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CITY OF CHANDLER COUNCIL MEETING MINUTES

Regular Meeting

Thursday, April 22, 2021

MINUTES OF THE REGULAR MEETING OF THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, held in the City of Chandler Council Chambers, 88 E. Chicago St., Chandler, Arizona, on Thursday, April 22, 2021.

THE MEETING WAS CALLED TO ORDER BY MAYOR KEVIN HARTKE AT 6:01 P.M.

The following members answered roll call:

Kevin Hartke	Mayor
Mark Stewart	Vice Mayor
OD Harris	Councilmember
René Lopez	Councilmember
Terry Roe	Councilmember
Christine Ellis	Councilmember
Matt Orlando	Councilmember

Also in attendance:	Joshua Wright	Acting City Manager
	Debra Stapleton	Assistant City Manager
	Kelly Schwab	City Attorney
	Dana DeLong	City Clerk

INVOCATION: The invocation was given by Pastor Christine Stoxen, Holy Trinity Lutheran Church.

PLEDGE OF ALLEGIANCE: Vice Mayor Stewart led the Pledge of Allegiance.

CONSENT AGENDA – DISCUSSION

MAYOR HARTKE invited speakers to address Consent Agenda Item No. 3.

3. Resolution No. 5467 approving the Airport Master Plan Update for the Chandler Municipal Airport

STEVEN SMITH, 1675 E. Ryan Rd, Chandler, represented the Chandler Airport Commission and Quantum Helicopters. Mr. Smith said Coffman Associates and City staff have worked diligently on the Airport Master Plan and have gone beyond what is required to ensure different groups have had the opportunity to review and provide input. Mr. Smith said this included businesses on and around the airport, stakeholders at the airport, Chandler Chamber of Commerce, various neighborhood associations, City Planners from Chandler and Gilbert, the FAA, and airport tenants. Many of their suggestions have been incorporated in this Plan. Mr. Smith said he has been involved in the process and believes this is a good solid plan that would drive the airport positively forward to the future. Mr. Smith said a year ago there were some changes at the airport such as City management getting involved in the airport including Acting City Manager Joshua Wright and Acting Airport

Manager Steven Turner and Business Coordinator Ryan Reeves who have been heavily involved in the operation of the airport. There have been many positive improvements at the airport over the past year and there is more positivity and optimism than there has been in the past 22 years. Mr. Smith said asked Council to support this Plan and contribute to economic development in the City.

CONSENT AGENDA – MOTION AND VOTE

COUNCILMEMBER ORLANDO MOVED TO APPROVE THE CONSENT AGENDA OF THE APRIL 22, 2021, CITY COUNCIL MEETING; SECONDED BY COUNCILMEMBER ELLIS.

MOTION TO APPROVE THE CONSENT AGENDA CARRIED UNANIMOUSLY (7-0).

CONSENT AGENDA ITEMS

1. Construction Contract No. AI2002.401 with Sunland Asphalt & Construction, LLC, for Taxiway C Rehabilitation
Move City Council award Contract No. AI2002.401 to Sunland Asphalt & Construction, LLC, for Taxiway C Rehabilitation, in an amount not to exceed \$799,799.

BACKGROUND FROM COUNCIL MEMO:

On December 12, 2019, City Council authorized a grant agreement with the Arizona Department of Transportation (ADOT) for the rehabilitation of Taxiway C at the Chandler Municipal Airport. Taxiway C is the southernmost taxiway and is parallel to the south runway. It is experiencing shrinkage, block cracking and oxidation throughout the pavement. This cracking indicates the pavement has exceeded its useful life and, in 2017, the pavement was rated by ADOT with a Pavement Condition Index (PCI) rating of 52. The last pavement rehabilitation was a mill and overlay completed in June 1992. The project area is approximately 5,100 feet by 60 feet and includes the entire length between taxiways H and Q and portions of connector taxiways H, L, N, P and Q.

The project scope of work consists of a 3-inch asphalt concrete mill and overlay with geotextile fabric for the entire length of Taxiway C between connector Taxiways H and Q. The project also provides a seal coat application for the existing taxiway shoulders and portions of connector Taxiways H, L, N, P and Q, along with new taxiway pavement markings that meet FAA standards. The contract completion time is 37 calendar days following Notice to Proceed.

2. Project Agreement No. AI2101.401 with SDB, Inc., Pursuant to Job Order Contract No. JOC1912.401, for Airport Plumbing Renovation
Move City Council Award Project Agreement No. AI2101.401 to SDB, Inc., Pursuant to Job Order Contract No. JOC1912.401, for Airport Plumbing Renovation, in an amount not to exceed \$105,446.49.

BACKGROUND FROM COUNCIL MEMO:

The Airport Terminal Building is located at 2380 South Stinson Way on the north side of the Chandler Municipal Airport. The existing sewer lines serving the facility have settled to a flat grade and, in certain sections, are partially collapsed and cause frequent backups. The condition of this aging infrastructure causes frequent plumbing service call-outs for line purging. The project scope of work consists of design and installation of a new 8" PVC sewer main from the Airport Terminal Building to an existing sewer main nearby, as well as installation of a touchless water fountain, tile and drywall restoration, asphalt patch and repair, and camera of the existing plumbing system to determine the condition. The contract completion time is 120 calendar days following Notice to Proceed.

3. Resolution No. 5467 approving the Airport Master Plan Update for the Chandler Municipal Airport Move City Council pass and adopt Resolution No. 5467 approving the Airport Master Plan Update for the Chandler Municipal Airport.

BACKGROUND FROM COUNCIL MEMO:

As a general aviation airport that is designated by the Federal Aviation Administration (FAA) as a regional reliever airport, the Chandler Municipal Airport serves an important role in the national air system and the regional economy. The Airport regularly receives federal and state capital grants for infrastructure projects to ensure a safe and viable transportation facility. The FAA recommends that airport master plans be revisited every seven to ten years to ensure those plans remain current. The last master planning effort was completed in 2007 with the FAA accepting the plan in 2010. This master plan effort was funded through matching grants from the FAA and the Arizona Department of Transportation totaling \$573,180, or 95.53% of project costs. The remaining \$26,820 of local funding represents 4.47% of project costs.

The process began in the fall of 2019 and was periodically reviewed by a Council-appointed Planning Advisory Committee of 23 individuals representing Chandler residents and businesses, the Airport Commission, airport businesses, aviation industry representatives, the Town of Gilbert, the FAA, the Arizona Department of Transportation (ADOT) and City staff. Four public meetings were held to gather input and present findings, including one in-person open house prior to the pandemic. The remaining public meetings were held virtually and over 200 individual comments were received. Each public meeting was promoted via social media, the City's water bills, and the monthly newsletter. Additionally, all documents were posted to the chandler.airportstudy.com website for public review and input.

The Airport Master Plan Update makes recommendations for airfield and landside improvements. The key feature for airfield improvements is a potential extension of the south runway (Runway 4R/22L) by 680 feet from the current 4,870 feet to 5,550 feet. This improvement would allow the same size and type of aircraft currently using the Airport in cooler months to use the Airport year-round. The key feature for the landside improvements are designated areas for aeronautical and non-aeronautical development. Aeronautical categories include land for additional hangar development, fixed-base operators, and specialized aeronautical service operators. Non-aeronautical areas will permit the Airport to develop revenue, employment, and additional capital investment opportunities to support airport operating and infrastructure costs.

The plan includes an update to the Airport Layout Plan (ALP), which will be submitted to the FAA for final approval. A project must be depicted on an approved ALP to be eligible for federal grant funding approval, but is not a guarantee of funding. On March 18, 2021, the Airport Commission voted unanimously to recommend City Council approval of the Airport Master Plan Update.

Financial Implications:

The Master Plan Update findings include a Capital Improvement Program of approximately \$100 million in public and private investment for development over the next 20 years. Approximately 44% of these costs are planned for grant funding participation from the Federal Aviation Administration and ADOT. Approximately 8 percent of these costs are anticipated to be provided through local matching funds. The remaining 48% is anticipated to be private investment in new aviation facilities.

4. March 4 and 5, 2021, and April 5 and 8, 2021, City Council Minutes

Move to approve the Council meeting minutes of the Special Meeting - Retreat of March 4 and 5, 2021, Study Session of April 5, 2021, and the Work Session, and Regular Meeting of April 8, 2021.

5 Board and Commission Appointments

Move City Council approve the Board and Commission appointments as recommended

BACKGROUND FROM COUNCIL MEMO:

Economic Development Advisory Board

Appoint Brent Menzel

Parks and Recreation Board

Appoint Shawn Hsu

6. Resolution No. 5468 Tribal Gaming Revenue Grant Application

Move City Council pass and adopt Resolution No. 5468 authorizing the submittal of a \$106,275 Tribal Gaming Grant Application from the Chandler Fire Department to the Fort McDowell Yavapai Nation to replace a low acuity program vehicle.

BACKGROUND FROM COUNCIL MEMO:

In 2002, a coalition of Arizona Indian tribes successfully obtained passage of Proposition 202, whereby the State was authorized to enter into gaming compacts with individual tribes. The compacts allowed for expanded tribal use of games and gaming devices as well as pari-mutuel wagering. In exchange, tribes agreed to share a portion of gaming revenues with the State and its counties, cities and towns. The law provides that 12 percent of tribal contributions pursuant to the compacts shall be contributed by Indian tribes to cities, towns and counties for government services that benefit the general public, including public safety, mitigation of gaming impacts and promotion of commerce and economic development. The Indian tribes have some discretion over how these contributions will be made and each tribe has different application procedures that need to be observed to obtain funding. Additionally, it has become a common practice for cities to submit applications for such contributions on behalf of 501 (c)(3) nonprofit organizations that are deemed to be providing government services that benefit the general public.

The City of Chandler for many years has submitted grant applications for City departments and numerous nonprofit organizations based on the interests of the City and its residents. The grant applicant must be part of the municipal government or a 501 (c)(3) nonprofit organization with some nexus with the City and its residents. The Fort McDowell Yavapai Nation requires a resolution of the City Council as part of its grant application process. The City of Chandler serves a population of nearly 270,000 residents and businesses that employ nearly 115,000 people. Chandler Fire Department is seeking support from the Fort McDowell Yavapai Nation to fund the replacement of a low acuity program vehicle that will soon be reaching the end of its anticipated lifespan. These specialized two-person units respond to smaller-scale incidents, reserving the larger four-person fire apparatus for critical emergency medical, rescue and fire incidents. Use of the low acuity units has enabled Chandler Fire to dramatically reduce response times.

7. Resolution No. 5469 Authorizing the Submittal of a \$10,000 Tribal Gaming Revenue Sharing Grant Application

Move City Council pass and adopt Resolution No. 5469 authorizing the submittal of a \$10,000 Tribal Gaming Grant Application from the Chandler Police Department to the Fort McDowell Yavapai Nation

for the purchase of residential security equipment to be distributed to crime victims by the Victim Services Unit as a preventative measure against future crime or violence.

BACKGROUND FROM COUNCIL MEMO:

In 2002, a coalition of Arizona Indian tribes successfully obtained passage of Proposition 202, whereby the State was authorized to enter into gaming compacts with individual tribes. The compacts allowed for expanded tribal use of games and gaming devices as well as pari-mutuel wagering. In exchange, tribes agreed to share a portion of gaming revenues with the State and its counties, cities and towns. The law provides that 12 percent of tribal contributions pursuant to the compacts shall be contributed by Indian tribes to cities, towns and counties for government services that benefit the general public, including public safety, mitigation of gaming impacts and promotion of commerce and economic development. The Indian tribes have some discretion over how these contributions will be made and each tribe has different application procedures that need to be observed to obtain funding. Additionally, it has become a common practice for cities to submit applications for such contributions on behalf of 501(c)(3) nonprofit organizations that are deemed to be providing government services that benefit the general public.

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8. Construction Manager at Risk Contract No. PR2004.401 with Hunter Contracting Co. for the Veterans Memorial Phase II
Move City Council award Construction Manager at Risk Contract No. PR2004.401 to Hunter Contracting Co., for the Veterans Memorial Phase II, in an amount not to exceed \$3,513,861.76.

BACKGROUND FROM COUNCIL MEMO:

Veterans Oasis Park is located on the northeast corner of Chandler Heights and Lindsay roads. It is a 113-acre community park featuring an Environmental Education Center, a lake, an extensive network of trails, and a Police substation as well as numerous recharge basins. When this unique park was designed and constructed, a section of the park immediately adjacent to the northeast corner of the Lindsay Road and Chandler Heights Road intersection was designated as the future location of a Veterans Memorial. Shortly after completion of the park in 2008, City staff met with several local veterans groups and developed a conceptual plan for the Memorial. The goal of the Memorial is to provide a space for remembrance and reflection. The Memorial integrates the ideas of the veterans into the design, which represents six core values significant to the veterans and their families: freedom, reflection, recognition, sacrifice, family, and memories.

In 2016, the first phase of the Memorial was completed. Phase I included an elevated plaza replicating the Arizona State flag, parking, and landscaping. Phase II of the Memorial is designed to match the

exact ratio of the American flag. At its core is a grid of columns of various heights which define the flag's stars and stripes, while the rolling landform emulates the ripples of it blowing in the wind. The columns are meant to signify soldiers marching in unison. Within the rising and falling landscape, the columns slowly disappear and reappear, representing soldiers going off to war and then returning. Twenty-one of the columns are completely submerged within the earth as a tribute, symbolizing a twenty-one gun salute for those who did not return from battle. In addition, the Memorial will include the integration of the F-86 plane that is currently on static display at the southeast corner of Chandler Boulevard and Delaware Street.

The project scope of work consists of construction of lighted monument plinths and cubes, theme walls, perimeter and seat walls, grading and retaining walls, relocation and mounting of F-86 plane, lighted pathways, landscaping and irrigation, and stormwater drainage system. The contract completion time is 220 calendar days following Notice to Proceed; the project is intended to be dedicated on Veterans Day 2021.

9. Professional Services Agreement No. PR2004.451 with Dibble CM, LLC (DE LLC), for Veterans Memorial Phase II
Move City Council award Professional Services Agreement No. PR2004.451, to Dibble CM, LLC (DE LLC), for Veterans Memorial Phase II, in an amount not to exceed \$122,400.00.

BACKGROUND FROM COUNCIL MEMO:

When Veterans Oasis Park was designed and constructed, a section of the park immediately adjacent to the northeast corner of the Lindsay Road and Chandler Heights Road intersection was designated as the future location of a Veterans Memorial. Shortly after completion of the park in 2008, City staff met with several local veterans groups and developed a conceptual plan for the memorial. The goal of the memorial is to provide a space for remembrance and reflection. The memorial integrates the veterans groups' ideas into the design, which represents six core values significant to the veterans and their families: freedom, reflection, recognition, sacrifice, family, and memories. In 2016, the first phase of the memorial was completed. Phase I included an elevated plaza replicating the Arizona State flag, parking, and landscaping. Phase II of the memorial is designed to match the exact ratio of the American flag. At its core is a grid of columns of various heights which define the flag's stars and stripes, while the rolling landform emulates the ripples of it blowing in the wind. The columns are meant to signify soldiers marching in unison. Within the rising and falling landscape, the columns slowly disappear and reappear, representing soldiers going off to war and then returning. Twenty-one of the columns are completely submerged within the earth as a tribute, symbolizing a twenty-one gun salute for those who did not return from battle.

In addition, the memorial site will include the integration of the F-86 plane that is currently on static display at the southeast corner of Chandler Boulevard and Delaware Street. The project scope of work includes pre-construction assistance, contractor oversight, construction administration, construction inspection, utility coordination, schedule review, review of progress payments, response to shop drawings and submittals for design compliance, materials testing quality assurance, and project close-out. Services also include public outreach. The contract completion time is 200 calendar days following Notice to Proceed; the project is planned to be dedicated on Veterans Day 2021. A related construction manager at risk (CMAR) contract with Hunter Contracting Co. also appears on this City Council agenda.

10. Final Adoption of Ordinance No. 4967, PLH20-0052 Serene Estates Rezoning

Move City Council adopt Ordinance No. 4967, approving PLH20-0052 Serene Estates, Rezoning from C-1 to PAD for single-family residential located northwest of the northwest corner of Galveston and Hartford streets, subject to the conditions as recommended by Planning and Zoning Commission.

BACKGROUND FROM COUNCIL MEMO:

At the April 5th City Council Study Session, three additional Preliminary Development Plan stipulations were added to further buffer and enhance the development. Approximately 2.3 net acres and undeveloped. Site zoned C-1, allowing for commercial uses to support the immediate neighborhood. Subject site wraps an existing commercial corner with a laundromat, convenience store, and restaurant. A Use Permit to allow a U-Haul facility on a portion of the subject site was denied in 2012. General Plan designates the site as Neighborhoods and is considered infill. Project consist of 15 lots totaling 6.4 du/ac

Surrounding Land Use Data:

North	Alley then single-family	South	Galveston Street then single-family and two-story apartments
East	Hartford Street then two-story apartments	West	Alley then single-family

General Plan and Area Plan Designations:

	Existing	Proposed
General Plan	Neighborhoods	No Change

Proposed Development

	Single-family subdivision
# of Lots	15 single-family lots
Density	6.4 dwelling units per acre
Building Setbacks (min.)	Front – 8.6 ft. to livable, 20 ft. to garage from back of sidewalk Sides – 5 ft. & 5 ft. Rear - 10 ft., designated lots in exhibit allow for single-story, attached patios to encroach 5 ft. into 10 ft. setback
Lot Size	Lots range from 3,612 sq. ft. to 6,748 sq. ft.
Lot Coverage (max.)	65 percent
Building Height (max.)	All homes two-story; 28 ft. to midpoint of peak
Architecture Theme	Contemporary and Farmhouse
Number of Elevations	6
House Size	1,795 sq. ft. to 2,292 sq. ft.
Number of Floor Plans	3
Parking Spaces	Each lot provides a two-vehicle garage with driveways On-street parking provided on both sides of street; subdivision is not gated

This ordinance was introduced and tentatively adopted on April 8, 2021.

Review and Recommendation

Planning staff finds the proposal consistent with the General Plan. Due to the infill nature of the site, the lots are smaller than adjacent single-family homes to the west and north. However, a twenty foot alley

separates the existing homes and the proposed development. The proposed two-story product is an appropriate transition from the neighborhood commercial to the single-family lots. The proposed single-family subdivision will provide a public local street through the development, which allows for parking on both sides of the street for guest and residents. An amenity is not proposed due to size constraints of providing a public street but a public park (Navarrete Park) and two schools are within walking distance of the proposed development. Due to the infill nature of the site, the Residential Development Standards (RDS) for subdivision layout are not applicable. However, the RDS guidelines remain applicable to the architectural design of the homes. The proposed single-family residential subdivision meets the intent of development standards and residential design guidelines. In order to provide private covered patios for each lot, it is requested eight lots encroach five (5) feet into the rear yard setback to provide an adequate patio cover. Some of these lots have the availability of space to build the private patio in the side yard with the appropriate floor plan. As recommended by Planning staff, all lots are required to provide a covered patio in either the rear or side yard at the time of construction. Staff finds the proposal to be consistent with the goals of the General Plan and Planning and Zoning Commission recommends approval subject to conditions.

Public / Neighborhood Notification

This request was noticed in accordance with the requirements of the Chandler Land Use and Zoning Code. To comply with CDC social distancing guidelines, the applicant hosted a digital neighborhood meeting on February 10, 2021. Ten (10) households attended the virtual meeting; only two residents asked questions about the proposal. One resident asked about the proposed walls along the alley, construction timelines and cost of homes. The other resident had concerns with two-story adjacent to single-story regarding privacy issues and concerns with having a Homeowner's Association (HOA) for the new subdivision as they thought it meant excluding the proposed subdivision from the City's rules.

Planning staff has received one phone call after the neighborhood meeting from a concerned resident who attended the meeting and asked questions. Staff discussed their concerns regarding the following issues: the proposed architecture of the homes is "too modern" for the surrounding neighborhood; two-story homes adjacent to single-story; and the resident thought the property should develop as a community center or library for the neighborhood children. The resident is opposed to the request and has surveyed adjacent homeowners; four letters are attached. Additionally, a video was made by the resident and emailed to Mayor and Council.

Planning staff has received a letter of support from a resident who attended the neighborhood meeting; their statement of support is attached.

The applicant subsequently agreed to additional stipulations to address neighbors' concerns in the Preliminary Development Plan approved by City Council on April 8, 2021, and are the following: Perimeter wall height along north and west property lines shall be increased to eight (8) feet. The developer shall install hedges within rear yards for lots along the north and west property lines. The developer shall work with staff to enhance private driveway surfaces to utilize formed stamped concrete that emulates concrete pavers.

Planning and Zoning Commission Vote Report

Planning and Zoning Commission meeting March 17, 2021

Motion to Approve

In Favor: 5 Opposed: 0 Absent: 2 (Rose, Pekau)

Recommended Conditions of Approval

Rezoning Planning and Zoning Commission recommends the City Council approve of rezoning from C - 1 to PAD for single family residential, subject to the following conditions:

1. Development shall be in substantial conformance with the Development Booklet, entitled, "Serene Estates" and kept on file in the City of Chandler Planning Division, in File No. PLH20-0052, modified by such conditions included at the time the Booklet was approved by the Chandler City Council and/or as thereafter amended, modified or supplemented by Chandler City Council.
2. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
3. The developer shall be required to install landscaping in the arterial street median(s) adjoining this project. In the event that the landscaping already exists within such median(s) the developer shall be required to upgrade such landscaping to meet current City Standards.
4. Right-of-way dedications to achieve full half-widths, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.
5. Minimum setbacks shall be as provided below and further detailed in the development booklet:

Front yard setbacks	8.6 ft. to livable; 20 ft. to garage from back of sidewalk
Side yard setbacks	5 ft. and 5 ft.
Rear yard setback	10 ft., with those designated lots depicted in "Exhibit B" allowing for a single-story, attached patio to encroach 5 ft. into 10 ft. setback

11. Resolution No. 5465 authorizing an Intergovernmental Agreement with the Gila River Indian Community for the provision of mutual aid services
Move City Council pass and adopt Resolution No. 5465, authorizing the City of Chandler to enter into an Intergovernmental Agreement with the Gila River Indian Community for the provision of mutual aid services, and authorizing the Fire Chief or designee to execute the agreement.

BACKGROUND FROM COUNCIL MEMO:

In 1996, the City of Chandler entered into a Mutual Aid Agreement with the Gila River Indian Community, formalizing mutual aid operating procedures between the two entities. Mutual aid differs from automatic aid, in which the closest Fire Department unit responds to emergencies regardless of municipal boundaries. Mutual aid is not an automatic response, but rather a request for assistance from a neighboring department with an active incident. The mutual aid agreement formalizes the operating procedures and limitations to the assistance that will be provided. With the previous agreement being in excess of 20 years old, this agreement provides updated language and details on when to approve or disapprove mutual aid services and the process of seeking and giving approval. The term of this agreement commences on the effective date of the contract and continues for five (5) years, or until terminated by a formal act of the parties.

12. Professional Services Agreement No. FI2001.201 with HDA Architects, LLC, for Chandler Fire Station No. 282 Reconstruction
Move City Council award Professional Services Agreement No. FI2001.201, to HDA Architects, LLC, for Chandler Fire Station No. 282 Reconstruction, in an amount not to exceed \$559,279.00.

BACKGROUND FROM COUNCIL MEMO:

Fire Station 282 is located near the intersection of Alma School and Warner roads. This station responds within the busiest area of the City, with approximately 4,500 calls for service annually. The facility was originally constructed in 1986 and has had multiple renovations and repairs to maintain functionality over the years. This project provides for phased removal of existing building and installation of a new larger building for apparatus bays, dorm rooms and bathrooms on the existing parcel. The fire station will remain operational during construction. Once rebuilt, Fire Station 282 will have the space necessary to house two engines, one ambulance, and one low-acuity unit.

The project scope of work consists of architectural design services, site civil engineering, survey, geotechnical, drainage, plans, specifications, and permitting. The contract completion time is 300 calendar days following Notice to Proceed. Consistent with the City Council's goal of Quality of Life, the rebuild of Fire Station 282 will allow for greater, more comprehensive coverage of the district, ensuring that residents receive rapid, life-saving interventions when they need it most.

13. Purchase of Webex Annual Subscription from NTT America, Inc.
Move City Council approve the purchase of Webex annual subscription from NTT America, Inc., utilizing 1GPA Contract No. 16-11PV-05, in the amount of \$212,415, for a three-year period beginning May 1, 2021, through April 30, 2024, payable on an annual basis, and authorize the City Manager or designee to sign a linking agreement with NTT America, Inc.

BACKGROUND FROM COUNCIL MEMO:

Since February 2020, City of Chandler Webex conferencing and collaboration usage has increased more than 89%. The spike in Webex usage is in direct correlation to the impacts stemming from the COVID-19 pandemic where many City staff members required conferencing and collaboration services in order to continue providing City services while staying safe. This purchase will provide annual Webex conferencing and collaboration services for the City of Chandler. This agreement also allows for access to Webex technical support to escalate issues and obtain resolution to technical problems. The linking agreement will incorporate the terms and conditions of the cooperative agreement.

14. Resolution No. 5466, Pension Funding Policy Update
Move City Council pass and adopt Resolution No. 5466, adopting the updated Pension Funding Policy and accepting the City's share of assets and liabilities under the Public Safety Personnel Retirement System Actuarial Valuation Report.

The City of Chandler has nine financial policies that exemplify high standards set for stewardship over Chandler's financial resources. They are also a guide for sound fiscal planning and budgeting, while maintaining fiscal integrity. The following financial policies currently exist: Operating Management, Capital Management, Reserves, Debt Management, Long-Range Financial Planning, Grants Management, Investment, Accounting, Auditing and Financial Reporting, and Pension Funding. Each year the financial policies are reviewed and recommended updates are brought forward by resolution for approval by Mayor and Council to be adopted as part of the annual budget. This update includes the Pension Funding Policy.

The City of Chandler's Pension Funding Policy was adopted by Resolution No. 5375 in May 2020 to meet the requirements of House Bill 2097 which passed in 2018 (Laws 2018, Chapter 112; Arizona Revised Statutes § 38-863.01). It requires the governing bodies of all Public Safety Personnel Retirement System (PSPRS) employers to annually adopt a pension funding policy and formally accept their share of the assets and liabilities based on the PSPRS Actuarial Valuation Report. The policy

addresses Council's position on funding the PSPRS and Arizona State Retirement System (ASRS) Annual Required Contribution (ARC) or employer contributions each year. Although the statutory requirements of Laws 2018, Chapter 112 are to address a pension funding policy for PSPRS, Chandler's Pension Funding Policy addresses both PSPRS and the ASRS. The Pension Funding Policy clearly communicates the Council's pension funding objectives and its commitment to City employees and the sound financial management of the City.

The updates to the City Financial Policies continue to institutionalize strong financial management practices, clarify the strategic intent for financial management, define boundaries, manage risks to financial condition, support good bond ratings to minimize borrowing costs, and comply with established public management best practices.

Financial Implications:

The City of Chandler's Pension Funding Policy details the assets, liabilities and current funding ratio of 64.9% combined for both Chandler Police and Fire PSPRS trust funds from the June 30, 2020, Actuarial Valuation Reports (up from 59.9%). The updated policy takes into account potential actuarial assumption changes by the PSPRS Board, as well as rate and ARC information calculated through utilizing the modeler provided by the PSPRS actuarial partner. The plan continues to focus on maintaining additional one-time payments which will allow us to meet the amortization timeline set forth by the PSPRS June 30, 2020, actuarial valuation of 100% funded by June 30, 2036, while minimizing future ongoing increases to the ARC or employer contributions.

The City will continue to commit additional payments above the annual employer contribution to save ongoing costs in future years. These projected additional payments may be adjusted annually based on the updated Unfunded Actuarial Accrued Liability (UAAL) in the annual Actuarial Valuation Report, the economic environment, as well as available General Fund one-time funds. The additional payment planned in FY 2021-22 Proposed Budget is \$22 million. Finally, the Pension Funding Policy continues to address Council's position on funding the PSPRS and ASRS ARC or employer contribution each year by stating that "funding of the ARC from operating revenues will be a priority during the annual budget process, before other service enhancements are considered".

15. New License Series 7, Beer and Wine Bar Liquor License application for Blacksheep Wine LLC, dba Blacksheep Wine & Merchant
Move for recommendation to the State Department of Liquor Licenses and Control for approval of State Liquor License No. 07070393, a Series 7, Beer and Wine Bar Liquor License, for Lauren Kay Merrett, Agent, Blacksheep Wine LLC, dba Blacksheep Wine & Merchant, located at 98 S. San Marcos Place, and approval of the City of Chandler, Series 7, Beer and Wine Bar Liquor License No. 300235 L7.

BACKGROUND FROM COUNCIL MEMO:

This application for the transfer of a liquor license was posted for hearing on April 22, 2021. The Police Department reports no objections to the issuance of this license, and no written protests pursuant to A.R.S. 4-201(B) have been received. With a Series 7, Beer and Wine Bar Liquor License, the business may sell beer and wine only for on- or off-premise consumption.

16. New License Series 12, Restaurant Liquor License application for Chipotle Mexican Grill Inc., dba Chipotle Mexican Grill #3836
Move for recommendation to the State Department of Liquor Licenses and Control for approval of the State Liquor Job No. 139220, a Series 12, Restaurant Liquor License, for H J Lewkowitz, Agent, Chipotle

Mexican Grill Inc., dba Chipotle Mexican Grill #3836, located at 1055 W. Chandler Boulevard, and approval of the City of Chandler, Series 12, Restaurant Liquor License No. 300780 L12.

BACKGROUND FROM COUNCIL MEMO:

This application for a liquor license was posted for hearing on April 22, 2021. The Police Department reports no objections to the issuance of this license, and no written protests pursuant to A.R.S. 4-201(B) have been received. With a Series 12, Restaurant Liquor License, the business may sell all liquors for on-premise consumption only, with a minimum of 40% of the gross receipts from the sale of food.

17. Cooperative Agreement with JPMorgan Chase Bank, N.A., for Banking Services
Move City Council approve a cooperative agreement with JPMorgan Chase Bank, N.A., for Banking Services for the period beginning May 1, 2021, through December 31, 2024, in an amount not to exceed \$34,000 per year.

BACKGROUND FROM COUNCIL MEMO:

JPMorgan Chase Bank, N.A. (JPMorgan), has been the City's banking service provider since 2005. The City's banking needs consist of the following types of services: checking account maintenance, deposits, electronic payments and deposits (ACH), wire transfers, credit card payment processing and online bank transactions and reporting. In 2010, the City of Tempe issued a Request for Proposals (RFP) for Municipal Banking Services on behalf of the City of Chandler and the City of Tempe to financial institutions that provided those services in order to select a single servicing bank for each city. Given the wide range of Municipal Banking Services, responses are typically limited to larger banking institutions. Upon evaluation of responses, a contract was negotiated with JPMorgan. The contract with JPMorgan was for an initial period of four years, January 1, 2011, through December 31, 2014, with the ability to extend for three, two-year extensions. The contract expired on December 31, 2020, however, JPMorgan agreed to a four-month extension, through April 30, 2021.

18. Claims Report for the Quarter Ended March 31, 2021
Move to accept the claims report for the quarter ending March 31, 2021, which is included with this memo as an attachment.

BACKGROUND FROM COUNCIL MEMO:

The claims report for the Accounts Payable payments for the quarter ending March 31, 2021, is attached. Per Section 3-6 of the City Code, the City Manager/designee shall advise the City Council of all claims and demands paid, together with the name of the vendors or payees, dates paid and amounts.

19. Resolution No. 5459 Authorizing the Submittal of the Community Development Block Grant Program Year 2021–2022 Annual Action Plan
Move that City Council pass and adopt Resolution No. 5459 approving and authorizing the Acting City Manager or his designee to execute and submit the Community Development Block Grant (CDBG) Program Year 2021–2022 Annual Action Plan to the United States Department of Housing and Urban Development (HUD) and execute all subrecipient contracts.

BACKGROUND FROM COUNCIL MEMO:

Each year, the City of Chandler receives federal CDBG funding, administered by HUD, to develop viable urban communities by providing decent housing and a suitable living environment, and by expanding economic opportunities, principally for persons with low and moderate income. Funds support a wide

range of community development activities directed toward revitalizing neighborhoods, economic development, and providing improved community facilities and services. As a prerequisite for receiving CDBG funding, the City of Chandler is required to prepare and submit an Annual Action Plan that serves as the formal application for the use of entitlement funds that are received by the City of Chandler. The Annual Action Plan defines the one-year activities in relationship to the five-year goals and objectives of the 2020-2025 Consolidated Plan approved by City Council on June 25, 2020.

In compliance with HUD regulations and the Citizen Participation Plan, the City held a 30-day public comment period regarding the draft Program Year 2021-2022 Annual Action Plan, which included the Housing and Human Services Commission's funding recommendations based on anticipated formula funding for Program Year 2021-2022. The public comment period began Tuesday, March 22, 2021, and ended Tuesday, April 20, 2021. In addition, two public hearings were held on February 10, 2021, and on April 7, 2021, to ensure multiple opportunities for input from the community regarding the draft Program Year 2021-2022 Annual Action Plan. Public comments received during the public comment period will be included in the finalized report submitted to HUD. A copy of the Program Year 2021-2022 Annual Action Plan Executive Summary is attached.

HUD released the Program Year 2021-2022 annual allocation on February 25, 2021. The CDBG annual allocation for Program Year 2021-2022 is \$1,447,060.00, an increase of \$3,353.00 from the prior program year. Funds available for allocation include the \$1,447,060.00 in formula funding anticipated for Program Year 2021-2022 and an additional \$122,030.60 in recaptured or unallocated funds from Program Year 2019-2020. The City will utilize \$217,059.00 for Public Services; \$1,062,619.00 for Capital Projects, Housing, and Neighborhood Revitalization; and \$289,412.00 for Program Administration. The City's Program Year 2021-2022 CDBG Program Descriptions and Funding Recommendations are also attached.

Financial Implications:

The City of Chandler will utilize CDBG federal entitlement funds to support recommended program activities. No match is required. The City of Chandler pays for services supported by CDBG funds and then submits a request for reimbursement to HUD.

20. Resolution No. 5460 Approving the Allocation of Program Year 2021-2022 HOME Investment Partnerships Funds from the Cranston-Gonzalez National Affordable Housing Act
Move that City Council pass and adopt Resolution No. 5460 approving and authorizing the Acting City Manager or his designee to allocate Program Year 2021-2022 HOME funds from the Cranston-Gonzalez National Affordable Housing Act through the Maricopa HOME Consortium and execute all subrecipient contracts.

BACKGROUND FROM COUNCIL MEMO:

Each year, the City of Chandler receives federal HOME funding, administered by the United States Department of Housing and Urban Development (HUD), through the Maricopa HOME Consortium. Eligible HOME activities include building, buying, and/or rehabilitating affordable housing for rent or homeownership or providing direct rental assistance to individuals with low and moderate income. HOME-funded activities proposed by the City are included in Maricopa County's Consolidated Plan and Annual Action Plan submitted to HUD.

In compliance with HUD regulations and the Citizen Participation Plan, the City held a 30-day public comment period regarding the draft Program Year 2021-2022 Annual Action Plan, which included the

Housing and Human Services Commission's funding recommendations based on anticipated formula funding for Program Year 2021–2022 HOME funds. The public comment period began Tuesday, March 22, 2021, and will end on Tuesday, April 20, 2021. In addition, two public hearings were held on February 10, 2021, and on April 7, 2021, to ensure multiple opportunities for input from the community regarding the draft Program Year 2021–2022 Annual Action Plan. Public comments received during the public comment period will be included in the finalized report submitted to HUD.

HUD released the Program Year 2021-2022 annual allocation of HOME funds on February 25, 2021. Based on HUD's allocation, Maricopa County released its allocations for Consortium members. The City of Chandler was awarded \$409,881, a decrease of \$824 from the prior program year. The City will allocate \$384,263 for affordable housing program providers, and utilize \$25,618 for program administration. Program Year 2021-2022 HOME funding recommendations and program descriptions are attached.

Financial Implications:

Federal HOME funds require a 25% local match. Required match is provided by each funding recipient. The City of Chandler pays for services supported by HOME funds and then submits a request for reimbursement to Maricopa County.

21. Resolution No. 5461 Authorizing the Amendment of the 2020-2025 Consolidated Plan and Submittal of Substantial Amendment No. 1 to the United States Department of Housing and Urban Development
Move that City Council pass and adopt Resolution No. 5461 Amending the 2020-2025 Consolidated Plan and Submitting Substantial Amendment No. 1 to the United States Department of Housing and Urban Development (HUD) for Its Consideration in Order to Redirect the Planned Use of Anticipated Community Development Block Grant Funds; and Approving and Authorizing the Acting City Manager or His Designee to Submit Substantial Amendment No. 1 to HUD.

BACKGROUND FROM COUNCIL MEMO:

On June 25, 2020, City Council approved the 2020-2025 Consolidated Plan which establishes priorities, goals and outcomes over a five-year period to address the City's community development and housing needs. The Housing and Human Services Commission (HHSC) and staff propose a substantial amendment to the 2020-2025 Consolidated Plan to effectively implement a change in Community Development Block Grant (CDBG) program activities to address pressing community development and housing needs. The HHSC and staff recommend a change in the planned allocation of CDBG funds that is not currently included in the 2020-2025 Consolidated Plan. These recommendations include utilizing CDBG funds to support relocation assistance for households with low and moderate income that will be impacted by a future Rental Assistance Demonstration (RAD) project. Additionally, the HHSC and staff recommend redirecting administrative funds to support fair housing activities. To support these new activities or redirect CDBG funds as described above, a substantial amendment to the 2020-2025 Consolidated Plan is required.

In compliance with HUD regulations and the Citizen Participation Plan, the City held a 30-day public comment period regarding the draft Substantial Amendment #1 to the 2020-2025 Consolidated Plan. The public comment period began Tuesday, March 22, 2021, and will end on Tuesday, April 20, 2021. In addition, a public hearing was held on April 7, 2021, to ensure multiple opportunities for input from the community regarding the draft Substantial Amendment #1 to the 2020-2025 Consolidated Plan. Public comments received during the public comment period will be included in the Substantial Amendment

#1 to the 2020-2025 Consolidated Plan submitted to HUD. A copy of the Substantial Amendment #1 to the 2020-2025 Consolidated Plan is attached.

Financial Implications:

The City of Chandler will utilize CDBG federal entitlement funds to support recommended changes to program activities identified in the Substantial Amendment No. 1 to the 2020-2025 Consolidated Plan. No match is required. The City of Chandler pays for services supported by CDBG funds and then submits a request for reimbursement to HUD.

22. Resolution No. 5454 Authorizing an Intergovernmental Agreement with Maricopa County for Animal Care and Control Services

Move City Council adopt Resolution No. 5454 authorizing an Intergovernmental Agreement (IGA) with Maricopa County, through Maricopa County Animal Care and Control, for animal control services, in an amount not to exceed \$221,431, for the period of July 1, 2021, through June 30, 2022; authorizing the Mayor to sign the Agreement; authorizing the City Manager or Designee to sign, administer, execute, and submit all documents and other necessary instruments in connection with such Agreement

BACKGROUND FROM COUNCIL MEMO:

Maricopa County Animal Care and Control (MCACC) wishes to enter a new one-year IGA with the City for animal control services. The City wishes to have MCACC continue to act as the City's enforcement agent and to provide animal control services as outlined in Chapter 14 of the City Code. The current IGA between the City and MCACC expires on June 30, 2021. The proposed IGA authorizes a one-year agreement, with the option of two additional one-year extensions.

Financial Implications:

For Fiscal year 2021-22, the animal control service cost is \$221,431. The cost of services for any future extensions will be determined prior to entering the agreement. Funds are available in the General Fund, Non-Departmental Cost Center, Animal Care and Control Services Account (101.1290.5266).

23. Project Agreement No. PD1901.401 with Caliente Construction, Inc., for the Police Station Main Lobby and Records Renovations

Move City Council award Project Agreement No. PD1901.401 to Caliente Construction, Inc., Pursuant to Job Order Contract No. JOC1910.401, for the Police Station Main Lobby and Records Renovations, in an amount not to exceed \$1,321,730.47.

BACKGROUND FROM COUNCIL MEMO:

The 2014 Police Department Facilities Master Plan identified the Police Station Main Lobby and Records Renovation as a project needed to maximize the efficiency and usage of existing structures. The records section of the main police station is open 24 hours a day to receive public inquiries with a staff of 24 full-time employees. They maintain record storage for the entire department. The workspace for employees is small and has been encroached upon by records storage needs. There is inadequate storage space for daily records and long-term storage. This project will expand the records section into a portion of the Prosecutor's Office area to provide additional work and storage space. The project scope of work consists of renovating the Police Records and City Prosecutor's areas. The work will be coordinated with Police staff to maintain the front entrance as much as possible, as well as maintain current levels of security. The contract completion time is 180 calendar days following Notice to Proceed. A related Professional Services Agreement with Kitchell CEM, for Police Station Main Lobby and Records Renovations, is also scheduled for this City Council meeting.

24. Professional Services Agreement No. PD1901.451 with Kitchell/CEM Inc., for the Police Station Main Lobby and Records Renovations
Move City Council award Professional Services Agreement No. PD1901.451, to Kitchell/CEM Inc., for the Police Station Main Lobby and Records Renovations, in an amount not to exceed \$198,540.

BACKGROUND FROM COUNCIL MEMO:

The 2014 Police Department Facilities Master Plan identified the Police Station Main Lobby and Records Renovation as a project needed to maximize the efficiency and usage of existing structures. The records section of the main police station is open 24 hours a day to receive public inquiries with a staff of 24 full-time employees. They maintain record storage for the entire department. The workspace for employees is small and has been encroached upon by records storage needs. There is inadequate storage space for daily records and long-term storage. This project will expand the records section into a portion of the Prosecutor's Office area to provide additional work and storage space.

The project scope of work consists of contractor oversight, construction administration and inspection, Police Department coordination, schedule review, review progress payments, attendance at construction meetings, review shop drawings and submittals, review of final as-built drawings, and project close out. The contract completion time is 210 calendar days following Notice to Proceed. A related Construction Contract with Caliente Construction, Inc., for Police Station Main Lobby and Records Renovations, is also scheduled for this City Council meeting.

25. Resolution No. 5470, Authorizing a Reclaimed Water Agreement and Project Agreement No. 4 Under the Public Infrastructure Master Agreement Dated May 24, 2019, with Intel Corporation
Move City Council pass and adopt Resolution No. 5470, authorizing a Reclaimed Water Agreement and Project Agreement No. 4 under the Public Infrastructure Master Agreement dated May 24, 2019, between the City of Chandler and Intel Corporation for the construction of a Reclaimed Water Interconnect Facility and related public infrastructure needed to serve Intel's campus at 4500 S. Dobson Road.

BACKGROUND FROM COUNCIL MEMO:

The City has recently contracted for the design of a small membrane water treatment facility at the Airport Water Reclamation Facility (AWRF), located at 905 E. Queen Creek Road. The treated water will be delivered to the reclaimed water distribution system and the City's aquifer storage facilities at Veteran Oasis Park, located at 4050 E. Chandler Heights Road, and Tumbleweed Park, located at 2250 S. McQueen Road. The intent of the project is to optimize the use of the City's water resources by recharging additional water into the groundwater aquifer beneath the City to enhance the sustainability of the aquifer and provide resilience of the City's water system in case of drought. Participation in this project has been offered to Intel Corporation in an effort to make the current annual Reclaimed Water Agreement long-term and meet future water needs.

Arizona Revised Statute (A.R.S.) § 42-5032.02 provides for distribution of revenues for City infrastructure improvements related to manufacturing facilities. On May 23, 2019, City Council approved a Public Infrastructure Master Agreement between the City and Intel under A.R.S. § 42-5032.02 for funding and construction of public improvements necessary to support Intel's capital investment at its Ocotillo Plant, located at 4500 South Dobson Road in Chandler. The Master Agreement contemplates that Intel and the City will enter into specific project agreements for funding and construction of public improvements

that will be reimbursed through a combination of transaction privilege tax revenues set aside under A.R.S. § 42-5032.02 (80%) and Intel private funds (20%).

This project will be funded by the Arizona Department of Revenue (ADOR), Intel, and the City of Chandler. A related Professional Service Agreement with Wilson Engineers, LLC, for the Reclaimed Water Interconnect Facility, is also scheduled for this City Council meeting.

Financial Implications:

This memo has no direct financial implication, as the contracts related to the public infrastructure improvements will be managed by separate agreements under CIP Project Number WW1901. The separate agreements will manage the public infrastructure design and construction cost of \$23,400,000, of which Intel will pay one-half, \$11,700,000, of all costs of construction. Intel's share will be Public Infrastructure Improvement Project No. 4 under the terms of the Public Infrastructure Master Agreement between Intel and the City, dated May 24, 2019, which allows the City to seek 80% (up to \$9,360,000) reimbursement of Intel's share from Arizona Department of Revenue and 20% (up to \$2,230,000) directly from Intel. A General Fund Contingency transfer is needed from General Fund, Non-Departmental, Contingency Reserve to Wastewater Operating Fund, Wastewater Capital, Plant Additions and Improvements, Effluent Reuse-Storage and Recovery Wells Capital Program for the City to pay for Intel's share of the public infrastructure improvements, which will be 100% reimbursed.

26. Agreement No. PW9-962-4035, Amendment No. 2, with Eurofins Testamerica Laboratories, Inc.; Legend Technical Services of Arizona, Inc.; and Radiation Safety Engineering, Inc., for Laboratory Testing Services

Move City Council approve Agreement No. PW9-962-4035, Amendment No. 2 with Eurofins Testamerica Laboratories, Inc.; Legend Technical Services of Arizona, Inc.; and Radiation Safety Engineering, Inc., for laboratory testing services, in a combined amount not to exceed \$379,000, for the period of May 1, 2021, through April 30, 2022.

BACKGROUND FROM COUNCIL MEMO:

The Environmental Protection Agency and the Arizona Department of Environmental Quality mandate tests for drinking water and wastewater. The City's Water Quality, Wastewater Quality, Environmental Management, Solid Waste Services, and Ocotillo Brine Reduction Facility divisions use the laboratory testing services to manage various testing requirements. The use of multiple laboratories provides assurance that tests will be completed promptly and at the lowest cost. Laboratory testing services used by the Ocotillo Brine Reduction Facility are paid for by Intel.

27. Professional Services Agreement No. WW1901.203, with Wilson Engineers, LLC, for the Reclaimed Water Interconnect Facility Design Services

Move City Council award Professional Services Agreement No. WW1901.203, to Wilson Engineers, LLC, for the Reclaimed Water Interconnect Facility Design Services, in an amount not to exceed \$1,809,660.

BACKGROUND FROM COUNCIL MEMO:

The City receives and treats wastewater from over 260,000 residents. Wastewater is treated to produce A+ quality reclaimed water, which is delivered through the City's reclaimed water distribution system for several beneficial uses including irrigation of golf courses, parks, and neighborhood common areas, industrial cooling water supply, and recharge of the aquifer for gaining groundwater storage credits. As demand for reclaimed water increases, staff is considering alternatives to supplement the reclaimed water supply. A feasibility study was recently completed to evaluate a concept to utilize the Salt River Project (SRP) canal adjacent to the Airport Water Reclamation Facility (AWRF), located at 905 E. Queen

Creek Road, to deliver a small volume of the City's Salt River and Colorado River water supplies to a new treatment facility located at the AWRP site to supplement current reclaimed water supplies. This added supply will meet growing demands, allow for annual storage and recovery of SRP water, increase underground recharge, and enhance the wildlife habitats at Veterans Oasis Park. Using advanced membrane treatment technology, this new process could treat up to 10 million gallons per day (MGD). The system would be designed and constructed at the AWRP and utilize the existing reclaimed water infrastructure for distribution. Capacity of this 10 MGD will be shared equally with Intel Corporation, with the City's portion being used for groundwater recharge and to enhance the wildlife habitats at Veterans Oasis Park. Intel's portion will be used for Industrial cooling at their microchip production facilities in south Chandler. Cost for this project will also be split equally between the City and Intel.

The project scope of work consists of design services for the Reclaimed Water Interconnect Facility, including the development of process and equipment sizing, review of alternatives, raw water pump station, raw water force main, and membrane treatment and ancillary facilities. The contract completion time is 400 calendar days following Notice to Proceed. A related Resolution for the approval of two agreements with Intel Corporation for the construction and shared use of this treatment facility is also scheduled for this City Council meeting.

28. Construction Contract No. WA1903.401 and WA1908.401, with Achen-Gardner Construction, LLC, for the Arrowhead Water Production Facility Rehabilitation and Pecos Surface Water Treatment Plant Surge System
- Move City Council award Construction Contract No. WA1903.401 and WA1908.401 to Achen-Gardner Construction, LLC, for the Arrowhead Water Production Facility Rehabilitation and Pecos Surface Water Treatment Plant Surge System, in an amount not to exceed \$6,053,000.

BACKGROUND FROM COUNCIL MEMO:

This project is a continuation of the Public Works & Utilities Department's ongoing initiative to modernize and rehabilitate the City's older water production facilities and replace aging pipe infrastructure. The Arrowhead Water Production Facility (WPF), located at 426 N. Arrowhead Drive, was constructed in 1988 to support water needs in the city. Recent inspections have identified the need to replace the existing pumps and corroded pump cans and piping, improve the facility building, and upgrade the electrical system. In addition, approximately 2,200 feet of 12-inch pipe, from the Arrowhead WPF south to Chandler Boulevard, will be replaced due to age and poor condition. These improvements are necessary for the facility to reliably provide water service to the surrounding vicinity.

The Pecos Surface Water Treatment Plant (SWTP), located at 1475 East Pecos Road, was put into service in 1989. The 2018 Water, Wastewater, and Reclaimed Water Master Plan included the recommendation for installation of a surge suppression system at the Pecos SWTP to mitigate pressure fluctuations to the water distribution system. The water distribution system infrastructure is aging and more susceptible to main breaks due to these pressure fluctuations. Water main breaks caused by these pressure fluctuations are responsible for water loss and damage to surrounding infrastructure and personal property. This portion of the project will complete the installation of a surge tank and other necessary appurtenances at the Pecos SWTP.

The contract completion time for both locations is 365 calendar days following Notice to Proceed. A related Professional Services Agreement with Wilson Engineers, LLC, for the Arrowhead WPF Rehabilitation and Pecos SWTP Surge System Construction Management Services, is also scheduled for this City Council meeting. A related Professional Services Agreement with Wilson Engineers, LLC, for the

Arrowhead WPF Rehabilitation Post Design Services, is also scheduled for this City Council meeting. A related Professional Services Agreement with Black & Veatch, for the Pecos SWTP Surge System Post Design Services, is also scheduled for this City Council meeting.

29. Professional Services Agreement No. WA1903.451 and WA1908.451, with Wilson Engineers, LLC, for the Arrowhead Water Production Facility Rehabilitation and Pecos Surface Water Treatment Plant Surge System Construction Management Services
Move City Council award Professional Services Agreement No. WA1903.451 and WA1908.451, to Wilson Engineers, LLC, for the Arrowhead Water Production Facility Rehabilitation and Pecos Surface Water Treatment Plant Surge System Construction Management Services, in an amount not to exceed \$623,308.

BACKGROUND FROM COUNCIL MEMO:

This project is a continuation of the Public Works & Utilities Department's ongoing initiative to modernize and rehabilitate the City's older water production facilities and replace aging pipe infrastructure. The Arrowhead Water Production Facility (WPF), located at 426 N. Arrowhead Drive, was constructed in 1988 to support water needs in the City. Recent inspections have identified the need to replace the existing pumps and corroded pump cans and piping, improve the facility building, and upgrade the electrical system. In addition, approximately 2,200 feet of 12-inch pipe, from the Arrowhead WPF south to Chandler Boulevard, will be replaced due to age and poor condition. These improvements are necessary for the facility to reliably provide water service to the surrounding vicinity.

The Pecos Surface Water Treatment Plant (SWTP), located at 1475 East Pecos Road, was put into service in 1989. The 2018 Water, Wastewater, and Reclaimed Water Master Plan included the recommendation for installation of a surge suppression system at the Pecos SWTP to mitigate pressure fluctuations to the water distribution system. The water distribution system infrastructure is aging and more susceptible to main breaks due to these pressure fluctuations. Water main breaks caused by these pressure fluctuations are responsible for water loss and damage to surrounding infrastructure and personal property. This portion of the project will complete the installation of a surge tank and other necessary appurtenances at the Pecos SWTP.

The project scope of work consists contractor oversight, construction administration and inspection, schedule review, progress payments review, attendance at construction meetings, and project close-out. The contract completion time for both locations is 400 calendar days following Notice to Proceed. A related Construction Contract with Achen-Gardner Construction, LLC, for the Arrowhead WPF Rehabilitation & Pecos SWTP Surge System, is also scheduled for this City Council meeting. A related Professional Services Agreement with Wilson Engineers, LLC, for the Arrowhead WPF Rehabilitation Post Design Services, is also scheduled for this City Council meeting. A related Professional Services Agreement with Black & Veatch, for the Pecos SWTP Surge system Post Design Services, is also scheduled for this City Council meeting.

30. Purchase of Traffic Signal Maintenance Services from Roadway Electric, LLC
Move City Council approve the purchase of traffic signal maintenance services from Roadway Electric, LLC, utilizing City of Mesa Contract No. 2017135, in an amount not to exceed \$501,600, for the period of May 1, 2021, through April 30, 2022.

BACKGROUND FROM COUNCIL MEMO:

The City's Transportation Division is responsible for the maintenance of 224 signalized intersections and over 29,500 streetlights. Although City staff manages the day-to-day maintenance of these assets, the rehabilitation of the underground infrastructure for the signals and the light emitting diode (LED) streetlight upgrades are completed by a contractor that offers specialized services for this type of work.

This contract will be used for the rehabilitation of existing underground infrastructure of approximately three intersections including installation of necessary conduit, junction boxes, and wiring. This contract will also be used for the upgrade of approximately 1,300 streetlights to LED that is included in the current year's budget. These LED streetlight replacements are estimated to save more than \$42,000 in energy costs each year of operation.

31. Purchase of Pole Painting Services from OLS Restoration, Inc.
Move City Council approve the purchase of pole painting services from OLS Restoration, Inc., utilizing City of Mesa Contract No. 2019012, in an amount not to exceed \$120,000, for the period of May 1, 2021, through April 30, 2022.

BACKGROUND FROM COUNCIL MEMO:

The City's Transportation Division is responsible for the maintenance of over 29,500 streetlights. Of those streetlights, approximately 14,500 (52%) are painted rather than galvanized. This contract will be used to repaint light poles located in arterial corridors and older subdivisions with streetlights that are more than 30 years old.

32. Professional Services Agreement No. WA1903.271, with Wilson Engineers, LLC, for the Arrowhead Water Production Facility Rehabilitation Post Design Services
Move City Council award Professional Services Agreement No. WA1903.271, to Wilson Engineers, LLC, for the Arrowhead Water Production Facility Rehabilitation Post Design Services, in an amount not to exceed \$198,222.

BACKGROUND FROM COUNCIL MEMO:

This project is a continuation of the Public Works & Utilities Department's ongoing initiative to modernize and rehabilitate the City's older water production facilities and replace aging pipe infrastructure. The Arrowhead Water Production Facility (WPF), located at 426 N. Arrowhead Drive, was constructed in 1988 to support water needs in the City. Recent inspections have identified the need to replace the existing pumps and corroded pump cans and piping, improve the facility building, and upgrade the electrical system. In addition, approximately 2,200 feet of 12-inch pipe, from the Arrowhead WPF south to Chandler Boulevard, will be replaced due to age and poor condition. These improvements are necessary for the facility to reliably provide water service to the surrounding vicinity.

This project scope of work includes design clarifications or modifications with the designer of record for seamless and continued coordination with utilities, other agencies, bidders, contractor, and construction management firms before and during construction of this project, as well as attendance at construction meetings, shop drawings, submittal reviews, environmental services, and preparation of final as-built drawings. The contract completion time is 400 calendar days following Notice to Proceed.

A related Construction Contract with Achen-Gardner Construction, LLC, for the Arrowhead WPF Rehabilitation and Pecos Surface Water Treatment Plant (SWTP) Surge System, is also scheduled for this City Council meeting. A related Professional Services Agreement with Wilson Engineers, LLC, for the Arrowhead WPF Rehabilitation and Pecos SWTP Surge System Construction Management Services, is

also scheduled for this City Council meeting. A related Professional Services Agreement with Black & Veatch, for the Pecos SWTP Surge System Post Design Services, is also scheduled for this City Council Meeting.

33. Professional Services Agreement No. WA1908.271, with Black & Veatch Corporation, for the Pecos Surface Water Treatment Plant Surge System Post Design Services
Move City Council award Professional Services Agreement No. WA1908.271, to Black & Veatch Corporation, for the Pecos Surface Water Treatment Plant Surge System Post Design Services, in an amount not to exceed \$104,890.

BACKGROUND FROM COUNCIL MEMO:

This project is a continuation of the Public Works & Utilities Department's ongoing initiative to modernize and rehabilitate the City's older water production facilities and replace aging pipe infrastructure. The Pecos Surface Water Treatment Plant (SWTP), located at 1475 East Pecos Road, was put into service in 1989. The 2018 Water, Wastewater, and Reclaimed Water Master Plan included the recommendation for installation of a surge suppression system at the Pecos SWTP to mitigate pressure fluctuations to the water distribution system. The water distribution system infrastructure is aging and more susceptible to main breaks due to these pressure fluctuations. Water main breaks caused by these pressure fluctuations are responsible for water loss and damage to surrounding infrastructure and personal property. This portion of the project will complete the installation of a surge tank and other necessary appurtenances at the Pecos SWTP.

This project scope of work includes design clarifications or modifications with the designer of record for seamless and continued coordination with utilities, other agencies, bidders, contractor, and construction management firm before and during construction of this project, as well as attendance at construction meetings, shop drawings, submittal reviews, environmental services, and preparation of final as-built drawings. The contract completion time is 400 calendar days following Notice to Proceed. A related Construction Contract with Achen-Gardner Construction, LLC, for the Arrowhead Water Production Facility (WPF) Rehabilitation and Pecos SWTP Surge System, is also scheduled for this City Council meeting. A related Professional Services Agreement with Wilson Engineers, LLC, for the Arrowhead WPF Rehabilitation and Pecos SWTP Surge System Construction Management Services, is also scheduled for this City Council meeting. A related Professional Services Agreement with Wilson Engineers, LLC, for the Arrowhead WPF Rehabilitation Post Design Services, is also scheduled for this City Council meeting.

34. Professional Services Agreement No. ST2004.451, Amendment No. 1, with Ritoch-Powell & Associates Consulting Engineers, Inc., for the Alma School Road Improvements (Pecos Road to Germann Road)
Move City Council award Professional Services Agreement No. ST2004.451, Amendment No. 1, to Ritoch-Powell & Associates Consulting Engineers, Inc., for the Alma School Road Improvements (Pecos Road to Germann Road), in the amount of \$168,553, for a revised contract amount not to exceed \$468,487.

BACKGROUND FROM COUNCIL MEMO:

On June 25, 2020, City Council approved an agreement with Ritoch-Powell & Associates Consulting Engineers, Inc., for the Alma School Road Improvements (Pecos Road to Germann Road). This project provides for modifications to the northeast corner of Pecos and Alma School roads and widening Alma School Road to three through lanes in each direction from Maplewood Street to just south of Germann Road by modifying the current center median.

Amendment No. 1 to Professional Services Agreement ST2004.451 provides for additional construction management services and inspections for the Alma School Road Improvements at the Pecos Road intersection to accommodate north and southbound widening to three lanes and tapering down to two lanes north of the intersection. The section of Alma School Road south of the Pecos Road intersection to the Loop 202 Santan Freeway will be improved by private developers. An additional 240 calendar days have been added for a revised total of 510 calendar days to final completion, following Notice to Proceed. A related Construction Change Order with Sunland Asphalt & Construction, Inc., for the Alma School Road Improvements (Pecos Road to Germann Road), is also scheduled for this City Council meeting.

35. Construction Management at Risk Contract No. ST2004.401, Change Order No. 2, with Sunland Asphalt & Construction, Inc., for the Alma School Road Improvements
Move City Council award Construction Management at Risk Contract No. ST2004.401, Change Order No. 2, to Sunland Asphalt & Construction, Inc., for the Alma School Road Improvements (Pecos Road to Germann Road), in the amount of \$1,981,059, for a revised contract amount not to exceed \$6,365,059.

BACKGROUND FROM COUNCIL MEMO:

On July 16, 2020, City Council approved a contract with Sunland Asphalt & Construction, Inc., for the Alma School Road Improvements (Pecos Road to Germann Road). This project provides for modifications to the northeast corner of Pecos and Alma School roads and widening Alma School Road to three through lanes in each direction from Maplewood Street to just south of Germann Road by modifying the current center median.

Change Order No. 2 to Construction Management at Risk Contract No. ST2004.401 provides for additional scope of work for the Alma School Road improvements at the Pecos Road intersection to accommodate north and southbound widening to three lanes, and tapering down to two lanes north of the intersection. The section of Alma School Road south of the Pecos Road intersection to the Loop 202 Santan Freeway will be improved by private developers. An additional 60 calendar days has been added for a revised total of 400 calendar days to final completion, following Notice to Proceed. A related Professional Services Amendment with Ritoch-Powell & Associates Consulting Engineers, Inc., for the Alma School Road Improvements (Pecos Road to Germann Road), is also scheduled for this City Council meeting.

36. Agreement No. 4302, with KUV Consultants, LLC, for a Security and Emergency Preparedness Program
Move City Council approve Agreement No. 4302, with KUV Consultants, LLC, for a security and emergency preparedness program, in an amount not to exceed \$550,000, for a five-year term, July 1, 2021, through June 30, 2026.

BACKGROUND FROM COUNCIL MEMO:

The Public Works and Utilities Department serves over 275,000 residents with clean water, wastewater collection and treatment, and reclaimed water services. In 2019, the City was required by the Environmental Protection Agency (EPA) to develop and implement a Risk and Resiliency Study for water production and distribution to review all systems in order to ensure the safety of all City water customers. Ultimately, the City was required to also develop and implement an Emergency Operations Plan (EOP) for the water supply systems. KUV Consultants, LLC, was the selected vendor to study the City's water supply systems and prepare the required documents. All studies and related EOP documents were submitted to the EPA as required and certified within all time constraints.

A key recommendation of the water EOP is to develop benchtop and active exercises in responding to water events that may compromise the integrity of the water system. The Public Works and Utilities Department is also in need of a system that can provide the information to City staff within times of crisis and can also be used to update and maintain the EOP while providing critical training to new City staff. Staff solicited a proposal from KUV Consultants, LLC, to provide the necessary systems, training, and benchtop simulations to keep all Utility staff ready to respond to any situation. The City staff have also determined that the wastewater collection and treatment systems are also in need of an updated EOP and have included those services in the agreement. With their extensive knowledge of the City's water and wastewater infrastructure, KUV Consultants will provide all the necessary information and services for optimum response to crisis events.

The scope of services includes development of the Emergency Management Toolkit (EMT) and the Risk/Resiliency Assessment and Emergency Response Plan, EMT annual updates, as well as annual refresher training, inspections, and simulation exercises. The term of the agreement is July 1, 2021, through June 30, 2026.

37. Sole Source Purchase of Blower Repair Services, Parts, and Equipment from Houston Service Industries
Move City Council approve the sole source purchase of Houston Service Industries (HSI) blower repair services, parts, and equipment, from Atlas Copco Power Technique North America, LLC, in an amount not to exceed \$190,000.

BACKGROUND FROM COUNCIL MEMO:

The Airport Water Reclamation Facility (AWRF), located at 905 E. Queen Creek Road, utilizes centrifugal low pressure blowers for the purpose of supplying dissolved oxygen to the biology responsible for treatment of municipal wastewater. This contract will allow for a field evaluation of the aeration facilities to determine steps necessary to optimize the system. This contract also includes the overhaul of Blower Unit No. 8 which is in need of repair. Due to the size, cost, and complexity of the aeration blowers at AWRF, factory service and support is necessary to repair Blower Unit No. 8 and perform the system evaluation and optimization, as well as to provide follow-up factory support.

ACTION AGENDA – DISCUSSION

MAYOR HARTKE introduced Action Agenda Item No. 38 and called for a staff presentation.

38. Agreement No. PD5-961-3521, Amendment No. 1, with American Traffic Solutions Inc., dba Verra Mobility, for Photo Enforcement

SEAN DUGGAN, Police Chief, presented the following presentation.

- Chandler Police Department Photo Enforcement Program
- Photo Enforcement
 - Presently, 12 intersections with photo enforcement camera systems
 - 5 intersections have two camera systems (example: westbound and southbound approaches)
 - 17 total photo enforcement cameras operating in the City
 - All cameras have red light and speed on green enforcement
 - Each approach is clearly marked with a radar speed feedback display and signed 300 ft. in advance providing notice to a person that a photo enforcement system is present and operations (ARS 28-1204).

- Photo Enforcement
 - Photo enforcement video records 24/7 and is stored for 30 days before being purged automatically. Once purged, video recordings are no longer retrievable.
 - Video recordings may only be retrieved by Chandler Police Vehicle Crimes Unit (VCU) detectives and American Traffic Solutions. (ATS)/Verra Mobility technicians while servicing equipment and with authorization from VCU detectives. All retrievals are digitally recorded and tracked.
- Photo Enforcement
 - Data is stored in secure serves located at Verra Mobiliy in Mesa
 - Detectives review between 200-300 violations a day
 - Each review takes approximately 1-2 minutes
 - Challenges to the system are made in court at the violator's scheduled hearing
 - If the violator does not reply, then it is sent to the contracted process serving company the vendor uses. In the state service will be attempted.
 - If the violator lives out of state and does not reply, no further action is taken. No process serving.
- Photo Enforcement
 - Police staff rejected 341 citations in 2020.
 - Placement of photo red light and speed on green cameras was based on traffic volume and the number and severity of accidents at certain intersections.
 - Speed validations are conducted monthly by the vendor.
 - Speed reader boards were added in 2007.
 - Dedicated photo enforcement police FTE cost appx. \$165,000.
 - 100% revenue offset.
- Photo Enforcement
 - Year 2017
 - Red Light 5,421
 - Speed 10,162
 - Total 15,583
 - Year 2018
 - Red Light 7,122
 - Speed 9,850
 - Total 16,972
 - Year 2019
 - Red Light 6,850
 - Speed 8,045
 - Total 14,895
 - Year 2020
 - Red Light 4,029
 - Speed 8,569
 - Total 12,598
- Photo Enforcement Impact
 - Violation captured, transmitted to Verra
 - License plate verified, extracted and sent to CPD
 - CPD retrieves vehicle information from MVD, send data back to Verra (encrypted file)
 - Verra staff confirms MVD info and photo quality, send to CPD Officer via Axis software for approval or rejection
 - If violation approved by CPD, Verra will mail out citation
- Photo Enforcement Impact
 - Nationally, red light running is a leading cause of urban crashes and often causes injury and death

- Photo enforcement leverage's technology to help keep our roadways safe.
 - Photo enforcement supplements traffic enforcement by police officers by providing round -the-clock monitoring of collisions prone intersections.
 - Part of overall 3E's approach to traffic safety: Enforcement, Education, Engineering.
- Photo Enforcement Impact
 - Average Accidents Per Year
- Photo Enforcement Impact
 - Leveraging technology to help solve crime
 - The photo enforcement program has assisted police detectives with over 150 criminal investigations since 2015
 - Most recently, evidence gathered by photo enforcement provided compelling evidence in two separate homicide investigations in Chandler.

VICE MAYOR STEWART said there were 200-300 violations a day and asked how many were false.

CHIEF DUGGAN clarified if the question was related to photos or violations.

VICE MAYOR STEWART said both.

CHIEF DUGGAN said he did not have a total number of activations, but there are 12,000 to 13,000 citations issued. Chief Duggan said there are two types of controllable offenses when they look at the photos at the intersection. Last year, the vendor had 2,000 controllable exceptions which occur when a flash is taken, but the photo is not clear. There were 11,000 uncontrollable exceptions when someone may wear a face mask or the picture is not legible because of the sun.

VICE MAYOR STEWART asked if 12,000 to 13,000 times there were errors.

CHIEF DUGGAN said they were not errors, but that is what the photo saw and they were vetted out through the process. Chief Duggan said not every picture is perfect because of how many variables there are, but these are vetted in the first part of the process before it is passed on to the Police Department.

VICE MAYOR STEWART asked if those were mailed out and if they are automatically sent.

CHIEF DUGGAN said no, only 12,000 violations were mailed out after it goes through extensive vetting process and after and Chandler Police Officer signs off on the citation. The officer reviews the citation to ensure it meets all of the standards and then signs off and approves the citation.

VICE MAYOR STEWART said the only people being fined live in the State or in the City.

CHIEF DUGGAN said they serve process within the State, but not those who live out of State.

VICE MAYOR STEWART asked who pays for that.

CHIEF DUGGAN said the vendor pays up front, the City is billed and that cost is passed to the violator.

VICE MAYOR STEWART asked if they still get charged for the 13,000 that are rejected.

CHIEF DUGGAN said no, they are only charged \$20.70 for every actionable citation. When the notice of violation is mailed to the vendor the City is charged.

VICE MAYOR STEWART said there is a full time employee who is dedicated to vetting these camera tickets which is about 200-300 per day.

CHIEF DUGGAN said there is an employee who looks at photos that have already been vetted through the vendor. Last year the officer rejected 341 for a variety of reasons and the rest of the citations are mailed out after the officer signs off. This process ensures only valid citations.

VICE MAYOR STEWART asked if the vendor rejected 341 times.

CHIEF DUGGAN said no, the officer rejected those.

VICE MAYOR STEWART said almost everything from the vendor gets mailed out.

CHIEF DUGGAN said the only thing that gets mailed out is what the officer approves and signs their name to.

VICE MAYOR STEWART asked how the intersections rank within the City.

CHIEF DUGGAN said there are over 300 intersections in the City and those were ranked by Traffic Engineering by collision rate.

VICE MAYOR STEWART said they redid the McQueen and Queen Creek intersection, but put in camera lights anyway and asked why that was done.

CHIEF DUGGAN said one of the variables of where they place cameras is not just collisions, but also the volume of traffic. When the road is bigger more vehicles use it.

VICE MAYOR STEWART asked what the total fine is for a resident when they run a red light.

CHIEF DUGGAN said about \$240.

VICE MAYOR STEWART said these cameras are surveilling residents and out of town 24/7 and a third party vendor is keeping that data.

CHIEF DUGGAN said the cameras operate 24/7 at these intersections.

COUNCILMEMBER ROE said photo enforcement and video surveillance is coming more every year and soon cars would have additional automation. Councilmember Roe said there is a threshold where technology is too much. Councilmember Roe said there are marked police cars because people want to have a level of trust. Councilmember Roe said if they did not have marked police cars they would probably solve more crime. In the past few years, there was photo enforcement along the interstates all over Arizona and the State took the steps to have it removed. That was a success because people did not want it. Photo enforcement is one of the most contentious things that is fought in court and are likely to fight it. Councilmember Roe said about twice a day there is a citable offense from a red light and during that same time there are 30,000 to 40,000 crossings at the intersections. This is a very compliant citizenry that does follow the law. There is no opportunity to issue warnings with photo enforcement. The Governor recently signed SB1551 regarding civil traffic violations which

would put limitations on the courts in enforcing civil traffic violations. Councilmember Roe said he did not know how much revenue would be lost from that.

COUNCILMEMBER ORLANDO asked if a police officer stopped a resident for a red light violation would that fine be different than what is issued from photo enforcement.

CHIEF DUGGAN said no.

COUNCILMEMBER ORLANDO clarified there is not mark up.

CHIEF DUGGAN said no.

COUNCILMEMBER ORLANDO said he received a call from a resident saying cell phones are much more intrusive than a red light camera and anyone who has an Alexa at home is even more intrusive. Councilmember Orlando said there is some personal acknowledgement when having a phone or other device, but we talk about being a City of Innovation and having technology help us to make our lives better and safer. Councilmember Orlando said this program has been proved to make the City safer. Councilmember Orlando asked how the cameras are calibrated.

CHIEF DUGGAN said each month the vendor goes to these locations to calibrate their equipment.

COUNCILMEMBER ORLANDO asked what if the equipment was found to be out of calibration.

CHIEF DUGGAN said it would be appealable in court.

COUNCILMEMBER ORLANDO said a person would ask in court when the last calibration was and then the judge could make their ruling.

COUNCILMEMBER LOPEZ asked when the last time cameras were added.

CHIEF DUGGAN said 2007.

COUNCILMEMBER LOPEZ said since 2007, there have only been 17 cameras. Councilmember Lopez asked if the cameras have been shifted to the intersections identified by traffic engineering as high collision or high volume.

CHIEF DUGGAN said 2016 was the first time they moved five cameras to other locations and it has only happened once.

COUNCILMEMBER LOPEZ asked how often that is done.

CHIEF DUGGAN said they look at the data and if it supports moving to other locations they would do that.

COUNCILMEMBER LOPEZ said as long as it is at a high risk intersection they would not take the expense to move them.

CHIEF DUGGAN said data would need to support a shift.

MAYOR HARTKE asked what the bill mentioned by Councilmember Roe would have on this program.

CHIEF DUGGAN said it is too early to know.

VICE MAYOR STEWART said this contract was \$500,000 per year and this new contract was for five years. If Council votes yes, they are locked into this for five years regardless of what other laws are passed. Vice Mayor Stewart said there was a big discussion about the Police Department needing staff and this program augments that. Vice Mayor Stewart said the person working this program could be dedicated to traffic and increase the relationship building with those citizens and have \$500,000 left over. Vice Mayor Stewart said the net over 10 years was \$275,000 and that did not include staff time. Vice Mayor Stewart said he asked for raw data earlier in the week, but was told he needed Council direction to obtain that. Vice Mayor Stewart asked if he could have that so he could see how staff came to their decision and asked where the data came from.

CHIEF DUGGAN said the data comes from Traffic Engineering. Chief Duggan showed the Average Accidents per Year graph and stated this contains five intersections that were removed in 2016.

VICE MAYOR STEWART asked how the intersections were doing since then.

CHIEF DUGGAN said they have seen an uptick since then.

VICE MAYOR STEWART asked if radar was put up at these sites to show vehicle speed.

CHIEF DUGGAN said it has been over 10 years

VICE MAYOR STEWART asked if he could get the raw data.

CHIEF DUGGAN said he would work with traffic engineering to provide that.

COUNCILMEMBER ORLANDO said the resolution that was done when this originated is that the revenue from this would go towards traffic safety issues.

CHIEF DUGGAN said yes.

COUNCILMEMBER ORLANDO said this money is being put back into the community for safety improvements.

CHIEF DUGGAN said the revenue generated is only used for police enforcement or traffic engineering and traffic safety equipment.

COUNCILMEMBER ORLANDO said this provides a safer intersection and provides additional safety tools that are being paid by this program. Councilmember Orlando said there is one person issuing 12,000 citations a year. Councilmember Orlando asked how many officers that would take in person.

CHIEF DUGGAN said it would take quite a bit.

COUNCILMEMBER ORLANDO said they are putting the money back into the community and officers can be on patrol for other things and putting safety measures at these intersections that does not cost the City money, it costs those who break the law. Councilmember Orlando said he thought it was a good program and supported it in the beginning and supported it now.

VICE MAYOR STEWART said it is not revenue. They are fining residents at a very high rate. Vice Mayor Stewart said it has been shown that the radar speed displays slows people down and these were also at these intersections which could have an impact. Vice Mayor Stewart said the data could be manipulated any way and at the end of the day Vice Mayor Stewart wanted more police on the streets. Vice Mayor Stewart said they are fleecing money from residents with automated cameras.

COUNCILMEMBER ELLIS said people's behaviors change based on what they expect would happen. Any time they want behavior to change they have to modify the behavior in one way or another. Councilmember Ellis said a photo camera in the corner is a modifier. When someone comes in close to it the GPS tells someone they are approaching the camera and people automatically slow down. Councilmember Ellis said safety is very important and those who have lost someone in an intersection, that stays with them for life.

COUNCILMEMBER LOPEZ asked if they left the speed indicator signs at the locations where cameras were moved in 2016.

CHIEF DUGGAN said they have speed indicator signs at intersections beyond photo enforced intersections. Chief Duggan said he would defer to traffic engineering.

COUNCILMEMBER LOPEZ said he knew there were speed indicators near schools.

CHIEF DUGGAN said they were funded through this program.

COUNCILMEMBER HARRIS asked if accidents had gone down since these cameras were placed.

CHIEF DUGGAN said they have shown a decrease from before cameras were installed.

COUNCILMEMBER HARRIS asked if there have been less speeding tickets since these have been up.

CHIEF DUGGAN said he did not have that information.

COUNCILMEMBER HARRIS asked if taxpayers were at a loss in terms of paying for this program.

CHIEF DUGGAN said tax payers contribute to the entire City's operations and this is on item the City provides.

COUNCILMEMBER HARRIS asked if the City was at a loss because of the contract.

CHIEF DUGGAN said each year it varies, but over the course of the program there has been a slight positive revenue. Overall they have not lost money, but they have not made significant money either. The money that is generated is pushed back into the system.

MAYOR HARTKE invited residents to speak regarding Action Agenda Item No. 38.

RICH HEUMANN, 4310 W. Dublin St, Chandler, said he supported this issue twice when he was on Council. Mr. Heumann said he heard some of the same debate back then about having more officers on the street and being leniency. Mr. Heumann said driving is a privilege and is not a right. Mr. Heumann said people obtain a license to drive and if they break the law then there is a fine. This is about safety. When they reduce accidents on a corner, they save somebody's life. Mr. Heumann said Councilmember Orlando, Councilmember Weninger,

and himself added speed boards to slow people down, changed the yellow light to 4.5 seconds, and countdowns on the walk signs. Mr. Heumann said if they break the law they get a ticket and it is their own fault, it is not about fleecing the public. Mr. Heumann said when there are more accidents in our City the insurance rates go up. Mr. Heumann said they have added all of these different features to make the public aware to slow down. Mr. Heumann said they had to have a law regarding texting and driving and it took a police officer getting killed on the 101 to finally have that. Mr. Heumann said police officers stop people and choose to give a ticket or not, but this is another tool in their toolbox. Mr. Heumann said if these cameras come out someone may not have a family member come home because someone ran the red light

BARBARA HOFFMAN, 4114 E. Sourway Dr., Gilbert, said she works in traffic safety and spends a lot of time in Chandler. Ms. Hoffman read a story called My Last day on Earth by Michael David Alanson. Ms. Hoffman encouraged Council to keep red light cameras to save lives.

SHAWN DOW, 15520 Bumblebee Ln., said he came to Chandler 12 years ago and saw his first photo radar flash. Mr. Dow said he just left the military and dove for the side of road thinking that it was a roadside bomb. Mr. Dow said he also sat in the Council Chambers next to convicted felon Aaron Rosenberg as he sold Council that a bright flash at an intersection would make it safer. Mr. Dow said he sent the Council studies proving the bright flash in the middle of the intersection, the most dangerous part of the road, is creating more crashes. Mr. Dow said in Pinal County fatalities doubled when the cameras were installed and there was a reason why photo radar was pulled off the freeway. Mr. Dow said photo radar executives have gone to prison that worked right here in Chandler. Mr. Dow read a list of those convicted of crimes related to photo radar and said everywhere photo radar is installed crime follows. Mr. Dow said cameras said widening the roads and increasing the yellow light time increases the safety. Increasing the yellow light time by one second decreases accidents, like what was seen in Georgia, by 49%. The vast majority of tickets the City issues are wrong, 52% according to the East Valley Tribune and of those that are prosecutable 25% are dismissed. No police officer would tolerate another officer pulling over 75% of the people in Chandler and issuing wrong tickets. Mr. Dow said 22,000 people are having to go to court and fight tickets because of this vendor.

PAUL PAVLICH, 1313 E. Tyson St., Chandler, encouraged Council to not approve the contract. Mr. Pavlich said he is aware there are studies both in support and against these cameras to reduce accidents of varying severities however one of the most extensive studies on the subject demonstrates no significant safety value. Mr. Pavlich said the peer reviewed study was published in the Scientific American which states the cameras change the composition of the accidents, but no evidence in reduction of total accidents or injuries. The results were generated over 100's of 1,000's of police data over 12 years. Mr. Pavlich said the Agenda Item says studies conducted in Chandler show that there is a statistically significant reduction in accidents at intersections that are photo enforced. Mr. Pavlich asked why these studies are not available on the City's website for review. Mr. Pavlich said there is a revenue component associated with the program and the goal is to reduce the number of accidents and severity. Mr. Pavlich said the program is to promote safety and not revenue but based on data this is dubious. In 2011 the former Chandler Vice Mayor Jack Sellers had the same concerns. Mr. Pavlich said Councilmember Orlando at the time questioned why the City would have to pay the operating company for unsuccessful tickets as the City would have the burden of the cost. Mr. Pavlich said Paradise Valley was forced to refund over 1,000 citations after being accused of shortening its yellow light in order to maximize red light tickets issued.

MR. PAVLICH asked if the burden and cost justifies retaining this program. Mr. Pavlich said in 2016 Chandler contracted with Redflex to operate the cameras. In 2017 Redflex settled a \$20 million bribery scheme in Chicago and the former CEO was sentenced to 30 months in federal prison and ordered to pay \$2 million in restitution for conspiracy to commit bribery in several states. The former Redflex Vice President also used

bribery in other states including Arizona. The City now contracts Verra Mobility which was sued in 2020 in a class action lawsuit for unfair practices that harm consumers. Mr. Pavlich asked if the City has safeguards to ensure they are not victims of predatory practices. The criteria for an actionable activation in Exhibit B is very weak and easily exploitable. These cameras are unconstitutional and violate a citizen's right to privacy and their right to face their accuser. The National Motors Association agrees with this opinion as does the Supreme Court of Missouri. Mr. Pavlich said red light cameras are prohibited in other states. The money from this contract should be used for speed readers and constitutional enforceable mechanisms that we know work.

VICE MAYOR STEWART asked if staff could provide more information to Mr. Pavlich on how the City audits companies like Verra Mobility.

MAYOR HARTKE said this topic has many that are for and against and Council would vote as they look at these issues.

COUNCILMEMBER HARRIS said there were some powerful testimonies that he would like to look further into. Councilmember Harris said he wanted to know more about how the contract came to the City. Councilmember Harris said he was concerned about the timing of the yellow lights and wanted more information. Councilmember Harris said also had concerns about a third party surveilling the citizens. Councilmember Harris said he received many emails regarding this topic with 39 in support and 4 against. Because the community seems to desire to have the program regardless of his personal beliefs Councilmember Harris would support the program.

COUNCILMEMBER LOPEZ said he understood both sides and the concerns of government overreach, but it comes down to the safety of the intersections. Councilmember Lopez said when looking at the data for Chandler specifically, it supports that the program works. Councilmember Lopez said this is another tool in the toolbox and he was not in support of expanding the program and keep the program to target intersections that are high volume or high risk.

VICE MAYOR STEWART asked if he could make an amendment to the motion.

KELLY SCHWAB, City Attorney, said there is a motion and a second that has to be voted on. A motion to amend could be made, but must have a second before it is voted on.

VICE MAYOR STEWART said he wanted to make a motion to amend to wait until more information is received regarding Councilmember Harris's questions. Vice Mayor Stewart said if this is truly about safety to amend the motion to a referendum and decide what the City feels at the next election. Vice Mayor Stewart said he would like to amend this to issue a warning first.

MAYOR HARTKE said there could only be one amendment and clarified the amendment was to have a warning go out the first time someone is cited.

VICE MAYOR STEWART said the first time someone goes through a red light they would get a warning.

MAYOR HARTKE asked if that was an acceptable amendment.

KELLY SCHWAB, City Attorney, said the original motion was to approve or not approve a contract. Ms. Schwab said her recommendation would be to vote on the original motion and then the motion for a warning would be treated separately. They are unrelated as one is about a contract and the other is about process.

VICE MAYOR STEWART said he appreciated Councilmember Harris reaching out to the community about this item, but did not think it was fair to enter those here. Vice Mayor Stewart said he invited one person to speak and those in favor had more time to speak than those who opposed. Vice Mayor Stewart said this is about safety and trust. There is a lot of concern about trust with the police and they need to do things that are transparent. The police should communicate with residents when they make a mistake and not fine them every time. Vice Mayor Stewart said there were many constitutional violations with this and would vote no on this item.

COUNCILMEMBER ROE said people have their beliefs on both sides of this subject and care deeply. Councilmember Roe said along the way police officers drifted from being peace keepers to enforcers. Councilmember Roe said there have been real efforts with Chandler's Police Department to change that with community relations and being in the community. There are many great cities that do not have this and they have safe streets. Councilmember Roe said he did not support this item.

COUNCILMEMBER ELLIS said she was thinking about someone not getting their loved ones home because someone hit them at the red light. Councilmember Ellis said she has seen it happen over and over again. It is not possible to leave here tonight thinking that this has nothing to do with safety. Councilmember Ellis said anytime they want to change behavior there has to be something to force the person to change that behavior. Councilmember Ellis said if someone knows they are only going to get a warning then there is nothing to create that change. It is imperative to think about the families that lose their loved ones at intersections. Councilmember Ellis said she would be voting yes on this item.

COUNCILMEMBER ORLANDO said he looked at this issue from the safety issue and has always done so. Councilmember Orlando said the Councilmembers should get the data and they could debate statistics all night. Councilmember Orlando asked if this was approved it is a contract.

MS. SCHWAB said yes.

COUNCILMEMBER ORLANDO said the verbs and nouns in the contract are binding.

MS. SCHWAB said yes and she was rethinking her prior statement.

COUNCILMEMBER ORLANDO said they could not change the contract and if they do vote on amendment it may not happen because the vendor may not do it.

MS. SCHWAB said Councilmember Orlando is correct. Council is voting on a contract and the process is in the contract.

COUNCILMEMBER LOPEZ said the process is in the citation done by the officer. The contract is for the vendor to send the photos and then the officer issues the citation so that process is in the City's hands.

MS. SCHWAB said she did not know the exact process is in the contract as this was an amendment to an existing contract. Ms. Schwab said if Vice Mayor Stewart wanted to proceed with the amendment for warnings to stipulate it complies with contractual obligations.

MAYOR HARTKE said the motion before Council is the contract. Mayor Hartke said he would vote yes as it is a safety issue. Mayor Hartke said he believed this would make the streets safer and it is something they owe the citizens.

VICE MAYOR STEWART asked if he could make an amendment as they have many red light cameras in their less affluent areas of the City and it is not fair.

MAYOR HARTKE said they are voting on the contract and what they do with the contract is something else. Mayor Hartke suggested Vice Mayor Stewart work with the Police Chief on changing the process as it is not an amendment to the contract.

ACTION AGENDA – MOTION AND VOTE

COUNCILMEMBER ORLANDO MOVED TO APPROVE ACTION AGENDA ITEM NO. 38 OF THE APRIL 22, 2021, CITY COUNCIL MEETING; SECONDED BY COUNCILMEMBER LOPEZ.

MOTION TO APPROVE THE CONSENT AGENDA CARRIED BY MAJORITY (5-2) VICE MAYOR STEWART AND COUNCILMEMBER ROE DISSENTING.

ACTION AGENDA

38. Agreement No. PD5-961-3521, Amendment No. 1, with American Traffic Solutions Inc., dba Verra Mobility, for Photo Enforcement
Move City Council approve Agreement No. PD5-961-3521, Amendment No. 1, with American Traffic Solutions, Inc., dba Verra Mobility, for photo enforcement, in a combined amount not to exceed \$2,500,000, for the period of five years beginning April 1, 2021 through March 31, 2026.

BACKGROUND FROM COUNCIL MEMO:

The City first entered into an agreement for the photo enforcement program in February 2007. On September 24, 2015, City Council approved the renewal of this contract through March 31, 2021, with the option of up to one five-year extensions. The goal of the photo enforcement program is to reduce overall accidents and further reduce the severity of accidents that do occur. Studies conducted in Chandler show that there is a statistically significant reduction in accidents at intersections that are photo enforced. The Police Department's experience with photo enforcement as a tool to reduce accidents and increase traffic safety has been positive.

Expert witnesses will be provided by the Contractor as reasonably necessary to establish the accuracy, calibration, maintenance, repair records, technical operations, and effectiveness of the Axis photo enforcement system for contested citations. After presentation of such testimony, the City may request additional testimony from a Contractor expert witness for challenges beyond standard violation complaint appearances. Testimony by all Contractor witnesses will be provided at no additional cost to the City. In the event that this program generates positive cash flow, all funds will be used by the Police Department and Traffic Engineering for traffic safety enhancements, including signage, roadway improvements, and other items that increase traffic safety in Chandler. If the contract is terminated for convenience, the Contractor will be compensated for non-amortized costs incurred for installation. Staff and the Contractor will collaborate for a seamless transition.

UNSCHEDULED PUBLIC APPEARANCES

None.

CURRENT EVENTS

1. Mayor's Announcements

MAYOR HARTKE said Council approved the Airport Master Plan Update and would work on the Airpark Area Plan to guide future land use surrounding the airport. The City's consultant would be working with residents on input for the final recommendation to Council. There is a meeting on April 29 from 6 to 7:30 p.m. The airport is an important economic engine for the community.

2. Council's Announcements

COUNCILMEMBER HARRIS said this week is National Volunteer Week and Council surprised the winners of Chandler's Volunteer Recognition Awards. These volunteers made an incredible impact on the community over the past year. Councilmember Harris said he surprised Eram Khan with the American Muslim Women's Association for the Multitasking Maestro Award.

MAYOR HARTKE thanked Council for being involved and for getting this program started.

COUNCILMEMBER LOPEZ said volunteers are important for keeping the community engaged and making Chandler a great city.

Councilmember Lopez thanked the Public Works and Utilities department as two staff members were recognized nationally for their hard work. Tonight, Council approved a partnership with Intel that would supplement reclaimed water supplies. This supply would have many benefits and meet growing demands and enhance wildlife habitats. Councilmember Lopez thanked staff for continuing to find innovative ways to serve the community.

VICE MAYOR STEWART said he appreciated the discussion with Council on the Action Item. Vice Mayor Stewart thanked the Police Department for having a 10 year low in their most violent crimes. It is a remarkable feat despite every challenge they have faced over the last few years.

COUNCILMEMBER ROE thanked Council for their discussion. Councilmember Roe announced Sue Mayo received the Sunbeam Award for her volunteer work at AZCEND.

COUNCILMEMBER ELLIS said April is diversity month and this is a time to recognize the many cultures in Chandler. Councilmember Ellis said she recently took a tour with Kim Moyers, Cultural Development Director, of Celebration Plaza. Councilmember Ellis said former Mayor Payne is also celebrated there as the first black mayor in Arizona. Councilmember Ellis said she looked forward to continuing that legacy in Chandler and celebrate diversity and encouraged everyone to go to Celebration Plaza.

3. City Manager's Announcements

MR. WRIGHT recognized the airport staff and the Airport Commission for their work on the Airport Master Plan.

MR. WRIGHT said they have had many Council meetings this week and tomorrow would be the all-day Budget Briefing.

ADJOURNMENT: The meeting was adjourned at 7:28 p.m.

ATTEST: _____
City Clerk

Mayor

Approval Date of Minutes: May 13, 2021

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 Chandler, Arizona, held on the 22nd day of April, 2021. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of May, 2021.

City Clerk