



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

Doors are open to the public at least 15 minutes prior to the posted meeting start time.

Tuesday, August 20, 2024

7:00 PM

City Council Chambers

A. CALL TO ORDER

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

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Councilmember Soller gave the invocation and Councilmember Heck 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
Jennifer Pena, City Clerk
Joel Stern, City Attorney
Michael Pooley, Police Chief
Johnny John, Assistant Chief of Police
Rudy Esquivias, Development Services Director
Ted Wolff, Public Works Director
Liz Langenbach, Parks & Recreation Director
Evie McKinney, Deputy City Clerk
Kayla Fulmer, Marketing and Communications Director
Rob Wisler, Management Analyst

D. CONSENT AGENDA

Councilmember Cross moved, seconded by Councilmember Nesser to approve the Consent Agenda.

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

No: 0

1. [24-562](#) Consideration of acceptance of agenda.
2. [24-563](#) Consideration of approval of minutes of the regular meeting of August 6, 2024.
3. [24-568](#) Consideration of approval of contracts for towing service providers related to PD 2024-003. This item was presented and discussed at the August 5, 2024 work session.
4. [24-602](#) Consideration of approval of Resolution No. 24-28 approving the submittal of application from City of Apache Junction to the Gila River Indian Community State Shared revenue Program for Proposition 202 Funds for Fiscal Year 2024-2025 in the amount of \$30,000 for senior transportation. This item was presented at the August 5, 2024, City Council Work Session.
5. [24-604](#) Consideration of award of contract to Dig Studio for Prospector Park Pickleball Court Expansion in an amount not to exceed \$138,624.15 which includes a 5% contingency.
6. [24-614](#) Consideration of approval of procurement of city fleet vehicles and equipment for FY25 making the purchase through Arizona State Cooperative Contract #CTR069472 with Freightliner, Arizona State Cooperative Contract #CTR059323 with San Tan Ford, and City of Phoenix Cooperative Contract CON159257-0 for lighting and equipment for a total not to exceed \$2,226,502.
7. [24-628](#) Consideration of approval, retroactively, of an agreement for bulk fuel between the City of Apache Junction and Senergy Petroleum, LLC, for the term of August 2, 2024, through June 30, 2025, in an amount not to exceed \$840,000, utilizing the State Cooperative Contract No. CTR063147.
8. [24-678](#) Consideration of approval of a Replat of Blossom Rock Phase 1 to adjust the shared boundary between Parcels 8 and 9 zoned Master Planned Community (MPC).
9. [24-679](#) Consideration of approval of a Replat of Blossom Rock Phase 2 to divide Tract G into two parcels zoned Master Planned Community (MPC).

E. AWARDS, PRESENTATIONS AND PROCLAMATIONS

F. REGIONAL INTERGOVERNMENTAL UPDATES

10. [24-564](#) Brief summary of intergovernmental updates from mayor and councilmembers.

Councilmember Soller attended a meeting at The Morrison Institute. Topics of discussion included reclaimed water and low income housing. The Institute is working on an education program for public knowledge on the process and safety of reclaimed water, as well as programs being designed and offered for low income housing.

Mayor Wilson attended the ribbon cutting for Painted Sky Park at Blossom Rock on September 19, 2024. He commented on the beautification this park and others in the new development area have brought forth, and the many additional amenities being offered in them. Councilmember Nesser inquired on the fishing requirements for the new park in Blossom Rock. Parks and Recreation Director Liz Langenbach addressed this inquiry, and shared the requirements that will be enforced at the various lakes in parks to be developed in the future.

Mayor Wilson was also in attendance at the East Valley Mayor's Breakfast with the East Valley Chamber of Commerce. This was an opportunity for the east valley cities to collaborate on recent house bills initiated by the Legislature, that could have had negative impacts on the cities. Some of the topics covered were new zoning requirements and height restrictions.

He also shared that the Phoenix Mesa Gateway Airport Authority met today, and again is exceeding their passenger services in record numbers.

G. CITY MANAGER'S REPORT

11. [24-565](#) City Manager's Report.

City Manager Bryant Powell shared his appreciation and commendations to the Parks and Recreation department for a job well done at the Open House event for Painted Sky Park at Blossom Rock.

He updated that the Apache Junction Summer Reading Program had a 48% increase in participation. This program increases the awareness of the power of learning through reading and is so important for our youth to participate in.

He also reminded that the City is currently recruiting for Boards and Commission members for various boards.

12. [24-566](#) Announcement of Current Events.

Management Analyst Eli Richardson shared details on an upcoming event called "Boba With Badges", Wednesday, August 28, 2024, 4:00 p.m. - 5:00 p.m. at 183 W. Apache Trail, #107, Apache Junction, AZ. This is part of a series of events the Apache Junction Police Department is doing to engage the community and allow residents to interact with the Police Officers in a more relaxed setting.

H. PUBLIC HEARINGS

13. [24-623](#) Consideration of application for a new Series 6 Bar Liquor License for Captain's located at 300 W Apache Trail Suite 118, Apache Junction, AZ. The next step in the process is for the council to hold a public hearing on the application and make a recommendation of approval or denial to the Arizona Department of Liquor License and Control.

Councilmember Soller moved, seconded by Councilmember Nesser that the application for a Series 6 Bar Liquor License submitted by Cynthia Pierson with Captain's be recommended for approval to the Arizona Department of Liquor Licenses and Control.

Yes: 5 - Mayor Wilson, Councilmember Nesser, Councilmember Heck, Councilmember Cross and Councilmember Soller

No: 2 - Vice Mayor Schroeder and Councilmember Johnson

City Clerk Jennifer Pena explained a recent media post regarding the closure of Captain's due to the lease not being renewed. Staff has had numerous discussions with the applicant as well as the Arizona Department of Liquor License and Control, (AZ DLLC). The goal of this outreach was to prevent any undue financial hardship to the applicant. She further explained that AZ DLLC recommends approval of this application at this time, as pulling the application would result in further expenses for the applicant. Ms. Pena stated the posting requirement has been met with no comments from the public. Correspondence related to inspections of the premises for safety and code compliant matters have been received from the Apache Junction Police Department, Planning and Zoning Department, Building and Safety Division and the Superstition Fire and Medical District. All four entities find compliance with the inspection requirements and recommend approval.

Council concerns at this point included the license being issued to the applicant -vs- an address, and the time frame allowed from the approval to the applicant finding a new location.

Ms. Pena addressed these Council concerns.

The applicant, Cindy Pierson, addressed Council and stated she has 1 year to find a new location, and fully intends to stay in Apache Junction. She explained the situation of the non-renewed lease, and what her plan is going forward after August 31, 2024, if Council should move forward with their recommendation of this application.

Mayor Wilson opened the public hearing.

Heidi Erickson, Apache Junction resident, encouraged Council to approve this application, as this is a very well liked and attended establishment by the residents of Apache Junction. This business does many fund raising drives for the community, and she hopes a new location is found for Captain's to continue operating.

Chandra Robinson, Apache Junction resident, shared further details of the implied lease, and that this liquor license needs to be approved before a new location can be found.

East Valley Shopping Center Operations Manager Damon explained the history of the lease and stated there was never an implied agreement for this location.

Mehmood Mohiuddin, 2341 N Apache Trail, Apache Junction, expressed his hope that this establishment can remain open.

Council concerns included who is the true owner of this establishment, Power of Attorney interests, if a purchase agreement has been written, and business continuance without an actual business address. These concerns were addressed by the applicant.

Mayor Wilson closed the public hearing.

I. OLD BUSINESS

J. NEW BUSINESS

K. COUNCIL DIRECTION TO STAFF

- 14. [24-688](#) Presentation and council direction to staff on amending the Apache Junction City Code (“AJCC”), Volume 1, Chapter 9 Health and Sanitation, Article 9-1 Property Maintenance Standards, Section 9-1-4 Enforcement and Abatement; and the AJCC, Volume 2, Land Development Code, Chapter 1 Zoning Ordinance, Article 1-16 Administration, Section 1-16-16 Violations, Penalties and Enforcement; pertaining to fees charged for violations.

Councilmember Solled moved, seconded by Councilmember Nesser that direction to staff be given to draft text amendments to the Apache Junction City Code Vol 1, Chapter 9: Health and Sanitation, Subsection 9-1-4: Enforcement and Abatement AND Apache Junction City Code Volume 2, Land Development Code, Chapter 1: Zoning Ordinance, Subsection 1-16-16: Violations, Penalties and Enforcement pertaining to fees charged for violations.

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

No: 0

Development Services Director Rudy Esquivias refreshed on a presentation shared at a previous meeting, regarding the disparity of fees for property maintenance and zoning ordinance violations. The penalty amount in zoning differs from the property maintenance. Staff is requesting direction to adjust the fees to be more in comparison.

Council comments included the need of establishing a level of expectation that if a violation occurs the financial burden will be enforced, and these fees need to be equal.

- 15. [24-689](#) Presentation and council direction to staff on amending the Apache Junction City Code, Volume 1, Chapter 2, Mayor, Council and Appointed Boards and Commissions, Article 2-21: Board of Adjustment and Appeals/Municipal Property Corporation/Public Safety Personnel Retirement Board, by Repealing and Replacing in its entirety Section 2-21-3, Public Safety Personnel Retirement Board.

Councilmember Cross moved, seconded by Councilmember Soller that direction to staff be given to review and consider updates to the Apache Junction City Code, Volume 1, Subsection 2-21-3: Public Safety Personnel Retirement Board related to vacancies on the board.

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

No: 0

City Clerk Jennifer Pena presented a brief explanation of staff requesting to amend City Code relating to the Public Safety Retirement Board.

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

M. CALL TO PUBLIC

Andre Meek, 1327 S. Belair Rd, Apache Junction, commented on the process and purity of reclaimed water, and the cost of non-potable water in Apache Junction.

Donna Carr, 2178 W. Virginia St, Apache Junction, shared concerns regarding reclaimed water, and height restrictions on new buildings.

Councilmember Soller encouraged that extensive study and research is going into the processes of reclaimed water.

N. ADJOURNMENT

Mayor Wilson adjourned the meeting at 7:47 p.m.

ACCEPTED THIS _____ DAY OF _____, 2024, BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 2024.

WALTER "CHIP" WILSON
Mayor

ATTEST:

JENNIFER PEÑA
City Clerk