



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, July 20, 2021

7:00 PM

City Council Chambers

A. CALL TO ORDER

Mayor Wilson called the city council meeting to order at 7:03 PM.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. ROLL CALL

Present: 7 - Mayor Wilson
Vice Mayor Rizzi
Councilmember Evans
Councilmember Schroeder
Councilmember Biggs
Councilmember Nesser
Councilmember Gremmel

City Staff in Attendance:

Bryant Powell, City Manager
Matt Busby, Assistant City Manager
Joel Stern, City Attorney
Jennifer Pena, City Clerk
Al Bravo, Public Information Officer
Tom Kelly, Police Chief
Larry Kirch, Development Services Director
Kelsey Schattnik, Planner

D. CONSENT AGENDA

Vice Mayor Rizzi moved, seconded by Councilmember Biggs to accept the consent agenda.

1. [21-356](#) Consideration of acceptance of agenda.
2. [21-357](#) Consideration of approval of minutes of the regular meeting of July 6th, 2021.

E. AWARDS, PRESENTATIONS AND PROCLAMATIONS

F. REGIONAL INTERGOVERNMENTAL UPDATES

3. [21-358](#) Brief summary of intergovernmental updates from mayor and councilmembers.

Councilmember Gremmel announced once Greater Phoenix Economic Council (GPEC) meets to finalize its new members in September, she will provide updates at future council meetings.

Councilmember Schroeder announced Central Arizona Governments (CAG) will begin their meetings in a few days. He will provide updates at future council meetings.

Councilmember Evans shared information on projects the AJ Community Development Corporation (CDC) were working on. They are always looking for volunteers and directed interested parties to visit the AJ CDC website.

Mayor Wilson announced he attended the Mesa Gateway Airport monthly meeting. He shared photos of the installation of the new tower control structure. He announced other improvements slated for the airport included increasing parking ramps for the planes due to the increase in activity.

G. CITY MANAGER'S REPORT

4. [21-359](#) City Manager's Report.

City Manager Bryant Powell updated Council on recent issues related to trash pick-up. Staff met with Republic Services and was informed they were having a shortage of employees and had several mechanical issues. Many neighborhoods and individual residents had delayed or missed service in the past few weeks. Republic Services announced they have hired more drivers, they have implemented a communication plan with the city and residents when issues arise and modified their routes to provide earlier service.

5. [21-360](#) Announcement of current events.

Public Information Officer Al Bravo presented upcoming events:

- Horizon Health and Wellness has scheduled a Mental Health First Aid training class for August 10th; contact Cheri DeBree at Horizon for more information.
- Elks Lodge #2349 will host National Day of the Cowboy on Saturday, July 24th starting at 5:00 p.m. Proceeds go to local veterans projects.
- Food Truck Friday's are held at 4:00 p.m. at the East Valley Shopping Center on Phelps Dr. and Apache Trail.
- Apache Junction Founders Centennial Committee meets the second and fourth Wednesdays at 6:00 p.m. at the Apache Junction Library.

H. PUBLIC HEARINGS

Mayor Wilson combined the two public hearings for the purpose of presentation and public comments.

6. [21-362](#) Presentation, discussion, public hearing and consideration of proposed Ordinance No. 1506, an Ordinance of the Mayor and City Council of the City of Apache Junction, Arizona, amending Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, by repealing, replacing and retitling portions of Article 1-5: Zoning Bulk and Use Regulations, Article 1-6: Supplemental Regulations, and Article 1-17: Definitions; and by adopting by reference that certain document entitled "2021 Amendments to

the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5 Zoning and Bulk Use Regulations, Table 5-3 Non-Residential Use Regulations; Article 1-6: Supplemental Regulations, § 1-6-12 Medical Marijuana; and Article 1-17: Definitions, § 1-17-1 Definitions"; repealing any conflicting provisions; providing for severability; and providing for penalties.

Vice Mayor Rizzi moved, seconded by Councilmember Evans that Ordinance No. 1506 be read by title only and the reading of the entire Ordinance be waived.

City Clerk Jennifer Pena read Ordinance No. 1506 by title only.

Councilmember Schroeder moved, seconded by Councilmember Gremmel that Ordinance No. 1506 as read by the city clerk and be approved and adopted with following amendments: that marijuana cultivation and infusion kitchens under the B5 industrial districts be changed from a CUP process to No, and the total number of infusion kitchens be limited to one.

Yes: 5 - Mayor Wilson, Vice Mayor Rizzi, Councilmember Schroeder, Councilmember Nesser and Councilmember Gremmel

No: 2 - Councilmember Evans and Councilmember Biggs

Planner Kelsey Schattnik addressed the changes made within the Ordinance and Resolution based on Council's conversation at the June 1, 2021 meeting. Ms. Schattnik listed the new text amendments prohibit the following:

- Additional dual licensee for medical marijuana dispensaries
- Additional cultivation and infusion kitchens
- Standalone recreational establishments
- Cultivation sites within the city
- Testing facilities within the city

She informed council she made a few corrections to the draft amendment she provided to them this evening. Those changes included a correction to the non-residential use regulations. Those were not properly reflected to what was being listed in the regulations for the supplemental regulations. It listed no marijuana establishments would be allowed in the B3 zoning district and allowed marijuana cultivation and infusion kitchens only in the B5 zoning districts. These were the only changes she made in the draft amendment she provided tonight that is different than what is listed in the staff report.

Councilmember Schroeder inquired as to why there was a change to the text amendment.

Ms. Schattnik explained the table incorrectly reflected medical marijuana was allowed in a B3 zone by a CUP, which was incorrect. The same issue came up in the table which stated the cultivation and infusion kitchen was allowed through a CUP process in zones B1-5 which was not accurate. It was only allowed in the B5 zone.

Assistant City Manager Busby clarified this does not allow a stand-alone recreational facility. What was allowed for medical does not apply for recreational marijuana.

The city has received an application for a cultivation and infusion kitchen and therefore would fall under the current city code, not what is being presented tonight. The applicant has been in discussion with city staff for several months, staff has met with them throughout the year and they finally submitted their application.

In response to questions from Council, City Attorney Joel Stern stated the applicant has a due process right to submit their application and if they file before the new code becomes effective, then they fall under the existing code regulations and if their CUP is approved by Planning and Zoning. If it is denied, the applicant still has an appeals process available to them.

Councilmember Biggs inquired if the two dispensaries in town leave or sell, does the dispensary go away?

Mr. Stern stated he believed there were transfer rights in the city code, but he would have to verify that information. The business is to notify the city of the sale, he believed there were conditions listed but he would have to verify what those were.

Council inquired about relocation or expansion of marijuana facilities.

Councilmember Schroeder stated the city has seen two cultivation and infusion kitchens come and go and the language in code leaves the door open for this type of facility. He asked about the current application and whether it includes a grow facility component.

Ms. Schattnick explained that the city code differentiates between a marijuana cultivation and infusion kitchen versus a stand-alone cultivation site. Infusion kitchen's tend to grow their own marijuana and would be allowed under the CUP process.

Councilmember Biggs inquired if either of the dual licensed facilities would be able to drop their medical sales license and just become a stand-alone recreational sales facility. Ms. Schattnick stated no.

Mayor Wilson opened the public hearing.

Kim Tunstall, 1111 S. Wagon Wheel, stated he is opposed to having a restriction on the number of marijuana dispensaries in the city. His family owns five GR zoned properties. If the city zoning matched better with the county zoning the two properties in the city would have improvements on them. He read a prepared statement.

George Schroeder, 2444 W. Virginia Street, inquired where was the current marijuana applicant during the Planning and zoning meetings or the council meetings? They decided to apply at the last minute. The city is not getting the taxes it needs to do the improvements required considering the population that exists. There is not a need in our community for marijuana. There are enough pot heads.

Jeff Barlett, 108 N. Meridian Dr., Stated he believes council is doing a good thing trying to keep the number of dispensaries and related marijuana businesses limited. Drugs need to be off the street. Public opinion is not always right marijuana is a gateway drug.

Mayor Wilson Closed the public hearing.

Vice Mayor Rizzi stated the voters passed the recreational use of marijuana and the city is trying to comply with appropriate zoning and assess the needs of the community. The city fought to have a dispensary for the medical use of marijuana to serve its community and with recreational use, this is a new issue and council is focused on making the best decision for the city.

Councilmember Schroeder stated the city is 35 square miles, the city has two dispensaries which works well for the city. Other cities are placing restrictions on this industry which is pushing them east. Council is trying to be proactive and slow things down just a bit and see how things unfold.

Mayor Wilson re-opened the public hearing.

Morgan Lopes, 4261 Gold Canyon, stated when medical marijuana passed anyone wishing to try and acquire a license had to pay just to be entered into a lottery. People spent a significant amount of money for the opportunity to sell and council is taking away someone's ability to open and run a legitimate business. There are starbucks on every corner. You can visit Lucky Bobs and buy liquor, go across the street and buy liquor and visit any number of stores in town and buy liquor. A dispensary can help people in a lot of ways, he is a cancer survivor.

Council is preventing people from owning their own business and they are allowing the two businesses in town to have a monopoly on the industry.

Kim Tunstall, 1111 S. Wagon Wheel, stated we live in a free market economy, if people are not going to buy marijuana and the by-products then the stores will not make money will go out of business.

Mayor Wilson closed the public hearing.

Councilmember Schroeder stated he was serving on the Planning and Zoning commission when Nirvana came to the city after Natures Wonder was approved. Gold Canyon denied Nirvana.

Councilmember Evans stated she was not elected to make limitations on any legal business. Whether it be liquor, restaurants or marijuana. Our industrial center sits empty and council is to regulate business types by the zoning use. Not to limit business. There was only 23 medical dispensaries allowed in the entire state and they were chosen by lottery.

Vice Mayor Rizzi expressed it was an opportunity to shape the growth of the city.

Councilmember Biggs stated while he is not in favor of recreational marijuana, he represents the 40,000 people that live in AJ. The current dispensaries are not allow to expand, so council is limiting business. The State has certain regulations, but the city can place more restrictions. There is an opportunity to bring revenue to the city.

Vice Mayor Rizzi stated whether we have the two business or more, then we are splitting the sales between all the entities.

Council and staff discussed matters related to zoning and regulations of other businesses as it related to restricting more marijuana facilities.

Councilmember Gremmel stated the city council has spent many meetings and hours discussing marijuana, its regulation and appropriate locations. She stated the people that she hears from do not want any more dispensaries in the city. She called for a vote.

Mayor Wilson asked for a motion.

7. [21-363](#) Presentation, discussion, public hearing and consideration of proposed Resolution No. 21-27, a Resolution of the Mayor and City Council of the City of Apache Junction, Arizona, declaring as a public record that certain document filed with the City Clerk and entitled "2021 Amendments to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5 Zoning and Bulk Use Regulations, § Non-Residential Use Regulations, Table 5-3 Non-Residential Use Regulations; Article 1-6: Supplement Regulations, § 1-6-12 Medical and Recreational Marijuana; and Article 1-17: Definitions, § 1-17-1 Definitions"; repealing any conflicting provisions; and providing for severability.

Councilmember Gremmel moved, seconded by Councilmember Schroeder that Resolution No. 21-27, declaring as a public record that certain document filed with the City Clerk and entitled "2021 Amendments to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5 Zoning and Bulk Use Regulations, § Non-Residential Use Regulations, Table 5-3 Non-Residential Use Regulations; Article 1-6: Supplement Regulations, § 1-6-12 Medical and Recreational Marijuana; and Article 1-17: Definitions, § 1-17-1 Definitions"; repealing any conflicting provisions; and providing for severability be approved.

Yes: 5 - Mayor Wilson, Vice Mayor Rizzi, Councilmember Schroeder, Councilmember Nesser and Councilmember Gremmel

No: 2 - Councilmember Evans and Councilmember Biggs

I. OLD BUSINESS

J. NEW BUSINESS

K. COUNCIL DIRECTION TO STAFF

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

8. [21-361](#) Executive Session at 6:00 P.M. for Monday, August 2nd and Executive Session at 6:00 P.M. for Tuesday, August 3rd in the city council conference room located at 300 E. Superstition Boulevard in Apache Junction, Arizona and other meetings scheduled if necessary.

Councilmember Evans moved, seconded by Councilmember Biggs that an Executive Session at 6:00 P.M. for Monday, August 2nd and Tuesday, August 3rd, 2021 be held in the city council conference room located at 300 E. Superstition Boulevard in Apache Junction, AZ, and other meetings be scheduled if necessary.

Yes: 7 - Mayor Wilson, Vice Mayor Rizzi, Councilmember Evans, Councilmember Schroeder, Councilmember Biggs, Councilmember Nesser and Councilmember Gremmel

No: 0

M. CALL TO PUBLIC

Lavier Kurtz, 11336 E. Edgewood Ave., Mesa spoke on the Community Garden at Horizon Health and Wellness. He is the coordinator for the garden and announced they are launching a new program and are looking for volunteers. They will be updating the growing beds, amending the soil and plan on producing a significant quantity of vegetable to share with the community. Please contact him or Horizon Health and Wellness for more information.

They will meet every Thursday night from 6:00 - 8:00 PM and then on Saturdays from 7:00 - 9:00 AM.

Jeff Barlett, 108 N. Meridian Dr. thanked council for passing the marijuana regulations. He has a request for another regulation. It relates to controlling R-rated material.

George Schroeder, 2444 W. Virginia St. would like to see Amtrak closer to the city. He spoke on the marijuana dispensaries and the choice belongs to the residents whether they want them or not. He stated this pot is so much stronger than what was grown when he was a kid. He does not approve of the annexation.

N. ADJOURNMENT

Mayor Wilson adjourned the meeting at 8:27 P.M.