



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

apachejunctionaz.gov
Ph: (480) 982-8002

Tuesday, September 5, 2023

7:00 PM

City Council Chambers

A. CALL TO ORDER

Mayor Wilson called the meeting to order at 7:01 p.m.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Councilmember Heck gave the invocation and Councilmember Johnson led the meeting attendees in the Pledge of Allegiance.

C. ROLL CALL

Present: 7 - Mayor Wilson
Vice Mayor Schroeder
Councilmember Nesser
Councilmember Heck
Councilmember Johnson
Councilmember Cross
Councilmember Soller

Staff in Attendance:

Bryant Powell, City Manager
Matt Busby, Assistant City Manager
Joel Stern, City Attorney
Jennifer Pena, City Clerk
Michael Pooley, Police Chief
Al Bravo, Public Information Officer
Liz Langenbach, Parks & Recreation Director
Ted Wolf, Public Works Director
Doug Wirthgen, IT Director
Rudy Esquivias, Development Services Director
Sidney Urias, Principal Planner
Nicholas Leftwich, Associate Planner
Erika Hernandez, Associate Planner

D. CONSENT AGENDA

Councilmember Heck moved, seconded by Councilmember Nesser to approve and adopt the Consent Agenda.

Yes: 7 - Mayor Wilson, Vice Mayor Schroeder, Councilmember Nesser, Councilmember Heck, Councilmember Johnson, Councilmember Cross and Councilmember Soller

No: 0

1. [23-446](#) Consideration of acceptance of agenda.
2. [23-447](#) Consideration of approval of minutes of the regular meeting of August 15, 2023.
3. [23-454](#) Consideration of approval for an award of contract to Sunland Asphalt & Construction for the asphalt overlay of the Azure Skies Subdivision. The work would be through the 1 Government Procurement Alliance Cooperative Contract No. 22-15P-04 in the amount of \$564,803.39 plus a 10% contingency for unforeseen change orders in the amount of \$56,480.33 for a total project cost not to exceed \$621,283.72. Work is planned sometime within the October-December 2023 time frame.

E. AWARDS, PRESENTATIONS AND PROCLAMATIONS

4. [23-453](#) Proclamation designating the week of September 17 through September 23, 2023 as "Constitution Week."

Mayor Wilson read the proclamation designating the week of September 17 through September 23, 2023 as "Constitution Week." Representatives of The Daughters of the American Revolution - Apache Junction Chapter, were present to accept the proclamation.

F. REGIONAL INTERGOVERNMENTAL UPDATES

5. [23-450](#) Brief summary of intergovernmental updates from mayor and councilmembers.

Vice Mayor Schroeder announced the council attended the League of Arizona Cities and Towns annual conference last week. The topics and discussions were of great value to the entire state.

Mayor Wilson announced he was recognized for his 16 years of service to the city. The topics were amazing and difficult to choose which ones to attend as sometimes they ran concurrently.

Senator Kelly was present and he was able to discuss the Weekes Wash flooding issue.

G. CITY MANAGER'S REPORT

6. [23-448](#) City Manager's Report.

City Manager Bryant Powell commented on the 9 Mayors and Councilmembers that were recognized for 16 or more years of service to municipal government. He spoke on the Weekes Wash flood control project and work the city has been doing with its state and congressional delegation.

He spoke on the various updates that have occurred at the Library.

He announced ADOT is seeking public input on the North-South extension and segments of the major improvement project on SR24. This meeting is scheduled for Thursday, September 14, 2023, from 5:30 p.m. - 7:30 p.m. at the Apache Junction Multi-Gen Center located at 1035 N. Idaho Rd.

7. [23-449](#) Announcement of Current Events.

Public Information Officer Al Bravo announced the Chamber of Commerce is holding a Level-Up Your Business event that will be held on September 7, 2023, from 8:00 a.m. - 10 a.m. at Central Arizona College, located at 805 S. Idaho Rd. Room F115.

The Board and Commission application deadline is Friday, September 15, 2023, at 5:00 p.m. Applications can be completed online through the city's webpage. Interviews will be conducted on October 16, 2023, at the City Council Work Session and appointments made October 17, 2023, at the regular City Council meeting.

He announced the Dive in Movie September 9, 2023, at 7:30 p.m. will be offered at the Superstition Shadows Aquatic Center, located at 1091 W. Southern Ave.

H. PUBLIC HEARINGS

8. [23-456](#) Presentation, discussion, public hearing, and consideration of Ordinance No. 1537, approving a text amendment and adopting by reference that certain document titled "2023 Amendments to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-7: Parking, Loading and Circulation Regulations"; repealing any conflicting provisions; and providing for severability. This request was previously presented and discussed at the City Council Work Session on July 17, 2023 and at the City Council Public Hearing on August 1, 2023.

Vice Mayor Schroeder moved, seconded by Councilmember Heck to read Ordinance No. 1537 by title only and the entire reading of the Ordinance be waived. Motion Passed 7-0.

City Clerk Pena read Ordinance No. 1537 by title only.

Vice Mayor Schroeder moved, seconded by Councilmember Soller that Ordinance No. 1537, as read by the city clerk be approved. Motion Passed 7-0.

Mayor Wilson announced that since Agenda items 8 and 9 are related to the same section of code, he would combine the presentation and public hearings, but each item will have a separate motion.

Associate Planner Nick Leftwich presented a summary of the amendments related to parking regulations. His memo addressed the following:

Through months of discussion, study, and analysis, Staff and the Planning and Zoning Commission have evaluated the city's parking conditions and needs to draft verbiage to amend the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-7: Parking, Loading and Circulation Regulations.

The variety of matters have been presented to the City Council through the cases P-23-15-AM, which is concerned with the recreational vehicle parking standards, and P-23-16-AM, which is concerned with the parking requirements for guest parking, accessible parking, motorcycles, bicycles, and electric vehicles.

Having refined a final draft comprising the edits and language agreed upon by the City Council, Ordinance No. 1537 now proposes to amend the affected portions of Article 1-7: Parking, Loading and Circulation Regulations with the text provided in the document "2023 Amendments to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-7: Parking, Loading and Circulation Regulations." The affected portions are identified in the redlined version of this document, provided as Exhibit #4 "Redlined Version: 2023 Amendments to Article 1-7: Parking, Loading and Circulation Regulations."

Draft Resolution No. 23-19 adopts the document entitled "2023 Amendments to 1-7 Parking, Loading and Circulation Regulations" as public record so that it may be adopted by reference in Ordinance No. 1537, pursuant to A.R.S. § 9-802.

Associate Planner Erika Hernandez then provided an update to council on the amendments to definitions and regulations related to RV's and trailers. Her staff memo addressed the following:

Per the direction to Staff given by the Planning and Zoning Commission on December 13, 2022, Staff researched Arizona Revised Statutes' definitions of recreational vehicles, trailers, and toy haulers and the location in which these vehicles may be parked to provide recommendations for a text amendment.

On February 14, 2023, Staff provided a brief update with preliminary findings to the Planning and Zoning Commission. Staff explained that the City utilizes much of the same language when defining a recreational vehicle as the Arizona Revised Statutes.

On May 9, 2023, Staff presented additional findings to the Planning and Zoning Commission during a work session. Staff reiterated that the City utilizes much of the same language when defining a recreational vehicle as the Arizona Revised Statutes.

Additionally, Staff showed recreational vehicle limitations in surrounding municipalities. Staff recommended against adding or changing definitions, as there currently is no limitation on the number of trailers that can be stored on a single-family residential lot. Staff also recommended allowing one (1) additional recreational vehicle with an integrated horse trailer on single-family residential lots with a minimum of 1.25-gross acres.

RESEARCH

The Arizona Department of Transportation Motor Vehicle Division does not discriminate trailer type for trailer registration. This means that a camp trailer, park model, travel trailer, and a truck camper will require trailer registration, whereas a motor home or any kind of vehicle that is self-propelled, such as a motorized recreational vehicle with an integrated horse trailer will go through the same registration process as a motor vehicle.

Ms. Hernandez provided a Recreational Vehicles Regulations in Surrounding Municipalities table for reference.

PLANNING DIVISION RECOMMENDATION

Though the A.R.S. and the City define horse trailers with integrated living quarters as a recreational vehicle, the public generally considers these vehicles as trailers. Staff has since modified the language of the drafted amendment to reflect these changes. As a result, Staff recommends allowing single-family residential lots with a minimum of 1.25-gross acres to have

one (1) non motorized horse trailer with integrated living quarters or one (1) motorized recreational vehicle with an integrated horse trailer, designed with the intent of transporting equine.

Though a number of municipalities do not specify a listed limitation for RV parking and storing, the rationale supporting the limitation recommendation of one (1) is that the City has had a long history of code compliance cases due to properties misusing single-family residential properties as storage lots. By providing a number limitation, this initiative strengthens the City's ability to reduce potential blight, nuisance and code cases.

Staff also recommends simplifying the language in this section in regard to the location requirement for such vehicles and trailers. The simplification and clarification of text language will aid in avoiding potential contradictions and misinterpretations.

Staff will also use this opportunity to revise grammatical errors, unrelated to recreational vehicles, for additional clarity and general ease of understanding.

A draft text amendment to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-7: Parking, Loading and Circulation Regulations has been provided to apply the above noted proposed changes.

Mayor Wilson opened the Public Hearing.

Donna Carr - Apache Junction resident inquired if a specific lot size would be required for campers and camp trailers.

Principal Planner Sidney Urias responded that there is not a specific lot size, but there is a location requirement on the property where these can be kept. The lot size requirement becomes a factor when there are 2 or more RV's on the property.

George Schroeder - 2444 W. Virginia Street, Apache Junction commented on the various properties throughout town where there are "violations" of the storage requirements and people living in RV's when it is not allowed in the city.

Andre Meek - 1327 S Belair Road, Apache Junction, thanked council for defining the camper/truck issue and allowances of the various defined RV's.

Jane Brown - Val Vista Road, Apache Junction, expressed concerns on limiting what people can do on or with their property. There are larger issues than restricting vehicles on a persons property.

Comments from council informed the audience they were expanding the allowance not decreasing it.

With no further comments, Mayor Wilson closed the public hearing.

- 9. [23-457](#) Presentation, discussion, public hearing, and consideration of Resolution No. 23-19, declaring as a public record that certain document filed with the City Clerk and titled “2023 Amendments to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-7: Parking, Loading and Circulation Regulations”; repealing any conflicting provisions; and providing for severability. This request was previously presented and discussed at the City Council Work Session on July 17, 2023 and at the City Council Public Hearing on August 1, 2023.

Councilmember Heck moved, seconded by Councilmember Nesser that Resolution No. 23-19, a resolution of the Mayor and City Council of the City of Apache Junction, Arizona, declaring as a public record that certain document filed with the City Clerk and titled “2023 Amendments to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-7: Parking, Loading and Circulation Regulations”; repealing any conflicting provisions; and providing for severability be approved.

Yes: 7 - Mayor Wilson, Vice Mayor Schroeder, Councilmember Nesser, Councilmember Heck, Councilmember Johnson, Councilmember Cross and Councilmember Soller

No: 0

I. OLD BUSINESS

J. NEW BUSINESS

- 10. [23-458](#) Presentation and discussion of P-22-6-SD, a request by Superstition Springs Holdings, LLC, represented by Shantha Kumar, for a commercial condominium subdivision of eleven (11) suites under the name “Gold Drive Development,” located near the southeast corner of Gold Drive and Apache Trail.

Associate Planner Nick Leftwich provided an update on the Gold Drive Development since it has been about 10 years since the prior approvals.

In 2013 Superstition Springs Holdings LLC, the current property owner, requested a rezoning of the southeast corner of Apache Trail and Gold Drive for the purpose of developing the property with a medical and office complex, which was approved in the Planned Development Ordinance No. 1396.

The side was developed with infrastructure, driveways, and pad sites, and one building was constructed.

The property owner has now applied for a commercial condominium plat so that the property may be subdivided and that suites of future buildings may be sold individually to different occupants.

The application has been found to be in compliance with the requirements of Planned Development Ordinance No. 1396.

The proposed final plat for “Gold Drive Development” subdivision, a B-2/PD-zoned, 11-suite, commercial condominium subdivision located at 99 S. Gold Drive, Apache Junction, AZ 85120, is approximately located at the southeast corner of Gold Drive and Apache Trail.

Staff has reviewed the final plat for substantial compliance with the requirements of the approved Planned Development “PD” Ordinance No. 1396 and the standards of the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5: Zoning Bulk and Use Regulations, Tables 1-5-3 and 1-5-4; and Article 1-4: Zoning Districts, Section 1-4-3 Planned Development (“PD”) Overlay District, and Chapter 2: Subdivision and Minor Land Division Regulations.

PD Ordinance No. 1396 condition of approval number eight (8) required that “a separate commercial subdivision process shall be required should the developer desire to create units for individual sale after rezoning. It is the responsibility of the developer to develop the property with the appropriate infrastructure systems to facilitate a possible future subdivision, or else improvements may need to be retrofitted later for a subdivision project, at the developer’s expense.”

Reviews from Staff and utilities, including sewer and water, and fire district staff have found that the appropriate level of infrastructure has been provided.

Overall, the final plat represents the development intention reviewed in the rezoning by planned development case PZ-6-13 and approved in the associated PD Ordinance No. 1396. Planning Staff recommends the approval of the final plat, subject to the final recording-related items listed in the resolution.

Councilmember Johnson inquired about the parking.

This item was for presentation and discussion only.

11. [23-357](#) Presentation and discussion of procurement and subscription services for 101 APXN 70 portable radios in the amount of \$837,308.60 and 24 APX 6500 mobile radios in the amount of \$174,551.52 from Motorola utilizing the State Cooperative Contract # CTR046830 for a total amount not to exceed \$1,011,860.12. This expenditure was approved in the FY2023/24 Budget.

Chief Pooley stated the Police Department is needing to update the current radios for the officers and vehicles. The radios they have now are about 15 years old. The technology has changed significantly and the current equipment will not be able to be upgraded. The new radios will track using GPS, just like a cell phone. The purchase is for 101 handheld radios and 24 vehicle replacement radios. This equipment replacement is funded through the city's Capital Improvement Projects general fund in an amount of \$842,763.60. There is a credit or refund from ARPA funds in the amount of \$143,250.00.

Vice Mayor Schroeder inquired about the Intergovernmental Agreement (IGA) with the Town of Gilbert when the city acquired newer radios through that agreement, in exchange for sharing our shooting range. The equipment from Gilbert will not be able to be updated with this new technology.

Councilmember Cross inquired on the costs after the one year promo deal. He asked if there were any other companies providing similar products, and inquired about the use of Verizon for the provider. Verizon technology degrades inside building structures. He inquired about the sale price.

Chief Pooley stated there is a one year trial period and there are features they will be able to select based on the city's use and need. This one year trial period will help PD determine which features they use most. Chief Pooley stated Motorola is the largest manufacturer and industry leader of this product. Verizon or AT&T are available, but the radios actually work on the radio network and the LTE network for cell phones is a back up.

This item was for presentation and discussion only.

- 12. [23-444](#) Presentation, discussion, and consideration of procurement of police shooting range cover from Covershots Mobile Canopies International, a sole source procurement, in an amount not to exceed \$139,079.05.

Councilmember Soller moved, seconded by Councilmember Nesser to approve the purchase of the police shooting range cover from Covershots Mobile Canopies International in an amount not to exceed \$139,079.05.

Yes: 7 - Mayor Wilson, Vice Mayor Schroeder, Councilmember Nesser, Councilmember Heck, Councilmember Johnson, Councilmember Cross and Councilmember Soller

No: 0

Chief Pooley recapped the discussion that was held at the August 15, 2023, city council meeting regarding the mobile shooting canopy for the gun range. This canopy will allow extended use of the gun range year round. He stated it is 104 feet in length, 20 feet deep and will allow for 20 shooting stations. Chief Pooley also provided information on the cost of a stationary cover. He stated after contacting various companies to acquire estimates, the overall comments were that it would be significantly more, due to the amount of steel that would be required, possible site engineering and fabrication, that it could run so high that an indoor range would then be considered.

- 13. [23-462](#) Presentation and discussion of proposal from Fire Security Electronics & Communications, Inc. (FSEC) for upgrade of video surveillance system for city facilities in the amount of \$249,904.94.

IT Director Doug Wirthgen provided council with background on the city's current safety and surveillance systems. The city currently has 160 cameras installed on city owned and leased properties. Of the 160 cameras, 26 older units need to be replaced, and 5 new cameras must be purchased to properly manage video coverage. The 165 cameras in service will be added to the new Avigilon Alta system with a 3-year renewable subscription. The implementation of this upgrade with its easy-to-use interface for recording discoveries will enable one system citywide for dispatch monitoring.

K. COUNCIL DIRECTION TO STAFF

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

M. CALL TO PUBLIC

Edward Ohly, 2364 N. Apache Trail, Apache Junction, addressed the traffic safety issue near his residence, which included the constant speeding, lack of a full guard rail and the close proximity of these safety concerns to his home. He asked if the city could look at the situation and determine if there is anything the city can do.

Donna Carr, 2178 W. Virginia Street, Apache Junction, would like to see the city attract better businesses. The lack of "quality" shops for the residents is an issue.

George Schroeder, 2444 W. Virginia Street, Apache Junction, spoke on using someone's name when, as he sees it, that someone is a problem to the city. He said everyone is breaking the law, they point the finger at each other and he wondered where it all ends. He complained about code enforcement and city employees. The city will be in debt in the near future with all the spending.

Andre Meek, 1327 S. Belair Road, Apache Junction, commented on an article he read that Mesa will reduce the width of Apache Trail to put in bike lanes and sidewalks to Meridian, and wondered if the city would be doing the same.

N. ADJOURNMENT

Mayor Wilson adjourned the meeting at 8:17 p.m.

ACCEPTED THIS _____ DAY OF _____, 2023, BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 2023.

WALTER "CHIP" WILSON
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 _____, 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2023.

JENNIFER PEÑA
City Clerk