

Meeting Minutes

City Council Work Session

January 23, 2025 | 4:00 p.m.
Council Chambers Conference Room
88 E. Chicago St., Chandler, AZ



Call to Order

The meeting was called to order by Mayor Kevin Hartke at 4:00 p.m.

Roll Call

Council Attendance

Mayor Kevin Hartke
Vice Mayor Christine Ellis
Councilmember Jane Poston
Councilmember Matt Orlando
Councilmember OD Harris
Councilmember Jennifer Hawkins

Appointee Attendance

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

*Councilmember Harris attended telephonically.

Absent

Councilmember Angel Encinas

Staff in Attendance

Andy Bass, Deputy City Manager
Ryan Peters, Strategic Initiatives Director
Leah Powell, Neighborhood Resources Director
Riann Balch, Community Resources Senior Manager
Bryan Chapman, Police Chief
Alexis Apodaca, Mayor & Council Public Affairs Senior Manager
Jason Crampton, Transportation Planning Manager
Cherie Stone, Government Relations Senior Program Manager
Matt Burdick, Communications & Public Affairs Director
Dawn Gingerich, Assistant City Attorney

Discussion

1. Presentation and Discussion on Homelessness Programs, the Grants Pass Decision, Proposition 312, and Proposed Urban Camping and Use of Transit Facilities Regulations

Notice of Executive Session

Pursuant to Resolution No. 4464 of the City of Chandler and to A.R.S. 38-431.01, notice is hereby given to the general public that the Chandler City Council may hold an Executive Session on Thursday, January 23, 2025, during the Work Session which begins at 4:00 p.m. The Executive Session, if called, will be held in the Council Chambers Conference Room, 88 E. Chicago Street, Chandler, AZ.

1. Legal Advice - A.R.S § 38-431.03(A)(3)

Discussion or consultation with the City Attorney for legal advice regarding legal impacts of the Supreme Court ruling in Grants Pass, Oregon v. Johnson on urban camping and transit facility regulations and Arizona Proposition 312 Arizona Immigration and Border Law Enforcement Measure.

MAYOR HARTKE called for a staff presentation.

JOSHUA WRIGHT, City Manager, introduced the discussion item.

LEAH POWELL, Neighborhood Resources Director, presented the following presentation.

- Homelessness, the Grants Pass Decision and Proposition 312
- Homelessness in Maricopa County
 - There are more people entering homelessness than leaving homelessness.
 - From October 2023 – September 2024, there were 19 new people experiencing homelessness for every 10 people finding housing.
 - There is still a significant number of new people entering homelessness each month.
 - In September 2024, 933 households experienced homelessness for the first time, averaging 948 households per month over the last year.
 - Over the past year, 31,201 unique people have been served through street outreach, emergency shelter, and transitional housing.
 - Maricopa County Point In Time count taking place on January 28th.
 - Source: Maricopa Regional Homeless Management Information System (HMIS)
- Homelessness in Maricopa County
 - Breakdown of people experiencing homelessness (HMIS)
 - 2024 highest number of evictions in history (Maricopa County Justice Courts)
- Homelessness in Chandler
 - Served 906 unduplicated persons, including 248 persons in 65 families (23%) in a one-year period between October 2023 and September 2024. (HMIS)

- Of the 9 encampments identified in the last one-year period, three were on commercial property, 4 were on Railroad property and 2 were on city property not for public use.

MAYOR HARTKE asked if this definition involved couch surfers, individuals experiencing chronic homelessness, or all forms of homelessness.

MS. POWELL stated that it could include all forms of homelessness, referring to anyone who has interacted with the navigators and has self-identified as experiencing homelessness.

MAYOR HARTKE asked about couch surfing, which would technically classify someone as homeless. This means that the individual has no permanent residence but is not on the shelter list for the night.

MS. POWELL stated that under that situation, the definition would be considered “unsheltered”. However, it could also refer to someone who has housing but chooses to remain on the street.

COUNCILMEMBER POSTON asked to clarify the approach to different encampments based on their locations, such as commercial, city, or railroad.

MS. POWELL stated that nine encampments had been identified in the last year located on the street or properties. This does not include the bus stops. Typically, encampments occur on commercial property, railroad property, and city property where someone stays. There is an accumulation of their belongings, indicating that they sleep there. The navigation team, code enforcement, and the police department work together in commercial property cases to issue a trespass notice and facilitate the required paperwork through the police department to prompt the individual to vacate the premises. The property is cleaned up afterward. On occasions where items are found on the property, such as an alley, the responsibility will not fall on the homeowners to clean the alley. If the encampment is in an alley or on city property, the hauling contractor will be sent to clean it up. The navigation team, code enforcement, and the police department remain involved in these efforts. As for the railroad, they are expected to manage the cleanup.

COUNCILMEMBER POSTON asked if the property belongs to the railroad does staff collaborate with them to address the cleanup.

MS. POWELL said collaboration does occur because it is their property.

COUNCILMEMBER POSTON asked if the railroad company is notified.

MS. POWELL stated code enforcement provides notification. Occasionally, a hauling contractor is used to clean up quickly.

COUNCILMEMBER POSTON said that in addition to the cleanup, we are also trying to work with the individual to provide services.

MS. POWELL said yes.

MS. POWELL continued the presentation.

- Regional Collaboration
 - Participation in Regional Planning and Coordination
 - Continuum of Care Local Jurisdiction Collaborative (committee member)
 - Continuum of Care Lived Experience Collaborative (committee member)
 - Participation in Regional Activities
 - Coordinated Entry Access Point
 - Point-In-Time Count
 - Heat Relief Network
 - Participate in Statewide Evaluation Project of ADOH Flexible Funds

MAYOR HARTKE said cities receive requests to add overnight shelter services on extreme nights. The question was raised about whether there is a capacity to explore this further and if there are individuals or organizations besides I-HELP who could assist with such an initiative.

MS. POWELL said that the Salvation Army has been a shelter service partner for the past couple of years. Discussions are ongoing, but it is still uncertain whether the Salvation Army will continue as a partner this year, and there is also uncertainty regarding where heat relief will be provided. There is always communication with I-HELP; the navigation team has regular conversations to assess their capacity. There are constraints related to shelter locations and sizes.

MAYOR HARTKE explained further that extreme nights were when that temperatures do not drop below 90 degrees. He mentioned the importance of finding somewhere for people to cool off and take showers throughout the night rather than merely escaping the daytime heat.

MS. POWELL continued the presentation.

- Affordable Housing
 - New Construction of 407 affordable units
 - 135 for current families
 - 239 for new families
 - 135 additional units of public housing
 - 11 affordable scattered site units
 - 495 Housing Choice Vouchers
 - 10 VASH Vouchers

MAYOR HARTKE asked whether the affordable housing units had been challenging to fill, noting that many requirements were involved.

MS. POWELL said all units have been filled.

VICE MAYOR ELLIS asked if the 20 VASH vouchers included the 10 that were recently mentioned.

MS. POWELL said that the 10 new vouchers found are the maximum that can be obtained, as the vouchers are through HUD.

VICE MAYOR ELLIS asked if there is a specific threshold to determine a fixed amount.

MS. POWELL said there is likely a formula used, and she will look for more information on that.

VICE MAYOR ELLIS said that if they use the resources effectively, more support can be provided. Vice Mayor Ellis asked about what actions could be taken to encourage additional contributions.

MS. POWELL said more information can be provided later.

COUNCILMEMBER ORLANDO asked about the VA and if these veteran voucher allocations are filled.

MS. POWELL said that finding veterans is not the main issue; instead, it is the time-intensive process of ensuring everyone connects to services.

MS. POWELL continued the presentation.

- Continuum of Homeless Services in Chandler
- Community Navigation Team
 - 7 days/week, 13.5 hours/day
 - Outreach and Engagement (Chandler Connect)
 - Non-Congregate Shelter (Operation Open Door)
 - Support Court
 - Connections to Services and Housing
 - Sober Living
 - Professional Credentials

MAYOR HARTKE asked if there a systematic approach to gathering outreach information from social media.

MS. POWELL said she frequently checks Nextdoor for Code Enforcement and Neighborhood program notifications. She also receives alerts from the Citizen app. The Community Development division publicizes their contact number widely. One great benefit is that public safety dispatch

sends navigators for welfare checks; if a navigator needs police assistance, they can call an officer. This ensures a more efficient use of police resources.

MS. POWELL continued the presentation.

- Housing Stability Team
 - Landlord Recruitment and Engagement
 - Housing Search and Selection
 - Move-In Assistance
 - Furniture and Move-In Supplies
 - Moving Services
 - Housing Stability Case Management
 - Community Integration
 - Follow-Up Care

VICE MAYOR ELLIS asked about the \$2,200 rental fee and whether it covers one or two-bedroom units.

MS. POWELL said it mainly covers one-bedroom units.

RIANN BALCH, Community Resources Senior Manager, said that the \$2,200 is an average cost; some individuals may need their past eviction, or a portion of their deposit paid. Funding comes from county and state sources, each with specific requirements. \$2,200 is the average cost to help someone get into an apartment, totaling \$5,000.

MS. POWELL said that the \$2,200 is primarily for the new apartment, as Ms. Balch mentioned the additional \$2,000 is for eviction payoffs and related expenses in many cases. Ms. Powell also acknowledged Ms. Balch's point about striving to be the fund of last resort, utilizing whatever other resources are available first.

MS. POWELL continued the presentation.

- Chandler Connect: FY 2023-2024
 - Served 621 households, including 782 persons
 - 35% chronically homeless
 - 10% in the program over 365 days
 - 1 contact – 41%
 - 2-9 contacts – 57%
 - 10+ contacts – 2%

VICE MAYOR ELLIS said 42% of the individuals affected were due to evictions, particularly among adults aged 35 to 54. Vice Mayor Ellis questioned whether this statistic is related to addiction.

MS. POWELL said that mental health and addiction issues have been the demographic of homelessness, particularly among men aged 35 to 54. This group remains consistent, but it can also include family members. Therefore, homelessness affects not only single individuals but also families and parents.

VICE MAYOR ELLIS said that housing is the key but observed that some populations may face additional struggle in remaining housed.

MS. POWELL said institutional settings like sober living or detox support mental health and addiction recovery, increasing chances of success in housing situations.

MAYOR HARTKE asked whether this trend is typical for the region and if Chandler has had any changes over the years.

MS. BALCH said that this profile is typical.

COUNCILMEMBER ORLANDO inquired about the one contact - 41% statistic. It has been noted that individuals required to participate in a diversion program mandated by the court system often have varying success rates.

MS. BALCH said there is the opportunity to build a tracking system because of the prioritization of opioid settlement funds. They aim to assist individuals in sober living programs, where initially, they typically cover the first month's expenses. The intent is for these individuals to find employment and transition to self-sufficiency. However, individuals may exit the system before follow-up can occur. Therefore, a system is being developed to track and assess the outcomes of investment in sober living. While specific numbers are not yet available, there is a commitment to gathering this data.

COUNCILMEMBER ORLANDO asked whether the court mandate includes sober living or if it is separate.

MS. BALCH said the funds being spent are not allocated for court-mandated services. Instead, the expenditures are directed towards unsheltered individuals or those already within housing programs. Issues related to addiction or behavioral health are preventing these individuals from maintaining stable housing. Therefore, there is a need to divert some individuals to sober living arrangements temporarily; however, none of these arrangements apply to court mandates.

COUNCILMEMBER ORLANDO inquired if there were any statistics available from the courts on the success of this program.

MS. BALCH said staff will follow up with statistics.

VICE MAYOR ELLIS said that a petition is necessary when mental health assessments show someone cannot safely return to the streets or manage their medication. The petition information goes to the court and the facility where the person stays. During this time, it is mandated that they remain compliant with their treatment. If they leave the program, the authorities will intervene and ensure their return.

MS. POWEL said that the navigation team handles petitions; they gather and submit the necessary paperwork to the court. Furthermore, the navigation team frequently petitions on behalf of individuals.

MS. POWELL continued the presentation.

- Operation Open Door: FY 2023-2024
 - Served 171 households, including 356 person
 - 98% positive outcomes

MAYOR HARTKE asked about the average duration of time people spend in these programs.

MS. POWELL said the hotel program has a duration of 77 days.

MS. POWELL continued the presentation.

- Change-Up Campaign
 - Public awareness and fundraising Campaign
 - Reduces panhandling and foot traffic
 - Encourages use of services
 - Supports Chandler Homeless Programs
 - Receive average \$8,500/year
 - (\$53,000 since program began)
 - Collaboration with regional Smart Giving Campaign, increased local education

MAYOR HARTKE asked if For Our City – Chandler is still a recipient and how funds are managed.

MS. POWELL said the organization manages the funds and collaborates with the navigation team to ensure they are distributed appropriately.

KELLY SCHWAB, City Attorney, presented the following slides.

- Case Law Update
 - 2018 & 2019, Martin v. City of Boise – Unanimous decision finding that Boise's prohibition against sleeping in public violates the Eighth Amendment's prohibition on cruel and unusual punishment when there is no access to alternative shelter. Subsequent 9th Circuit cases confirm and even expand on this ruling.
 - Practical Application:
 - Homeless individuals > shelter beds = no enforcement

- Individualized review for “practical” availability
 - Significant impediment to enforcement
- 2024, City of Grants Pass v. Johnson – Eighth Amendment prohibition against cruel and unusual punishment does not prohibit enforcement of generally applicable laws regulating camping on public property.
- Arizona Proposition 312
 - Ballot measure approved in November 2024, codified in A.R.S. § 42-17451, effective January 1, 2025 – December 31, 2035.
 - Allows a property owner to seek reimbursement of city property taxes in the amount of documented, reasonable expenses incurred to mitigate the effects of a city:
 - adopting and following a policy, pattern or practice declining to enforce existing laws prohibiting illegal camping, obstructing a public thoroughfare, loitering, panhandling, urinating or defecating in public, consuming alcoholic beverages in public, or possessing or using illegal substances; or
 - maintaining a public nuisance.
 - Potential litigation. Enforcement will be key.

COUNCILMEMBER ORLANDO said the issue is broad and subjective, leaving the question of where this proposition could be applied. He gave an example in a commercial environment where two individuals were present for three days. Despite contacting the police and navigation services, no action was taken. Councilmember Orlando said theoretically, under this law, individuals could claim a rebate on their taxes and questioned how far back that claim could extend for those three days or whether it would not be possible at all.

MS. SCHWAB said many unknowns in the law will be clarified through litigation. However, currently, only the law must be considered. The Department of Revenue has issued guidelines on how they will address requests for reimbursement of primary properties, and they will consider affidavits from property owners before passing that information on to the responsible jurisdiction. These jurisdictions will have the opportunity to respond, after which they can consider the primary property taxes paid for the year and allocate them to the property.

COUNCILMEMBER ORLANDO asked if the state conducts adjudication.

MS. SCHWAB said yes.

MAYOR HARTKE identified if this occurs in a city without a primary property tax there is not an alternative refund source.

MS. SCHWAB said that is correct, this will not apply to cities that do not have a primary property tax.

RYAN PETERS, Strategic Initiatives Director, presented the following slides.

- Existing Ordinances / Tools in Chandler
 - Parks – Chapter 31
 - Park hours are 6:00 a.m. to 10:30 p.m.
 - Camping or overnight parking is allowed by permit only
 - Public Right-of-Way – Chapter 46
 - May not obstruct a public place, highway, street, sidewalk, alley or other public right-of-way without a permit
 - Miscellaneous Offenses – Chapter 11
 - Obstructing police officers; defacing public or private property, dumping; urinating or defecating on sidewalks or public places or parks
 - Trespass – A.R.S. §§ 13-1502-1504
 - Currently no urban camping or transit ordinance in Chandler City Code

COUNCILMEMBER ORLANDO asked about the process for obtaining a permit for overnight camping at a park. He questioned whether such permits are typically issued for groups like the Boy Scouts or Girl Scouts or if individuals experiencing homelessness could also apply for a permit. Councilmember Orlando also asked about the duration of these permits.

ANDY BASS, Deputy City Manager, said that in the past, the permits were only issued during special events, which were the only occasions when it was available.

COUNCILMEMBER ORLANDO asked about obtaining a permit for overnight camping.

MR. BASS said only overnight camping permits tied to an established special event are issued.

MR. PETERS continued the presentation.

- What Are Other Cities Doing?
- Opportunities and Considerations
 - Transit Facilities: bus stops, transit stations and parking lots
 - Camping: citywide, not just parks (i.e., urban camping)
 - Special Considerations:
 - Removal or destruction of personal belongings is subject to 4th Amendment Search and Seizure protections
 - Continue to take a housing/services first approach to homelessness
- Transit Trends
 - Began tracking issues in May 2024
 - Weekly damages = \$335, total to date = \$8,030
 - Approximately 3 shelters per week need extensive clean-up/repair
 - Majority of camping at less than 20% shelters
 - 8 of 86 reported incidents involved camping
- Impact of Camping at Bus Shelters
 - Damage:

- Bodily fluids/chemical spills
- Graffiti
- Broken/damaged plexiglass
- Missing back panels
- Usage and Operations:
 - Personal belongings/gear hinder normal use of facility
 - Added complexity for routine cleaning
 - More common outside of 8 a.m. – 5 p.m. hours

VICE MAYOR ELLIS asked about property damage and any instances of advertisers approaching the city to seek payment or clean-up assistance.

MR. PETERS said that there is a contract in place with a vendor who performs routine cleaning of bus shelters. If any issues are reported, they are promptly addressed. Regular maintenance encounters the need for repairs.

VICE MAYOR ELLIS inquired about the cleanup of the railroads and whether there was a charge to the railroad company.

MS. POWELL said that they have not been charging for cleanup, as this instance has not been occurring.

MR. PETERS said paying a vendor is paid to perform the service in a contract.

MR. PETERS continued the presentation.

- Impact of Camping at Park and Ride
 - Use of the building and facilities as shelter
 - Bus Operator and Passenger Safety/ Comfort
 - Access to Seating/ Boarding Areas
 - Overnight and RV Parking
 - Vehicle repair

MAYOR HARTKE asked if the primary response at a bus station is to send navigators instead of involving the police.

MR. PETERS said the primary response is to alert the navigators to monitor the individual and address the issue. Sometimes, maintenance personnel need to complete tasks at a bus station. The camper at that spot might be disturbed during this process but may return afterward. A service-first approach is prioritized.

MAYOR HARTKE said the first response is to navigate the circumstances with our navigators.

MR. PETERS emphasized that catching criminal activity is difficult without police presence, video evidence, or other types of evidence gathering.

MAYOR HARTKE asked about the challenges of catching criminal activity and expressed concern regarding the confidence level of labeling actions as vandalism linked to homelessness.

MR. PETERS stated there will still be damages, but the presented effort aims to mitigate the damages associated with homelessness. Next, they will address any other damages that may arise.

MAYOR HARTKE said if someone contacts the city reporting a homeless person sleeping at the bus station, a wellness check can be arranged.

MR. PETERS said the phone number used to call can impact the response. If someone calls 911 for a service request, a law enforcement officer will likely be the first to assess the situation. They may then determine whether it is appropriate to transfer the case. If they reach Jason and his team, the initial contact will probably be with Leah and Riann.

MAYOR HARTKE said that at 11:00 PM, a 911 call would be required to receive a response for a potential wellness check. In contrast, a call made at 4:00 PM to someone more familiar with Chandler might lead to contacting Riann or Jason.

MS. POWELL said that if it is a non-emergency number for a welfare check during the day, the dispatcher might send a navigator directly to the location. She mentioned that they get dispatched directly for welfare checks during those times.

MAYOR HARTKE asked if other cities with camping rules or restrictions at parking lots or bus stations have seen a decline or increased cleanup efforts.

MR. PETERS said the knowledge of these camping bans and transit ordinances has reduced the frequency of camping at shelters. He noted that new codes are in place to address these issues, enhancing compliance without direct enforcement.

JASON CRAMPTON, Transportation Planning Manager, said various cities have posted signage at bus stops which has significantly contributed to improving understanding among the public.

MR. PETERS continued the presentation.

- Proposed Transit Ordinance
 - Time Limitation
 - One hour maximum time limit at transit stops
 - Late Night Operation
 - Transit stops are closed when bus service is not in operation

- Personal Property
 - Property left at transit facilities would be considered abandoned
- Overnight Parking
 - Prohibited at Park and Ride facilities

COUNCILMEMBER POSTON asked how the city is managing bicycles that are being left behind.

MR. PETERS said that analyzing bicycles is challenging as it concerns people's personal belongings.

MR. CRAMPTON said the proposed language of the new ordinance would allow for proper bicycle storage. It has not been strictly enforced it unless it was clear that no one would claim or use the bicycles ever.

COUNCILMEMBER POSTON said the failure to enforce laws may lead to individuals claiming property tax refunds.

MR. PETERS acknowledged that is under consideration but focused on how best to engage services.

MR. PETERS continued the presentation.

- Proposed Transit Ordinance – Enforcement
 - Penalties
 - Isolated Incident = Civil Infraction
 - Habitual Offenders = Class 1 Misdemeanor

COUNCILMEMBER ORLANDO asked if these penalties were consistent with other communities.

MS. SCHWAB said it is consistent with other communities and other provisions of city code.

COUNCILMEMBER ORLANDO asked if the court assesses whether an individual needs veteran or mental health assistance.

MS. SCHWAB said that when someone qualifies for specialty court, the prosecutors typically coordinate with navigators to inform the court. The existing process remains unchanged by the ordinances.

COUNCILMEMBER ORLANDO said this might encourage an individual to go to court.

MR. PETERS continued the presentation.

- Proposed Urban Camping Ordinance
 - Add to Chapter 11 of Chandler City Code (Misc. Offenses)
 - Define “Urban Camping”

- Prohibit urban camping as follows:
 - On public property (as defined), except as expressly permitted
 - At City buildings, facilities, parking lots or structures
 - Within 500 feet of the boundary of a school, childcare facility, shelter, or City park
- Exceptions:
 - Permission from the City, emergencies, or disaster/emergency relief camps
- Proposed Camping Ordinance Penalties
 - Class 1 misdemeanor
 - Warning issued prior to citation
 - Offender can accept social services in lieu of citation with agreement of Police Department
 - May include community restitution, education or treatment
- Enforcement Considerations
 - Property – subject to 4th Amendment protections against unreasonable search and seizure
 - Case law in multiple circuit courts is consistent on basic protections
 - If City removes property (i.e., cleans up camps or removes individuals), City may have to provide notice to owner and must determine if the items left behind are trash or property
 - Property must be stored so that owners have a reasonable opportunity to retrieve

COUNCILMEMBER ORLANDO asked if this practice of storing property is currently followed.

MR. PETERS said yes.

MR. PETERS continued the presentation.

- Next Steps
 - Continue to take a “services/housing first” approach to homelessness
 - Ensure continued operational and fiscal viability of homelessness and housing services
 - Assess budget considerations related to enforcement
 - Prepare draft urban camping and transit ordinance(s) and solicit targeted public comment – Underway
 - Return to City Council for consideration and action on final proposed ordinance(s)
 - March 27, 2025, Council Meeting
 - Educate community (e.g., signage) on new laws and provide appropriate training to staff on new policies and procedures
 - Effective date of July 1, 2025
- Thank You

MAYOR HARTKE relayed a statement from Councilmember Encinas.

COUNCILMEMBER ENCINAS asked for statistical data on the information presented that evening, which he had not seen regarding encampments in border urban areas of the city. He maintained that such occurrences are infrequent and that creating ordinances that impose penalties on individuals is not a productive path forward. Instead, he suggested prioritizing using navigator resources to provide the necessary support.

MAYOR HARTKE indicated that staff would update Councilmember Encinas and that they would have another opportunity to discuss this matter when it came before them.

COUNCILMEMBER POSTON asked about the costs of holding personal property.

MS. BALCH said Peoria currently has a contract for this service, which can range from \$400 to \$5,500 per incident, depending on the encampment size. The county aims to support police in moving individuals, allowing for quick vendor calls to wrap up belongings without extensive sorting. Each city might facilitate transporting individuals to a centralized location for collection. There are not exact costs yet, but existing contracts are being explored.

MAYOR HARTKE asked about a standard time for storage.

MS. BALCH said that, typically, due process allows for around 30 days of storage.

MS. SCHWAB added that Chandler currently stores personal property.

Public Comment

None.

Adjourn

The meeting was adjourned at 5:20 p.m.

ATTEST: _____
City Clerk

Mayor

Approval Date of Minutes: February 6, 2025

Certification

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Work Session of the City Council of Chandler, Arizona, held on the 23rd day of January 2025. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this _____ day of February, 2025.

City Clerk