



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 7, 2020

7:00 PM

City Council Chambers

A. CALL TO ORDER * AGENDA AMENDED 01/02/2020 AT 3:00 P.M.

Mayor Serdy called the meeting to order at 7:03 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 Schroeder
Councilmember Struble

Staff in Attendance:

Bryant Powell, City Manager
Matt Busby, Assistant City Manager
Joel Stern, City Attorney
Jennifer Pena, City Clerk
Thomas Kelly, Police Chief
Al Bravo, Public Information Officer
Larry Kirch, Development Services Director
Rudy Esquivias, Planning Manager/Zoning Administrator
Janine Hanna-Solley, Economic Development Director
Sidney Urias, Senior Planner
Mike Wever, Public Works Director
Shane Kiesow, Public Works Manager
Raquel Schatz, Public Works Engineer
Kent Fowler, Police Officer
Maureen Fredrickson, Office Support Specialist

D. CONSENT AGENDA

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

Motion passed unanimously.

1. [19-606](#) Consideration of acceptance of agenda.

2. [19-607](#) Consideration of approval of minutes of the regular meeting of December 17, 2019.

E. AWARDS, PRESENTATIONS AND PROCLAMATIONS

F. ANNOUNCEMENT OF CURRENT EVENTS

3. [19-608](#) Announcement of current events from mayor and councilmembers.

Councilmember Schroeder wished everyone a happy New Year and that they had safe and happy holidays.

Councilmember Rizzi thanked everyone in the community for their charitable donations of food, toys and clothing during this time of need for many people.

Vice Mayor Wilson thanked the community for their condolences on the passing of his brother.

Councilmember Evans wished everyone a happy New Year. She announced she attended a neighborhood meeting earlier that day at Mountain View Mobile Home Ranch. These meetings occur throughout the year where a few city councilmembers and staff conduct meetings to hear from those in the area. She stated if anyone would like to have staff schedule a meeting, contact Al Bravo, the city's Information Officer.

Councilmember Struble resinated the same sentiments as Councilmember Rizzi, stating the community really steps up when asked. He thanked them for their generosity.

He announced the annual Prayer Walk which will take place Saturday, January 11th. It will start at Table of Grace Church at 9:30 a.m. then around 11:00 - 2:00 p.m. they will meet at Flatiron Park for a celebration.

On Saturday, January 26th, the AJ Kid Idol will take place at Mountain View Lutheran Church.

Mayor Serdy invited everyone to the State of the City on February 12, 2020 at the Apache Junction High School Performing Arts Center. Reception and networking will be at 6:30 p.m. and the program begins at 7:00 p.m.

He announced the weekend of January 11th and 12th, the Superstition Mountain Museum will be hosting Heritage Days. There will be music, entertainment and food for everyone.

Mayor Serdy then spoke briefly about the city and community efforts on the returning of the RAD trash cans as the city transitions to a single solid waste hauler.

G. CITY MANAGER'S REPORT

4. [19-609](#) City Manager's Report.

City Manager Bryant Powell announced the opening of the Citizen Leadership Institute. This is an eight-week session with one class per week starting in January.

He spoke briefly on the collection fee RAD is charging its customers to pick up their trash cans. The city has been discussing the transition to a single trash hauler for many years.

In 2019 the city sought a request for proposal from trash haulers to be the single source provider.

In recent discussions with RAD, they have agreed to significantly reduce the \$50.00 fee if they get the trash can back. There have been those residents that began returning their cans, even though the new service will not begin until April. So residents have the next few months to either return the can or pay to have it picked up.

He then introduced Doug Coleman, Pinal County's Justice of the Peace and Ted Gremmel Pinal County's Constable.

5. [19-587](#) Introduction of and discussion with Pinal County Constable Ted Gremmel.

Constable Ted Gremmel stated he has known Doug Coleman since the early 90's. He has been a public service for more than 30 year and he is a Navy veteran. He is a retired officer from Pinal County Adult Probation.

The most common questions he is asked is what does a Constable do? He stated statutorily the Sheriff and Constable pretty much have the same responsibilities and duties even though they're very different. The Constable focuses on the enforcement of the services and execution of the documents the judge orders. Orders that come from Superior court are sent to the Sheriffs office to enforce.

He covers a very large area, San Tan Valley, Apache Junction and Gold Canyon. In 2018 he handled approximately 550 services by himself. It can be a very dangerous job, and when he feels he needs the assistance of another person, he will contact Apache Junction Police for assistance.

He spoke of the two Mesa Police Officers that were shot while serving Orders of Protection. Fortunately they both survived. Serving and protecting victims is his main focus but it also means helping the other party that is affected because it is a very emotional time. He tries to keep the situation in check by stating he is there to help both parties through the situation.

6. [19-588](#) Introduction of and discussion with Pinal County Justice of the Peace, Honorable Douglas Coleman.

Justice of the Peace Doug Coleman mentioned it was 29 years ago when he was elected to the city council for the first time.

He is the Justice of the peace and as such, performs many duties of the office. They not only perform weddings, which most people associate with the title, but they also handle misdemeanor cases including civil lawsuits where the amount of the dispute is \$10,000 or less. The court also handles landlord tenant controversies including evictions. They handle small claims, which is 43,500 or less. There is no appeal process for small claims, the decision of the court stands. They handle civil and criminal traffic offenses, DUI's and also misdemeanor allegations such as shoplifting, petty theft, bad checks, violations of orders of protection and issue injunctions. The court handles a significant number of collection cases to the point of garnishing wages.

He stated the number of justice courts depends on the population of the county. Pinal County used to have eight courts but is now consolidated to six.

The court also oversees civil and criminal traffic violations. Over 90% of the cases filed are usually heard in lower jurisdiction courts, which are the municipal court or Justice of the Peace Court. Most people's first interaction with the justice system is either with municipal court or with the Justice of the Peace Court.

H. PUBLIC HEARINGS

7. [19-580](#) Consideration of application for a series 12 liquor license for applicant Jeffrey Craig Miller, for AJs Sports Grill located at 725 W. Apache Trail, Suite #2A, 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.

Councilmember Rizzi moved, seconded by Councilmember Evans to recommend approval of the application for a series 12 liquor license for AJs Sports Grill.

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

No: 0

City Clerk Jennifer Pena stated the application submitted was for a new series 12 Restaurant Liquor License for AJs Sports Grill located at 725 W. Apache Trail Suite 2A. The Apache Junction Police department, Building and Safety division, Planning and Zoning department and the Superstition Fire and Medical District were asked to submit their safety concerns and inspection comments on the application. At this time they are all recommending approval. Ms. Pena noted the application does include the outdoor patio area for service as well. She stated this item was on for a public hearing and the applicants were present to answer any questions the Council may have.

Mayor Serdy asked if the applicants would like to speak about their new restaurant, they declined.

Mayor Serdy opened the public hearing, receiving no comments, he closed the public hearing and called for a motion.

I. OLD BUSINESS

J. NEW BUSINESS

8. [19-617](#) * Presentation, discussion and consideration on proposed construction agreement with DBA Construction for infrastructure improvements to the Grand View neighborhood in an amount of \$536,791.50, allowing for a contingency of 5% for a project amount not to exceed \$563,631.08. This work is partially funded by the city's Fiscal Year 2018 State Special Project application and the Fiscal Year 2019 Community Development Block Grant Regional Account allocation as requested by city council under Resolution Nos. 18-07 and 19-05 respectively.

Councilmember Barker moved, seconded by Councilmember Rizzi that the construction agreement with DBA Construction for infrastructure improvements to the Grand View Neighborhood be approved in an amount of \$536,791.50 allowing for a contingency of 5% for a project total not to exceed \$563,631.08.

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

No: 0

Project Engineer Raquel Schatz provided an update on the Grand View neighborhood improvements which have been ongoing for several years. The various improvements to the neighborhood have been staggered over the years to take advantage of the funding resources from Community Development Block Grants and the Maricopa Association of Governments (MAG) funding.

Ms. Schatz reviewed the funding, dating back to 2016, highlighting which projects were constructed with those funds. She stated this project is for Main Drive, on the east side, which will get curb and gutter, while Grand Drive, on the west side, will get curb, gutter and sidewalk.

The contract before council is with DBA Construction for an amount of \$536,791.50. There is a contingency of 5% for any issues that arise during the project, with the total cost of the project not to exceed \$563,631.08

9. [19-620](#) Presentation and discussion on consideration of award of contract to Viasun Corporation in the amount of \$151,711.00 for the lining of Delaware Drive ditch at Palm Wash.

Councilmember Barker moved, seconded by Councilmember Evans that the construction contract with Viasun Corporation for the lining of Delaware Drive ditch at Palm Wash be approved in the amount of \$151,711.00 with a contingency of 10% for a project total of \$166,882.00

Public Works Manager Shane Kiesow stated this project was not initially listed in the Capital Improvement Project (CIP) maintenance plan for this year, but due to the recent flooding, this drainage project needed to be addressed earlier than anticipated. He stated the presentation was slated for the January 6th work session, and as this is the first time council is hearing of the project Public Works is prepared to bring it back at the January 21st regular council meeting if council chooses to review the project and not make a motion tonight.

Mr. Kiesow then reviewed the project area and presented photos of the extensive damage that needs immediate attention.

In response to questions from Council, Mr. Kiesow stated additional curb cuts would be made and the existing ones would be widened. This would increase water runoff from the street into the retention area. The project consists of grading and shaping the retention area, shotcrete the sides and bottom to reduce erosion and enlarge the scuppers (curb cut area). The current scuppers are undersized and would be made larger.

Councilmember Evans inquired if installation of a closed pipe is still proposed for this drainage area. Mr. Kiesow stated yes and would be addressed by Public Works Director Mike Wever.

The agreement before council is a cooperative contract, the work would be done approximately February through April.

The contract amount is \$151,711 with a 10% contingency for an amount not to exceed \$166,882.

Public Works Director stated they have been monitoring Delaware ditch. With the recent damage caused by the rainstorm and flooding, Raquel Schatz found funding through some grants which they were awarded.

The section from Broadway to 16th Street will have pipe installed for drainage purposes. The road will be widened to three lanes with bike lanes and sidewalk. They are hoping to add lighting as well. The estimated time frame on that is 2024.

10. [19-619](#) Presentation and discussion of the proposed 2020 General Plan.

Development Services Director Larry Kirch provided the updated presentation to the proposed 2020 General Plan. Mr. Kirch first recognized all the staff that worked so hard on compiling the information for this update, which will be taken to the voters in August.

He stated there have been several presentations to the public, with several public hearings for comments. The Planning and Zoning commission still has two public hearings before they make their final recommendations to the council. He then introduced Sydney Urias.

Assistant City Manager Matt Busby wished to highlight the hard work staff has put into drafting the amendments to the General Plan. Most cities hire a consultant at an estimated cost of \$200,000 - \$400,000 to do what Staff has accomplished.

City Planner Sidney Urias stated he would start the presentation with a review of the formatting of the General Plan and how it's divided into categories, then address the core of the plan which consisted of the elements within the General Plan.

He stated through the review process there were several opportunities for community input. They held three community open house meetings at the Multi-Gen Center where a number of attendees were present and provided comments on what they want to see for future development of the city.

They also held a four-month online survey asking a number of questions. Council has seen the survey and may have taken the survey. Over 1,300 respondents replied to the survey, the majority of those respondents live here in the city.

Presentations on the General Plan were given to the cities boards and commissions and various interest groups. The Planning and Zoning Commission has reviewed the General Plan and sent staff various comments which have been incorporated into the Plan. They are still reviewing the General Plan, chapter by chapter, and will provide staff with their final comments and recommendations by the end of January.

As mandated by State Statute there is a 60-day review period which staff just completed. The General Plan was sent out to neighboring municipalities, the county other government agencies for comments. Those comments have been sent to staff.

The General Plan is divided into three parts: there is an introduction which is an executive summary of the community profile facts and figures taken from the US Census Bureau.

Part two is the bulk of the general plan consisting of the elements and part three is the implementation aspect.

Mr. Urias stated staff focused and on number four, which was the downtown element of the general plan and number eight, which is the Water Resources element. These two elements are unique to Apache Junction and are rarely found in other General Plans.

He addressed the importance of low impact development, the dark sky ordinance, wildlife habitats, the possibility of providing a green incentive for Green Building programs, documenting and preserving archaeological assets, and parks and open space. The housing elements note 62% of existing housing stock is manufactured or recreational vehicles, 31% of homes are site-built, 7% of homes are designated as multi-family and any new or infill development should focus on the diversification of the housing stock because that diversification impacts population demographics and year-round spending trends. It also improves the city's overall image and marketability.

The downtown elements focus on a variety of elements such as the need to create a downtown center through placemaking. Consideration of a variety of factors such as tourism, density, walkability and branding. There must be an element incorporated for the funding and development of a downtown master plan to include land use, architecture, open space, and public improvements.

Staff addressed a different perspective on the water resource element. They are looking at water as a one source component rather than a segregated concept of the aquifer. Storage of groundwater, recharge groundwater, water conservation, effluent reuse and rainwater harvesting. The goal is to recycle as much water as possible and storing it so it city can be used for irrigation throughout the city.

Mr. Urias then covered land use elements, intergovernmental cooperation and opportunities for collaboration. He stated the next steps for the General Plan are two public hearings at the Planning Commission on January 14th and 28th, then presentation to the city council on February 4th for comments and possible approval of the overall General Plan.

K. COUNCIL DIRECTION TO STAFF

11. [19-564](#) Council direction to staff on amending the zoning regulations to allow cargo containers in zoning districts other than RS-GR and/or lots smaller than 1.25 acres.

Councilmember Barker moved, seconded by Vice Mayor Wilson to send this item to the Planning and Zoning Commission for review and possible recommendations to the code and bring those back to the council for a work session for council discussion.

Director of Development Services Larry Kirch stated they held two work sessions with council on this subject, and staff is currently looking for direction from the council on the matter. He stated cargo containers are currently permitted only in the RS-GS zones which have at least 1.25 acres. There are lots that are zoned RS-GS, but they don't have 1.25 acres. In order to have a cargo container on your property you have to meet those two tests. A permit is required even when it meets both stipulations.

Options for direction to staff if you so choose would be:

1. Leave the current provisions in place, they were heavily debated in 2014. They were not going to be allowed and then the council decided to allow them. It has only been 5 years since Council made this decision.
2. Bring the discussion back for a council work session
3. Direct the Planning and Zoning Commission to review the code and draft some possible changes for the council to consider
4. Direct staff to draft legislation and bring it back to council.
5. There is the option to allow the public to make an application, pay a fee and draft legislation.

Councilmember Barker stated she prefers to have more eyes on this matter and would like to see this go back to Planning and Zoning.

Councilmember Struble agreed to get as much input as possible.

Councilmember Evans inquired as to how many permits are applied for per year versus the number of containers that are just brought out to an individual's property. She asked if this is a big problem. Mr. Kirch stated there were about 8-9 permits pulled but they have just as many zoning cases currently on property either not allowed to have them, or other issues related to cargo containers. It is a problem. If this is opened up to other zoning districts there may be several more problems and several more zoning cases which may expend significant staff time.

Currently development services is working with the Al Bravo, the city's information officer to do press releases related to having chickens and roosters, sleeping and living in RVs and living in tents in your backyard. The city is trying to raise public awareness of what is and is not allowed within the city limits. The issue of cargo containers was an item much lower on this list of priorities, even though there are several issues with them.

Mayor Serdy requested Vice Mayor Wilson provide some input since he has horse property and these containers are good for storing feed and Alfalfa for the horses and all the tack and expensive items affiliated with owning a horse.

Vice Mayor Wilson stated these are great containers for storing feed it keeps mice and other critters out. It also protects items from the weather. So they are good for other purposes besides horse feed and equipment. He was under the impression if you have the zoning designation RS-GS, regardless of acreage, that you could have a cargo container. So this was an eye-opening experience for him.

Council had further discussion on the matter, including using them for construction of living quarters.

Mayor Serdy called for a motion. After the motion was made and council voted, Councilmember Barker excused herself.

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

12. [19-610](#) Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Monday, January 20, 2020 is cancelled in honor of Civil Rights Day. Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Tuesday, January 21, 2020 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 an executive session at 6:00 p.m. and work session at 7:00 p.m. for Monday, January 20, 2020 is cancelled in honor of Civil Rights Day. An executive session at 6:00 p.m. and work session at 7:00 p.m. for Tuesday, January 21, 2020 be held 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.

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

No: 0

Excused: 1 - Councilmember Barker

M. CALL TO PUBLIC

Councilmember Barker returned to the dias.

Donna Carr, 2178 W. Virginia Street, Apache Junction, stated the fireworks that are let off behind her house during Christmas, New Year's and the 4th of July go off like explosives. She would like the city to do mor in controlling the setting off of illegal fireworks. She also has a problem with people burning trash behind her house. by the time police are called, the persons have already left the area. She also wanted to talk about the water run off problem on Delaware between University and the Trail. It took over a year for those road improvements to be completed and there is still an issue with flooding. The sidewalk was never installed due to the trailer park not wanting to move their wall? She was not sure on that. The other side of the trail on Delaware has the same flooding problem. She mentioned a company called JCPI that deals with drainage issues, work in manholes and other projects, they may be able to help the city with engineering matters.

Kitty Carlisle, 1929 S. Moreno Drive, Apache Junction, appreciated the opportunity to speak. She read from excerpts she gathered from the newspaper. The excerpts consisted of the violations, fees and penalties that could be imposed. She pointed out a city in California placing liens on homes related to violations. She stated she does not generate enough waste to warrant the required service. She shares with her neighbor and has worked hard to reduce her carbon footprint.

Jerri Foster, 140 E. 14th Avenue, Apache Junction, stated her issue is the lack of communication regarding change in garbage collection services. She heard rumblings and things throughout the community about the change, but was unhappy with the pick up fee charged by RAD.

Kristine Leston, 710 E. Navajo Avenue, Apache Junction, expressed appreciation toward the progressive nature of reserving the rainfall for other uses within the city rather than providing channels to funnel it out of the city.

She stated the city should have expected retaliation from the losing bidders. She has parents that are 80 years old and cannot get their trash can to the curb, much less be in a position to return the can. She did not have the experience Vice Mayor Wilson had, she received a tremendous amount of run around. The company told her one of the trash can owners needs to be present to return the can and get their invoice. She stated she lives in a city with a single hauler, her neighbors are pigs and generate enough trash that if you drove by and threw your trash into their pile, they would never know. They are pigs. There needed to be more communication with the residents.

Mayor Serdy and the city council requested a more pro-active approach to handle the fireworks as July 4th is the next event where they expect them to be discharged. Councilmember Rizzi requested a copy of the specific code related to fireworks be emailed to her.

In response to the return of trash cans, City Manager Bryant Powell stated there will be a mailing from the city within the next few weeks.

N. ADJOURNMENT

Mayor Serdy adjourned the meeting at 9:06 p.m.

ACCEPTED THIS _____ DAY OF _____, 2020, BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 2020.

JEFF SERDY
Mayor

ATTEST:

JENNIFER PEÑA
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 _____, 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2020.

JENNIFER PEÑA
City Clerk