

Meeting Minutes

City Council Regular Meeting

July 20, 2023 | 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 6:00 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

*Vice Mayor Orlando and Councilmember Harris attended telephonically.

Invocation

The invocation was given by Pastor Mark Rossington, Epiphany Lutheran Church.

Pledge of Allegiance

The Pledge of Allegiance was led by Councilmember Stewart.

Consent Agenda and Discussion

City Clerk

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

City Manager

2. Agreement No. CM3-290-4552, with Ameresco, Inc., for Solar Installations at Various City Facilities
Move City Council approve Agreement No. CM3-290-4552, with Ameresco, Inc., for solar installations at various City facilities, in an amount not to exceed \$22,500.

Communications and Public Affairs

3. Agreement No. CAPA2-918-4421, Amendment No. 2, with Davidson Belluso, for Digital Marketing Services for Recruitment Campaigns
Move City Council approve Agreement No. CAPA2-918-4421, Amendment No. 2, with Davidson Belluso, for digital marketing services for recruitment campaigns, extending the agreement through August 31, 2024, and increasing the spending limit in the amount of \$600,000.
4. Agreement No. CAPA3-840-4576, with SGR Media, dba 5 Words Media, for Studio Equipment and Installation
Move City Council approve Agreement No. CAPA3-840-4576, with SGR Media, dba 5 Words Media, for studio equipment and installation, in an amount not to exceed \$791,696.76, and authorize an appropriation transfer from General Fund Contingency of \$150,000 to General Capital Projects Fund, Video Production Studio Digital Media Upgrade Program.

Community Services

5. Agreement No. PW0-745-4183, Amendment No. 5, with M.R. Tanner Development and Construction, Inc., for Street Maintenance Repaving, Surface Seal, and Repair Services
Move City Council approve Agreement No. PW0-745-4183, Amendment No. 5, with M.R. Tanner Development and Construction, Inc., for street maintenance repaving, surface seal, and repair services, increasing the spending limit by \$1,297,021.
6. Agreement No. CS9-988-4086, Amendment No. 4, with Grounds Control, LLC, for City Parks Landscape Services
Move City Council approve Agreement No. CS9-988-4086, Amendment No. 4, with Grounds Control, LLC, for City parks landscape services, increasing the spending limit by \$357,113.82.
7. Agreement No. CS1-967-4327, Amendment No. 2, with Nutrien Ag Solutions, Inc.; and Rentokil North America, Inc., dba Target Specialty Products; for Fertilizers, Herbicides, and Pesticides
Move City Council approve Agreement No. CS1-967-4327, Amendment No.2, with Nutrien Ag Solutions, Inc.; and Rentokil North America, Inc., dba Target Specialty Products; for fertilizers, herbicides, and pesticides, in a combined amount not to exceed \$290,000, for a one-year term, August 1, 2023, through July 31, 2024.
8. Purchase of Citywide Pool Construction Services

Move City Council approve the purchase of citywide pool construction services, from Shasta Industries, Inc., utilizing the City of Scottsdale Contract No. 2018-136-COS, in an amount not to exceed \$1,595,700, and authorize the City Manager or designee to sign a linking agreement with Shasta Industries, Inc.

Cultural Development

9. Introduction and Tentative Adoption of Ordinance No. 5061 adopting the provisions of a Development Agreement and Purchase Agreement between JEMBJACD, LLC, and the City of Chandler for the sale and development of .36 acres of City-owned property located at the southwest corner of Chicago Street and Oregon Street
Move City Council introduce and tentatively adopt Ordinance No. 5061 adopting the provisions of a Development Agreement and Purchase Agreement between JEMBJACD, LLC, and the City of Chandler for the sale and development of .36 acres of City-owned property located at the southwest corner of Chicago Street and Oregon Street.

Development Services

10. Purchase of Repair and Upgrade Services to the City's Fiber Network
Move City Council approve the purchase of repair and upgrade services to the City's fiber network, utilizing multiple vendors available under the State of Arizona Contract No. CTR062466, Communications Cabling Systems, and the City of Tucson Contract No. 212710, Installation, Maintenance, and Repair of Fiber/Copper Networks, in a combined amount not to exceed \$2,411,414.

Economic Development

11. Greater Phoenix Economic Council (GPEC) Agreement for Fiscal Year 2023-24
Move City Council approve the Fiscal Year (FY) 2023-24 agreement with the Greater Phoenix Economic Council (GPEC) for regional economic development services, in the amount of \$138,532, for the period of July 1, 2023, through June 30, 2024.

Human Resources

12. Resolution No. 5716, Approving and Authorizing Execution of Amended and Restated Retirement Health Savings Adoption Agreements for Employees and Elected Officials
Move City Council pass and adopt Resolution No. 5716 authoring execution of Amended and Restated Retirement Health Savings Adoption Agreements for Plan No. 801217 (Employees) and Plan No. 801218 (Council Members) to increase the City's contribution based on years of service, increase employees' annual maximum mandatory leave contribution, and reduce minimum service for plan participation.

Information Technology

13. Purchase of Oracle Annual Support and Maintenance

Move City Council approve the purchase of Oracle annual support and maintenance, from Mythics, Inc., utilizing the Omnia Partners Contract No. 180233-002, in the amount of \$649,220, for the term of August 1, 2023, through July 31, 2024.

Management Services

14. Agreement No. MS2-920-4380, with Invoice Cloud, Inc., Electronic Payment Acceptance Solution
Move City Council approve Agreement No. MS2-920-4380, with Invoice Cloud, Inc., for the electronic payment acceptance solution, in an amount not to exceed \$490,000 per year, for a period of five years, with the option to extend for up to five one-year periods.
15. New Class B Bingo License for The American Legion Auxiliary, Mathew B. Juan, Unit 35, Inc., DBA The American Legion Auxiliary, Mathew B. Juan, Unit 35
Move City Council approve a Class B Bingo license for The American Legion Auxiliary, Mathew B. Juan, Unit 35, Inc., DBA American Legion Auxiliary, Matthew B. Juan, Unit 35, located at 2240 W. Chandler Boulevard.
16. New License Series 12, Restaurant Liquor License application for Jared Michael Repinski, Agent, Card Kingdom, Inc., DBA Mox Boarding House
Move for recommendation to the State Department of Liquor Licenses and Control for approval of the State Liquor Job No. 247068, a Series 12, Restaurant Liquor License, for Jared Michael Repinski, Agent, Card Kingdom, Inc., DBA Mox Boarding House, located at 1371 N. Alma School Road, and approval of the City of Chandler, Series 12, Restaurant Liquor License No. 305533.

Police Department

17. Agreement No. 4625, Health Screening Services for the Police Department
Move City Council approve Agreement No. 4625, with JS MD Sigma, PLLC, for health screening services for the Police Department, in an amount not to exceed \$250,000.
18. Service Agreement to Support the City of Chandler Radio System Infrastructure
Move City Council approve the annual service agreement with Motorola Solutions, Inc., for radio system infrastructure support, in the amount of \$112,408.99, for the term of August 1, 2023, through July 31, 2024.
19. Purchase of Ammunition
Move City Council approve the purchase of ammunition, from Dooley Enterprise, Inc., utilizing the State of Arizona Contract No. CTR043478, in the amount of \$200,000.
20. Purchase of Suppressors

Move City Council approve the purchase of police rifle suppressors, from Proforce Marketing, Inc., utilizing State of Arizona Contract No. CTR049168, in the amount of \$193,508.77.

21. Purchase of Handgun Optics Package

Move City Council approve the purchase of handguns, night sights, and optics, utilizing State of Arizona Contract No. CTR049168, with Proforce Marketing, Inc., in the amount of \$185,496.10

Public Works and Utilities

22. Resolution No. 5695 Approving a Design and Construction Agreement Between Salt River Valley Water Users' Association and the City of Chandler for Well Drilling and Approving the Grant of a Well Site and Access Easements

Move City Council pass and adopt Resolution No. 5695 approving a Design and Construction Agreement between Salt River Valley Water Users' Association and the City of Chandler for well drilling at Well Site 27.3E-01.5S and authorizing and approving the grant of a well site and access easements to Salt River Project Agricultural Improvement and Power District.

23. Resolution No. 5717 Approving the Application and Award of an Environmental Protection Agency Grant

Move City Council pass and adopt Resolution No. 5717 approving the application and award of an Environmental Protection Agency (EPA) grant in the amount of \$990,000 from the EPA for the City's Advanced Metering Infrastructure (AMI) Project.

24. Agreement No. PW1-745-4336, Amendment No. 2, with Vincon Engineering Construction, LLC, for Right-of-Way Repairs

Move City Council approve Agreement No. PW1-745-4336, Amendment No. 2, with Vincon Engineering Construction, LLC, for right-of-way repairs, in an amount not to exceed \$120,000, for a one-year period, August 1, 2023, through July 31, 2024.

25. Agreement No. ST0-988-4194, Amendment No. 3, with BrightView Landscape Services, Inc., for Storm Repair and Revegetation Services

Move City Council approve Agreement No. ST0-988-4194, Amendment No. 3, with BrightView Landscape Services, Inc., for storm repair and revegetation services, in an amount not to exceed \$605,000, for a one-year period, August 1, 2023, through July 31, 2024.

26. Agreement No. PW0-745-4123, Amendment No. 5, with M.R. Tanner Development and Construction, Inc., for Street Maintenance and Repair Services

Move City Council approve Agreement No. PW0-745-4123, Amendment No. 5, with M.R. Tanner Development and Construction, Inc., for street maintenance and repair services, increasing the spending limit by \$865,950.

27. Agreement No. PW2-988-4516, Amendment No.1, with BrightView Landscape Services, Inc., for Landscape Maintenance Areas 1 through 4
Move City Council approve Agreement No. PW2-988-4516, Amendment No.1, with BrightView Landscape Services, Inc., for landscape maintenance areas 1 through 4, in an amount not to exceed \$2,756,902, for a one-year period, August 22, 2023, through August 21, 2024.
28. Professional Services Agreement No. WA1802.201, with Stantec Consulting Services, Inc., for the Central Arizona Project Arizona Water Production Facility Site Improvements Design Services
Move City Council award Professional Services Agreement No. WA1802.201 to Stantec Consulting Services, Inc., for the Central Arizona Project Arizona Water Production Facility Improvements Design Services, in an amount not to exceed \$213,800.
29. Construction Manager at Risk Agreement No. WW2005.403, Change Order No. 2 – GMP3, with B&F Contracting, Inc., for the Chandler Boulevard and Dobson Road Sewer and Water Improvements
Move City Council award Construction Manager at Risk Agreement No. WW2005.403, Change Order No. 2 – GMP3, to B&F Contracting, Inc., for the Chandler Boulevard and Dobson Road Sewer and Water Improvements, in an amount not to exceed \$3,818,381.51.
30. Professional Services Agreement No. ST2310.201, with Olsson, Inc., for the Alley Rehabilitation PM10 Dust Emissions Reduction 3 Design Services
Move City Council award Professional Services Agreement No. ST2310.201 to Olsson, Inc., for the Alley Rehabilitation PM10 Dust Emissions Reduction 3 Design Services, in an amount not to exceed \$155,949.
31. Construction Agreement No. WW2206.402, with Layne Christensen Company, for the Tumbleweed Aquifer Storage and Recovery Wells 11 & 12 Drilling
Move City Council award Construction Agreement No. WW2206.402 to Layne Christensen Company, for the Tumbleweed Aquifer Storage and Recovery (ASR) Wells 11 & 12 Drilling, in an amount not to exceed \$3,121,710.
32. Competition Impracticable Purchase of Odor Control Data Collection and Analysis Services
Move City Council approve the competition impracticable purchase of odor data collection and analysis, from In-Pipe Technology, in the amount of \$132,000.

33. Agreement No. SW0-910-2493, Amendment No. 2, with Waste Management of Arizona, Inc., for Solid Waste Collection and Transfer Station Services
Move City Council approve Agreement No. SW0-910-2493, Amendment No. 2, with Waste Management of Arizona, Inc., for solid waste collection and transfer station services, for a lump sum payment due to extraordinary circumstances.

Consent Agenda Motion and Vote

Councilmember Poston moved to approve the Consent Agenda of the July 20, 2023, Regular City Council Meeting, Items 1-33; Seconded by Councilmember Encinas.

Motion carried unanimously (7-0).

Action Agenda

34. Resolution No. 5696 Amending the Citywide Fee Schedule relating to Management Services and Public Works & Utilities Departments
Move City Council pass and adopt Resolution No. 5696 amending the Citywide Fee Schedule relating to the Management Services and Public Works & Utilities departments with fee changes effective August 1, 2023.

MATT DUNBAR, Budget & Policy Assistant Director, presented the following presentation.

- Resolution #5696 Amending the Citywide fee Schedule
- Overview – Annual Review
 - Departments review fees annually as part of budget process
 - The effective date typically starts at the beginning of the new budget year (July 1)
 - Can be set later to accommodate communication, posting, system changes, or process
 - Recommended effective date August 1, 2023
- Overview – Fee Characteristics
 - Fees assessed for use of facilities or services benefiting specific groups
 - Ensures taxes charged to support general services benefit all
 - Fees reflect recovery of cost to provide service, unless market demands lower rate
 - Authority to change must exist in City Code (fee amounts/specifics set by resolution)
- Overview – Schedule
- Departments Proposing Fee Updates
 - Management Services
 - Public Works & Utilities
- Management Services

COUNCILMEMBER ELLIS asked if the fee is enough to cover all costs.

DAWN LANG, Deputy City Manager / CFO, says the state statute limits the maximum that cities can charge. The rest of the cost is absorbed through general taxes.

COUNCILMEMBER STEWART asked what we do for licensing.

MS. LANG said we have a software that helps us identify short term rentals and once a property is identified, staff generates mailings to educate the owners of the rentals and have them contact the city to inform them of the laws around short term rentals. Working with the public takes time. There are other costs with public safety that are not included in the \$250 cost.

VICE MAYOR ORLANDO asked if the effective date would be July 1 or August 1.

MR. DUNBAR said the date of posting July 1 means that it could go into effect any time after July 1 that Mayor and council approve the resolution for the fee change.

KELLY SCHWAB, City Attorney, said that these fees if approved will not go into effect until August 1.

COUNCILMEMBER HARRIS asked if the resolution could be implemented later and asked if there is a requirement to read the resolution twice before it goes into effect.

MS. SCHWAB said there is not a requirement to read resolutions twice – it can go into effect as quickly as council desires. Ms. Schwab recommended if a later implementation date was desired, to include in the motion and leave it to the vote. These fees have been posted for over 60 days.

MAYOR HARTKE said August 1 makes sense.

MR. DUNBAR continued the presentation.

- Short Term Rental (STR) License and Renewal Fee
 - Would authorize a \$250 STR license fee and \$250 STR annual renewal associated with the recent license requirement passed by Council to recover actual costs incurred for issuing / renewing license
 - (p.1 of Summary / p.8 of Citywide Fee Schedule)
- Public Works & Utilities
- Right of Way Vacation and Extinguishment of Easement Fees
 - Removes separated fees for residential property (\$400) and non-residential property (\$1,000) Right of Way (ROW) Vacation Application Fees
 - Adds combined ROW Vacation Application Fee of \$1,000 to help recover actual costs incurred
 - Removes separated fees for residential property (\$200) and non-residential property (\$500)

- Adds combined Extinguishment of Easements Application Fee of \$500 to help recover actual costs incurred
- These fees are typically requested by developers, and sometimes residents, where they will request to have certain segments of right of way or easement evaluated. These fees help recover City costs for this service.
- (p.2 and 3 of Summary / p.34 of Citywide Fee Schedule)
- Questions?

Action Agenda Motion and Vote

Councilmember Ellis moved to approve the Action Agenda item 34 of the July 20, 2023, Regular City Council Meeting; Seconded by Councilmember Encinas.

Motion carried by majority (6-1), Councilmember Stewart dissenting.

Informational

- 35. Contracts and Agreements Administratively Approved, Month of June 2023
- 36. Claims Report for the Quarter Ended June 30, 2023
- 37. Special Event Liquor Licenses and Temporary and Permanent Extensions of Liquor License Premises Administratively Approved

Unscheduled Public Appearances

LOIS SHUGARR, 2342 W Redwood Dr., shared concerns about content in the Book and Board lounge in the library, and the author in residence program. Ms. Shugarr asked about the process for choosing authors in residence and for choosing library materials.

ANDREW ADAMS, 880 E Gilbert Rd., said that content in certain books do not belong in schools and education of these subjects should be left up to parents. Young children are being exposed to inappropriate subjects at a young age.

RILEY MORGAN, 19124 E Lawn Dale Pl, Queen Creek, shared that books with inappropriate subjects should not be housed in libraries for kids.

CARLEY MORGAN, 19124 E Lawn Dale Pl, Queen Creek, shared excerpts from a book about puberty and sexual health for today's kids and teens in the library.

CINDY BARNES, 1601 N Saba St., shared literature from the library.

COUNCILMEMBER STEWART asked to see information on how the kid's section in the library is managed.

JOSH WRIGHT, City Manager, shared that information on the kid's section on the library would be shared with council and the speakers.

Current Events

Mayor's Announcements

MAYOR HARTKE shared that Operation Back to School was a success this year and thanked councilmembers for participating.

MAYOR HARTKE noted with the back-to-school season, road safety is important around schools, and sun safety is important for those out and about.

MAYOR HARTKE shared he attended the Mayor's Institute on City Design for the purpose of working on the Goodyear canal design, as well as the Harvard City Leader Initiative for problem solving, and looked forward to implement lessons learned from these programs.

Council's Announcements

COUNCILMEMBER ELLIS shared that Operation Back to School was a success, and thanked community members and volunteers for coming together to make this event work.

COUNCILMEMBER ELLIS shared she is visiting the Haitian Embassy and will make Chandler's name global.

COUNCILMEMBER STEWART shared he went on a ride-along with Chandler police – Chandler police has a spirit of service and is community focused and professional.

COUNCILMEMBER POSTON shared she will host a Facebook Live: LED Conversion Program on Friday, July 21 to talk about cost savings and implementation of the program.

COUNCILMEMBER POSTON wished everyone a happy back to school.

City Manager's Announcements

MR. WRIGHT thanked Chandler staff for working with For Our City to put on the Operation Back to School. Mr. Wright thanked the departments who have worked during the power outages to help our community members.

Adjourn

The meeting was adjourned at 6:44 p.m.

ATTEST: _____
City Clerk

Mayor

Approval Date of Minutes: August 14, 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 20th day of July 2023. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of August, 2023.

City Clerk