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

www.ajcity.net
Ph: (480) 982-8002

Tuesday, January 19, 2021 **7:00 PM** **City Council Chambers**

A. CALL TO ORDER

Mayor Wilson called the council meeting to order.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Vice Mayor Rizzi gave the invocation and Councilmember Biggs led the meeting attendees in the Pledge of Allegiance.

C. ROLL CALL

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

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
Thomas Kelly, Chief of Police
Larry Kirch, Development Services Director
Rudy Esquivias, Planning Manager
Kendra Ellner, Planning Intern
Leslie DeReche, Finance Director
Jill Bright, Deputy City Clerk (remotely)

D. CONSENT AGENDA

Vice Mayor Rizzi moved, seconded by Councilmember Schroeder to accept the consent agenda as presented.

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

No: 0

1. 20-651 Consideration of acceptance of agenda.

2. 20-652 Consideration of approval of minutes of the regular meeting of January 5, 2020.

3. 20-649 Consideration of approval of an award of contract to Morgan Pavements for the slurry sealing of select city streets. The work is planned for Spring, 2021 and will be through the City of Buckeye cooperative job order contract No. 2019005-7 in the amount of $407,762.46, plus a 10% contingency for unforeseen change orders in the amount of $40,776.24, for a total project cost not to exceed $448,538.70. Work will result in a new street wearing surface for the Sunrise Canyon, Cortez Ranch, Superstition Vistas Mobile Estates and Palm Springs (Eastern portion) subdivisions. Project was presented and discussed as part of the FY 20/21 CIP and Street Maintenance Plan at the June 16, 2020 City Council Meeting.

4. 21-018 Consideration of approval of Resolution No. 21-01 adopting a supplemental defined contribution plan sponsored through Nationwide for all city eligible officers and employees administered through the Arizona State Retirement System at no cost to the city.

5. 21-021 As required by Apache Junction City Code, Volume I, Chapter 3: Administration, Article 3-3: Department of the Finance, §§ 3-3-1 (C), the city manager is seeking ratification for the removal of Donna Meinerts from the position of Finance Director and ratification for appointment of Leslie DeReche to the position of Finance Director.

E. AWARDS, PRESENTATIONS AND PROCLAMATIONS

6. 21-023 Presentation of proclamation designating the month of January 2021 as Speak Up, Stand Up, Save a Life month.

Mayor Wilson proclaimed January 2021 as Speak Up, Stand Up, Save a Life month and presented the proclamation to Dr. Anderson, Superintendent of Apache Junction Unified School District.

Dr. Anderson thanked council for adopting this proclamation and shared that students attended the Speak Up, Stand Up, Save a Life conference today.

F. ANNOUNCEMENT OF CURRENT EVENTS

7. 20-653 Announcement of current events from mayor and councilmembers.

Councilmember Biggs shared that Apache Junction Star Family Honor Event is happening March 13th. The 1st Friday event is February 12th and 13th in downtown Apache Junction. The Lost Dutchman Days golf tournament is February 6th. The AJ Kids Idol has been postponed.

Mayor Wilson attended the 60th anniversary luncheon for Superstition Mountain Rotary and thanked them for all their contributions to the community. He wished his wife a happy 50th wedding anniversary.

G. CITY MANAGER'S REPORT

8. 20-688 City Manager's Report.

City Manager Bryant Powell congratulated Mayor Wilson on 50 years of marriage.

Public Information Officer Al Bravo shared that there are not enough COVID-19 vaccines and distribution locations yet and the community will need to remain patient. More information and locations will be forthcoming. Up to date information can be found at www.azhealth.gov.

9. 21-025 Introduction of and discussion with Apache Junction Finance Director Leslie DeReche.

City Manager Bryant Powell introduced the city's new finance director, Leslie DeReche and shared her education and work experience background.

Ms. DeReche stated that she is excited to be in Apache Junction.

H. PUBLIC HEARINGS

10. 20-647 Presentation, discussion and public hearing and consideration of Ordinance No. 1498, amending the Apache Junction City Code, Volume 1, Chapter 4:Fees; Article 4-4: Development Services Fees, § 4-4-3 Planning, Subdivision and Zoning Fees.

Councilmember Biggs moved, seconded by Councilmember Evans that Ordinance No. 1498 be read by title only and the reading of the entire ordinance be waived.

City Clerk Jennifer Pena read the Ordinance by title only.

Councilmember Biggs moved, seconded by Councilmember Evans that Ordinance No. 1498, as read by the city clerk be approved and adopted.

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

No: 0

Development Services Director Larry Kirch explained that staff is proposing amending Volume I, Chapter 4 Fees, Article 4-4 in order to collect fees for several processes related to Master Planned Communities and to create fees for processing annexations, formation of Community Facility Districts, group home applications, assisting homeowners in the preparation of site plans for building permits and to create a fee structure for developments that wish a customized review schedule. These fees have been posted as required by law.

Councilmember Evans asked if the annexation fee is only for the land south of Baseline or for any annexation within the city. Mr. Kirch responded that this is just for the land south of Baseline at this time.

Vice Mayor Rizzi asked what the group home fee is for. Mr. Kirch responded that the fee is for the building official to go out and inspect group homes with over six occupants.

Mayor Wilson opened the public hearing.

George Schroeder stated that staff is not doing their job and still charging a fee for it. The city is not benefiting from development services.

Mayor Wilson closed the public hearing.

Vice Mayor Rizzi requested to know that the new councilmembers are comfortable with the fees that are being presented before a vote is done. The three new councilmembers responded that they are comfortable.

11. 21-009 Presentation, discussion and public hearing on proposed annexation case AN-1-20. This is a privately-initiated annexation request by Dan Bonow, representing D.R. Horton Inc. and the Arizona State Land Department, proposing to annex an area approximately 6,600 acres in size, generally located south of the Elliot Avenue alignment, east of Meridian Drive, north of the State Route 24/Frye Road alignment and west of the CAP canal. Tonight's hearing is for discussion and public input purposes only.

Planning Manager Rudy Esquivias provided the background, a process timeline and public outreach efforts on the proposed annexation of 6,600 acres of state land south of Elliot Avenue and explained that this item is only for discussion and public input tonight.

Councilmember Evans asked for clarification on the proposed name of the community. Mr. Esquivias replied that an official name has not been confirmed yet but they are calling the area Superstition Vistas right now.

Councilmember Biggs asked if the developers are paying the annexation fee and when the annexation will take place. Mr. Esquivias confirmed that the developer is paying the annexation fee and that the land can be annexed once the required number of signatures is obtained. Staff is hoping that will happen this summer.

Councilmember Biggs asked if this area is in the Apache Junction Unified School District. City Manager Bryant Powell replied that yes it is.

Councilmember Gremmel asked who we need to get the signatures from since the property is only owned by one developer. Mr. Esquivias replied that they will obtain signatures from the developer and from the utility companies.

Mayor Wilson opened the public hearing.

George Schroeder stated that you cannot stop the growth in Apache Junction but this is happening too fast. The managers are not concerned about the city. His streets haven't been worked on in 40 years and thinks we should concentrate on our streets first.

Patrick, representative from D.R. Horton, thanked the city staff for their work so far and is excited for this project.

Charles Beal commended Rudy and his staff for their work on this. He thinks communication is key in the process.

Mayor Wilson closed the public hearing.

12. 20-676 Presentation, discussion, public hearing and consideration of proposed Ordinance No. 1499, case PZ-7-19, a city-initiated rezoning of a 2.37-acres property located at 978 E. Roosevelt Street, from General Rural Low Density

Single-family Detached Residential ("RS-GR") to Medium Density Single-family Detached Residential by Planned Development ("RS-20/PD") for the purpose of creating land split and development opportunities.

Vice Mayor Rizzi moved, seconded by Councilmember Biggs to continue this item to the February 2, 2021 council meeting.

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

No: 0

Planning Intern Kendra Ellner shared the background on this case and explained that this 2.37 acre property is being considered for rezoning in order to create a 2-lot land split.The planning and zoning commission voted to approve the rezoning request from RS-GR to RS-GR/PD, with the following conditions as listed in the ordinance.

1) Following effective rezoning approval, city staff shall take all necessary steps to split property as conceptually approved.

2) Staff shall coordinate with the city engineer on any additional right-of-way or utility easement needs, including the dedication of the south 25 feet of the property for roadway and utility purposes.

3) City shall disclose to prospective buyers that additional property improvements and service extensions may be necessary upon purchase.

4) All applicable permits and development fees will be due at the time of development.

5) Horses shall only be allowed on the 1.25 acre lot, with an RS-GR/PD zoning to allow a 25-foot front setback; and the other conventional RS-GR setbacks of 40-foot rear and 20-foot sides.

Councilmember Nesser asked how the initial three lot split was determined. Mr. Kirch replied that it would be more cost effective to bring water in to support three lots but it was ultimately decided to split the lot into two rather then three.

Councilmember Evans asked about the rear set back. Ms. Ellner replied that the map had not been updated yet to match the proposed ordinance.

Vice Mayor Rizzi asked if it has been decided where the proceeds will go. Mr. Kirch replied that it has not been decided yet and will be discussed in the future.

Mayor Wilson asked if a conditional use permit could be done on the 1.12 lot in order to allow for horses. Mr. Kirch replied that it is an option but that the planning commission wanted to stick with the guidelines of requiring 1.25 acres in order to have horses. They did not want to set a precedence on allowing properties to have horses on less then 1.25 acres.

Councilmember Biggs asked if we knew what the lots would be sold for. Mr. Kirch believes approximately $125,000.00 for each lot once water is brought to the properties.

Councilmember Gremmel would like to see one of the lots stay as 1.25 acres in order to allow for horses as that is what attracts residents to Apache Junction.

Mayor Wilson opened the public hearing.

Donna Carr stated that the wash is terrible and the property line should be switched.

James Boerigter stated that he is the guy that made this possible and council should be talking to him about it. He would like to see Roosevelt Street fixed. He has lived there for 20 years and has only seen the wash run once.

Mayor Wilson closed the public hearing.

Councilmembers discussed their thoughts and opinions amongst themselves regarding the split of the property.

City Attorney Joel Stern recommended continuing this item to the next council meeting in order to have more time to review the property.

I. OLD BUSINESS

J. NEW BUSINESS

13. 21-008 Discussion and consideration of Resolution No. 21-03, declaring as a public record and amending a certain document filed with the city clerk entitled "City of Apache Junction Classification Plan for Fiscal Year 2020-2021" to create a Principle Engineer position.

Councilmember Biggs moved, seconded by Vice Mayor Rizzi that Resolution No. 21-03, a resolution of the Mayor and City Council of the City of Apache Junction, Arizona, declaring as a public record and amending a certain document filed with the city clerk entitled "City of Apache Junction Classification Plan for Fiscal Year 2020-2021" to create a Principle Engineer position, be approved.

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

No: 0

Development Services Director Larry Kirch shared that due to the result of the recent auction of 2,780 acres of state land and the development that will be forthcoming that the development services department would like to create a principal engineer position. The addition of this position requires an amendment to the approved FY 20/21 classification plan.

Vice Mayor Rizzi asked what the duties of this position will be. Mr. Kirch replied that this position will coordinate the engineering review and permit process and will report to Planning Manager Rudy Esquivias.

14. 21-017 Discussion and consideration of approval for purchase of Lenco BearCat armored vehicle for the Apache Junction Police Department's Special Weapons and Tactics ("SWAT") Unit in the amount of $298,075.00.

Councilmember Nesser moved, seconded by Councilmember Evans that the purchase of a Lenco BearCat armored vehicle for the SWAT Unit in the amount of $298,075.00 be approved.

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

No: 0

Police Chief Thomas Kelly shared that the police department has received funds from the Arizona Coronavirus Aid, Relief and Economic Security Act (AZ CARES Act) and is requesting to purchase a Lenco BearCat armored vehicle. Their current 1993 Ford armored bank truck has continued mechanical issues with over 180,000 miles on it and provides limited ballistic protection for SWAT personnel. The police department has asked for this in their budget for numerous years and it has been denied due to lack of funds.

Councilmember Biggs asked how often the current armored vehicle gets used. Chief Kelly replied 12 - 15 times a year.

Councilmember Evans asked how long the new armored vehicle could last. Chief Kelly replied 15 - 20 years.

Councilmember Schroeder reiterated that this money is leftover from the CARES Act funding and asked if we would be violating that Act by purchasing this armored vehicle with those funds. Assistant City Manager replied no it is not in violation.

Vice Mayor Rizzi asked when the last time the current armored vehicle was used. Chief Kelly responded it has been used in the last few weeks.

Councilmember Nesser shared that she spoke to the SWAT team and reported on her discussion with them.

Councilmember Gremmel shared that these funds are available to the city and do not come out of the general fund budget so it is a great way to meet this need.

K. COUNCIL DIRECTION TO STAFF

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

15. 20-655 The next regularly scheduled Work Session is February 1st, and the next regularly scheduled Council Meeting is February 2nd, 2021.

M. CALL TO PUBLIC

Jeff Barlett, 108 N. Meridian Drive, thinks call to the public should be at the beginning of the meeting. He supports law enforcement but does not support militarizing our officers. He believes in community policing. He thinks criminal justice reform is necessary. Criminal fines and punishment should be more lenient.

Andrew Daniel, 950 W. 19th Avenue, is concerned with the lack of information on the purchase of an armored vehicle. He thinks there is a better use of the funds towards priorities such as unemployment and substance and mental health abuse.

Rich Winters, 1762 S. Goldfield Road, just purchased the property and received a complaint due to having an RV shade structure and cargo container on the property. He bought the property with those items on the property. He is requesting an easement.

George Schroeder, 2444 W. Virginia Street, thinks we should reconsider our representative, Paul Gosar. He is a problem and a domestic terrorist.

N. ADJOURNMENT

Mayor Wilson adjourned the council meeting.

ACCEPTED THIS_____ DAY OF_____, 2021, BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 2021.

_____

CHIP WILSON
Mayor

ATTEST:

_____

JENNIFER PENA
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 _____, 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2021.

_____

JENNIFER PENA
City Clerk