



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, April 4, 2023

7:00 PM

City Council Chambers

A. CALL TO ORDER

Mayor Wilson called the meeting to order at 7:04 p.m.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Councilmember Heck gave the invocation and Vice Mayor Schroeder 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
Liz Langenbach, Parks & Recreation Director
Pam Harrison, Library Director
A. Doug LaSota, Municipal Judge
Evie McKinney, Deputy City Clerk
Heather Hodgman, Administrative Services Manager
Ted Wolff, Public Works Director

D. CONSENT AGENDA

1. [23-168](#) Consideration of acceptance of agenda.

Vice Mayor Schroeder moved, seconded by Councilmember Nesser to approve the Consent Agenda.

2. [23-169](#) Consideration of approval of minutes of the regular meeting of March 21, 2023.
3. [23-173](#) Consideration of approval of employment agreement with city manager.

E. AWARDS, PRESENTATIONS AND PROCLAMATIONS

4. [23-167](#) Proclamation designating April 2023 as "Fair Housing Month."

Councilmember Heck read the proclamation designating the month of April 2023 as Fair Housing Month.

5. [23-174](#) Proclamation designating the week of April 9 - 15, 2023 as "Police Telecommunication Week."

Mayor Wilson read the proclamation designating the week of April 9 - 15, 2023 as Police Telecommunication Week.

Chief Pooley, Commander Jeffrey Kirkham, Police Telecommunications Manager Jessica Kelley and Police Telecommunications Officer Megan Jaramillo came to the floor to accept the proclamation. Chief Pooley expressed his gratitude to the Mayor and Council for this recognition to the dispatchers. He emphasized the integral part that the dispatchers serve for the police department operations. They bring comfort, compassion and help to the caller, and are the unseen heros! Their job is very important and extremely difficult. He praised the dispatchers that are currently on staff for the incredible job they are doing. Mayor Wilson and Councilmember Soller also commended the dispatchers for their service, and thanked them for making sure our officers and community remain safe.

6. [23-175](#) Proclamation designating the week of April 14th-22nd, 2023 as "International Dark Sky Week."

Vice Mayor Schroeder read the proclamation designating the week of April 14th - 22nd, 2023 as International Dark Sky Week.

Parks & Recreation Director Liz Langenbach accepted the proclamation. She encouraged everyone to participate in our local star gazing events held at the Apache Junction Public Library on Tuesday evenings through the month of April. She also mentioned there were over 40 participants at the recent Parks and Recreation star gazing event.

F. REGIONAL INTERGOVERNMENTAL UPDATES

7. [23-172](#) Brief summary of intergovernmental updates from mayor and councilmembers.

Councilmember Cross mentioned a tragic vehicle accident that happened over the weekend at Lost Dutchman and State Route Hwy 88. He announced the intersection is maintained and controlled by Arizona Department Of Transportation,(ADOT) and stated we need to do everything we can to encourage ADOT to install a round-about at this intersection, to avoid further tragedies such as this. City Manager Bryant Powell voiced that direction will be given to City Engineer to reach out to ADOT to provide the City a report on the latest traffic studies at this intersection.

G. CITY MANAGER'S REPORT**8. [23-170](#) City Manager's Report.**

City Manager Bryant Powell mentioned the attendance of many of the council and city staff at the D R Horton Grand Opening at Radiance. This is currently the single largest project in the city, with 35 homes in the process for purchasing. There has been an additional 75 permits pulled for new homes through our Development Services department.

Mr. Powell was recently invited to throw the first pitch at the opening ceremony for the Apache Junction Little League. He called attention to the importance of this organization being geographically based, and to participate proof of residency in Apache Junction is required. This means kids are playing with "their neighbors", and are involved with "their" local community, which creates families to develop deeper roots in beautiful Apache Junction. He recognized the Parks and Recreation department for their efforts in coordinating the program, and keeping the Little League field in great shape.

9. [23-171](#) Announcement of Current Events.

Public Information Officer Al Bravo commented on 2 annual events that took place this past weekend:

Earth Day at Earth Heart Park, held at Horizon Health and Wellness, where thousands of ladybugs were released.

Library Con, a very popular event held for enjoyment of all features and services provided by our local Library.

Other upcoming events to be aware of:

Saturday, April 8, 2023, Annual Easter Egg Hunt at Prospector Park, begins at 9:00 a.m.

Saturday, April 15, 2023, Battle of the Badges (Apache Junction Police Department vs Superstition Fire and Medical District), Prospector Park located at 3015 N. Idaho Road, Field 1, from 9:00 a.m. - 1:00 p.m. This is an annual fund raising event for StandUpAJ.org.

Special mention was made of the closure of Dutchman Dog Park from April 10th - May 15th for maintenance.

A tradition has returned for the Police Department, with Officers going through uniform inspections. This portrays the professionalism of the Apache Junction Police Department, and the spirit of the Officers wanting to give their best in all areas. This will now be an annual inspection event.

Mr. Bravo reminded everyone of the famous cougar shadow that appears on Superstition Mountain during this time of year around sunset each day.

For all current and future events go to www.apachejunctionaz.gov. Here you can also subscribe to the city newsletter and automatically receive a weekly update.

Mayor Wilson attended the Mountain View Cemetery event recognizing Vietnam War Veterans. Governor Hobbs was also in attendance. This was an opportunity to recognize veterans that had returned from the Vietnam War. Mayor Wilson had been asked to give a short speech at the

event, which Councilmembers Johnson and Heck commended and thanked him for his special attention and heartfelt appreciation he gave to the veterans.

The event precedes the 50th anniversary of the end of the Vietnam conflict, which was in March of 1973 when the battles of Vietnam ceased.

H. PUBLIC HEARINGS

10. [23-140](#) Consideration of application for a new Series 10 Beer and Wine Store Liquor License for Cigar Smoke & Vape, located at 1000 W Apache Trail, # 101, 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 Soller moved, seconded by Vice Mayor Schroeder that the new application for a series 10 Beer and Wine liquor license for Cigar Smoke and Vape located at 1000 W. Apache Trail, # 101, 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

City Clerk Jennifer Pena stated the city received a Series 10 liquor license application from Cigar Smoke and Vape on February 27, 2023. The business is located at 1000 W. Apache Trail, # 101, Apache Junction, AZ.

Ms. Pena informed a Series 10 liquor license is not a quota license, and is non-transferable. It is strictly for off sale retail privileges of beer and wine only, to be taken off premise for consumption. The property was posted on March 7, 2023, giving notice of tonight's Public Hearing. Our Posting requirements have been met at this time. Responses have been received from Planning and Zoning, Building Safety, Police Department and Superstition Medical and Fire District. All four entities recommend approval, with an additional recommendation to the applicant from Planning and Zoning that the parking lot be re-stripped, and at least one (1) compliant, ADA accessible parking space and loading zone be delineated on the south side of the building.

The applicant was in attendance but had no further comments.

Mayor asked if council had any comments. Receiving none, he opened the public hearing. Receiving no comments from the public, he closed the public hearing.

I. OLD BUSINESS

J. NEW BUSINESS

11. [23-177](#) Presentation and discussion on the State of the Court by Judge LaSota regarding: administrative staff changes, court programs (homelessness and mental health court), Rule 11 defendants and protocol, court rule mandates on arraignments and other phases of criminal procedure, defense attorney assignments/contracts, jail sentences and jail costs, court facility modifications, security staff, and budget.

Judge Aaron LaSota gave an update on the State of the Court. He shared the following changes and improvements:

- Administrative staff
- Court programs to address homelessness and mental health
- Defendants and protocol
- Court rule mandates on arraignments
- Jail sentences and involved costs
- Facility modifications, including security staff

12. [23-161](#) Presentation and discussion on RFP #23002, Library Shelving, for an amount not to exceed \$162,476.60.

Library Director Pam Harrison, in tandem with Purchasing Administrator Kimberly Heldt presented information on RFP # 23002 for new library shelving. The current shelving has been used since the Library was built in 1986, and is need of replacement. A Notice Inviting Bid Proposals was issued in November 2022, and two (2) sealed bids were received. These responses were from AADS Office Solutions in an amount of \$ 147,706.00, and Arizona Office Furnishings in an amount of \$ 562,438.48. Staff reviewed the proposals based on the specifics listed in the Notice Inviting Bid, and recommends award of contract be granted to AADS, in the amount of \$162,476.60, which does include a 10% contingency.

When asked by council why the large cost difference in proposals, Purchasing Administrator Heldt responded that Arizona Office Furnishings included items that were not requested in the scope, but these items included were not "optional", according to the bidder. She clarified that even if these "optional" items were to be removed from the proposal, the RFP specifications and cost would still lead for the contract to be awarded to AADS.

One further question from council was whether this proposal included the removal of existing shelving, and was confirmed that it does.

13. [23-178](#) Presentation and discussion on entering into agreement with Riddle Painting and Coatings Corporation for exterior weatherization for city hall not to exceed \$182,998.70 utilizing Mohave Contract #20A-Riddle-0404.

Administrative Services Manager Heather Hodgman explained this project is part of the preventative maintenance to the city hall exterior. The last time city hall was weatherized and painted was in 2014. Overtime, leaks have developed in various departments so a test was performed to determine where water is being absorbed into the stucco. Due to damage caused by rain, deterioration of the stucco has occurred and more than just painting is required. The work will entail pressure washing the entire building exterior concrete, masonry, metal, wood, and stucco surfaces. It will include repairing all stucco surfaces as needed, remove and replace

existing sealants at all expansion and construction joints, window frames, door frames and seal all penetration areas. An elastomeric product will be applied, which provides a water protrusion warranty. In addition, the vendor is including a 10 year warranty on the work performed.

Staff is requesting to enter into an agreement with Riddle Painting and Coatings, Corporation in an amount not to exceed \$ 182,998.70, with use of the Mohave contract # 20A-Riddle-0404. This item will return to the April 18th council meeting for a decision by council.

14. [23-180](#) Presentation and discussion on code of conduct, conflicts of interest law, open meeting law, parliamentary procedures, and public record law by the city attorney.

City Attorney Joel Stern presented, as a refresher for council, the various legal ethics and meeting laws. He explained that as a council member, this does not mean their loss of First Amendment Rights. Mr. Stern gave in-depth examples, and the possible consequences if this conduct is misused, or a member is acting out of scope. He reminded council they should not have discussion with litigants. Things they say can be misconstrued, and they could be subpoenaed.

The presentation continued with explanation from Mr. Stern regarding the laws covering conflicts of interest, open meeting and public records, as well as the parliamentary procedure.

K. COUNCIL DIRECTION TO STAFF

L. CALL TO PUBLIC

George Schroeder, 2444 W. Virginia Street, Apache Junction expressed his concerns with the current animal control department. He also commented on the squatters and the trash in our neighborhoods.

Jeremy Jackson, 1353 S. Belair Road, Apache Junction addressed the council with thanks for allowing citizens to express their concerns and comments, and requested if he, or anyone else abuses this process that they be removed from the podium.

Tim LaBorde, 2234 W. Windsong Street, Apache Junction recently requested to erect a steel building on his property. He is concerned with the city's current zoning regulations based on lot size and other requirements that regard steel buildings.

Council requested further information be given on the background of the zoning regulations for steel buildings in Apache Junction city limits.

M. ADJOURNMENT

Mayor Wilson adjourned the meeting at 9:22 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