

# Meeting Minutes

## City Council Regular Meeting

October 14, 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 6:11 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  
Dawn Lang, Deputy City Manager/ CFO  
Kelly Schwab, City Attorney  
Dana DeLong, City Clerk

\*Councilmember Roe attended telephonically.

### Invocation

The invocation was given by Pastor Victor Hardy, Congregational Church of the Valley.

### Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Hartke.

### Consent Agenda and Discussion

#### Airport

1. Agreement No. AI0-909-4218, Amendment No. 1, with Everest Communications, LLC, for Airport Tower Maintenance

Move City Council approve Agreement No. A10-909-4218, Amendment No. 1, with Everest Communications, LLC, for airport tower maintenance, in an amount not to exceed \$60,000, for the period of November 1, 2021, through October 31, 2022.

### City Clerk

2. Board and Commission Appointments

Move City Council approve the Board and Commission appointments as recommended.

3. Resolution No. 5529, Setting the 2022 City Council Regular Meeting Schedule

Move City Council pass and adopt Resolution No. 5529, setting the 2022 City Council Regular Meeting schedule.

### City Manager

4. Introduction and Tentative Adoption of Ordinance No. 4991, Establishing a Military and Veterans Affairs Commission

Move City Council introduce and tentatively adopt Ordinance No. 4991, forming a Military and Veterans Affairs Commission.

MAYOR HARTKE moved Consent Agenda Item No. 4 to Action.

5. Professional Services Agreement No. 4347, with Cooperative Personnel Services, dba CPS HR Consulting, for a Diversity, Equity, and Inclusion Assessment

Move City Council approve Professional Services Agreement No. 4347, with Cooperative Personnel Services, dba CPS HR Consulting, for a diversity, equity, and inclusion assessment, in an amount not to exceed \$56,040.

MAYOR HARTKE moved Consent Agenda Item No. 5 to Action.

### Development Services

6. Resolution No. 5517, PLH20-0053 Chandler Airpark Area Plan Update; and Resolution No. 5520, Airport Conflicts Evaluation Process

Move City Council pass and adopt Resolution No. 5517, PLH20-0053 Chandler Airpark Area Plan Update, adopting an updated Chandler Airpark Area Plan, located within the area surrounding the Chandler Municipal Airport, bounded by Loop 202 Santan Freeway, Gilbert Road, Ocotillo Road, and Arizona Avenue; clarifying recommended future land uses and establishing conceptual design guidelines, as recommended by Planning and Zoning Commission.

Move City Council approve Resolution No. 5520, adopting an Airport Conflicts Evaluation process prescribing the Airport Commissions's review process for Area Plan Amendments, Rezoning and Preliminary Development Plan applications for properties located within the



Chandler Airpark Area Plan; adopting revisions to the Airport Conflicts Evaluation process as recommended by the Airport Commission and the Planning and Zoning Commission.

### **Economic Development**

7. Resolution No. 5528, authorizing a Development Agreement between the City of Chandler and Intel Corporation  
Move City Council pass and adopt Resolution No. 5528, authorizing a Development Agreement between the City of Chandler and Intel Corporation, a Delaware corporation, for the financing and construction of public infrastructure needed to serve Intel's expansion of its manufacturing facility located at 4500 S. Dobson Road.

### **Fleet and Facilities**

8. Agreement No BF8-936-3802, Amendment No. 3, for Fire Protection Services  
Move City Council approve Agreement No. BF8-936-3802, Amendment No. 3, with Western States Fire Protection, for fire protection services, in a total amount not to exceed \$962,500 for two years, September 1, 2021, through August 31, 2023.

### **Fire Department**

9. Resolution No. 5515, Authorizing a Grant Agreement with the Governor's Office of Highway Safety for the Federal Fiscal Year (FFY) 2022 Award, in the Area of Occupant Protection, to continue the Child Safety Seat Clinic Program  
Move City Council pass and adopt Resolution No. 5515, authorizing the City of Chandler to enter into a Grant Agreement with the Governor's Office of Highway Safety for the Federal Fiscal Year (FFY) 2022 award, in the area of Occupant Protection, in the amount of \$29,311.
10. Resolution No. 5524, Authorizing a Grant Agreement with the Arizona Department of Homeland Security for the 2021 Urban Area Security Initiative (UASI) Assessment Teams – Fire Terrorism Liaison Officers, for Equipment and Training  
Move City Council pass and adopt Resolution No. 5524, authorizing the City of Chandler to enter into a Grant Agreement with the Arizona Department of Homeland Security (AZDOHS) for the 2021 Urban Area Security Initiative (UASI) Assessment Teams – Fire Terrorism Liaison Officers, for equipment and training, in the amount of \$4,750, and authorizing the Fire Chief to implement provisions of the agreement.
11. Resolution No. 5525, Authorizing a Grant Agreement with the Arizona Department of Homeland Security for the 2021 Urban Area Security Initiative (UASI) Enhanced Rapid Response Fire Teams, for Equipment and Training  
Move City Council pass and adopt Resolution No. 5525, authorizing the City of Chandler to enter into a Grant Agreement with the Arizona Department of Homeland Security (AZDOHS) for the Urban Area Security Initiative (UASI) Enhanced Rapid Response Fire Teams, for



equipment and training, in the amount of \$108,941, and authorizing the Fire Chief to implement provisions of the agreement.

### Human Resources

12. Resolution No. 5519, Renewal Request to Industrial Commission of Arizona for Continued Exemption from Requirement to Post Security for Self-Insured Workers' Compensation Program

Move City Council pass and adopt Resolution No. 5519, renewing the request to the Industrial Commission of Arizona for continued exemption from requirement to post security for Self-Insurance Workers' Compensation Program.

### Information Technology

13. Agreement No. 4409, with NST Technologies, Inc., for Information Technology Consulting Services

Move City Council approve Agreement No. 4409, with NST Technologies, Inc., for Information Technology consulting services, in an amount not to exceed \$300,000, for a period of one year beginning October 15, 2021, through October 14, 2022, with the option of up to four one-year extensions.

### Management Services

14. Resolution No. 5527, Approving Reallocations for the Use of the American Rescue Plan Act (ARPA) Grant, and Remaining AZCares Grant Contingencies, as well as Allocation of General Fund From Items Now Funded With ARPA, to be Reallocated Based on Exhibit A, Beginning October 15, 2021.

Move City Council approve Resolution No. 5527, approving reallocations for the use of the American Rescue Plan Act (ARPA) Grant and remaining AZCares Grant Contingencies (217.1290.5911) in the amount of \$43,123,751, as well as \$7,652,044 of General Fund from items now funded with ARPA, to be reallocated as outlined in Exhibit A in the following City Council Strategic Framework Focus Areas and Goals: Economic Vitality, Innovation and Technology, Quality of Life, Neighborhoods, and Good Governance, beginning October 15, 2021.

15. FY 2021-22, Municipal Firefighter Cancer Reimbursement Fund Assessment per A.R.S. § 23-1703

Move City Council approve the payment to the Industrial Commission of Arizona (ICA), Municipal Firefighter Cancer Reimbursement Fund, in the amount of \$676,428.89, for Fiscal Year 2021-2022 assessment, and approve a budget transfer of \$676,428.89 from the General Fund, Management Services Department, Tax and License Division (101.1240.5816), to the Workers Compensation and Employer Liability Trust Fund, City Manager Department, Human Resources Division (736.1250.5618), to shift the payment pursuant to A.R.S. § 23-1703.



16. Ratification of Corrected Agreement No. PW2-936-4357  
Move City Council ratify the corrected Agreement No. PW2-936-4357, with Capital Pump and Equipment, LLC; Foster Electric Motor Service, Inc.; Hennesy Mechanical Sales, LLC; James, Cooke & Hobson, Inc.; Keller Electrical Industries, LLC; KP Ventures Well Drilling & Pump Co, LLC; Layne Christensen Company; Phoenix Pumps, Inc.; Pumpman Phoenix/Scott's AZ Electric Motor Repair; Southwest Waterworks Contractors PM, LLC, dba Pumpman Waterworks; and Weber Water Resources, LLC, for water and wastewater equipment maintenance and repair services.
17. Claims Report for the Quarter Ended September 30, 2021  
Move to accept the claims report for the quarter ending September 30, 2021, which is included with this memo as an attachment.
18. Purchase of Environmental Assessment Services  
Move City Council approve the purchase of environmental assessment services, from Wood Environment and Infrastructure Solutions, Inc., utilizing the Arizona Department of Environmental Quality (ADEQ) Contract No. CTR055988, in an amount not to exceed \$164,489.98, and authorize the City Manager or designee to sign a linking agreement with Wood Environment and Infrastructure Solutions, Inc.
19. Purchase of Street Signs and Hardware  
Move to approve the utilization of the City of Peoria Contract No. ACON19421, with Interwest Safety Supply, LLC, for the purchase of traffic signs and related hardware, in an amount not to exceed \$130,000.
20. License Series 12, Restaurant Liquor License Application for DLW Chicago Style Grill LLC, DBA Johnny's Greek & Burger Bar  
Move for recommendation to the State Department of Liquor Licenses and Control for approval of the State Liquor Job No. 156596, a Series 12, Restaurant Liquor License, for Denell Marie Cardenas, Agent, DLW Chicago Style Grill, LLC, DBA Johnny's Greek & Burger Bar, located at 4975 S. Alma School Road, and approval of the City of Chandler, Series 12, Restaurant Liquor License No. 301543.
21. License Series 12, Restaurant Liquor License Application for Games Group Hospitality, LLC, DBA K-38 Beach Mex Cantina  
Move for recommendation to the State Department of Liquor Licenses and Control for approval of the State Liquor Job No. 160601, a Series 12, Restaurant Liquor License, for Jeffrey Craig Miller, Agent, Games Group Hospitality, LLC, DBA K-38 Beach Mex Cantina, located at 1155 W. Ocotillo Road, Suite 1, and approval of the City of Chandler, Series 12, Restaurant Liquor License No. 301376.

22. New Liquor License Series 12, Restaurant Liquor License Application for POAF2, Inc., DBA Pork On A Fork BBQ  
Move for recommendation to the State Department of Liquor Licenses and Control for approval of the State Liquor Job No. 149578, a Series 12, Restaurant Liquor License, for Justin Daniel Erickson, Agent, POAF2, Inc., DBA Pork On A Fork BBQ, located at 1972 N. Alma School Road, and approval of the City of Chandler, Series 12, Restaurant Liquor License No. 300687.

### Police Department

23. Resolution No. 5523, authorizing an Intergovernmental Agreement between the City of Chandler and the City of Phoenix, and other identified cities, for the Award of the Edward Byrne Memorial Justice Assistance Grant (JAG) Program  
Move City Council pass and adopt Resolution No. 5523, authorizing an Intergovernmental Agreement (IGA) with the City of Phoenix, and other identified cities, for the award of the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2021, in the amount of \$44,750; authorizing the Chief of Police to sign the IGA and administer, execute, and submit the Agreement and all documents and other necessary instruments in connection with such Agreement.
24. Payment of Annual Operations and Maintenance Costs for Public Safety Radio System Infrastructure  
Move City Council approve the payment of operations and maintenance costs, system upgrade agreement, and narrow banding, for Fiscal Year 2021-2022, to the City of Phoenix, for participation in the Regional Wireless Cooperative, in an amount not to exceed \$564,081.
25. Service Agreement for Radio System Infrastructure Support  
Move City Council approve the annual service agreement with Motorola Solutions Inc., for radio system infrastructure support, in the amount of \$89,359, for the term of August 1, 2021, through July 31, 2022.
26. Sole Source Purchase of Leica RTC360 3D Scanner Kit  
Move City Council approve the sole source purchase of a Leica RTC360 3D Scanner Kit, from Surveyors Source, in the amount of \$121,861.85.

### Public Works and Utilities

27. Resolution No. 5526, Approving a Sustainable Water Service Agreement Between Stryker Sustainability Solutions, Inc., a Delaware Corporation, and the City of Chandler  
Move City Council pass and adopt Resolution No. 5526, approving a Sustainable Water Service Agreement between Stryker Sustainability Solutions, Inc., a Delaware Corporation,



and the City of Chandler allocating Tier II Water for a medical device reprocessing facility located at 6635 West Frye Road.

28. Purchase of Backhoe

Move City Council approve the purchase of a backhoe, from Empire Machinery and Caterpillar, Inc., utilizing Omnia Partners Contract No. 161534, in the amount of \$134,126.84, and authorize the City Manager or designee to sign a linking agreement with Empire Machinery and Caterpillar, Inc.

29. Purchase of Street Sweeper

Move City Council approve the purchase of a Street Sweeper, from TYMCO, Inc., utilizing HGACBuy Contract No. SW04-20, in the amount of \$277,973.08, and authorize the City Manager or designee to sign a linking agreement with TYMCO, Inc.

30. Purchase of Traffic Bucket Trucks

Move City Council approve the purchase of two Bucket Trucks, from Altec, Inc., utilizing Sourcewell Contract No. 012418-ALT, in the amount of \$361,912, and authorize the City Manager or designee to sign a linking agreement with Altec, Inc.

31. Purchase of Water and Wastewater Maintenance Basin Recoating Services

Move City Council approve the purchase of water and wastewater maintenance basin recoating services, from Joseph Painting Company, Inc., dba JPCI Services, utilizing Town of Gilbert Agreement No. 321000003, in an amount not to exceed \$288,000, and authorize the City Manager or designee to sign a linking agreement with Joseph Painting Company, Inc., dba JPCI Services.

32. Agreement No. WW9-815-4055, Amendment No. 2, with Ferguson Enterprises, dba Ferguson Waterworks, for Composite Manhole Frames and Covers

Move City Council approve Agreement No. WW9-815-4055, Amendment No. 2, with Ferguson Enterprises, dba Ferguson Waterworks, for composite manhole frames and covers, in an amount not to exceed \$200,000, for a one-year period, October 1, 2021, through September 30, 2022.

33. Design and Construction Agreement No. WW1901.501, with Salt River Project, for the Reclaimed Water Interconnect Facility Turnout Structure Design and Construction

Move City Council award Design and Construction Agreement No. WW1901.501, with Salt River Project, for the Reclaimed Water Interconnect Facility Turnout Structure Design and Construction, in an amount not to exceed \$104,190.



34. Professional Services Agreement No. WW2005.202, with Dibble & Associates Consulting Engineers, Inc., for the Dobson Road and Chandler Boulevard Intersection Sewer Improvements Design Services  
Move City Council award Professional Services Agreement No. WW2005.202, with Dibble & Associates Consulting Engineers, Inc., for the Dobson Road and Chandler Boulevard Intersection Sewer Improvements Design Services, in an amount not to exceed \$338,613.
35. Project Agreement No. WW2005.401, with B & F Contracting, Inc., Pursuant to Job Order Contract No. JOC1903.401, for the Chandler Heights Road Sewer Rehabilitation  
Move City Council award Project Agreement No. WW2005.401, with B & F Contracting, Inc., Pursuant to Job Order Contract No. JOC1903.401, for the Chandler Heights Road Sewer Rehabilitation, in an amount not to exceed \$465,012.81.
36. Professional Services Agreement No. WW2005.451, with Dibble CM, LLC, for the Chandler Heights Road Sewer Rehabilitation Construction Management Services  
Move City Council award Professional Services Agreement No. WW2005.451, with Dibble CM, LLC, for the Chandler Heights Road Sewer Rehabilitation Construction Management Services, in an amount not to exceed \$59,969.
37. Professional Services Agreement No. WA2008.271, with Wilson Engineers, LLC, for the Loop 101 and 202 Freeway Waterline Rehabilitation Post-Design Services  
Move City Council award Professional Services Agreement No. WA2008.271, with Wilson Engineers, LLC, for the Loop 101 and 202 Freeway Waterline Rehabilitation Post-Design Services, in an amount not to exceed \$133,960.
38. Construction Manager at Risk Contract No. WA2008.401, Change Order No. 1, GMP-2, with Achen-Gardner Construction, LLC, for the Loop 101 and 202 Freeway Waterline Rehabilitation.  
Move City Council award Construction Manager at Risk Contract No. WA2008.401, Change Order No. 1, GMP-2, with Achen-Gardner Construction, LLC, for the Loop 101 and 202 Freeway Waterline Rehabilitation, in an amount not to exceed \$4,277,697.35.
39. Professional Services Agreement No. WA2008.451, with Wilson Engineers, LLC, for the Loop 101 and 202 Freeway Waterline Rehabilitation Construction Management Services  
Move City Council award Professional Services Agreement No. WA2008.451, with Wilson Engineers, LLC, for the Loop 101 and 202 Freeway Waterline Rehabilitation Construction Management Services, in an amount not to exceed \$296,750.

## **Consent Agenda Motion and Vote**



Councilmember Orlando moved to approve the Consent Agenda of the October 14, 2021, Regular City Council Meeting, with the exception of Consent Agenda Items No. 4 and 5 which were considered separately under the Action Agenda; Seconded by Councilmember Ellis.

Motion carried unanimously (7-0).

## **Action Agenda Item No. 4 and Discussion**

### **4. Introduction and Tentative Adoption of Ordinance No. 4991, Establishing a Military and Veterans Affairs Commission**

Move City Council introduce and tentatively adopt Ordinance No. 4991, forming a Military and Veterans Affairs Commission.

COUNCILMEMBER LOPEZ thanked Bob Dalpe for his work on this and this would be a great enhancement and contribution to the City and residents.

MAYOR HARTKE called for citizens to speak.

David Waltzer, 3166 E. Palm Beach Dr., Chandler, said he has lived in the community for awhile and he has been working on this for a long time. Everyone needs to have a voice in Chandler including veterans. Mr. Dalpe said he was excited to support the Veterans Commission.

BOB DALPHE, 1104 W. Highland St., said many of the cities in the Valley have veteran commissions and Chandler should have one for a city of this size. Mr. Dalpe said there are at least 15,000 veterans living in Chandler. The veteran community is very diverse and have a unique set of challenges and issues. Mr. Dalpe said the veteran community does a lot of work for the community.

NICOLAS MAGALADES, 1953 E. Dana Way, Chandler, said he was excited to be part of the Arizona Veterans Commission and said there is a lot of things happening in the veteran community right now. Those who are transitioning out do not have assistance to help and this Commission would be a great point of contact to direct those veterans to resources they need.

COUNCILMEMBER HARRIS said he was very excited for the Veterans Commission and the transition from military service to civilian life can be very challenging. Councilmember Harris said this is not checking the box for us and this is Chandler taking action. Councilmember Harris looked forward to what the Veterans Commission would do and was ready to assist and be part of the conversation. This is a fundamental way to move the veterans community forward. Councilmember Harris said he shared language for the ordinance on Monday and was happy to see that taken into consideration.



COUNCILMEMBER LOPEZ said the establishment of the Commission is proof that City is committed to the veterans. The Commission is an advisory body to Council on all issues from the perspective of the veterans community and they would work in conjunction with the other non-profits and resources.

COUNCILMEMBER ELLIS said she was honored to be able to vote on the Veterans Commission and was looking forward to the work they would do.

COUNCILMEMBER ORLANDO said for all of the different veterans it does not matter what branch of service they are from or what their background is, the only thing that matters is that their uniform says United States. Councilmember Orlando thanked everyone for their service and said there is a lot of work ahead.

VICE MAYOR STEWART said he was honored to serve with the veterans on Council and said great things would come from this Commission.

MAYOR HARTKE thanked veterans for serving and thanked Bob Dalphe for his work putting together this Commission. Mayor Hartke said after tonight there would be applications available for people to apply. Mayor Hartke said seven people would serve on the Commission.

## **Action Agenda Item No. 4 Motion and Vote**

Councilmember Lopez moved to approve Action Agenda Item No. 4 of the October 14, 2021, Regular City Council Meeting; Seconded by Councilmember Harris.

Motion carried unanimously (7-0).

## **Action Agenda Item No. 5 and Discussion**

5. Professional Services Agreement No. 4347, with Cooperative Personnel Services, dba CPS HR Consulting, for a Diversity, Equity, and Inclusion Assessment  
Move City Council approve Professional Services Agreement No. 4347, with Cooperative Personnel Services, dba CPS HR Consulting, for a diversity, equity, and inclusion assessment, in an amount not to exceed \$56,040.

MAYOR HARTKE said this is of great interest to the community. Transparency in this process is very important and Council welcomes anyone's input regarding this assessment. Mayor Hartke said they have selected an unbiased firm to effectively conduct the assessment. Mayor Hartke said this was a request from the Human Relations Commission and looked forward to starting the process. Mayor Hartke asked for clarification from the City Manager.



JOSHUA WRIGHT, City Manager, said this DEI study is a complex project and has many components and stakeholders. This also deals with topics that are very personal such as identity, faith, and culture. Mr. Wright said staff is confident they found the right consultant for this project. The need for the study was identified with the City's Human Relation Commission following a survey regarding the City's diversity and inclusion initiatives. One of the primary recommendations was an assessment of DEI initiatives to create a DEI roadmap for the future. A decision package was approved for this fiscal year budget. Earlier this year the Council adopted the strategic framework and the City's brand was rewritten to be include a diverse, equitable, and inclusive community. Council help meetings regarding a non-discrimination policy and directed the City Attorney to draft a non-discrimination resolution. In June, Council added that component into the scope of work for this study to get more feedback from the community. Because of the complexity and sensitivity of the study, staff sought an experienced consultant that was neutral and had a proven track record doing this type of study in local government. In the scope of work, staff expects the consultant to begin quickly and would present initial results in Spring 2022 to include any budget recommendations as well. The first phase is the creation of a DEI aspirational policy that would define what the successful outcome of the study looks like, internal and external communication strategy, and define what diversity, equity, and inclusion means to the City. The consultant would conduct individual interviews with each Councilmember during this phase. The second phase is an extensive community engagement process and all members of the community would be given an opportunity to provide input if they so choose. The survey would be extensively promoted by the City and a focus group would be formed in addition to a webpage to promote transparency. The City would also conduct a survey among employees. It is not simply a survey but rather a holistic look at the City and find areas to improve on.

COUNCILMEMBER ORLANDO asked for more information about statistical analysis. Councilmember Orlando said they have received a lot of comments on this issue both positive and negative. Councilmember Orlando said he was concerned and wanted to reduce the polarization on this issue. Councilmember Orlando said he wanted a statistically valid poll and asked how this statistical analysis is done to actually reflect all Chandler residents.

MR. WRIGHT said the request for a statistically valid poll was taken into consideration when looking for the consultant. One of the unique aspects of the consultant was that they have extensive experience in DEI work but have shown they get statistically valid results. Mr. Wright said how the survey will be set up has not been defined yet. The focus groups will help define what it looks like and develop the questions to be asked. Mr. Wright said he did not want to duplicate the work done by the Human Relations Commission but rather wanted to build upon that.

COUNCILMEMBER ORLANDO said he understood they are still working through how to get the valid survey and did not want to polarize the issue more than it has become. Councilmember Orlando asked how the Human Relations Commission plays into this study.



MR. WRIGHT said the Human Relations Commission would play a critical role in the study and are mentioned several times in the scope of work to act sort of like a steering committee. The Human Relations Commission would have subcommittee to work specifically on this task and with staff to see how the study progresses.

MAYOR HARTKE asked if there was a way to ensure the comments received actually come from Chandler residents and not other places.

MR. WRIGHT said when the survey is designed there should be a way to limit to local Chandler residents only. Mr. Wright said there would be a lot of stakeholder and focus groups and other outreach to get feedback from residents. Staff also has a great relationship with the residents so they know how to get input from people who maybe we do not hear from every day.

COUNCILMEMBER HARRIS asked why this particular company was chosen and why they stood out.

MR. WRIGHT said it was very important to have an unbiased firm and did not have any background in Chandler on this issue so they could look at the information holistically and impartially. Mr. Wright said there has already been a lot of discussion on this issue. Mr. Wright said they looked at all the different firms that would be able to complete all of the different components of this as it is not an easy task. Not only did they need extensive experience in local government, working in the DEI space, but they also needed to be able to facilitate public processes, navigate public meetings, strategic planning work, complete statistically valid research. There were several companies, but the company selected was able to do all of these things and do so in a timely fashion. We did not want to wait for the study to go on much longer and other consultants were not able to meet the timeline needed. Mr. Wright noted that was not the main driver as it was still important that they selected a high quality consultant.

COUNCILMEMBER HARRIS said there is a strong feeling that there were groups left out of the discussion and asked if staff has gone back to explain why this consultant was chosen.

MR. WRIGHT said he has had several phone calls and if someone has a question about process or about the firm, he would be happy to discuss it. Mr. Wright noted there is a difference between the procurement process and the study itself. Typically, the procurement process is done among staff. When they start the survey it will include all of the public input then everyone will have a chance for their input.

COUNCILMEMBER HARRIS said the Human Relations Commission must be very much involved in the process and the Commission needs to be uplifted and empowered to make recommendations and do what Council has asked them to do. Councilmember Harris wanted to ensure they feel empowered and that their voice matters. Councilmember Harris said he did talk to the consultant



as this is a very important topic and he felt good about the conversation. Councilmember Harris said this conversation is not just for the residents but for the City as well and the City's policies. Councilmember Harris said the consultant has worked with a lot of cities to bring the community together. This topic should not be polarizing but rather a sign of being together and celebrating diversity. Councilmember Harris said he is here to represent the opinion of the people not his own opinion. There may be differences on this issue, but they need to come together. Council has had many discussions and has changed the brand to include diversity, equity, and inclusion. The diversity, equity, and inclusion was part of another department but now it is its own department. The City will continue to ensure that everyone's voice is heard and that they are put first because of their participation. Councilmember Harris said this study needs to be spot on. Councilmember Harris said this process may take sometime but encouraged people to stay engaged and do this together to shape the future of the community.

MAYOR HARTKE said he did read all of the comments received from the Human Relations Commission survey and looked forward to what the study would show as well. Mayor Hartke thanked the residents for being part of the survey and the next part of the this study.

MAYOR HARTKE invited residents to speak.

KEASHA BEACH, 453 N. Pelican Dr., Chandler, on behalf of Base Arizona, said herself and the organization takes issue with the process of selection. Part of the strategic goals are being a leader in trust and transparency and fostering a contemporary culture that embraces unity. As a City government that bolsters those goals it has not lived up to that regarding the hiring process of this company. There was not a public RFP process for public review and the public did not know the criteria for making this selection until it was already made nor where they consulted regarding the scope of work. Over \$26,000 is budgeted to internal staff conversations. The Human Relations Commission involvement looks like it is only a DEI presentation to them. Ms. Beach said they were not made aware of the 25 selected to participate in the focus group community engagement process. Ms. Beach said this process has not been transparent which does not illicit trust in the community. This is for a company with experiencing administering a poll using an unbiased scientific methodology getting a wide and accurate sample of Chandler residents' opinion on the matter not a city survey as stated in the scope of work. There is a designated representative to design the assessment and audit protocol to include the data collection tools. Ms. Beach asked Council not to vote on this contract and to leave it open for further discussion.

COUNCILMEMBER ORLANDO asked how the 25 people were going to be selected.

MR. WRIGHT said there is an application process where they would get stakeholders during one phase of the project. This is intended to be a wide group of people engaged in DEI organizations today. This is not a preselected list, there would be an application process.



EDUARDA SCHRODER, 3480 W. Ross Dr., Chandler, thanked the City for wanting to hire a diversity consultant. Diversity, equity, and inclusion describe programs that help facilitate the representation and participation of diverse groups. A DEI consultant could help conduct an assessment of the organization and lay out a strategic plan to help the City grow with an action plan. The consultant would do an extensive poll of residents to understand what concerns there are. Ms. Schroder said Chandler Pride looks forward to engaging in the process.

TYLER CONAWAY, 4169 W. Orchid Ln., Chandler, Human Relations Commission Chair, said he was very excited to see their recommendation come to life. Chairman Conaway thanked all of the Commissioners for their work on this topic as well as the Chandler Chamber and various community groups that came together to help advance the discussion. Chairman Conaway said he was very encouraged by the dialogue that was happening tonight as well as the opportunity to engage Chandler residents. This has been a topic of discussion nationwide but Chairman Conaway said he looked forward to seeing what Chandler had to say. Chairman Conaway said the Human Relations Commission is ready to work with the consultant and Council. There is the HR audit which is really focused on Chandler internally and then also the focus externally to see what initiatives would be beneficial.

CRYSTAL BLACKWELL, 6812 W. Shannon St., Chandler, said she was happy to hear they are moving the needle and going to have a consultant in place, but her concern was the process for the RFP. The RFP process is designed to eliminate bias and is in place to prevent systemic racism. When we overlook this process it does not allow women owned businesses, minority owned businesses, an even playing field. This is about diversity, equity, and inclusion, and Ms. Blackwell's concern was why the RFP process was not followed. Ms. Blackwell said she understood having an organization outside the state may make sense but there are hundreds of organizations that did not get an opportunity to bid for a quote to help and support what Chandler is trying to do. Ms. Blackwell said the City values are commitment, communication, diversity, innovation, integrity, respect, and teamwork. This is something that we need to stand on and hold ourselves accountable and ask if this was the right process in selecting a consultant.

MAYOR HARTKE asked how this was advertised.

MR. WRIGHT clarified that an RFP is not the only method of procurement and there are a lot of ways for public procurement and it depends on the unique nature of the task presented. The goal of public procurement is to get the best value for goods and services for the tax payer. Mr. Wright said staff looked, with the procurement office, at 18 different firms that seemed to have the skill sets they were looking for. From that list, staff reached out to the top eight and they received back four proposals. From there, staff narrowed it down to two and had a virtual interview process and then made the recommendation. There were several firms that were qualified but this is a complex project and they narrowed it down based on what staff believed Council was looking for.



MAYOR HARTKE said this conversation started the previous fiscal year when they announced they would be doing this and made it available for inquiries. Mayor Hartke asked if that was months before the selection process began.

MR. WRIGHT said yes, this was on Council's radar last fall when the Human Relations Commission made their recommendation and that was factored into the budget briefing as well.

MAYOR HARTKE said in May of June they really talked about the process and that was about four months before they went out.

COUNCILMEMBER HARRIS clarified this was not a traditional RFP and the concern today is that the public did not get the opportunity to bid on it.

MR. WRIGHT said that is correct, it was not an RFP process. Not all items go through the RFP process as it depends on what is being asked of staff to deliver. The procurement office identified vendors that have experience doing this type of work, contacted them, and make sure this was an expedient process. Mr. Wright said staff also knew there was not going to be a long list of people that would be able to do all of the different components that Council was asking. Mr. Wright said he believed it to be a fair process, but it was not a traditional RFP which is the case for other items as well.

COUNCILMEMBER HARRIS said he did not know it was not an RFP and was concerned about that. Councilmember Harris said that does not necessarily change his opinion on the company since he did have a conversation with them but he did have reserves about the item.

ANGEL ENCINAS, 230 S. Dakota St., Chandler, said he is an actively engaged resident, small business owner, and local relator. Mr. Encinas said he has grown up in downtown Chandler and over the past three decades he has seen the City change dramatically. Mr. Encinas has lived, worked, and studied within the community and its residents. Mr. Encinas said he is a proud member of the LGBT and Latino communities and the introduction of the non-discrimination ordinance gave him a sense of pride that the City was doing something to make him feel more comfortable at home. Mr. Encinas said this process has somewhat dampened that pride, but he still holds strong that the City would make the right decision. Mr. Encinas said he has been fortunate to not have experienced an overt attack in Chandler personally however there are still some spaces in Chandler where he still does not feel completely free or safe to be himself without any repercussions based on his race or sexuality. Mr. Encinas said he understands that there are no completely safe spaces in life and it is not the role of the government to dictate people's beliefs but it is the role of the government to protect all of its residents. Building trust among any minority community involves the powers that be to engage inflicted communities into the decision-making process particularly on issues like the one that brings us here tonight. It is of critical importance that from this point forward residents are involved from those communities and that residents



are polled accurately and representatively to ensure an unbiased and accurate sample and their views, they must use a scientific proven method. Mr. Encinas proposed an independent citizen review committee to ensure they are getting the most accurate unbiased information possible.

RICK HEUMANN, 4310 W. Dublin St., Chandler, incoming Chair of the Chamber of Commerce and Chair of the Coalition for Diversity within the Chamber, said they represent over 1,500 companies and over 170,000 employees throughout Chandler. Mr. Heumann said they started this process in 2017 to address diversity and inclusion and it is important that this is a very transparent method. Mr. Heumann said he appreciated Councilmember Orlando's comment on having a true transparent poll not a survey. A survey open to the world would be very hard to get accurate information. Chandler has been a leader in the Valley on a lot of different things but now Chandler is a follower. Mr. Heumann said the Chamber represents a lot of people and would expect to be part of this process and did not know if they needed to also fill out an application. Mr. Heumann said they want this process to be transparent, open, and people to feel their voices are heard and it is being scientifically done not just a random survey.

DR. WILLIAM CRAWFORD, 1252 N. McKemy Ave., Chandler, said he has lived in the City for over 23 years and was proud to represent the Chamber of Commerce's Diversity, Equity, and Inclusion Committee as one of the co-chairs. Dr. Crawford said the Chamber's DEI Committee consists of community leaders committed to diversity education, and they work tirelessly to promote inclusion and equity within Chandler businesses. According to a recent Gallup poll more than 70% of Arizonans agree that combating discrimination on the basis of race, religion, gender, and sexual orientation is a necessary action in creating an equitable Arizona for everyone. The diversity and inclusion consultant tonight would have an opportunity to conduct an unbiased scientific study. The process must be transparent, open to public input, and result in clear actionable items directly related to the consultant's findings. This is an issue that touches all Chandler residents, and it is expected of leaders in the community that a citizens' panel coordinates with this diversity consultant every step of the way. As a diversity education leader in the community, it is vitally important that citizens knowledgeable in DEI be involved in this consultation and that their voices are heard and valid. Dr. Crawford said the Chamber's DEI Committee looks forward to having a seat at the table.

JOSEPH YANG, 4909 W. Joshua Dr., Chandler, said his concern is that he has not heard about this company from any of the media outlets the City has. Mr. Yang said there is a lot of talk about transparency, but the process has not been transparent up until this point. Mr. Yang said history would repeat itself if we do not learn from it. Mr. Yang asked for more transparency in the process. Mr. Yang said that Chandler has been, is, and always will be a diverse City and community. The City has always welcomed our diversity with open arms and asked why there was a sudden push for a focus on diversity. Mr. Yang said Chandler has always been open to diverse cultures.



COUNCILMEMBER HARRIS asked if he could amend the motion to go to a regular RFP and how that would be done.

KELLY SCHWAB, City Attorney, said the motion is to approve the contract and that would be a substitute motion not an amended motion. Ms. Schwab said her recommendation, unless the mover and the second what to withdraw the motion, would be to vote on the existing motion and if it fails propose the new motion.

COUNCILMEMBER ORLANDO asked if there could be a motion to table.

COUNCILMEMBER LOPEZ said the motion already has a second and would need to be voted on.

COUNCILMEMBER ORLANDO said he was reading the procedures and they state the item under consideration could be tabled.

MS. SCHWAB said normally a motion to table normally is done before a motion to take action. Ms. Schwab said making a motion to table would not be normal procedure because there is already a motion and a second.

COUNCILMEMBER ELLIS said there are people in favor of this item and others that take issue with how the company was selected. Councilmember Ellis asked if this is something that they would look for firms only in Chandler or is the search nationwide. Councilmember Ellis asked if there was a firm in Chandler that would be able to do all of the things that Council has asked.

MR. WRIGHT said one of the primary goals in identifying a consultant was finding someone who did not have any connection to the issue at hand. Mr. Wright said they wanted to ensure it was an unbiased study and the firm did not have any history with Chandler on this issue. There are a lot of different feelings on this issue and there are a lot of opinions which is great and that is exactly what they want. Mr. Wright said they wanted a firm that would be completely neutral and impartial reviewer. There are a lot of moving parts and this is why staff brought forward this recommendation.

COUNCILMEMBER ELLIS said if this would be changed to go back out to an RFP that this be sent nationwide.

COUNCILMEMBER HARRIS said this is part of the process and as a leader he needs to go with what the public wants. Councilmember Harris said he believed that staff acted in good faith but if the public feels there was a misstep then there needs to be a remedy. If this were put back out for an RFP they may still end up with the same company but wanted to remedy the situation and do this in good faith and do it the right way for the community.

COUNCILMEMBER LOPEZ said he understood the concerns but as a Council they directed for this to be done quickly and it has already been a year since the Human Relations Commission made the recommendation.

## **Action Agenda Item No. 5 Motion and Vote**

Councilmember Lopez moved to approve Action Agenda Item No. 5 of the October 14, 2021, Regular City Council Meeting; Seconded by Councilmember Ellis.

Motion carried by majority (5-2), Councilmember Harris and Councilmember Ellis dissenting.

## **Informational**

- 40. Study Session & Regular Minutes of September 1, 2021, Planning and Zoning Commission
- 41. Special Event Liquor Licenses and Temporary and Permanent Extensions of Liquor License Premises Administratively Approved

## **Unscheduled Public Appearances**

BRAD FRENCH, 1870 E. Ross Rd., said in the last two weeks there was a midair collision at the Chandler Airport about 60 days ago there was an incident where a bonanza when off the runway. The response time to get crash fire rescue to an incident is about 12 minutes. For an aircraft accident 12 minutes is atrocious. There were four people in the bonanza crash who would have burned to death during that time if it were not for two men working in the hangar, went without hesitation to pull the people from the aircraft. There was a fireball over 100 feet in the air. The fire department when they arrived could not get through the gates because the gates at the airport were inoperable. They had to put out the fire from outside the fence line. Mr. French said they need better response time for the fire department. The fire department does not do any training at the airport except for one crew. There is no coordination with the control tower and the control tower has radio issues to and from the fire department.

COUNCILMEMBER ELLIS asked what the response time for the fire department.

MR. WRIGHT said he did not have that information, but staff would provide that to Council.

COUNCILMEMBER ELLIS said her understanding of the two accidents at the airport were outside of the City's control. Councilmember Ellis asked for more information be given to Council and the public about the situations. Councilmember Ellis said safety is priority number one.

MR. WRIGHT said he would get that information.



MARVIN WESSEL JR., 100 S. Stellar Pkwy, Chandler, said he was involved in a crash and fire at the airport and his plane was a total loss because of the inoperable gates at the Chandler Airport and the fire department could not get through. Mr. Wessel said after the most recent crash the Fire Battalion Chief held a meeting with airport personnel and asked what was happening. Inoperable gates was the answer and the fire department does not know how to respond to emergencies at the airport. Mr. Wessel said this issue has been brought up to the Mr. Wright multiple times. Council approved a \$100 million airport plan with \$0 for improved safety features even though several people have asked for safety features at the only airport users meeting that was held. Mr. Wessel said they asked Mr. Wright why there was no fire department at the Airport and why there were no safety gates, and his answer was because they do not have to. The Fire Captain spoke out at the meeting and he was suspended for speaking out and retired from the fire department because he did not want to work in a hostile work environment. Mr. Wessel provided a petition to the City Clerk.

COUNCILMEMBER ELLIS said she wanted a report back from staff on all of these incidents. Councilmember Ellis said it sounds like the fire department is not well trained or prepared to respond to those incidents. Councilmember Ellis said if they are running an airport that is not safe for their residents then they need to do something about it immediately. If it is safe and it is so, then it needs to be said.

COUNCILMEMBER ORLANDO said as the budget cycle starts he wanted to see what options there were to have a more robust fire department presence near the airport. It is important to take a look and there have been several incidents over the last year and issues with the gates not being opened. Councilmember Orlando said he wanted to see options to have closer or on-premises firefighting capabilities.

MAYOR HARTKE read the following comment card:

JENNIFER GOEHRIR, 1782 W. Oriole Way, Chandler, wrote the following:

*What is going on with plans to expand data centers in the Price Corridor and will the neighborhoods be kept informed? Will they have say?*

MAYOR HARTKE asked staff to follow up with the resident.

## Current Events

### Mayor's Announcements

MAYOR HARTKE said there was a ribbon cutting with the Chandler Public Library Makery. The Makery is a state-of-the-art space for the community to turn an idea into reality to create a product or start a business. This is a great addition to makers space resources such as the innovation center. The Makery is unique and is suitable for all and features a studio and multimedia for audio and video content.



MAYOR HARTKE said this weekend is the annual GAIN event, on October 16, which was a statewide event encouraging neighborhood watch programs and bring the community together to fight against criminal activity.

### Council's Announcements

COUNCILMEMBER LOPEZ said yesterday was the Navy's 246<sup>th</sup> birthday.

VICE MAYOR STEWART recognized Chandler's officers in Washington DC tonight to escort family members of fallen officers at a candlelight vigil. Vice Mayor Stewart said they are proud of the work they are doing and wanted to recognize those who have fallen in the line of duty.

COUNCILMEMBER ELLIS said the City has reopened the application for housing and the deadline to submit has been extended another week.

COUNCILMEMBER ORLANDO said in regards to the discussion earlier, it is important to keep this process as transparent as possible moving forward and that message was received loud and clear. Councilmember Orlando said they need to keep moving forward on this issue.

### City Manager's Announcements

None.

## Adjourn

The meeting was adjourned at 7:42 p.m.

ATTEST: Dana R. D'Long  
City Clerk

Kevin Hartke  
Mayor

Approval Date of Minutes: November 1, 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 14th day of October, 2021. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this 1st day of November, 2021.



Dana R. D'Long  
City Clerk