

Meeting Minutes

City Council Regular Meeting

December 5, 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
Kelly Schwab, City Attorney
Dana DeLong, City Clerk

Invocation

The invocation was given by Councilmember Ellis.

Pledge of Allegiance

The Pledge of Allegiance was led by Vice Mayor Roe.

Consent Agenda and Discussion

Discussion was held on Item 4.

City Clerk

1. November 2022 Council Meeting Minutes
Move City Council approve the Council Meeting minutes of the Work Session of November 7, 2022; Regular Meeting of November 7, 2022; Study Session of November 7, 2022; and the Regular Meeting of November 10, 2022.

Development Services

2. 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 (Continued from the Council Meeting of November 10, 2022)
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.

3. Final 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 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) zoning designation with Mid-Rise Overlay allowing for building heights up to 120 feet, subject to the conditions as recommended by Planning and Zoning Commission.

4. Final Adoption of Ordinance No. 5035, City Code Amendment, PLH21-0063 Backyard Chickens
Move City Council 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.

LESLIE MINKUS, 3372 E. Gemini Ct., presented a Chandler Residents Resolution 0001 opposing Ordinance 5035.

RUTH JONES, 2734 E Birchwood Pl., spoke in opposition to Ordinance 5035 to allow backyard chickens.

COUNCILMEMBER ORLANDO asked Mr. Minkus to clarify the purpose of the Residents Resolution.

MR. MINKUS clarified that the purpose was for the residents of Chandler to share their opinion in this matter. Mr. Minkus said that the new council after the installation of new councilmembers should vote on this issue.

COUNCILMEMBER HARRIS asked about how a referendum election works.

DANA DELONG, City Clerk, answered that if the ordinance is adopted this evening, starting tomorrow, citizens could petition to get the issue put on a ballot. There would be a requirement of 5,619 verified signatures collected within the 30 days after the adoption of the ordinance. Once a petition is submitted, it goes through the process of counting and verifying signatures. If there were enough signatures, the item could then be put on a future ballot.

COUNCILMEMBER HARRIS summarized that voters can vote on this item instead of undergoing a Council vote if they were to undergo the referendum petition process.

MS. DELONG confirmed and added that the item would be on the next regularly scheduled election.

COUNCILMEMBER HARRIS asked how long residents have to undergo this process.

MS. DELONG said they have 30 days to get the required amount of signatures on a petition. Any ordinance thereafter would not go into effect until it was voted on by Chandler voters.

MAYOR HARTKE added that the 5,619 signatures must be valid registered Chandler voters.

MS. DELONG confirmed that was correct.

5. Final Adoption of Ordinance No. 5026, Rezoning, PLH21-0089 McQueen Live Work, Located North of the Northwest Corner of McQueen and Warner Roads
Rezoning
Move City Council 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.

Mayor and Council

6. Final 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
Move City Council 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.

Consent Agenda Motion and Vote

Councilmember Lopez moved to approve the Consent Agenda of the December 5, 2022, Regular City Council Meeting; Seconded by Councilmember Stewart.

Motion carried unanimously (7-0) for Items 1, 2, 3, and 5. Item No. 4 passed by majority (5-2) with Councilmember Orlando and Councilmember Harris dissenting. Item No. 6 passed by majority (6-1) with Vice Mayor Roe dissenting.

Action Agenda and Discussion

7. Resolution No. 5656 Opposing the Rezoning and Multifamily Land Use Proposed in the Landings at Ocotillo Application, as Requested by Councilmember Stewart
Move City Council adopt Resolution No. 5656 opposing the rezoning and multifamily land use proposed in the Landings at Ocotillo application submitted to the Maricopa County Planning & Development Department, Case No. Z2021175.

COUNCILMEMBER STEWART explained that this Resolution is at the behest of neighbors and Councilmembers to stand in support of the Chandler General Plan, Airpark Area Plan, and Water Plan.

MAYOR HARTKE called for those wishing to speak on Item No. 7.

ROBYN SAVAGE, 496 E. Tonto Dr., spoke in support of Resolution 5656. Citizens value and respect the early vision for Chandler. Ms. Savage shared information about Arizona Avenue traffic that would be impacted by this development.

AARTHI D'COSTA, 291 E. Indigo Dr., spoke in support of Resolution 5656 and thanked Mayor and Council for standing with the residents of Chandler on this issue. Chandler residents have approved the Chandler General Plan over and over. The City values its voters and has a clear vision for planning and zoning.

ALLISON GERARD, 429 E. Horseshoe Dr., spoke in support of Resolution 5656 and thanked Mayor and Council for supporting the residents. Maricopa County Planning and Zoning Department and Maricopa County Supervisor Jack Sellers have stated that the position of the City of Chandler is important in this decision. Services in this development will be provided by the City of Chandler.

OWEN METZ, 9000 E Pima Counter Pkwy., senior vice president and project partner with Dominion, requested the Council continue this request and forward to the Planning and Zoning Commission for a proper application and review. Mr. Metz shared the goal of providing affordable housing for Chandler to address the housing crisis many cities face. Mr. Metz shared that residents of this affordable housing community would be thoroughly vetted, and this location is appropriate for housing.

ED BULL, 1850 N. Central Ave., of Burch and Cracchiolo, shared that he works with cities, developers, and residents to find solutions. Housing is a problem across the valley. Burch and Cracchiolo have submitted a letter to Maricopa County for an indefinite continuation of the

Landings at Ocotillo hearings with the hope of finding a solution for all parties. Mr. Bull requested to continue or withdraw this item.

COUNCILMEMBER ORLANDO thanked Mr. Bull and Mr. Metz for being an integral part of the community when it comes to planning and zoning issues. The communication process has been scant, leading to frustrations. Councilmember Orlando encouraged them to reach out to residents and answer their questions.

MR. BULL will follow up with Councilmember Orlando. Mr. Bull shared that the process with Maricopa County is different than what is pursued with the City. Mr. Bull committed to meeting with residents.

PEGGY BILSTEN, 6711 S. Bradshaw Way., shared that Chandler has an opportunity to do something different, bring affordable housing to Chandler.

COUNCILMEMBER ELLIS shared more information on the start of Chandler's involvement with this developer. Chandler provided 14 sites to develop affordable housing. We need to do things the right way when it comes to developments like this.

MS. BILSTEN commented that the audience does not have all the background that the council has but requested a continuance to allow residents to find out more about the development.

COUNCILMEMBER ELLIS said the Council is available for those that need information from them.

VICE MAYOR ROE called for the question. Council discussion was held on whether to vote on the item or continue hearing from those that submitted speaker cards. Mayor Hartke and the Council decided to continue hearing from those that wanted to speak.

RON YOSHIMURA, 307 S. Hawes Rd., #324, shared he is a resident of Dominion's affordable senior housing project in Mesa. Mr. Yoshimura shared he was a resident of Chandler for nine years and had to find alternative housing when the cost of rent doubled. Seeking low-income housing for seniors is a likelihood for many.

JUDI HAHN, 307 S. Hawes Rd., #102, also a resident at Dominion's affordable senior housing project in Mesa. Ms. Hahn shared she also used to live in Chandler and was unable to afford the cost of living with a fixed income. Ms. Hahn shared her opinion that Dominion is doing a great service in providing affordable housing with the quality of services.

REVEREND SARAH OGLESBY-DUNEGAN, 6400 W. Del Rio, shared she is the senior minister at Valley Unitarian Universalist Congregation in Chandler, with Valley Interfaith Members. Rev. Oglesby-Dunegan spoke in opposition to Resolution 5656. Valley interfaith Partners will work with council

moving forward to envision solutions to the crisis of affordable housing. Rev. Oglesby-Dunegan shared scenarios shared by congregation members facing the housing crisis.

MAYOR HARTKE thanked Rev. Oglesby-Dunegan for speaking, and Valley Interfaith Members for the work they do in our community.

YUAN CHEN, 3230 S. Waterfront Dr., shared that many signatures on a petition in opposition to the Landings at Ocotillo development have been collected. Ms. Chen thanked Council for adhering to the Master Plan and hearing residents' voice. Residents are not opposed to affordable housing, but to this development.

MARY ELLEN SAUNDERS, 4200 S. Kerby Way, confirmed that residents are not opposed to low-income housing, the opposition is regarding the location of this proposed development. Ms. Saunders commented that the traffic is the most egregious part of this discussion, there are often accidents at this proposed location. Ms. Saunders spoke in support of the resolution.

DEREK LOGAN, 445 E. Coconino Pl., thanked Mayor and Council for their other work with affordable housing. Mr. Logan shared his reservations with the proposed development.

BARBARA QUIJADA, 1707 S. Marilyn Ann Dr., Tempe, with Valley Interfaith Project and the Unitarian Universalist Congregation in Chandler, spoke in opposition of the resolution. Congregations are holding classes on housing and equity to address the housing crisis. Projects like this development would be a positive step for the City of Chandler, to take a lead in solving this problem.

MAYOR HARTKE noted that comment cards were submitted and will be part of the record.

QING ZHON, 538 E. Horseshoe Pl., in support.

We are strongly opposed to the rezoning of the land on Arizona / Ocotillo.

ANNE PATTERSON, 275 E Coconino Dr., in support.

To date, not 1 person @ Dominion has returned my calls. This project is about \$\$ for Dominion. The opportunity to maximize profits by having the Feds make up the market value of rents in the most expensive housing zip in Chandler.

SARAH NEUHAUS, in support.

Thank you for supporting the general plan and the people of Chandler.

ANITA SHU, 412 Pelican Dr., in support.

No Landing of Ocotillo

CRYSTAL MARKOWSKY, 671 W. Cherrywood Dr., in opposition.

As a child who grew up in Section 8 housing, I know exactly the kind of impact having a safe and affordable roof over your head has on a family. Thanks to HUD housing, food stamps, and public schools, I had a fighting chance to make it out and to where I am today. This isn't a bootstrap story because I understand I have a healthy dose of white privilege as well, but rather I'm writing to encourage you to make Chandler a community that is welcoming to all people and share the opportunity we know that comes with living in this great city. I support the rezoning and development project and ask you to do the same.

PAUL BIERLY, 393 W. Remington Dr., in support.

If we wanted to live in a more densely populated area we would not have chosen to move to South Chandler. Keep Chandler as intended as much as possible. More apartments will simply increase congestion and create further issues like traffic and crime to increase dramatically.

KARLA NAVARRETE, 1777 W. Goldfinch, in opposition.

I fully support the HUD housing project on your agenda. Part of a fully functioning society is to make sure that those who are in a lesser capacity of achievement are able to put their families in a safe and reliable shelter. Shelter is a basic necessity and while most of us have been able to provide for ourselves, it doesn't give us a right to deny to the less fortunate.

PAULA FEELY, 271 W. Sparrow Dr., in opposition.

My name is Paula Feely and I live at 271 W Sparrow Drive in Chandler, 85286. I am opposed to the motion to oppose this development, because I think this housing would be a positive addition to our community. I read an article about it, and I think that providing affordable housing for seniors and low-income families is an important goal for our city. The applicants go through a stringent approval process and are held to fairly strict rules in order to maintain their residence. Please do not oppose the development.

TREVOR MALZEWSKI, 4434 S. John Way., in opposition.

I canvassed many renters in Chandler this year during the elections. Renters in Chandler are hurting more than almost anywhere in the nation, and they need relief. Building denser, affordable, housing must be a top priority in Chandler, which is why I, as a nearby resident to the project, support Landings on Ocotillo.

CODY HANNAH, 1825 W. Ray Rd., in opposition.

It is embarrassing that members of our community are fighting against the opportunity to provide affordable housing to low-income citizens, particularly seniors, in the City of Chandler. It is already nearly impossible to find stable and affordable housing in this city if you make less than 80K dollars a year. Those who cite crime or traffic as their reasoning for opposing this development are so afraid of having low-income people in their neighborhoods that they'd rather see them homeless. Housing is a basic human right that should be provided to all, and the private market has failed and will continue to fail to provide solutions on its own. I implore the Mayor

and Council to commit to supporting real solutions to Chandler's housing crisis without allowing themselves to be bullied by an extremist subset of residents who are upset that this development would allow poor people, seniors, and people of color to have an opportunity to live a humble, dignified life in the City of Chandler.

TIM ROCHE, 102 N. Tangerine Dr., in opposition.

I support the rezoning of The Landings at Ocotillo. People deserve a place to live and to be treated with decency and respect. These NIMBY attitudes are relics of a culture rooted in fear of The Other. They have no place in 2022 or our community and the city at large.

MAYOR HARTKE welcomed further work on affordable housing with community partners.

COUNCILMEMBER ORLANDO thanked community members for attending the meeting and sharing their opinion. The process of moving forward with affordable housing is an investment of time.

COUNCILMEMBER HARRIS thanked Councilmember Stewart for bringing this item forward. Chandler is all about finding solutions for housing. The city's considerations in location and water conservation should be recognized.

Action Agenda Motion and Vote

Councilmember Lopez moved to approve Item No. 7 of the December 5, 2022, Regular City Council Meeting; Seconded by Councilmember Harris.

Motion carried unanimously (7-0).

Unscheduled Public Appearances

Adjourn

The meeting was adjourned at 7:10 p.m.

ATTEST: 
City Clerk


Mayor

Approval Date of Minutes: January 12, 2023

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 5th day of December 2022. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this 12th day of January, 2023.



Dana R. DeLong

City Clerk