

Meeting Minutes

City Council Study Session

March 18, 2024 | 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 6:19 p.m.

Roll Call

Council Attendance

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

Appointee Attendance

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

Consent Agenda and Discussion

Discussion was held on item 5.

City Clerk

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

City Manager

2. Agreement No. CS1-745-4293, Amendment No. 2, for Concrete Repair and Maintenance Services
Move City Council approve Agreement No. CS1-745-4293, Amendment No. 2, with Degan Construction, LLC; Lincoln Constructors, Inc.; Precision Concrete Cutting, Inc.; Vincon Engineering Construction, LLC; and W.L. Emshoff, for concrete repair and maintenance services, in a combined amount not to exceed \$1,395,000, for a one-year term, May 1, 2024, through April 30, 2025.

Community Services

3. Resolution No. 5783, Authorizing an Intergovernmental Agreement Between the City of Chandler and the Maricopa County Parks and Recreation Department for Shared Recreational Opportunities, Programs, Marketing, and Events Within the Maricopa County Park System

Move City Council pass and adopt Resolution No. 5783, approving an intergovernmental agreement between the City of Chandler and Maricopa County Parks and Recreation Department for shared recreational opportunities, programs, marketing, and events within the Maricopa County Park System, and further authorizing the City Manager to sign all documents and take all actions necessary or appropriate to carry out the terms of the agreement.

4. Resolution No. 5784, Authorizing an Intergovernmental Agreement Between the City of Chandler and the Arizona Game and Fish Commission for a Community Fishing Program
Move City Council pass and adopt Resolution No. 5784, approving an intergovernmental agreement between the City of Chandler and the Arizona Game and Fish Commission for operation of a Community Fishing Program at Desert Breeze Park Lake and Veterans Oasis Park Lake, and further authorizing the City to take all actions necessary or appropriate to carry out the terms of the agreement.

5. Resolution No. 5781, Authorizing the City to Enter Into a Subrecipient Grant Agreement With the Trust for Public Land (TPL) for U.S. Department of Agriculture Forest Service Inflation Reduction Act Urban & Community Forestry Grant Program Funding and to Accept the Grant Funds in the Amount Not to Exceed \$767,000

Move City Council pass and adopt Resolution No. 5781, approving the city to enter into a subrecipient grant agreement with TPL for pass-through funding from the U.S. Department of Agriculture Forest Service (USFS) in an amount not to exceed \$767,000 for irrigation improvements, tree planting, and public education about trees in disadvantaged communities within Chandler, and further authorizing the City Manager or designee to execute the grant agreement and take other action necessary or appropriate to implement the grant.

JOHN SEFTON, Community Services Director, gave a briefing on Resolution No. 5781. The city plans to enter a subrecipient grant agreement with the Trust for Public Land to receive pass-through funding from the US Department of Agriculture. This funding, which will not exceed \$767,000, has been made available under the Inflation Reduction Act's Urban and Community Forestry Program. This historic \$1.5 billion grant program is aimed at supporting urban tree planting, urban forestry planning and management, and related activities, particularly in disadvantaged communities. Out of 884 applicants, only 46% of the grant recipients were selected by the Forest Service. Chandler, with its proposal to plant trees and install irrigation systems to address extreme heat and health issues in disadvantaged communities identified by the Climate and Economic Justice Screening

Tool (CEST), was one of the entities working to increase equitable access to trees and nature. The grant program will end on June 30th, 2028, and is 100% reimbursable. The project involves planting nearly 700 trees across approximately 11 public parks and properties, with the help of the Chandler Unified School District and students who will assist with tree planting. The project also includes public education on trees to promote their benefits and proper maintenance.

Contractors will be selected via RFP to process and perform irrigation installs, maintenance, and tree purchases. The project is expected to start as early as the fall of this year. The City's CAPPA group and Community Services Marketing Communications team will lead the effort to inform the community about the project. They will leverage their production and design of newsletters, publications, press releases, speeches, videos, websites, etc., to get the word out. Ryan McCarthy, the Urban Forester, has played an instrumental role in putting this together, along with Kerry Williams, the Chandler High School FFA Director, and Raslyn Sleet, the Grants Administrator.

COUNCILMEMBER ELLIS said she appreciates the information about the new Forester and the grant supporting the investment. She praised the Forester for obtaining the grant, which will improve the quality of life for Chandler's residents. The detailed explanation addressed Councilmember Ellis's questions regarding timing, fund use, and community involvement in the tree-planting efforts.

COUNCILMEMBER STEWART asked if it would be possible to integrate this project with the Parks initiatives and involve the community despite the contractors' involvement.

MR. SEFTON said yes.

Cultural Development

6. Resolution No. 5782 Authorizing Modification of the Assessment Diagram for the Downtown Chandler Enhanced Municipal Services District; Making a Statement and Estimate of Expenses for the Downtown Chandler Enhanced Municipal Services District; Completing the Assessment; Setting the Date for the Hearing on the Assessment; and Ordering the Giving of Notice of Such Hearing
Move City Council pass and adopt Resolution No. 5782 authorizing modification of the assessment diagram for the Downtown Chandler Enhanced Municipal Services District; making a statement and estimate of expenses for the district; completing the assessment; setting the date for the hearing on the assessment; and ordering the giving of notice of such hearing.

Development Services

7. Introduction and Tentative Adoption of Ordinance No. 5086, Historic Preservation District, PLH23-0066 Silk Stocking Historic Preservation District, Generally Located East of the Northeast Corner of Arizona Avenue and Chandler Boulevard

Move City Council introduce and tentatively adopt Ordinance No. 5086, PLH23-0066 Silk Stocking, establishing a Historic Preservation District zoning overlay subject to the conditions as recommended by the Planning and Zoning Commission and the Historic Preservation Commission.

8. Introduction and Tentative Adoption of Ordinance No. 5088, Annexation, ANX22-0003 Hamilton Commerce Center, Generally Located North of the Northeast Corner of Queen Creek Road and Union Pacific Railroad
Move City Council introduce and tentatively adopt Ordinance No. 5088 approving ANX22-0003 Hamilton Commerce Center, annexing two parcels totaling approximately 13.4 acres as recommended by Planning staff.

9. Introduction and Tentative Adoption of Ordinance No. 5089, Rezoning, Preliminary Development Plan, and Preliminary Plat, PLH22-0028/PLT23-0011 Schnitzer Commerce Parks, Generally Located One Quarter Mile East of the Southeast Corner of Arizona Avenue and Ryan Road within Two Sites

Rezoning

Move City Council introduce and tentatively adopt Ordinance No. 5089 approving PLH22-0028 Schnitzer Commerce Parks, Rezoning from AG-1 to PAD for an industrial business park, subject to the conditions as recommended by Planning and Zoning Commission.

Preliminary Development Plan

Move City Council approve Preliminary Development Plan PLH22-0028 Schnitzer Commerce Parks for site layout and building architecture, subject to the conditions as recommended by Planning and Zoning Commission.

Preliminary Plat

Move City Council approve Preliminary Plat PLT23-0011 Schnitzer Commerce Parks, subject to the condition recommended by Planning and Zoning Commission.

Economic Development

10. Resolution No. 5770, Authorizing Support for a Foreign Trade Zone Designation and Application for AES Direct Express, LLC, dba SKU Distribution; Approving the Related Intergovernmental Agreement Between the City of Chandler and the City of Phoenix
Move City Council pass and adopt Resolution No. 5770, authorizing support for a Foreign Trade Zone designation and application for AES Direct Express, LLC, dba SKU Distribution; approving the related Intergovernmental Agreement between the City of Chandler and the City of Phoenix; and authorizing the Mayor to execute the Intergovernmental Agreement on behalf of the City of Chandler.

11. Agreement No. ED2-918-4422, Amendment No. 2, with 2060 Digital, LLC, for Digital Marketing Services
Move City Council approve Agreement No. ED2-918-4422, Amendment No. 2, with 2060 Digital, LLC, for digital marketing services, in an amount not to exceed \$300,000, for the period of one year, beginning March 1, 2024, through February 28, 2025.

Facilities and Fleet

12. Agreement No. BF1-910-4275, Amendment No. 3, for Roofing Repairs and Maintenance
Move City Council approve Agreement No. BF1-910-4275, Amendment No. 3, with Five Oliver, LLC; Classic Roofing, LLC; and National Waterproofing & Roofing, LLC, for roofing repair and maintenance, in a combined amount not to exceed \$900,000, for the period of one year, beginning April 1, 2024, through March 31, 2025.
13. Agreement No. FS0-060-4131, Amendment No. 4, for OEM Auto Parts and Service
Move City Council approve Agreement No. FS0-060-4131, Amendment No. 4, with Tex Chevrolet, dba Earnhardt Chevrolet; Earnhardt Enterprises, dba Earnhardt Toyota Scion; Earnhardt Gilbert Dodge, Inc., dba Earnhardt Chrysler Dodge Jeep Ram; Earnhardt Chandler Cadillac, Inc.; and Earnhardt Ford Sales Company, for OEM auto parts and service, for a period of one year, April 1, 2024, through March 31, 2025, in a combined total amount not to exceed \$350,000.
14. Agreement No. AS8-405-3826, Amendment No. 2, for Fuel
Move City Council approve Agreement No. AS8-405-3826, Amendment No. 2, with Senergy Petroleum, LLC; Supreme Oil Co.; and Western Refining Southwest dba Flyers Energy, LLC, for the purchase of fuel, for a three-year period, April 1, 2024, through March 31, 2027, in a combined total amount not to exceed \$7,800,000 for the three-year term.

Fire Department

15. Resolution No. 5785 Approving Governor's Office of Highway Safety (GOHS) Grant Application, Agreement, and Funds Acceptance
Move City Council pass and adopt Resolution No. 5785, authorizing a grant application, agreement, and funds acceptance under the Governor's Office of Highway Safety's 2025 Highway Safety Plan to support the Chandler Child Safety Seat Clinics in the amount of \$64,252, and authorizing the Fire Chief of the Chandler Fire Department, or his designee, to execute the grant agreement and submit documentation on behalf of the City of Chandler.
16. Resolution No. 5786 Approving the Federal Emergency Management Agency (FEMA) Assistance to Firefighters (AFG) Grant Application and Agreement
Move City Council pass and adopt Resolution No. 5786, approving a grant application and agreement with the U.S. Department of Homeland Security Federal Emergency Management Agency (FEMA) for the FY2023 Assistance to Firefighters Grant (AFG), in an

amount up to \$207,797, and if awarded, authorizing the acceptance of AFG grant funds and local match contribution of non-federal funds in an amount up to \$20,779.

17. Agreement No. FD2-340-4440, Amendment No. 1, with LN Curtis, Swift Group, Velocity Fire, and United Fire, for Fire Turnouts and Personal Protective Equipment (PPE)
Move City Council approve Agreement No. FD2-340-4440, Amendment No. 1, with LN Curtis, Swift Group, Velocity Fire, and United Fire, for fire turnouts and PPE, in a combined amount not to exceed \$500,000, for a one-year term, February 1, 2024, through January 31, 2025.

Information Technology

18. Agreement No. IT2-918-4438, Amendment No. 3, with CE Wilson Consulting, for Professional and Project Consulting Services
Move City Council approve Agreement No. IT2-918-4438, Amendment No. 3, with CE Wilson Consulting, for professional and project consulting services, in an amount not to exceed \$430,000, for the period of one year, beginning January 1, 2024, through December 31, 2024.
19. Purchase of Information Technology Temporary Staffing Services
Move City Council approve the purchase of information technology temporary staffing services, from Computer Aid, Inc., utilizing the Sourcewell Contract No. 071321-CAI, in an amount not to exceed \$839,351.
20. Purchase of Citywide WiFi Services
Move City Council approve the purchase of citywide WiFi services, from Hye Tech Network and Security Solutions, LLC, utilizing the 1GPA Contract No. 22-02PV-08, in an amount not to exceed \$676,338.
21. Purchase of Proofpoint Network Security Software
Move City Council approve the purchase of Proofpoint network security software, from SHI International, Inc., utilizing the Omnia Partners Contract No. 2018011-02, in an amount not to exceed \$237,994, for the period of one year, April 11, 2024, through April 10, 2025.

Management Services

22. Agreement No. 4744, with WSP USA Environment & Infrastructure, Inc., for Airport Site KK Environmental Remediation Services
Move City Council approve Agreement No. 4744, with WSP USA Environment & Infrastructure, Inc., for Airport Site KK environmental remediation services, in an amount not to exceed \$7,006,678.94, and approve a contingency transfer of \$410,000 from the Uninsured Liability Self-Insurance Fund, Non-Departmental Cost Center, Contingency Account, to the Environmental Management Liabilities Cost Center, Professional Services Account, to fund this agreement.

23. New License Series 4, In State Wholesalers Liquor License Application for Nancy Jo Claycomb, Agent, Claywines LLC, DBA Claywines
Move for recommendation to the State Department of Liquor Licenses and Control for approval of the State Liquor Job No. 275376, a Series 4, In State Wholesalers Liquor License, for Nancy Jo Claycomb, Agent, Claywines, LLC, DBA Claywines, located at 1974 W. Peninsula Circle, and approval of the City of Chandler, Series 4, In State Wholesalers Liquor License No. 306729.
24. New License Series 12, Restaurant Liquor License Application for Phuc Kim Huynh, Agent, Galbi BBQ & Hotpot, LLC, DBA Galbi BBQ & Hotpot
Move for recommendation to the State Department of Liquor Licenses and Control for approval of the State Liquor Job No. 272497, a Series 12, Restaurant Liquor License, for Phuc Kim Huynh, Agent, Galbi BBQ & Hotpot, LLC, DBA Galbi BBQ & Hotpot, located at 2051 W. Warner Road, Suite 12, and approval of the City of Chandler, Series 12, Restaurant Liquor License No. 306857.

Police Department

25. Resolution No. 5780, Authorizing Amendment No. 1 to the Intergovernmental Agreement for Site Sharing between City of Chandler and Salt River Project
Move City Council pass and adopt Resolution No. 5780 authorizing Amendment No. 1 to the Intergovernmental Agreement for Site Sharing between the City of Chandler and Salt River Project Agricultural Improvement and Power District (SRP); authorizing the Mayor and Chief of Police to sign the Agreement; and authorizing the Chief of Police to administer, execute, and submit all documents and other necessary instruments in connection with such Agreement.

Public Works and Utilities

26. Introduction and Tentative Adoption of Ordinance No. 5082 Granting a Non-Exclusive Utility Easement to Salt River Project Agricultural Improvement and Power District, at No Cost, to Accommodate the Arrowhead Park Court Lighting Project
Move City Council introduce and tentatively adopt Ordinance No. 5082 granting a non-exclusive utility easement to SRP, at no cost, to accommodate the Arrowhead Park Court Lighting Project.
27. Introduction and Tentative Adoption of Ordinance No. 5085 Authorizing and Approving the Dedication in Fee of Assessor's Parcel Number 303-32-007U, Located on the East Side of McQueen Road, Just North of the Ryan Road Alignment, for Public Right-of-Way (Roadway) Purposes
Move City Council introduce and tentatively adopt Ordinance No. 5085 authorizing and approving the dedication in fee of assessor's parcel number 303-32-007U, located on the east side of McQueen Road, just north of the Ryan Road alignment, for public right-of-way (roadway) purposes.

28. Purchase of Maintenance, Repair, and Operations (MRO) Supplies and Related Services
Move City Council approve the purchase of MRO supplies and related services, from WESCO Distribution, Inc., utilizing Omnia Partners Contract No. R192008, in an amount not to exceed \$770,000.
29. Purchase of Laboratory Testing Services
Move City Council approve the purchase of laboratory testing services from Aquatic Consulting & Testing, Inc.; Testamerica Laboratories, Inc., dba Eurofins Testamerica; and Legend Technical Services, utilizing City of Mesa Contract No. 2021181, in the combined amount not to exceed \$675,000, for a one-year term, March 20, 2024, through March 19, 2025.
30. Purchase of SCADA DMZ Network and Firewall Upgrades
Move City Council approve the purchase of SCADA DMZ Network and Firewall upgrades, from Sentinel Technologies, Inc., utilizing 1GPA Contract No. 22-02PV-18, in an amount not to exceed \$737,256.
31. Competition Impracticable Purchase for the Rental of Belt Filter Press
Move City Council approve the competition impracticable purchase for the rental of a belt filter press, from Phoenix Process Equipment Co., for a period of two years, in an amount not to exceed \$452,340.

Action Agenda

32. Introduction and Tentative Adoption of Ordinance No. 5084, Rezoning & Preliminary Development Plan, PLH23-0044 QuikTrip Convenience Store and Gas Station, Located at 2000 W. Ray Road, Generally Located at the Northwest Corner of Dobson and Ray Roads

Rezoning

Move City Council introduce and tentatively adopt Ordinance No. 5084 approving PLH23-0044 QuikTrip Convenience Store and Gas Station, to amend the Planned Area Development (PAD) zoning for commercial use to permit a fuel service station, subject to the conditions as recommended by Planning and Zoning Commission.

Preliminary Development Plan

Move City Council approve Preliminary Development Plan PLH23-0044 QuikTrip Convenience Store and Gas Station for site layout and building architecture on approximately 2.5 acres, subject to the conditions as recommended by Planning and Zoning Commission.

Informational

- ## Adjourn

Certification



COMMENT CARD

If you wish to submit written comments to the City Council regarding any item, agendaized or not, please complete this form and submit to the City Clerk.

Date: 3/18/24

Agenda Item No. N/A
(If applicable)

☒ Support

☐ Oppose

Comments:

SUBMITTING REQUEST FOR RIGHT TO SPEAK AT CITY STUDY, WORK SESSIONS
COMMITTEE AND SUB-COMMITTEE MEETINGS AS THE RESIDENTS OF CHANDLER
HAVE A RIGHT TO BE HEARD. THIS IN ADDITION TO CITY COUNCIL MEETINGS.
SEE ATTACHED 15 PAGES

Name: LESLIE MINKUS
Address: 3372 E. GEMINI CT.
City/State/Zip: CHANDLER, AZ 85249
Phone: 847-927-0856

*Note: Contact information is included as part of the Public Record.



COMMENT CARD

If you wish to submit written comments to the City Council regarding any item, agendaized or not, please complete this form and submit to the City Clerk.

Date: 3-18-24

Agenda Item No. N/A
(If applicable)

☐ Support

☐ Oppose

Comments:

Submitting written Request for residents to
be afforded the right to speak at
All public meetings. See Attached

Name: Linda Sawyer
Address: 1158 W Linda Lane
City/State/Zip: Chandler AZ 85224
Phone: 480 326-2112

*Note: Contact information is included as part of the Public Record.

* Please include document in Council minutes 3-18-24.

**REQUEST FOR RIGHT TO SPEAK, ACCOUNTABILITY AND TRANSPARENCY AS
SUBMITTED TO THE CITY OF CHANDLER MAYOR AND COUNCIL MEMEBRS AS
OF MARCH 13, 2024**

Community Advocates and the Legislative District 13 Local Government Committee are advocating that all Chandler residents are afforded the opportunity to speak at any Chandler city meeting that impacts the health, safety, and quality of life of their community. It is essential that Chandler residents are permitted to speak at city meetings that are not specifically, by law or city charter, closed to the public. Residents should have the right to speak at study sessions, work sessions, committee meetings and subcommittee meetings, so that the Mayor and Council Members must hear and have access to all pertinent information regarding any community decision and proposed ordinance. This will ensure open and honest discussion and deliberation between elected officials, staff and Chandler residents. *It's evident that if a resident is introducing information at a Chandler City Council meeting, **they are too late***; since the topic of discussion will have already taken place in the above mentioned meetings and Council Members will most likely have decided and are ready to vote on a matter, **without the benefit of full information residents can provide and should be considered at all of the above mentioned meetings.**

Current OPEN MEETING LAW and protocol permits residents to **observe** elected officials and staff discussion on important topics that concern the Chandler residents; however, residents are not permitted to participate in the discussion that directly impacts their own community. How can elected officials make well-rounded and well-informed decisions SOLELY based on information that is submitted in a City staff member's presentation? There have been instances when residents have observed the staff presentations and knew that the information was inaccurate, untruthful or biased. However, if an informed resident was permitted to speak during the meeting, correct information could be presented and shared prior to a decision being formed. Residents must have the opportunity to present pertinent information on a topic or to affirm/dispute any topic that will impact **their** community. A well-informed decision must include and consider all relevant facts, evidence and information on the topic; this is not the current method of decision making in the City of Chandler since residents are not allowed to speak, as important decisions are being made that later impact their vote at City Council meetings.

Currently, the only opportunity for a resident to publicly address matters that impact the health, safety and quality of life issues for Chandler residents, is during a council meeting. Residents are permitted to speak for a period of three minutes, which includes stating their name and address in the allotted time frame. Meanwhile, the mayor and select council members have conversations off the agenda topics, while limiting the public from speaking for more than three minutes on issues important to 270,000 plus

residents. Residents take their unpaid time to research a topic and develop ideas to make their community a quality place to

live, yet residents are not provided the time or respect of being heard in the public meeting sessions where deliberations on important community matters are being discussed, but for the US Constitution that states:

The First Amendment of the US Constitution guarantees freedom of expression by prohibiting the restriction of the rights of individuals to speak freely and guarantees the right of citizens to assemble peaceably and to petition their government.

Often times, elected officials are under the mistaken assumption that they are elected to oversee the city, without sincere regard to resident input and that line of thinking must be corrected immediately. Many decisions have been made without the full scope of available information from residents on a topic; therefore, it would be inconceivable for the Mayor or Council Members to continue the current meeting protocol. To prohibit resident input, especially if the information can make a significant difference in the outcome of the decision, is unacceptable.

Absent any content in the City of Chandler Charter, that prohibits a Chandler resident from speaking at any of the above mentioned meetings, it justifies the appearance of "abuse of power" when elected officials prohibit citizens from presenting valuable information that impacts the health, safety and quality of life. Resident taxes fund the city government which includes the salaries for staff and elected officials. By excluding resident participation, this intentionally limits information the Mayor and Council Members review during the decision making process on ordinances, fines and other high level matters. This practice allows room for plausible deniability for failed policies and decisions made by the Mayor and Council. Mayor and Council Members are responsible and accountable for the decisions that impact the health, safety and quality of life for all residents, not the City staff, as they are not elected officials.

Permitting public comment is a fairly simple process. If the resident is informed on discussion topics prior to the agenda being posted they can sign-up to speak at the meeting. Time adjustments can be made to accommodate for the presentation of any pertinent and relevant information. This may require extending the meeting time to ensure that the Mayor and Council Members have all the information necessary to make decisions. Additionally, virtual/interactive meetings will enable residents to participate from their home or workplace. This encourages and permits all residents to participate in their local government without missing work or prioritizing a council meeting over family responsibilities. Virtual/interactive was utilized during the 2022 City of Chandler candidate debate, therefore should be easily modified to gain feedback from Chandler residents on important decisions that elected officials are making for our community. Additionally, virtual attendance provides accessibility to residents who are otherwise unable to physically attend.

CITY OFFICIALS AND STAFF HAVE BECOME DISCONNECTED FROM CHANDLER RESIDENTS

The *current* City Organizational Chart (effective Feb 2023) *doesn't connect* "**RESIDENTS OF CHANDLER**" at the top TO the Chandler City Council and to the rest of the city organizational chart. However, the previous ORG Chart (effective June 2018) *correctly connected*, the "**CITIZENS OF CHANDLER**" to the Mayor, Council and the rest of the Organizational chart. This change clearly demonstrates an arrogant mindset of our elected officials, city management and city staff in their lack of transparency and accountability, since they no longer report to nor listen to the Citizens of Chandler, regarding the operations of our city, especially relating to the health, safety and quality of life issues.

-- SEE BOTH ORGANIZATIONAL CHARTS ATTACHED AS EXHIBIT B --

Council Member Stewart, when describing how the council operates, often states that Mayor and Council Members are like the Board of Directors of the city. As residents of Chandler we would presumably be considered the shareholders and stakeholders, as we have a vested interest through our tax dollars and investments within the City of Chandler. Council Member Stewart often justifies his decisions as the **protection of property rights**; however, the protection of property rights applies to **all** residents and information must be fully considered to make fair and reasonable decisions to ensure that there is not a negative impact on the property rights and values of other residents.

Mayor and Council Members are elected to represent the public, residents, citizens and businesses. Therefore, the **will of the people** must be acknowledged, heard, followed and respected at all times. Clearly the Mayor, some past council members, and current council members don't have a clear understanding of this concept, as demonstrated in decisions made in ordinance changes over the past several years. The public was vocal in opposing the backyard chicken ordinance in April 2022 and 30 pages of petitions, with 300 resident signatures **AGAINST** such amendment, given to the City Clerk, were mysteriously lost and never accounted for. The council seemed as though they were going to respect the will of residents, however, they slipped the vote into a consent agenda vote in December 2022. Residents strongly requested that the issue be taken up the following month, January 2023, after the new council members were in office, as they were each opposed to the ordinance in the candidate debates held in June 2022. An important fact is that two council members voted no on the ordinance in December 2022 and the two incoming council members expressed their objections to backyard chickens. This ordinance would not have passed if brought to the council one month later in January 2023, as requested.

This was unethical and disrespectful to the residents and to the incoming council members that were left with a reckless ordinance amendment that has limited ability to be enforced and **NO** permitting or licensing requirements to protect the safety of the community since these chickens and their eggs are a source of food consumed by humans, and for the safety and protection of these farm animals that are being housed on individual urban residential properties.

Additionally, residents made requests for the enforcement of illegal fireworks only to have their concerns dismissed. The outcome of that discussion expanded the number of days fireworks could be set off in the City of Chandler and to permit legal fireworks on public streets. In both instances residents that participated in the opposition/request were ignored and reckless changes were implemented under the misguided and reckless purview of property rights.

Please see attached to this request, **'EXHIBIT A'** of various questionable City management and operational issues that should have allowed resident comments, inputs and speaking presentations at the study sessions, work sessions, committee meetings and subcommittee meetings, dealing with Eminent Domain, Amendment of Chicken Ordinance, Amended Firework Ordinance, serve as a few incidences when the "WILL OF THE PEOPLE" has been disrespected and residents were not allowed to speak.

FINALLY, it is clearly stated to the Chandler Residents in the FEBRUARY-MARCH 2024 CITY SCOPE NEWSLETTER -- SEE COPY ATTACHED AS EXHIBIT C --

"Your involvement in this process makes a difference and ensures the needs of the entire community are heard."

Mr. Mayor and Council Members, from the recent City Newsletter noted above, we appear to be on the same page and in total agreement with the above statement, therefore, we as residents, respectfully request the right to speak and to be heard at Chandler City study sessions, work sessions, committee meetings and subcommittee meetings, as well as at City Council meetings.

SEE EXHIBITS A, B and C ATTACHED BELOW

EXHIBIT A

EMINENT DOMAIN WORD CHANGE

Recently, it was discovered that the only time council members were informed of EMINENT DOMAIN ISSUES was if the issue became a legal matter. Staff are employees, while mayor and council members are elected officials, therefore this is a high level issue that should not have been left in the management of staff, especially without mayor and council member direction. Previous to the revisions, staff had carte blanche to force a homeowner to relinquish their home or business for a price offered by the city, without the oversight of elected officials. Concerns put forth by an elected official, staff, or resident should always be taken seriously, especially when the issue of health, safety, and quality of life are concerned. Mayor and council members should have served as mediators between staff and property owners, especially in low-income areas of the city, to ensure a complete understanding of their property rights.

These are just a few examples of the issues that would arise from such neglect:

- Some property owners could have felt intimidated by the overall process and not realized the significant impact the decision could have on their quality of life and livelihood
- The decision could have driven the property owner into financial despair. Furthermore, they may not have been able to obtain legal representation to protect their rights during the process
- There should have been an objective party, with as the elected officials to oversee and mediate this type of issue to ensure that each property owner was fully protected

Fortunately, thanks to Council member Orlando, the mayor, and council members will be part of the eminent domain process going forward. **See study session December 2023 for full discussion of topic.**

CHICKEN ORDINANCE amendment 14-33

Regardless of one's opinion to permit or not permit backyard chickens is not the focal point for this discussion. Residents should be concerned with the conduct that took place during the process of amending this ordinance. Opposition for the ordinance outweighed the public support for the ordinance change, yet the ordinance was passed several months later in a consent agenda item vote. The will of the people was overlooked by mayor and several council members by amending the ordinance to permit backyard chickens. The circumstances in which residents were hindered from expressing their concerns and objections was evident in multiple areas of the process.

- The discussion was limited to "chicken coop" at the Planning and Zoning meeting. Discussion should have included the inability to enforce this ordinance change. Code enforcement would need resident permission to enter backyard for inspection
- Resident opposing ordinance was notified prior to speaking that power point was lost by city staff. Fortunately, resident had ability to upload presentation
- City Clerk admitting to losing petitions opposing chicken ordinance, yet no concession for the 300 signatures were factored in public feedback
- Recommendation to hold off voting on the issue was made since this ordinance would impact changes that were not widely supported by residents and newly elected candidates
- Further investigation of the health and tax implications of unregulated and unlicensed sale of eggs

FIREWORKS amendment 5032

Legal and illegal fireworks are a health, safety and quality of life issue for Chandler residents. Fireworks are an environmental issue resulting from smoke and chemicals released into the air that create poor air quality for days. A request was made to the mayor and council members requesting enforcement of illegal fireworks due to the increased use of illegal fireworks that last for hours and often until 2:00 am on average.

Individual complaints of illegal fireworks consisted of:

- Increased PTSD, anxiety, respiratory issues, other health issues
- Interrupted sleep, especially for residents that work the next day
- Disrupted sleep in children
- Increased lost pets
- Air quality
- Threat to homes and structures, especially in areas that have dead or overgrown foliage
- Hinder the joy for families enjoying the holiday due to extremely loud noise and poor air quality

Complaints for legal fireworks consisted of the above with the addition of:

- Legal fireworks on public roadway can cause a delay in emergency response time. A second of time is critical in recovery time and life and death situations. Imagine a delay for emergency care due to fireworks blocking public roadways. This was a reckless ordinance change and passed under the purview of property rights.

Additionally, residents must observe "no burn days" yet fireworks are set off on mandatory no burn days. Another concerning fact is that residents are told that there is no way to enforce illegal fireworks. This is a neglectful excuse especially since information on how other cities attempt to control illegal fireworks was provided to council members. The mayor confirmed with the Chief of Police that if a resident is willing to make a complaint, it's as enforceable as any other misdemeanor. Strict enforcement and additional personnel to serve as witnesses could significantly reduce illegal fireworks. ATF coordination could serve useful in enhanced prosecution of illegal fireworks as the sale and purchase of illegal fireworks in Arizona means that the fireworks were transported over state lines.

Animal Cruelty Ordinance amended 4992

The city was disingenuous in gathering public feedback for this ordinance. The request for comment was posted in Arizona Central Newspaper, which is a subscription based paper, rather than in one of the free newspapers available to Chandler residents. One resident at the city council meeting stated that she almost missed the opportunity to provide feedback. Another resident was told the information was posted on the city website and monitor inside the city building. Soliciting genuine feedback would have been to advertise in the free newspaper rather than one in which many may not subscribe.

The period was extended for comment after residents complained and information was placed in the CityScope, which many residents missed as they believed the comment period was already over.

PROP 400

Current issues that substantially impact ALL residents include the use of one's personal automobiles and impact the State Proposition 400, Road Diets, 15 Minute Cities, Light Rail, as well as, the safety and security of our water, electric grid, gas utilities, the city budge, and local public schools.

Additional instances when public comment could have been useful to the community, however were not presented by residents and even when suggestions were offered, they were ignored.

Gated alley program, TNR program, and homeless programs using federal fund.

Proposed Vehicle Ordinance Revision and inability to enforce on ordinances.

Recent ordinance permitting citizens to have increased number of inoperable vehicles in their back yards is a health, safety, and quality of life issue for residents. This is another irresponsible use of "property rights issue" because it impacts other residents in a negative manner. Inability to enforce in backyard without cooperation of resident and unlikely to grant access if they have code violations.

Other negative factors of this ordinance change:

- Environmental issues due to fluids leaking into ground and contaminating ground and water supply
- Safety issue to children, especially in the extreme heat if able to exit vehicle due to age or disability
- Pets can become trapped inside car in extreme heat
- Paint fades over time and low fence lines will leave residents looking at the top of old dilapidated vehicles.
- Vehicles on property are not covered under homeowners insurance and do not need to be registered. This could lead to liability issues if the vehicle isn't registered it can't be insured
- Increased crime if used to store stolen vehicles in backyard with no way to check the vehicle without resident permission. A police investigation could prompt inspection of vehicle, but only if vehicle is suspected or reported stolen

While many ordinances are written they are ultimately unenforced due to the inability to gain access to certain areas of the property, police staffing shortage, increased part 1 and 2 crimes. First, staff should never write or pass an ordinance that is not enforceable simply because it's a poor use of staff time and tax payer money.

Volunteer police place sticker vehicles that are illegally parked

- Validate a time stamp for the 48 hour violation
- Serve as a witness to parking violation
- Officer while making patrols can easily identify and issue a citation for illegally parked cars

Proactive enforcement and yet that is not a common practice used today

A TNR program was written by residents and staff member and over time was made more difficult for residents to use.

- *Originally, the program asked for the volunteer and one signature. Later, volunteer and two signatures*
- *I was told the signatures went up to 10 for one application for gifting clause purpose, which was not truthful by staff member*
- *Signatures ultimately reduced to six*
- *Call for verification of application was required. The staff member insisted on speaking with each resident. This delayed the process causing an increase in cat population, which hindered the objective of the program*

Illegal fireworks could be enforced providing relief to residents. Other cities utilize their off duty police, off duty fire, and other placed in areas of high firework use to serve as witness, so police will have a witness and can issue citation like any other misdemeanor.

- *City of Chandler is missing the opportunity to Protect the health, safety, and livability of Chandler residents, especially veterans and others suffering with PTSD*
- *Reduce the stress and burden for rescues/shelter, Maricopa County Animal Control Officers, and Maricopa County Animal Control, and volunteers*
- *Limit the emotional and mental stress of residents that experience the expense and heartache of lost pets as they are significantly impacted with the increased of lost pets during peak firework time*

Intentional or unintentional misconduct of staff that has a negative impact on Chandler residents

- Lost or misplaced items submitted by a resident that deprived the resident from fully documenting their point
- Staff misquoting resident in minutes which is public record. The staff defended their position not to change minutes. Resident had to pay \$176.00 to validate the claim. City still wanted resident to correct the error rather than staff member acknowledging error and acknowledging residents point.
- Blocking residents from meeting until after the meeting ended and resident was then able to log into the meeting and be told it was over

Fear of retaliation by residents. PRIVATE FOR YOUR EYES ONLY

Residents have stated that they are afraid of retaliation from the city if they get involved in issues. Some don't want made public and we won't, however wanted you to consider the level of correction, although I realize you already know.

- “One person told me to be careful if you mess with the city you will get hurt, and I mean get physically hurt” Residents should not have this type of fear as they are the stakeholder of the city. (LOIS)
- Misquoted in minutes and not have them corrected by city after proof of misquote was determined (ME)
- SRP told resident that the City of Chandler prefers to have all questions through them by an employee at SRP and so we need to direct our questions to the city. This is a public relations department in a public utility company (ME/Mary)
- Residents made to feel disparaged by staff (SUE)
- Resident afraid if vocal building permit would be denied/delayed
- Fear of being pulled over and having drugs planted in vehicle

EXHIBIT B



Chandler City 2018
and 2023 Org Charts

EXHIBIT C



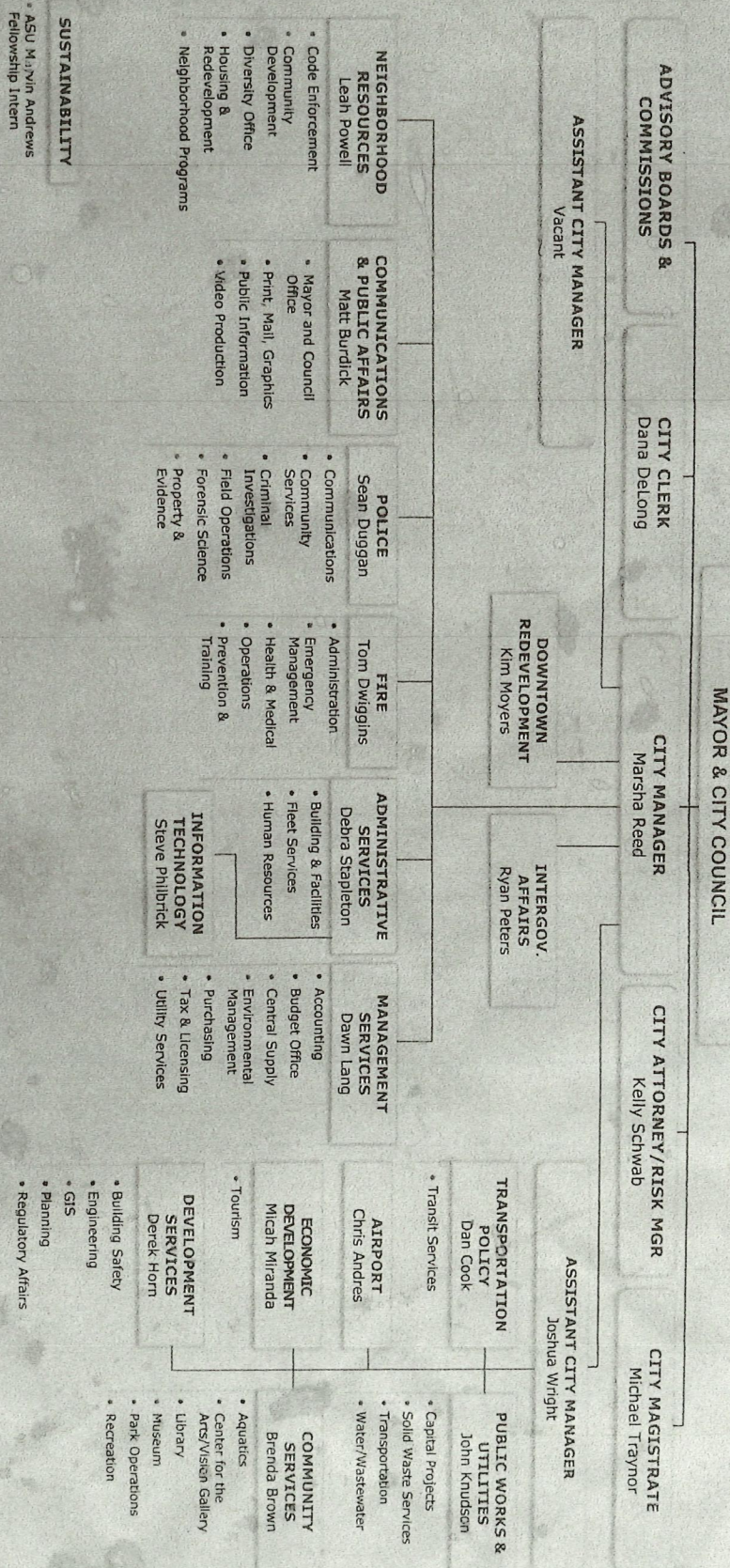
Ensuring the needs
of the entire communi



Chandler, Arizona

City of Chandler Organizational Chart

Effective: 06/01/18



RESIDENTS OF CHANDLER

Chandler City Council

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

City Attorney
Kelly Schwab

City Manager
Josh Wright

City Magistrate
Alicia Skupin

City Clerk
Dana DeLong

Assistant City Manager
Tadd Wille

Deputy City Manager | CFO
Dawn Lang

Deputy City Manager
Andy Bass

Management Services

Accounting, Budget, Environmental
Management, Purchasing, Tax and
Licensing, Utility Billing,

Facilities & Fleet
Mike Hollingsworth, Manager

Information Technology
Sandip Dholakia, CIO
Project Management,
Application Development, Converged
Infrastructure, Support,
Information Security

Community Services
John Sefton, Director

Parks Development and
Maintenance,
Library, Recreation/Aquatics

**Sustainability &
Performance**

Steven Turner, Off

Police
Sean Duggan, Chief

Communications, Community
Services, Criminal Investigations,
Field Operations, Forensic Science,
Property & Evidence

Fire
Thomas Dwiggin, Chief

Emergency Management, Emergency
Medical Services, Fire Prevention,
Professional Development

Diversity, Equity & Inclusion
Niki Tapia, Officer

Human Resources
Rae Lynn Nielsen, Director
Recruitment, Benefits, Wellness,
Safety, Workers' Compensation,
Organizational Development

Neighborhood Resources
Leah Powell, Director

Code Enforcement, Neighborhood
Preservation, Community
Development, Public Housing

Airport
Ryan Reeves, Manager

Cultural Development
Kim Moyers, Director

Center for the Arts, Downtown,
Museum, Special Events,
Vision Gallery

Development Services
Derek Horn, Director

Building Safety, Engineering, GIS,
Planning, Zoning, Transportation
Engineering, Utility Coordination

Public Works & Utilities
John Knudson, Director

Capital Projects, Solid Waste,
Transportation, Water/Wastewater

Economic Development
Micah Miranda, Director

**Communications and Public
Affairs**
Matt Burdick, Director

Mayor and Council Office

Strategic Initiatives
Ryan Peters, Director

Government Relations,
Transportation Policy, Transit,
Multimodal Planning, ADA
Coordinator

CityScope

A community newsletter for the people of Chandler.

February-March 2024
chandleraz.gov



CHANDLER
arizona

The estimated population for the City of Chandler as of Jan. 1, 2024, is 287,334 (+143 from last month).

Reminders ...

- City offices will be closed Monday, Feb. 19 for the Presidents' Day holiday. Trash and recycling collection will not be affected.
- The 16th annual Chandler Family Bike Ride will take place April 6 this year. More information will be shared next month, but registration opens soon. Visit chandleraz.gov/FamilyBikeRide for details.

Chandler Ostrich Festival returns to Tumbleweed Park March 8-10 and 15-17

The 34th annual Chandler Ostrich Festival returns to Tumbleweed Park on two weekends in 2024, from Friday, March 8 through Sunday, March 10, and Friday, March 15 through Sunday, March 17.

The popular festival, known throughout the Southwest, is a community event featuring live ostriches and ostrich-themed activities. National, regional and local entertainment will be showcased on several stages, as well as a carnival, kids activities, arts and crafts and much more.

For complete information, including admission prices and parking, visit ostrichfestival.com. Tumbleweed Park is located at 2250 S. McQueen Road, near Germann and McQueen roads.



Spring HOA Academy kicks off in April

The city's Neighborhood Programs Division offers an HOA Academy to provide residents and board members of homeowner's associations (HOAs) with the know-how, tools and resources to effectively lead their neighborhoods.

Mark your calendar for three sessions scheduled for April 10, 17 and 19. The first two sessions will be in-person at the ASU Chandler Innovation Center, 249 E. Chicago St., and the final session will be a virtual Q&A with an HOA expert.

Residents will be able to register starting in March at chandleraz.gov/HOAAcademy. For more information, call 480-782-4348.

Budget outlook for Fiscal Year 2024-25

Chandler continues to be one of the leading communities in the state for new businesses and job creation. Local sales tax revenues are stable, and investment in both the business and residential sectors continues. City officials take these and many other economic factors into consideration as work begins on the 2024-25 Fiscal Year budget.

Each year, we focus on continuing fiscal strength by conservative forecasting and managing expenditure growth, which positions the city well to ensure we do not have more growth in our ongoing expenditures than we have in ongoing revenues. We desire to continue the traditions of transparency, maintaining strong financial policies, adding efficiencies, providing essential public services in innovative ways and maintaining infrastructure to continue to make Chandler attractive for businesses and their employees as well as our current residents. These efforts are paying off as many companies continue to move to or expand in Chandler. Many of these businesses are future-focused and provide quality jobs in innovative sectors.

An important part of the budget process is an ongoing review of the many programs and services the city provides, as well as reviewing the budget feedback received during the recent budget survey. This process is among the reasons the city's budget so closely matches the community's highest priorities each fiscal year.

Your involvement in this process makes a difference and ensures the needs of the entire community are heard. Find more details at chandleraz.gov/budget.



Public Safety Open House on March 2

The Chandler Fire and Police Departments are joining together to hold a free public safety open house on Saturday, March 2. The event will be from 9 a.m. to 1 p.m. on Washington Street in Downtown Chandler between Boston and Chicago streets.

In addition to a car show, a variety of fire apparatus and police vehicles will be on display. See demonstrations of vehicle extraction techniques and rappelling performed by the Technical Rescue Unit, as well as the K-9 Unit and Tactical Robot Unit. Aquatics staff will provide free life jackets and fittings as well as an interactive water safety activity as part of its #WaterYouDoing campaign. Hands-Only CPR classes will be offered every half hour. There will also be a free child fingerprinting ID clinic.

Free parking is available within walking distance, including the City Hall garage at 240 S. Washington St.

For more information, go to chandlerazpd.gov/OpenHouse.

