



# 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](http://www.ajcity.net)  
Ph: (480) 982-8002

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Tuesday, September 3, 2019

7:00 PM

City Council Chambers

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### A. CALL TO ORDER

Mayor Serdy called the meeting order at 7:00pm.

### 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

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

Staff in Attendance:

Bryant Powell, City Manager  
Matt Busby, Assistant City Manager  
Anna McCray, Assistant to the City Manager  
Joel Stern, City Attorney  
Al Bravo, Public Information Officer  
Thomas Kelly, Chief of Police  
Heather Patel, Grants Administrator  
Dave Zellner, Building and Safety Manager  
Sidney Urias, Planner  
Kent Fowler, Police Officer  
Jill Bright, Administrative Assistant  
Maureen Fredrickson, Office Support Specialist

Mayor Serdy made the following statement:

"I would like to make a statement at this time regarding the notice Residents and Non-Residents alike received two weeks ago related to the Solid Waste contract. The City did not send that notice out. The discussion, research and process began over a year ago. On June 10th, the city issued a request for proposal for residential solid waste trash service. The RFP closed on July 11th in which the city received 3 proposals. Council reviewed all bids at the August 6th council meeting and directed staff to enter into negotiations with the lowest qualified bidder. There is no item on tonight's agenda for discussion as the referenced letter indicated. At a future council

meeting, city council will consider a contract with the lowest qualified bidder. I would also like to remind everyone that if you wish to speak on this or any other topic at CALL TO THE PUBLIC, please fill out a Request to Speak form and submit it to the City Clerk prior to the end of the City Manager's Report. The City Clerk has forms if you need one."

## D. CONSENT AGENDA

**Councilmember Barker moved, seconded by Councilmember Evans to approve the consent agenda.**

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

**No:** 0

1. [19-384](#) Consideration of acceptance of agenda.
2. [19-385](#) Consideration of approval of minutes of the regular meeting of August 6, 2019.
3. [19-315](#) Consideration of adoption of the Fiscal Year 2019-2020 City Council Work Plan.
4. [19-405](#) Consideration of approval of award of contract to Southwest Slurry Seal for the slurry seal of Old West Highway and portions of Southern and Tomahawk. The work would be through the cooperative Pinal County Contract No. ROQ-175923 in the amount of \$426,998.86 plus a 10% contingency for unforeseen change orders in the amount of \$42,699.88 for a total project cost not to exceed \$469,698.74. Project was presented and discussed as part of the FY 2019/2020 Capital Improvement Plan (CIP) and Street Maintenance Plan at the August 6, 2019 city council meeting. Work is planned for late September depending on final scheduling and weather conditions.
5. [19-423](#) Consideration of approval of consideration of award of contract to Regional Pavements for the slurry seal of Apache Villa and Ironwood Cove subdivisions. The work would be through the cooperative Mohave Contract No. 14Y-RPMA-0317 in the amount of \$232,288.58 plus a 10% contingency for unforeseen change orders in the amount of \$23,228.85 for a total project cost not to exceed \$255,517.43. Project was presented and discussed as part of the FY 19/20 Capital Improvement Plan (CIP) and Street Maintenance Plan at the August 6, 2019 city council meeting. Work is planned for this Fall, depending on scheduling and weather conditions.

## E. AWARDS, PRESENTATIONS AND PROCLAMATIONS

6. [19-426](#) Proclamation designating the week of September 15, 2019 through September 21, 2019 as "Child Passenger Safety Week".

Chief Thomas Kelly accepted the proclamation designating the week of September 15th to September 21st as "Child Passenger Safety Week".

## F. ANNOUNCEMENT OF CURRENT EVENTS

7. [19-386](#) Announcement of current events from mayor and councilmembers.

Councilmember Barker stated that all councilmembers attended the annual League Conference and it was a great conference. She thanked those who picked up the phone and asked more questions regarding the upcoming trash change and got involved in their local government.

Councilmember Rizzi stated that she also attended the annual league conference and shared a story about buildings being ADA compliant as she was in a scooter at the conference.

Councilmember Struble stated that AJ Idol is coming up and more information will be sent home from schools in children's backpacks. He also stated that October is suicide prevention month and the hotline is 800-273-8255.

Councilmember Evans elaborated on suicide prevention month. She also thanked those who called regarding the upcoming trash change as she got a chance to talk to alot of residents that she otherwise would not have had the chance to.

Vice Mayor Wilson commented on the upcoming trash change and stated that he e-mailed and spoke to alot of residents as well.

Mayor Serdy wanted to remind residents that 2022 is going to be AJ Founders Day Celebration and that there is a committee formed to plan the celebration and they will meet this Thursday at 6:00pm at the Library.

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

### **8. [19-387](#) City Manager's Report.**

Bryant Powell spoke on the annual League Conference and thanked Robin Barker for 20 years of service on the City Council and thanked Mayor Serdy and Vice Mayor Wilson for 12 years of service on the City Council.

## **H. PUBLIC HEARINGS**

### **9. [19-396](#) Consideration of application for a special event license for applicant Steve Miller, for the Zane Grey Friends of National Rifle Association (NRA) Organization to be held at Superstition Harley-Davidson located at 2910 W. Apache Trail, Apache Junction, AZ. 85120, on Saturday, September 21, 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.**

The applicant was not here to speak and there was no discussion among the council.

Mayor Serdy opened the public hearing and receiving no comments from the public, he closed the public hearing.

Councilmember Evans moved, seconded by Vice Mayor Wilson that the application for a special event liquor license for the Zane Gray Friends of NRA Organization for September 21, 2019 submitted by Steve Miler 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 Schroeder and Councilmember Struble

**No:** 0

10. [19-410](#) Presentation, discussion, public hearing and consideration of approval of Ordinance No. 1479, a proposed city-initiated corrective rezoning, case PZ-5-19, of approximately five (5) acres on the southeast corner of Ironwood Drive and Greasewood Street from RS-20M (Medium Density Single-Family Detached Residential) to RS-GR (General Rural Low Density Single-Family Detached Residential).

**Nick Leftwich, Planning Intern in Development Services, presented on the rezoning of five acres on the southeast corner of Ironwood and Greasewood.**

**Mayor Serdy opened the public hearing.**

**Resident, Stacy Jones, asked what general rule is. Nick stated that the general rule is a lot size of an acre and a quarter.**

**Mayor Serdy closed the public hearing.**

**Councilmember Evans motioned, seconded by Councilmember Rizzi that Ordinance No. 1479 be read by title only and the reading of the entire ordinance be waived.**

**Anna McCray read the ordinance by title only.**

**Councilmember Evans motioned, seconded by Councilmember Rizzi that Ordinance No. 1479 be approved.**

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

**No:** 0

11. [19-424](#) Presentation, discussion, public hearing and consideration of approval of Ordinance No. 1480, a proposed rezoning, case PZ-4-19, of approximately 4.14 acres at the northeast corner of Apache Trail and Thunderbird Drive from B-2/PD (Old West Commercial/Planned Development) to a new B-2/PD (Old West Commercial/Planned Development) to facilitate a Dutch Bros. Coffee shop and future commercial development.

**Sidney Urias, Planner in Development Services, presented on the rezoning of 4.14 acres to facilitate a Dutch Bros coffee shop at the northeast corner of Apache Trail and Thunderbird Drive.**

**Mayor Serdy asked if the zoning would apply to all parcels. Sidney stated that is correct.**

**Councilmember Barker asked why we had to rezone this. Sidney stated that because there was an update to a previous planned development that this had to be done.**

**The project manager, Ryan, presented on the upcoming construction of the development. He stated that construction will begin in October with a 100 day construction schedule for an opening in the 1st quarter of 2020.**

**Mayor Serdy opened the public hearing.**

**Resident, Charles Beal, spoke and wanted to know if there will be a turn off lane from Apache Trail. Sidney replied that there will not be a turn off lane.**

Resident, George Schroeder, spoke and wanted to know if ADA conditions were met. He stated that this is a positive step and glad that this is happening. Sidney replied that all ADA conditions have been met.

Mayor Serdy closed the public hearing.

Councilmember Barker motioned, seconded by Councilmember Schroeder that Ordinance No. 1480 be read by title only and the reading of the entire ordinance be waived.

Anna McCray read the ordinance by title only.

Councilmember Barker motioned, seconded by Vice Mayor Wilson that Ordinance No. 1480 be approved.

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

No: 0

## I. OLD BUSINESS

12. [19-399](#) Presentation and discussion on Ordinance No. 1478, amending Apache Junction City Code, Volume I, Chapter 2: Mayor, Council, and Appointed Boards and Commissions, by creating new Article 2-9: Public Art Commission; repealing any conflicting provisions; providing for severability; and establishing an effective date.

Heather Patel, Grants Administrator, presented on membership recommendations, duties of the commission, authority on city projects and private projects and an appeal process.

Mayor Serdy asked if anyone has applied yet. Staff stated that there is at least 5 applicants so far.

Councilmember Barker stated that she would like to stick to these membership recommendations and if there are not enough applicants to fit the membership recommendations then we can make the terms broader.

Councilmember Barker asked what is considered to be a practicing artist. Heather stated that it is someone who has created a piece of art and is in a gallery.

Councilmember Barker commented that most boards and commissions are recommending bodies to the council and this commission should be too.

Councilmember Rizzi asked who would hear the appeals. Joel replied that appeals would be heard by the city council.

Mayor Serdy commented that he hopes this commission will actively go and look for artwork for the city.

Councilmember Struble asked if there was an age limit for applicants. Heather replied that there is no age limit and all are encouraged to apply. Joel stated that if it is a minor then we would need parental permission.

Heather stated that the Public Hearing on this item will be back at the September 17th council meeting.

**J. NEW BUSINESS**

13. [19-398](#) Presentation, discussion and consideration of approval of Resolution No. 19-25 approving the submittal of an application from the City of Apache Junction to the Gila River Indian Community State Shared Revenue Program for Fiscal Year 2019-2020.

Heather Patel, Grants Administrator, presented on Resolution No. 19-25 and stated that the city's application has moved on to the next step and a resolution is needed to submit to Gila River Indian Community State Shared Revenue Program.

Councilmember Evans motioned, seconded by Struble that Resolution No. 19-25 be approved.

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

No: 0

14. [19-403](#) Presentation and discussion on Resolution No. 19-24 declaring as a public record that certain document filed with the city clerk and entitled "2019 Amendments to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-13: Design Standards, Section 1-13-4, Art in Public and Private Developments".

Items 14 and 15 were read by the mayor and heard together as they were related to the same subject.

Heather Patel, Grants Administrator, presented and discussed project applicability (private or public), how projects are assessed, what is considered public art, what the definition of an artist is, ways to contribute and what other comparable communities are doing.

Councilmember Barker asked why a single family development will not meet the same requirements. Sidney stated that communities would rather allocate their funds to other amenities such as a clubhouse or pool.

Councilmember Struble asked why 1% will be a mandatory fee to businesses and can art be inside the building or does it have to be outside. Heather replied that art can be inside the lobby if the business is open at least 40 hours a week. Joel replied that a 1% fee is not mandatory and is up to council to decide if it will be a mandatory or voluntary fee.

Mayor Serdy asked about the insurance for the artwork. Joel replied that the art pieces would be covered by the city's insurance carrier.

Heather stated that these items will come back at the September 17th council meeting for a Public Hearing.

15. [19-401](#) Presentation and discussion on Ordinance No. 1477, amending Apache Junction City Code, Volume II, Land Development Code, by adopting by reference new section 1-13-4, Art in Public and Private Developments; repealing any conflicting provisions; providing for severability; providing for penalties; and establishing an effective date.

**K. COUNCIL DIRECTION TO STAFF**

16. [19-425](#) Presentation, discussion and direction to staff on proposed revisions to Apache Junction City Code, Volume 1, Chapter 4, Fees, pertaining to proposed fees for publicly accessible art in private developments, revisions to fees for legal advertisements for planning and zoning cases, and amendments to certain building permit fees and grading permit fees.

Heather Patel, Grants Administrator, presented on funding and fee collection for public art.

Sidney Urias, Planner, presented on requested changes to legal advertising fees.

Dave Zellner, Building and Safety Manager, presented on changes and adjustments to building permit fees.

Councilmember Evans asked if the advertising was for printing or for signs. Sidney stated that it is for print advertising and that costs for signs are included in the permit cost.

Councilmember Barker motioned, seconded by Councilmember Evans to give direction to staff on the proposed revisions that these items be presented to council on the September 17th City Council agenda under Old Business.

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

No: 1 - Councilmember Schroeder

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

17. [19-388](#) Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Monday, September 16, 2019 and Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Tuesday, September 17, 2019 in the city council conference room and city council chambers located at 300 E. Superstition Boulevard, Apache Junction, Arizona, respectively; and other meetings if necessary.

Councilmember Evans moved, seconded by Councilmember Rizzi that the Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Monday, September 16, 2019 and the Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Tuesday, September 17, 2019 be held in the city council conference room and city council chambers located at 300 E. Superstition Boulevard, Apache Junction, Arizona, and other meetings if necessary.

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

No: 0

## M. CALL TO PUBLIC

1. Trina Flamm, 202 N. Meridian, spoke to propose advocacy for elderly abuse. Her 81 year old uncle is being exploited by a husband and wife who emptied his bank account and stole all of his titles to vehicles, homes and land.
2. Harley Suko, 1835 W. Shiprock Street, spoke to complain about Arizon Water Co. and his \$4,000 water bill due to a broken pipe.
3. Dale Cochran, 4050 S. Tomahawk, stated he is the fleet maintenance supervisor for Republic Services and wanted to clarify that their trucks will never be older than 7 years old and they are

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committed to safety.

4. Stacy Jones, did not want to disclose her address, stated that she has Republic Services and sometimes her trash doesn't get picked up and she is unhappy with their customer service. She also stated that she applied for a job for the city and was over qualified so she didn't get the job. She commented that dates and times of council meetings should be advertised more publicly. She stated that the city should be more worried about helping those with mental health issues and drug addictions then getting art in the community.

5. Edward Lee, 3235 S. Bowman Road, stated he is a driver for Republic Services and has been for 25 years and that most drivers there are long term employees as well. He stated that Republic Services is the only true local trash company that bid. He assured that all drivers will provide a great service to the residents. He thanked Councilmember Struble for bringing up the suicide hotline as his brother was just effected by suicide.

6. Zach Venable, 4050 S. Tomahawk, stated he is the Operations Manager at the Landfill and that by Republic Services being the single hauler trash company in Apache Junction, the landfill will get filled up and close sooner. He confirmed that all recyclables will be collected, seperated and dispersed correctly and that the quarterly free dump week will continue.

7. Laurel Lewis, 5430 E Shiprock, stated that she has done her research on other city's trash services. She said that a commercial company can use any provider they want. She individually called all trash providers and Republic Services quoted her the highest. She went over 3 minutes but stated she would be back to finish explaining her research.

8. Stephen Herring, 4050 S. Tomahawk, stated that the current trash bid is not a monopoly as all companies had the chance to bid and did bid and Republic Services just happened to win based on their service and costs.

9. Terry Reynolds, 1121 S. Lawther Drive, stated that Waste Management is the #1 trash business in the US and that allied waste is #2 based off of his Google search. He said that RAD did not come up in his google search. He stated that three councilmembers have RAD. He doesn't know why the last two council meeting minutes are not available to view. He stated that the DOT safety ratings were not included in the presentation of bids.

10. Chad Mittelstedt, 4050 S. Tomahawk, stated that the rate Republic Services is proposing is much lower then what residents are paying now and that when you consolidate a service to one company that residents are able to save money. He stated that additional services are also included such as bulk trash pick up. He said the annual increase will average between 2.5% and 3.5% and that at the end of an 8 year contract that rates will still be lower then what residents are currently paying.

11. George Schroeder, 2444 W. Virginia, stated that he is proud of the annexation South of the 60. He stated that the City Manager is in cahoots with Zach at Republic Services. He knows someone who is on the board and this is fraud. He says if we monopolize then someone is going to jail.

12. Jim Groen, 4050 S. Tomahawk, stated that Republic Services is truly proud to be the exclusive providers in other cities and that all of those cities have also chosen to renew their contract with them over the years. He stated that all 3 companies that bid have open driver positions so no company is hurting for work or losing jobs. He wanted to remind people that the letter residents received did not state who wrote the letter nor their contact information which is important to remember.

Councilmember Barker requested that a member of Republic Services contact Stacy Jones regarding her trash service.

Councilmember Rizzi stated that the city has numerous organizations throughout the city to help those in need.

Councilmember Evans asked Bryant to talk with Harley regarding his water bill. She thanked those employees from Republic Services for coming tonight. She stated that she doesn't give any letter credit that is not signed by someone. She requested to speak with Stacy and Trina after the meeting.

Vice Mayor Wilson stated that the truth always needs to be looked at and that the council is trying to do what is best for the community.

Mayor Serdy thanked everyone for sitting through the long meeting. He stated that all items are discussed for over a year before making any decisions. He said if anyone has any ideas on how to publicize meeting information more then what is already done to let him know. He requested that Joel help Trina get in touch with the attorney general's office.

## N. ADJOURNMENT

Mayor Serdy adjourned the meeting at 9:19 p.m.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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KATHLEEN CONNELLY  
City Clerk