



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 6, 2021

7:00 PM

City Council Chambers

A. CALL TO ORDER

Mayor Wilson called the city council meeting to order.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Vice Mayor Rizzi gave the invocation and then council said the 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
Thomas Kelly, Chief of Police
Larry Kirch, Development Services Director
Sidney Urias, Principal Planner
Kelsey Schattnik, Planner
Jill Bright, Deputy City Clerk (remotely)

D. CONSENT AGENDA

Vice Mayor Rizzi moved, seconded by Councilmember Biggs that the consent agenda be accepted as presented.

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

No: 0

1. [21-131](#) Consideration of acceptance of agenda.
2. [21-132](#) Consideration of approval of minutes of the regular meeting of March 16,

2021.

3. [21-143](#) Consideration of approval for an award of contract to Viasun Corporation for the lining of the Delaware Drive drainage channel from approximately 23rd Avenue to Southern Avenue. The work would be through the cooperative Pinal County Job Order Contract #175623 in the amount of \$599,302.31, plus a 10% contingency for unforeseen change orders in the amount of \$59,930.23, for a total project cost not to exceed \$659,232.54. Work will result in the final phasing of a concrete lining from the Palm Wash entry of the channel to Southern Avenue; depending on final scheduling and weather conditions, work is planned for this coming May and June of 2021. This project was presented and discussed as part of the FY21 Capital Improvement and Street Maintenance Plan at the June 16, 2020 city council work session.
4. [21-162](#) Consideration of approval of Resolution No. 21-11, a Resolution of the Mayor and City Council of the City of Apache Junction, Arizona, designating Leslie DeReche as Chief Fiscal Officer for officially submitting and certifying the accuracy of the fiscal year 2021 expenditure limitation report to the Arizona Auditor General.

E. AWARDS, PRESENTATIONS AND PROCLAMATIONS

5. [21-138](#) Presentation of proclamation recognizing April 2021 as Fair Housing Month.
Mayor Wilson proclaimed April 2021 as Fair Housing Month and presented the proclamation to Development Services Director Larry Kirch.

Mr. Kirch thanked council and encouraged council to discuss fair housing at an upcoming retreat.

F. ANNOUNCEMENT OF CURRENT EVENTS

6. [21-133](#) Announcement of current events from mayor and councilmembers.

Councilmember Biggs shared that Zao Theatre is performing Sound of Music over the next couple weeks. Paws & Claws is offering kennel donations and it is tax deductible.

Councilmember Evans shared that the city had their annual Scrub & Grub last Thursday. She was at Paws & Claws and saw a mural that was painted by a father and daughter and mentioned how Tractor Supply and Shoppers Supply donate regularly to Paws & Claws. The city also hosted a vaccine event that was put on by Embry Health over the weekend.

Councilmember Gremmel thanked Kiwanas Club for their street clean up along Goldfield Road.

Councilmember Nesser mentioned that Russell St. John of the Boys & Girls Club recently passed away and will be dearly missed.

Vice Mayor Rizzi attended this month's MAG meeting and homelessness was discussed.

Mayor Wilson attended the vaccine event and he received a lot of positive comments on it. He will miss Russell St. John greatly. Gypsy the horse was adopted and went to a good home.

G. CITY MANAGER'S REPORT

7. [21-134](#) City Manager's Report.

City Manager Bryant Powell gave his condolences on the passing of Russell St. John and shared a couple memories of Russell.

H. PUBLIC HEARINGS

8. [21-146](#) Presentation, discussion, public hearing and consideration of proposed Resolution No. 21-14, declaring as a public record that certain document filed with the City Clerk entitled "2021 Amendments to the Apache Junction City Code, Volume II, Land Development Code, Chapter 2: Subdivision and Minor Land Division Regulations"; repealing any conflicting provisions; and providing for severability.

Councilmember Evans moved, seconded by Councilmember Biggs that Resolution No. 21-14 a resolution of the mayor and the city council of the City of Apache Junction, Arizona, declaring as a public record that certain document filed with the City Clerk entitled "2021 Amendments to the Apache Junction City Code, Volume II, Land Development Code, Chapter 2: Subdivision and Minor Land Division Regulations"; repealing any conflicting provisions; and providing for severability be approved.

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

No: 0

Mayor Wilson stated that item #8 and item #9 will be presented on together and have one combined public hearing but will have their own motions.

Principal Planner Sidney Urias presented background information and proposed changes on the Master Planned Community (MPC). Final Plats will still be approved by City Council. Changes in the process will result in a 2-6 month savings to start construction. Mr. Urias presented the design criteria which will help to alleviate many issues. Minor land division changes were discussed.

Mayor Wilson opened the public hearing.

Mayor Wilson closed the public hearing and asked for a motion.

9. [21-145](#) Presentation, discussion, public hearing and consideration of proposed Ordinance No. 1503, amending Apache Junction City Code, Volume II, Land Development Code, Chapter 2: Subdivision And Minor Land Division Regulations, by repealing and replacing in its entirety; and by adopting by reference that certain document entitled "2021 Amendments to the Apache Junction City Code, Volume II, Land Development Code, Chapter 2: Subdivision And Minor Land Division Regulations", repealing any conflicting ordinances; providing for severability; and proving for penalties.

Councilmember Biggs moved, seconded by Councilmember Nesser that Ordinance No. 1503 be read by title only and the reading of the entire ordinance be waived.

City Clerk read Ordinance No. 1503 by title only.

Councilmember Biggs moved, seconded by Councilmember Evans that Ordinance No. 1503, 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

Item #8 and item #9 were presented together and had one combined public hearing but have their own motions.

10. [21-148](#) Presentation, discussion, public hearing and consideration of proposed Resolution No. 21-13, 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 1-6: Supplement Regulations, § 1-6-12 Medical and Recreational Marijuana"; repealing any conflicting provisions; and providing for severability.

Vice Mayor Rizzi moved, seconded by Councilmember Evans that Resolution No. 21-13, 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 1-6: Supplement Regulations, § 1-6-12 Medical and Recreational Marijuana"; repealing any conflicting provisions; and providing for severability be continued to the work session on May 17th and public hearing on June 1st.

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

No: 0

Mayor Wilson stated that items 10, 11, 12 & 13 will be presented on together and have one combined public hearing but will have their own motions.

Planner Kelsey Schattnik presented the background on medical and recreational marijuana dispensaries in the city. Ms. Schattnik shared what other surrounding cities are allowing in regards to marijuana establishments and presented what council's options are moving forward.

Councilmember Biggs asked for clarification if the council decided to leave the regulations as is and he is not ready to vote on this tonight.

Vice Mayor Rizzi stated that she is no longer ready to make a decision tonight.

Councilmember Evans thanked the P&Z Commission for their work on this and wishes to continue this item.

Mayor Wilson opened the public hearing.

George Schroeder, 2444 W. Virginia Street, says he has a lot of experience in this area. We don't know anything about how this effects kids. It is bad and can cause death. He wants this

environment to be kept away from the kids. This is a problem and it can't be solved in one meeting.

Mayor Wilson closed the public hearing and asked for a motion.

11. [21-152](#) Presentation, discussion, public hearing and consideration of proposed Resolution No. 21-15, 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 Bulk and Use Regulation, § 1-5-3 Non-Residential Use Regulations, Table 5-3 Non-Residential Use Regulations, and Article 1-17, § 1-17-1 Definitions"; repealing any confliction provisions, and providing for severability.

Vice Mayor Rizzi moved, seconded by Councilmember Evans that Resolution No. 21-15, 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 Bulk and Use Regulation, § 1-5-3 Non-Residential Use Regulations, Table 5-3 Non-Residential Use Regulations, and Article 1-17, § 1-17-1 Definitions"; repealing any confliction provisions, and providing for severability be continued to the work session on May 17th and public hearing on June 1st.

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

No: 0

Items 10, 11, 12 and 13 were presented together and had one combined public hearing.

12. [21-150](#) Presentation, discussion, public hearing and consideration of proposed Ordinance No. 1502, an Ordinance of the Mayor and City Council of the Apache Junction, Arizona, amending Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-6: Supplemental Regulations, by repealing, replacing and retitling in its entirety § 1-6-12, Medical Marijuana; 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 1-6: Supplemental Regulations, § 1-6-12, Medical and Recreational Marijuana"; repealing any conflicting provisions; providing for severability; and providing for penalties.

Vice Mayor Rizzi moved, seconded by Councilmember Evans that Ordinance No. 1502 be continued to the work session on May 17th and public hearing on June 1st.

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

No: 0

Items 10, 11, 12 and 13 were presented together and had one combined public hearing.

13. [21-154](#) Presentation, discussion, public hearing and consideration of proposed Ordinance No. 1504, an Ordinance of the Mayor and City Council of the City of

Apache Junction, Arizona, amending the Apache Junction City Code, Volume II, Land Development, Chapter 1: Zoning Ordinance, by adding a new recreational marijuana use category to certain zoning districts and new recreational marijuana use definitions and adopting by reference that certain document entitled "2021 Amendments to Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5 Zoning Bulk and Use Regulations, § 1-5-3, Non-Residential Use Regulations, Table 5-3 Non-Residential Use Regulations, and Article 1-17, § 1-17-1 Definitions"; repealing any confliction provisions; providing for severability; and providing for penalties.

Vice Mayor Rizzi moved, seconded by Councilmember Evans that Ordinance No. 1504 be continued to the work session on May 17th and public hearing on June 1st.

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

No: 0

Items 10, 11, 12 and 13 were presented together and had one combined public hearing.

I. OLD BUSINESS

J. NEW BUSINESS

14. [21-127](#) Presentation, discussion and consideration of approval of proposed Resolution No. 21-12 authorizing the submission of application(s) to the Governor's Office of Highway Safety Federal Fiscal Year 2022 Grant Program.

Councilmember Evans moved, seconded by Councilmember Nesser that Resolution No. 20-12 authorizing the submission of application(s) to the Governor's Office of Highway Safety Federal Fiscal Year 2022 Grant Program be retroactively authorized.

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

No: 0

Police Chief Thomas Kelly presented that the approval of this resolution is needed in order to apply for grants from the Governor's Office of Highway Safety Grant Program.

K. COUNCIL DIRECTION TO STAFF

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

15. [21-135](#) The next regularly scheduled meetings are Monday, April 19th with an Executive Session at 6:00pm and Work Session at 7:00pm and Tuesday, April 20th with an Executive Session at 6:00pm and Council Meeting at 7:00pm at 300 E. Superstition Boulevard in Apache Junction, AZ. Other meetings may 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

George Schroeder, 2444 W. Virginia Street in Apache Junction, listened to the work session last night. The garbage deal was supposed to mean less trucks on the street but he has trucks on his street five days a week. He is really good at what he does. He wants the people out of his neighborhood.

N. ADJOURNMENT

Mayor Wilson adjourned the city 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