

Meeting Minutes

City Council Regular Meeting

February 10, 2022 | 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 6:04 p.m.

Roll Call

Council Attendance

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

Appointee Attendance

Joshua Wright, City Manager
Tadd Wille, Assistant City Manager
Dawn Lang, Deputy City Manager/ CFO
Andy Bass, Deputy City Manager
Kelly Schwab, City Attorney
Dana DeLong, City Clerk

*Councilmember Lopez attended telephonically.

Invocation

The invocation was given by Pratibha Somaiya, Bhaktivedanta Cultural Center, Iskcon of Phoenix.

Pledge of Allegiance

The Pledge of Allegiance was led by Councilmember Stewart.

Consent Agenda and Discussion

Airport

1. Agreement No. CM2-988-4424, with Brightview Landscape Services, Inc., for Airport Landscape Enhancements
Move City Council approve Agreement No. CM2-988-4424, with Brightview Landscape Services, Inc., for airport landscape enhancements, in an amount not to exceed \$80,000.

City Clerk

2. January 2022 City Council Minutes
Move City Council approve the Council Meeting minutes of the Study Session of January 24, 2022; Work Session of January 27, 2022; and the Regular Meeting of January 27, 2022.
3. Board and Commission Appointments
Move City Council approve the Board and Commission appointments as recommended.

City Manager

4. Resolution No. 5540 Authorizing the Execution of a License to Use Salt River Project Property, Located at the Consolidated Canal Between Germann Road and Chandler Boulevard
Move City Council pass and adopt Resolution No. 5540 authorizing the execution of a license to use Salt River Project property, located at the Consolidated Canal between Germann Road and Chandler Boulevard, to conduct the annual City of Chandler Family Bike Ride Event.
5. Resolution No. 5550 approving the Title VI Implementation Plan for Transit Services, 2021 Update
Move City Council pass and adopt Resolution No. 5550 approving the City of Chandler Title VI Implementation Plan for Transit Services 2021 Update.

Development Services

6. Final Adoption of Ordinance No. 5000, ANX21-0003 Annexation and Initial City Zoning of approximately 0.27 Acres located north of the northeast corner of Arizona Avenue and Germann Road
Move City Council adopt Ordinance No. 5000 approving the annexation and Initial City Zoning of approximately 0.27 acres located north of the northeast corner of Arizona Avenue and Germann Road, as recommended by Planning staff.
7. Final Adoption of Ordinance No. 5001 PLH21-0032 Arizona Avenue Commerce Center, North of the Northeast Corner of Arizona Avenue and Germann Road
Move City Council adopt Ordinance No. 5001 approving PLH21-0032 Arizona Avenue Commerce Center, Rezoning approximately 16.6 acres from Agricultural District (AG-1), Regional Commercial (C-3), and Planned Area Development (PAD) to PAD for commercial, office, business park, and light industrial uses, subject to the conditions as recommended by Planning and Zoning Commission.
8. Introduction and tentative adoption of Ordinance No. 4993 adopting the 2021 Editions of the International Building Codes

Move City Council introduce and tentatively adopt Ordinance No. 4993, adopting the 2021 editions of the International Building, Plumbing, Mechanical, Residential, Fuel Gas, Energy Conservation, Existing Building, Swimming Pool and Spa Codes, and the 2020 edition of the National Electrical Code, with local amendments.

9. Use Permit PLH21-0068 Sonrise Faith Community Church, 800 W Galveston Street, generally located east of the northeast corner of Galveston Street & Alma School Road
Move City Council approve Use Permit PLH21-0068 Sonrise Faith Community Church to continue the utilization of an existing modular classroom building, subject to the conditions recommended by Planning and Zoning Commission.

10. Preliminary Development Plan and Preliminary Plat PLH21-0058/PLT21-0054 Germann & Hamilton Industrial Park, located at the northeast corner of Germann Road and Hamilton Street

Preliminary Development Plan

Move City Council approve Preliminary Development Plan PLH21-0058 Germann & Hamilton Industrial Park for site layout and building architecture for three flex industrial buildings, subject to the conditions recommended by Planning and Zoning Commission.

Preliminary Plat

Move City Council approve Preliminary Plat PLH21-0054 Germann & Hamilton Industrial Park, subject to the conditions recommended by Planning and Zoning Commission.

11. Preliminary Development Plan PLH21-0028 Gold Medal Gym, 455 E. Warner Road, generally located east of the southeast corner of Warner Road and Arizona Avenue
Move City Council approve Preliminary Development Plan PLH21-0028 Gold Medal Gym increasing the maximum size permitted for exterior wall signs, subject to conditions recommended by Planning and Zoning Commission.

12. Continue Preliminary Development Plan PLH21-0071 Kerry's Car Care, located on a 1.1-acre site, generally located south of the southeast intersection of Cooper and Pecos Roads
Move City Council continue Preliminary Development Plan PLH21-0071 Kerry's Car Care for site layout and building architecture to the March 24th Council hearing, as recommended by Planning and Zoning Commission.

13. Re-Plat\Final Plat PLT21-0053 Dobson Town Place II
Move City Council approve Re-Plat\Final Plat PLT21-0053 Dobson Town Place II located on the east side of Alma School Road north of Queen Creek Road, as recommended by staff.

14. Final Plat PLT19-0046 for Carino Commons Commercial

Move City Council approve Final Plat PLT19-0046 Carino Commons Commercial located at the northwest corner of Queen Creek Road and Arizona Avenue, as recommended by staff.

Facilities and Fleet

15. Professional Services Agreement No. BF2206.201 for Design Services with Arrington Watkins Architects, LLC, for Police Department Main Station Redundant Power
Move City Council award Professional Services Agreement No. BF2206.201 to Arrington Watkins Architects, LLC, for Police Department Main Station Redundant Power design services, in an amount not to exceed \$66,740, and approve a General Fund Contingency account transfer in the same amount to the General Capital Projects Fund, Building & Facilities Capital Cost Center, Existing City Building Renovations Program.

Fire Department

16. Resolution No. 5544 Arizona Department of Homeland Security Grant Agreement
Move City Council approve Resolution No. 5544, 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 Hazardous Materials meter maintenance, in the amount of \$2,680, and authorizing the Fire Chief to implement provisions of the agreement.
17. Resolution No. 5546 Approval Request to Submit Grant Application to GOHS for Child Safety Seat Clinic
Move City Council approve Resolution No. 5546, authorizing the submission of a Governor's Office of Highway Safety Grant, for the Child Safety Seat Clinic program, in the amount of \$49,114, and authorizing the City Manager, or a designee, to perform grant-specific negotiations and submit documentation on behalf of the City of Chandler.

Human Resources

18. Chandler Law Enforcement Association (CLEA) Memorandum of Understanding
Move City Council approve the Memorandum of Understanding (MOU) between the City of Chandler and Chandler Law Enforcement Association (CLEA) for FY 22/23 through FY 23/24.
19. International Association of Fire Fighters (IAFF) Memorandum of Understanding
Move City Council approve the Memorandum of Understanding (MOU) between the City of Chandler and the International Association of Fire Fighters (IAFF) for FY 22/23 through FY 23/24.
20. Chandler Lieutenants and Police Sergeants Association (CLASA) Memorandum of Understanding

Move City Council approve the Memorandum of Understanding (MOU) between the City of Chandler and the Chandler Lieutenants and Police Sergeants Association (CLASA) effective July 1, 2022, through June 30, 2024.

Information Technology

21. Purchase of VMware Licenses and Annual Support

Move City Council approve the purchase of VMware licenses and annual support, utilizing the State of Arizona Contract No. ADSP016-098163, with Dell, in the amount of \$134,366.

Neighborhood Resources

22. Resolution No. 5547 Approving the Acquisition of Real Property Located at 35 N. McQueen Road and 1032 East Trails End Place

Move City Council pass and adopt Resolution No. 5547 approving the acquisition of real property located at 35 N. McQueen Road and 1032 E. Trails End Place, Chandler, Arizona, at market value plus closing and escrow fees; authorizing the City's Real Estate Manager to sign, on behalf of the City, the purchase agreements and any other documents necessary to facilitate these acquisitions; and approving relocation services as may be needed and required by law.

Public Works and Utilities

23. Final Adoption of Ordinance No. 5004 Amending Chandler City Code Chapter 43 (Public Works and Utilities Department) Section 43-4.5 Pertaining to the Adoption of Public Works Standards, Specifications and Regulations

Move City Council approve final adoption of Ordinance No. 5004 declaring that document entitled "2022 Amendments to Chandler City Code Chapter 43, Section 43-4.5" to be a public record; amending the Code of the City of Chandler, Chapter 43 (Public Works and Utilities Department), Section 43-4.5 to adopt the City of Chandler Engineering and Design Standards Manual (2022 Edition) as may be periodically amended by the Public Works and Utilities Department Director, or designee; providing for the repeal of conflicting ordinances; and providing for severability.

24. Design and Construction Agreement No. WA2007.501, with Salt River Project, for the North Alma School Well Design and Construction

Move City Council award Design and Construction Agreement No. WA2007.501, to Salt River Project, for the North Alma School Well Design and Construction, in an amount not to exceed \$360,197.

25. Professional Services Agreement No. WW2005.203, with Dibble & Associates Consulting Engineers, Inc., dba Dibble Engineering, for the Chandler Boulevard – Dobson Road to Chippewa Place Water Improvements Design Services

Move City Council award Professional Services Agreement No. WW2005.203 to Dibble & Associates Consulting Engineers, Inc., for Chandler Boulevard – Dobson Road to Chippewa Place Water Improvements Design Services, in an amount not to exceed \$349,502.

26. Purchase of John Deere Gators

Move City Council approve the purchase of seven John Deere Gators, from Deere & Company, utilizing the State of Arizona Contract No. ADSPO18-202498, in the amount of \$69,586.37.

Consent Agenda Motion and Vote

Councilmember Ellis moved to approve the Consent Agenda of the February 10, 2022, Regular City Council Meeting; Seconded by Councilmember Harris.

Motion carried unanimously (7-0).

Action Agenda Item No. 27 and Discussion

27. Introduction and Tentative Adoption of Ordinance No. 4994, Amending the Code of the City of Chandler, Chapter 28, Fire Prevention, by Repealing and Replacing Chapter 28 in its Entirety; Providing for the Repeal of Conflicting Ordinances; and Providing for Severability and Establishing an Effective Date

COUNCILMEMBER STEWART made the following motion, seconded by Vice Mayor Roe:

Move City Council introduce and tentatively adopt Ordinance No. 4994; Declaring the documents known as the "International Fire Code, 2021 Edition" and "2021 Amendments to Fire Code Exceptions in Chapter 28, Fire Prevention," as Public Records; Amending the Code of the City of Chandler, Chapter 28, Fire Prevention, by Repealing the International Fire Code, 2018 Edition, by Adopting the International Fire Code, 2021 Edition, and by Amending and Clarifying the Exception Provisions to the International Fire Code; and changing the last phrase of the proposed amendments to section 28-23 to read "the use, discharge, or ignition of permissible consumer fireworks is prohibited in all public parks, public retention basins, and public facilities"; Providing for the Repeal of Conflicting Ordinances; and Providing for Severability and Establishing an Effective Date.

COUNCILMEMBER ORLANDO clarified that this vote was for the amendment.

KELLY SCHWAB, City Attorney, answered that the motion made by Councilmember Stewart includes the amendment to the fireworks provision which removes the prohibition of use on streets and roads.

COUNCILMEMBER ORLANDO asked if the original ordinance could be reintroduced if this amended ordinance does not pass.

MS. SCHWAB answered that the current item was the ordinance with the amendment proposed; and if that does not pass, there could be a motion with the original ordinance.

COUNCILMEMBER ORLANDO acknowledged previous discussion on the item but stated his concern with managing risks on public streets. He brought up the issue of potential lawsuits from involvement on public streets and preferred not to burden taxpayers with litigation. He emphasized that this language was included in policy before and desired consistency in the code.

COUNCILMEMBER STEWART brought up that setting off fireworks near a home is more dangerous to the home than it is to set off fireworks in the streets. This amendment promotes safety and prevents overregulation of fireworks. Removing the language of streets and roads removes the burden of responsibility from the police. The focus should be on promoting freedom and safe celebration with fireworks.

COUNCILMEMBER HARRIS asked about the frequency of issues with fireworks being lit on streets.

TOM DWIGGINS, Fire Chief, answered that currently most fireworks are ignited in the street. He said that the two days with the highest call volume and response by the Fire Department are the Fourth of July and New Year's Eve. He said it is hard to say that the issue is specifically with the street usage, as there are issues occurring wherever fireworks are being used.

COUNCILMEMBER HARRIS asked to confirm that this ordinance can be changed based on future input.

MS. SCHWAB confirmed that this ordinance could be changed in the future. She said not many people were aware of the omission of the language of the 2018 code, so this adoption would likely not be understood as a change in code.

COUNCILMEMBER ELLIS clarified that this amendment would still be in context of the limited day use of fireworks.

CHIEF DWIGGINS said that dates were being added to allow the use of fireworks, specifically Cinco de Mayo. The amount of time between the date of purchase to date of use is being lengthened. He said that there is current Arizona state legislation being discussed to cap the usage of fireworks at 11 p.m.

VICE MAYOR ROE asked if the greatest concern is over illegal fireworks.

SEAN DUGGAN, Police Chief, said yes, illegal fireworks are the greatest concern.

VICE MAYOR ROE asked about officers reporting to a home where legal fireworks are being used.

CHIEF DUGGAN confirmed that the concern is over illegal fireworks being used. That takes priority over legal firework calls.

COUNCILMEMBER STEWART confirmed that bottle rockets and pyrotechnic fireworks are illegal.

CHIEF DUGGAN affirmed that they were illegal.

COUNCILMEMBER STEWART reiterated that this ordinance addresses only legal fireworks. He asked if any explosive fireworks will still be illegal.

CHIEF DUGGAN verified that these fireworks are illegal by state law.

COUNCILMEMBER ORLANDO asked about the liability of a situation involving fireworks in the streets. He asked if this is defensible in a court of law.

MS. SCHWAB upheld her position that any activity on a street that is not traffic related can be risky. Allowing fireworks to be let off in the streets may involve a lawsuit with both the individual lighting fireworks as well as the city. It is unknown if this is defensible in court. The best recommendation based on safety is to allow only traffic related activities in the street.

COUNCILMEMBER ORLANDO brought up his concern over using public space versus private property. He said he wanted to reduce the likelihood of the city being involved in a lawsuit, especially in the taxpayers' interest.

COUNCILMEMBER HARRIS asked if the city has been sued for a firework incident.

MS. SCHWAB answered that this situation has not happened.

COUNCILMEMBER HARRIS addressed the concern with fireworks originating from speaking about it, rather than based on documentation.

MS. SCHWAB stated that all fireworks were prohibited from streets and fireworks up until 2018.

COUNCILMEMBER HARRIS said that from 2018 to now, there has not been any issue with fireworks in public areas.

MS. SCHWAB said they have not received any litigation or claims related to the use of fireworks.

COUNCILMEMBER HARRIS said the probability of this incident occurring is unsubstantiated.

MS. SCHWAB asserted her concern with allowing non traffic related activities on streets. She brought up the permit process for block parties as an alternative avenue to safely celebrate.

COUNCILMEMBER STEWART asked about the liability of other potential non traffic activities.

MS. SCHWAB said this always carries a risk. The city does not condone this.

COUNCILMEMBER STEWART said that the importance of this amendment is to remove the burden from the police.

COUNCILMEMBER HARRIS asked about the number of HOAs in Chandler.

MS. SCHWAB answered that the percentage of HOAs in Chandler is around 80%.

COUNCILMEMBER HARRIS asked if HOAs can rule differently on the usage of fireworks.

MS. SCHWAB said that HOAs do not regulate public streets, as public laws apply. HOAs can regulate private streets as limited by state law.

COUNCILMEMBER HARRIS said removing this language allows for HOAs, police, and higher authorities to regulate the fireworks issue. He expressed concern with the risk of using fireworks on private property. Since a situation with dangerous use of legal fireworks on public streets has not happened then the risk should be assessed differently. This ordinance can be changed in the future if it is warranted.

LOUANN SEDGWICK, 753 E. Gemini Pl., Chandler, expressed her concern over illegal fireworks. She expected the issue to be handled at the state level. Legal fireworks being used at people's homes should be fine. Expanding the dates of allowance should permit usage of fireworks in the street. She wanted to focus on addressing the issue of illegal fireworks.

Action Agenda Item No. 27 Motion and Vote

COUNCILMEMBER STEWART moved to introduce and tentatively adopt Ordinance No. 4994; Declaring the documents known as the "International Fire Code, 2021 Edition" and "2021 Amendments to Fire Code Exceptions in Chapter 28, Fire Prevention," as Public Records; Amending the Code of the City of Chandler, Chapter 28, Fire Prevention, by Repealing the International Fire Code, 2018 Edition, by Adopting the International Fire Code, 2021 Edition, and by Amending and Clarifying the Exception Provisions to the International Fire Code; and changing the last phrase of the proposed amendments to section 28-23 to read "the use, discharge, or

ignition of permissible consumer fireworks is prohibited in all public parks, public retention basins, and public facilities”; Providing for the Repeal of Conflicting Ordinances; and Providing for Severability and Establishing an Effective Date; Seconded by Vice Mayor Roe.

Motion carried by majority (6-0), Councilmember Orlando dissenting.

Informational

28. 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 announced the State of the City event on Thursday, February 17 at 5:30 p.m. at Chandler Center for the Arts. The Mayoral Address will begin at 6:30, and the concert will start at 7:00.

MAYOR HARTKE said there would be a mental health conference on February 25 and 26 at Compass Christian Church. Students and parents are invited to learn from therapists and social workers about mental health tools and skills.

MAYOR HARTKE announced that Sunset Library will fully reopen on Monday, February 14.

Council's Announcements

COUNCILMEMBER HARRIS recognized the Night of Hope trafficking awareness event and thanked Pastor Mike Gowans and other leaders for the success of the event.

COUNCILMEMBER HARRIS said he and Councilmember Ellis had attended the Chandler Unified School District Board meeting for a presentation led by Dr. Adama Sallu and Black student unions on Black excellence and expressed his support for the students.

COUNCILMEMBER HARRIS wished Matt Dunbar, Budget Manager, a happy birthday.

VICE MAYOR ROE brought up Council’s first budget discussion meeting for 2022 – 2023 and thanked staff for the information discussed.

