

Meeting Minutes

City Council Regular Meeting

June 27, 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 Christine Ellis
*Councilmember Mark Stewart
Councilmember Matt Orlando
*Councilmember Jane Poston

Appointee Attendance

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

*Councilmember Stewart and Councilmember Poston attended telephonically.

Absent

Councilmember Angel Encinas - excused

Invocation

The invocation was given by Pastor Jeff Caupp, Tri-City Church.

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 of

June 10, 2024, the Study Session of June 10, 2024, the Special Meeting of June 13, 2024, the Regular Meeting of June 13, 2024, and the Special Meeting - Budget Adoption of June 13, 2024.

City Magistrate

2. Agreement No. CC4-961-4762 for Public Defender Services Move City Council approve Agreement No. CC4-961-4762, for public defender services, with Michael J. Smith, Attorney at Law; Elizabeth Gonzalez, AJ Law Group, PLC; Jared Allen, Law Office of Jared Allen PLLC; Ursula H. Kanjoma, Gordwin Law, PLLC; Manny A. Jacobo, Jacobo Law Firm, PLLC; Alex D. Gonzalez, Attorney at Law; and Christopher J. Palmisano, The Law Offices of Christopher J. Palmisano, PLC, for public defender services, in an amount not to exceed \$427,000, for the period of one year, beginning July 1, 2024, through June 30, 2025, with the option of up to four one-year extensions.

Cultural Development

3. Resolution No. 5817, Authorizing the Enhanced Municipal Services District (EMSD) Agreement for Fiscal Year 2024-25 between the City of Chandler and the Downtown Chandler Community Partnership, and Authorizing the City's Voluntary Contribution to the EMSD in the Amount of \$130,981
Move City Council pass and adopt Resolution No. 5817, authorizing the Enhanced Municipal Services District (EMSD) Agreement for Fiscal Year 2024-25 between the City of Chandler and the Downtown Chandler Community Partnership, and authorizing the City's voluntary contribution to the EMSD in the amount of \$130,981.

Development Services

4. Final Adoption of Ordinance No. 5103, Annexation ANX23-0003, Approving the Annexation of 13.57 Acres, Located South of the Southeast Corner of Arizona Avenue and Germann Road
Move City Council adopt Ordinance No. 5103 approving ANX23-0003 Annexation of 13.57 acres located at the southeast corner of Arizona Ave and Germann Road, as recommended by Planning staff.
5. Final Adoption of Ordinance No. 5102, Rezoning, PLH23-0070 Chandler Palms Medical Offices, Located at 500 N. Juniper Drive, Generally Located 1/2 Mile North and West of Chandler Boulevard and McClintock Drive
Move City Council adopt Ordinance No. 5102 approving PLH23-0070 Chandler Palms Medical Offices, amending the existing PAD zoning to allow medical office uses, subject to the conditions as recommended by Planning and Zoning Commission.

6. Final Adoption of Ordinance No. 5101, Rezoning, PLH23-0057 Guerrero Residence, Located at 943, 953 and 963 North Mill Avenue, Generally Located ½ Mile East of the Southeast Corner of Kyrene and Ray Roads
Move City Council adopt Ordinance No. 5101 approving PLH23-0057 Guerrero Residence, Rezoning from Agricultural District (AG-1) to Planned Area Development (PAD) for Single-Family Residential with reduced setbacks, subject to the conditions as recommended by Planning and Zoning Commission.
7. Resolution No. 5821 Development Agreement, Introduction and Tentative Adoption of Ordinance No. 5105 Rezoning, and Preliminary Development Plan; PLH23-0063 CBREIM Frye, Located at 2500 West Frye Road, Generally Located at the Northwest Corner of Frye Road and Ellis Street (Continued from the Regular Meeting of May 9, 2024)
Development Agreement
Move City Council pass and adopt Resolution No. 5821, authorizing a Development Agreement between the City of Chandler and CPUS West Frye Road, LP, related to the development and operation of an expanded data center on the property, including removal of water-based cooling equipment at the existing data center.
Rezoning
Move City Council introduce and tentatively adopt Ordinance No. 5105 approving PLH23-0063 CBREIM Frye, Rezoning from Planned Industrial District (I-1) and Planned Area Development (PAD) for Office Development to PAD for Data Center uses and Planned Industrial (I-1) uses with a Mid-Rise Overlay for building heights up to 95 feet, subject to the conditions as recommended by Planning and Zoning Commission.
Preliminary Development Plan
Move City Council approve Preliminary Development Plan PLH23-0063 CBREIM Frye for site layout and building architecture for the expansion of an existing data center on approximately 14.5 acres, subject to conditions as recommended by Planning staff.
8. Use Permit, PLH24-0003 El Oasis, Located at 482 E. Erie Street, Approximately 1/4 Mile North of the Northwest Corner of Chandler Boulevard and Hamilton Street
Move City Council approve Use Permit PLH24-0003 El Oasis, approving a time extension to a operate a community center and community garden, subject to the conditions recommended by Planning and Zoning Commission.

Economic Development

9. Resolution No. 5809 Approving an Amendment to the Intergovernmental Agreement Between the City of Chandler and the Arizona Board of Regents, on Behalf of Arizona State University, for the Delivery of Business Incubator and Ecosystem Building Services, in an Amount Not to Exceed \$275,000 Annually
Move City Council pass and adopt Resolution No. 5809 approving an amendment to

the Intergovernmental Agreement between the City of Chandler and the Arizona Board of Regents, on behalf of Arizona State University, for the delivery of business incubator and ecosystem building services, in an amount not to exceed \$275,000 annually, for the period of one year, beginning July 1, 2024, through June 30, 2025.

10. Agreement No. ED3-920-4587, Amendment No. 1, for Search Engine Optimization and Pay Per Click Services
Move City Council approve Agreement No. ED3-920-4587, Amendment No. 1, with Simpleview Worldwide, Inc., for search engine optimization and pay per click services, in an amount not to exceed \$109,200, for a one-year period, beginning July 1, 2024, through June 30, 2025.

Fire Department

11. Resolution No. 5819 Approving an Intergovernmental Agreement Extension between the City of Chandler and the Chandler County Island Fire District for the Provision of Emergency Services
Move City Council pass and adopt Resolution No. 5819 approving an Intergovernmental Agreement (IGA) extension between the City of Chandler and the Chandler County Island Fire District for the provision of emergency services.
12. Resolution No. 5816 Approving and Authorizing a Collaboration Agreement between Arizona State University and the City of Chandler for Participation in the AmeriCorps Program
Move City Council pass and adopt Resolution No. 5816 authorizing a Collaboration Agreement with the Arizona Board of Regents, for and on behalf of Arizona State University, for participation in the AmeriCorps Program.
13. Resolution No. 5807 Approving and Authorizing a Universal Affiliation Agreement Between Northern Arizona University and the City of Chandler
Move City Council pass and adopt Resolution No. 5807 authorizing an Intergovernmental Agreement (IGA) with the Arizona Board of Regents, for and on behalf of Northern Arizona University, for student participation in internships, clinical rotations, and other educational experiences with the Chandler Fire Department (CFD).
14. Resolution No. 5803 Approving and Authorizing a Student Placement Agreement Between Arizona State University and the City of Chandler
Move City Council pass and adopt Resolution No. 5803 authorizing the Mayor to execute a Student Placement Agreement between Arizona State University and the City of Chandler for the Chandler Fire Department Crisis Response Unit.

15. Agreement No. FD4-948-4766, First Responder Cancer Screenings
Move City Council approve Agreement No. FD4-948-4766, with Vincere Physicians Group, PLLC, dba Vincere Cancer Center, for first responder cancer screenings, in an amount not to exceed \$550,000, for the period of one year, beginning July 1, 2024, through June 30, 2025.

Human Resources

16. Resolution No. 5760 Amending Personnel Rule 15, Sections 4, Vacation Leave Accrual; 5, Maximum Accrual of Vacation Credits; 10, Statutory Sick Leave; 14, Bereavement Leave; 15, Military Special Leave; 17, Special Leave without Pay; 18, Extended Special Leave without Pay; 20, Doctor's Release; 21, Payment of Sick Leave; and 23, Administrative Leave
Move City Council pass and adopt Resolution No. 5760, amending Personnel Rule 15 Sections 4, Vacation Leave Accrual; 5, Maximum Accrual of Vacation Credits; 10, Statutory Sick Leave; 14, Bereavement Leave; 15, Military Special Leave; 17, Special Leave without Pay; 18, Extended Special Leave without Pay; 20, Doctor's Release; 21, Payment of Sick Leave; and 23, Administrative Leave
17. Agreement No. HR3-953-4609, Amendment No. 1, with Nationwide Retirement Solutions, Inc., for Deferred Compensation 457 Plan and Post Employment Health Plan Administration, Investment, and Trust Services
Move City Council approve Agreement No. HR3-953-4609, Amendment No. 1, with Nationwide Retirement Solutions, Inc., for Deferred Compensation 457 Plan and Post Employment Health Plan administration, investment, and trust services.

Law

18. Renewal of Commercial Insurance and Services for Fiscal Year (FY) 2024-25
Move City Council approve the renewal of commercial insurance and services for FY 2024-25 and authorize the City Attorney and Human Resources Director to sign all documents related to obtaining commercial insurance and services in an amount not to exceed \$3,929,813.

Management Services

19. Ordinance No. 5095, Levying upon the Assessed Valuation of the Property within the City of Chandler, Arizona, Subject to Taxation a Certain Sum Upon Each One Hundred Dollars (\$100) of Assessed Valuation Sufficient to Raise the Amount Estimated to be Required in the Annual Budget, less the Amount to be Received from Other Sources of Revenue; Providing Funds for Various Bond Redemptions, for the Purpose of Paying Interest Upon Bonded Indebtedness and Providing Funds for General Municipal Expenses, all for the Fiscal Year Ending the 30th Day of June, 2025

Move City Council adopt Ordinance No. 5095, levying upon the assessed valuation of the property within the City of Chandler, Arizona, subject to taxation a certain sum upon each one hundred dollars (\$100) of assessed valuation sufficient to raise the amount estimated to be required in the annual budget, less the amount to be received from other sources of revenue; providing funds for various bond redemptions, for the purpose of paying interest upon bonded indebtedness and providing funds for general municipal expenses, all for the Fiscal Year ending the 30th day of June, 2025.

20. Introduction of Ordinance No. 5087 Amending City Code Chapter 45, Renaming the Chapter to Stormwater Drainage and Pollution Prevention and Adding or Amending Sections 45-1 to 45-12, Related to the Regulation of Stormwater Retention and Pollution Prevention
Move City Council introduce and tentatively adopt Ordinance No. 5087, amending City Code Chapter 45 Storm Drainage requirements by adding definitions, declaring stormwater pollution to be a public nuisance, declaring that altering or failing to maintain a stormwater collection system is a public nuisance, providing for enforcement through civil citation or criminal enforcement for willful violations or habitual offenders, adding construction and post-construction stormwater runoff/release control requirements, and providing for appeals.
21. Resolution No. 5815, Designating the Chief Fiscal Officer for Officially Submitting the Fiscal Year 2025 Expenditure Limitation Report to the Arizona Auditor General
Move City Council pass and adopt Resolution No. 5815, designating the Chief Fiscal Officer for officially submitting the Fiscal Year 2025 Expenditure Limitation Report to the Arizona Auditor General.
22. Purchase of Utility Billing System Annual Support
Move City Council approve the purchase of utility billing system annual support services, from Advanced Utility Systems, in the amount of \$138,717.
23. License Series 12, Restaurant Liquor License application for Kenneth Micheal LaCivita, Agent, Special Wings 3, LLC, DBA Cogburn's Big Wings
Move for recommendation to the State Department of Liquor Licenses and Control for approval of the State Liquor Job No. 296366, a Series 12, Restaurant Liquor License, for Kenneth Micheal LaCivita, Agent, Special Wings 3, LLC, DBA Cogburn's Big Wings, located at 2050 N. Alma School Road, Suite 8, and approval of the City of Chandler, Series 12, Restaurant Liquor License No. 307463.
24. License Series 12, Restaurant Liquor License Application for Tommy Van Ha, Agent, Tommy's Hi 5 Sushi, LLC, DBA Hi 5 Sushi
Move for recommendation to the State Department of Liquor Licenses and Control for approval of the State Liquor Job No. 295434, a Series 12, Restaurant Liquor License,

for Tommy Van Ha, Agent, Tommy's Hi 5 Sushi, LLC, DBA Hi 5 Sushi, located at 225 W. Warner Road, Suite 3, and approval of the City of Chandler, Series 12, Restaurant Liquor License No. 307208.

25. License Series 10, Beer and Wine Store Liquor License Application for Pedro Paredes Gonzalez, Agent, Carniceria El Potrero #2, LLC, DBA Carniceria El Potrero
Move for recommendation to the State Department of Liquor Licenses and Control for approval of the State Liquor Job No. 296102, a Series 10, Beer and Wine Store Liquor License, for Pedro Paredes Gonzalez, Agent, Carniceria El Potrero #2, LLC, DBA Carniceria El Potrero, located at 731 S. Arizona Avenue, and approval of the City of Chandler, Series 10, Beer and Wine Store Liquor License No. 307316.

Mayor and Council

26. City Manager Employment Agreement
Move City Council approve the City Manager Employment Agreement for Joshua Wright for the term of July 1, 2024, through June 30, 2026.

COUNCILMEMBER POSTON declared a conflict of interest on Item 26.

27. City Attorney Employment Agreement
Move City Council approve the City Attorney Employment Agreement with Kelly Schwab for the term of July 1, 2024, through June 30, 2026.
28. City Clerk Employment Agreement
Move City Council approve the City Clerk Employment Agreement with Dana DeLong for the term of July 1, 2024, through June 30, 2026.

Neighborhood Resources

29. Introduction and Tentative Adoption of Ordinance No. 5094, Approving the Eleventh Amendment to the Lease Agreement between the City of Chandler and Maricopa County Authorizing a Two-Year Lease Extension for Space in the Recreation Building at 660 S. Palm Lane, Chandler, Arizona, for use as a Head Start Facility
Move City Council introduce and tentatively adopt Ordinance No. 5094, approving the Eleventh Amendment to the lease agreement between the City of Chandler and Maricopa County authorizing a two-year lease extension for space in the recreation building at 660 S. Palm Lane, Chandler, Arizona, for use as a Head Start Facility.
30. Introduction and Tentative Adoption of Ordinance No. 5093, Approving the Tenth Amendment to the Lease Agreement between the City of Chandler and Maricopa County Authorizing a Two-Year Lease Extension for Space in the Recreation Building at 130 N. Hamilton Street, Chandler, Arizona, for use as a Head Start Facility

Move City Council introduce and tentatively adopt Ordinance No. 5093 approving the Tenth Amendment to the lease agreement between the City of Chandler and Maricopa County authorizing a two-year lease extension for space in the recreation building at 130 N. Hamilton Street, Chandler, Arizona, for use as a Head Start Facility.

31. Resolution No. 5824, Authorizing the Human Services Funding Guidelines and Adopting the Service Area Priorities Recommended by the Housing and Human Services Commission Based on the Results of the 2024 Community Needs Assessment
Move City Council pass and adopt Resolution No. 5824 authorizing the Human Services Funding Guidelines and adopting the Service Area Priorities recommended by the Housing and Human Services Commission based on the results of the 2024 Community Needs Assessment.
32. Resolution No. 5823 Allocating Fiscal Year 2024-2025 General Funds in the Amount of \$2,083,776.27 to Various Non-Profit Agencies in Accordance with the Recommendations of the Chandler Housing and Human Services Commission and Staff
Move City Council pass and adopt Resolution No. 5823 approving and authorizing the allocation of Fiscal Year 2024-2025 General Funds in the amount of \$2,083,776.27 to various non-profit service providers in accordance with the recommendations of the Chandler Housing and Human Services Commission and staff.

PAULA MCCALL, Chandler, spoke about Semi Colon Society, a Chandler-based nonprofit organization providing free mental health education, resources, presentations, and events with a focus on suicide prevention and support. Dr. McCall thanked Council for their support on this item to fund nonprofits in Chandler. Semi Colon Society strives to build mental health awareness and empowerment in the community. Dr. McCall announced the second annual World Suicide Prevention Week Event on Sunday, September 8, 2024, at the Chandler Community Center.

Police Department

33. Resolution No. 5822 Intergovernmental Agreement for Participation in the East Valley Critical Incident Response Team
Move City Council pass and adopt Resolution No. 5822 approving an Intergovernmental Agreement among the City of Chandler, City of Apache Junction, Town of Gilbert, City of Mesa, Town of Paradise Valley, Town of Queen Creek, City of Scottsdale, and City of Tempe to provide mutual aid for critical force incidents as part of the East Valley Critical Incident Response Team (EVCIRT).
34. Purchase of Furniture
Move City Council approve the purchase of furniture, for the Chandler Police Department Computer Crimes Unit, utilizing the State of Arizona Contract No. CTR067414, with Wist Business Supplies & Equipment, in an amount not to exceed

\$118,798.94.

Public Works and Utilities

35. Final Adoption of Ordinance No. 5100 Authorizing a Contract and Grant of Easement with the United States of America for Irrigation Facilities Located at the Northwest Corner of Dobson Road and Pecos Road
Move City Council adopt Ordinance No. 5100 authorizing the City of Chandler to enter into a Contract and Grant of Easement with the United States of America for irrigation facilities located at the northwest corner of Dobson Road and Pecos Road in consideration for payment of the market value of the property from CRP/Sparrow Chandler Owner, LLC.
36. Purchase of Vacuum Excavator Truck
Move City Council approve the purchase of an 18" Hydro-Excavator Vacuum Truck, from Haaker Equipment Company, utilizing Sourcewell Contract No.101221-VTR, in the amount of \$634,753.35

Consent Agenda Motion and Vote

Councilmember Orlando moved to approve the Consent Agenda of the June 27, 2024, Regular City Council Meeting; Seconded by Councilmember Ellis.

Motion carried unanimously (6-0), with the exception of Item No. 26, which passed unanimously (5-0), Councilmember Poston declaring a conflict of interest.

Action Agenda

37. Fiscal Year (FY) 2024-2025 Budget Amendments
Move City Council approve as presented the twenty-five one-time budget amendments totaling \$340,000 and eight ongoing budget amendments totaling \$61,000 for a total of \$401,000 using Council Contingency and authorize staff to transfer appropriation from the Non-Departmental Council Contingency to the respective Departments after final adoption of the FY 2024-25 Budget and Capital Improvement Program (CIP).
- STEVEN TURNER, Sustainability and Performance Officer, presented the following presentation.
- City Council Budget Amendments FY 2024-2025
 - City Council Budget Amendments Policy & Procedures
 - Funds used to have a beneficial impact on the community or City department operations
 - Can be used to fund projects/programs that were not recommended in budget
 - Support the City Council's Strategic Framework focus areas
 - City Manager assigns projects/programs to City departments for implementation
 - Staff submits a list of suggested budget amendments

- Council members may suggest budget amendment options
- Support from at least two Council members before appearing on recommended list
- City Council may vote on budget amendment items as a group or individually
- Proposed Council Budget Amendments
- Proposed Council Budget Amendments
- Proposed Council Budget Amendments
- Questions

COUNCILMEMBER ORLANDO noted many of these requests are coming from the community. Many agencies request monetary support in this way. Departments may also request additional funding that was not covered in the budget.

Action Agenda Motion and Vote

Councilmember Ellis moved to approve as presented the twenty-five one-time budget amendments totaling \$340,000 and eight ongoing budget amendments totaling \$61,000 for a total of \$401,000 using Council Contingency and authorize staff to transfer appropriation from the Non-Departmental Council Contingency to the respective departments after final adoption of the FY 2024-25 Budget and Capital Improvement Program (CIP); Seconded by Vice Mayor Harris.

Motion carried unanimously (6-0).

Action Agenda

38. Discussion and Possible Action to Direct the City Attorney to Prepare a Resolution Amending the City Council Rules and Procedures to Allow for Public Comment at City Council Subcommittee Meetings and Work Sessions
- Move to direct the City Attorney to prepare a resolution for City Council consideration to amend the City Council Rules and Procedures, as discussed.

MAYOR HARTKE read a prepared statement on behalf of Councilmember Encinas:

Due to my absence at tonight's Council meeting, I wanted to share my support for Action Item No. 38 to allow public comment at subcommittee meetings, work sessions, etc. If we move ahead, I look forward to working with you all and staff on the appropriate procedures and structures of this policy. All other questions regarding the rest of the agenda have been answered.

Action Agenda Motion and Vote

Councilmember Orlando moved to direct the City Attorney to prepare a resolution for City Council consideration to amend the City Council Rules and Procedures, as discussed; Seconded by Councilmember Ellis.

Motion carried unanimously (6-0).

Informational

- 39. May 15, 2024, Planning and Zoning Commission Meeting Minutes
- 40. Contracts and Agreements Administratively Approved, Month of May 2024
- 41. Special Event Liquor Licenses and Temporary and Permanent Extensions of Liquor License Premises Administratively Approved

Unscheduled Public Appearances

JIM FOGERTY, Chandler, expressed concerns about his property by a city well site and said the noise from the well site operation is disruptive.

BRIDGET VEGA, Gilbert, provided comments about improving trust and accountability to implement the Parental Bill of Rights in Chandler Unified School District.

Current Events

Mayor's Announcements

MAYOR HARTKE announced the last day to register to vote is July 1, early voting begins July 3, and election day is July 30. The city has useful online resources at chandleraz.gov/elections.

MAYOR HARTKE mentioned attendance at the groundbreaking of Villas on McQueen held on June 27, the first project to convert public housing facilities into new affordable housing units. Mayor Hartke thanked staff and those in attendance.

MAYOR HARTKE recognized Miss Juneteenth 2024, Mara McPhail.

MAYOR HARTKE wished everyone a happy Fourth of July and reminded residents about fire safety in their firework usage.

Council's Announcements

COUNCILMEMBER ELLIS spoke about attending a conference focusing on mental health in assisted living organizations and encouraged everyone to practice mental wellness strategies.

COUNCILMEMBER ELLIS announced the Chandler All American Bash to be held on July 4, in Dr. A. J. Chandler Park in Downtown Chandler.

VICE MAYOR HARRIS congratulated Pretty Precise Step Team for winning the West Coast National Championship and recognized the coaches and dancers for their hard work.

