



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, June 2, 2020

7:00 PM

City Council Chambers

*Agenda Amended on May 28th, 2020 at 2:00 pm

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 Struble led the meeting attendees in the Pledge of Allegiance.

C. ROLL CALL

Present: 6 - Mayor Serdy
Vice Mayor Wilson
Councilmember Barker
Councilmember Evans
Councilmember Schroeder
Councilmember Struble

Excused: 1 - Councilmember Rizzi

Staff in Attendance:

Bryant Powell, City Manager
Matt Busby, Assistant City Manager
Anna McCray, Assistant to City Manager
Joel Stern, City Attorney
Jennifer Pena, City Clerk
Al Bravo, Public Information Officer
Larry Kirch, Development Services Director
Thomas Kelly, Chief of Police
Mike Wever, Public Works Director
Liz Langenbach, Parks & Recreation Director
Emile Schmidt, City Engineer
Elan Vallender, Senior Economic Development Specialist
James Hazel, Municipal Courts Judge
Earl Simmers, IT Director

D. CONSENT AGENDA

Councilmember Barker moved, seconded by Councilmember Evans to accept the consent agenda, to approve the minutes of May 19, 2020 and to move and discuss item #3 regarding the proposed Resolution No. 20-21 after the city manager's report.

1. [20-262](#) Consideration of acceptance of agenda.

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

 No: 0

 Excused: 1 - Councilmember Rizzi

2. [20-263](#) Consideration of approval of minutes of the regular meeting of May 19, 2020.

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

 No: 0

 Excused: 1 - Councilmember Rizzi

3. [20-270](#) Consideration of approval of proposed Resolution No. 20-21, a final plat approval for case SD-1-19, a request by Brad Young, SIG-AZ LLC and Better Choice Builders, for a 12-lot residential subdivision tentatively named Coyote Crossing, located at the southwest corner of Idaho Road and Teepee Street.

Councilmember Barker moved, seconded by Councilmember Evans that the conditional plot of Coyote Crossing be approved.

- Yes:** 6 - Mayor Serdy, Vice Mayor Wilson, Councilmember Barker, Councilmember Evans, Councilmember Schroeder and Councilmember Struble
- No:** 0
- Excused:** 1 - Councilmember Rizzi

This item was removed from consent agenda and discussed after the City Manager's Report.

Development Services Director Larry Kirch discussed the proposed 12 lot subdivision called Coyote Crossing across from the Boys & Girls Club. He explained that the builder has moved quickly on this project.

Mayor Serdy wanted to confirm that this is not the four story apartment complex. Mr. Kirch replied no it is not.

Mr. Kirch confirmed that Planning and Zoning did initially deny this based on misunderstanding the low density and high density areas on the General Plan. The zoning of this area is compliant with the requested development.

Vice Mayor Wilson wanted to confirm that this project is South of Teepee. He met with residents and discussed that this area is not in the large lot area. He stated that it is a step down on density from Quail Creek Condos.

Councilmember Struble stated that they had a hearing in December on this and he thinks it would be a good addition to the area.

E. AWARDS, PRESENTATIONS AND PROCLAMATIONS

F. ANNOUNCEMENT OF CURRENT EVENTS

4. [20-264](#) Announcement of current events from mayor and councilmembers.

Councilmember Struble would like to thank everyone who has been helping their fellow residents during this difficult time.

Councilmember Evans has none.

Vice Mayor Wilson has none.

Councilmember Barker would like to keep the families of Judy Holder and Theryn Hanson in her prayers as they both just passed away.

Councilmember Schroeder has none.

Mayor Serdy commended AJPD on how they have been handling the curfew as they understand that business is still conducted after 8:00pm. AJPD will only enforce the curfew for individuals creating unrest or destroying property. He confirmed that the AJHS graduation is still going to occur.

G. CITY MANAGER'S REPORT

5. [20-265](#) City Manager's Report.

City Manager Bryant Powell gave kudos to our police department for all of their hard work during this tough time. He thanked the community for their gratitude, kindness and support of the community through this unprecedented time.

Mr. Powell stated that Theryn Hansen was with our Public Works Department for 25 years and he gives his best wishes to her family.

H. PUBLIC HEARINGS

6. [20-225](#) Consideration of application for a series 012 (restaurant) new liquor license application for Toast Gio's Breakfast & Lunch located at 1422 E. Broadway Avenue. The next step in the process is for the council to hold a public hearing on the application and make a recommendation to the Arizona Department of Liquor License and Control for approval, no recommendation or denial based on the testimony received at the public hearing and/or other factors.

Councilmember Evans moved, seconded by Vice Mayor Wilson to approve the application for a series 12, restaurant liquor license, for Toast Gio's Breakfast & Lunch located at 1422 E. Broadway Avenue be recommended for approval to the Arizona Department of Liquor Licenses and Control.

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

No: 0

Excused: 1 - Councilmember Rizzi

City Clerk Jennifer Pena stated that the police department, planning, building and fire district all

had no objections to this liquor license.

Mayor Serdy asked if this will be breakfast and lunch only. The applicant, Blanca, stated that it will be American cuisine with a Mexican twist to it and they will only be open for breakfast and lunch at this time. She stated that they plan to open July 10th.

7. [20-240](#) Presentation, discussion, public hearing and consideration of proposed Ordinance No. 1491, case PZ-4-20, a request by WGG Partners LLC., represented by Paul Poteet and Marco Diaz of Summa Terra Ventures, of rezoning of three parcels approximately 4.5 total acres from General Rural Low Density Single-Family Detached Residential ("RS-GR") and General Commercial ("B-1") to Very High Density Multiple-Family Residential ("RM-3") located at the southeast corner of Superstition Boulevard and N. Apache Trail/SR-88 for a 152-unit leased residential community (**application withdrawn by applicant**).

Vice Mayor Wilson moved, seconded by Councilmember Barker to accept the withdrawal of rezoning application case PZ-4-20 by the applicant Paul Poteet and Marco Diaz.

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

No: 0

Excused: 1 - Councilmember Rizzi

Development Services Director stated that the applicant has withdrawn their application.

Mayor Serdy stated that residents were very opposed to the height of this project in this location.

City Manager Bryant Powell stated that the owner of the property contacted him and is interested in working with the city on a type of development might suit the area.

Councilmember Evans stated that she would like to see something built there but just not four stories high.

Councilmember Barker stated that it would be a good location for a low story hotel.

Mayor Serdy opened the public hearing.

George Schroeder, 2444 W. Virginia Street, stated that this area has already been encroached enough and he doesn't want anything else to be built here. All he wants to see is animals.

Receiving no further comments, Mayor Serdy closed the public hearing.

I. OLD BUSINESS

J. NEW BUSINESS

8. [20-147](#) Presentation and discussion with the mayor and city council on the Fiscal Year 2020/2021 budget, classification and compensation plan for city employees, and the Public Safety Personnel Retirement System (PSPRS) Pension Funding Policy.

City Manager Bryant Powell thanked department directors and the finance team for putting this

balanced budget together. He highlighted some of the events and projects that the city was able to complete earlier this year.

Mr. Powell highlighted the importance of Census 2020 and encouraged all residents to participate and get counted as federal funding is dependent on it.

Mr. Powell gave an update on how departments operated during the COVID-19 pandemic.

Assistant City Manager Matt Busby thanked staff and council for being so flexible during this pandemic as everything changed daily, including the budget, and everyone adapted so well.

Mr. Powell stated that the FY 2020-2021 budget is very conservative as the city prepares for the unknown fiscal impact of the COVID-19 pandemic.

Mr. Powell highlighted some things that are included in the budget such as mandated retirement increase, increase to health benefit costs, a few new much needed staff positions, funds allocated for the BLM land survey and appraisal and the new city financial software. He stated that a 2.5% staff step increase and a few staff positions were removed from next year's proposed budget.

Mr. Busby stated that each department's budget is attached to the agenda item.

Councilmember Struble thanked the staff for creating another responsible budget. He explained that cities are also tied to the federal and state budgets as these entities can take funds that should go to cities and keep them for funding items in their budgets.

Mr. Busby stated that the city employee comp and classification plan is also included in the budget.

Mr. Busby also explained the PSPRS Pension Funding Policy which is to be approved annually.

9. [20-192](#) Presentation and discussion of public policy implications for long-range transportation planning with federally patented easements.

Development Services Director Larry Kirch stated that this is just an initial discussion and no action will be done tonight. He stated that a lot of education needs to be done on federally patented easements (FPE) as residents and even realtors are not educated on them.

Mayor Serdy asked how long this item would take.

City Engineer Emile Schmid stated that he had 18 more slides to go through and it would be difficult to condense his presentation and unfair to land owners.

Councilmember Barker stated that this item should be moved to a true work session so they can give it the time it needs.

Mayor Serdy stated that this is very important and should be brought back up at a work session, maybe on June 15th.

***10.** [20-271](#) Discussion on the qualified use of pandemic-related expenditure grant funding recently made available through the Coronavirus Aid, Relief and Economic

Security ("CARES") Act (signed into law by President Trump on March 27, 2020 under Pub. L. 116-136).

Assistant City Manager Matt Busby stated that the information related to COVID-19 is changing all of the time. He stated that there are very strict guidelines on what this money is to be spent on and when it is spent.

Mr. Busby stated that the AZ Cares Fund can be used for public safety employee salary and benefits costs and for reimbursements to COVID-19 expenses. Apache Junction is eligible to receive \$4.8 million and the city will submit costs incurred to COVID-19 to the state grant system in order to receive the funds.

Mr. Busby shared major local impacts to public safety, businesses, residents and the city. He presented on what nearby communities have done with the Care Funds they have already received.

Mr. Busby stated that the city is doing a great job at tracking what the city has spent in order to send it in for reimbursement.

Councilmember Struble stated that the city will be very cognitive on how the money is dispersed to make sure those that get it, actually do need it, and use it correctly. He wants to make sure that our local small businesses do not get left behind.

Mr. Busby stated that the budget will show that we will be receiving the \$4.8 million and how it will be spent.

Mayor Serdy asked if we can have this on every agenda going forward so there can constantly be an update. Mr. Powell replied yes.

Mayor Serdy asked if there is a way the city can get money from Pinal County as well since Apache Junction falls under Pinal County. Mr. Powell replied no because Pinal County is only getting money for Apache Junction unincorporated residents and residents are not being double accounted for.

Councilmember Struble stated that Apache Junction has the same issues as the big cities and counties do but we continue to get passed over and it is very frustrating. He said that \$4.8 million dollars sounds like a lot of money but it will go fast and is not enough.

Mayor Serdy stated that Phoenix Mesa Gateway Airport received \$20 million dollars and they are just going to sit on the money to use to survive for now so they do not have to shut down.

Mr. Busby said they will bring this item back and continue to give updates along the way.

K. COUNCIL DIRECTION TO STAFF

11. [20-257](#) Council direction to staff to create a draft comprehensive noise ordinance.

Councilmember Barker moved, seconded by Councilmember Schroeder that direction be given to staff to compile all of the city noise ordinances into one and that questions regarding the cost and successfulness of the decibel reader be brought back to the first set of meetings in August.

Yes: 5 - Vice Mayor Wilson, Councilmember Barker, Councilmember Evans, Councilmember Schroeder and Councilmember Struble

No: 1 - Mayor Serdy

Excused: 1 - Councilmember Rizzi

Councilmember Schroeder stated that Joel did an excellent job at putting this together and asked if council had any questions or comments.

Councilmember Barker stated that all of the questions were not answered and she is not ready to make a decision.

Mayor Serdy stated that there is training available for decibel readers.

Councilmember Barker stated that during this time when our budget is dry to the bone that we need to know costs associated with this. She explained that if the state passes a bill on this then the city will have to follow that and our code will just get scrapped so this is something to consider.

Vice Mayor Wilson stated that if he had to go out and make a call on if something was too loud, it would be very difficult but if a sound decibel reader is used it would make it a much easier determination.

Councilmember Barker stated that a decibel reader could be efficient but it often would not be, such as a barking dog.

Councilmember Evans stated that she really likes having the entire noise ordinance in one area. She continued that in her last 6 years here, there have only been 2 ongoing noise issues. She would like to hear from Chief Kelly on what kind of noise complaint calls are being made.

Chief Kelly stated that there are very few agencies carrying decibel readers as they have so many other priorities. He stated that this would be such a low priority and considers it a civil case.

Councilmember Evans asked if noise complaints are a big problem. Chief Kelly responded that overall it is very low and normally gets resolved pretty easy.

Councilmember Evans stated that she thinks we need a lot more detail and success rates on decibel readers. She doesn't understand spending \$4,000 on something that we don't even know if it is successful when we can't even give employees a raise.

Councilmember Schroeder stated that he thinks it is being dissected too much and says this would just be another tool for officers to use.

Councilmember Barker asked if we are going to listen to our Chief when he says it is a very low priority.

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

- 12.** [20-266](#) Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Monday, June 15, 2020. Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Tuesday, June 16, 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, June 15, 2020 and that an Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Tuesday, June 16, 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 Barker, Councilmember Evans, Councilmember Schroeder and Councilmember Struble

No: 0

Excused: 1 - Councilmember Rizzi

M. CALL TO PUBLIC

Bailey and Adam Nolan, 760 S. Wickiup Road, state that they are in the process of building a fence and had a code compliance officer tell them that they were using the wrong material and had to stop. They would like the material they are using to be considered and allowed to be used. They are going for an industrial look. Larry came and looked at the fence and said that they would need to come to council to get the material approved. They presented pictures to the city manager.

Katelyn Beazley, 2175 N. Plaza Drive, a senior in high school, is an advocate for animals. In Pinal County you have to have your animal registered. She is requesting a way to let animal owners get the care they need for their animals. She is looking for spay and neuter assistance for owners.

Chief Farber, of Superstition Fire and Medical District, gave an update on the fire. It is currently at 22,000 acres and 1,000 fire fighters are working on the fire. They are not concerned with the fire effecting Gold Canyon, Apache Junction, Peralta or Queen Valley at this time. The team has moved into their training facility on Goldfield so they are close and working hard.

Gilbert Ruiz, 3061 E. 2nd Avenue, stated that they purchased this property 2 years ago. He stated that Wagonwheel Road runs by their property and it was abandoned years ago. They would like to acquire the small strip of land next to their land just as the 12 other owners on that street have so they can build a shed.

Donna Carr, 2178 W. Virginia Street, stated that she feels bad for the small businesses such as AJ News who had to close permanently. She thinks that if council gives businesses money that they should not be allowed to sell the business for 5 years. She doesn't think that officers need a noise gizmo and it is a waste of money.

Jane Brown, via an e-mail sent to Vice Mayor Wilson, states that the 12 home subdivision is not good for the community.

Mayor Serdy asked staff to look into the fence issue related to Bailey and Adam Nolan.

N. ADJOURNMENT

Mayor Serdy adjourned the meeting at 9:17 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