

# Meeting Minutes

## City Council Study Session

July 15, 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 6:06 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

Tadd Wille, Acting City Manager  
Kelly Schwab, City Attorney  
Dana DeLong, City Clerk

### Scheduled Public Appearances

MAYOR HARTKE invited Councilmember Stewart to join him for the recognitions.

#### 1. Service Recognition

Jairo Garcia – 20 Years, City Magistrate  
Michelle MacLennan – 25 Years, Cultural Development  
Michael Prendergast – 25 Years, Police  
Preston Pierce – 25 Years, Police  
Eddie Cuthbertson – 30 Years, Police

#### 2. Recognition – Healthy Arizona Worksite Platinum Award

MAYOR HARTKE invited Fernanda Acurio, Human Resources Manager; and Lisa Mainieri, Wellness and Engagement Coordinator; to accept.

MS. MAINIERI said they are honored to accept the award on behalf of Chandler and ChanLife, the wellness program, and thanked Council for their continued support of this program provided to the employees.

## **Consent Agenda and Discussion**

MAYOR HARTKE announced that Item No. 20 on the agenda will be postponed to a future council meeting.

### **Airport**

1. Job Order Project Agreement No. AI2405.401 with Combs Construction Company, Inc., Pursuant to Job Order Master Agreement No. JOC2406.401, for the Airport Annual Pavement Management  
Move City Council award Job Order Project Agreement No. AI2405.401 to Combs Construction Company, Inc., Pursuant to Job Order Master Agreement No. JOC2406.401, for the Airport Annual Pavement Management, in an amount not to exceed \$305,120.96.

### **City Clerk**

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

### **City Manager**

3. Resolution No. 5818, Approving Amendment No. 6 to the Intergovernmental Agreement for Transit Services Between the Regional Public Transportation Authority and the City of Chandler to Provide Fixed Route Bus, Paratransit, and RideChoice Services  
Move City Council pass and adopt Resolution No. 5818, approving amendment No. 6 to the Intergovernmental Agreement for transit services between the Regional Public Transportation Authority and the City of Chandler to provide Fixed Route Bus, Paratransit, and RideChoice services for fiscal year 2024-2025, in an estimated amount of \$759,523.

### **Communications and Public Affairs**

4. Agreement No. CP3-966-4488, Amendment No. 3, for Overflow Photocopying and Printing Services  
Move City Council approve Agreement No. CP3-966-4488, Amendment No. 3, with LithoTech, Inc., for overflow photocopying and printing services, in an amount not to exceed \$150,000, for the period of one year, beginning August 25, 2024, through August 24, 2025.

### **Community Services**

5. Agreement No. CS1-967-4327, Amendment No. 3, 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.3, 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, 2024, through July 31, 2025.

6. Construction Manager at Risk (CMAR) Construction Services Agreement No. PR2206.401 with Hunter Contracting Co., for the Pickleball and Tennis Courts at Tumbleweed Park, Guaranteed Maximum Price (GMP) No. 1  
Move City Council award CMAR Construction Services Agreement No. PR2206.401 to Hunter Contracting Co., for the Pickleball and Tennis Courts at Tumbleweed Park GMP No. 1, in an amount not to exceed \$1,776,697.99.

JOHN SEFTON, Community Services Director, gave a briefing on the growing popularity of pickleball and the increased demand for recreational amenities. The construction of pickleball courts has been underway across the city since 2018, with plans for additional courts at Tumbleweed Park and the Tennis Center. The project includes 18 pickleball courts and upgraded LED lighting and is part of a Strategic Master Plan passed in 2021. The city has also expanded facilities and programming to meet the demand, emphasizing community engagement. With the approval of this construction services agreement, construction is expected to begin in October 2024 and be completed by the fall of 2025.

### Development Services

7. Job Order Project Agreement No. DS2201.403 with Caliente Construction, Inc., Pursuant to Job Order Master Agreement No. JOC2409.401, for the Outside Plant Fiber Telecommunications Remote Buildings – Desert Breeze  
Move City Council award Job Order Project Agreement No. DS2201.403 to Caliente Construction, Inc., Pursuant to Job Order Master Agreement No. JOC2409.401, for the Outside Plant Fiber Telecommunications Remote Buildings – Desert Breeze, in an amount not to exceed \$1,307,410.94.

### Economic Development

8. Resolution No. 5827, Approving the Acquisition of Approximately 0.88 Acres of Vacant Land Located at the Northwest Corner of Ray Road and Pleasant Drive from HRM CSOK, LLC, for Five Hundred Thousand and no/100ths (\$500,000.00) Dollars, Plus Closing Costs, Phase I Environmental Site Assessment Costs, Escrow Fees, and Other Customary Related or Investigative Costs  
Move City Council pass and adopt Resolution No. 5827 approving the acquisition of approximately 0.88 acres (38,333 square feet) of vacant land located at the northwest corner of Ray Road and Pleasant Drive from HRM CSOK LLC, an Idaho Limited Liability Company; authorizing the city's Real Estate Administrator to sign, on behalf of the city,

the purchase agreement and other documents necessary to facilitate the acquisition; and authorize an appropriation transfer of the purchase price of Five Hundred Thousand and no/100ths (\$500,000.00) Dollars, plus closing costs, Phase I Environmental Site Assessment costs, escrow fees, and other customary related or investigative costs from the Strategic Opportunities Reserve in the General Fund, Non-Departmental, Designated Reserves account 101.1290.5921 to the General Fund, Economic Development account 101.1520.6111.

COUNCILMEMBER ORLANDO asked about the estimated timeline for this project.

MICAH MIRANDA, Economic Development Director, said the negotiation regarding the disposition of the property is nearing completion. One challenge is the need for a close date on escrow. The tentative time frame is to release the RFP in early September.

COUNCILMEMBER ORLANDO said releasing the RFP in September is earlier than initially discussed. Councilmember Orlando asked if the RFP would be open for 60-90 days.

MR. MIRANDA asked if Councilmember Orlando meant it would take 60-90 days for the RFP to open, or that it would accept submissions for 60-90 days.

COUNCILMEMBER ORLANDO clarified accepting RFP submissions for 60-90 days.

MR. MIRANDA said that was correct.

COUNCILMEMBER ORLANDO estimated that the next action would come at the end of this year.

MR. MIRANDA said that after releasing the RFP, it is typically left open for 30 to 45 days to allow for public review. During this period, there is communication with developers to address any questions regarding the proposal. A recommendation to the Mayor and Council will be provided for the final decision.

COUNCILMEMBER ELLIS asked if there is a chance to consider a different project. She expressed that previous discussions have encompassed housing and commercial aspects and suggested exploring different development scenarios.

MR. MIRANDA said the staff had been instructed to issue an RFP encompassing multiple development scenarios.

9. Agreement with the Greater Phoenix Economic Council (GPEC), Fiscal Year 2024-25, for Regional Economic Development Services, in the amount of \$139,678, for the period of July 1, 2024, through June 30, 2025  
Move City Council approve the Fiscal Year 2024-25 agreement with the Greater



Phoenix Economic Council (GPEC) for regional economic development services, in the amount of \$139,678, for the period of July 1, 2024, through June 30, 2025.

## Fire Department

10. Physical Examinations Appropriation for Fiscal Year (FY) 2024-25  
Move that City Council approve the appropriation for Firefighter Physical Examinations for FY 2024-25 in accordance with the IGA with the City of Phoenix, in the amount of \$200,000.
11. Fire and Emergency Medical Dispatch Services Appropriation for Fiscal Year (FY) 2024-25  
Move that City Council approve the appropriation for fire and emergency medical dispatch services for FY 2024-25, in accordance with the current IGA with the City of Phoenix, in the amount of \$1,618,912.

## Information Technology

12. Purchase of Electronic Document Management System Professional Services  
Move City Council approve the purchase of electronic document system professional services, from InStream, LLC, in the amount of \$129,600.
13. Agreement No. 4613, Amendment No. 1, with Leapgen, LLC, for ERP Analysis Project  
Move City Council approve Agreement No. 4613, Amendment No. 1, for the ERP analysis project with Leapgen, LLC, increasing

## Law

14. Settlements and Pursuit of Claims in the Multi-District Litigation Matter of In re Aqueous Film-Forming Foams Products Liability Litigation  
Move City Council authorize the City of Chandler's participation in settlements with defendant manufacturers named in the public water systems' portion of the Multi-District Litigation matter, In re Aqueous Film-Forming Products Liability Litigation, MDL 2:18-nm-2873-RMG, Case No. 2:23-cv-06881-RMG, relating to damages sustained from products containing per- and poly-fluoroalkyl substances (PFAS) (the "MDL"); authorizing the Director of Public Works & Utilities or his designee, after consultation with the City Attorney's Office, to complete all documentation, verify claims, and execute all releases and agreements on behalf of the City that are necessary to participate in settlements for the public water systems' portion of the MDL; and authorizing the City Attorney and outside counsel to continue to pursue litigation related to PFAS on behalf of the City.

COUNCILMEMBER STEWART requested a briefing on Item No. 14 and asked for a rundown of the class action suit, inquiring about its impact on the water supply. He also sought information

regarding impacts on water levels and necessary actions to be taken, including purchasing filters or expanding the water treatment plant. Councilmember Stewart emphasized the importance of water and public safety, highlighting the interconnected nature of these two critical factors.

TAWN KAO, Assistant City Attorney, said that the lawsuit involved multi-district litigation, where thousands of lawsuits against manufacturers of "forever chemicals" called PFAS were consolidated and overseen by a federal judge in South Carolina. Staying in the case was in the city's best interest because pursuing separate litigation would be costly, and participating in settlements with defendants would provide a greater guarantee of recovery.

COUNCILMEMBER STEWART asked about the current water situation and where it may lead.

JOHN KNUDSON, Public Works and Utilities Director, said that Chandler has completed EPA-mandated monitoring and testing on their water supplies and complies with all established maximum contaminant rules. The EPA aims for a contaminant level of about four parts per trillion, and Chandler's water system will continue to be monitored and tested accordingly. Plans for the water treatment plant include addressing TTHM (trihalomethane) issues and potential PFAS contamination from the canal as part of the current capital program.

COUNCILMEMBER STEWART asked if the city receives revenue from the lawsuit settlement, it will offset some of the costs of the water treatment plant updates.

MR. KNUDSON said that is correct.

COUNCILMEMBER ORLANDO asked about the progress of the settlement case.

MS. KAO said that two defendants, 3M and Dupont (or Dupont-affiliated companies), have settled and been approved by the court. Two other defendants, Tyco and Bassive Corporation, have also preliminarily settled, pending court approval during an objection period. There are at least two dozen defendants, and possibly more to come. Each settlement varies in timing and terms. For example, 3M settled for 10.5 billion to 12.5 billion, to be paid out over 10 years, while the other defendants will receive lump sum payments and be paid out much sooner.

COUNCILMEMBER ORLANDO said Chandler, as well as all 50 states are involved in the lawsuit.

MS. KAO said yes, the State of Arizona's Attorney General filed in this litigation.

COUNCILMEMBER ORLANDO asked if the likelihood of receiving significant funding is high.

MS. KAO said that, at this point, the formula relies on the participation of all involved parties. Many cities and towns chose not to participate. The outcome depends on the number of participants,

their detection levels, and various other factors. Formulas are based on the flow rates of Public Water Systems, so it is too early to make predictions on any distributions of funds.

COUNCILMEMBER ORLANDO asked if they have advantages in obtaining resources or if the distribution is based on population or another formula.

MS. KAO said that specific formulas determine who gets priority based on timing. The City of Chandler was able to secure 3 million in funding in Phase One, so it was among the first to receive support along with others at the beginning.

MAYOR HARTKE asked if multiple groups represented the issue, he wanted to know if there was an assignment by geography or if multiple groups were vying to represent cities.

MS. KAO said that the city's counsel is one of the five lead firms involved in the litigation. Their local counsel also represents interests in the opioid settlement litigation alongside other firms. They are proud to be one of the leading firms in this litigation.

MAYOR HARTKE asked about the recent EPA listing. Before the current crackdown, it was measured in parts per billion.

MR. KNUDSON said that the previous regulation was in the 50 parts per billion range. Staff will follow up with the exact amount.

COUNCILMEMBER ELLIS asked about the potential for expanding partnerships, specifically about partnering with SRP or other groups within the water industry with whom Chandler previously collaborated.

MR. KNUDSON said that the city is constantly seeking partnerships and has been quite successful with many of them. In this situation, the sources of the contaminant PFAS could be from various places. For example, it could be present in the surface water coming from the mountains, contaminated during runoff, and may run across lands with this contamination, ultimately getting into the surface water. It could also be found in the groundwater. An example of this is Tucson, which has had issues near the Air Force bases where firefighting foam containing PFAS had been used for many years. This has led to potential contamination of wells down the flow path of the water. Fortunately, Chandler is not in as risky a position. The city has two main areas of concern: the airport and the fire training center. However, since wells are not located near these sites, there have not seen any issues. When the concern about PFAS arose, the Fire Department promptly ceased using the foam.

COUNCILMEMBER ELLIS thanked Mr. Knudson for his visionary approach to recognizing the need for well-maintenance.

COUNCILMEMBER STEWART clarified that the new EPA standard is four parts per trillion.

MR. KNUDSON said that is correct.

COUNCILMEMBER STEWART asked where the focus of the city's efforts should be aimed.

MR. KNUDSON mentioned that Chandler's system has many water sources, including 32 wells and two surface water plants.

COUNCILMEMBER STEWART asked from what source does tap water come from.

MR. KNUDSON said that with the city's well or distribution system is that water may be sourced from different wells or surface water plants.

COUNCILMEMBER STEWART stated that the city has had access to good drinking water for decades and appears to be heading in the right direction for the future.

MR. KNUDSON said that PFAS has been considered under the EPA's unregulated contaminant rule, and this is the first time in about five or six years that it has been looked at closely. He noted that the city has been following the rules and conducting the required testing as instructed.

COUNCILMEMBER STEWART affirmed that Chandler's water is safely under the limit of the contamination standard.

### Management Services

15. Liquor License Series 12, Restaurant Liquor License Application for Jared Michael Repinski, Agent, Grow a Pear, LLC, DBA Perfect Pear Bistro  
Move for recommendation to the State Department of Liquor Licenses and Control for approval of the State Liquor Job No. 297111, a Series 12, Restaurant Liquor License, for Jared Michael Repinski, Agent, Grow a Pear, LLC, DBA Perfect Pear Bistro, located at 2510 W. Chandler Boulevard, Suite 1, and approval of the City of Chandler, Series 12, Restaurant Liquor License No. 307522.
16. New License Series 12, Restaurant Liquor License Application for Amy S. Nations, Agent, Angie's Food Concepts, LLC, DBA Angie's Prime Grill & Lobster  
Move for recommendation to the State Department of Liquor Licenses and Control for approval of the State Liquor Job No. 296061, a Series 12, Restaurant Liquor License, for Amy S. Nations, Agent, Angie's Food Concepts, LLC, DBA Angie's Prime Grill & Lobster, located at 4989 W. Ray Road, and approval of the City of Chandler, Series 12, Restaurant Liquor License No. 307442.
17. New License Series 3, Domestic Microbrewery Liquor License Application for

Jeffrey Dean White Jr., Agent, Exasperated Engineer Brewing, LLC, DBA

Exasperated Engineer Brewing

Move for recommendation to the State Department of Liquor Licenses and Control for approval of the State Liquor Job No. 296544, a Series 3, Domestic Microbrewery Liquor License, for Jeffrey Dean White Jr., Agent, Exasperated Engineer Brewing, LLC, DBA Exasperated Engineer Brewing, located at 1202 E. Bartlett Way, and approval of the City of Chandler, Series 3, Domestic Microbrewery Liquor License No. 307009.

18. Request to Add Sampling Privileges for a Series 9, Liquor Store Liquor License for Steven Patrick Mayer, Agent, Raley's Arizona, LLC, DBA AJ's Fine Foods #87  
Move for recommendation to the State Department of Liquor Licenses and Control for approval of the State Liquor Job No. 298813, a Series 9 Sampling, Liquor Store License for Steven Patrick Mayer, Agent, Raley's Arizona, LLC, DBA AJ's Fine Foods #87, located at 7131 W. Ray Road, and approval of the City of Chandler Series 9 Sampling, Liquor Store Liquor License No.302442 L9.

### **Mayor and Council**

19. Resolution No. 5825 City Council Rules and Procedures Amendment  
Motion City Council pass and adopt Resolution No. 5825 City Council Rules and Procedures amendment to Section VIII - Order of Business to establish a public comment agenda item at City Council work sessions and subcommittee meetings.

### **Police Department**

20. Sole Source Purchase of Taser Conducted Energy Weapons (CEW)  
Move City Council approve the sole source purchase of Taser Conducted Energy Weapons (CEW), from Axon Enterprise, Inc., in the amount of \$1,301,188.30, over a five-year period.

### **Public Works and Utilities**

21. Agreement No. PW5-890-4794, with Ferguson Enterprises LLC, for Water Meters  
Move City Council approve Agreement No. PW5-890-4794, with Ferguson Enterprises LLC, for water meters, in an amount not to exceed \$3,500,000, for the period of July 1, 2024, through June 30, 2025.
22. Agreement No. PW1-745-4336, Amendment No. 3, with Vincon Engineering Construction, LLC, for Right-of-Way Repairs  
Move City Council approve Agreement No. PW1-745-4336, Amendment No. 3, with Vincon Engineering Construction, LLC, for right-of-way repairs, in an amount not to exceed \$200,000, for a one-year period, August 1, 2024, through July 31, 2025.
23. Agreement No. ST0-988-4194, Amendment No. 4, with BrightView Landscape Services, Inc., for Revegetation and Storm Repair Services

Move City Council approve Agreement No. ST0-988-4194, Amendment No. 4, with BrightView Landscape Services, Inc., for revegetation and storm repair services, in an amount not to exceed \$665,000, for a one-year period, August 1, 2024, through July 31, 2025.

24. Agreement No. PW2-988-4516, Amendment No. 2, with BrightView Landscape Services, Inc., for Landscape Maintenance Areas 1 through 4  
Move City Council approve Agreement No. PW2-988-4516, Amendment No.2, with BrightView Landscape Services, Inc., for landscape maintenance areas 1 through 4, in an amount not to exceed \$2,965,746, for a one-year period, August 22, 2024, through August 21, 2025.
25. Introduction and Tentative Adoption of Ordinance No. 5104 Granting a Non-Exclusive Power Distribution Easement to Salt River Project Agricultural Improvement and Power District, at No Cost, for Electrical Facilities Necessary for the Reclaimed Water Interconnect Facility (RWIF) Improvements  
Move City Council introduce and tentatively adopt Ordinance No. 5104 granting a non-exclusive Power Distribution Easements.

## Informational

26. Special Event Liquor Licenses and Temporary and Permanent Extensions of Liquor License Premises Administratively Approved
27. Contracts and Agreements Administratively Approved, Month of June 2024
28. Claims Report for the Quarter Ended June 30, 2024

## Adjourn

The meeting was adjourned at 6:41 p.m.

ATTEST:   
City Clerk

  
Mayor

Approval Date of Minutes: August 12, 2024

## Certification

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the City Council of Chandler, Arizona, held on the 15th day of July 2024. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this 12th day of August, 2024.

Dana R. DeLong  
City Clerk





## 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: 6/15/24

Agenda Item No. #19 5825  
(If applicable)

☒ Support

☐ Oppose

Comments:

Added to Minutes and  
public Record

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.





## 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 cart 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

## CITIZENS OF CHANDLER

### MAYOR & CITY COUNCIL

#### ADVISORY BOARDS & COMMISSIONS

CITY CLERK  
Dana DeLong

CITY MANAGER  
Marsha Reed

CITY ATTORNEY/RISK MGR  
Kelly Schwab

CITY MAGISTRATE  
Michael Traynor

#### ASSISTANT CITY MANAGER Vacant

DOWNTOWN  
REDEVELOPMENT  
Kim Moyers

INTERGOV.  
AFFAIRS  
Ryan Peters

#### ASSISTANT CITY MANAGER Joshua Wright

TRANSPORTATION  
POLICY  
Dan Cook

PUBLIC WORKS &  
UTILITIES  
John Knudson

NEIGHBORHOOD  
RESOURCES  
Leah Powell

COMMUNICATIONS  
& PUBLIC AFFAIRS  
Matt Burdick

POLICE  
Sean Duggan

FIRE  
Tom Dwiggins

ADMINISTRATIVE  
SERVICES  
Debra Stapleton

MANAGEMENT  
SERVICES  
Dawn Lang

AIRPORT  
Chris Andres

COMMUNITY  
SERVICES  
Brenda Brown

- Code Enforcement
- Community Development
- Diversity Office
- Housing & Redevelopment
- Neighborhood Programs

- Mayor and Council Office
- Print, Mail, Graphics
- Public Information
- Video Production

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

- Administration
- Emergency Management
- Health & Medical
- Operations
- Prevention & Training

- Building & Facilities
- Fleet Services
- Human Resources

- Accounting
- Budget Office
- Central Supply
- Environmental Management
- Purchasing
- Tax & Licensing
- Utility Services

- Tourism

- Aquatics
- Center for the Arts/Vision Gallery
- Library
- Museum
- Park Operations
- Recreation

#### SUSTAINABILITY

ASU Marvin Andrews  
Fellowship Intern

- Transit Services

- Capital Projects
- Solid Waste Services
- Transportation
- Water/Wastewater

- Building Safety
- Engineering
- GIS
- Planning
- Regulatory Affairs

- Development Services
- Derek Horn



Organizational Chart  
February 27, 2023



**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

**Deputy City Manager | CFO**  
Dawn Lang

**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**  
Stephan Turner, Off

**Assistant City Manager**  
Tadd Wille

**Police**  
Sean Duggan, Chief  
Communications, Community  
Services, Criminal Investigations,  
Field Operations, Forensic Science,  
Property & Evidence

**Fire**  
Thomas Dwiggins, 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

**Deputy City Manager**  
Andy Bass

**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](http://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](http://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](http://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](http://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](http://chandlerazpd.gov/OpenHouse).