



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, February 2, 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 Evans 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
Janine Solley, Economic Development Director
Larry Kirch, Development Services Director
Rudy Esquivias, Planning Manager
Kelsey Schattnik, Planner
Nicholas Leftwich, Planning Intern
Kendra Ellner, Planning Intern
Emile Schmidt, City Engineer
Jill Bright, Deputy City Clerk (remotely)

D. CONSENT AGENDA

Vice Mayor Rizzi moved, seconded by Councilmember Biggs 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. [21-030](#) Consideration of acceptance of agenda.
2. [21-044](#) Consideration of approval of minutes of the regular meeting of January 19, 2021.
3. [21-035](#) Consideration on entering into a second amendment for copier purchase and managed print services with Xerox Business Solutions Southwest dba Arizona Office Technologies until June 30, 2023 for an approximate amount of \$45,000 annually.
4. [21-038](#) Consideration of Resolution No. 20-41 and the adoption of the first amendment to an Intergovernmental Agreement between Pinal County and the City of Apache Junction, which defines responsibility for road maintenance of Superstition Mountain Drive, South Mountain View Road and Southern Avenue.

E. AWARDS, PRESENTATIONS AND PROCLAMATIONS

5. [21-027](#) Presentation of proclamation opposing the Social Security Administration's decision to relocate the Apache Junction facility.

Mayor Wilson proclaimed the city's opposition of the Social Security Administration's decision to relocate the Apache Junction facility.

F. ANNOUNCEMENT OF CURRENT EVENTS

6. [21-032](#) Announcement of current events from mayor and councilmembers.

Councilmember Nesser shared that the Chamber of Commerce has a program called Spring into Savings to help business members get money back into their businesses. If residents spend \$50 or more at a participating business, you can take your receipt to the Chamber and they will give you a \$20 gift card.

Councilmember Evans shared that the AJ CDC completed a yard clean up in which they removed 9 tons and 25 tires from the backyard. October 9th will be the next Make a Difference Day and they will work on the Field of Dreams at Four Peaks Elementary.

Councilmember Biggs shared that the 23rd Annual Navy Junior ROTC Benefit Car show is this Saturday. The first Friday event is February 12th and 13th. Last week him, Mayor Wilson and Vice Mayor Rizzi visited Phoenix Mesa Gateway Airport.

Vice Mayor Rizzi shared that she spent 4 hours at Phoenix Mesa Gateway Airport last week.

Mayor Wilson shared that the visit to Mesa Phoenix Gateway Airport was really impressive. He congratulated City Manager Bryant Powell for celebrating 20 years with the city.

Assistant City Manager Matt Busby shared a slide show of pictures of Bryant over the last 20 year and mentioned his accomplishments over those 20 years.

G. CITY MANAGER'S REPORT**7. [21-033](#) City Manager's Report.**

City Manager Bryant Powell shared that he is honored to serve for this community and thanked his family for always supporting him. Mr. Powell shared an e-mail from a resident thanking Officer Ruan for his work and professionalism.

8. [21-041](#) Discussion on proper procedures and use of council chamber audio and visual tools and equipment.

Public Information Officer Al Bravo presented that all council, board and commission meetings can be viewed live on the city website. He reminded council how to use the microphones so that those live streaming from home can hear.

H. PUBLIC HEARINGS**9. [21-001](#) Consideration of application for a series 012 (restaurant) liquor license application for Barro's Pizza located at 95 S. Idaho Road, Suites 120 & 130. The next step in the process is for 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.**

Vice Mayor Rizzi moved, seconded by Councilmember Schroeder that the application for a Series 12 Restaurant Liquor License, for Barro's Pizza located at 95 S. Idaho Road be recommended for approval to the Arizona Department of Liquor Licenses and control.

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

No: 0

City Clerk Jennifer Pena explained a series 12 restaurant liquor license has been submitted for Barro's Pizza and that the police department, building division, planning division and the fire district have conducted their inspections and recommend approval.

Mayor Wilson opened the public hearing.

Mayor Wilson closed the public hearing.

10. [21-024](#) Consideration of application for temporary extension of premises/patio permit for applicant William Kimball for the Fraternal Order of Eagles located at 2315 S. Coconino Drive in Apache Junction, AZ 85120 for their February 20, 2021 Western Days event. The next step in this process is for the council to hold a public hearing on the application and make a recommendation for approval or denial to be forwarded to the Arizona Department of Liquor Licenses and Control.

Councilmember Biggs moved, seconded by Councilmember Schroeder that the application for a Temporary Extension of Premises submitted by the Fraternal Order of Eagles located at 2315 S. Coconino Drive for "Western Days" to be held on February 20th be recommended for approval to the Arizona Department of Liquor Licenses and control.

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

No: 0

City Clerk Jennifer Pena explained a temporary extension of premises has been submitted by the Fraternal Order of the Eagles for their February 20th Western Days event and that the police department, building division, planning division and the fire district have conducted their inspections and recommend approval.

William Kimball of the Fraternal Order of Eagles stated that even though Lost Dutchman Days is cancelled they still wish to have this event to raise money for the youth of the community.

Mayor Wilson opened the public hearing.

Mayor Wilson closed the public hearing.

11. [21-028](#) Consideration of application for temporary extension of premises/patio permit for applicant Mary LeDoux for Captain's Food & Spirits located at 300 W. Apache Trail #118 in Apache Junction, AZ 85120 to accommodate additional seating in the front of their building due to COVID-19. The next step in this process is for the council to hold a public hearing on the application and make a recommendation for approval or denial to be forwarded to the Arizona Department of Liquor Licenses and Control.

Councilmember Evans moved, seconded by Councilmember Biggs that the application for a Temporary Extension of Premises submitted by Captain's Food & Spirit located at 300 West Apache Trail to serve alcohol in the non-contiguous licensed outdoor dining area, as allowed under the Governor's Executive Order 20-60, until June 14, 2021 until sunset be recommended for approval to the Arizona Department of Liquor Licenses and control.

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

No: 0

City Clerk Jennifer Pena explained an application for a temporary extension of premises has been submitted by Captain's Food & Sprits in order to accommodate additional seating in the parking lot in front of their building due to COVID-19. The building division, planning division and fire district recommend approval. The police department has concerns regarding the condition of the parking lot, the materials being used to create the extension and the lighting in the area. If these concerns are addressed then the police department will recommend approval.

Councilmember Evans asked if the sketch submitted with the application complies with the distance allowed by the governor's order. Mary LeDoux of Captain's Food & Spirits replied that yes it is. Councilmember Evans asked if Ms. LeDoux has talked to the owner of the plaza and if he has any concerns with this extension. Ms. LeDoux replied no he does not have any concerns.

Councilmember Biggs asked if there are major concerns in the parking lot where she is proposing the extension. Ms. LeDoux replied that the proposed area is not in too bad of condition.

Councilmember Nesser asked if she would be willing to look into concrete barriers. Ms. LeDoux said she can look into it. Councilmember Nesser asked if she has looked into additional lighting. Ms. LeDoux replied that she is willing to only use the extension during the day.

Mayor Wilson opened the public hearing.

Jeff Barlett feels that we need to be supporting the businesses during this time. The individual liberties need to be supported.

Mayor Wilson closed the public hearing.

12. [21-037](#) Presentation, discussion, public hearing and consideration of proposed Ordinance No. 1500 (case PZ-10-20), a request by Bela Flor Communities, LLC (owner), represented by Reese Anderson and Jon Gillespie of Pew and Lake, PLC (applicant), to rezone approximately 7 acres located near the southeast corner of Ironwood Drive and Superstition Boulevard, from B-1 (General Commercial) and RS-20M (Medium Density Single-Family Detached Residential) to RM-2/PD (High Density Multiple-Family Residential by Planned Development). (This case is being processed concurrently with case SD-2-20).

Councilmember Evans moved, seconded by Vice Mayor Rizzi that Ordinance No. 1500 be read by title only and the reading of the entire ordinance be waived.

City Clerk Jennifer Pena read Ordinance No. 1500 by title only.

Councilmember Evans moved, seconded by Councilmember Biggs that Ordinance No. 1500, as read by the city clerk be approved and adopted.

Yes: 4 - Mayor Wilson, Councilmember Evans, Councilmember Biggs and Councilmember Nesser

No: 3 - Vice Mayor Rizzi, Councilmember Schroeder and Councilmember Gremmel

Mayor Wilson explained that items 12 and 13 are regarding the same property and will be combined for presentation and public hearing purposes but will have separate motions.

Development Services Planner Kelsey Schattnik explained that this is a proposed rezoning requested by Bela Flor Communities LLC to rezone the 7-acre property from B-1 and RS-20M to RM-2/PD for the purpose of developing the property for a new 96-lot townhouse residential neighborhood with private streets and community amenities. The planning and zoning commission voted unanimously to approve the rezoning request.

Councilmember Gremmel asked what at risk grading is. Ms. Schattnik responded that it allows the applicant to get a grading permit before the final plat is submitted and approved.

Councilmember Nesser asked if there will be a cap on rentals within the community. Councilmember Evans responded that it is illegal to cap rentals. Councilmember Nesser asked if there are sidewalks in the community. Ms. Schattnik responded there are sidewalks in front of the townhouses. Councilmember Nesser asked how big the pool is. Reese Anderson of Pew and Lake shared that the pool will be 30,000 gallons and that there will be a jacuzzi. Councilmember Nesser asked about parking on the streets. Mr. Anderson replied that parking on the streets will not be permitted and will be in the Homeowner Association's CC&Rs.

Councilmember Gremmel asked if there would be a deceleration lane. Mr. Anderson replied that the engineers are saying it is not necessary. Ms. Gremmel is worried about not having one for future growth. She asked about the water run off. Mr. Anderson shared that there is off site storm water and it is underground.

Councilmember Evans expressed her concern about the length of the garages. Mr. Anderson replied that the parking spots are normal size so he assumes they would fit a regular sized truck. Councilmember Evans thinks the project will add nicely to the area.

Mr. Andersen stated that these town homes will not have backyards.

Councilmember Biggs asked if there is any barrier in front of the homes off of Superstition. Mr. Andersen replied no there are not any barriers in front of the homes on Superstition and Gold. Councilmember Biggs expressed that he agrees with Councilmember Evans in not allowing parking along Gold.

Mr. Andersen stated that the height of the town homes are estimated to be 29'.

Mayor Wilson asked if improvements will be made along Gold. Mr. Andersen replied absolutely yes.

Mayor Wilson opened the public hearing for items 12 and 13.

Donna Carr asked what the length of the driveway in front of the garage is. She asked if the city has proper sewer and water drainage in the neighborhood.

Terry Kridler stated she lives on Gold and she has a lot of concerns. She says the primary entrance was supposed to be on Ironwood and now they say it will be on Gold. She wants to know why this project was fast tracked and why it only meets 1/3 of city code. She says there were over 50 accidents in that area. She is opposed to this as it is getting rid of commercial property.

George Schroeder stated he is worried about his neighborhood. He wants to know if the dirt will need to be raised. He doesn't think this fits the demographics. He is not opposed to development but does not like HOAs. He says our council can't say no.

Ms. Henesy stated that she lives south of the project where her family owns a mobile home park on 3 acres. She sat down with Mr. Hassell and went through the plans and he has done everything he said he was going to do. She thinks these homes are needed.

John Insalaco stated that it is good to see this land cleaned up and developed but this is a tight neighborhood. He thinks the traffic needs to be looked at and a deceleration lane is needed.

Mayor Wilson closed the public hearing.

Vice Mayor Rizzi shared that she is concerned with the traffic and taking up commercial land. She is not in support of this.

Councilmember Schroeder is having a problem seeing the balance between residential and commercial growth. He does not think this is a great place for this development.

Councilmember Evans shared that without the rooftops there will be no commercial.

Development Services Director Larry Kirch explained that a family owned this land for 40 years prior to Mr. Hassell purchasing it and there has only ever been residential interest in the property. This project was not fast tracked and it is not a age restricted community. The project will require a minor general plan amendment.

City Engineer Emile Schmidt explained that the size of the development usually determines if a deceleration lane is needed. He provided examples of neighborhoods within the city that do and do not have deceleration lanes. His recommendation is that a deceleration lane is not needed here.

13. [21-042](#) Presentation, discussion, public hearing and consideration of proposed Resolution No. 21-02 (case SD-2-20), a request by Bela Flor Communities, LLC (owner), represented by Reese Anderson and Jon Gillespie of Pew and Lake, PLC (applicant), for a 96-lot residential subdivision tentatively to be named Ironwood Station, located near the southeast corner of Ironwood Drive and Superstition Boulevard. (This case is being processed concurrently with case PZ-10-20).

Councilmember Evans moved, seconded by Councilmember Biggs that Resolution No. 21-02, case SD-2-20, a resolution of the Mayor and City Council of the City of Apache Junction, Arizona, for a 96-lot residential subdivision located near the southeast corner of Ironwood Drive and Superstition Boulevard be approved.

Yes: 4 - Mayor Wilson, Councilmember Evans, Councilmember Biggs and Councilmember Nesser

No: 3 - Vice Mayor Rizzi, Councilmember Schroeder and Councilmember Gremmel

This item was combined with item #12 for discussion and public hearing.

14. [21-043](#) Presentation, discussion, public hearing and consideration of proposed Ordinance No. 1501, case PZ-1-20, a request by Apache Junction 772, LLC, represented by Greg Loper, for the rezoning of approximately 7.93 acres from B-4 (Business Park) to RM-1/PD (High Density Multiple-Family Detached Residential by Planned Development) and a Minor General Plan Amendment from Light Industrial/Business Park to High Density Residential, for a 107 lot residential subdivision for the properties located on the south side of Old West Highway, east of Royal Palm Road and west of Tomahawk Road.

Councilmember Evans moved, seconded by Vice Mayor Rizzi that Ordinance No. 1501 be read by title only and the reading of the entire ordinance be waived.

City Clerk Jennifer Pena read Ordinance No. 1501 by title only.

Councilmember Biggs moved that Ordinance No. 1501, as read by the city clerk be denied. Motion failed due to a lack of a second motion.

Councilmember Evans moved, seconded by Councilmember Nesser that Ordinance No. 1501, as read by the city clerk be approved.

Yes: 6 - Mayor Wilson, Vice Mayor Rizzi, Councilmember Evans, Councilmember Schroeder, Councilmember Nesser and Councilmember Gremmel

No: 1 - Councilmember Biggs

Development Services Planning Intern Nicholas Leftwich explained that this proposed rezoning is requested by Apache Junction 772, LLC and pertains to two vacant properties totaling 7.93 acres located on the south side of Old West Highway, between Royal Palm Rd. and Tomahawk Rd. It is proposed to rezone the property from B-4 to RM-1/PD for the purpose of developing a 107-lot townhouse residential subdivision. The planning and zoning commission voted 4 to 3 for denial of the rezoning. The planning staff recommends approval of the rezoning with strict conditions as described in Ordinance No. 1501 to ensure a high level of quality and final product.

Councilmember Evans asked what the maximum height for this zone is. Mr. Leftwich replied 35'.

Vice Mayor Rizzi asked what can currently be built in this zone. Mr Leftwich replied industrial uses such as manufacturing and warehouses.

Applicant Greg Loper presented information on the proposed development. The maximum structure height is 30'. There is a utility easement along the property and they have no plans of using it. This is not an age restricted community. In 16 years, the owners of this property have not received any interest. They are proposing a deceleration lane.

Councilmember Evans asked if this is a real development or just a project to flip. Mr. Loper replied that they wanted to make sure the rezoning goes through before spending money on a preliminary plat and yes they are the developer.

Councilmember Schroeder expressed his concern on approving a rezoning for a property with no preliminary plat.

Mr. Loper stated that they could submit a preliminary plat within 6, 9 or 12 months if the rezoning is approved.

Mayor Wilson opened the public hearing.

William Munsey stated that these townhomes will block the mountain view for the neighborhood behind it. He is not in favor of this project.

Craig Jones stated that he lives in the corner house behind the project and does not want someone living in a 3 story town home behind him looking down into his property. They have asked for things to be done by the applicant and nothing has been done as promised so it puts a bad taste in his mouth. The privacy of his family is extremely important.

Donna Carr stated that it's not fair to take the views away from those who already live there. This takes away from their privacy. She wants to know what will happen to the wash over there.

Lisa Beavhart stated that privacy is very important and 3 story town homes in her backyard does not sit well with her in regards to the privacy of her 3 little girls.

George Schroeder stated that these people fell into this project. He does not want 3 story buildings. He wants council to say no.

Tracy Profit says she will miss the views if this passes but she would like to focus on supporting the businesses. She thinks there should be more rooftops but not high density.

Mayor Wilson closed the public hearing.

Councilmember Gremmel shared that she is very conflicted and this is a difficult choice.

Councilmember Nesser stated that the maximum height permitted in this zone is 30' whether it is 1 story, 2 stories or 3 stories.

Vice Mayor Rizzi stated that the height is what it is no matter if it is residential or commercial or industrial. It worries her to have industrial so close to residential.

Councilmember Schroeder shared he is not against rezoning the property but it would be a hard sell for him to approve a 30' structure. He recommends rezoning it to commercial if rezoning it to residential does not pass.

Councilmember Evans explained that home affordability is an issue right now. High density is needed and she prefers to have town homes rather than apartments. She would like to see a time frame commitment on a preliminary plat. She does not want to see industrial next to residential.

Councilmember Biggs stated that this goes against our general plan. He thinks it is a terrible place for this project.

Mayor Wilson asked for clarification on the easement next to the property. City Attorney Joel Stern responded that it depends on the type of easement.

15. [21-040](#) 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.

Councilmember Evans moved, seconded by Councilmember Biggs that Ordinance No. 1499 be read by title only and the reading of the entire ordinance be waived.

City Clerk Jennifer Pena read Ordinance No. 1499 by title only.

Vice Mayor Rizzi moved, seconded by Councilmember Biggs that Ordinance No. 1499, as read by the city clerk, be denied and that the property be sold as is.

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

No: 2 - Councilmember Evans and Councilmember Gremmel

Planning Intern Kendra Ellner shared the background on this case as presented at the January 19th council meeting. Ms. Ellner explained that this 2.37 acre property is being considered for rezoning in order to create a land split. The planning and zoning commission voted to approve the rezoning request from RS-GR to RS-GR/PD, with conditions as listed in the ordinance.

The council discussed their thoughts on how to split the property.

Development Services Director Larry Kirch shared that it would cost about \$35,000.00 to bring

water from Apache Junction Water District in to the property.

Mayor Wilson opened the public hearing.

Donna Carr wonders if the council actually listens to what the residence of the city have to say.

James Boerigter lives in the property next door. He showed pictures of what the property used to look like. He does not think horses should be living on that property. He says he has tried to work with them.

Mayor Wilson closed the public hearing.

I. OLD BUSINESS

J. NEW BUSINESS

16. [21-029](#) Administrative approval process relating to certain liquor license applications.

Councilmember Evans moved, seconded by Vice Mayor Wilson that administrative authority be given to the city clerk, city manager or their designee to approve applications for special events, fair and festival licenses and temporary extension of premises applications on behalf of the city.

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

No: 0

City Clerk Jennifer Pena explained that in an effort to assist local businesses during the pandemic that city staff is proposing an administrative approval process that would allow the city manager, city clerk or their designee the ability to approve a temporary extension of premises without council input. This will reduce the application time that businesses currently have to wait in order for their application to be heard at an upcoming council meeting.

Councilmember Evans asked for clarification on the motion.

K. COUNCIL DIRECTION TO STAFF

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

17. [21-034](#) The next regularly scheduled Council Meeting is Tuesday, February 16th, 2021.

M. CALL TO PUBLIC

Nola Perkins, 145 S. Palo Verde in Apache Junction, was hoping the marijuana dispensaries would have to apply for a new permit. They are ruining her neighborhood. The traffic is unreasonable.

George Schroeder, 2444 W. Virginia Street in Apache Junction, says he is living an experiment and knows what council does not know. His neighborhood is inundated because the city chooses not to look into his neighborhood.

Donna Carr, 2178 W. Virginia Street in Apache Junction, thinks we need to help the people out

here. Low income housing is needed in Apache Junction. Wal-Mart does not donate to the local food bank. Apache Junction needs to grow in order to get better restaurants.

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