



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, January 17, 2023

7:00 PM

City Council Chambers

A. CALL TO ORDER

Mayor Wilson called the meeting to order at 7:03 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
Joel Stern, City Attorney
Jennifer Pena, City Clerk
Michael Pooley, Police Chief
Leslie DeReche, Finance Director
Al Bravo, Public Information Officer
Rudy Esquivias, Development Services Director
Liz Langenbach, Parks & Recreation Director
Ted Wolff, Public Works Director
Raquel Schatz, Public Work Project Engineer
Jennifer Hoffman, Management Analyst
Evie McKinney, Deputy City Clerk

D. CONSENT AGENDA

Vice Mayor Schroeder moved, seconded by Councilmember Heck 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. [22-805](#) Consideration of acceptance of agenda.
2. [23-016](#) Consideration of approval of minutes of the regular meeting of January 3, 2023.
3. [22-806](#) As required by Apache Junction City Code, Volume I, Chapter 3: Administration, Article 3-9: Department of Development Services, §§ 3-9-1 (C), the city manager is seeking ratification of Ted Wolff for appointment to the position of Public Works Director.
4. [23-006](#) Consideration of approval of Superstition Vistas, Phase 1B, Parcel 19.3 Final Plat - SV-22-28.
5. [23-007](#) Consideration of approval of Superstition Vistas, Phase 1B, Parcel 19.4 Final Plat - SV-22-30.
6. [23-008](#) Consideration of approval of Superstition Vistas, Phase 1B, Parcel 19.6 and 19.7 Final Plat - SV-22-34-SD.
7. [23-009](#) Consideration of approval of Superstition Vistas, Phase 1B, Parcel 19.10 and 19.11 Final Plat - SV-22-33-SD.
8. [23-010](#) Consideration of approval of Superstition Vistas, Phase 1B, Map of Dedication - SV-22-42.

E. AWARDS, PRESENTATIONS AND PROCLAMATIONS

Mayor Wilson recognized the attendance at tonight's meeting of two local boy scouts who are working on their citizenship and community awards, representing the Mesa Lost Dutchman Troop # 380.

F. REGIONAL INTERGOVERNMENTAL UPDATES

9. [23-013](#) Brief summary of intergovernmental updates from mayor and councilmembers.

Mayor Wilson, Councilmember Heck and Councilmember Cross attended a "Lunch and Learn", hosted by East Valley Institute of Technology, (EVIT). Comments from their attendance included EVIT offers 42 programs for high school students, 18 for adults. These are alternative programs that can assist in obtaining an Associates Degree. There is an EVIT branch located at the Apache Junction High School. Financing has been secured to build a 64 bed housing facility at the Mesa campus for kids that "age out" of the state's foster care system. There will be a 2 year stay limit, and will allow these individuals to be housed in a safe environment while obtaining further education and life skills.

Mayor Wilson and Assistant City Manager Matt Busby attended the Governor's State of the State Breakfast.

Mayor Wilson attended meetings addressing state legislative sessions, which included a bill regarding the funding of the Right of Way for the continuation of development for State Route 24,

as well as others bills that would affect the City's Police, Parks and Recreation and Library programs. This bill is proposed to eliminate sales tax on food and rentals, which could impact the general fund by over 20%. He will be receiving more information on this, and is working on an educational packet to be offered to the public.

G. CITY MANAGER'S REPORT

10. [23-011](#) City Manager's Report.

City Manager Bryant Powell informed Council the Library was recently awarded a grant from the Glenn Perkins Educational Foundation in the amount of \$25,000. These funds will be applied to the purchase of 20 new computers for public use, replacing existing units that are at the end of life.

11. [22-808](#) Introduction of new Public Works Director, Ted Wolff.

City Manager Bryant Powell thanked the Mayor and Councilmembers for their approval on the ratification of Ted Wolff for the appointment to the position of Public Works Director. He then introduced Mr. Wolff and requested he come forward and share information about himself.

Mr. Wolf shared history of his previous employment and residential locations. He mentioned his first hand experiences regarding natural disasters and emergency management while serving at Coconino County Public Works. He retired from Maricopa County Department Of Transportation in 2019. He is excited about being here with the City of Apache Junction.

12. [23-023](#) Presentation by Kevin Camberg of Fester & Chapman on the city's annual financial audit.

City Manager Bryant Powell announced Kevin Camberg was unable to attend, due to illness. He has rescheduled to present an update on the City's annual financial audit at the next council meeting.

13. [23-012](#) Report of Current Events.

Public Information Officer Al Bravo shared the following updates and current events:

- Further information can be found on Ted Wolff, Public Works Director, on the city's website home page at www.apachejunctionaz.gov
- State of the City Address - February 1, 2023 Networking and refreshments at 6:00 p.m. and the program to begin at 6:30 p.m., Apache Junction Performing Arts Center, 2525 S. Ironwood Drive, Apache Junction, AZ
- Citizens Leadership Institute has started. The current class had 23 attendees. This is a course to learn about municipalities and how they work, but more specifically how the City of Apache Junction government works.
- The City is now offering a weekly newsletter that is available every Thursday. For council meeting weeks this will be a recap of the meeting, and the other weeks it will be focused on what is going on around the city. Sign up for this at apachejunctionaz.gov/newsletter.

H. PUBLIC HEARINGS

14. [22-812](#) Presentation, discussion, public hearing, and consideration on case P-22-93-PZ, a request by The Lost Dutchman Aerie No. 3850, a proposed rezoning of four 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.

Councilmember Nesser moved, seconded by Councilmember Johnson that rezoning case P-22-93-PZ be continued to the February 7, 2023 council meeting.

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

No: 0

Recused: 1 - Councilmember Cross

Development Services Director Rudy Esquivias announced this item, as it appears on the agenda, has an omission which is the Ordinance that pertains to this case. This was duly advertised and posted. He suggested staff continue with the presentation for tonight.

Discussion between Mayor Wilson and City Attorney Joel Stern concluded with the presentation be given tonight, and the motion be continued to the February 7, 2023 council meeting.

Erika Hernandez, Associate Planner, provided the city council with the following update:

Background

The properties being considered in this rezoning are located on the northeast corner of Southern Avenue and Coconino Drive. The parcels are identified as Pinal County Tax Parcel Nos. 102-22-384B, 102-22-387A, 102-22-3890 and 102-22-390A and are proposed to change from General Commercial ("B-1") and Industrial by Planned Development ("B-5/PD") to General Commercial by Planned Development ("B-1/PD") to facilitate a lot combination.

Planning and Zoning Commission Recommendation

The Planning and Zoning Commission public hearing was held on December 13, 2022. The Commission unanimously recommended approval of the proposed rezoning. The attached ordinance represents Staff's and the Commission's recommendation.

Mayor Wilson inquired if the applicant would like to offer any comments.

Mike Reed, Trustee for the Lost Dutchman Area 3850 of Apache Junction, Fraternal Order of Eagles State Officer, explained the need for this request.

Mayor Wilson opened the Public Hearing, receiving no comments related to the agenda item, Mayor Wilson closed the Public Hearing.

Motion, vote and roll call were taken.

Councilmember Cross was called to return to the meeting.

I. **OLD BUSINESS**

J. **NEW BUSINESS**

15. [22-794](#) Presentation, discussion, and consideration to enter into a maintenance agreement for public spaces with Brookfield ASLD 8500 LLC and Blossom Rock Community Alliance, Inc.

Vice Mayor Schroeder moved, seconded by Councilmember Nesser that the maintenance agreement for public spaces with Brookfield ASLD 8500 LLC and Blossom Rock Community Alliance, Inc. be approved.

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

No: 0

Liz Langenbach, Parks and Recreation Director provided an in-depth summary of the purpose of entering into this agreement, along with an overview of the location this agreement would include.

The development is governed, in part, by the Development Agreement (“DA”) for Superstition Vistas between the City and D.R. Horton, Inc., a Delaware corporation, dated October 28, 2021.

The DA requires that, at the Development Unit Plan stage of the planning process, the City will enter into one or more maintenance agreements to identify the respective rights and obligations for the installation, maintenance, repair and replacement of the public streets, public parks and open space, and specialty features within the development. This maintenance agreement is between the City, Brookfield, and Blossom Rock Community Alliance (“Community Alliance”), which is the entity created to provide Development-wide private governance.

Among other things, the agreement outlines that Brookfield and Community Alliance will be responsible for installation and maintenance in all of the private spaces; landscaping and sidewalks in Public Utility and Facilities Easements: landscaping in arterial medians, and all public parks or open space conveyed to the City for public use. The City will reimburse Community Alliance for the maintenance of the public parks. This agreement will be amended as future areas are developed.

She explained park features and amenities to be included, and made mention these public areas will be available for all Apache Junction residents.

Council concerns included comparing the cost with other models, who is responsible for building these parks and paying for them, who will be allowed to use these parks, will events be held at these spaces, and will current fees and rules apply.

Ms. Langenbach responded this agreement has been modeled after an agreement the City of Mesa has with Community Alliance, and offered assurance much time and research has gone into this comparison. The developer will be paying the costs. These areas will allow for continued and enhanced programs to be offered such as lake activities and fishing, as well as more sports courts and fields. The same fees and rules will be enforced, as well as some additional rules due to these added activities.

- 16. [23-020](#) Presentation, discussion, and consideration of approval for a Construction Agreement with Visus Engineering Construction Inc. for the Haven Hollow Roadway Improvement Project #PWC2013-10, in an amount not to exceed \$874,500.00, for roadway reconstruction, curb, gutter, and sidewalk installations.

Councilmember Cross moved, seconded by Councilmember Nesser that the Construction Agreement with Visus Engineering Construction Inc. for the Haven Hollow Roadway Improvement Project #PWC2013-10, in an amount not to exceed \$ 874,500.00 for roadway reconstruction, curb, gutter, and sidewalk installation be approved.

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

No: 0

Raquel Schatz, Public Works Project Engineer presented to council the historical background and bidding process for this project.

The City initiated design of Pueblo Del Sol and Haven Hollow Subdivision in 2013 with use of Community Development Block Grant (“CDBG”) Regional Funds. The city constructed its first phase in 2015 and used the same plans with aid of federal funds to construct Delaware Drive in 2018. After the construction of the first phase this area was deemed ineligible to receive any more CDBG funds.

The City recently pursued bids for the construction of Virginia Street from Delaware Drive to Pinyon Drive, Scenic Street from Delaware Drive to Pinyon Drive, and Pinyon Drive from Scenic Street to Virginia Street, also known as the Haven Hollow Roadway Improvement Project. Staff reviewed the submittals and found the lowest bidder to be Visus Engineering Construction, Inc. Visus submitted all required documentation, and met all of the city’s requirements.

HURF has committed to funding this project, which includes the base bid (\$795,000.00) and contingency of 10% (\$79,500.00) for a total amount, not to exceed \$874,500.00. Contingency monies will be used for any unforeseen circumstances that are detected in the field/under construction.

Construction will begin in February 2023, and is anticipated to be completed by May 15, 2023.

- 17. [23-021](#) Presentation and discussion of Resolution 22-25, a Federal Patent Easement (FPE) Extinguishment of Wagon Wheel Road (alignment) from Cactus Wren Street to Scenic Street for the purpose of future development with the acknowledgement that the current setbacks will remain in place until the Utility Easements are extinguished.

Raquel Schatz, Public Works Project Engineer informed council on the process of a Federal Patent Easement. Her presentation included past activity, existing conditions and the purpose of this request.

BACKGROUND

Federal Patented Easements (FPE's) were created by federal law and inherited by the city from Pinal County upon city formation and subsequent annexations. They are the means whereby

properties are accessed by citizens in portions of Apache Junction to mitigate the need of acquisition to serve access to otherwise landlocked parcels. FPE's are typically a total of 66 feet in width, with 33 feet on each side of common parcel lines.

EXISTING CONDITIONS

The Wagon Wheel Road (alignment) FPE from Cactus Wren Street to Scenic Street has never been maintained by the city and is not classified as a local roadway. In addition, the FPE does not provide access to any parcels which would be landlocked in the event of extinguishment. Area transportation would not be adversely affected by an extinguishment.

PURPOSE

Owners of the underlying property filed an application for the extinguishment on May 1, 2022. There is currently a block wall that surrounds their property that they wish to keep permanently, with a design of future development on private property. The extinguishment would provide a reduction of setbacks once all the utility easements have been extinguished.

This item will return to the consent agenda for the meeting held on February 7, 2023.

K. COUNCIL DIRECTION TO STAFF

- 18. [22-813](#) Direction to staff regarding details of an upcoming city council retreat, to include date, time, and location.

Councilmember Heck moved, seconded by Councilmember Nesser that the Council Retreat be held on April 14, 2023 from 9:00 a.m to 5:00 p.m.. at the Central Arizona Campus in Apache Junction.

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

No: 0

City Manager Bryant Powell introduced Management Analyst Jenny Hoffman, who will be assisting in the coordination of the Retreat. He explained the purpose of this Retreat is an opportunity for council to discuss and affirm their core values, consider the City's vision and set priorities for the future, and to review the revenues to expenditures as well as major policies. He also reminded that the 0.2 % tax for Public Safety Personnel Retirement System (PSPRS) and street/road projects and improvements is due to sunset soon.

This is a full day and is typically held on a Friday. Breakfast and lunch will be provided. The agenda for the Retreat will be similar to a council work session. It is desired to have Evelyn Casuga return as the Host of the event.

Mr. Powell inquired if council was interested in something of this nature, which council members voiced they were, especially with two (2) new members seated this year. A choice of dates was given for April 7, April 14 or April 28, 2023.

City Clerk requested council's decision include the date, time and location of the event.

L. CALL TO PUBLIC

Andre Meek, 1327 S. Belair Road, Apache Junction, AZ remarked on the current city code restrictions.

Catherine Meek, 1327 S. Belair Road, Apache Junction, AZ encouraged attendance to the many events being offered at the Superstition Mountain Lost Dutchman Museum, and the Desert Farm to Table events held the first Saturday of each month at 300 W. Apache Trail, Apache Junction, AZ.

George Schroeder, 2444 W. Virginia Street, Apache Junction, AZ thanked the council and city staff for planning and approving street improvements on Virginia Street. He expressed concerns regarding the approved type of fencing materials per City Code, and encouraged the public to be more involved and attend council meetings.

M. ADJOURNMENT

Mayor Wilson adjourned the meeting at 8:20 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