



# 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

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Tuesday, June 1, 2021

7:00 PM

City Council Chambers

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### 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  
Tom Kelly, Police Chief  
Mike Wever, Public Works Director  
Rudy Esquivias, Planning Manager  
Kelsey Schattnik, Planner  
Liz Langenbach, Parks & Recreation 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. [21-262](#) Consideration of acceptance of agenda.

2. [21-264](#) Consideration of approval of minutes of the special meeting of May 17, 2021.
3. [21-263](#) Consideration of approval of minutes of the regular meeting of May 18, 2021.
4. [21-250](#) Presentation, discussion and consideration of approval for cooperative purchasing agreement between City of Apache Junction and CoreCivic, Inc for jail service. CoreCivic staff will be available to answer any of the council's questions.

#### **E. AWARDS, PRESENTATIONS AND PROCLAMATIONS**

5. [21-254](#) Formal presentation by mayor of certificates of graduation to the graduates of the 21st Citizen Leadership Institute (CLI).

Public Information Officer Al Bravo shared that the 20th and 21st Citizen Leadership Institutes were just completed and presented Certificates of Graduation to each graduate. The next class will begin in January 2022.

#### **F. ANNOUNCEMENT OF CURRENT EVENTS**

6. [21-261](#) Announcement of current events from mayor and councilmembers.

Councilmember Biggs shared that the VFW Posts hosted Memorial Day tributes. This weekend is the monthly 1st Friday and 1st Saturday 1 year anniversary celebration. The Sonoran Farmer's Market is also beginning this weekend.

Councilmember Evans shared that the Apache Junction Community Development Corporation just finished cleaning up another code compliance case yard that consisted of 50 volunteer hours and a large commercial dumpster from Republic Services.

Councilmember Schroeder congratulated the CLI graduates.

Councilmember Gremmel shared that the Centennial Group is meeting this Thursday at the Library to continue to plan the January 2022 event.

Councilmember Nesser thanked the CLI graduates for getting involved.

Vice Mayor Rizzi congratulated and thanked the CLI graduates.

Mayor Wilson congratulated and thanked the CLI graduates for getting involved. He participated in the Memorial Day events.

#### **G. CITY MANAGER'S REPORT**

7. [21-260](#) City Manager's Report.

City Manager Bryant Powell shared that the Superstition Shadows Pool is now open with limited days and hours due to not having enough life guards. The annual 4th of July event will be occurring this year with more details to come.

#### **H. PUBLIC HEARINGS**

8. [21-271](#) 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.

**Councilmember Schroeder moved, seconded by Vice Mayor Rizzi that Resolution No. 21-13, a Resolution of the mayor and city council of the City of Apache Junction, AZ declaring that certain document filed with the City Clerk entitled "2021 Amendments to the Apache Junction City Code, Volume 2, 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 amended to prohibit any testing, cultivation or anymore dispensaries in the city limits of Apache Junction.**

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

**No:** 2 - Councilmember Evans and Councilmember Biggs

Mayor Wilson stated that the next four items deal with Recreational Marijuana and the Public Hearings will be combined but each item will still have their own motion.

Planner Kelsey Schattnik explained the options relating to proposed Resolution No. 21-13 and No. 21-15 and proposed Ordinance No. 1502 and No. 1504.

Councilmember Evans stated that she does not have any problems with P&Z recommendations other than allowing lab testing.

Councilmember Biggs asked City Attorney Joel for clarification on wording and options. He thinks businesses should be able appeal the decision to the Board of Adjustment.

Vice Mayor Rizzi thinks that more conversation needs to be had on this matter. Her concern is perception.

Councilmember Schroeder thinks we have enough marijuana facilities and does not want anymore. Council can always come back and change this if needed or wanted in the future.

Councilmember Nesser would like to table it and let it die.

Councilmember Gremmel thinks it should not be tabled and council should make the decision, not let Board of Adjustment make the decision on an appeal down the road.

Councilmember Evans thinks council should make the decision. It is voter approved and a legitimate business and there will only be 23 allowed in the entire state by lottery so she thinks council should approve it in our city.

Mayor Wilson opened the public hearing.

Mathew Bolt, 708 S. Paustian Circle, does not agree with marijuana and wants the city council to be a leader, not a follower.

George Schroeder, 2444 W. Virginia Street, stated that the druggies have won and his neighbors prove that. We need to tell the developers what is going to happen, not the other way around.

Caitlin Knox, 2516 W. Cactus Wren Street, stated that the voters have spoken and want this type of business. She thinks there are so many good uses for marijuana and it is much safer than alcohol and council wouldn't stop a bar from coming into the city.

Bob Caldwell, 3301 S. Goldfield Road, asked council not do leave the Board of Adjustments out to dry. If council is going to take no action then state that they don't want any facilities. Planning and Zoning Commission had no direction from council which is how they came up with what they did. Without any direction the appeals group could approve it and then we're back to square one.

Mehmood Mohiuddin, 234 N. Apache Trail, explained that in the 1930s alcohol was not allowed in the United States. He knows people that have medical marijuana cards and go sell their marijuana on the streets to children. Council needs to think about the future generation and make the best decision for the community.

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

9. [21-272](#) 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.

**Councilmember Schroeder moved, seconded by Vice Mayor Rizzi that Resolution No. 21-15, a Resolution of the mayor and city council of the City of Apache Junction, AZ declaring that certain document filed with the City Clerk entitled "2021 Amendments to the Apache Junction City Code, Volume 2, 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 tabled and brought back to council on July 20, 2021 with the changes to the ordinance that were carried out in item #8 with a new ordinance number.**

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

**No:** 2 - Councilmember Evans and Councilmember Biggs

10. [21-273](#) 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.

**Councilmember Schroeder moved, seconded by Vice Mayor Rizzi that Ordinance No. 1502, be tabled and brought back to council on July 20, 2021 with the changes to the ordinance that were carried out in item #8 with a new ordinance number.**

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

**No:** 2 - Councilmember Evans and Councilmember Biggs

11. [21-274](#) 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.

**Councilmember Schroeder moved, seconded by Vice Mayor Rizzi that Ordinance No. 1504, be tabled and brought back to council on July 20, 2021 with the changes to the ordinance that were carried out in item #8 with a new ordinance number.**

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

**No:** 2 - Councilmember Evans and Councilmember Biggs

## I. OLD BUSINESS

12. [21-269](#) Presentation and discussion on award of bid for PR-21-01 County Basin Dog Park Construction Services to Scholz Contracting, LLC.

Parks & Recreation Director Liz Langenbach shared that 8 bids were submitted for the dog park. Staff is recommending a contract be awarded to Scholz Contracting, LLC who was the lowest bidder and is qualified to do the project for a total amount of \$1,147,095.95. This item will be brought back for final award of contract at the June 15th council meeting.

## J. NEW BUSINESS

13. [21-257](#) Presentation and discussion on proposed Resolution No. 21-23, authorizing the City of Apache Junction to enter into an intergovernmental agreement with Gila County, Arizona for CDBG Regional Account (RA) allocation.

City Attorney Joel Stern explained that Apache Junction and Gila County are members of Central Arizona Governments (CAG) which is who distributes the CDBG funds. CAG has authorized a procedure for switching funding years between communities so the parties believe it is in the best interest to partner so that one community can submit applications in one fiscal year and the other in the next fiscal year, allowing that year's applicant to receive double or

increased funding. Apache Junction will request funding in fiscal year 2021 and Gila County will request funding in fiscal year 2022.

14. [21-265](#) Presentation and discussion on Resolution No. 21-25 a resolution of the mayor and city council of City of Apache Junction, Arizona, authorizing the mayor to execute the procedural pre-annexation agreement for the Auction Property between the City of Apache Junction, the Arizona State Land Department and D.R. Horton, Inc. Arizona State Land Department and D.R. Horton, Inc. representatives will be available to answer any of the council's questions.

City Attorney Joel Stern explained that this resolution will authorize the mayor to execute a procedural pre-annexation agreement (PPA) for the development of approximately 2,800 acres to be annexed into the city for a housing community called Superstition Vistas which gives the developer and state land department certain assurances relating to the approval process for the development agreement. It is reasonable for the developer and state land department to be able to rely on the orderly process set forth in the PPA.

15. [21-276](#) Presentation and discussion on Resolution No. 21-26 a resolution of the mayor and city council of City of Apache Junction, Arizona, authorizing the mayor to execute the procedural pre-annexation agreement for the Retained Property between the City of Apache Junction, the Arizona State Land Department. Arizona State Land Department representatives will be available to answer any of the council's questions.

City Attorney Joel Stern explained that this resolution will authorize the mayor to execute a procedural pre-annexation agreement (PPA) with the state land department for the development of approximately 5,700 acres to be annexed into the city for development. The PPA gives the state land department certain assurances relating to the approval process for a development agreement. It is reasonable for the state land department to be able to rely on the orderly process set forth in the PPA.

## K. COUNCIL DIRECTION TO STAFF

16. [21-225](#) Direction to staff on Fiscal Year 2021-2022 health & human services funding recommendations. If so directed, the contracts for services will be placed on the June 15th consent agenda at which time council can approve or opt to continue the contracts to another date.

**Councilmember Nesser moved, seconded by Councilmember Biggs to direct staff to place the contracts for the non-profit organizations on the June 15th council agenda.**

**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 two weeks ago council heard a presentation from commissioners on their recommendation for funding. Tonight staff is requesting a direction to staff on moving forward with the recommendations.

Councilmember Biggs expressed his concern with the amount that the city has funded to non profits over the last 10 years and what there is to show for it. He wants this to be brought back for discussion.

Councilmember Evans explained that what the non profits provide to the community cannot always be seen, such as children eating, children getting cared for and educated, the homeless getting showers, women being protected from domestic violence and much more.

Vice Mayor Rizzi would like a discussion to be had on where the funding is going and maybe revamp the process and wean the current agencies from the funding. She does not want to cut the funding. She would like to focus on helping the homelessness.

Councilmember Nesser doesn't think it hurts to revisit the process and look at only allowing agencies to apply for a certain amount of years.

Councilmember Gremmel thinks it is a good idea to review what has been done and what is being done and look for process improvements.

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

17. [21-259](#) Executive Session at 6:00 P.M. for Monday, June 14th and Executive Session at 6:00 P.M. for Tuesday, June 15th in the city council conference room located at 300 E. Superstition Boulevard in Apache Junction, Arizona and other meetings scheduled if necessary.

**Vice Mayor Rizzi moved, seconded by Councilmember Schroeder that an Executive Session at 6:00 P.M. for Monday, June 14, and Tuesday, June 15, 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

Leonard Jeffrey, is trying to open a homeless shelter for veterans. There has been rumors going around that are not true. He was red tagged or he would have two homeless veterans in the shelter right now. The property should be zoned as commercial, not residential. He wants to be able to work on his own property.

George Schroeder, 2444 W. Virginia Street, said that only two churches in the city are contributing to the community. The churches and Banner are not non profit. Code enforcement needs to step up. \$80,000 is nothing compared to what we need.

## 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