



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 7, 2019

7:00 PM

City Council Chambers

A. CALL TO ORDER

Mayor Serdy called the meeting to order at 7:04 p.m.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Vice Mayor Wilson gave the invocation and Councilmember Struble 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 Schroeder

Staff in Attendance:

Bryant Powell, City Manager
Matt Busby, Assistant City Manager
Joel Stern, City Attorney
Thomas Kelly, Chief of Police
Jennifer Pena, Deputy City Clerk
Al Bravo, Public Information Officer
Larry Kirch, Development Services Director
Dave Zellner, Building Official
Sidney Urias, City Planner
Rita Vinyard, Administrative Assistant
Connie Chow, Finance Controller
Evie McKinney, Utility Billing Supervisor

D. CONSENT AGENDA

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

1. [19-167](#) Consideration of acceptance of agenda.

The agenda was accepted.

2. [19-168](#) Consideration of approval of minutes of regular meeting of April 16, 2019.

The minutes were approved.

3. [19-181](#) Consideration of approval of base hospital agreement between Scottsdale Healthcare Hospitals dba Honor Health and City of Apache Junction for tactical paramedic.

The agreement with Scottsdale Healthcare Hospitals dba Honor Health for tactical paramedic services was approved.

E. AWARDS, PRESENTATIONS AND PROCLAMATIONS

4. [19-162](#) Presentation of an award from Rachel Hersh, Development Officer at Mother's Against Drunk Driving (MADD), to the Apache Junction Police Department for their participation in the MADD walk as the "Top Fundraising Law Enforcement Team".

Chief Kelly introduced Rachel Hersh from Mother's Against Drunk Driving. She was there to recognize the Apache Junction Police Department and Officer Ernie Eaton and Darrin Hatch in their fundraising efforts for the Walk Like MADD event. The funds raised help provide victims with emotional support and assistance with medical and legal struggles that follow a drunk driving crash. The funds support the heroes in law enforcement who work to keep our roads safe. It helps the organization work with state and local legislators to adopt tougher laws, including requiring ignition interlocks for all DUI offenders, closing the loopholes in many existing laws and many other efforts related to drunk driving.

She presented the Police Department and Officer Eaton, the team captain, with an award as they were the only law enforcement team that raised over \$2,500.00, and ranked 4th as the highest fundraising team. The event raised over \$74,000. This is the second year Officer Eaton and his team has won the award.

Officer Eaton spoke on how he organized his team, used social media to promote the event, request donations and get others involved. He stated it takes a lot of networking and he had challenged every law enforcement department in the state.

He announced there should be another event in October and invited everyone to either come out or pledge.

5. [19-137](#) Presentation of proclamation recognizing May 18, 2019 as Kids to Parks Day.

Mayor Serdy read the proclamation recognizing May 18, 2019 as Kids to Parks Day. Park Ranger Supervisor Kelly Martin was present to accept the proclamation.

6. [19-190](#) Presentation of proclamation recognizing the week of May 5 - 11, 2019 as "Municipal Clerks Week".

Mayor Serdy read the proclamation recognizing May 5-11, 2019 as Municipal Clerks Week. Members of the City Clerk's office were present to accept the proclamation.

F. ANNOUNCEMENT OF CURRENT EVENTS

7. [19-169](#) Announcement of current events from mayor and councilmembers.

Councilmember Struble announced he participated in the Apache Junction Unified High School Senior Interview Day.

It is a time when seniors go through a variety of different job interviews in preparation for the job market. He really enjoys this event and hearing the diverse stories these seniors talk about.

Vice Mayor Wilson announced he attend the grand opening of the City of Casa Grande's recreation center. The city teamed up with the Boys and Girls club to share the building. He also attended the senior high school student interviews and was impressed with many of the kids.

Councilmember Rizzi announced this year was the first year the AJ Unified School District awarded Teachers of the Year and Rookie of the Year awards and she announced those names who received the honor. She attended the 2019 scholarship awards presentation at the high school. She stated it was an amazing night with thousands of dollars being awarded.

Councilmember Schroeder announced the Imagine Prep Charter School held a career day recently. Those organizations that participated in the event ranged from the Merchant Marines, Superstition Fire and Medical Fire District, East Valley Institute of Technology and some news teams were present to discuss journalism with the students.

Councilmember Barker congratulated the Parks and Recreation department on the amazing Easter Egg hunt event, the Water District on the water festival they hosted and the Mayor's Breakfast which engaged so many civic leaders.

Mayor Serdy stated the Mayor's Breakfast was an amazing event with many new attendees. Last week was the first founders day planning group. This celebration will occur in 2022. Currently, the group meets the first Thursday of every month at 6:00 p.m. in the Library. They are in need of volunteers and he encouraged residents to come and help or at least spread the word they need volunteers.

G. CITY MANAGER'S REPORT

8. [19-170](#) City manager's report.

City Manager Bryant Powell thanked Heather Patel for all her hard work in putting together the Mayor's Breakfast. It was a great event with more organizations and government entities in attendance than ever before. There are a tremendous amount of resources in and around the community.

He announced the Lost Dutchman marathon raised over \$70,000 which all comes back to community organizations since the event is fully organized and staffed by volunteers.

He highlighted a booklet called "Community Social Embeddedness" which was recently published by Arizona State University (ASU) and mentions Sr. Planner Rudy Esquivias and the City of Apache Junction.

He stated the city partners with ASU in a variety of studies on sustainable planning and growth to help project future needs and development.

H. PUBLIC HEARINGS

9. [19-178](#) Consideration of application for a new Bar 6 Liquor License for Deborah Lee Wohle, L.L.C. for Lucky Skies located at 945 E. Scenic Street, Apache Junction, AZ. 85119. The next step is for 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 Evans, seconded by Councilmember Rizzi that this item be approved. Motion carried unanimously.

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

No: 0

10. [19-179](#) Consideration of application for a new Bar 6 Liquor License for Duane Earnest Carble for Topsy Kow Smokehouse & Spirits located at 185 N. Apache Trail, Apache Junction, AZ. 85120. 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.

Deputy City Clerk Jennifer Pena briefed the City Council on the Topsy Kow liquor license application, noting the Building and Safety department recommends the Council recommend denial of the application.

City Manager Bryant Powell stated the applicant, Duane Earnest Carble, and the city departments have been working together to address the matters that have led building and safety to their recommendation.

The following items are being addressed at this time as they relate to compliance with state and city regulations:

- Various building alterations that required building permits
- Registered contractor issues
- Plumbing issues
- Seating capacity
- Egress within the building related to safety issues

Councilmember Barker inquired if this is the same business they were having issues with last year and therefore the council required monthly updates? Mr. Powell stated same applicant, different restaurant.

Councilmember Rizzi inquired about the Council's motion, and that it is a recommendation of approval or denial, but the Arizona Department of Liquor Licenses and Control has the final say in whether to approve or deny the application. City Attorney Joel Stern stated she was correct.

Councilmember Evans stated the occupancy rate seems to be increasing and work is being done without following the city process.

Mr. Zellner stated they are working with the applicant regarding these issues because there are several building code requirements that change related to the zoning code and fire and safety issues based on occupant capacity. Staff is working with the applicant showing them all the options, but also what happens based on those options.

Councilmember Rizzi asked if the applicant had permits for the work being done. Mr. Zellner stated they have now applied for permits so the city can now perform inspections.

Councilmember Rizzi then asked if they had a licensed contractor for the work that was done. Mr. Zellner stated they have not verified if the work was done by a licensed contractor but they have someone who is taking responsibility for the work.

Steve Lietzel, owner of the property located at 185 N. Apache Trail, stated he believed there was miscommunication on what work would be done to the building. They are trying to find a general contractor that will sign off on the bar and work with Mr. Carble going forward.

Councilmember Rizzi asked Mr. Lietzel what was the change to the bar that gave the city concern. Mr. Lietzel stated he believed it was electrical work that was done along with plumbing changes.

Mayor Serdy stated as far as he could recall the facility had no bar. Mr. Lietzel stated that was correct, Mr. Carbel purchased a bar from another business and brought it in to the facility. This is where the new electrical and plumbing issues arose.

Mayor Serdy closed the public hearing receiving no other comments.

Councilmember Struble stated Mr. Carble was before Council last year related to similar issues. He stated it is always a challenge to inform the public of municipal codes and processes that have to be followed. He wanted to make sure the public was informed and that city staff was educated on the various processes related to permitting work.

In response to a question from Councilmember Evans, City Attorney Joel Stern stated the city has only so much time to make a recommendation and Mr. Zellner could answer whether there was enough time for Mr. Carble to acquire all the necessary permits.

Mr. Zellner stated the city is waiting on a licensed contractor to take responsibility for the bar. There are other issues that need to be worked through, but he feels a permit could be issued in a few days.

City Attorney Mr. Stern asked if there was time between now and May 21st, the next scheduled council meeting that a permit could be issued. Mr. Zellner stated yes.

Councilmember Evans moved, seconded by Councilmember Barker to continue the application to the May 21, 2019 council meeting.

Motion passed 4:3.

Yes: 4 - Vice Mayor Wilson, Councilmember Barker, Councilmember Evans and Councilmember Struble

No: 3 - Mayor Serdy, Councilmember Rizzi and Councilmember Schroeder

11. [19-197](#) Presentation, discussion, public hearing and consideration of proposed Resolution No. 19-13 (case SD-2-18), a request by McMillan Manufactured Home Development Co. LLC and Lennar Homes (owner), represented by Ralph Pew (applicant), for a 179 lot residential subdivision tentatively to be named Goldview, located near the Southwest corner of Old West Highway and Goldfield Road. (This case is being processed concurrently with case PZ-5-18.)

City Attorney Joel Stern stated if the Mayor so wished, he could read item No. 12 as well and hold a public hearing for both, but then make separate motions.

Mayor Serdey then read item No. 12 for the public hearing as well.

Sydney Urias Planner provided a brief presentation on the project and zoning request. Items that have been addressed are two entrances to the community, one located on Goldfield Rd. and the other on Starr Rd. which will connect to Old West Highway. There is approximately six acres of open space in the development.

The applicant submitted floor plans, elevation plans and color schemes. Staff has reviewed the architectural features and recommends approval.

The applicant is requesting variances from the zoning code in the following areas:

Reduction in minimum lot width from 50' to 45'
Lot coverage from 60% to 65%
Front facing garage from 20' setback to 18'
Front living area and front porch minimum setback from 20' to 10'
Side setback from 7' to 5'
Rear setback from 15' to 10'

Applicant Ralph Pew thanked staff for their time in working with them on the project. They have also worked with Planning and Zoning and are excited to start the project; however, that will be down the road. The infrastructure will take about a year. They wanted to clarify they will be extending Starr Rd. north to meet up with Old West Highway.

Mayor closed the public hearing receiving no public comments.

Councilmember Rizzi moved, seconded by Councilmember Barker to approve Resolution No. 19-13. Motion passed unanimously.

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

No: 0

12. [19-193](#) Presentation, discussion, public hearing and consideration of proposed Ordinance No. 1473 (case SD-2-18), a request by McMillan Manufactured Home Development Co. LLC and Lennar Homes (owner), represented by Ralph Pew (applicant), to rezone approximately 38 acres located near the southwest corner of Old West Highway and Goldfield Road, from B-1 (General Commercial) to RS-5/PD (Medium/High Density Single-Family Detached Conventional Homes by Planned Development. (This case is being processed concurrently with case SD-2-18.)

The public hearing was held along with item No. 11.

Vice Mayor Wilson moved, seconded by Councilmember Rizzi to adopt Ordinance No. 1473 and have the clerk read it by title only.

Deputy City Clerk Jennifer Pena read the ordinance by title only.

Vice Mayor Wilson moved, seconded by Councilmember Evans to adopt Ordinance No. 1473.

Motion passed unanimously.

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

No: 0

I. OLD BUSINESS

J. NEW BUSINESS

13. [19-159](#) Presentation and discussion on Fiscal Year 18-19 Council Work Plan - 3rd Quarter Update.

Anna McCray, Assistant to the City Manager provided a presentation summarizing the various work plan.

There were 40 projects identified by city staff and the council for the 2018-19 fiscal year. This is the 3rd quarter update on those projects. Projects continued from the 2nd quarter were the Dog Park Reconstruction of the Main Drive, 1st Ave. to Broadway Ave. with construction scheduled to start shortly.

Third quarter projects that have been completed:

- Street preservation of Apache Trail; Meridian to Idaho
- Building permit fees - City Code updated
- City code Chapter 9: Health & Sanitation Regulations update
- Fleet purchasing options

Third quarter projects that have been continued:

- City-leased Bureau of Land Management Land
- Parks and Recreation commercial use facility fees
- Liquor License application process and related fees - code update
- Zoning Ordinance update
- Building Code update
- Website remodel
- City Code Chapter 14; Cable Television
- Public Records Request Process update
- City Code Chapter 8 update - Mobile food vendors
- City Code Chapter 8 update - Business Licenses

K. COUNCIL DIRECTION TO STAFF

None.

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

14. [19-171](#) Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Monday, May 20, 2019 and Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Tuesday, May 21, 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 Evans moved and seconded by Councilmember Rizzi that an executive session at 6:00 P.M. and work session at 7:00 P.M. for Monday, May 20, 2019 and an executive Session at 6:00 P.M. and work session at 7:00 P.M. for Tuesday, May 21, 2019 be held in the city council conference room and city council chambers located at 300 E. Superstition Boulevard, Apache Junction, Arizona, respectively.

M. CALL TO PUBLIC

None.

N. ADJOURNMENT

ACCEPTED THIS _____ DAY OF _____, 2019, BY THE MAYOR
AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 2019.

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 7th day of May, 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2019.

KATHLEEN CONNELLY
City Clerk