

Meeting Minutes

City Council Work Session

February 6, 2023 | 4:00 p.m.
Council Chambers Conference Room
88 E. Chicago St., Chandler, AZ



Call to Order

The meeting was called to order by Mayor Kevin Hartke at 4:01 p.m.

Roll Call

Council Attendance

Mayor Kevin Hartke
Vice Mayor Matt Orlando
Councilmember OD Harris
Councilmember Mark Stewart
Councilmember Christine Ellis
Councilmember Jane Poston
Councilmember Angel Encinas

Appointee Attendance

Josh Wright, City Manager
Kelly Schwab, City Attorney
Dana DeLong, City Clerk

Staff in Attendance

Matt Burdick, Communications & Public Affairs Director
Melissa Quillard, Marketing & Communications Manager

Discussion

1. Discussion and Recommendations from the Mayor's Ad Hoc Governance Subcommittee relating to Revisions to the Council Rules and Procedures including: Setting of Agendas; Parliamentary Procedures; Meeting Protocol; Use of Staff; Representation of City Strategic Goals; and General Council Governance

MAYOR HARTKE called for a staff presentation.

JOSHUA WRIGHT, City Manager, introduced the discussion item. He said that the Council rules and procedures helps staff know what Council expectations are. Since the last time the document was

updated, technologies have changed, and these policies should reflect modern times. He said they will review this document by section.

COUNCILMEMBER STEWART asked what the purpose was for these changes.

MAYOR HARTKE said that the last time the rules and procedures was updated was in 2008. The purpose of the changes is to reexamine and update the document. The intent is to clarify language used and update the rules of order.

COUNCILMEMBER STEWART compared the rules and procedures update to updating a code by ordinance.

MAYOR HARTKE said there were no inciting incidents leading to changes made. There is just a need to make the document more current.

KELLY SCHWAB, City Attorney, added that the council rules and procedures are not part of the city code, they are adopted rules to govern the council. It is not law.

MATT BURDICK, Communications & Public Affairs Director, explained that there were two council subcommittee meetings held on rules and procedures. As the subcommittee reviewed the rules and procedures, there were many points that were out of sync with current practices. This is an opportunity to integrate current practices with the rules and procedures. Terminology is updated and clarification is given. There was discussion about the agenda, council office use of staff, discretionary spending, and document clean-up.

MR. BURDICK presented and reviewed with the Council the following sections of the document.

SECTION I – RULES OF JOURNAL

SECTION II – MEETINGS

COUNCILMEMBER STEWART asked about the requirement for four councilmembers to call a special meeting.

MS. SCHWAB stated that the requirement for four councilmembers to call a special meeting is a code requirement. Either the mayor or four councilmembers can call a special meeting. It is not a violation of open meeting law to call a meeting.

MR. BURDICK presented.

SECTION III – AGENDA

COUNCILMEMBER HARRIS asked what the purpose was of removing the City Manager's process for agenda items from the Council rules and procedures.

VICE MAYOR ORLANDO said that there are two options to call a meeting – for the mayor to contact the City Manager and request a meeting, or four councilmembers can request a meeting. There are some things that the City Manager and staff may know about that council may not.

MR. BURDICK said that the purpose of the changes in the first paragraph was to bring the text up to date with current practices. The second paragraph details when items are submitted for an agenda.

MAYOR HARTKE said there was discussion on the timeframe of how soon a councilmember should submit an item. Most other cities have moved the timeframe earlier. This should allow for more time to allow City Clerk and City Manager to review and add the appropriate language.

COUNCILMEMBER STEWART said that this is a good adjustment. Having more time to review the agenda is important. The current reality is that sometimes there is not enough time to review all the items on the agenda. Councilmember Stewart requested to see a completed agenda by Monday.

MAYOR HARTKE explained that having a completed agenda by Monday would push the entire process an additional week. It would change the timeline that companies have to work on items like agreements and contracts.

VICE MAYOR ORLANDO clarified that what was being requested was for a completed agenda to be posted the Monday the week before the meeting rather than the current process of posting the completed agenda on the Thursday the week before the meeting.

COUNCILMEMBER STEWART said the request was to see the completed agenda the Monday the week before the meeting.

VICE MAYOR ORLANDO asked when does the City Manager see the agenda come together.

MR. WRIGHT explained that internal deadlines for all items to be submitted in the system is two weeks prior to the meeting. The deadline for the items to be submitted to directors is the Friday before agenda collection. Agenda collection is where the executive team reviews all items that have come through as a group, which occurs the Tuesday before the meeting. After the agenda items are finalized, then one-on-one meetings occur. Ultimately the City Manager reviews every agenda item before an agenda is finalized and published.

VICE MAYOR ORLANDO mentioned that councilmembers with questions could then bring up questions in one-on-ones earlier. Vice Mayor Orlando asked if a draft agenda could be shared with councilmembers the Monday the week before the meeting.

DANA DeLONG, City Clerk, said a draft agenda is currently compiled by 4:00 p.m. the Monday the week before the meeting which is shared with department directors before the agenda collection meeting. Any changes because of the agenda collection meeting are incorporated on Tuesday.

VICE MAYOR ORLANDO summarized that the directors meet on Tuesday to finalize the agenda and asked when the best time would be to see a draft agenda.

COUNCILMEMBER STEWART said that ideally this would give the public more time to review the agenda prior to the meeting.

MR. WRIGHT said that any draft agenda would be available to councilmembers only. It is not ready for publishing as a draft.

COUNCILMEMBER POSTON shared that looking at the agenda ahead of time makes a difference in one-on-one meetings. Having early access to a draft would be helpful.

COUNCILMEMBER HARRIS said that staff briefs are limited to certain items. Councilmembers do not have the opportunity to review the entire agenda at the current timeline.

MAYOR HARTKE asked to look into a confidential agreement to not post agenda items early for councilmembers to be able to review a draft agenda before one-on-one meetings.

MS. DeLONG explained that any draft agenda presented to council at this timeframe would not be comparable to a complete published agenda.

MAYOR HARTKE asked about the ramifications of advancing the agenda timeline.

MR. WRIGHT explained that if the goal is to have more time with the published final agenda, we can revise our internal timeline for item submission. Changes to the procedure would work backwards to establish whatever amount of time was needed.

COUNCILMEMBER STEWART said if the timeline is moved up it would be better in general with exception to special cases.

MR. WRIGHT said that access to a draft agenda is possible if that is what the consensus is, it would be less complete than what is reviewed in one-on-ones.

COUNCILMEMBER ENCINAS asked to clarify the expected timeline. Councilmember Encinas asked if this deadline advancement would create a backlog of items in the system that missed a deadline and would need to wait until the next meeting.

MR. WRIGHT said there would be a backlog of items in the system.

COUNCILMEMBER ENCINAS asked if the edits in paragraph two of a deadline of 5:00 p.m. on Wednesday would be in effect for just councilmember items or all items.

MAYOR HARTKE said this would advance the entire timeline for all items.

COUNCILMEMBER HARRIS said we can give ourselves enough time to look at items by setting an earlier timeline and would like to see it as early as possible.

MAYOR HARTKE asked for council consensus on a complete final agenda or a draft agenda.

VICE MAYOR ORLANDO asked if the idea was for a complete agenda prior to meeting with the City Manager. The City Manager reviews a rough draft Monday night, and has a reviewed draft Tuesday night. Rough agendas could be visible Wednesday or Thursday. This may create a disadvantage to have a draft agenda with less information because the details will not be present.

COUNCILMEMBER STEWART said that there is a short window that councilmembers have to go into depth reviewing items. It would be helpful to have the possibility to review each item on the agenda in-depth in one-on-one meetings.

MAYOR HARTKE said that reviewing every item in individual meetings with each councilmember is not a wise use of time. Calling in questions on certain items is certainly acceptable but efficiency is the goal.

COUNCILMEMBER POSTON asked when City Manager receives full council memos.

MR. WRIGHT said that he receives full council memos for items up until Tuesday the week before the draft agenda. Initial submissions and revisions are visible. Comments and questions may not be ready until Wednesday. The system is programmable to adjust certain deadlines.

MAYOR HARTKE said if an electronic draft agenda was provided on Tuesday night before meeting, would this be a better solution.

VICE MAYOR ORLANDO said there should be better time spent to create a procedure that works for all.

COUNCILMEMBER POSTON said there are two issues: when council submits items, and when council gets the opportunity to see the full agenda. We can come back to this.

MAYOR HARTKE said that when council submits items depends on what council wants on a date to see the full agenda.

COUNCILMEMBER HARRIS said we should revisit this and address it later.

COUNCILMEMBER STEWART said this relates to councilmember submitted items, and we should talk about this further later.

VICE MAYOR ORLANDO commented that the last sentence in the third paragraph is unnecessary and discussed the redundant language between the Councilmember Agenda Item Submittal form and the rules and procedures.

MAYOR HARTKE added that this gives the option for the City Manager to put something on the study session agenda for discussion, then an action agenda at the next regular meeting. It provides a way for the councilmember to move to a future meeting or remove the item.

VICE MAYOR ORLANDO said the language could be more general than proceeding to a regular meeting to allow for more possibilities of action.

COUNCILMEMBER STEWART said the item could be removed before the agenda is published on Wednesday, or tabled or continued at the meeting.

COUNCILMEMBER HARRIS asked to include more language and definitions on the Councilmember Agenda Item Submittal form.

MAYOR HARTKE said that these terms are covered in councilmember onboarding, and preferred to leave the form as simple as possible.

COUNCILMEMBER HARRIS asked to have a reference to where this information could be found listed on the form.

MS. SCHWAB commented that the exhibits are referenced in the rules and procedures.

MAYOR HARTKE added that this will just be used internally, no citizen will be using this form.

COUNCILMEMBER POSTON noted that one area said one agenda item may be submitted while another area said an agenda item may be submitted. A councilmember may submit more than one agenda item at a time, but would just fill out a form for each one.

COUNCILMEMBER STEWART asked how the Councilmember Agenda Item Submittal form would be submitted.

MS. DeLONG said that the form would be completed electronically.

MR. BURDICK continued the presentation.

SECTION IV – PRESIDING OFFICER – DUTIES
SECTION V – CALL TO ORDER – PRESIDING OFFICER
SECTION VI – ROLL CALL
SECTION VII – QUORUM
SECTION VIII – ORDER OF BUSINESS

COUNCILMEMBER STEWART asked about removing staff or public requests to move a council item from consent agenda to action agenda.

MS. SCHWAB said that the council controls the agenda process. Councilmembers can choose to pull an item at the request of the public if they choose. This makes the rules more consistent with the current operation of public meetings.

COUNCILMEMBER STEWART confirmed that this removed the option for the public to request to pull an item from the consent agenda.

MS. SCHWAB said that is correct, the public would then make the request of the council to pull the item who may decide to do so.

MAYOR HARTKE said that there have been moments of the council acting both to pull an item at the request of the public, and to not consider pulling items.

VICE MAYOR ORLANDO said that members of the public can still choose to speak on any item listed on the agenda.

MS. SCHWAB said that from a legal perspective, members of the public have the right to speak at a public hearing. The ability to speak on any other agenda items is at the control of the council.

VICE MAYOR ORLANDO shared concerns with controlling the public's right to speak on any agenda item.

COUNCILMEMBER STEWART suggested leaving in the sentence about the public requesting a specific item being discussed.

MAYOR HARTKE said that the current practice is to accept speaker cards before deliberation by council.

MR. WRIGHT added that if the language is changed, the rule will then be that any item will be pulled by public request.

MS. SCHWAB said that members of the public often speak about items which are then left on the consent agenda which is appropriate.

COUNCILMEMBER STEWART said that the procedure to then consider an item as an action item is quick enough while letting the public's opinions be shared.

MAYOR HARTKE said that the change should be that there is an opportunity for the public to speak while keeping the item discussion movement up to council.

VICE MAYOR ORLANDO said we respect speaker cards and comment cards as requests to speak.

COUNCILMEMBER STEWART said we must consider what future councils will look like.

VICE MAYOR ORLANDO asked about the Citizen Request for Scheduled Public Appearance and the current practices.

MS. DeLONG said that the current practice for scheduled public appearances is to communicate with the requestor via email. The information captured on the form is like a speaker card. The intent is that even if they did not fill out the scheduled public appearance form, they would still be able to speak at the meeting.

VICE MAYOR ORLANDO noted that they can only appear on the agenda if they fill out the form. We should encourage them to fill out the form, but it is not required to be able to speak.

COUNCILMEMBER ELLIS said that members of the public can only be placed on the agenda if they contact the Clerk.

MS. DeLONG confirmed that they must be in contact in order to be placed on the agenda.

MS. SCHWAB added that this is only for scheduled public appearances, there is still the opportunity to speak under unscheduled public appearances. There are not other communities in Arizona that allow for scheduled public appearances like this.

VICE MAYOR ORLANDO found some dissimilarities between the language on the form and the language in the rules and procedure for the scheduled public appearance rules.

MS. SCHWAB said the goal of the Citizen Request for Scheduled Public Appearance form is to collect enough information to create an appropriate item on the agenda.

COUNCILMEMBER HARRIS asked about a member of the public speaking on multiple items or multiple people speaking on one item.

MAYOR HARTKE said the intention is to give everyone the opportunity to speak. It is important to keep things orderly in allowing for speakers.

COUNCILMEMBER HARRIS said the form should be clearer in allowing for speakers per item.

MAYOR HARTKE said that when speaking, members of the public may speak about whatever topic they choose in the time allotted.

MS. SCHWAB said that there is an option for someone to speak under both unscheduled and scheduled time. There are multiple opportunities for people to speak on multiple topics.

COUNCILMEMBER ENCINAS asked if this has been an issue in prior years.

MS. SCHWAB said that we need sufficient information to place an item on the agenda to comply with state statute.

MS. DeLONG said this creates a documented process for getting an item on the agenda. This is not meant to preclude citizens to speaking, it is meant to help staff comply with legal guidelines.

MAYOR HARTKE said that there have been many requests from citizens to learn how to speak to council. The goal is to vet the issue before involving council if it can be solved by staff.

COUNCILMEMBER POSTON recommended removing 'citizen' from the form.

COUNCILMEMBER STEWART asked how a councilmember would bring forward a speaker to speak on the councilmembers' behalf.

MS. SCHWAB said the councilmember would request of the presiding officer to allow a speaker. If the presiding officer denies it, a majority of the council can vote to allow a speaker.

MR. BURDICK continued the presentation.

SECTION IX – PROCEDURES FOR DEBATE

SECTION X – RULES OF DEBATE

SECTION XI – ADDRESSING THE COUNCIL

SECTION XII – DECORUM

SECTION XIII – ENFORCEMENT OF DECORUM

SECTION XIV – VOTING

MS. SCHWAB said there was a conflict in the rules as they were written before between the privilege of closing debate and motion for previous question. There are two different processes to stop the debate and vote on the item.

MAYOR HARTKE said that it is important that is council is on the same page about items, council should have the ability to continue discussion until everyone is comfortable voting.

COUNCILMEMBER ELLIS said there should be a motion to stop debate with a vote.

COUNCILMEMBER HARRIS said that there should be a motion to stop debate.

MS. SCHWAB clarified that call the question and previous question mean the same thing in this context, both would end debate.

COUNCILMEMBER HARRIS said if a person calls for the question, then we vote to end debate.

MAYOR HARTKE reminded that any call to question would need to be first recognized by the presiding officer.

VICE MAYOR ORLANDO asked if this would be applicable for all items.

MS. SCHWAB said it would be to avoid confusion of different processes.

VICE MAYOR ORLANDO said that anyone can call for the question regardless of the motion. This motion would then require a second.

MS. SCHWAB said this motion would require a second. Under Robert's Rules of Order, this motion would require a second. Council may make the decision on whether to require a second. Having one process for everything will be clearer. Adding additional language to clarify the process.

MAYOR HARTKE said the motion to reconsider is when you already voted to bring it back to vote. Voting no would discontinue any consideration.

VICE MAYOR ORLANDO said this relates to ordinances, are other items valid to be reconsidered.

MS. SCHWAB said that is up to the council. Originally reconsideration was only accepted for zoning ordinances. The challenge of reconsidering anything else, some things go into effect immediately, while ordinances take effect 30 days later.

VICE MAYOR ORLANDO said that currently there is no way of bringing back non-ordinances for consideration.

MS. SCHWAB would change the language to allow for all items.

MAYOR HARTKE asked if there were any challenges to making that change.

MS. SCHWAB said other than the timing, many other cities allow for reconsideration of any item.

COUNCILMEMBER STEWART asked if there are any times where 30 days pass without holding a council meeting, they would call a special meeting to vote again.

MS. SCHWAB said that additional language was inserted to address gaps in the meeting schedule longer than 30 days.

MR. BURDICK continued the presentation.

SECTION XV – PROCEDURE FOR DEBATE DURING PUBLIC HEARING

VICE MAYOR ORLANDO asked if the time limit for applicant speakers would also be reduced to three minutes.

MAYOR HARTKE said that other cities only allow 15 minutes total. This removes the maximum of 15 minutes, but that time allowance is still possible.

VICE MAYOR ORLANDO said that limiting the applicant to three minutes is unfair.

MS. SCHWAB said that the three-minute limit only applies to members of the public.

MR. BURDICK continued the presentation.

SECTION XVI – PETITIONS

SECTION XVII – ORDINANCE – EMERGENCY CLAUSE

SECTION XVIII – SPECIAL COMMITTEES

SECTION XIX – COUNCIL DISCRETIONARY BUDGET AMENDMENTS

COUNCILMEMBER HARRIS liked the additions in encouraging communication between councilmembers.

MR. BURDICK continued the presentation.

SECTION XX – COUNCIL DISCRETIONARY SPENDING

COUNCILMEMBER HARRIS said to add the word 'generally'.

MAYOR HARTKE said that is fine, as long as use adheres to these policies.

COUNCILMEMBER HARRIS say that staff does a good job of navigating discretionary spending.

MAYOR HARTKE said that there should be a limited use for the funds.

COUNCILMEMBER HARRIS agreed.

COUNCILMEMBER POSTON suggested changing the language to 'associated with City business'.

VICE MAYOR ORLANDO said it is governed by the same policies as staff.

MR. BURDICK continued the presentation.

SECTION XXI – USE OF STAFF

COUNCILMEMBER POSTON asked if the other paragraphs fall under generally accepted requests that staff may be assigned to.

MAYOR HARTKE said that only specific projects over the four-hour staff time would require approval.

COUNCILMEMBER POSTON said this should be better separated.

MAYOR HARTKE said this update clarifies the definition of the opportunity to use staff time.

MR. BURDICK continued the presentation.

SECTION XXII – MEDIA PRIVILEGES DURING AN ELECTION YEAR

VICE MAYOR ORLANDO asked what the definition of early voting in this context is.

MR. BURDICK said that it was the first day a voter could submit a ballot, 27 days before the election.

COUNCILMEMBER STEWART confirmed that this is only for the office of council.

MR. BURDICK continued the presentation.

SECTION XXIII – SENIORITY OF COUNCIL MEMBERS

COUNCILMEMBER HARRIS shared hesitations with the language.

VICE MAYOR ORLANDO noted that it should be by votes when elected, not connected to the primary or the runoff in the general election.

MR. BURDICK continued the presentation.

SECTION XXIV – ENFORCEMENT SUSPENSION, AND AMENDMENT OF RULES

SECTION XXV – RULES OF ORDER

SECTION XXVI – COUNCIL FORMS

EXHIBIT A – COUNCILMEMBER AGENDA ITEM SUBMITTAL FORM

EXHIBIT B – REQUEST FOR SCHEDULED PUBLIC APPEARANCE

MAYOR HARTKE summarized that besides the discussion of distributing agendas, we are in consensus with these changes.

Staff will update the rules and procedures with requested changes.

Adjourn

The meeting was adjourned at 5:55 p.m.

ATTEST: *Dana R. DeLong*
City Clerk

Kevin Hartke
Mayor

Approval Date of Minutes: March 20, 2023

Certification

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Work Session of the City Council of Chandler, Arizona, held on the 6th day of February 2023. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this 20th day of March, 2023.

Dana R. DeLong
City Clerk

