



# 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

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Tuesday, December 1, 2020

7:00 PM

City Council Chambers

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### 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 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  
Al Bravo, Public Information Officer  
Thomas Kelly, Chief of Police  
Larry Kirch, Development Services Director  
Rudy Esquivias, Planning Manager  
Kendra Ellner, Planning Intern  
Mike Wever, Public Works Director  
Keith Bedwell, Public Works Fleet  
Liz Riley, Human Resources Director  
Jill Bright, Deputy City Clerk (remotely)

### D. CONSENT AGENDA

Councilmember Evans moved, seconded by Vice Mayor Wilson that the consent agenda be accepted as presented, that award of contract be given to Viasun Corporation for construction of curbing for select medians on Apache Trail through the Pinal County cooperative contract No. 175623 in the amount of \$279,456.32 with a 10% contingency for a total project cost not to exceed \$307,401.95, that approval be given for the agreement with Arizona Republic for legal advertising from January 1, 2021 through December 31, 2021 and that Resolution No. 20-40 a resolution of the Mayor and City Council of the City of Apache Junction, Pinal and Maricopa Counties Arizona,

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declaring and adopting the results of the general election held on November 3, 2020, be approved.

1. [20-612](#) Consideration of acceptance of agenda.
2. [20-613](#) Consideration of approval of minutes of the regular meeting of November 17, 2020.
3. [20-621](#) Consideration of approval of contract to Viasun Corporation for the construction of curbing for select medians on Apache Trail. The work will begin in early 2021 and will be through Pinal County cooperative job order Contract No. 175623 in the amount of \$279,456.32, plus a 10% contingency for unforeseen change orders in the amount of \$27,945.63 for a total project cost not to exceed \$307,401.95. The work will result in curbing to facilitate roadway drainage and protection to the Apache Trail median beautification improvements.
4. [20-548](#) Consideration of a legal advertising agreement with Arizona Republic for a one year period from January 1, 2021 to December 31, 2021. There is no price increase from the 2020 agreement.
5. [20-633](#) Consideration for approval of Resolution No. 20-40, 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 general election held on November 3, 2020.

**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**

6. [20-481](#) Presentation of 40-year Service Award to Keith Bedwell of the Public Works Department.

City Manager Bryant Powell and Public Works Director Mike Wever presented a 40 year service award to Keith Bedwell, fleet division employee in the Public Works Department.

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

7. [20-614](#) Announcement of current events from mayor and councilmembers.

Councilmember Struble shared that Project Showers is this Sunday at the Salvation Army. Open Mic Night is this Friday night at Table of Grace Church. January 9th is the 3rd Annual AJ Prayer Walk.

Councilmember Evans shared that the Apache Junction CDC had a board meeting this last week. Last month they completed 2 planting projects on Make a Difference Day. In April, they will start on the Field of Dreams in front of the Boys & Girls Club. The Chamber will also be helping the CDC in getting the word out in the community on these projects.

Councilmember Barker reminded the community of the reverse holiday parade this Saturday

near Flatiron Park.

Councilmember Schroeder hoped everyone had a Happy Thanksgiving.

Councilmember Rizzi shared that there is a great need this year and if you have the ability to give something it makes a difference for those in need.

Mayor Serdy shared that Gold Canyon Country Club raised \$30,000.00 for the Superstition Food Bank.

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

### **8. [20-615](#) City Manager's Report.**

City Manager Bryant Powell shared that this Saturday is the reverse holiday parade near Flatiron Park and thanked Parks and Recreation for keeping this tradition alive during these tough times. The annual employee engagement breakfast and trivia contest is next Thursday and council is invited to participate as always. Mr. Powell reminded council that there will be a light agenda on January 5th as the new council is sworn in therefore the January 19th council meeting agenda will be heavy.

### **9. [20-617](#) Presentation, discussion and update on the first quarter financial report.**

Assistant City Manager Matt Busby reported on the revenues that were brought in and expenses that went out during the first quarter of the fiscal year. All of the data is right where it should be and there are no concerns.

### **10. [20-618](#) Presentation, discussion and update on the 2020 and 2021 Citizen Leadership Institute classes.**

Public Information Officer Al Bravo reported that the Citizen Leadership Institute consists of about 9 classes each year. The 2020 class will conclude at the end of December and the 2021 class will start January 13th in the council chambers.

### **11. [20-597](#) Presentation and discussion of the US Census efforts utilized in the area.**

Public Information Officer Al Bravo reported that the 2020 US Census was tough due to Coronavirus but extra work was done to get the information out to the community. The response rate in Apache Junction was about 53% and then with the help of the US Census we eventually reached a 99% reporting rate.

## **H. PUBLIC HEARINGS**

### **12. [20-624](#) Presentation, discussion, public hearing and consideration of proposed Ordinance No. 1499 (case PZ-7-19), a city-initiated rezoning of a 2.37-acres property located at 978 E. Roosevelt Street, from General Rural Low Density Single-family Detached Residential ("RS-GR") to Medium Density Single-family Detached Residential by Planned Development ("RS-20/PD") for the purpose of creating land split and development opportunities.**

**Vice Mayor Wilson moved, seconded by Councilmember Evans that Ordinance No. 1499 be continued to the January 19th City Council meeting as the Planning and Zoning Commission continued the case to their next meeting on December 8, 2020, where they would present two additional lot split options.**

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

**No:** 0

Planning Intern Kendra Ellner presented that this is a city initiated rezoning for a 2.37 acre property located at 978 E. Roosevelt Street. This property was abandoned for several years while the owner lived in Germany. With cooperation of the owner, the city was able to remove non-conforming structures and trespassers and the owner eventually did not wish to deal with it anymore so they donated the property to the city. Staff is proposing to rezone it from General Rural Low Density Single Family Detached Residential to Medium Density Single Family Detached Residential by Planned Development in order to bring the property into conformance with the surrounding neighborhood including allowing for a land split and horse privileges on property.

The Planning & Zoning Commission requested a continuance on this rezoning and city staff is recommending this item come back to council on January 19th after the Planning and Zoning Commission has made a recommendation.

Development Services Director Larry Kirch explained that staff would like to see the proceeds to go to the Community Development Corporation.

Mayor Serdy opened the public hearing.

George Schroeder, 2444 W. Virginia Street, stated that he was personally involved in this property and doesn't know why the city dragged its feet. He thinks it should be separated into 2 lots and that there should be a minimum acreage for horses to be permitted.

Jeff Barlett, 108 N. Meridian Drive, stated that he thinks the property should be split down the middle and the city should support horse property.

Mehmood Mohiuddin, 2341 N. Apache Trail, suggests that this property be split into two properties. He thinks residents should be able to have as many horses as they want.

Mayor Serdy closed the public hearing.

## **I. OLD BUSINESS**

## **J. NEW BUSINESS**

13. [20-620](#) Presentation, discussion and approval on proposed Resolution No. 20-42 authorizing the city to enter into an intergovernmental agreement with Maricopa County for use of Maricopa County Sheriff's Office Basic Training Academy.

**Councilmember Rizzi moved, seconded by Councilmember Evans to approve Resolution No. 20-42 authorizing the city to enter into an intergovernmental agreement with Maricopa County for use of Maricopa County Sheriff's Office Basic Training Academy.**

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

**No:** 0

Chief Kelly presented that this intergovernmental agreement with Maricopa County Sheriff's Office will allow city sworn officers use of their Basic Training Academy. The police department currently uses Mesa but is looking for more options to ensure that there are enough spots for the upcoming officers being hired. Mr. Kelly explained that it takes about a year for an officer to complete basic training and to patrol the streets by themselves.

14. [20-645](#) Presentation, discussion, and approval on proposed Resolution No. 20-43 authorizing the city to enter into an intergovernmental agreement with the Town of Mammoth for transfer of used law enforcement equipment.

**Vice Mayor Wilson moved, seconded by Councilmember Evans to approve Resolution No. 20-43 authorizing the city to enter into an intergovernmental agreement with the Town of Mammoth for the transfer of Apache Junction's used law enforcement equipment.**

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

**No:** 0

Chief Kelly presented that our police department has outdated traffic enforcement equipment that is no longer of use and Mammoth Police Department has an interest in using this equipment. This intergovernmental agreement will allow for the exchange of equipment and allow for future exchanges to be permitted.

15. [20-623](#) Consideration of two appointments to the Planning and Zoning Commission. Council interviewed applicants for this position at the November 30th work session and may take this opportunity to fill the vacancies.

**Vice Mayor Wilson moved, seconded by Councilmember Evans to appoint Richard Cantwell to the Planning and Zoning Commission for a term to expire on October 31, 2021. (Fulfilling a vacancy due to Shirley Ooley's resignation).**

**Motion passed 5-1.**

**Councilmember Rizzi moved, seconded by Councilmember Schroeder to appoint Mehmood Mohiuddin to the Planning and Zoning Commission for a term to expire on October 31, 2022. (Fulfilling a vacancy due to Mike McGraw's resignation)**

**Motion failed with a tie of 3-3.**

**Councilmember Evans moved, seconded by Vice Mayor to appoint Robin Barker to the Planning and Zoning Commission for a term to expire on October 31, 2022. (Fulfilling a vacancy due to Mike McGraw's resignation)**

**Motion passed 4-2.**

Councilmember Barker recused herself from the conversation and vote as she is an applicant for the commission.

Councilmember Rizzi shared that the council received a lot of great candidates and it is a tough

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choice and doesn't want the applicants to take it personal.

## K. COUNCIL DIRECTION TO STAFF

16. [20-636](#) Council direction to staff on amending cargo container regulations in the city's zoning code.

**Vice Mayor Wilson moved, seconded by Councilmember Schroeder to direct staff to look at the ability to allow cargo containers on lots in the city based on lot sizes and what can be used and what needs to be done to a cargo container to try and neutralize it.**

**Yes:** 5 - Mayor Serdy, Vice Mayor Wilson, Councilmember Rizzi, Councilmember Schroeder and Councilmember Struble

**No:** 2 - Councilmember Barker and Councilmember Evans

Councilmember Evans explained her disapproval of cargo containers being permitted on residential property.

Councilmember Rizzi disagreed with Councilmember Evans and thinks that cargo containers should be allowed and the city should just regulate them.

Vice Mayor Wilson explained that cargo containers are very secure. He believes the city should allow them and regulate them.

Councilmember Barker confirmed that this discussion is about allowing cargo containers on lots smaller than an acre and a quarter.

Development Services Director Larry Kirch explained that the city currently regulates cargo containers by residents being required to apply for a permit. The city looks for set back and landscape requirements. Mr. Kirch explained that 90% of lots with cargo containers are code cases because they do not get a permit or follow requirements.

Mayor Serdy stated that the artist that built the kachina stored his very expensive art materials in a cargo container because of how secure it is.

Councilmember Evans explained that there are other options for storage and wishes to leave the ordinance as it is.

17. [20-640](#) Presentation, discussion and direction to staff on the possible creation of a draft ordinance relating to the regulation of recreational marijuana, as allowed by the voter's approval of the "Smart and Safe Arizona Act", possibly using the model ordinance language provided by the League of Arizona Cities and Towns. This item was continued from the city council meeting of November 17, 2020, wherein council asked for more information about what other cities are doing.

**Councilmember Rizzi moved, seconded by Mayor Serdy to direct staff to allow existing dispensaries to become dual licensees: require CUP amendment process, operate under the same rules as existing dispensaries, allow recreational marijuana sales too, but no cultivation or processing, allow medical marijuana to convert to recreational marijuana through CUP amendment, the code to still allow for medical marijuana cultivation and infusion kitchens.**

**Motion passed 6 - 1.**

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Councilmember Evans motioned to add on to Councilmember Rizzi's motion that marijuana be treated like retail and liquor stores in the B-1, B-2 and B-3 zones.

**Amended motion passed 4 - 3.**

Planning Manager Rudy Esquivias answered questions that council had at last night's work session on this item. Dual licensees will not be required to have separate entrances or areas for medical and recreational sales. Citizens under the age of 21 will not be allowed to go into recreational marijuana establishments but they may go into a medical marijuana establishment. A residence may grow up to 6 plants in their home per person living in the home. A felon can get a medical marijuana card and marijuana establishments will likely not perform individual background checks.

Councilmember Struble expressed his dislike of the approval of recreational marijuana.

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

18. [20-616](#) Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Monday, December 14 and Tuesday December 15, 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.

**Councilmember Evans moved, seconded by Councilmember Struble that an Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Monday, December 14, 2020 and that an Executive Session at 6:00 P.M. and Work Session at 7:00 P.M. for Tuesday, December 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**

George Schroeder, 2444 W. Virginia Street in Apache Junction, stated that code enforcement already isn't doing their jobs. Him and his wife shouldn't both be charged for not having trash. He is not going to have or pay for trash. It isn't legal and he's not having garbage service.

## **N. ADJOURNMENT**

**Mayor Serdy adjourned the council 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.

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JEFF SERDY  
Mayor

ATTEST:

\_\_\_\_\_  
JENNIFER PENA  
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 PENA  
City Clerk