

Meeting Minutes

City Council Regular Meeting

July 24, 2021 | 6:00 p.m.
Chandler City Council Chambers
88 E. Chicago St., Chandler, AZ



Call to Order

The meeting was called to order by Mayor Kevin Hartke at 6:00 p.m.

Roll Call

Council Attendance

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

Appointee Attendance

Joshua Wright, Acting City Manager
Debra Stapleton, Assistant City Manager
Kelly Schwab, City Attorney
Dana DeLong, City Clerk

*Vice Mayor Stewart attended telephonically.

Invocation

The invocation was given by Fr. Robert S. Aliunzi, St. Andrew the Apostle Catholic Church.

Pledge of Allegiance

The Pledge of Allegiance was led by Councilmember Orlando.

Consent Agenda and Discussion

Discussion was held on item 7.

City Clerk

1. June 2021 City Council Meeting Minutes

Move City Council approve the Council Meeting minutes of the Work Session of June 7, 2021, Study Session of June 7, 2021, Special Meeting of June 10, 2021, Regular Meeting of June 10, 2021, Special Meeting - Budget Adoption of June 10, 2021, Special Meeting (8:30 am) of June 14, 2021, and Special Meeting (1:00 pm) of June 14, 2021.

City Manager

2. Resolution No. 5496 SRP 230kV Transmission Project Agreement
Move City Council pass and adopt Resolution No. 5496 authorizing an Agreement with Salt River Project Agricultural Improvement and Power District (SRP) regarding the location and under-grounding of a 230kV transmission system in South Chandler and authorizing the Mayor to execute the Agreement; and move City Council approve a General Fund, Contingency account transfer to the Water Operating Fund for \$4.350M and Wastewater Operating Fund for \$10.150M, allowing for their fund balances to be spent for the needed City utility line relocations.

Cultural Development

3. Purchase of Downtown Sidewalk Re-Coating Services
Move that City Council approve the purchase of downtown sidewalk re-coating services, from Creative Paving Solutions, Inc., utilizing the City of Scottsdale Contract No. 20PB033, in an amount not to exceed \$200,000, and authorize the City Manager or designee to sign a linking agreement with Creative Paving Solutions, Inc.
4. Resolution No. 5493 Authorizing the Enhanced Municipal Services District (EMSD) Agreement for Fiscal Year 2021-2022
Move City Council pass and adopt Resolution No. 5493, authorizing the Enhanced Municipal Services District (EMSD) Agreement for Fiscal Year 2021-2022 between the City of Chandler and the Downtown Chandler Community Partnership, and authorizing the City's voluntary contribution to the EMSD in the amount of \$118,804.

Development Services

5. Introduction of Ordinance No. 4974, ANX20-0004 Annexation and initial City Zoning of approximately 5 acres located at the southeast corner of Arizona Avenue and Appleby Road
Move City Council introduce and tentatively adopt Ordinance No. 4974 approving the annexation and initial City zoning of approximately 5 acres located at the southeast corner of Arizona Avenue and Appleby Road, as recommended by Planning staff.
6. Resolution No. 5484 and Introduction and Tentative Adoption of Ordinance No. 4975, PLH20-0050/PLH20-0051/PLT21-0015 The Ashley Area Plan

Move City Council adopt Resolution No. 5484 Chandler Airpark Area Plan (CAAP) amendment, PLH20-0050 The Ashley, located at the southeast corner of Arizona Avenue and Appleby Road, as recommended by Planning and Zoning Commission.

Rezoning

Move City Council introduce and tentatively adopt Ordinance No.4975 approving PLH20-0051 The Ashley, Rezoning from Agricultural District (AG-1) to Planned Area Development for multi-family residential (PAD/MF-2) located at the southeast corner of Arizona Avenue and Appleby Road, subject to the conditions as recommended by Planning and Zoning Commission.

Preliminary Development Plan

Move City Council approve Preliminary Development Plan PLH20-0051 The Ashley for site layout and building architecture located at the southeast corner of Arizona Avenue and Appleby Road, subject to the conditions as recommended by Planning and Zoning Commission.

Preliminary Plat

Move City Council approve Preliminary Plat PLT21-0015 The Ashley, located at the southeast corner of Arizona Avenue and Appleby Road, subject to the condition recommended by Planning and Zoning Commission.

7. Introduction and Tentative Adoption of Ordinance No. 4997, PLH20-0030/PLT20-0020 Schrader Farms Business Park

Rezoning

Move City Council introduce and tentatively adopt Ordinance No. 4997 approving PLH20-0030 Schrader Farms Business Park, located at the northwest corner of McQueen and Queen Creek roads, rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for a light industrial and office business park with a Mid-Rise Overlay and a commercial corner, subject to the conditions as recommended by Planning and Zoning Commission.

Preliminary Development Plan

Move City Council approve Preliminary Development Plan PLH20-0030 Schrader Farms Business Park, located at the northwest corner of McQueen and Queen Creek roads, for site layout and building architecture, subject to the conditions as recommended by Planning and Zoning Commission.

Preliminary Plat

Move City Council approve Preliminary Plat PLT20-0020 Schrader Farms Business Park, located at the northwest corner of McQueen and Queen Creek roads, subject to the condition recommended by Planning and Zoning Commission.

COUNCILMEMBER ORLANDO asked for information regarding the addition to the item.

JOSHUA WRIGHT, Acting City Manager, said the additional condition was added to clarify the intent of the project and ensure it does not significantly change from what Council has been shown in the site plan. This is to clarify and preserve the intent of the project as proposed with the option to send it back to Council in the future.

DEREK HORN, Development Services Director, said staff wants to ensure that all site plans presented are in substantial conformance with what Council approved. Mr. Horn said due to concerns expressed on this project, staff wanted to reinforce that if it is not in substantial conformance with the Council approved plan that it is sent back to Council.

COUNCILMEMBER ORLANDO asked why it was not included earlier.

MR. HORN said staff occasionally does add additional stipulations if there are any concerns that come up between Planning and Zoning Commission meetings and City Council meetings.

8. PLH20-0072/PLT21-0016 Chandler Airpark Technology Center (Staff Requests Continuance to the August 12, 2021, City Council Meeting.)
Move City Council continue PLH20-0072/PLT21-0016 Chandler Airpark Technology Center, located at the southwest corner of Gilbert Road and Insight Way, to the August 12, 2021, City Council meeting, as recommended by Planning and Zoning Commission.
9. PDP PLH20-0069 Chandler Corporate Center Lots 8 & 10 (Staff Requests Continuance to the August 12, 2021, City Council Meeting.)
Move City Council continue PLH20-0069 Chandler Corporate Center Lots 8 & 10, located north of the northwest of Chandler Boulevard and McClintock Drive, to the August 12, 2021, City Council meeting, as recommended by Planning and Zoning Commission.

Fleet and Facilities

10. Agreement No. BF6-910-3566, Amendment No. 3, with Arizona Elevator Solutions, Inc., for Elevator Maintenance Repair and Service
Move City Council approve Agreement No. BF6-910-3566, Amendment No. 3, with Arizona Elevator Solutions, Inc., for elevator maintenance repair and service, increasing the spending limit by \$250,000, for a revised amount not to exceed \$315,150, for the existing term ending August 31, 2021.
11. Agreement No. FS2-928-4310, Auto Body Repair Service
Move City Council approve Agreement No. FS2-928-4310, with Allard Collision, LLC, and Arizona Truck and Coach, LLC, for auto body repair service, in a combined amount not to exceed \$250,000, for the period of July 1, 2021, through June 30, 2022, with the option of up to four one-year extensions.

Fire Department

12. Resolution No. 5489, Renewal of Agreement between the City of Chandler and Dignity Health to provide Administrative Medical Direction to Chandler Fire Department Paramedics
Move City Council pass and adopt Resolution No. 5489 renewing an Agreement between the City of Chandler and Dignity Health to provide administrative medical direction from a base hospital for Chandler Fire Department (CFD) Certified Emergency Paramedics as required by Arizona law.
13. Resolution No. 5491, Agreement with Dignity Health for Neonatal Resuscitation Education
Move City Council pass and adopt Resolution No. 5491 Adopting an Agreement between the City of Chandler and Dignity Health to provide required Neonatal Resuscitation Provider education for Chandler Fire Department (CFD) paramedic students.

Information Technology

14. Purchase of Hardware and Software for Network Infrastructure
Move City Council approve the purchase of hardware and software for network infrastructure from Sentinel Technologies, Inc., utilizing 1GPA Contract No. 21-02PV-08, in the amount of \$93,886, and authorize the City Manager or designee to sign a linking agreement with Sentinel Technologies, Inc.

Law

15. Settlement in Jennifer Przybyla vs. City of Chandler
Move City Council to authorize the settlement in the matter of Jennifer Przybyla vs. City of Chandler in full and final satisfaction of all claims asserted without admitting liability for the amount of \$300,000 and further authorize the City Attorney to sign any necessary documents in such forms as are approved by the City Attorney to effectuate the terms and conditions of settlement in this action.
16. Settlement in Kathleen Renee Clum vs. City of Chandler Settlement in Anthony Jose Cano, Sr. vs. City of Chandler
Move City Council to authorize the settlement in the matter of Kathleen Renee Clum and Anthony Jose Cano, Sr. vs. City of Chandler in full and final satisfaction of all claims asserted without admitting liability for the amount of \$1,125,000 and further authorize the City Attorney to sign any necessary documents in such forms as are approved by the City Attorney to effectuate the terms and conditions of settlement in this action.
17. Renewal of Commercial Insurance and Services for Fiscal Year 2021-22
Move City Council approve the renewal of commercial insurance and services with recommended insurance carriers for FY 2021-22 to protect the City against financial loss in the total amount not to exceed \$2,308,258.

Management Services

18. Ordinance No. 4970, Levying Upon the Assessed Valuation of the Property Within the City of Chandler.
Move City Council to pass and adopt Ordinance No. 4970, levying upon the assessed valuation of the property within the City of Chandler, Arizona, subject to taxation a certain sum upon each one hundred dollars (\$100) of assessed valuation sufficient to raise the amount estimated to be required in the annual budget, less the amount to be received from other sources of revenue; providing funds for various bond redemptions, for the purpose of paying interest upon bonded indebtedness and providing funds for general municipal expenses, all for the Fiscal Year ending the 30th day of June 2022.
19. Agreement No. MS1-926-4312 for Emergency Environmental Response and Remediation.
Move that City Council award Agreement No. MS1-926-4312 to Emergency Environmental Services; GrayMar Environmental Services, Inc.; and Kary Environmental Services for emergency environmental response and remediation services, in a combined amount not to exceed \$150,000, for the period of July 1, 2021, through June 30, 2022.
20. New License Series 12, Restaurant Liquor License Application for Ramen Hood Chandler, LLC, DBA Ramen Hood
Move for recommendation to the State Department of Liquor Licenses and Control for approval of the State Liquor Job No. 149960, a Series 12 Restaurant Liquor License for James Xie, Agent, Ramen Hood Chandler, LLC, DBA Ramen Hood, located at 1940 W. Chandler Boulevard, Suite 12, and approval of the City of Chandler Series 12 Restaurant Liquor License No. 300794.
21. Resolution No. 5494, Designating the Chief Fiscal Officer for Officially Submitting the Fiscal Year 2022 Expenditure Limitation Report to the Arizona Auditor General
Move to pass and adopt Resolution No. 5494, designating the Chief Fiscal Officer for officially submitting the Fiscal Year 2022 Expenditure Limitation Report to the Arizona Auditor General.

Mayor and Council

22. Employment Agreement for City Magistrate Patrick Gann
Move City Council approve the City Magistrate employment agreement with Patrick Gann for the term of July 1, 2021, through June 30, 2023, with an annual base salary of \$170,881.08 for the first year, and \$176,007.51 for the second year.
23. Employment Agreement for City Magistrate Alexa Nolle

Move City Council approve the City Magistrate employment agreement with Alexa Nolle for the term of July 1, 2021, through June 30, 2023, with an annual base salary of \$170,881.08 for the first year, and \$176,007.51 for the second year.

24. City Attorney Employment Agreement

Move City Council approve the City Attorney Employment Agreement with Kelly Schwab for the term of July 1, 2021, through June 30, 2022, at an annual base salary of \$213,690.

25. City Clerk Employment Agreement

Move City Council approve the City Clerk Employment Agreement with Dana DeLong for the term of July 1, 2021, through June 30, 2022, at an annual base salary of \$150,921.

26. Appointment of Presiding City Magistrate and Employment Agreement

Move City Council appoint Alicia Skupin as Presiding City Magistrate and approve an Employment Agreement for the term of July 1, 2021, through June 30, 2023, with an annual base salary of \$195,000, and a three percent (3%) increase for the second year of the term.

Police Department

27. Agreement No. PD9-200-4038, Amendment No. 3, for Police Uniforms

Move City Council approve Agreement No. PD9-200-4038, Amendment No. 3, with Skaggs Companies Inc., for police uniforms, in an amount not to exceed \$150,000, for the period of July 1, 2021, through June 30, 2022

28. Purchase of Police Firearm Simulator Equipment

Move City Council approve the purchase of a police firearm simulator from VirTra, Inc., utilizing the State of Arizona Contract No. ADPS17-152755, in the amount of \$256,136.49, and authorize the City Manager or designee to sign a linking agreement with VirTra, Inc.

29. Agreement No. PD8-680-3892, Amendment No. 3, for Outer Vest Carriers

Move City Council approve Agreement No. PD8-680-3892, Amendment No. 3, with Universal Police Supply, for outer vest carriers, in an amount not to exceed \$78,625, for the period of July 1, 2021, through June 30, 2022.

Public Works and Utilities

30. Sole Source Purchase of Wastewater Membrane Modules

Move City Council approve the sole source purchase of wastewater membrane modules, from SUEZ Water Technologies & Solutions, Inc., in an amount not to exceed \$300,000.

31. Agreement No. WW0-885-4137, Amendment No. 1, with In-Pipe Technology, LLC, and USP Technologies, for the Collection System Odor and Corrosion Control

Move City Council approve Agreement No. WW0-885-4137, Amendment No. 1, with In-Pipe Technology, LLC, and USP Technologies, for the collection system odor and corrosion control, in a combined amount not to exceed \$500,000, for a one-year period, July 1, 2021, through June 30, 2022.

32. Agreement No. ST0-988-4175, Amendment No. 1, with Reyes & Sons Landscaping, LLC, for Landscape Maintenance Areas 1 through 4
Move City Council approve Agreement No. ST0-988-4175, Amendment No. 1, with Reyes & Sons Landscaping, LLC, for landscape maintenance areas 1 through 4, in an amount not to exceed \$1,487,219.40, for a one-year period, July 6, 2021, through July 5, 2022.
33. Agreement No. ST0-988-4194, Amendment No. 1, with Brightview Landscape Services, Inc., for Revegetation, Storm Repair, and Maintenance of City Streets
Move City Council approve Agreement No. ST0-988-4194, Amendment No. 1, with Brightview Landscape Services, Inc., for revegetation, storm repair, and maintenance of City streets, in an amount not to exceed \$500,000, for a one-year period, August 1, 2021, through July 31, 2022.
34. Agreement No. PW1-925-4350, with Mechanical Solutions, Inc., for Vibration Diagnostic Services
Move City Council approve Agreement No. PW1-925-4350, with Mechanical Solutions, Inc., for vibration diagnostic services, in an amount not to exceed \$120,000.
35. Agreement No. MU0-962-4219, Amendment No. 1, with Cartright's Drain Service, Inc.; PM Plumbing and Mechanical, Inc.; RKS Plumbing and Mechanical, Inc.; and TALIS Construction Corporation, for Plumbing Services
Move City Council approve Agreement No. MU0-962-4219, Amendment No. 1, with Cartright's Drain Service, Inc.; PM Plumbing and Mechanical, Inc.; RKS Plumbing and Mechanical, Inc.; and TALIS Construction Corporation, for plumbing services, increasing the combined contract limit by \$500,000 for a revised contract amount not to exceed \$1,000,000, for the existing term ending October 31, 2021.

Consent Agenda Motion and Vote

Councilmember Roe moved to approve the Consent Agenda of the June 24, 2021, with the additional stipulation on Consent Agenda Item No. 7, Regular City Council Meeting; Seconded by Councilmember Ellis.

Motion carried unanimously (7-0).

Discussion and Direction

36. Discussion and Direction to staff to include review of the Draft Non-Discrimination Resolution in the Diversity, Equity, and Inclusion Study Approved as Part of the Fiscal Year 2021-2022 Budget, and Direct Staff to Engage a Public Process to Develop Recommendations for the City Council, as Requested by Mayor Hartke.

MAYOR HARTKE introduced the item and said Council had asked for a resolution to be brought forward but said he wanted to have those conversations and any Council actions in connection with this study.

MAYOR HARTKE invited the public to speak.

EDUARDA SCHRODER, 3480 W. Ross Dr., Chandler, said minority communities often experience micro aggressions. This can happen in employment where someone is fired because of their sexual orientation. If people speak up about it, someone may suffer further discrimination. In the area of healthcare, LGBT youth especially those who are disowned by their families face poverty and many hardships. If they seek healthcare it may not be gender affirming healthcare and there are a lack of providers trained to care for trans youth. These kids may also be denied care depending on their health insurance. Ms. Schroder said as a parent, she does not see why Council would not vote on an ordinance and asked Council to be leaders in the community and embrace the topic, learn, and take time know individuals in the LGBT community., Ms. Schroder encouraged Council to vote yes on an ordinance.

JUDE SCHRODER 3480 W. Ross Dr., Chandler, said they are bisexual and transgender and was born and raised in Chandler and there have not been any protections for people like them. They think about it almost every day. If someone is not part of the LGBT community or a marginalized group, someone might not understand that just living daily life is difficult without a non-discrimination ordinance or some sort of protection. They think about where they want to live in the future, this is of the utmost importance to have protections for people like them. They urged the Council to not only consider a resolution but an ordinance codifying protections for others. They are concerned about potentially being denied housing, employment, or a promotion because they live authentically. Discrimination happens every day. If Council is trying to create a welcoming and safe community, then this is essential to that mission. If Chandler is diverse and inclusive, this is the bare minimum to create that culture.

MAYOR HARTKE said there was a written public comment submitted and read the comment.

DAVID SCHLESINGER, 5161 W Ivanhoe St, wrote:

Greetings, regarding anti-discrimination policies or practices. Chandler is considered one of the best ordered, and among the most desirable, municipalities in the valley. People from all over come here to live, raise families, and to work in the local industries. Discriminating against any people on the basis of superficial appearance, historic nationality or gender is contrary to the spirit that makes this city

prosperous and successful. America is about freedom and equal opportunity for all. We should support it.

MAYOR HARTKE said rather than taking a vote without public comment they would fold this into the study and greater conversation. Mayor Hartke said that was his direction to the Acting City Manager.

COUNCILMEMBER HARRIS said he wanted to emphasize as they move forward with this discussion to consider the comments they heard tonight, comments received online, and all other input as they put forth the study.

COUNCILMEMBER ORLANDO asked where they were at today and what the next steps were.

MR. WRIGHT said this was one of the recommendations that came from the Human Relations Commission in 2020 requesting a consultant be engaged to advise on best practices as it relates to diversity, equity and inclusion. Mr. Wright said it was budgeted and approved for fiscal year 2021/2022. Mr. Wright said they are addressing scope of work for that and would take the comments heard tonight to help define that. The requirements would be sent through the City's RFP process and the contract would come back to Council. After that, the study process would begin with the consultant.

COUNCILMEMBER ORLANDO asked what the timeframe was.

MR. WRIGHT said the money would be available July 1 and staff is going to move quickly so if there are budget impacts as part of the study there would be time to include that in the fiscal year 2022/2023 budget. Mr. Wright said he did not have an exact timeline until the consultant is engaged but it would be considerably sooner rather than later so they would have information in time for the budget.

COUNCILMEMBER ORLANDO said there has been a lot of miscommunication out there about what the City has done and not done. Councilmember Orlando asked staff to include a poll asking these important questions to come back with true data points. Councilmember Orlando said he wanted more concrete information on what support is out there for the community. Councilmember Orlando said this would be a very public and transparent process. Councilmember Orlando asked if the Human Relations Commission would be involved as well.

MR. WRIGHT said yes.

COUNCILMEMBER ELLIS said she wanted to ensure that residents were involved in the process. This is where they live and work and it is important for them to be part of the process so there is an understanding of what it means for their lives. Councilmember Ellis said the survey must

reflect the population at large for everyone to be represented. Councilmember Ellis asked the people to rise up to the occasion and show who they are when it comes to diversity, equity, and inclusion.

COUNCILMEMBER HARRIS said they could use City Scope which is sent out in the utility bill to encourage people to take the survey and how this impacts them. Councilmember Harris said they need to continue to be transparent and have discussions so that everyone is part of the conversation as there are multiple groups being represented.

MAYOR HARTKE asked the City Manager to proceed with this and Council looked forward to seeing the process unfold.

Informational

37. Study Session & Regular Minutes of May 5, 2021, Planning and Zoning Commission
38. Special Event Liquor Licenses and Temporary and Permanent Extensions of Liquor License Premises Administratively Approved.

Unscheduled Public Appearances

None.

Current Events

Mayor's Announcements

MAYOR HARTKE said five employment contracts have been approved for appointed positions, including two magistrates, city attorney, city clerk, and presiding city magistrate. Mayor Hartke thanked them for their continued commitment to serving the community.

MAYOR HARTKE announced the July 4th Fireworks Spectacular at Tumbleweed Park where there would be a drive-in style event and encouraged residents to get their parking pass early. Mayor Hartke encouraged everyone to stay safe and follow the rules for fireworks.

Council's Announcements

COUNCILMEMBER HARRIS said last weekend they celebrated Juneteenth and thanked all the local organizations and staff to make the weekend memorable.

COUNCILMEMBER LOPEZ congratulated the appointees. Councilmember Lopez encouraged people to watch their children around water and to practice water safety.

COUNCILMEMBER ELLIS announced Diversity Mini Grants would be available July 1 and to apply. The money would be to promote inclusion in Chandler. Councilmember Ellis thanked the Human Relations Commission for putting this together.

COUNCILMEMBER ORLANDO wished his wife a happy 43rd anniversary.

City Manager's Announcements

None.

Adjourn

The meeting was adjourned at 6:31 p.m.

ATTEST: _____
City Clerk

Mayor

Approval Date of Minutes: July 12, 2021

Certification

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of Regular Meeting of the City Council of Chandler, Arizona, held on the 24th day of June 2021. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of July, 2021.

City Clerk