



# 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, April 21, 2020

7:00 PM

City Council Chambers

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### 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 Mayor Serdy 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

Due to the COVID-19 pandemic, councilmembers were encouraged to call in to the meeting.

Mayor Serdy attended in person in order to better run the meeting.

Councilmember Schroeder attended in person.

Vice Mayor Wilson called into the meeting.

Councilmember Rizzi called into the meeting.

Councilmember Struble called into the meeting.

Councilmember Barker called into the meeting.

Councilmember Evans called into the meeting.

#### **Staff in Attendance:**

Bryant Powell, City Manager

Matt Busby, Assistant City Manager

Joel Stern, City Attorney

Jennifer Pena, City Clerk

Thomas Kelly, Chief of Police

Kent Fowler, Police Officer

Larry Kirch, Development Services Director

Heather Patel, Program and Resource Manager

Rudy Esquivias, Planning Manager

#### **Staff in Attendance via Conference Line:**

Shane Kiesow, Public Works Manager

Jill Bright, Deputy City Clerk

#### **D. CONSENT AGENDA**

**Councilmember Barker moved, seconded by Vice Mayor Wilson to approve the consent agenda, to approve the regular minutes of April 7, 2020, Resolution No. 20-16, to approve Resolution No. 20-17 and to approve Resolution No. 20-19.**

1. [20-196](#) Consideration of acceptance of agenda.
2. [20-197](#) Consideration of approval of minutes of the regular meeting of April 7, 2020.
3. [20-194](#) Consideration of approval of Resolution No. 20-16; authorizing the City to enter into an intergovernmental agreement for Roadway Safety Program with Maricopa Association of Governments. The authorization allows for grant monies to be used by the City on a channelizing right turn safety improvement for Junction Street at Tomahawk Road.
4. [20-195](#) Consideration of approval of Resolution No. 20-17; authorizing the City to enter into an intergovernmental agreement for Roadway Safety Program with Maricopa Association of Governments. The authorization allows for grant monies to be used by the City on safety improvements to eighteen (18) traffic signal facilities.
5. [20-207](#) Consideration of approval of Resolution No. 20-19; appointing the Finance Director, Donna Meinerts, as City's applicant agent for requesting State and Federal disaster recovery assistance for City's emergency response to the COVID-19 Pandemic.

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

**No:** 0

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

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

6. [20-198](#) Announcement of current events from mayor and councilmembers.

Councilmember Struble would like to remind residents to complete the Census 2020 as this is very important to our community. Showers and food were available on Easter Sunday at the Salvation Army for the homeless. It was done safely and a good way for the community to come together for those in need. It will be held again this Sunday at the Salvation Army at 10:00am.

Councilmember Evans does not have anything.

Vice Mayor Wilson does not have anything.

Councilmember Barker does not have anything but thanks all of those who are out there serving still.

Councilmember Schroeder does not have anything.

Councilmember Rizzi does not have anything.

Mayor Serdy stated that the National Forests will now be under fire restrictions. Phoenix Mesa Gateway Airport received a 20 million dollar grant that they will just sit on and use to pay employees for now. He also wanted to remind residents to use local restaurants for carry out and delivery.

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

### **7. [20-199](#) City Manager's Report.**

City Manager Bryant Powell shared that development is still occurring in the city during this time. Superstition Vistas subdivision continues to move forward. Lennar is still moving forward. Filiberto's recently began demolition. Dutch Bros is almost completed and we are very excited to have a new Vietnamese restaurant in the community. Dino's Deli is also moving within the city. Permits are continuing to get pulled which is a good thing. Mr. Powell thanked residents who volunteered their time to deliver RAD bins for their fellow residents who were unable to deliver their own bins in order to avoid the \$50 fee RAD was assessing.

## **H. PUBLIC HEARINGS**

### **8. [20-182](#) Consideration of application for an owner transfer, individual, series 6 liquor license application for Superstition Skies Bar and Restaurant located at 945 E. Scenic Street. The next step in the process is for the council to hold a public hearing on the application and make a recommendation for approval or denial to be forwarded to the Arizona Department of Liquor Licenses and Control.**

**Councilmember Rizzi moved, seconded by Vice Mayor Wilson that the application for an owner transfer, individual, series 6 liquor license for Superstition Skies Restaurant, located at 945 E. Scenic Street be recommended for approval conditional upon the diagram currently showing the east side patio is removed with a new diagram showing there is no east side patio.**

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

**No:** 0

City Clerk Jennifer Pena explained that city staff recommends approval upon conditions that a block wall with rod wiring railing be completed that was supposed to be done in 2007 due to noise complaints from neighbors. The applicant is present to answer questions.

Councilmember Evans asked that Rudy Esquivas present a timeline of events. Mr Esquivas stated that staff has continually received noise complaints from neighbors and has noticed that the block wall was never put up as agreed to in 2007.

Councilmember Evans stated that this property has been sold many times since 2007. The original owner has sold and bought it many times and she has never put up the wall as promised. Councilmember Evans stated that the liquor license application has been filled out incorrectly and this application needs to be continued in order for the applicant to build the wall and come into compliance and fix the application. She stated that if council approves this with conditions that the liquor board will just approve it and not enforce the conditions.

Mayor Serdy stated that the applicant probably needs approval of this license in order to get up and running to earn money and build the wall.

Councilmember Barker stated that the person now applying for the liquor license is the original owner from 2013 and should have to make good on her promise from 2007 of building the wall.

Councilmember Rizzi stated that she can't see holding up the liquor license just for a wall. We should let the planning and development department do their job and hold them to their conditions.

Councilmember Barker stated that everyone on this council advocates for businesses but she would also like to advocate for the neighbors of this restaurant. She would also like to continue this and give the applicant a chance to build the wall.

Councilmember Schroeder agrees with both sides. He is concerned that the application contains false information.

Development Services Director Larry Kirch would like to clarify that the building department has no power to require the wall that is in question. There is no permit that Development Services can issue to make sure this wall is built. The best chance to get the wall built is to continue this application until the wall is built.

Councilmember Struble asked for clarification on the specs of the wall. Mr. Esquivias stated it is a 6 foot wall consisting of 3 feet of block and 3 feet of wrought iron and would enclose the outside patio.

The applicant stated that she does not want anyone on the east side patio as she just spent \$30,000 on a new septic tank. It has only been used once or twice. She sold the business because her son had brain cancer. He died one year ago and the recent owner asked if she would like to buy it back and she agreed. She did not think that she filled out the application wrong.

Councilmember Rizzi asked the applicant if the smoking patio would have food, drinks and music out there. The applicant stated that this is a bar and it is never really quiet and people do have drinks and food out there. She stated that the music is played inside and people mostly just go out there to smoke. She would like to remind the council that this bar has been there for 50 years.

Councilmember Evans asked if she does not really want the east patio then would she be willing to take it off the diagram. The applicant said yes she would be willing to take it off. The applicant says that she can ensure council that she will not use the east patio and she will submit a revised drawing to the liquor board.

The applicant states that escrow has closed but she is not required to pay the mortgage until January 1, 2020.

Councilmember Struble asked if the liquor board is even meeting during this pandemic. City Clerk Jennifer Pena stated that the liquor board meets only as needed. City Attorney Joel Stern stated that if it is approved then it is all administrative work but if it is denied then the liquor board meets to discuss.

9. [20-187](#) Consideration of application for a series 010 beer and wine store liquor license application for Pyramid Smoke Shop and Mini Market located at 2130 W. Apache Trail. The next step in the process is for the council to hold a public hearing on the application and make a recommendation for approval or denial to be forwarded to the Arizona Department of Liquor Licenses and Control.

**Councilmember Barker moved, seconded by Councilmember Evans that the application for a new series 10, beer and wine store, for Pyramid Smoke Shop and Mini Market, located at 2130 W. Apache Trail be recommended for approval.**

**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 that the Police Department, Fire District, Building and Planning and Zoning Departments have all recommended approval for this liquor license.

10. [20-180](#) Presentation, discussion, public hearing and consideration of proposed projects to be submitted under Resolution No. 20-08, authorizing the submission of the city's Fiscal Year 2020 ("FY20") Community Development Block Grant Regional Account ("CDBG") and Fiscal Year 2020 State Special Project ("SSP") applications.

**Councilmember Barker moved, seconded by Councilmember Evans that the proposed project of the Grand View neighborhood rehab, submitted under Resolution No. 20-08, authorizing the submission of the City's Fiscal Year 2020 Community Development Block Grant Regional Account and Fiscal Year 2020 State Special Project Applications be approved.**

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

**No:** 0

Program and Resource Manager Heather Patel stated that tonight is the last step in this grant process. She stated that a public hearing was done in February and that this application is due in August and a letter of intent is due at the end of this month. Ms. Patel presented guidelines and background on this grant and application.

## I. OLD BUSINESS

## J. NEW BUSINESS

11. [20-181](#) Presentation, discussion and consideration of proposed Resolution No. 20-07 authorizing the submission of application(s) to the Governor's Office of Highway Safety Federal Fiscal Year 2021 grant program.

**Vice Mayor Wilson moved, seconded by Councilmember Evans that Resolution No. 20-07 authorizing the submission of applications to the Governor's Office of Highway Safety Federal Fiscal Year 2021 Grant Program be approved.**

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

No: 0

Program and Resource Manager Heather Patel stated that this Resolution allows the city to submit four grant applications and is always done retro active.

## K. COUNCIL DIRECTION TO STAFF

12. [20-188](#) Council direction to staff on proceeding with an application for the nomination of the City of Apache Junction as an International Dark Sky Community.

**Vice Mayor Wilson moved, seconded by Councilmember Barker that council direct staff to investigate and come back to council with the needed changes and cost that would be associated with becoming an International Dark Sky Community.**

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

**No:** 0

Development Services Planner Kelsey Schattnik presented the guidelines and process on submitting an application for nomination for the city to become an International Dark Sky Community. Currently, there are 5 cities with this designation and they can be used as examples when we are applying. A staff member would need to be appointed to head this project. The process can take 1 - 3 years.

Councilmember Rizzi asked how this would change from what we currently already do. Ms. Schattnik replied that our outdoor lighting regulations would need to be tightened up.

City Manager Bryant Powell stated that this is a council led project and staff would need direction to staff from council in order to continue to pursue this project and learn more about what exactly would need to be done.

Mayor Serdy stated that he received a letter from a Gold Canyon committee supporting this application.

Councilmember Schroeder asked if we are in the ballpark of the criteria. Ms. Schattnik stated that the city is in a good place but some areas do need to be tightened.

Vice Mayor Wilson asked if private homeowners would have to change their lighting and what the costs would be.

Councilmember Rizzi asked if it would entail code enforcement on private property.

Mayor Serdy asked if grandfathering would apply.

Ms. Schattnik stated that lights only need to be replaced to meet current criteria once the current lights are replaced.

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

13. [20-200](#) Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Monday, May 4, 2020. Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Tuesday, May 5, 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 Barker moved, seconded by Councilmember Evans that an Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Monday, May 4, 2020 and that an Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Tuesday, May 5, 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:** 7 - Mayor Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember Evans, Councilmember Rizzi, Councilmember Schroeder and Councilmember Struble

**No:** 0

#### **M. CALL TO PUBLIC**

None.

#### **N. ADJOURNMENT**

**Mayor Serdy adjourned the meeting at 8:40 pm**

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