



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, October 1, 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 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
Jennifer Pena, City Clerk
Joel Stern, City Attorney
Michael Pooley, Police Chief
Johnny John, Assistant Chief of Police
Rudy Esquivias, Development Services Director
Liz Langenbach, Parks & Recreation Director
Anna McCray, Human Resources Director
Jill Swanson, Sr. Human Resources Analyst
Evie McKinney, Deputy City Clerk
Sidney Urias, Interim Planning Manager
Erika Hernandez, Associate Planner
Kayla Fulmer, Marketing and Communications Director
Rob Wisler, Management Analyst
Eli Richardson, Management Analyst

Prior to addressing the Consent Agenda, Mayor Wilson inquired how many meeting attendees were anticipating to speak during the Call To Public in regards to the Genesis Project. Three hands were shown. Mayor Wilson then continued with the Consent Agenda.

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. [24-806](#) Consideration of acceptance of agenda.
2. [24-807](#) Consideration of approval of minutes of the regular meeting of September 17, 2024.
3. [24-770](#) Consideration of approval of procurement of a training simulator for AJPD from Virtra in an amount not to exceed \$341,912.98. This item was presented and discussed at the September 17, 2024, work session.
4. [24-797](#) Consideration of award of bid for P&R SSP 2024-004 Drainage and ADA Crossing Improvements at Superstition Shadows Park to Scholz Contracting, LLC in an amount of \$292,820 plus a 5% contingency of \$14,641 for a total amount not to exceed \$307,461.
5. [24-798](#) Consideration of approval of award of contract to J2 Engineering and Environmental Design LLC for Phase 1 and Phase 2 Rodeo Ground Event Center Design/Post-Design in an amount not to exceed \$693,859.84, which includes an owner allowance for unforeseen needs.
6. [24-799](#) Consideration of award of contract to Sunland Asphalt & Construction for the application of an asphalt concrete overlay to select city streets. The work would be through the 1 Government Procurement Alliance cooperative contract No. 22-15P-04 in the amount of \$1,682,507.75 plus 10% contingency for unforeseen change orders in the amount of \$168,250.77 for a total project cost not to exceed \$1,850,758.52. Work is planned within the October-December 2024 time frame.
7. [24-814](#) Approval of Separation Agreement with Aaron Douglas LaSota.

E. AWARDS, PRESENTATIONS AND PROCLAMATIONS

8. [24-796](#) 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 Pooley. Apache Junction Police Department Detectives, and members from A New Leaf/CAAFA, (Community Alliance Against Family Abuse), enjoyed a photo opportunity with the Mayor. Dana Martinez, Director of Domestic and Sexual Violence Services for A New Leaf, thanked the Mayor and Council for this recognition

and shared the services offered by A New Leaf. Chief Pooley also thanked A New Leaf for their partnership and assistance when the Police Department is in need of the services they provide.

He also announced, in partnership with the Pinal County Attorney's office, a 5K Domestic Violence Awareness Walk will be held on Saturday, October 12, 2024, at 8:00 a.m. at Prospector Park.

F. REGIONAL INTERGOVERNMENTAL UPDATES

9. [24-808](#) Brief summary of intergovernmental updates from mayor and councilmembers.

Councilmember Soller announced that October is Breast Cancer Awareness Month, in addition to recognition given to Domestic Violence Awareness. Police Officers will be wearing pink badges and patches to recognize Breast Cancer Awareness.

Councilmember Cross shared today is the start of the Home Sweet Home program offered by the City. This is a program that provides free house plans and more affordable housing for Apache Junction residents.

Mayor Wilson attended meetings that were informational on Proposition 479 for Maricopa County residents and Proposition 486 for residents in Pinal County. Both Propositions regard a transportation and road maintenance tax, to be on the November 2024 ballot.

G. CITY MANAGER'S REPORT

10. [24-809](#) City Manager's Report.

City Manager Bryant Powell shared highlights on the Home Sweet Home Program, and there are now postcards with QR codes to connect to the program with ease.

He also announced the Citizen Leadership Institute will be starting again on January 9, 2025. Encouragement is given to sign up now for this class. It is designed for Apache Junction residents to understand how local government works, and gives an opportunity to meet the various department directors for the City of Apache Junction government. More information will be posted on the City's communication channels, and contact can be made with Kayla Fulmer at (480) 474-5080.

11. [24-813](#) Presentation, discussion, and update on the .2% sales tax dedicated to fund roadway maintenance and repairs, and the .2% sales tax for public safety.

City Manager Bryant Powell explained further discussion will be offered at an upcoming Work Session, regarding the .2% sales tax dedicated to fund roadway maintenance and repairs, as well as the .2% tax for public safety. He explained these dedicated resources remain a steady source of funding to assist Public Works to carry out road service life by maintaining the city streets, and the .2% for Public Safety is dedicated to the public safety pension plan.

12. [24-810](#) Announcement of Current Events.

Management Analyst Eli Richardson shared October events:

* Make a Difference Day, October 5, 2024, 8:00 a.m. to 12:00 p.m. The event participants will meet at Silly Mountain Park at 7:30 a.m.

* Faith & Blue, Building Bridges, Strengthening Community Ties, October 12 & 13, 2024. More information can be found by visiting www.faithandblue.org.

H. PUBLIC HEARINGS

13. [24-811](#) Presentation, discussion, public hearing, and consideration of Ordinance No. 1553, approving a text amendment to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-6: § 1-6-5 Accessory Structures; repealing any conflicting provisions; and providing for severability.

Councilmember Johnson moved, seconded by Councilmember Cross, that Ordinance No. 1553 be read by title only and the reading of the entire ordinance be waived.

Motion passed unanimously.

City Clerk Pena read Ordinance No. 1553 by title only, repealing any conflicting provisions; providing for severability; and providing for penalties.

Councilmember Johnson moved, seconded by Councilmember Soller that Ordinance No. 1553 as read by the city clerk be approved.

**Motion Passed Yes - 6
No - 1**

Councilmember Heck opposed this code change, as it can potentially create more opportunity for residents to build an unpermitted accessory dwelling.

Planner Erika Hernandez introduced Ordinance No. 1553, sharing the following presentation.

BACKGROUND

During the July 16, 2024, City Council meeting, a resident spoke during the Call to Public to address his need to add a shower in a future accessory structure.

On August 6, 2024, the Development Services Director brought the item before Council seeking direction for a possible text amendment to allow bathing facilities in accessory structures. The Council voted unanimously to give a direction to Staff to review and consider updates to § 1-6-5 Accessory Structures to remove the restriction of bathing facilities for accessory structures.

RESEARCH

Currently, Section 1-6-5 Accessory Structures prohibits bathing and cooking facilities in any accessory structure. Prior to 2014, the code did allow showers in accessory structures, but it was discovered that these structures were often becoming unpermitted apartments. In 2014, the Zoning Ordinance then disallowed showers in an attempt to curb such structures from

being utilized as an unpermitted dwelling unit. Dwelling units must meet the 2018 International Residential Code ("IRC") to be considered habitable space, and because accessory structures do not have the same regulatory standards as dwelling units, they are not able to be lived in.

The City allows all single-family residential lots within its jurisdiction to build one (1) accessory dwelling unit (“ADU”), with a full kitchen and bathroom, if it is properly permitted and meets all City regulatory standards, as well as the 2018 IRC. Because building an ADU can be costly, the City still sees accessory structures being utilized illegally as dwelling units.

The current accessory structure regulations regarding bathing facilities read as follows:

(A)(1) Accessory structures. An ACCESSORY STRUCTURE is any non-habitable (no bathing facilities or stove/oven) structure that is greater than 120 square feet in size, and detached from the principal structure, and includes overseas shipping containers as defined herein.

Dimensional standards for accessory structures are set forth in Article 1-5 of this code, Tables 5-2 and 5-4 (see Vol. II, §§ 1-5-2 and 1-5-4).

(A)(8) Utility connections. Accessory structures may be served with utilities, such as electrical and plumbing for water, with the appropriate permits. No sanitary plumbing fixtures for bathing or cooking shall be permitted in any accessory structure.

PLANNING DIVISION RECOMMENDATION

Staff recommends removing the restriction on bathing facilities in accessory structures with the following text language:

(A)(1) Accessory structures. An ACCESSORY STRUCTURE is any non-habitable (no sleeping, living, or cooking activities) structure that is greater than 120 square feet in size, and detached from the principal structure, and includes overseas shipping containers as defined herein.

Dimensional standards for accessory structures are set forth in Article 1-5 of this code, Tables 5-2 and 5-4 (see Vol. II, §§ 1-5-2 and 1-5-4).

(A)(8) Utility connections. Accessory structures may be served with utilities, such as electrical and plumbing for water, with the appropriate permits. No fixtures for cooking shall be permitted in any accessory structure.

A draft text amendment to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-6: Supplemental Regulations, Section 1-6-5 Accessory Structures has been provided to apply the above noted proposed changes.

Council comments included: reasons commissioners voted no, clarification on toilets and showers being allowed or not, and the possibility of the proposed code changes being abused.

Ms. Hernandez addressed all Council comments.

Mayor Wilson opened the Public Hearing.

Andre Meek, 1327 S. Belair, Apache Junction shared his favor for this code amendment.

Catherine Meek, 1327 S. Belair, Apache Junction commented in favor of this change.

Receiving no further comments, Mayor Wilson closed the Public Hearing and asked for a motion.

I. OLD BUSINESS**J. NEW BUSINESS**

14. [24-750](#) Presentation, discussion, and consideration of the Public Art Commission's recommendation of approvals of various artist's vinyl culture public art designs at the library, Multi-Gen Center, and various traffic cabinet locations. This was previously presented and discussed at the September 9, 2024 Public Art Commission regular meeting.

Councilmember Johnson moved, seconded by Councilmember Soller that the recommendations from the Public Art Commission related to the various vinyl public art designs to be located at the Library, Multi-Gen Center, and various traffic cabinet locations, with the exception of Superstition and Idaho, and an Apache Junction High School mascot theme located at the Ironwood and Southern cabinet be approved.

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

No: 0

Associate Planner Erika Hernandez introduced Public Arts Consultant Diane Cripe. Ms. Cripe presented various photos of the proposed window vinyl projects, vinyl banners and cabinet vinyl wraps. She shared the desires that each artist is portraying and gave explanations for the final products submitted.

Council comments included their appreciation of all submittals and the talent portrayed through the projects, concerns with the geometric project being located at the corner of Veteran's Memorial Park, maintenance and life span of the vinyl products, possibility of including the Apache Junction High School mascot, and favoring this as a temporary project.

Ms. Cripe addressed all Council concerns and comments.

15. [24-759](#) Discussion on political signage on and near the Focal Point.

Mayor Wilson commented on the numerous calls he received during the past campaign regarding the posting of political signs at the Focal Point. Council discussed with City Attorney Joel Stern the legal options on changing the city code. Council requested Staff research how other cities handle political signage placement. City Manager Bryant Powell replied Staff will work on a presentation.

K. COUNCIL DIRECTION TO STAFF

16. [24-812](#) Direction to staff regarding details of an upcoming city council retreat, to include date, time, and location.

Councilmember Cross moved, seconded by Councilmember Heck that staff be directed to set details for a city council retreat to include date, time, and location.

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

No: 0

City Manager Bryant Powell asked for direction on the city council retreat regarding location, time and date. Councilmember Cross spoke about the lack of attention and time given to the topics submitted for the agenda at the previous retreat and would like more consideration be given to these topics submitted by councilmembers. The council agreed to the same consultant as the previous year and requested to have the retreat at Central Arizona College. Options for dates will be sent out to the council.

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

M. CALL TO PUBLIC

Candace O'Dell, 1557 W. Greasewood, Apache Junction, stated her concerns with the relocation of the Genesis Project in her neighborhood and her disappointment in the council for not notifying the residents.

Catherine Meek, 1327 S. Belair Rd, Apache Junction, commented on the need for help with low income seniors that can't afford food and medication.

Andre Meek, 1327 S. Belair Rd, Apache Junction, expressed the important services the Genesis Project provides, and the need for the City to enforce consequences on illegal activity which could affect the residents in that area.

Donna Carr, 2178 W. Virigina St, Apache Junction, shared that she went to see Kari Lake speak in Gold Canyon recently and discussed with her the use of reclaimed water in the City. She also commented on the number of mental health facilities in her neighborhood.

N. ADJOURNMENT

Mayor Wilson adjourned the meeting at 8:17 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