



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, February 7, 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
Leslie DeReche, Finance Director
Connie Chow, Finance Controller
Liz Langenbach, Parks & Recreation Director
Sidney Urias, Interim Planning Manager
Erika Hernandez, Associate Planner
Shane Kiesow, Public Works Manager
Evie McKinney, Deputy City Clerk

D. CONSENT AGENDA

Councilmember Heck 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. [23-035](#) Consideration of acceptance of agenda.
2. [23-036](#) Consideration of approval of minutes of the regular meeting of January 17, 2023.
3. [23-022](#) Consideration of approval of Resolution No. 22-25, a Federally Patent Easement (FPE) Extinguishment of Wagon Wheel Road (alignment) from Cactus Wren Street to Scenic Street for the purpose of future development with the acknowledgment that the current setbacks will remain in place until the Utility Easements are extinguished. This item was previously presented at the city council meeting held on January 17, 2023.

E. AWARDS, PRESENTATIONS AND PROCLAMATIONS

4. [23-059](#) Proclamation designating the month of February as "Teen Dating Violence Prevention Awareness Month".

Mayor Wilson read the proclamation. Representatives from A New Leaf/Community Alliance Against Family Abuse, (CAAFA), and Apache Junction School Resource Officers came forth to accept the proclamation.

F. REGIONAL INTERGOVERNMENTAL UPDATES

5. [23-037](#) Brief summary of intergovernmental updates from mayor and councilmembers.

Councilmember Heck reported his attendance at the annual board retreat for Greater Phoenix Economic Council, (GPEC) where the year in review and projections for the coming year in the greater Phoenix metro area were discussed. He gave comparisons of wages and the cost of homes in our area to the national average. It was determined that the Phoenix metro area had always been an attractive location for new businesses due to the lower cost of living, but that is no longer the case. Because of this, GPEC is looking at other ways to attract businesses to the area.

Vice Mayor Schroeder announced the newly elected officers to CAAG (Central Arizona Association of Governments) are Micah Powell with the City of Eloy as Chair, Al Gameros with the City of Globe as Vice Chair and Robin Benning from Queen Creek as Secretary Treasurer. He also mentioned grants have been renewed for current projects, and as of July 1, 2022, the population in Apache Junction is 38,851.

Mayor Wilson attended the Central Arizona College, (CAC), ribbon cutting for Wilson Electric Training Facility, that will allow students to complete a hands on industrial wiring project. The course will be taught by CAC staff.

Mayor Wilson recently attended an event that allowed him to converse with Senator Sinema and Senator Kelly, sharing with them some of the needs in our community, the upcoming retention basin project at Weekes Wash, and concerns on SR 88 and getting funds to help with that reopening effort.

City Manager Bryant Powell and Mayor Wilson attended the City of Mesa's State of the City address.

G. CITY MANAGER'S REPORT

6. [23-038](#) City Manager's Report.

City Manager Bryant Powell announced special recognition recently given to Jodi Dutra, Recreation Assistant with our Parks and Recreation department. This recognition was given to her from the National Recreation & Parks Association, (NRPA,) as one of the "30 Under 30" young professionals thriving in 2023. Jodi works with the senior program, leads the Youth Advisory Council, and is heavily involved in the marketing team, videos, promotions and highlight programs of our area. She is a recent graduate from Arizona State University, (ASU).

He expressed the success of the State of the City Address, and thanked everyone that was involved with the preparations, as well as the many citizens who attended. He gave special recognition to Matthew McNulty, Multi-Media Producer, for his efforts in the video productions and always making the City look good!

7. [23-043](#) Presentation by Kevin Camberg of Fester & Chapman on the city's annual financial audit.

City Manager Bryant Powell introduced Kevin Camberg of Fester & Chapman to give an update on the city's recent audit. Mr. Camberg thanked the Finance department for their cooperation during the process, and recognized them for their excellent efforts. He explained the audit process, and mentioned there were no adjustments to the audit this year. He provided in-depth detail on specific statements included in the audit, and stated the City is in an excellent financial position. He also emphasized that the City has received an Award of Excellence for the past several years.

8. [23-064](#) Presentation, discussion, and update on the .2% sales tax dedicated to fund roadway maintenance and repairs.

City Manager Bryant Powell announced at the time the .2% sales tax was passed by ordinance, it also stipulated an annual report is to be given. He then asked Assistant City Manager Matt Busby to provide an update.

Mr. Busby explained this ordinance was approved in March of 2015 with a term of 10 years. He stated the revenues are on target as expected and highlighted the expenses as well. He provided a summary of the projects that have been completed using these funds.

9. [23-039](#) Announcement of Current Events.

Public Information Officer Al Bravo briefed council with the following upcoming events:

Boys & Girls Clubs Of The Valley - Yesteryear Friend/Fundraiser
April 8, 2023 5:00PM - 11:00PM 3301 S.Goldfield Road

State of the City received 120+ attendees, and he thanked the many hands involved in making this another successful event. The event is now posted on YouTube.

www.apachejunctionaz.gov/newsletter is the place to go to be informed of all upcoming events

H. PUBLIC HEARINGS

- 10. [23-052](#) Presentation, discussion, public hearing, and consideration of proposed Ordinance No. 1532 (case P-22-93-PZ), a proposed rezoning of four (4) parcels located at the northeast corner of Southern Avenue and Coconino Drive from General Commercial (“B-1”) and Industrial by Planned Development (“B-5/PD”) to General Commercial by Planned Development (“B-1/PD”) and a Minor General Plan Amendment from Industrial to Commercial to facilitate a future lot combination. This item was presented and discussed at the city council meeting held on January 17, 2023, and a continuance to the February 7, 2023, City Council meeting was requested.

Vice Mayor Schroeder moved, seconded by Councilmember Nessler that Ordinance No. 1532 be read by title only and the entire reading of the Ordinance be waived.

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

No: 0

Recused: 1 - Councilmember Cross

City Clerk Pena read Ordinance No 1532 by title only.

Vice Mayor Schroeder moved, seconded by Councilmember Nesser that Ordinance No. 1532 as read by the City Clerk be approved.

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

No: 0

Recused: 1 - Councilmember Cross

Associate Planner Erika Hernandez gave a brief update on case P-22-93-PZ and mentioned this item was heard by council on January 17, 2023 and was continued due to a technicality in the agenda from that date.

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

I. OLD BUSINESS

J. NEW BUSINESS

11. [22-796](#) Presentation, discussion and consideration of approval of award of contract to Viasun Corporation for the construction of curbing to the Apache Trail medians, from Ironwood Drive to Ocotillo Drive. The work will be through Pinal County Cooperative Job Order Contract No. 175623 in the amount of \$345,520.75 plus a 10% contingency for unforeseen change orders in the amount of \$34,552.07, for a total project cost not to exceed \$380,072.82.

Councilmember Cross moved, seconded by Councilmember Heck that the award of contract to Viasun Corporation for the construction of curbing to the Apache Trail medians from Ironwood Drive to Ocotillo Drive in an amount not to exceed \$ 380,072.82 be approved.

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

No: 0

Public Works Manager Shane Kiesow explained the location on Apache Trail that this project will include. The purpose of this project is to facilitate drainage and mitigate erosion, offer protection from pavement edge drop offs and to help beautify the median area. He shared photos of the previous phases involved, and stated this will complete all phases of this project. He explained the cost is within a comparable range to previous curb installs over the years, and that the project will begin the middle of March, 2023.

Concerns shared from Councilmembers included why a small section was not colorcoded on the map as being complete or to be completed, and if the total amount "Not To Exceed" (NTE) was inclusive of contingency measures.

Mr. Kiesow explained the small section not colored on the map has been completed, and the total amount NTE indeed carries with it the 10% contingency amount.

12. [23-054](#) Presentation, discussion, and consideration of an award of contract to Cactus Asphalt for slurry seal treatment at various locations throughout the city. The work is planned to take place in March and April 2023 and will be through Pinal County Cooperative Contract No. 175923, in the amount of \$563,000.55 plus a 10% contingency for unforeseen change orders in the amount of \$56,300.05, for a total project cost not to exceed \$619,300.60; the work will result in a new protective wearing surface prolonging street life.

Vice Mayor Schroeder moved, seconded by Councilmember Nesser that the award of contract to Cactus Asphalt for slurry seal treatment at various locations throughout the city for an amount not to exceed \$ 619,300.60 be approved.

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

No: 0

Public Works Manager Shane Kiesow summarized the areas remaining in the city that will be included in this project. It will begin in mid March, 2023. These areas were crack sealed previously as a customary practice of preservation. He explained the process of slurry seal and

the products used. He assured that coordination efforts have been worked out for traffic control due to the various special events scheduled in the next 2 months.

Councilmember Johnson recognized Mr. Kiesow's thorough presentation qualities and thanked him for always explaining his projects with clarity.

K. COUNCIL DIRECTION TO STAFF

13. [23-019](#) Direction to staff on board and commission member selection; changing Apache Junction City Code, Volume I, Section 2-9-2, relating to the number of Public Arts Commission members, as well as the membership required involvement within the arts community.

Councilmember Soller moved, seconded by Councilmember Heck that direction be given to staff to proceed with presenting Council an ordinance to amend the number of members from seven to five, with three being Apache Junction residents for the Public Art Commission AND amend the requirements of the member qualifications, but 1 must be a practicing professional.

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

No: 1 - Vice Mayor Schroeder

City Clerk Jennifer Pena reviewed the purpose of this item, which had been brought forth by Councilmember Nesser at a previous council meeting. She then requested Councilmember Nesser share her comments.

Councilmember Nesser expressed due to the current qualifications required for some of the positions the seats remain vacant, and would like to discuss minimizing the number of current seats on the Commission.

Council discussion brought forth the following thoughts:

- Disadvantage to citizens that have a passion for art but do not meet the criteria required
- Currently not all seats are filled due to not meeting the criteria
- Difference between a practicing artist and a practicing professional
- Minimum 3 of 5 seats should be held by Apache Junction residents
- How to minimize the Commission size, since there are currently 6 members

City Attorney Joel Stern stated as the current terms expire, those seats would simply not be filled.

14. [23-058](#) Direction to staff on various changes to the City Code, including: review of officers in Article 2-8-4: Parks and Recreation Commission; removal of Article 3-13-5: Parks and Recreation Department - Banner Placement and Supervision; and an addition within Article 3-13: Parks and Recreation Department to include management of trees and plants in public spaces.

Councilmember Soller moved, seconded by Councilmember Nesser that direction be given to staff to have the Parks and Recreation Commission review Article 2-8 and Article 3-13 for proposed changes.

Parks and Recreation Director Liz Langenbach provided an explanation for three (3) requests to revise city code regarding the Parks and Recreation sections. These requests would be further

discussed by the Parks and Recreation Commission, should direction be given from Council. The requests are as follows:

The Parks and Recreation Commission no longer requires a secretary, as the department Administrative Assistant has historically been responsible for all meeting minutes and agendas, therefore, requesting removal of this required position.

Additionally, in order to fulfill a requirement for Tree City USA designation, the department must be given specific responsibility to manage the trees and landscaping in public spaces, therefore, requesting the addition of these duties.

The city no longer manages banners in the median and has moved to an electronic marquee system, therefore, requesting this section be removed.

L. CALL TO PUBLIC

George Schroeder, 2444 W. Virginia St, Apache Junction, commented on the recent Apache Junction Police Department welfare check at his home. He also expressed concerns of the religious invocation given at all council meetings.

Jeremy Jackson, 1353 S. Belair Rd, Apache Junction, thanked the City Manager and Jenny Hoffman for their recent efforts in assisting with trash set-up and removal, which allows him and his family to continue offering support to the homeless with meals. In addition, he reminded what it means to be a viable community, and that it takes caring and common sense.

Eugene Barin, 1303 E. 18th Ave, Apache Junction, informed council of a recent code violation of his property and concerns he has in reference to B-5 zoning.

Nola Perkins, 145 S. Palo Verde, Apache Junction, addressed the council regarding the dispensary located at 1985 W. Apache Trail and the events they host. Parking issues have again become an issue, the alley is blocked with cars, emergency vehicles would not be able to get into their neighborhood and several other violations that are occurring. She requested help from council for stronger enforcement of zoning regulations.

M. ADJOURNMENT

Mayor Wilson adjourned the meeting at 8:25 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