



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, March 19, 2024

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 Soller led the meeting attendees in the Pledge of Allegiance.

C. ROLL CALL

Present: 6 - Mayor Wilson
Vice Mayor Schroeder
Councilmember Heck
Councilmember Johnson
Councilmember Cross
Councilmember Soller

Excused: 1 - Councilmember Nesser

Staff in Attendance:

Bryant Powell, City Manager
Matt Busby, Assistant City Manager
Jennifer Pena, City Clerk
Joel Stern, City Attorney
Michael Pooley, Police Chief
Rudy Esquivias, Development Services Director
Ted Wolff, Public Works Director
Liz Langenbach, Parks & Recreation Director
Evie McKinney, Deputy City Clerk
Sidney Urias, Planning Manager
Kelsey Schattnik, Senior Planner
Nicholas Leftwich, Planner

D. CONSENT AGENDA

Councilmember Soller moved, seconded by Councilmember Heck to approve the Consent Agenda.

Yes: 6 - Mayor Wilson, Vice Mayor Schroeder, Councilmember Heck, Councilmember Johnson, Councilmember Cross and Councilmember Soller

No: 0

Excused: 1 - Councilmember Nesser

1. [24-069](#) Consideration of acceptance of agenda.
2. [24-071](#) Consideration of approval of minutes of the regular meeting of March 5, 2024.
3. [24-087](#) Consideration of approval of Resolution No. 23-37, a Federally Patent Easement (FPE) Extinguishment of 7th Avenue (alignment) from Conestoga Road to Cortez Road for purpose of future development with the acknowledgement that current setbacks remain in place until the Utility Easements are Extinguished.
4. [24-089](#) Consideration of approval of Resolution No. 24-05, a Federally Patent Easement (FPE) Extinguishment of Roundup Street (alignment) for purpose of future development of undeveloped parcels inside the Apache Junction Town Home Development.
5. [24-139](#) Consideration of award of contract to Viasun Corporation for sidewalk and traffic signal pedestrian facility improvements at the intersection of Southern Avenue and Ironwood Drive. The work would be through Pinal County cooperative job order Contact No. 175623 in the amount of \$267,793.64 plus at 10% contingency for unforeseen change orders in the amount of \$26,779.36 for a total project cost not to exceed \$294,573.00. Work will result in updated pedestrian facilities and compliance with Americans with Disabilities Act regulations. Work is planned to take place in the April-June 2024 time frame.
6. [24-150](#) Consideration of approval of Resolution No. 24-12 authorizing the city to terminate the agreement with Maricopa Regional 911 and to apply for and accept a reimbursement grant for costs associated with AT&T Telecommunications for equipment, maintenance and operations of the City of Apache Junction's Public Safety Answering Point.

E. AWARDS, PRESENTATIONS AND PROCLAMATIONS

7. [24-130](#) Proclamation designating March 29, 2024, as "Vietnam War Veterans Day."

Mayor Wilson read the Proclamation designating March 29, 2024, as "Vietnam War Veterans Day" and presented it to members of the VFW Post #9399 and #7968. Each veteran gave a brief introduction about their military history and time served and thanked the Mayor and Council for recognizing the day. Mayor Wilson also spoke of his experience during the war.

8. [24-138](#) Proclamation designating the week of April 2nd - 8th, 2024 as "International Dark Sky Week."

Mayor Wilson read the Proclamation designating the week of April 2nd - 8th, 2024, as "International Dark Sky Week."

Senior Planner Kelsey Schattnik and Planning Intern Addison Kaufman accepted the proclamation. Mr. Kaufman thanked the Mayor and council for recognizing this event for the second year and gave an update on the Urban Night Sky Place initiative.

F. REGIONAL INTERGOVERNMENTAL UPDATES

9. [24-073](#) Brief summary of intergovernmental updates from mayor and councilmembers.

Councilmember Heck shared that the 2024 Lost Dutchman Days event was the most successful year yet and raised \$245,000.00 that was distributed to youth organizations within the city. He thanked city staff members for all their help before, during, and after the event.

Councilmember Soller, Mayor Wilson and Councilmember Cross attended the grand opening of the NAU Workforce Building at Phoenix Mesa Gateway airport, where students will learn all areas of the hospitality industry. Mayor Wilson added that the building is expected to be completed by Fall 2024, and there will also be a restaurant there for students to have hands on experiences. He also stated there will be several new facilities opening at the airport over the next year and this will bring thousands of job opportunities.

Mayor Wilson attended the Pinal County Fair and visited with the Apache Junction 4H group.

Mayor Wilson announced up-coming events for March 23 and 24, 2024, the Thunderbirds will be putting on an aerial display and the Arizona Game and Fish Expo is taking place.

G. CITY MANAGER'S REPORT

10. [24-074](#) City Manager's Report.

City Manager Bryant Powell shared the success of the Lost Dutchman marathon on February 17, 2024. The total amount of participants went up by 11% and he recognized city staff for their efforts with this event.

11. [24-067](#) Presentation and discussion by Tony Smith from Pinal Partnership regarding new projects and future plans.

Pinal Partnership President Tony Smith presented the purpose of the non profit organization and how it can help the cities in Pinal county. He went over past projects they have worked on including assisting in the 2022 transportation ballot election, partnered with the county to create interactive map viewers and printing updated wall maps. He also spoke about their current projects: renewing the existing 1/2 cent Transportation Maintenance Fund, Fall 2024 golf tournament and "Emerging Leaders Initiative" for 2024 with networking events and forums.

12. [24-104](#) Presentation and discussion with Mary Ann Przybylski, President/CEO of the Apache Junction Chamber of Commerce, on the operation of the local visitor information center.

President/CEO of the Apache Junction Chamber of Commerce Mary Ann Przybylski gave an update on the Visitor Information center. She highlighted what the center provides and introduced the 11 volunteers that help run it. They had a steady increase in visitors from 2022 to 2023 for a total of 10,349, which includes local, out of state and foreign visitors. They also received 3,508 phone calls in 2023.

Councilmembers commended Ms. Przybylski for her efforts with the Visitor Center and all the events they hold for the city.

13. [24-077](#) Announcement of Current Events.

Management Analyst Eli Richardson shared upcoming events:

* Itty Bitty Olympics on Saturday, March 23, 2024, 10:30 a.m. - 12:00 p.m. at Flatiron Park

*Easter Egg Hunt on Saturday, March 30, 2024, 8:00 a.m. - 12:00 p.m. at Prospector Park

*Open House Meeting regarding the Road Maintenance and Improvement Fund on Tuesday, March 26, 2024, 5:00 p.m. - 7:00 p.m. at the Multi-Gen Center located at 1035 N Idaho Rd, Apache Junction

*For more information and to sign up for the weekly newsletter visit the city website at www.apachejunctionaz.gov

H. PUBLIC HEARINGS

14. [24-163](#) Presentation, discussion, public hearing and consideration of Resolution No. 24-11, declaring as a public record that certain document filed with the City Clerk and entitled "Legal Descriptions and Zoning Conditions of Case No. P-23-119-PZ, (applicant: Frances McGregor of Phoenix Metro Towing) authorized under Ordinance No. 1548 for a Planned Development Rezoning, repealing any conflicting provisions and providing for severability.

Councilmember Johnson moved, seconded by Councilmember Soller that Resolution No. 24-11 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 entitled "Legal Descriptions And Zoning Conditions of Case No. P-23-119-PZ authorized under Ordinance No. 1548" be approved.

Yes: 6 - Mayor Wilson, Vice Mayor Schroeder, Councilmember Heck, Councilmember Johnson, Councilmember Cross and Councilmember Soller

No: 0

Excused: 1 - Councilmember Nesser

Planner Nicholas Leftwich presented the following:

BACKGROUND

Parcels 102-20-014C & 102-20-014D are located approximately six-hundred-ten feet (610') from the northwest corner of Baseline Avenue & Tomahawk Road and are vacant, undeveloped properties.

Originally both parcels were one combined parcel, but in 1989 the City annexed, rezoned, and acquired the south one hundred feet (100') of properties along Baseline, between Tomahawk and Royal Palm, to establish the right-of-way for Baseline Avenue. It was later determined that only the south fifty feet (50') of this area was required, and the remaining north fifty feet (50') was vacated and returned to private ownership, resulting in the creation of Parcel 102-20-014D.

Although Parcel 102-20-014D has an existing Planned Development (PD) Rezoning, there is no established development plan, and this proposed zoning action would replace the current PD with a new Ordinance.

PROPOSALS

P-23-119-PZ is a proposed planned development rezoning of approximately 5 gross acres currently zoned General Rural Low Density Single-Family Detached Residential (“RS-GR”) and Industrial by Planned Development (“B-5/PD”) to Industrial by Planned Development (“B-5/PD”) with a new planned development overlay to authorize the development of a towing company office and tow yard. The applicant proposes two buildings, an 11,800 square foot office building and a 6,400 square foot building to be used for fleet maintenance of the company vehicles. The rear half of the property would be an impound tow yard, proposed to be screened by a ten-foot (10’) wall.

PLANNED DEVELOPMENT REQUEST

The applicant requests the use of a planned development to authorize the use of the office, vehicle maintenance building, and outside storage yard. In the B-5 zoning district, truck maintenance & servicing and outside storage requires the approval through either a Conditional Use Permit or through stated approval in a Planned Development (PD) ordinance, and as the property required a rezoning already the approval of this development plan is also requested through a PD at this time.

The applicant has also requested the approval of the use of a ten-foot (10’) perimeter wall, proposed would be located on the side and rear property lines. The city fence and wall regulations generally limit walls at the front of the property to eight feet (8’) in height and require that a wall over eight feet (8’) would be placed at least ten feet (10’) into the side and rear property lines. Staff supports this request as a matter of providing superior screening to the property than the basic standard generally enables.

No deviation to the zoning land use or bulk regulations is requested in this proposal.

PLANNING STAFF ANALYSIS

Relationship to General Plan: The subject site is designated by the city’s General Plan as “Commercial”, while bordered by the “Light Industrial/ Business Park and Industrial” land use designation on the east and west, the “High Density Residential” Land Use Designation to the north and the “Master Planned Community” to the south.

The “Commercial” General Plan land use designation is generally designed for office, restaurant, retail, service industry type land uses, but although the proposed office would fit within this land use designation the tow yard is a more industrial-type use, which is further enforced in the zoning district requirements. Due to this, in order to facilitate this development, request for a Minor General Plan Amendment to modify the land use designation of the subject property from “Commercial” to “Light Industrial/ Business Park and Industrial” is required and requested.

In Planning staff’s analysis of this location and the proposal, they believe this proposed

development plan utilizes a historically vacant property in a manner that complies with the General Plan by meeting the following General Plan Goals & Policies:

- Policy 5.1.1 - Strategically identify infill opportunity sites that can accommodate office, industrial, entertainment, retail, and housing and mitigate barriers to development.
- Policy 5.1.4 - Encourage the protection and expansion of the land designated in the general plan specifically for employment and ensure they are preserved along transportation corridors or in prime business cluster locations that will maximize the impact and economic potential for those businesses and employment centers. Discourage any uses that bring little or no value to the community (such as RV Parks, RV storage, mini storage lots and seasonal residential units).

If the subject proposal were only a tow yard, Planning staff would not generally recommend in favor of a new tow yard per the general policies discouraging space-intensive uses that are not activity centers or economic drivers. The applicant's proposal addresses these concerns and the general plan policies by allocating a significant area to include an office and shaping the proposal to preserve employment opportunities within the city. The proposal develops a vacant site with landscaping, screening for the tow yard, and buildings compliant with our design standards, overall offering an improvement to the property.

Furthermore, as the applicant's current primary business location within the city is located along Apache Trail, centering their operations and facilities in an industrial area keeps like-uses clustered and reduces the focus and intensity of their operations along our main economic corridor.

The Planning and Zoning Commission recommends to the Apache Junction City Council the approval of planned development rezoning case P-23-119-PZ, a request by Frances McGregor, Phoenix Metro Towing to rezone Parcels 102-20-014C & 102-20- 014D, located near the northwest corner of Baseline Avenue Boulevard and Tomahawk Road, from General Rural Low Density Single-Family Detached Residential("RS-GR") and Industrial by Planned Development ("B-5/PD") to Industrial by Planned Development ("B-5/PD") with a new planned development overlay to authorize the development of an office and tow yard, subject to the following conditions of approval:

- 1) The development shall reflect substantial compliance and consistency with the city's zoning ordinance and the planned development plans presented in case P-23-119-PZ, incorporated by reference herein, and as otherwise specified through these conditions of approval, to include layout, elevations, setbacks, public and private rights-of ways, perimeter walls, landscaping and other improvements.
- 2) The building architecture of any future phases shall be architecturally consistent with the presented conceptual architecture approved in case P-23-119-PZ.
- 3) The front decorative screen wall must architecturally complement the approved building architecture. All other opaque screen walls located at the side and rear must at minimum be painted or stained with an earth tone color.
- 4) Street improvements on East Baseline Avenue, including, but not necessarily limited to, the

extension of pavement and the provision of sidewalk, curb, gutter, streetlights, underground utilities, fire hydrants, and landscaping shall be required as part of this planned development project, and subject to review and approval by the city engineer.

5) All applicable permits shall be applied for and plans shall be designed to current city codes. Inclusively, all applicable development fees, including public art fees, shall be paid at the time of permit issuance.

6) Major deviations or proposed changes from the original plans associated with this case will require a major planned development amendment. The Director or their designee shall interpret the proposed modification to be significant/major if, in the Director or Designee's opinion, the quality of project design is diminished, the types of proposed land uses are significantly altered and/or the overall character of the project is contrary to the intent and spirit of the original City Council PD ordinance approval.

7) All perimeter walls/fences, and interior/exterior landscaping within and immediately adjacent to the proposed development, shall be owned and maintained in good condition at all times by the property owners. The developer may secure the walls with security wall spikes or equivalent security features, but barbed wire or concertina razor wire shall not be placed on top of the fence or be visible from the public right-of-way.

8) The proposed vehicle impound storage areas within the development shall be ground surfaced for dustproofing purposes to meet the city's requirements, as outlined in the attached City of Apache Junction Ordinance 1316.

9) After the rezoning, the lots APN 102-20-014C & 102-20-014D shall be combined through the city's lot combination process.

10) Impounded vehicles shall not be stacked on top of each other such that they are visible from the public right-of way. Storage shall not be visible from the public right-of-way.

Phoenix Metro Towing representative Alex Hayes presented on why they are requesting the move to a larger area and how it would benefit the city to retain a key employer and help fulfill the needs of a growing populace.

Councilmembers commented about the lighting in the tow yard and how pleased they were with the answers to their questions from the presentation at the work session meeting.

Mayor Wilson opened the public hearing.

Donna Carr, 2178 W Virginia St, Apache Junction, expressed concerns about chemicals leaking from the cars being towed in and the lighting from the tow yard.

Mayor Wilson closed the public hearing.

15. [24-143](#) Presentation, discussion, public hearing and consideration of Ordinance No. 1548, Case P-23-119-PZ, a proposed planned development rezoning requested by Frances McGregor of Phoenix Metro Towing to rezone Parcels 102-20-014C & 102-20-014D, approximately 5 gross acres currently zoned General Rural Low Density Single-Family Detached Residential("RS-GR") and Industrial by Planned Development ("B-5/PD") to Industrial by Planned Development ("B-5/PD") with a new planned development overlay to authorize the development an office and tow yard.

Vice Mayor Schroeder moved, seconded by Councilmember Johnson that Ordinance No. 1548 be read by title only and the reading of the entire ordinance be waived.

Motion passed unanimously.

City Clerk Pena read Ordinance No 1548 by title only, repealing any conflicting provisions; and providing for severability.

Councilmember Johnson moved, seconded by Councilmember Soller that Ordinance No. 1548, as read by the city clerk be approved and adopted.

Yes: 6 - Mayor Wilson, Vice Mayor Schroeder, Councilmember Heck, Councilmember Johnson, Councilmember Cross and Councilmember Soller

No: 0

Excused: 1 - Councilmember Nesser

16. [24-145](#) Presentation, discussion, public hearing, and consideration of Ordinance No. 1546, approving a text amendment to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-17: § 1-17-1 Definitions, Recreational Vehicle; repealing any conflicting provisions; and providing for severability. This request was previously presented and discussed at the City Council Work Session on March 18, 2024.

Councilmember Soller moved, seconded by Vice Mayor Schroeder that Ordinance No. 1546 be read by title only and the reading of the entire ordinance be waived.

Motion passed unanimously.

City Clerk Pena read Ordinance No 1546 by title only, repealing any conflicting provisions; and providing for severability.

Councilmember Soller moved, seconded by Councilmember Heck that Ordinance No. 1546, as read by the city clerk be approved and adopted.

Yes: 6 - Mayor Wilson, Vice Mayor Schroeder, Councilmember Heck, Councilmember Johnson, Councilmember Cross and Councilmember Soller

No: 0

Excused: 1 - Councilmember Nesser

Associate Planner Erika Hernandez presented a summary of the background and

recommendation for Ordinance No 1546.

On December 13, 2022, the Planning and Zoning Commission issued a direction to Planning staff to research the Arizona Revised Statutes' definition of recreational vehicles, trailers, and toy haulers and the location in which these vehicles may be parked to provide recommendations for a text amendment. Planning staff presented findings during a regular meeting on May 9, 2023, through case P-23-15-AM. The case subsequently went through several work sessions and public hearings and expanded the case parameters to include a modification to the number of recreational vehicles allowed to be stored on a single-family residential property.

On September 5, 2023, Planning staff presented a final draft for the proposed text amendment to Article 1-7: Parking, Loading and Circulation Regulations, which was unanimously approved by the Apache Junction City Council. These changes include:

Modifying the number of recreational vehicles allowed on single-family residential zoned properties with a minimum of one (1) acre to two (2) recreational vehicles or one (1) recreational vehicle and one (1) large truck vehicle.

Elaborating on vehicle types that qualify as recreational vehicles.

Removing "truck camper", as this type of camper slides into a truck bed and is not mounted on wheels or classified as a motor home.

Planning staff notified Council during this public hearing that a proposed text amendment for Article 1-17: Definitions, "Recreational vehicle" would be brought before the Planning and Zoning Commission and City Council at a later date.

On January 23, 2024, Planning staff presented a drafted version of the text amendment to Article 1-17: Definitions, "Recreational vehicle". One question arose on how the truck campers would then be regulated, to which Planning staff answered that truck campers will not be counted as a recreational vehicle and can therefore be installed on trucks in the driveway and/or stored on the property out of view.

Upon much deliberation during case P-23-15-AM and P-23-127-AM, Staff recommends the following text language:

RECREATIONAL VEHICLE. A vehicle or unit generally described as one (1) or more of the following:

(1) Motor home. Designed to provide temporary living quarters for recreational, camping or travel use, and built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle. This includes:

Class A. Vehicles built on a motorhome specific chassis by a recreational vehicle manufacturer, including a motorized toy hauler.

Class B. Vans converted for recreational vehicle use by a recreational vehicle manufacturer.

Class C. Vehicles built on a van or truck chassis with the original van or truck front intact by a recreational vehicle manufacturer.

Camper Van. Cargo or passenger van converted into a recreational vehicle by a professional or DIY.

(2) Park model. Built on a single chassis, mounted on wheels and designed to be connected to utilities necessary for operation of installed fixtures and appliances and has a gross trailer area of not less than three-hundred and twenty (320) square feet and not more than four hundred (400) square feet when it is set up.

(3) Travel trailer. A trailer mounted on wheels and designed to connect to a hitch, designed to

provide temporary living quarters for recreational, camping or travel use. This includes: Conventional travel trailer. A trailer designed to be drawn by a motor vehicle and is constructed so that no part of its weight rests on the towing vehicle.

Mayor Wilson opened the public hearing, receiving no comments, he closed the public hearing.

I. OLD BUSINESS

J. NEW BUSINESS

17. [24-105](#) Presentation, discussion and consideration of Resolution No. 24-07 for continuing participation in the Arizona Metropolitan Trust employee benefits program.

Councilmember Soller moved, seconded by Councilmember Cross that Resolution No. 24-07 a resolution of the Mayor and City Council of the City of Apache Junction, Arizona, authorizing the renewal of the city's membership in the Arizona Metropolitan Trust employee benefits program be approved.

Yes: 6 - Mayor Wilson, Vice Mayor Schroeder, Councilmember Heck, Councilmember Johnson, Councilmember Cross and Councilmember Soller

No: 0

Excused: 1 - Councilmember Nesser

Human Resources Director Anna McCray stated the city was a founding partner with four other entities which formed the health benefit trust, Arizona Metropolitan Trust, (AzMT) in Fiscal Year 2012-2013. The trust provides city employees with medical, dental, city-paid life insurance, vision insurance, Employee Assistance Program (EAP) and a robust Wellness program. Since joining the Trust twelve years ago, the city's premiums have been significantly more stable while the benefits/services offered by AzMT have increased. Prior to joining AzMT the city was facing double digit increases in its medical insurance premiums.

The city has the option to renew its membership every three years and the current renewal period ends on June 30, 2024. The approval of Resolution No. 24-07 would authorize the city to renew its AzMT membership through June 30, 2027.

K. COUNCIL DIRECTION TO STAFF

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

M. CALL TO PUBLIC

Donna Carr, 2178 W Virginia St, Apache Junction, stated there are too many mental health facilities in the city and would like the council to look at other businesses. She also commented her family has concerns about the water quality.

Andre Meek, 1327 S Belair, Apache Junction, thanked the council for the Vietnam War Veterans Day Proclamation and spoke about this experience relating to the war. He is happy with the move for the towing company and stated their name should be Apache Junction Metro Towing.

N. ADJOURNMENT

Mayor Wilson adjourned the meeting at 8:23 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

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 _____, 2024. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2024.

JENNIFER PEÑA
City Clerk