



# 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.*

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Tuesday, December 17, 2024

7:00 PM

City Council Chambers

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### A. CALL TO ORDER

Mayor Wilson called the meeting to order at 7:00 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:** 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  
Evie McKinney, Acting City Clerk  
Joel Stern, City Attorney  
Kayla Fulmer, Director of Marketing and Communications  
Johnny John, Assistant Police Chief  
Rudy Esquivias, Development Services Director  
Ted Wolff, Public Works Director  
Liz Langenbach, Parks & Recreation Director  
Angelie Hawley, Finance Director  
Anna McCray, Human Resources Director  
Sidney Urias, Planning Manager  
Nicholas Leftwich, Planner  
Rob Wisler, Management Analyst  
Eli Richardson, Management Analyst

### D. CONSENT AGENDA

Councilmember Cross moved, seconded by Councilmember Soller 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. [24-819](#) Consideration of acceptance of agenda.
2. [24-824](#) Consideration of approval of minutes of the regular meeting of December 3, 2024.
3. [24-952](#) Consideration of approval of Resolution No. 24-37, a Federally Patented Easement (FPE) Extinguishment of Chaparral Road (alignment) from Scenic Street to Virginia Street for purpose of future development with the acknowledgement that current setback remain in place until the utility easement is extinguished.
4. [24-953](#) Consideration of approval of agreement with Gruber Power Services for the removal and replacement of a 1000AMP DB-SES/Distribution Panel Board at the Apache Junction Public Library. This purchase will be made utilizing the State of Arizona Cooperative Contract Number CTR063425 in an amount not to exceed \$296,689.30 which includes a 10% contingency.

## **E. AWARDS, PRESENTATIONS AND PROCLAMATIONS**

## **F. REGIONAL INTERGOVERNMENTAL UPDATES**

5. [24-829](#) Brief summary of intergovernmental updates from mayor and councilmembers.

Councilmember Cross and Mayor Wilson attended the Pinal Partnership Meeting on December 13, 2024. The economic forecast for Pinal County was discussed. The projection is an overall slow down with construction and lower home prices.

Mayor Wilson also attended the Gila River Indian Community Water Rights Day on December 10, 2024, at the Sheraton Grand at Wild Horse Pass. This is an annual event that commemorates the 2004 Water Settlement Act and the importance of water to the community. Announcements included the future addition of solar panels over the canals and the benefits of such a project.

Mayor Wilson shared the Phoenix Mesa Gateway Airport voted to change their name to Mesa Gateway Airport.

Mayor Wilson went on a flight with the Air National Guard and he was able to experience an in flight refueling of a F35 plane. He stated this brought back memories from his time when he served in the Air Force.

Mayor Wilson shared photos and spoke about the recent City events, Shop with a Cop and the Christmas tree lighting. Both events were well attended and enjoyed by all.

**G. CITY MANAGER'S REPORT**

**6. [24-834](#) City Manager's Report.**

City Manager Bryant Powell spoke about the community Open House for Superstition Radiance Development. An estimated 1,000 people attended and toured the new community center and the amenities.

Mr. Powell also shared the Council's holiday card that went out to all the cities and towns wishing everyone happy holidays from the City of Apache Junction.

**7. [24-839](#) Announcement of Current Events.**

There was no announcement of current events.

**H. PUBLIC HEARINGS**

**8. [24-968](#) Consideration of application for a new Series 10 Beer and Wine Store liquor license for ARCO AM PM located at 745 S. Ironwood Drive, 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 Heck moved, seconded by Councilmember Johnson that the application for a Series 10 Beer and Wine Store Liquor License submitted by Jamal Abdallah for ARCO AM PM be recommended for approval to the Arizona Department of Liquor Licenses and Control.**

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

**No:** 0

Acting City Clerk Evie McKinney stated the city received an application for a new Series 10 Beer and Wine Store Liquor License for ARCO AM PM located at 748 S. Ironwood Drive, on November 14, 2024, and the Notice of Posting was placed at the establishment on November 26, 2024. 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. Comments from Development Services and the Fire District included this establishment is still under construction but close to final inspection, which will corroborate building code compliance in order to obtain a Certificate of Occupancy. Also noted is that this property is properly zoned B-1 Commercial and does meet the separation requirement from any school. All four entities find compliance with the inspection requirements and recommend approval.

Council had no concerns.

Mayor Wilson opened the Public Hearing, receiving no comments from the public, he closed the public hearing and asked for a motion.

9. [24-972](#) Presentation, discussion, public hearing and consideration of Ordinance No. 1560, of case P-24-64-PZ, a proposed rezoning of the north half of Parcel 101-20-008A, located at the southwest corner of 2nd Avenue and Colt Road, requested by Tim & Kristi Sheahan to rezone the subject site from High Density Multiple-Family Residential (RM-2) to General Rural Low Density Single-Family Detached Residential (RS-GR) to allow for the construction of their personal single-family residential home.

**Councilmember Soller moved, seconded by Vice Mayor Schroeder that Ordinance No. 1560 be read by title only and the reading of the entire ordinance be waived.**

**Motion passed unanimously.**

**Acting City Clerk McKinney read Ordinance No. 1560 by title only, repealing any conflicting provisions; and providing for severability**

**Councilmember Soller moved, seconded by Councilmember Johnson that Ordinance No. 1560, as read by the city clerk be approved and adopted.**

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

**No:** 0

Planner Nicholas Leftwich presented the summary of Ordinance No. 1560.

### **Summary**

P-24-64-PZ is a proposed rezoning requested by Tim & Kristi Sheahan to rezone the north half of Parcel 101-20-008A, approximately 2 net acres, from High Density Multiple-Family Residential (RM-2) to General Rural Low Density Single-Family Detached Residential (RS-GR) to allow for the construction of their personal single-family residential home.

### **Planning & Zoning Commission Hearing and Recommendation**

The Planning and Zoning Commission held a public hearing for P-24-64-PZ on November 12, 2024. The staff report and exhibits presented to the Planning and Zoning Commission, as well as a petition of support signed by neighbors to the subject property, can be viewed as a separate attachment in the agenda.

During the meeting the Planning and Zoning Commission evaluated the rezoning proposal and subsequently voted 4-2 to recommend the denial of P-24-64-PZ. The Commission's discussion cited concerns that the rezoning conflicted with the General Plan and that allowing a single-family residential rezoning in the Downtown Planning Area would set the wrong precedent.

Councilmember concerns included if the general plan allows for revisions, confirming this will be the applicant's own residence, why the Planning and Zoning Commission denied this and if the proposed residence is similar to neighboring properties.

Mr. Leftwich replied to all concerns.

The applicants Tim and Kristi Sheahan spoke about why they want to build their residence on this property and the reason for the rezoning request.

Councilmember Heck inquired why it took them several years of owning the land to want to build their home on it.

Mr. Sheahan replied to Councilmember Heck.

Vice Mayor Schroeder and Councilmembers Cross and Soller expressed being in favor of this Ordinance.

Councilmember Heck shared his concerns about deviating from the master plan and a possible influx of more rezoning requests.

Councilmember Johnson stated the master plan allows for revisions for this type of change.

Mayor Wilson opened the Public Hearing.

Steve Harshman expressed he is against the Ordinance and the general plan should be maintained.

Justin and Sharman Miller, 120 S. Colt Road, Apache Junction, stated they are in favor of the rezoning.

Cody DeFer, 190 S. Colt Road, Apache Junction, shared he is in favor of the rezoning and would rather have one residence on this land.

Donna Carr, 2178 W. Virginia Street, Apache Junction, stated she is in favor of the rezoning and having one home on a larger property.

Mayor Wilson closed the public hearing and asked for a motion.

**I. OLD BUSINESS**

**J. NEW BUSINESS**

- 10. [24-973](#) Presentation, discussion, and possible consideration of rejection of proposals for Prospector Park drainage improvements, RFB #P&R PP Drainage 2024-007, due to being over budget.

**Councilmember Cross moved, seconded by Vice Mayor Schroeder that the rejection of proposals for Prospector Park drainage improvements, RFB #P&R PP Drainage 2024-007 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 that on October 19, 2024, the city issued a Request for Bid for drainage improvements. On November 13, 2024, the city received seven responses: Pacific West LLC, Neve LLC, Primary Construction, Inc., Scholz Contracting LLC, W.W. Clyde & Co., Red Point Contracting, Degan Construction. The responses were reviewed and found that all the vendors were over budget.

Parks and Recreation staff respectfully request to reject all responses for RFB #P&R PP Drainage 2024-007 and go back out for bids.

Councilmember concerns included what changes were made to the project to account for lower bids and if the removed items from the project will affect the long term outcome and cause issues.

Ms. Langenbach responded to all concerns.

- 11. [24-982](#) Discussion and consideration of Resolution No. 24-42, approving the incorporation of a corrected legal description of the district boundaries of Superstition Vistas Community Facilities District No. 2 in the First Amendment to the Amended and Restated District Development, Financing Participation, Waiver and Intergovernmental Agreement to which the City is a party.

**Mayor Wilson moved this to be as the first item of New Business.**

**Councilmember Soller moved, seconded by Councilmember Nesser that Resolution No. 24-42, approving a corrected legal description of district boundaries in Superstition Vistas Community Facilities District No. 2, as set forth in an amended intergovernmental and development agreement be approved.**

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

**No:** 0

Special Counsel to the City for Community Facilities District (CFD) matters Zach Sakas, Esq. with Greenberg Traurig, LLP, presented Resolution 24-42 is to amend the boundaries for Superstition Vistas Community Facilities District No. 2. There was one mismatch between the revised boundary and Arizona State Land records of about 33 and a half feet. The Resolution will amend the legal description that is attached to the development agreement.

Council had no concerns.

12. [24-986](#) Discussion and consideration of employment agreement appointing Thomas C. McDermott as the Apache Junction Presiding Magistrate for a term of two years from January 2, 2025, through January 2, 2027, pursuant to Apache Junction City Code, Vol I., § 5-1-3(A).

**Councilmember Johnson moved, seconded by Councilmember Nesser that the employment agreement appointing Thomas C. McDermott as the Apache Junction Presiding Magistrate for a term of two years, from January 2, 2025, through January 2, 2027, pursuant to Apache Junction City Code, Vol I., § 5-1-3 be approved.**

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

**No:** 0

City Attorney Joel Stern introduced Thomas C. McDermott as the Apache Junction Presiding Magistrate. There were 20 applications submitted for this position and out of those, 10 people were interviewed by Council. Thomas C. McDermott was chosen for a two year contract with a start date of January 2, 2025. Mr. Stern also spoke of his extensive background and experience.

Mr. McDermott thanked the Council and shared his hope to make the Municipal Court a model of fairness and efficiency.

Councilmembers had no questions.

#### **K. COUNCIL DIRECTION TO STAFF**

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

#### **M. CALL TO PUBLIC**

James Boerigter, 1054 E. Roosevelt, Apache Junction, spoke about esophageal cancer being on the rise and symptoms to look out for.

Donna Carr, 2178 W. Virginia Street, Apache Junction, expressed her frustration with neighbors aiming cameras in other people's backyards.

Mo Muhiuddin, 2304 N. Cortez Road, Apache Junction, commented on a property south of his business, the Hitching Post, with possible code compliance violations and no business license.

Andre Meek, 1327 S. Belair Road, Apache Junction, commented on feeding the bird issue that was brought up at a recent Council meeting.

Councilmembers asked Staff to look into the property south of the Hitching Post.

#### **N. ADJOURNMENT**

**Mayor Wilson adjourned the meeting at 8:11p.m.**

ACCEPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025, BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA.

SIGNED AND ATTESTED TO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

\_\_\_\_\_  
WALTER "CHIP" WILSON  
Mayor

ATTEST:

\_\_\_\_\_  
EVIE MCKINNEY  
Acting City Clerk