

Meeting Minutes

City Council Regular Meeting

November 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 6:02 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
Kelly Schwab, City Attorney
Dana DeLong, City Clerk

*Councilmember Lopez attended telephonically.

Invocation

The invocation was given by Paul Langness, Chandler Bahá'í Community.

Pledge of Allegiance

The Pledge of Allegiance was led by Councilmember Stewart.

Consent Agenda and Discussion

Discussion was held on items 3, 5, and 13.

Airport

1. Professional Services Agreement No. AI2209.101, with C&S Engineers, Inc., for the Airport Operations Garage Pre-Design Services

Move City Council Award Professional Services Agreement No. AI2209.101 to C&S Engineers, Inc., for the Airport Operations Garage Pre-Design Services, in an amount not to exceed \$114,230.

Development Services

2. Introduction and Tentative Adoption of Ordinance No. 5026, Rezoning and Preliminary Development Plan, PLH21-0089 McQueen Live Work, Located North of the Northwest Corner of McQueen and Warner Roads

Rezoning

Move City Council introduce and tentatively adopt Ordinance No. 5026 approving PLH21-0089 McQueen Live Work, Rezoning from Planned Area Development (PAD) for Commercial to PAD for Mixed-Use, subject to the conditions as recommended by Planning and Zoning Commission.

Preliminary Development Plan

Move City Council approve Preliminary Development Plan PLH21-0089 McQueen Live Work for site layout and building architecture, subject to the conditions as recommended by Planning and Zoning Commission.

3. Introduction and Tentative Adoption of Ordinance No. 5033, Zoning Code Amendment PLH22-0053 Data Centers, Regulating the Location and Operation of Data Centers throughout the City of Chandler.

Move City Council introduce and tentatively adopt Ordinance No. 5033 approving Zoning Code Amendment PLH22-0053 Data Centers, as recommended by Planning and Zoning Commission.

MAYOR HARTKE called for those wishing to speak on Item No. 3.

CAMERON CARTER, 7144 E. Stetson Dr. #300, Scottsdale, AZ 85251, with Rose Law Group, represents Align Data Centers who owns data center property in Chandler. This ordinance is written to codify a process that Align followed last year in administrative design review with the city. Align held extensive neighborhood meetings and complete sound studies to mitigate noise from the site. The ordinance, as written, is ambiguous and imposes requirements that could limit a property owner's rights to develop on their property. This is a challenge under the existing agreement with the city and under Proposition 207, Arizona's Private Property Rights Protection Act. This must be addressed to guarantee private property owners rights and to ensure that residents and neighboring properties are not impacted. Changes were proposed to staff but were not incorporated into tonight's item. Mr. Carter requested that this item be continued to implement these changes.

MAYOR HARTKE stated that property rights supersede the city.

KELLY SCHWAB, City Attorney, said that was correct. Staff did receive the changes and have been in conservation with Mr. Carter. They could be addressed in the ordinance or through the administrative process. The City will not act to diminish the property values or defy any zoning entitlements in the property. The purpose of the ordinance is to protect the property values of the surrounding neighborhood.

MAYOR HARTKE summarized that we could defer this and bring it back in December or continue with the enactment.

COUNCILMEMBER STEWART thanked Mr. Carter for speaking and asked that Consent Agenda Item No. 3 be moved to the Action Agenda.

4. Introduction and Tentative Adoption of Ordinance No. 5037, Rezoning and Preliminary Development Plan, PLH22-0035 The District Downtown, located at the Northwest Corner of Arizona Avenue and the SanTan 202 Freeway

Rezoning

Move City Council introduce and tentatively adopt Ordinance No. 5037 approving PLH22-0035 The District Downtown, Rezoning from PAD for office, retail, and hotel to PAD for mixed used development including multi-family, office, and commercial uses as permitted under Community Commercial (C-2) type uses with Mid-Rise Overlay allowing for building heights up to 120 feet, subject to the conditions as recommended by Planning and Zoning Commission.

Preliminary Development Plan

Move City Council approve Preliminary Development Plan PLH22-0035 for site layout and conceptual building architecture, subject to the conditions as recommended by Planning and Zoning Commission.

5. Introduction and Tentative Adoption of Ordinance No. 5035, City Code Amendment, PLH21-0063 Backyard Chickens

Move City Council introduce and tentatively adopt Ordinance No. 5035, approving City Code Amendment PLH21-0063 Backyard Chickens, amending Chapter 14 and Chapter 35 regulating the keeping of chickens within single-family lots, as recommended by Planning and Zoning Commission.

MAYOR HARTLE called for those to speak on Item 5.

RUTH JONES, 2734 E. Birchwood Pl., shared that she feels strongly about chickens. The City is facing important issues, including police staffing, inflation, and the Non-Discrimination Ordinance. The chicken issue is being brought up again, despite this. The people's voices have been heard. The poll put on the Chandler website asking for opinions on the chicken ordinance was 3:1 in favor

of chickens, but the responses were skewed. Many people who commented live in HOAs that cannot have chickens. The data is not accurate. Ms. Jones requested that this ordinance be considered in the new year, to include incoming councilmember-elects and the voice of the people.

LESLIE MINKUS, 3372 E. Gemini Ct., spoke in opposition to the proposed backyard chicken ordinance that will impact and effect the lives of Chandler residents. The will of the people should decide the action with the chicken ordinance. The current zoning allows chickens to be housed in properties of 33,000 square feet or more. This zoning amendment proposes to allow chickens in all single-family homes in Chandler in all lot sizes. Mr. Minkus requested Council delay a vote on this ordinance until January, when new councilmember-elects are appointed. To incorporate the will of the people, this should be voted on in a public referendum. There is a potential for lawsuits by homeowners and renters against the City, landlords, and real estate agents claiming a violation of the doctrine of quiet enjoyment in their homes and properties. There is a serious health impact of the CDC reporting on Avian Flu affecting birds in the United States. Mr. Minkus shared a quote from the United States Declaration of Independence. To know what the consent of the governed of Chandler's large population is, a free and fair referendum is needed so the people can speak on their own behalf.

TERA SCHNEIDER, 2127 W. Peninsula Cir., shared that the issue should be decided by a public referendum. Ms. Schneider said there is already a problem with wildlife going after Canadian geese in the neighborhood. Introducing more birds will attract more wildlife. The people should decide.

DARREL COVERT, 2306 E. Oakland St., shared some insight based on his background as a realtor. This ordinance is premature, impact studies need to be conducted. This can be seen in other cities that have adopted similar ordinances. Part of the bundle of rights associated with ownership of property include quiet peaceful enjoyment of your property. Mr. Covert asked for additional outside study in reference to this ordinance for further investigation.

COUNCILMEMBER ORLANDO asked for Mr. Covert's opinion if this must be disclosed to buyers or renters.

MR. COVERT said that this must be disclosed, the burden of proof is in the seller property disclosure statement, which should be something that the seller discloses. If a real estate agent does not know this, and it is apparent, the buyer needs to be made aware. If it is an unknown, then it is not the responsibility of the agent. The burden of proof comes down to be the buyer.

COUNCILMEMBER ORLANDO asked if neighborhood chicken ownership could be a possible deterrent from purchasing a home.

MR. COVERT said neighborhood chicken ownership could be a possible deterrent from purchasing a home, anything on or around the property can affect the value of the home.

MARIAN BENTON, 20 S. Twelve Oaks Blvd., said that even if this goes through, many neighborhoods would not be affected because of the presence of HOAs. Not all citizens will be affected by the implementation of this ordinance. Even though chickens are a source of noise, there are other contributors to the noise level in a neighborhood. Chickens are quiet in comparison and do not create constant noise. The intensity of sound decreases as distance from the source increases. To assume that all people will not know how to take care of animals humanely is incorrect. The impact of owning chickens is overstated.

COUNCILMEMBER STEWART asked if Ms. Benton owned chickens.

MS. BENTON said she does not own chickens but has in the past.

COUNCILMEMBER STEWART asked if stray chickens are an issue.

MS. BENTON shared data by Planning & Zoning about stray chicken complaints. Any animal or pet can be stray or feral.

MAYOR HARTKE read the following comment cards.

LINDA SAWYER, 1158 W. Linda Ln., in opposition.

Mayor and council, We have identified key issues from other cities and the CDC website that were not included or had been eliminated in the staff presentation.

- The original presentation offered a permit process, however it was eliminated. The permit process was the only remedy to identify ownership of the chickens and determine legal eligibility.*
- The affidavit process was eliminated. Residents would rely on code enforcement to deal with violations.*
- If the resident denies the code enforcement officer access to their backyard it will be impossible to inspect, enforce, protect, or count the chickens on the property.*
- City of Chandler does not have an animal control officer. Code enforcement officers are not trained to handle feral, abandoned, hoarding, or neglected/abused chickens.*
- No way to inspect chickens or chicken coop for health violations or contaminated areas due to the avian influenza / bird flu. Contaminated area requires a 150 day fallow after infected flock depopulation.*
- Infected birds need to be euthanized to prevent the spread of the disease. Dead birds need to be disposed by CDC protocol.*

- *There is no way to regulate rotten or contaminated eggs that may be used, given away, or sold by resident. This is a public health hazard due to the avian influenza / bird flu.*
- *Chickens are extremely noisy all the time and especially after laying an egg.*
- *Mistreatment of chickens; poisoning, or shooting with BB gun and pellet guns.*
- *Potential conflict between neighbors. This should be concerning to mayor and council because of the increased focus on mental health issues that could escalate leading to police involvement.*
- *A chicken can't be classified as a service animal, however they can be classified as a therapy pet, emotional support animal, or therapy tool. This will afford HOA neighborhoods to have chickens under the Fair Housing Act with an ESA letter.*

A recent article, dated, October 20, 2022, by Sarah Robinson, stated that there were nearly thirty birds found dead in a Chandler lake community due to the avian flu/bird flu. The article advises keeping pets away from birds because of the highly contagious nature of the bird flu. It's viral infection, similar to influenza that people get.

Most strains of bird flu only kill poultry like chickens and turkeys, however this one is different due to the potency of the flu. It has been affecting wild birds and though rare it can be passed on to animals. According to Jan Miller, at Liberty Wildlife, it's not limited to dogs and cats, humans can get avian flu from an infected bird.

Given the information provided it would be reckless and irresponsible for the mayor and council to pass a backyard chicken ordinance at this time. We thank you in advance for your consideration in this matter. We expect our elected officials to prioritize the health of Chandler residents ahead of a council driven initiative.

Thank you, Linda Sawyer and Mary Yanno

MARY YANNO, Chandler 85224, in opposition.

Passing the ordinance to permit backyard chickens will have negative health consequences on traditional neighborhoods.

Mayor and council, you are aware of the current outbreak of the avian influenza/bird flu and have been briefed on the legal restrictions concerning the enforcement of unkept chicken coops in backyards.

Passing an ordinance while aware of the health concerns, presented by the CDC, which includes backyard chickens would simply be reckless and irresponsible and irresponsible on your behalf. Mayor and four council members will vote "yes" on an ordinance which only adds to the burden of traditional neighborhoods, rather than finding solutions to improve the quality of life in traditional neighborhoods. All ordinances considered by mayor and council should only be "passed" if they enhance the health and safety of neighborhoods.

It's my opinion that traditional neighborhoods are being disproportionately represented by the mayor and some council members (excluding councilman Orlando and councilman Harris) when it comes to providing clean, healthy, and safe neighborhoods. The mayor and council have been made aware of concerns that negatively impact traditional neighborhoods;

Lack of code enforcement on property code violations

Unenforced code violations relating to environmental concerns (parking on unimproved surfaces)

Filthy and unsafe alley ways

Homeless programs placed in traditional neighborhood area along with methadone clinics

Reported drug paraphernalia, homeless sleeping in alley, encampments in alleys in which residents feel unsafe due to activity just behind our back fence walls

Passing the proposed ordinance to permit backyard chickens, primarily be permitted in traditional neighborhoods, will place a further burden on already struggling neighborhoods.

COUNCILMEMBER ELLIS asked about the number of signatures required for a referendum election and asked to explain the referendum process.

KELLY SCHWAB, City Attorney, answered that under state law, the council can only refer a limited number of items to the voters, such as bonds, home rule, and charter amendments. If the subject is not authorized by state law, then Council does not have the authority to refer a question to the voters. Once an ordinance is approved as a legislative act, then a referendum petition can be pooled by voters within the 30-day period before the ordinance goes into effect. If there are enough valid signatures, it comes back to the Council, which would then get referred back to voters.

COUNCILMEMBER ELLIS thanked Ms. Schwab for the answer.

COUNCILMEMBER ORLANDO asked about property right laws.

MS. SCHWAB said there is the right of quiet enjoyment of your property. There is a private tort that can be pursued by a homeowner. Ms. Schwab is not aware of any lawsuits in Arizona regarding that right in relating to chickens.

MAYOR HARTKE asked about the numbers received on the public survey.

LAUREN SCHUMANN, Principal Planner, said that as of November 2, 2022 at 8:00 a.m., there were 228 results, 150 for chickens, and 45 against, 25 unclear answers. In the time since then, as of November 10, 2022, 4:00 p.m., there were 4 for chickens, and 9 against chickens.

COUNCILMEMBER HARRIS asked about any studies done on the impacts of chickens.

MS. SCHUMANN said that as a part of staff research, no study was conducted. There have not been any other zoning code amendments requiring an environmental study.

VICE MAYOR ROE asked for an overview of cities in the valley that allow chickens.

MS. SCHUMANN said that the responders to the survey received the information presented to the Planning and Zoning Commission. When we started this process, we had to research how other cities permitted for chickens. Currently Gilbert and Queen Creek permit for chickens based on lot size; and Mesa, Tempe, Scottsdale, Phoenix, and Maricopa County all permit for chickens by right.

VICE MAYOR ROE asked if most cities, then, permit for chickens.

MS. SCHUMANN answered that the only cities that do not currently permit for chickens are Avondale, Fountain Hills. Additionally, Paradise Valley and Glendale have some allowance for chickens.

COUNCILMEMBER ORLANDO asked if survey responses were able to be measured if they were from traditional or HOA neighborhoods.

MS. SCHUMANN said that survey responses were able to be located. They were plotted on a map to depict the location of the respondent regarding neighborhood type.

COUNCILMEMBER ORLANDO observed that it looked like many responses came from HOA neighborhoods, which would not necessarily be changed by this ordinance. Councilmember Orlando asked about the dates that other municipalities' ordinances were implemented.

MS. SCHUMANN said that Queen Creek began in 2016, Mesa in 2008, Tempe in 2009, and Phoenix in 1962. Other cities did not respond about when the ordinances were implemented.

MAYOR HARTKE asked about the number of responses originating from HOAs versus traditional neighborhoods.

MS. SCHUMANN said she did not have that exact number.

VICE MAYOR ROE specified that all Chandler residents would be able to own chickens, except for those who live in HOA neighborhoods that prohibit chickens. Would this preclude HOAs from changing to rules to then allow chickens in the neighborhood.

MS. SCHUMANN responded that if this ordinance was approved, any single-family lot would be permitted up to five chickens. If the lot was in an HOA, then the HOA could have rules set in their CC&Rs that do not allow chickens. However, the HOA could ratify their CC&Rs with $\frac{3}{4}$ vote of property owners.

VICE MAYOR ROE commented that that it is not an absolute that people cannot have chickens across the city, that there are mechanisms in place to change HOA allowance.

COUNCILMEMBER HARRIS asked how long performing a study on the impact of chickens would delay the implantation of the ordinance.

JOSH WRIGHT, City Manager, said it is unknown how long it would take. The scope for the study would be defined, determine what we would want as results. Staff would need to investigate vendors or contractors that specialize in this issue.

COUNCILMEMBER HARRIS said typically we do studies to better understand issues that impact the quality of life. It could help us better understand the impacts of this ordinance.

COUNCILMEMBER LOPEZ stated that this is not a new issue in the valley. This provides sustainability for many people and serves as food source in the face of inflation. We have discussed for the past year the effect on code enforcement and neighborhoods, it is not seen as an issue. Council understands the concerns of the public and appreciates the input.

Fire Department

6. Purchase of Portable Radios

Move City Council approve the purchase of portable radios, from Motorola Solutions, utilizing the State of Arizona Contract No. CTR046830, in amount of \$470,246.86.

7. Purchase of Extrication Equipment for the Fire Department

Move City Council approve the purchase of extrication equipment for the Fire Department, from L.N. Curtis, utilizing Sourcewell Contract No. 040220-LNC, in the amount of \$165,191.34.

Human Resources

8. Resolution No. 5616, Renewal Request to the 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. 5616, renewing the request to the Industrial Commission of Arizona for continued exemption from requirement to post security for Self-Insurance Workers' Compensation Program.

9. Agreement No. HR2-948-4496, with ReliaStar Life Insurance Company, for Basic and Voluntary Life and Accidental Death and Dismemberment Insurance

Move City Council City Council approve Agreement No. HR2-948-4496, with ReliaStar Life Insurance Company, for basic and voluntary life and accidental death and dismemberment insurance, in an amount not to exceed \$960,000 per year, for the period of two years, beginning January 1, 2023, through December 31, 2024, with the option of up to three additional two-year extensions.

Information Technology

10. Purchase of Information Technology Temporary Contract Staffing Services
Move City Council approve the purchase of information technology temporary contract staffing services, from Computer Aid, Inc., utilizing Sourcewell Contract No. 071321-CAI, in the amount of \$65,000.

Management Services

11. New License Series 10, Beer and Wine Store Liquor License application for M.H.M.N., LLC, DBA Beyond Smoke
Move for recommendation to the State Department of Liquor Licenses and Control for approval of the State Liquor Job No. 207723, a Series 10, Beer and Wine Store Liquor License, for Mohammad Assad Amirah, Agent, M.H.M.N., LLC, DBA Beyond Smoke, located at 393 W. Warner Road, Suite 118, and approval of the City of Chandler, Series 10, Beer and Wine Store Liquor License No. 303898.
12. New Class B Bingo License for Wayne V. McMartin, American Legion, Post 91
Move for approval for a Class B Bingo license for American Legion, Post 91, located at 922 N. Alma School Road.

Mayor and Council

13. Introduction and Tentative Adoption of Ordinance No. 5039, Amending the Code of the City of Chandler by Adding Chapter 63, Non-Discrimination, and Codifying the Chandler Embracing Diversity, Equity, and Inclusion Ordinance (Continued from the Meeting of October 27, 2022)
Move City Council introduce and tentatively adopt Ordinance No. 5039, amending the Code of the City of Chandler, by adding Chapter 63 Non-Discrimination, adopting provisions codifying diversity, equity, and inclusion in the provision of public accommodations, employment, and housing in the City of Chandler.

MAYOR HARTKE read from the following comment cards.

PAMELA RODGERS, 4609 W. Park Ave., in support.

PEGGY SCHLESINGER, 5161 W. Ivanhoe St., in support.

ANNA BRANIGAN-SWEENEY, 5130 W. Ivanhoe St., in support.

MAYOR HARTKE called for those wishing to speak on Item 13.

CECILY ROCHA-MILLER, 310 W. San Marcos Dr., shared a personal anecdote about treating people equally, in support of the ordinance.

LYNETTE BRADDOCK, 1350 W. Maplewood St., shared that due to the current lack of protections for transgender individuals in Chandler, her daughter does not feel safe. Discrimination manifests itself in forms of difficulty finding jobs, housing, or facing harassment. It is hard to involve yourself in the community when these protections do not exist. Transgender youth need support, especially when facing hurdles to education, employment, and housing. There are several unemployed and homeless individuals in the LGBTQ community. This ordinance is needed to remove the hurdles they face, affording equal protection.

EDUARDA SCHRODER, 3480 W. Ross Dr., shared that Chandler Pride was organized to create a community within Chandler for LGBTQ residents and allies. We appreciate the work done on the Non-Discrimination Ordinance. Non-profit organizations receiving City funds should be subject to all aspects of the ordinance—Chandler residents served with tax dollars should not be discriminated against for any reason. There is also concern that the current enforcement measures do not support the policy in a meaningful way. Ms. Schroder shared that her daughter also does not feel safe in Arizona, like Ms. Braddock.

THOMAS BARR, 5833 S. Forest Ave., Tempe, serves as the Vice President of Business Development for Local First Arizona, the largest local business coalition in the country, serving over 3,000 small businesses throughout Arizona, and more than 100 in Chandler. We support the passing of this NDO. Small businesses continue to advocate for inclusive policies that makes Arizona a great place to call home. Continuing to grow a competitive and strong economy relies on ensuring our businesses are open and welcoming to all people. By passing this, Chandler will be setting the business community up for greater success, and the economy will grow and thrive. For companies to attract top talent and provide inclusive environments to tourists and residents, now is the time to pass the NDO. Neighboring cities have passed NDOs to ensure residents and visitors to feel welcome when supporting all businesses.

DAWN SHIN, 6201 W. Park Ave., was in support, but did not speak.

Police Department

14. Purchase of SWAT Protector Van

Move City Council approve the purchase of a SWAT Protector Van, from Safeware, Inc., utilizing Omnia Partners Contract No. 159469, in the amount of \$200,859.56, and authorize the City Manager or designee to sign a linking agreement with Safeware, Inc.

15. Purchase of SWAT Technical Support Truck

Move City Council approve the purchase of a SWAT Technical Support Truck, from San Tan Ford, utilizing State of Arizona Contract No. CTR059323, in the amount of \$66,949.88.

Public Works and Utilities

16. Resolution No. 5641 Approving an Intergovernmental Agreement with Salt River Project Agricultural Improvement and Power District for the Waterfluence Program
Move City Council pass and adopt Resolution No. 5641 approving an Intergovernmental Agreement between the City of Chandler and Salt River Project Agricultural Improvement and Power District for the Waterfluence Program.
17. Professional Services Agreement No. ST2001.101, with Dennis L. Lopez & Associates, LLC, for the Lindsay Road Improvements, Ocotillo Road to Hunt Highway Appraisal Services
Move City Council award Professional Services Agreement No. ST2001.101, to Dennis L. Lopez & Associates, LLC, for the Lindsay Road Improvements, Ocotillo Road to Hunt Highway Appraisal Services, in an amount not to exceed \$76,250.
18. Professional Services Agreement No. ST1503.451, Amendment No. 2, to Ritoch-Powell & Associates Consulting Engineers, Inc., for the Cooper Road Improvements (Alamosa Drive to Riggs Road) Construction Management Services
Move City Council award Professional Services Contract No. ST1503.451, Amendment No. 2, to Ritoch-Powell & Associates Consulting Engineers, Inc., for the Cooper Road Improvements (Alamosa Drive to Riggs Road) Construction Management Services, increasing the contract limit by \$248,894.34, for a revised contract amount not to exceed of \$1,801,616.59.
19. Professional Services Agreement No. WW2301.101, with Wilson Engineers, LLC, for the Ocotillo Water Reclamation Facility Capacity Evaluation Design Services
Move City Council award Professional Services Agreement No. WW2301.101, to Wilson Engineers, LLC, for the Ocotillo Water Reclamation Facility Capacity Evaluation Design Services, in an amount not to exceed \$476,080.
20. Professional Services Agreement No. WA2103.451, with Jacobs Engineering Group, Inc., for the Pecos Surface Water Treatment Plant SCADA Upgrade Construction Management Services
Move City Council award Professional Services Agreement No. WA2103.451, to Jacobs Engineering Group, Inc., for the Pecos Surface Water Treatment Plant SCADA Upgrade Construction Management Services, in an amount not to exceed \$230,295.
21. Agreement No. TR9-285-3990, Amendment No. 4, with Cem-Tec Corporation, for Streetlight Poles
Move City Council approve Agreement No. TR9-285-3990, Amendment No. 4, with Cem-Tec Corporation, for streetlight poles, in an amount not to exceed \$173,000, for a one-year term, December 1, 2022, through November 30, 2023.

22. Construction Manager at Risk Agreement No. WW2206.251, with PCL Construction, Inc., for the Reclaimed Water Conveyance Improvements Pre-Construction Services
Move City Council award Construction Manager at Risk Agreement No. WW2206.251, to PCL Construction, Inc., for the Reclaimed Water Conveyance Improvements Pre-Construction Services, in an amount not to exceed \$628,545.94.
23. Construction Manager at Risk Agreement No. WA2103.401, with Quantum Integrated Solutions, Inc., for the Pecos Surface Water Treatment Plant SCADA Upgrade GMP-1 Construction Services
Move City Council award Construction Manager at Risk Agreement No. WA2103.401, to Quantum Integrated Solutions, Inc., for the Pecos Surface Water Treatment Plant SCADA Upgrade GMP-1 Construction Services, in an amount not to exceed \$2,766,254.46.

Consent Agenda Motion and Vote

Councilmember Orlando moved to approve the Consent Agenda of the November 10, 2022 Regular City Council Meeting with the exception of Item No. 3 which was moved to the Action Agenda and voted on separately; seconded by Councilmember Ellis.

Motion carried unanimously (7-0) with the exception of Item No. 3 which was moved to the Action Agenda, and Item No. 5, which carried by majority (5-2) with Councilmember Harris and Councilmember Orlando dissenting.

COUNCILMEMBER ORLANDO thanked Councilmember Harris and Councilmember Ellis for their work on this ordinance, and the rest of council for their continued work on this issue.

COUNCILMEMBER ELLIS said that every time we consider something like this, we should take time to review and process it. She is proud of the work done by Councilmember Harris and council to put together this ordinance. The goal was always to do the work as a community. The community survey about satisfaction on DEI initiatives served as a basis to do the work. Councilmember Ellis thanked the speakers for sharing their stories. Councilmember Ellis shared her support for Item 5, mentioning Chandler's rural and agricultural background.

COUNCILMEMBER STEWART thanked for the community's involvement in the meeting tonight.

COUNCILMEMBER HARRIS thanked council for their involvement on Item 13.

COUNCILMEMBER LOPEZ thanked the community for showing up to tonight's meeting and asked for their continued engagement and involvement.

MAYOR HARTKE thanked Councilmember Harris, Councilmember Ellis, and Councilmember Orlando for putting in the work on the Non-Discrimination Ordinance.

Agenda Motion and Vote

3. Introduction and Tentative Adoption of Ordinance No. 5033, Zoning Code Amendment PLH22-0053 Data Centers, Regulating the Location and Operation of Data Centers throughout the City of Chandler.
Move City Council introduce and tentatively adopt Ordinance No. 5033 approving Zoning Code Amendment PLH22-0053 Data Centers, as recommended by Planning and Zoning Commission.

Item No. 3 was pulled from the Consent Agenda and considered separately.

Councilmember Stewart moved to continue Item 3 to the next regular Council meeting on December 5, 2022; seconded by Vice Mayor Roe.

Motion carried unanimously (7-0).

Informational

24. Special Event Liquor Licenses and Temporary and Permanent Extensions of Liquor License Premises Administratively Approved
25. Minutes Study Session and Regular Meeting Minutes of September 7, 2022, Planning and Zoning Commission

Unscheduled Public Appearances

None.

Current Events

Mayor's Announcements

MAYOR HARTKE shared that the next CIVIC class is accepting applications. CIVIC is an interactive, 13-session program providing Chandler residents with a behind the scenes look at city services. Each session, participants will meet with city leaders, learn how to stay engaged with the city and in their community.

MAYOR HARTKE shared that today was the grand opening of Viavi, optical security and performance products. Chandler appreciates the opportunity to host Viavi's manufacturing facility and headquarters. Viavi is a corporate and community partner to Chandler.

MAYOR HARTKE announced the Chuck Wagon Cookoff event, on Saturday, November 12, at noon at Tumbleweed Ranch.

MAYOR HARTKE said the holiday season is approaching, and with it, the Tumbleweed Tree in Downtown Chandler. Saturday, December 3, at 4:30 p.m. in Dr. A. J. Chandler Park, is the Tumbleweed Parade and Tree Lighting Ceremony.

MAYOR HARTKE wished everyone a happy and safe Thanksgiving.

Council's Announcements

COUNCILMEMBER HARRIS commented that tonight we have passed a non-discrimination ordinance, and thanked staff, council, and the community for their work. Councilmember Harris shared that part of being a military service member for the United States is to protect our freedoms. This ordinance sets that discrimination will never be welcome in Chandler. Councilmember Harris shared his pride in the work completed on this ordinance. Today we take a stance and step forward in history.

COUNCILMEMBER HARRIS mentioned that Veterans Day is coming up, asked people to thank a veteran, and shared some Veterans Day events happening.

VICE MAYOR ROE announced the CeCe's Hope Center Night of Light Gala, on Wednesday, November 16 fundraiser to help improve the life and future of at-risk young women and victims of human trafficking and sexual exploitation. This non-profit does amazing work to help this population.

VICE MAYOR ROE shared his pride for staff, employees, and residents. Chandler is diverse and inclusive.

COUNCILMEMBER ELLIS recognized Rock the Cause for Kids 2022 hosted by the Chandler Compadres. Chandler Compadres helps local nonprofits to support Chandler's kids.

COUNCILMEMBER ELLIS announced the Homestead North Park ribbon cutting ceremony on Saturday, November 12.

COUNCILMEMBER ELLIS announced her graduation from the Chandler Police Citizen's Academy, after 13 weeks of learning about the Chandler Police Department. Councilmember Ellis recommended this class to learn more about the Chandler Police Department, registration will open next year.

COUNCILMEMBER ORLANDO wished veterans a happy Veterans Day and thanked everyone for their support of service members. The United States Armed Forces is the best because of the backing of the people.

City Manager's Announcements

MR. WRIGHT shared that the Viavi development was awarded a Golden Prospector Award of Merit for Deal of the Year by the Arizona Association for Economic Development and recognized Economic Development staff.

Adjourn

The meeting was adjourned at 7:34 p.m.

ATTEST: *Dana R. D'Long*
City Clerk

Kevin Harthe
Mayor

Approval Date of Minutes: December 5, 2022

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 10th day of November 2022. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this 5th day of December, 2022.

Dana R. D'Long
City Clerk

