



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, August 18, 2020

7:00 PM

City Council Chambers

A. CALL TO ORDER

Mayor Serdy called the council meeting to order at 7:00 p.m.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Vice Mayor Wilson gave the invocation and Councilmember Rizzi 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
Al Bravo, Public Information Officer
Troy Mullender, Police Department Commander
Larry Kirch, Development Services Director
E'lan Vallender, Economic Development Specialist
Jill Bright, Deputy City Clerk (remotely)

D. CONSENT AGENDA

Councilmember Barker moved, seconded by Councilmember Rizzi that the agenda be accepted as presented, the minutes of the regular meetings of August 4th be approved, the extinguishment of the Federally Patent Easement for the North half of the 33 foot easement located at 15th Avenue from Old West Highway to Wickiup Road be approved and the vacation of the dedicated Right-of-Way on the South half of the 33 foot Right-of-Way, located at 15th Avenue from Old West Highway to Wickiup Road, be approved.

1. [20-379](#) Consideration of acceptance of agenda.
2. [20-380](#) Consideration of approval of minutes of the regular meeting of August 4, 2020.

3. [20-358](#) Consideration of approval of the extinguishment of a Federally Patent Easement for the North half of the 33 foot easement, located at 15th Avenue from Old West Highway to Wickiup Road, for the purpose of consolidating parcels for the development of the Apache Junction Office Warehouse.
4. [20-359](#) Consideration of approval of the vacation of the dedicated Right-of-Way on the South half of the 33 foot Right-of-Way, located at 15th Avenue from Old West Highway to Wickiup Road, for the purpose of consolidating parcels for the development of the Apache Junction Office Warehouse.

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

5. [20-381](#) Announcement of current events from mayor and councilmembers.

Councilmember Struble reminded the community that non profits are always looking for volunteers.

Councilmember Evans has nothing.

Vice Mayor Wilson reminded the community that Robin and himself are now running for mayor in the November election and if anyone sees their signs down to please give them a call and not to remove the signs themselves.

Councilmember Barker stated that she is also fighting to keep her signs up due to mother nature and folks taking them down.

Councilmember Schroeder has nothing.

Councilmember Rizzi presented a donation of \$5,000.00 to the Apache Junction DARE program from the Apache Junction Drug Coalition.

Mayor Serdy has nothing.

G. CITY MANAGER'S REPORT

6. [20-382](#) City Manager's Report.

City Manager Bryant Powell thanked the Apache Junction Drug Coalition for the donation as the police department receives so many calls that deal with substance abuse issues.

Mr. Powell stated how proud he is to see our two candidates running for mayor work together.

Mr. Powell explained that at this time last year 66 single family home permits were pulled and as of now in 2020 we are at 100 permits which is a significant increase and great news.

H. PUBLIC HEARINGS

7. [20-362](#) Presentation, discussion, public hearing and consideration of Resolution 20-27 renewing the Old West Highway Redevelopment Area.

Councilmember Barker moved, seconded by Vice Mayor Wilson that Resolution No. 20-27, a resolution of the Mayor and City Council of the City of Apache Junction, Arizona, renewing the Old West Highway Redevelopment Area be approved.

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

No: 0

Economic Development Specialist E'lan Vallender reminded council what the Old West Highway Redevelopment Area is and that it must be renewed at this time.

Councilmember Barker asked what has changed since 2018 when it was renewed last. Mr. Vallender replied that commercial and residential redevelopment, median improvements and sidewalk installation has been completed.

Mayor Serdy opened the public hearing.

George Schroeder, 2444 W. Virginia Street, wants to know who is now applying for grants and wants to know when the streets in his neighborhood are going to be done.

Mayor Serdy closed the public hearing.

8. [20-396](#) Presentation, discussion, public hearing and consideration of Resolution No. 20-24 declaring as a public record that certain document filed with the city clerk entitled "2020 Amendments to the Apache Junction City Code, Volume I, Chapter 11: Noise".

Councilmember Barker moved, seconded by Vice Mayor Wilson that Resolution No. 20-24 declaring as a public record that certain document filed with the city clerk entitled "2020 Amendments to the Apache Junction City Code, Volume I, Chapter 11: Noise" be approved.

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

No: 0

Mayor Serdy stated that items 8, 9 and 10 would be combined with one public hearing but that each item would need its own motion and vote.

City Attorney Joel Stern explained the amendments that he made as directed by council at the night prior's work session.

Mayor Serdy opened the public hearing for all three items.

Dirk Begeman, 1522 E 22nd Avenue, questioned a clause regarding sound limits between his property and the neighbor's property.

Jeff Barlett, 108 N. Meridian Drive, feels that this should be a civil matter and we should support officer discretion.

Mehmood Mohiuddin, 2304 N. Cortez Road, is in disagreement with the commercial and residential decibel levels. He believes this still jeopardizes businesses.

George Schroeder, 2444 W. Virginia Street, says his neighbor has complained about his music and his tv.

Darryl Cross, 1018 N. Acacia Road, thanked the council for their hard work they put into this ordinance. He reminded council that we are our own unique city and should not be compared to others.

Mayor Serdy closed the public hearing.

Councilmember Rizzi thanked the public who come and speak during the public hearings as it helps council with their decisions.

Mayor Serdy stated that this noise ordinance is more lenient than other cities and towns.

Vice Mayor Wilson gave general information related to noises and what decibel they are at.

Mayor Serdy confirmed with City Manager Bryant Powell that this noise ordinance is only complaint driven.

9. [20-397](#) Presentation, discussion, public hearing and consideration of Ordinance No. 1492 amending Apache Junction City Code, Volume I, by adding new Chapter 11: Noise, and adopting by reference that certain document filed with the city clerk entitled "2020 Amendments to the Apache Junction City Code, Vol. I, Chapter 11: Noise"; providing for severability; providing for penalties; and repealing any conflicting provisions.

Councilmember Barker moved, seconded by Councilmember Rizzi that Ordinance No. 1492 be read by title only.

City Clerk Jennifer Pena read Ordinance No. 1492 by title only.

Councilmember Barker moved, seconded by Councilmember Rizzi that Ordinance No. 1492, an ordinance of the Mayor and City Council of the City of Apache Junction, Arizona, amending Apache Junction City Code, Volume I, by adding new Chapter 11: Noise, and adopting by reference that certain document filed with the city clerk entitled "2020 Amendments to the Apache Junction City Code, Vol. I, Chapter 11: Noise"; providing for severability; providing for penalties; repealing any conflicting provisions; be approved with the following amendments: replace the word "further" with the word "additional" on page 5.

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

No: 1 - Councilmember Evans

10. [20-406](#) Presentation, discussion, public hearing and consideration of Ordinance No. 1493 amending Apache Junction City Code, Volume I, Chapter 10: Offense, Article 10-1: Offenses; General, by repealing and replacing in its entirety section 10-1-12, Noise, subsection (A); providing for severability;

providing for penalties; and repealing any conflicting provisions.

Councilmember Barker moved, seconded by Vice Mayor Wilson that Ordinance No. 1493 be read by title only.

City Clerk Jennifer Pena read Ordinance No. 1493 by title only.

Councilmember Barker moved, seconded by Councilmember Evans that Ordinance No. 1493, an ordinance of the Mayor and City council of the City of Apache Junction, Arizona, amending Apache Junction City Code, Volume I, Chapter 10: Offense, Article 10-1: Offenses; General, by repealing and replacing in its entirety section 10-1-12, Noise, subsection (A); providing for severability; providing for penalties; and repealing any conflicting provisions; 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

J. NEW BUSINESS

- 11. [20-377](#)** Consideration for approval of Resolution No. 20-29, a resolution of the Mayor and City Council of the City of Apache Junction, Pinal and Maricopa Counties, Arizona, declaring and adopting the results of the primary election held on August 4, 2020.

Councilmember Evans moved, seconded by Councilmember Barker to approve Resolution No. 20-29 a resolution of the Mayor and City Council of the City of Apache Junction, Pinal and Maricopa Counties, Arizona, declaring and adopting the results of the primary election held on August 4, 2020.

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

No: 0

City Clerk Jennifer Pena presented Resolution No. 20-29 to the council and shared voter statistics for the August 4th, 2020 primary election.

K. COUNCIL DIRECTION TO STAFF

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

- 12. [20-383](#)** Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Monday, August 31, 2020. Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Tuesday, September 1, 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, August 31, 2020 and an Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Tuesday, September 1, 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

CJ Handley, 1615 N. Apache Trail, stated that a duplex on his Filly's Restaurant property recently burnt down on June 22nd. The duplex was in an easement and he would like council to let them extinguish the easement so they can rebuild the duplex.

Mike Parr, 1024 S. Cedar Street, is proposing to have a giant 50' x 80' flag put up in Flatiron Park. He said it will be donated by the people and could be a great attraction with the silhouette of Superstition Mountain in the back.

Councilmember Evans asked Mr. Powell to have public works look into the extinguishment of the easement on Filly's property.

Mayor Serdy stated that hundreds of people have supported the proposal of a flag in Flatiron Park and asked Mr. Powell to put this item on a direction to staff on a future council meeting for further discussion.

N. ADJOURNMENT

Mayor Serdy adjourned the council meeting at 8:05 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 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