



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, October 3, 2023

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

Vice Mayor Schroeder 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
Al Bravo, Public Information Officer
Michael Pooley, Police Chief
Rudy Esquivias, Development Services Director
Ted Wolff, Public Works Director
Liz Langenbach, Parks & Recreation Director
Emile Schmid City Engineer
Evie McKinney, Deputy City Clerk

D. CONSENT AGENDA

Vice Mayor Schroeder 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. [23-434](#) Consideration of acceptance of agenda.
2. [23-435](#) Consideration of approval of minutes of the regular meeting of September 19, 2023.

E. AWARDS, PRESENTATIONS AND PROCLAMATIONS

3. [23-500](#) Proclamation designating the week of October 16 through October 22, 2023 as "Arizona Cities and Towns Week".

Vice Mayor Schroeder read and presented the Proclamation designating the week of October 16 through October 22, 2023, as "Arizona Cities and Towns Week."

4. [23-508](#) Proclamation designating the month of October as "Domestic Violence Awareness Month."

Mayor Wilson read the Proclamation designating the month of October as "Domestic Violence Awareness Month, and presented it to Chief Michael Pooley with the Apache Junction Police Department. Chief Pooley thanked the Mayor and Council for recognizing this important issue, that is dealt with on a consistent basis across the country. He also shared the various organizations that offer support for this cause, and complimented the Mayor and Council on the wearing of purple shirts at this meeting.

5. [23-509](#) Proclamation designating the week of October 23-31, 2023 as "Red Ribbon Week."

Councilmember Heck read the Proclamation designating the week of October 23 through 31, 2023, as "Red Ribbon Week". Chief Michael Pooley accepted the Proclamation and thanked the Mayor and Council for recognizing this important initiative. He recognized the Apache Junction Police Officers in attendance, and requested they join him with the Mayor and Councilmembers in a photo.

F. REGIONAL INTERGOVERNMENTAL UPDATES

6. [23-436](#) Brief summary of intergovernmental updates from mayor and councilmembers.

Councilmember Soller recognized the Apache Junction Police Department and staff for wearing pink in honor of Breast Cancer Awareness Month during October, 2023.

He also gave an update on the National Faith and Blue weekend, and invited the public to join in the resolution and reconciliation during this event. This is being hosted in an effort to build bridges and break biases. A toy drive is being offered by the Apache Junction Police Department at the Mountain View Lutheran Church on Saturday, October 7, 2023, 9:00 a.m. to 11:00 a.m., located at 2122 S. Goldfield Road, and a community picnic is being held on Sunday, October 8, 2023, from 12:30 p.m. to 2:30 p.m., hosted by the Church of the Pentecost and Amazing Grace Presbyterian, located at 1180 E. Broadway Avenue.

Vice Mayor Schroeder gave an update on a recent forum that was paneled by himself, the Pinal County Supervisor, Pinal County Attorney, Mayor Wilson and City Manager Bryant Powell. Mayor Wilson also added the statistics that were shared at this meeting regarding gun violence.

Councilmember Heck attended a Pinal County Housing Round Table with City Manager Bryant Powell and Management Analyst Robert Wisler. Presentations were given to help cities learn how to plan and offer more affordable housing, and explore the various opportunities and organizations that could assist with that.

Make A Difference Day is an opportunity to address areas of blight and needed improvement within the City. This will be held on Saturday, October 7, 2023, from 8:00 a.m. to 11:00 a.m. All participants will meet at the City Focal Point.

Mayor Wilson attended a groundbreaking ceremony at the Apache Junction Central Arizona College campus. Due to upcoming new programs being offered by the college, some of the old buildings are being torn down and new buildings will be added.

Mayor Wilson also invited the public to attend the Rodeo Grounds Key Transfer event on October 6, 2023, from 5:30 p.m. to 7:30 p.m. The City has purchased this land from the Bureau of Land Management, and will now be able to offer more great opportunities for the community.

Mayor Wilson also attended a butterfly release at the Apache Junction Library. This was a program offered to children to be involved from the beginning stage of a caterpillar to completion of cycle into a butterfly, and the release of the butterfly event was well attended.

G. CITY MANAGER'S REPORT

7. [23-437](#) City Manager's Report.

City Manager Bryant Powell thanked the Mayor and Council for their support to the Domestic Violence Awareness effort.

He commented on the anticipated improvements at the Central Arizona College Apache Junction campus and the benefits of these new buildings and programs being offered for specific trades. Our community and residents will benefit from this with high quality and higher paying jobs, along with the low debt ability for our youth to obtain an excellent education.

He recognized the Finance Department for achieving the Distinguished Budget Presentation Award from the Government Finance Officers Association (GFOA), and thanked the Finance Director Leslie DeReche and staff for their efforts.

Chamber of Commerce held the Superstition Open Annual Golf Tournament on Friday, September 29th, 2023. Several community members and city staff participated in the event.

8. [23-438](#) Announcement of Current Events.

Public Information Officer Al Bravo covered details regarding Make A Difference Day, Saturday, October 7, 2023. Participants will meet at the City Focal Point at 7:45 a.m. for directions on projects, and will receive a t-shirt.

Phoenix New Times has spotlighted the Superstition Ridgeline Trail as their "Best of Phoenix Edition" hard hike in the valley.

Seed Up Meet Up is a program offered through the Apache Junction Library and Horizon Health and Wellness. More details can be found on the Library website at ajpl.org.

Many other events can be found on the city website at apachejunctionaz.gov, and encouragement was given for everyone to sign up and receive the weekly newsletter at apachejunctionaz.gov/newsletter.

H. PUBLIC HEARINGS

9. [23-507](#) Public hearing and consideration on the Fourth Amendment to Economic Development Agreement Between City of Apache Junction and Mehmood Mohiuddin as owner of the Hitching Post.

Councilmember Cross moved, seconded by Vice Mayor Schroeder that the Fourth Amendment to the Hitching Post Development Agreement be approved.

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

No: 1 - Councilmember Heck

Recused: 1 - Councilmember Johnson

Councilmember Johnson recused herself from this item action.

City Manager Bryant Powell presented the update to the Fourth Amendment with the Hitching Post.

Councilmembers had no concerns for discussion.

Mayor Wilson opened the Public Hearing.

George Schroeder, 2444 W. Virginia Street, Apache Junction, questioned if the 8 events are strictly for bull riding or can other types of occasions be held? He has concerns that not all businesses are being held to the same standards regarding compliance of building code requirements.

City Manager Bryant Powell confirmed the new agreement of the 8 additional events are not strictly for bull riding.

Donna Carr, 2178 W. Virginia Street, Apache Junction, suggested other activities for youth be offered within these 8 added events.

Timothy O'Toole, 2178 E. Foothill Street, Apache Junction, queried if discussion tonight would cover the right of way request for the property involved with the Fourth Amendment Agreement. He has great concern regarding this right of way due to access on his private property. He complained he was not notified or invited to this meeting tonight. He is strongly opposed to any expansion for this business, and shared his varied reasons.

Richard Beavers, 2225 N. Cortez Road, Apache Junction, expressed his opposition to any expansion to the Hitching Post. He has lived with the noise from the establishment for the past 6 years and does not want it anymore. He also commented on not receiving an invitation to this meeting until this morning in his mail.

Bonnie Goldsbury, 2320 N. Apache Trail, Apache Junction, shared her concerns regarding the attention citizens are giving to the noise level from the Hitching Post, when the traffic on

Highway 88 from vehicles pulling boats as well as all the ATV's creates much more noise than the establishment. She referenced the importance and sustainability of rodeo, and she is in favor of more events such as this at the Hitching Post. She commented on the upcoming events to be held at the Rodeo Grounds, just around the corner from the Hitching Post, and questioned the noise to be expected from that venue.

Gail Evans, 913 S. Del Rio Court, Apache Junction, questioned the total of 8 additional events. She shared statistics of the current amount of events and how they impact residents to the east of the business. She expressed concerns on the lack of fire suppression and equipment that is not currently installed at the Hitching Post. She questioned if staff will be completing inspections prior to these additional events. She also stated she did not see anywhere in the agreement how enforcement will be given if the business owner is non-compliant. She recalled a previous Fourth Amendment Agreement that addressed several conditions, of which the business owner failed to complete regarding the required changes.

Jane Brown, 35 Val Vista Road, Apache Junction, commented on the need for our youth to have events like these offered at the Hitching Post to attend, and the expansion of these events will build on our horse community and she is in favor.

Andre Meek, 1327 S. Belair Road, Apache Junction, stated he drives past this establishment everyday and sees the traffic issues. He supports the idea of offering more events for the youth in our community, but has concerns with the approach the owner of the business is taking regarding compliance requirements and stated this business should be treated the same as any other and be held to the same standards. If there is a concern with the noise he suggested completing a decibel test.

Receiving no further comments Mayor Wilson closed the Public Hearing.

Councilmembers continued with discussion on the following topics:

Types and number of events allowed, special event process, noise level concerns, economic value brought to the community, allowable event hours, current compliance status of the business, benefits of rodeos in raising polite young adults, design of the intersection and traffic concerns, previous events held without a development agreement, regulations covered under this agreement, zoning for this type of business, safety concerns with occupancy and fire suppression system, and lack of water volume to accommodate fire sprinklers.

After Council discussion, Mayor Wilson re-opened the Public Hearing.

Timothy O'Toole, 2178 E. Foothill Street, Apache Junction, strongly urged attention be given to the right of way abandonment included in this agreement. This has not been addressed tonight, and he has great concern on this, because currently traffic is allowed to cross his private property due to the design of the right of way. If the right of way is granted to this business owner then Mr. O'Toole expects to receive the same grant of property to avoid the current issue of traffic crossing through his property. He commented on the suggestions for the intersection redesign and how that would be paid for. He has great concern for the ability of drivers in this intersection due to alcohol.

Mr. Powell announced this amendment is a mechanism for council to have further discussion and public hearings relating to the right of way abandonment.

Donna Carr, 2178 W. Virginia Street, Apache Junction, inquired why the junior rodeo events are

not being held at the rodeo grounds, where the City would make full profit rather than receiving a portion from a business owner hosting the events. She commented that everyone should have to follow all codes and remain in compliance.

Mayor Wilson closed the Public Hearing.

Council added:

The intersection of Lost Dutchman and State Route 88 is not the responsibility of the City, it is owned and maintained by the Arizona Department of Transportation (ADOT). Requests by the City can be made to ADOT to complete traffic studies and possible improvements to the area.

Mayor Wilson commented, prior to his vote, that the business owner needs to be held accountable to the zoning requirements, and be actively pursuing compliant status, including the noise level.

At the completion of Vote and Roll Call, Councilmember Johnson returned to the dais.

I. OLD BUSINESS

J. NEW BUSINESS

10. [23-460](#) Presentation, discussion, and possible consideration of contract with Dick and Fritsche Design Group (DFDG) in an amount of \$169,300.00, plus a contingency of \$25,700.00 for a total not to exceed \$195,000.00 for long-term master planning services for city facilities. This item was approved as part of the FY2024 budget.

Vice Mayor Schroeder moved, seconded by Councilmember Soller that the contract with Dick and Fritsche Design Group for long-term master planning services for city facilities in an amount not to exceed \$195,000.00, approved in the Fiscal budget of 2024, be approved.

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

No: 0

Assistant City Manager Matt Busby introduced Sue Billings with Elevated Design Studio, (EDS) to present Phase II of the Capital Improvement Master Plan for multiple municipal buildings and sites. This will include the space needs for the new development to the south of Apache Junction.

11. [23-514](#) Presentation, discussion, and possible consideration of contract with Sunland Asphalt for parking lot and sidewalk/curbing work in various locations throughout the parks. The work would be through the 1GPA Cooperative Contract, in an amount not to exceed \$350,000.00 per year. The projects will be in fulfillment of general fund projects as well as projects associated with the Land Water Conservation Fund grant.

Councilmember Cross moved, seconded by Councilmember Soller that the contract with Sunland Asphalt for various projects such as parking lot and sidewalk/curbing work in various city parks, and other general fund projects associated with the Land Water Conservation Fund grant in an amount no to exceed \$350,000.00 per year, to be executed starting October 3, 2023, through June 30, 2024, be approved.

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

No: 0

Parks and Recreation Director Liz Langenbach presented the Sunland Asphalt contract, for various parking lot and sidewalk and curbing work throughout the City's parks. This would be an umbrella contract for the entire year, rather than requesting council approval for every project. Ms. Langenbach explained several of the projects planned for the upcoming year. Staff is requesting approval for the contract, in an amount not to exceed \$350,000.00.

Council items of discussion included a correction to the dates in the contract, term of the contract, contingency fund clarification, and budget funding.

City Attorney Joel Stern clarified the date correction to the term of the contract be October 3, 2023, through June 30, 2024.

K. COUNCIL DIRECTION TO STAFF

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

M. CALL TO PUBLIC

Gail Evans, 913 S. Del Rio Court, Apache Junction, shared an announcement of the upcoming Make A Difference on Saturday, October 7, 2023. Participants are asked to meet at the City Focal Point at 7:45 a.m., and the event will be from 8:00 a.m. to 11:00 a.m. Free T-shirts will be given.

Devon Kling, 1928 W. 9th Avenue, Apache Junction, commented on an incident involving him being followed by an Apache Junction Police Officer. He is frustrated with the City's process of communication, and does not feel his concerns were addressed appropriately.

Donna Carr, 2178 W. Virginia Street, Apache Junction, expressed her condolences for Maria Johnson with Good Shepherd. She also shared her concerns regarding squatters at a neighbor's property and connecting to utility services illegally. Code Enforcement was contacted, but arrived at the wrong address. There are non-compliant code issues that really need to be looked into. She again shared her favor of adding events for the younger generation through the Hitching Post Agreement, and suggested possibly offering more events at the Rodeo Grounds.

George Schroeder, 2444 W. Virginia Street, Apache Junction, expressed his frustration with the decision Council made tonight regarding the Fourth Amendment Agreement for the Hitching Post. He voiced his opposition to the road improvements in the planning stages with the north/south corridor, and has concerns with this project creating a new road tax, as well as separation from open land due to all the new homes and development that will follow.

Timothy O'Toole, not present.

Jane Brown, 32 Val Vista Road, Apache Junction declined to speak.

Andre Meek, 1327 S. Belair, Apache Junction, commented on the topics of discussion this evening. He also shared his support for the passing of the Fourth Amendment Agreement for

the Hitching Post, but is concerned about compliance of the codes being adhered by the business owner.

Mayor Wilson requested staff connect with Mr. Kling, and also complete research on code compliance concerns with unpermitted units.

N. ADJOURNMENT

Mayor Wilson adjourned the meeting at 8:54 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