without legal access to the land.

The City considers the FPEs to the same restrictions as other types of public right-of-way. No permanent structures may be constructed within the FPE and the parcel building setback lines are to be measured from this line.

She stated the property owner has notified the surrounding residents requesting the extinguishment of the easement and the city has received the required Prop 207 waivers. The owner would like to build a home on the site and due to the location of the protected floodplain needs the extra land.

Councilmember Rizzi moved and Vice Mayor Wilson seconded that Resolution No. 18-33, a resolution of the Mayor and City Council of the City of Apache Junction, Arizona, approving extinguishments on portions of public roadway easements located on Acacia Road from Pioneer Street to Smoketree Street and Pioneer Street from Cortez Road to Acacia Road, be approved.

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

Evans, Councilmember Rizzi, Councilmember Struble and Councilmember

Schroeder

No: 0

Excused: 1 - Councilmember Waldron

11. 18-600 Consideration and discussion on removal of Steve Kridler from the planning

and zoning commission pursuant to Apache Junction City Code, Vol. I, § 2-22-2(A) as well as Braden Biggs from the board of adjustment and appeals pursuant to Apache Junction City Code, Vol. I, § 2-21-1, if they do not

communicate their recusal in writing delivered to Development Services Department, from any current or future matter involving the Hitching Post/Mehmood Mohiuddin on or before January 17, 2019.

Councilmember Evans opened discussion regarding the possible conflict of interest regarding a sitting Planning and Zoning Commissioner and a Board of Appeals member with a local business owner.

She stated the City is in a unique situation where it is being sued over a planning matter and the business owner and the two serving on a commission and board appear to be very close. She expressed concern the city has not provided enough information or training, to those who serve on the city's boards and commissions, when it comes to distancing themselves from friends when friends bring matters to the board or commissions.

She implied that Mr. Biggs had conversations with the plaintiff's attorney and regardless of what may have been discussed, it is the appearance of impropriety.

Various councilmember expressed concern on how this was brought to the agenda and felt there was a better resolution to the presumed impropriety.

In response to questions from Council, City Attorney Joel Stern stated the best resolution is to address any situation that appears to be improper is to handle it immediately. The Boards and Commissions have Open Meeting Law training and they are aware to seek his assistance when determining a Conflict of Interest. Whether they do or not, is up to them.

He stated the lawsuit, currently against the City, is being watched by several entities and it is better to error on the side of caution and to use your better judgement when in certain situations.

Mr. Stern announced he will be presenting on the following subjects Tuesday, January 22nd at the Planning and Zoning Commission meeting: Open Meeting Law, Parliamentary Procedures, Conflict of Interest, and Public Records Law.

Mayor Serdy stated Apache Junction is a small community and paths cross on a daily basis. Each individual needs to police themselves and what they say.

12. <u>18-608</u> Consideration of nomination and selection of vice mayor as required by city code.

City Clerk Kathy Connelly explained the Robert's Rules procedure for calling nominations and voting. She explained that for each nomination, the vote is then taken in the order of the nominated individual; the first one to receive a majority vote wins.

Mayor Serdy called for a motion to open nominations for Vice Mayor.

Councilmember Barker moved and Councilmember Rizzi seconded to open nominations for Vice Mayor.

Yes: 7 – Mayor Serdy, Vice mayor Wilson, Councilmember Barker, Councilmember Evans, Councilmember Rizzi, Councilmember Struble and Councilmember Schroeder

No: 0

Mayor Serdy asked for nominations for Vice Mayor.

Councilmember Rizzi nominated Chip Wilson. Mayor called a second and third time for nominations; there were no more nominations.

Mayor Serdy called a vote to close the nominations.

Councilmember Barker moved and Councilmember Rizzi seconded to close the nominations.

Yes: 7 – Mayor Serdy, Vice mayor Wilson, Councilmember Barker, Councilmember Evans, Councilmember Rizzi, Councilmember Struble and Councilmember Schroeder

No: 0

Mayor Serdy called for the vote to elect Chip Wilson to serve as Vice Mayor.

Yes: 7 – Mayor Serdy, Vice mayor Wilson, Councilmember Barker, Councilmember Evans, Councilmember Rizzi, Councilmember Struble and Councilmember Schroeder

No: 0

13. 18-609

Designation of acting mayor in accordance with Apache Junction City Code Section 2-2-3 Acting Mayor. This item allows the council to designate one of its members to be acting mayor during the absence of both the mayor and vice mayor. The person will be able to conduct meetings and act in the event of emergency situations. Discussion and designation of acting mayor.

Mayor Serdy called for a motion to open nominations for Acting Mayor.

Councilmember Barker moved and Councilmember Rizzi seconded to open nominations for Acting Mayor.

Yes: 7 – Mayor Serdy, Vice mayor Wilson, Councilmember Barker, Councilmember Evans, Councilmember Rizzi, Councilmember Struble and Councilmember Schroeder

No: 0

Mayor Serdy asked for nominations for Acting Mayor.

Vice Mayor Wilson nominated Councilmember Schroeder.

Mayor Serdy called the second time for nominations, called a third time for nominations, called a fourth time for nominations.

Councilmember Rizzi nominated Robin Barker to serve as Acting Mayor.

Mayor Serdy called for a motion to close nominations.

Vice Mayor Wilson moved and seconded by Councilmember Barker to close the nominations.

Yes: 7 – Mayor Serdy, Vice mayor Wilson, Councilmember Barker, Councilmember Evans, Councilmember Rizzi, Councilmember Struble and Councilmember Schroeder

No: 0

Mayor Serdy called for the vote to elect Councilmember Schroeder to serve as Acting Mayor.

Yes: 2 - Vice Mayor Wilson, Mayor Serdy

No: 5 – Councilmember Rizzi, Councilmember Barker, Councilmember Struble, Councilmember Evans, Councilmember Schroeder

Mayor Serdy called for the vote to elect Councilmember Barker to serve as Acting Mayor.

Yes: 7 – Mayor Serdy, Vice mayor Wilson, Councilmember Barker, Councilmember Evans, Councilmember Rizzi, Councilmember Struble and Councilmember Schroeder

No: 0

14. <u>18-610</u>

Consideration of designation of city council check signatories. City checks require the signature of a council member in addition to that of the city clerk.

Councilmember Rizzi moved and second by Councilmember Evans to appoint Councilmember Wilson and Mayor Serdy as check signatories.

Yes:

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

No: 0

Excused: 1 - Councilmember Waldron

K. COUNCIL DIRECTION TO STAFF

7 -

15. <u>18-601</u> Consideration, discussion and direction to staff on creating a code of conduct applicable to the council, board and commission members.

Councilmember Evans opened discussion relating to the city adopting a Code of Conduct. She stated it would be another step in the professional development of the City.

Councilmember Evans moved and seconded by Councilmember Barker that the following direction, "to promptly present a rough draft to Council," be given to staff on creating a code of conduct applicable to the city council, board and commission members.

Yes:

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

No: 0

Excused: 1 - Councilmember Waldron

16. 18-605

Presentation, discussion and possible council direction to staff on proposed Ordinance No. 1469, amending Apache Junction City Code, Volume I, Chapter 4, Fees, by repealing Article 4-4, Planning, Zoning Review And Subdivision Fees, Sections 4-4-1 through 4-4-12, in its entirety; renaming the article to "Development Services Fees" and adopting new provisions to replace those noted above; repealing any conflicting provisions; providing for severability; and establishing an effective date and a revolving sixty month review period.

Staff will present proposed fees based on the discussion held at the December 17, 2018 City Council Work Session.

Councilmember Evans moved and Councilmember Rizzi seconded that the following direction be

given to staff regarding proposed Ordinance No.1469, amending Apache Junction City Code, Volume 1, Chapter 4 Fees, repealing Article 4-4 in its entirety and adopting new provisions to replace those noted above: that staff present a final proposed ordinance based on the draft provided to council on January 15, 2019, including any changes deemed necessary by the city attorney and bring it back for a public hearing and vote on March 19, 2019; and that staff take all actions necessary to meet the legal requirements of A.R.S. §9-499.15 regarding notification of the pending action.

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

Evans, Councilmember Rizzi, Councilmember Struble and Councilmember

Schroeder

No: 0

Excused: 1 - Councilmember Waldron

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

17. <u>18-592</u> Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Monday,

February 4, 2019 in the city council conference room and city council chambers located at 300 E. Superstition Boulevard, Apache Junction,

Arizona, respectively.

Councilmember Barker moved and Councilmember Evans seconded that an executive session at 6:00 p.m. and a work session at 7:00 p.m. for Monday, February 4, 2019 be held in the city council conference room and city council chambers, 300 E. Superstition Boulevard, Apache Junction, Arizona, respectively.

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

Evans, Councilmember Rizzi, Councilmember Struble and Councilmember

Schroeder

No: 0

Excused: 1 - Councilmember Waldron

18. 18-593 Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Tuesday,

February 5, 2019 in the city council conference room and city council chambers located at 300 E. Superstition Boulevard, Apache Junction,

Arizona, respectively. Other meetings if necessary.

Councilmember Barker moved and Councilmember Rizzi seconded that an executive session at 6:00 p.m. and work session at 7:00 p.m. for Tuesday, February 5, 2019 be held in the city council conference room and city council chambers, 300 E. Superstition Boulevard, Apache Junction, Arizona, respectively.

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

Evans, Councilmember Rizzi, Councilmember Struble and Councilmember

Schroeder

No: 0

Excused: 1 - Councilmember Waldron

M. CALL TO PUBLIC

Jayson Sinelli 2571 S. Acacia Road, Apache Junction, a county resident within the city limits, stated he lives directly east of the Mountain View Lutheran Church who recently installed a lighted sign.

The sign has made a significant impact on their lives, and inquired if the city has any ordinances addressing these types of signs in order to protect itself. He presented photos of his backyard at night, which illustrated the brightness and spread of illumination caused by the sign.

He stated the church has been in contact with him and they are working on finding common ground with the sign. He would like to see the situation reviewed.

Frank Schoenbeck 525 E. Fred Avenue, Apache Junction, from Mountain View Lutheran Church mentioned he recently visited the Sinelli's at night to see in person the impact the sign is creating.

He spoke to Mr. Sinelli's comments and stated he also went back during the day to see the layout and location of the sign near Mr. Sinelli's property.

The church is installing a dimmer sensor and is working on how the sign changes messages. Currently they change with a flash, but they are working on a sliding transition. They are considering turning off the sign late at night, but are still reviewing options.

He also observed a reflection which occurs on the mountainside from the sign. The church will continue working with the neighbors to find some resolution.

N. ADJOURNMENT

Mayor Serdy adjourned the meeting at 9:28 p.m.

ACCEPTED THIS DA			
SIGNED AND ATTESTED TO THI	S	DAY OF	, 2019.
	JEFF SERI Mayor	DY	
ATTEST:	,		
KATHLEEN CONNELLY			

City Clerk

CITY COUNCIL MINUTES CERTIFICATION

City Council of the Cit	y of Apache Junction, Arizona, held on the	
		nt.
day of	, 2019.	
LY		
	City Council of the City	e foregoing minutes are a true and correct copy of the minutes of City Council of the City of Apache Junction, Arizona, held on the, 2019. e meeting was duly called and held and that a quorum was prese day of, 2019. LY