

Meeting Minutes

City Council Regular Meeting

May 9, 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 6:02 p.m.

Roll Call

Council Attendance

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

Appointee Attendance

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

*Councilmember Poston attended telephonically.

Absent/Excused

Councilmember Stewart was excused.

Invocation

The invocation was given by Rabbi Mendy Deitsch-Chebad of the East Valley.

Pledge of Allegiance

The Pledge of Allegiance was led by Vice Mayor Harris

Consent Agenda and Discussion

City Clerk

1. Approval of Minutes
Move City Council approve the Council meeting minutes of the Special Meeting - Budget Workshop #3 of March 21, 2024; the Work Session of April 4, 2024; the Work Session of April 15, 2024; the Study Session of April 15, 2024; and the Regular Meeting of April 18, 2024.
2. Board and Commission Member Appointments
Move City Council approve the Board and Commission appointments as recommended.

City Manager

3. Resolution No. 5802, Authorizing a Grant Application for and Acceptance of Grant Funds from the SS4A Federal Grant Program
Move City Council pass and adopt Resolution No. 5802, authorizing a grant application for and acceptance of grant funds from the SS4A federal grant program in the amount of \$800,000.
4. Agreement No. CM2-556-4450, Amendment No. 1, for Micro Transit Services, with River North Transit, LLC
Move City Council approve Agreement No. CM2-556-4450, Amendment No. 1, with River North Transit, LLC, for micro transit services, in an amount not to exceed \$1,292,000, for a one-year period, July 1, 2024, through June 30, 2025.
5. Fiscal Year (FY) 2023-24 Budget Amendment from Ongoing Council Contingency
Move City Council approve an ongoing budget amendment for the remaining \$4,000 in the FY 2023-24 Council Contingency for League of Arizona Cities and Towns annual conference registration for City Council, and authorize staff to transfer appropriation from the Non-Departmental Council Contingency account to the Mayor and Council cost center.

Community Services

6. Purchase of Turf Renovation, Removal, Preparation and Installation Services
Move City Council approve the purchase of turf renovation, removal, preparation, and installation services, from Underwood Bros. Inc., dba AAA Landscape, utilizing City of Mesa Contract No. 2022132, in an amount not to exceed \$149,250.70.
7. Purchase of Grounds and Irrigation Products and Services
Move City Council approve the purchase of grounds and irrigation products and services, from Stabilizer Solutions, Inc., utilizing the 1GPA Contract No. 23-10DV-05, in an amount not to exceed \$180,730.

Development Services

8. Final Adoption of Ordinance No. 5091, Rezoning and Preliminary Development Plan, PLH23-0055 Irgens Ascend, Generally Located at the Northwest Corner of Cooper Road and Germann Road

Rezoning

Move City Council adopt Ordinance No. 5091 approving PLH23-0055 Irgens Ascend, amending the existing Planned Area Development (PAD) zoning to allow showroom uses, subject to the conditions as recommended by Planning and Zoning Commission.

9. Preliminary Development Plan, PLH23-0048 Echo Suites, Located at the Southeast Corner of Cooper Road and the Loop 202 Santan Freeway
Move City Council approve Preliminary Development Plan PLH23-0048 Echo Suites Extended Stay by Wyndham for site layout and building architecture for a four-story hotel on approximately 2.54 acres, subject to conditions as recommended by Planning and Zoning Commission.
10. Use Permit, PLH23-0068 Win Beauty Salon, 284 S. Dobson Road, Generally Located at the Northwest Corner of Dobson and Frye Roads
Move City Council approve Use Permit, PLH23-0068 Win Beauty Salon, subject to the conditions recommended by Planning and Zoning Commission.
11. Final Plat approval for Woodsprings Suites-Everhome Suites, PLT22-0040, Located West of the Northwest corner of Price Road and Willis Road
Move City Council approve Final Plat PLT22-0040, Woodspring Suites-Everhome Suites, as recommended by staff.
12. Final Adoption of Ordinance No. 5084, Rezoning 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
Move City Council adopt Ordinance No. 5084 approving PLH23-0044 QuikTrip Convenience Store and Gas Station, amending the Planned Area Development (PAD) zoning for commercial uses to permit a fuel service station, subject to the conditions as recommended by Planning and Zoning Commission.
13. Rezoning and Preliminary Development Plan, PLH23-0063 CBREIM Frye, Located at 2500 W. Frye Road, Generally Located One-Half Mile South and East of Chandler Boulevard and Price Road
Rezoning
Move City Council continue Rezoning PLH23-0063 CBREIM Frye, Rezoning from Planned Industrial (I-1) District to Planned Area Development (PAD) for a data center with Mid-Rise Overlay to allow building heights up to 95 feet, subject to conditions as recommended by Planning staff, to the June 27, 2024, City Council meeting.

Preliminary Development Plan

Move City Council continue Preliminary Development Plan PLH23-0063 CBREIM Frye for site layout and building architecture, subject to the conditions as recommended by Planning staff, to the June 27, 2024, City Council meeting.

Facilities and Fleet

14. Purchase of Key Cabinets and Installation Services

Move City Council approve the competition impracticable purchase of key cabinets and installation services, from Traka USA, in the amount of \$146,800.

Management Services

15. New License Series 12, Restaurant Liquor License Application for Xing Ling Chen, Agent, Legends Showcase, LLC, DBA Legends Showcase Bar & Grill

Move for recommendation to the State Department of Liquor Licenses and Control for approval of the State Liquor Job No. 283495, a Series 12, Restaurant Liquor License, for Xing Ling Chen, Agent, Legends Showcase, LLC, DBA Legends Showcase Bar & Grill, located at 2386 N. Alma School Road, and approval of the City of Chandler, Series 12, Restaurant Liquor License No. 306878.

16. New License Series 12, Restaurant Liquor License Application for Bonita Renee Henderson, Agent, The 5Bs, LLC, DBA Bonnie's Bread and Butter Co.

Move for recommendation to the State Department of Liquor Licenses and Control for approval of the State Liquor Job No. 280208, a Series 12, Restaurant Liquor License, for Bonita Renee Henderson, Agent, The 5Bs, LLC, DBA Bonnie's Bread and Butter Co., located at 777 N. Arizona Avenue, Suite 3, and approval of the City of Chandler, Series 12, Restaurant Liquor License No. 306765.

17. License Series 12, Restaurant Liquor License application for Quin Hq Dinh, Agent, Asian Kitchen, LLC, DBA Asian Kitchen

Move for recommendation to the State Department of Liquor Licenses and Control for approval of the State Liquor Job No. 274041, a Series 12, Restaurant Liquor License, for Quin Hq Dinh, Agent, Asian Kitchen, LLC, DBA Asian Kitchen, located at 1890 W. Germann Road, Suite #1, and approval of the City of Chandler, Series 12, Restaurant Liquor License No. 307046.

18. New License Series 10, Beer and Wine Store Liquor License Application for Andrea Dahlman Lewkowitz, Agent, Trader Joe's Company, DBA Trader Joe's #287

Move for recommendation to the State Department of Liquor Licenses and Control for approval of the State Liquor Job No. 282340, a Series 10, Beer and Wine Store Liquor License, for Andrea Dahlman Lewkowitz, Agent, Trader Joe's Company, DBA Trader Joe's #287, located at 3961 S. Arizona Avenue, and approval of the City of Chandler, Series 10, Beer and Wine Store Liquor License No. 307014.

Police Department

20. Introduction and Tentative Adoption of Ordinance No. 5096, Repealing and Replacing Section 11-16 of Chapter 11 of the Code of the City of Chandler in its Entirety and Retitling as "Unruly Gathering"

Move City Council introduce and tentatively adopt Ordinance No. 5096, amending the Code of the City of Chandler, Chapter 11, Curfew, Graffiti, Smoking and Miscellaneous Offenses, by repealing and replacing Section 11-16 in its entirety; retitling Section 11-16 as "Unruly Gathering"; providing for repeal of conflicting ordinances; providing for severability, and providing for penalties.

21. Introduction and Tentative Adoption of Ordinance No. 5097, Amending Chapter 11 of the Code of the City of Chandler by Adding Section 11-18 "Brass Knuckles"

Move City Council introduce and tentatively adopt Ordinance No. 5097, amending the Code of the City of Chandler, Chapter 11, Curfew, Graffiti, Smoking and Miscellaneous Offenses, by adding Section 11-18 "Brass Knuckles"; providing for repeal of conflicting ordinances; providing for severability, and providing for penalties.

Public Works and Utilities

22. Final Adoption of Ordinance No. 5090, Granting a Non-Exclusive Underground High Voltage Power Easement to Salt River Project Agricultural Improvement and Power District to Accommodate the Development of the Aligned Data Center Facility

Move City Council adopt Ordinance No. 5090 granting a non-exclusive underground high voltage power easement to SRP, in consideration of the payment of four thousand (\$4,000) dollars, to accommodate the development of the Aligned Data Center facility at Price Road and Continuum Street.

23. Resolution No. 5795 Approving Amendment No. 1 to the Amended Project Agreement Under the Public Infrastructure Master Agreement Between the City of Chandler and Intel Corporation

Move City Council pass and adopt Resolution No. 5795 approving Amendment No. 1 to the Amended Project Agreement under the Public Infrastructure Master Agreement dated May 24, 2019, between the City of Chandler and Intel Corporation for improvements to the Ocotillo Brine Reduction Facility and related public infrastructure needed to serve Intel's campus at 4500 S. Dobson Road.

24. Agreement No. TR3-968-4606, Amendment No.1, with Paramount Assistant, LLC, dba Paramount Streetlight, for Streetlight Pole Replacement

Move City Council approve Agreement No. TR3-968-4606, Amendment No.1, with Paramount Assistant, LLC, dba Paramount Streetlight, for streetlight pole replacement, in an amount not to exceed \$479,000, for a one-year term, May 1, 2024, through April 30, 2025.

25. Professional Services Agreement No. ST2007.451, with Entellus, Inc., for the Hamilton Street Improvements from Iris Place to Appleby Road Construction Management Services
Move City Council award Professional Services Agreement No. ST2007.451, to Entellus, Inc., for the Hamilton Street Improvements from Iris Place to Appleby Road Construction Management Services, in an amount not to exceed \$671,367.74.
26. Professional Services Agreement No. AI2209.201, with C&S Engineers, Inc. for the Airport Operations Garage Design Services
Move City Council award Professional Services Agreement No. AI2209.201 to C&S Engineers, Inc. for the Airport Operations Garage Design Services, in an amount not to exceed \$305,513.00.
27. Professional Services Agreement No. ST2009.451, Amendment No. 2, with Ritoch-Powell & Associates Consulting Engineers, Inc., for the Dobson Road Improvements at Intel Driveways #1 and #4 Construction Management Services
Move City Council award Professional Services Agreement No. ST2009.451, Amendment No. 2, to Ritoch-Powell & Associates Consulting Engineers, Inc., for the Dobson Road Improvements at Intel Driveways #1 and #4 Construction Management Services, increasing the agreement amount by \$24,815.
28. Purchase of LED Lighting
Move City Council approve the purchase of LED Lighting, from Ameresco, utilizing the City of Tucson Contract No. 161436-01, in an amount not to exceed \$570,000.

Consent Agenda Motion and Vote

Vice Mayor Harris moved to approve the Consent Agenda items 1- 28, with the exception of Item No. 20 and Item No. 21, which were moved to the Action Agenda, of the May 9, 2024, Regular City Council Meeting, Seconded by Councilmember Orlando.

Consent Agenda motion, with the exception of Item No. 8, carried unanimously (6-0). Councilmember Stewart absent.

Consent Agenda Item No. 8 carried (4-2), Councilmember Stewart absent. Councilmember Orlando and Councilmember Encinas dissenting.

Action Agenda

20. Introduction and Tentative Adoption of Ordinance No. 5096, Repealing and Replacing Section 11-16 of Chapter 11 of the Code of the City of Chandler in its Entirety and Retitling as "Unruly Gathering"
Move City Council introduce and tentatively adopt Ordinance No. 5096, amending the Code of the City of Chandler, Chapter 11, Curfew, Graffiti, Smoking and Miscellaneous Offenses, by repealing and replacing Section 11-16 in its entirety; retitling Section 11-16 as "Unruly

Gathering"; providing for repeal of conflicting ordinances; providing for severability, and providing for penalties.

21. Introduction and Tentative Adoption of Ordinance No. 5097, Amending Chapter 11 of the Code of the City of Chandler by Adding Section 11-18 "Brass Knuckles"
Move City Council introduce and tentatively adopt Ordinance No. 5097, amending the Code of the City of Chandler, Chapter 11, Curfew, Graffiti, Smoking and Miscellaneous Offenses, by adding Section 11-18 "Brass Knuckles"; providing for repeal of conflicting ordinances; providing for severability, and providing for penalties.

STEPHANIE JARNAGAN spoke in support of items 20 and 21, advocated for the banning of brass knuckles for minors. Ms. Jarnagan shared her son's experience of being assaulted and emphasized the need to restrict items designed solely to cause harm. She urged the Council to take decisive action to prevent teen violence and thanked Mayor Hartke for his support.

NICHOLAS LORD, Chandler, AZ., spoke in support of items 20 and 21 as an advocate for stronger community safety measures, emphasizing the need to endorse the amended law to address the critical issue of underage drinking and the consequences of unsupervised gatherings. Mr. Lord expressed deep respect and appreciation for the city's efforts in honoring the memory of Preston Lord by declaring September 23rd as Preston Lord Day. He thanked Vice Mayor OD Harris for his compassion, leadership, and dedication to the community's cause and the rest of the Council for working closely together and allowing their voices to be heard.

MELISSA CICONTE, 1535 S. Longmore CT., Chandler, AZ., spoke in support of items 20 and 21 and about the need for stricter laws to hold teenagers and adults accountable for their actions. Ms. Cicone supports Chandler City Council's decision to create the Unruly Gathering ordinance to make the city safer. The amended law will impose stricter penalties for minors caught drinking and hosting unruly parties, aiming to deter such behavior and protect the community. Ms. Cicone also expressed gratitude for the City of Chandler declaring September 23rd as Preston Lord Day.

BRIDGET VEGA, 11 N. Pueblo St., Gilbert, AZ., spoke in support of items 20 and 21 Ms. Vega thanked the Mayor and Council for addressing teen violence and urged for more accountability and transparency. Ms. Vega suggested the need for a regional task force on teen violence across the East Valley and requested continued partnership in trauma prevention efforts. Ms. Vega also emphasized justice for the youth affected by senseless acts of violence.

COUNCILMEMBER ENCINAS said he wanted to reassure the community that they always listen. Their commitment is to ensure that teens and families are safe and will continue to be safe here in the City of Chandler.

COUNCILMEMBER ELLIS expressed appreciation for addressing the issue and sending a strong message against unacceptable behavior in the community. Councilmember Ellis emphasized the

commitment to working with the police department and the community to address such issues and offered condolences and prayers to the affected families.

VICE MAYOR HARRIS thanked everyone who participated in the process and voted to address teen violence in the East Valley region. Vice Mayor Harris acknowledged the support of the community, the upstander community, the Chandler Chamber, and the business community. Vice Mayor Harris appreciated the collaborative efforts of various individuals, extended an invitation for a celebration of Preston Lord day on September 23rd, and thanked the Mayor and colleagues for their responsiveness.

COUNCILMEMBER ORLANDO said he is appreciative of the support received in implementing new ordinances to protect the community, particularly children, from various challenges such as drugs, violence, gangs, and social media issues. He emphasized the need for an education program that reaches schools, businesses, and parents to ensure awareness and compliance with the new ordinances. Additionally, he mentioned the launch of a school education engagement program involving sixth graders in the Chandler Unified School District. This program will equip students with essential tools to navigate today's challenges. Councilmember Orlando highlighted the importance of innovation and the continuous development of impactful ideas to advance the community safely.

COUNCILMEMBER POSTON thanked the Mayor, Vice Mayor, and community members for their leadership and efforts in addressing a difficult and emotional issue. Councilmember Poston assured the community that the entire Council listens to their concerns and is open to their ideas for addressing the issue. She shared that the Council is committed to leadership in addressing the issue and appreciates the community's continued efforts.

COUNCILMEMBER STEWART thanked community members for sharing their experiences and insights. Councilmember Stewart is support of the efforts to address teen violence and looks forward to voting on these items later this month. thanked the community members who have shared their experiences and insights over the past few months.

MAYOR HARTKE expressed gratitude to the community members for their presence and input. He emphasized the commitment to ensuring Chandler remains a safe place for all residents and expressed confidence in the new police chief. Mayor Hartke also expressed hope that their actions would have a positive impact beyond Chandler and thanked everyone for their contributions.

Action Agenda Item No. 20 and 21 Motion and Vote

Vice Mayor Harris moved to introduce and tentatively adopt Ordinance No. 5096 Unruly Gathering and Ordinance No. 5097 Brass Knuckles, second by Councilmember Ellis.

Motion carried unanimously (6-0), Councilmember Stewart absent.

Informational

- 29. Special Event Liquor Licenses and Temporary and Permanent Extensions of Liquor License Premises Administratively Approved
- 30. Study Session & Regular Minutes of February 21, 2024, Planning and Zoning Commission
- 31. March 20, 2024, Planning and Zoning Commission Meeting Minutes

Unscheduled Public Appearances

JENNY VITALE, 3321 N. Nebraska St., Chandler, AZ., shared she lives in the northern part of Chandler in the New Horizon subdivision. She previously expressed concerns about fiber optic installation in the right of way for her neighborhood and expressed gratitude for the positive response. Ms. Vitale's neighborhood petitioned the staff, and she appreciates the staff's responsiveness and Mayor Hartke's "course correction" approach. She emphasized the importance of staff vetting projects properly and seeking input from residents, especially in older neighborhoods. Ms. Vitale expressed her thanks on behalf of the New Horizon subdivision and appreciated the staff's cooperation and attentiveness.

BROOK BEALL, 85 W. Teakwood Pl., Chandler, AZ., shared his concern about the lack of warning signs for animal crossings in their area, particularly for ducks and geese. The abundance of open water and waterfalls in the desert and the challenges faced by birds that cannot fly across roads. Specifically, these signs are needed in areas such as Fulton Ranch, the Consolidated Canal, the East Canal, and Pine Lakes. The speaker requests that the city council consider installing warning signs for duck and goose crossings in these areas to ensure the safety of the local wildlife.

Current Events

Mayor's Announcements

MAYOR HARTKE shared and led a listening session to gather community input. The event covered teen violence and mental health, with valuable participant insights. The actions taken are a step forward in addressing teen violence, and more conversations will follow. Thank you for being a part of this important event.

MAYOR HARTKE announced that on Monday, the Chandler Police Department held their annual memorial service. He joined fellow council members, law enforcement partners, and the community at the service. We honored and remembered the nine Chandler police officers who gave their lives serving our city. It was humbling to acknowledge their sacrifices. This event was a profound reminder of the efforts of the men and women of our Chandler Police Department, who put forth every day to keep our city safe. On behalf of myself and the Council, a heartfelt thank you to our police for the work that you do each and every day.

MAYOR HARTKE announced the following Public Safety Recognitions. May is Building Safety Month. May 5 through 11 is Public Service Recognition Week in Municipal courts. May 12th through 18th is National Police Week, and May 19th through May 25th is Public Works Week.

Council's Announcements

COUNCILMEMBER ELLIS announced that May is Skin Cancer Awareness Month. She is focusing on educating our community about the dangers of skin cancer and the importance of prevention.

COUNCILMEMBER ELLIS announced Haitian Heritage Month and mentioned that May 18 is Haitian Flag Day, a symbol of pride and liberty for millions of Haitians and Haitian Americans. She emphasized the importance of embracing the diversity brought by the Haitian community.

COUNCILMEMBER ELLIS announced that May is mental health awareness month and expressed enthusiasm for the opportunity to discuss the topic. She encouraged crucial conversations about self-care, mental health wellness, and supporting each other. Additionally, she mentioned implementing the practice of a seven-second hug.

COUNCILMEMBER ELLIS attended Bark and Love, a local business's grand opening, on Saturday, March 28th. She mentioned the ribbon-cutting and unveiling of a unique grooming and tennis machine and encouraged other pet parents to visit.

COUNCILMEMBER ORLANDO shared that he recently attended the second annual Military Bond Ceremony hosted by the Military and Veterans Affairs Commission. The event honored young enlistees from all service branches, most of whom were recent high school graduates. Each enlistee was presented with a challenge coin and a send-off salute. The challenge coin is a military tradition where leaders recognize outstanding work and boost unit morale. It was a great opportunity to celebrate our newest and youngest service members, and Councilmember Orlando thanked the Military and Veterans Affairs Commission for organizing such a meaningful event.

City Manager's Announcements

MR. WRIGHT shared that there are some outstandingly talented members of Team Chandler staff here, and he wanted to briefly recognize five of them who will be receiving awards this month. There are four outstanding employees from across the organization who are being recognized as top women leaders in our city as part of the Women of Chandler group this year. They are CC Cantabrana from our DEI Division, Donna Reno from the Police Department, Lenore Dembs from the Chandler Fire Department, and Kelly Schwab, our City attorney. Additionally, he wanted to recognize Adriana Ericson from our DEI Division, who was named a top 100 local government influencer by the Engaging Local Government Leaders organization. This national recognition of her influence as an up-and-coming local government leader. He congratulated her publicly as well.

Adjourn

The meeting was adjourned at 6:50 p.m.

ATTEST: _____
City Clerk Mayor

Approval Date of Minutes: May 23, 2024

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 9th day of May 2024. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of May, 2024.

City Clerk