



Agenda

Agenda Packet 

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## COUNCIL MEETING AGENDA

**October 13, 2020**

Members may attend in person or by telephone.

**Scott Anderson, Mayor • Yung Koprowski, Vice Mayor**  
**Scott September • Bill Spence • Jared Taylor • Kathy Tilque • Aimee Yentes**

**Regular Meeting**  
**10/13/2020 6:30:00 PM**

**Municipal Center 1, Council Chambers**  
**50 E Civic Center Drive**  
**Gilbert, Arizona**

**AGENDA ITEMS MAY BE DISCUSSED IN A DIFFERENT SEQUENCE.**  
**ITEMS WILL NOT BE DISCUSSED PRIOR TO POSTED MEETING TIME.**

### MEETING ACCESS

**Due to the ongoing impacts of the COVID-19 pandemic** (<https://www.gilbertaz.gov/community/residents/covid-19-information>), **which have prompted declarations of a public health emergency at the local, state, and federal levels, members of the public will either be able to attend Town Council** (<https://www.gilbertdocs.com/gilbertagendaonline>) **meetings in person or participate remotely.**

**The number of people allowed in the Council Chambers will be limited to ensure physical distancing as required by the Governor's Stay Healthy, Return Smarter, Return Stronger Executive Order (E.O. 2020-36) and as recommended by both the Centers for Disease Control and the Arizona Department of Health Services. Admittance to the Council Chambers will be on a first come, first served basis. Anyone who arrives after the Council Chambers is at capacity will be able to participate in the public meeting in the lobby or elsewhere via one of the various remote options. Members of the public attending these meetings in person will be required to wear a face covering as mandated by Maricopa County pursuant to its order dated June 19, 2020.**

**For any members of the public who decide to participate in the public meeting in the lobby, a staff member will ask whether anyone wishes to address the public body both prior to the Communications from Citizens agenda item and prior the Public Hearing agenda item. Those members of the public in the lobby wishing to address the public body, if any, will then be escorted into the Council Chambers one by one and will be given the opportunity to address the public body.**

**Please be aware that these measures are in place to limit the need for members of the public to participate in a large public gathering, while ensuring that the discussions, deliberations, and actions taken in public meetings in the Town of Gilbert are transparent and conducted openly in compliance with Arizona law.**

**For those who do not wish to attend in person, the public will also be able to fully participate in public meetings remotely through various technological means, as permitted under Arizona law. Additionally, items on agenda may be shortened, continued to a future public meeting, or taken out of order. Moreover, participants will be allotted a limited amount of time to speak at public meetings (the exact amount of time will be determined at the meeting by the Mayor depending on the number of participants, as permitted by Town Code and state law).**

## Remote Viewing

**For those who want to view Town Council meeting without attending in person or addressing the public body, the meeting will be broadcast on Cox Channel 11 (for Gilbert residents with cable service) and a live stream of the meeting will be broadcast online at <https://gilbertaz.gov/gilbertlive> (<https://gilbertaz.gov/gilbertlive>). These meeting are also recorded and available for view anytime on the Gilbert Live (<https://gilbertaz.gov/gilbertlive>) website.**

**In addition, the Town has made a number of resources available that would allow the public to address the public body remotely during public meetings. Any member of the public who wishes to address the public body at Town Council (<https://www.gilbertdocs.com/gilbertagendaonline>) meetings can choose any of the following options.**

## Email

**Members of the public who wish to address the Town Council (<https://www.gilbertdocs.com/gilbertagendaonline>) via email will need to send their comments to [councilmeeting@gilbertaz.gov](mailto:councilmeeting@gilbertaz.gov) (<mailto:councilmeeting@gilbertaz.gov>) no later than 5 p.m. the day before the Town Council meeting. All emails received by this deadline will be distributed to members of the public body for their review and consideration, (and not read aloud at the meeting). Emails sent after this 5 p.m. deadline will not be distributed to members of the public body or read aloud at the meeting. In the email, please identify your name, city/town of residence, and either state that your comment pertains to the Communications from Citizens section of the public meeting or identify the particular Public Hearing item that your comments concern.**

## Online Comment Card

**At least one hour before the Town Council (<https://www.gilbertdocs.com/gilbertagendaonline>) meeting, submit an online public comment card ([https://forms.office.com/Pages/ResponsePage.aspx?id=LS1Wktz8KUm-HpaGDF17Cyq\\_OWaVdLhMjISvQP44BiVUMEhCMU5OTjdSOUQ1V0dDVVBJVjkkSlowRC4u](https://forms.office.com/Pages/ResponsePage.aspx?id=LS1Wktz8KUm-HpaGDF17Cyq_OWaVdLhMjISvQP44BiVUMEhCMU5OTjdSOUQ1V0dDVVBJVjkkSlowRC4u)) and indicate whether you are for or against the public hearing item. Online comment cards not submitted by the deadline will not be read at the meeting.**

## Listening Via Conference Line/Addressing the Public Body Telephonically

**A conference line will be available in order to listen to Town Council (<https://www.gilbertdocs.com/gilbertagendaonline>) meetings if you are not able to view the meetings on Cox Channel 11 or on the Gilbert Live ([https://gilbert.granicus.com/ViewPublisher.php?view\\_id=5](https://gilbert.granicus.com/ViewPublisher.php?view_id=5)) website. The conference line number and access code are listed below:**

**+1-415-655-0001 Access code: 133 871 8146**

**Members of the public who wish to address the public body telephonically during either the Communications from Citizens or the Public Hearing sections of the meeting at Town Council meetings will need to call the phone number listed on the meeting's published agenda at least one hour before the meeting to have your name placed on a call back list. During the meeting, Town staff will call those who have registered, and the call will be streamed through the Council Chamber audio system.**

## WebEx Online Meeting Platform

**Members of the public, applicants, and Town staff will also have the availability to participate in Town Council** (<https://www.gilbertdocs.com/gilbertagendaonline>) **meetings via WebEx in order to give presentations during the Communications from Citizens and the Public Hearing sections of the meeting.**

**If you would like to address the public body via the WebEx platform, you must register for the public meeting before it begins. WebEx registration links will be available on the published agendas. Pre-registration allows Town staff to have your information ahead of time and ensure that you are called on at the appropriate time.**

**The WebEx registration link is:**

<https://gilbertaz.webex.com/gilbertaz/onstage/g.php?MTID=ebb5934a24a0589e511f2f2ee9ec1f0fa>  
(<https://gilbertaz.webex.com/gilbertaz/onstage/g.php?MTID=ebb5934a24a0589e511f2f2ee9ec1f0fa>)

**If you are not able to pre-register on WebEx, you may still have the opportunity to participate via WebEx and would need to let the WebEx moderator know when you log-on that you wish to present at the meeting. However, you must log-on and register before the public body calls the agenda item that you wish to address. Once the public body discussed an agenda item, it is closed to further discussion and will not be reopened.**

**If you have any issues accessing the WebEx platform, the link to WebEx technical support is below.**

- **WebEx Technical Support** (<https://help.webex.com/contact>) **(1-866-229-3239)**

**PLEASE NOTE:**

**The following conference line below will only be utilized if the above-mentioned WebEx link and toll-free number become unavailable or if issues occur with the WebEx platform. This link will be operational within 15 minutes of WebEx becoming unavailable. We encourage all residents who wish to participate in the Council Meeting to pre-register for both platforms.**

## **Microsoft Teams Online Meeting Platform**

**The Microsoft Teams link is:**

Join Microsoft Teams Meeting (Backup Only) ([https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_YTdiYjIwYjItNGFINS00MGNjLWEyOGYtNDJmNmM1OGVjNGY5%40thread.v2/0?context=%7b%22Tid%22%3a%22a562d2d-fcdc-4929-be1e-96860c5d7b0b%22%2c%22Oid%22%3a%2230747032-b8f2-42b3-b19f-7ae44963dcf6%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_YTdiYjIwYjItNGFINS00MGNjLWEyOGYtNDJmNmM1OGVjNGY5%40thread.v2/0?context=%7b%22Tid%22%3a%22a562d2d-fcdc-4929-be1e-96860c5d7b0b%22%2c%22Oid%22%3a%2230747032-b8f2-42b3-b19f-7ae44963dcf6%22%7d))

**If you have any issues joining the Microsoft Teams platform, the link to Microsoft technical support is below.**

- **Joining Microsoft Teams** (<https://support.microsoft.com/en-us/office/join-a-meeting-without-a-teams-account-c6efc38f-4e03-4e79-b28f-e65a4c039508?ui=en-us&rs=en-us&ad=us#ID0EBBAAA=Desktop>)

### **AGENDA ITEM**

### **CALL TO ORDER**

### **INVOCATION AND PLEDGE OF ALLEGIANCE**

**The invocation may be offered by a person of any religion, faith, belief or non-belief, as well as Councilmembers. A list of volunteers is maintained by the Town Clerk and interested persons should contact the Clerk for further information.**

**Mayor invites all scouts present to the front of the Council Chambers.**

**Pledge of Allegiance and introduction and recognition of scouts.**

**Invocation by Dr. Dan Mooney of Elliot Road Baptist Church.**

### **ROLL CALL**

### **COMMUNICATIONS FROM CITIZENS**

**At this time, members of the public may comment on matters within the jurisdiction of the Town but not on the agenda. The Council's response is limited to responding to criticism, asking staff to review a matter commented upon, or asking that a matter be put on a future agenda.**

### **CONSENT CALENDAR**

All items listed below are considered consent calendar items and may be approved by a single motion unless removed at the request of Council for further discussion/action. Other items on the agenda may be added to the consent calendar and approved under a single motion.

**1 INTERGOVERNMENTAL AGREEMENT – consider approval and authorize Mayor or designee to execute the required documents of:**

a) Intergovernmental Agreement No. 321000123 with Maricopa County Human Services Department HOME Consortium in the amount not to exceed \$274,650 to utilize HOME Investment Partnership Funds; and

b) Amendment No. 1 to Developer Agreement No. 319001038 with Affordable Rental Movement (ARM) of Save the Family Foundation of Arizona utilizing 2020 HOME Investment Partnership Funds the amount of not to exceed \$274,650 to provide permanent affordable rental housing.

**2 DEVELOPMENT AGREEMENT – consider adoption of a Resolution and authorize the Mayor to execute the required documents of:**

a) approval of Amendment No. 2 to the Development and Disposition Agreement Lease Agreement with Heritage North Partners, LLC providing a new schedule of development appearing in Exhibit C; and

b) approval of Amendment No. 5 to Purchase Contract No. 319001147 with Heritage North Partners, LLC, for the sale and development of real property located South of Juniper, East of Ash Street, and West of Gilbert Road consisting of approximately 9.1 acres.

**3 AGREEMENT – consider approval and authorize the Mayor to execute the required documents and authorize the Town Manager to take all actions necessary of:**

a) Amendment No. 2 to Purchase Agreement Contract No. 2018-0000-0145 with Advanced Acquisitions, LLC for Gilbert Surplus Properties by extending the close of escrow to November 16, 2020; and

b) Amendment No. 2 to Purchase Agreement Contract No. 320000040 with Advanced Acquisitions, LLC for Gilbert Surplus Properties by extending the close of escrow to November 16, 2020.

**4 CONTRACT – consider approval of:**

a) the purchase of fifteen (15) vehicles for various departments pursuant to Cooperative Purchase Agreement No. 319000038 with San Tan Ford in an amount not to exceed \$614,043 and authorize the Mayor to execute the required documents; and

b) a Contingency Transfer from the Water Replacement Fund in the amount of \$3,910 due to a modification in the specification of replacement Vehicle #0531.

**5 CONTRACT – consider approval of expenditures under Contract No. 319000254 (Eden No. 2016-1105-0028) with Dell Marketing, L.P. in an amount not to exceed \$455,000 for the purchase of Dell laptops, desktops, servers and peripherals and authorize the Mayor to execute the required documents.**

**6 CONTRACT – consider approval and authorize the Mayor to execute the required documents of:**

a) Cooperative Purchase Agreement No. 321000038 with Intrado Life and Safety Solutions Corporation utilizing Houston-Galveston Area Council to Governments (H-GAC) Contract No. EC07-20 in an amount not to exceed \$60,021.28 for the 911 Equipment and Emergency Notification Software and Services, Project No. MF2480;

b) Amendment No. 1 to Contract No. 320000410 with Hexagon Safety and Infrastructure increasing the contract amount by \$77,043 for the CIP Gilbert Police Department Dispatch Expansion project to install and maintain (3) I/Dispatcher equipment and software, Project No. MF2480; and

c) Amendment No. 1 to Contract No. 320000248 with Motorola Solutions increasing the contract amount by \$200,000 for the CIP Gilbert Police Department Dispatch Expansion project to install and maintain three (3) MCC7500 dispatch consoles and 3-year maintenance agreement, Project No. MF2480.

- 7 **CONTRACT – consider approval of:**
- a) Agreement for Construction of SRP Facilities Contract No. 321000119 with Salt River Valley Users' Association (SRP) in an amount not to exceed \$132,748 for recharge/recovery at the Gilbert Riparian Eastern Canal, South of Guadalupe Road; and authorize the Mayor to execute the required documents; and
- b) a Contingency Transfer from the Wastewater Contingency to the Wastewater Operating Fund in the amount of \$133,000 for construction of SRP Facilities.
- 8 **CONTRACT – consider approval of Task Order No. 12 to Job Order Contract (JOC) Contract No. 319001049 with Talis Construction Corporation in an amount not to exceed \$500,000 for minor concrete and asphalt repairs and mandated ADA upgrades, and authorize the Mayor to execute the required documents.**
- 9 **CONTRACT – consider approval of Task Order No. 21 to Job Order Contract (JOC) Contract No. 319001058 with Sunland Asphalt and Construction, Inc. in an amount not to exceed \$493,124.27 for GuardTop Seal Coat application, and authorize the Mayor to execute the required documents.**
- 10 **CONTRACT – consider approval of Task Order No. 20 to Job Order Contract (JOC) Contract No. 319001058 with Sunland Asphalt and Construction in an amount not to exceed \$279,625 for final adjustment of all valves, manholes and survey monuments from 2019-2020 microseal projects; and authorize the Mayor to execute the required documents.**
- 11 **CONTRACT – consider approval of Architectural/Engineering (A/E) Services Construction Manager at Risk (CM@R) Contract No. 321000074 with Westland Resources, Inc. in an amount not to exceed \$177,604 for providing professional architectural or engineering services on the Layton Lakes Lift Station Improvements Project, Project No. WW1160, and authorize the Mayor to execute the required documents.**
- 12 **CONTRACT – consider approval of:**
- a) Task Order No. 1 to Job Order Contract (JOC) Contract No. 320000230 with Haydon Building Corporation in an amount not to exceed \$1,843,330.29 for the 16" Power Road Water System Loop Project, Project No. WA1544, and authorize the Mayor to execute the required documents; and
- b) a Contingency Transfer from the Water Fund to Project No. WA1544 in the amount of \$150,000.
- 13 **CONTRACT – consider approval of Task Order No. 98 to Job Order Contract (JOC) Contract No. 319000397 with CS Construction in an amount not to exceed \$324,893.50 for the Ray Road fiber branch from Val Vista Drive to Greenfield Road, Project No. TS1310, and authorize the Mayor to execute the required documents.**
- 14 **CONTRACT – consider approval of Job Order No. 8 to Job Order Contract (JOC) Contract No. 320000233 with PCL Construction, Inc. in an amount not to exceed \$167,469.99 for the North Water Treatment Plant (NWTP) Intake and Diversion Structure Rehabilitation, Project No. WA1549, and authorize the Mayor to execute the required documents.**
- 15 **CONTRACT – consider approval of Job Order No. 1 to Job Order Contract (JOC) Contract No. 320000097 with B&F Contracting, Inc. in an amount not to exceed \$1,267,796.10 for Mystic Lago Gravity Sewer Project, Project No. Project WW0690, and authorize the Mayor to execute the required documents.**
- 16 **CHANGE ORDER – consider approval of Change Order No. 1 to Architectural/Engineering (A/E) Services Contract No. 319000566 with Carollo Engineers, Inc. increasing the contract amount by \$385,067 for the Reservoir, Pump Station and Well Conversion, Project No. WA0620, and authorize the Mayor to execute the required documents.**
- 17 **CHANGE ORDER – consider approval of Change Order No. 2 to Contract No. 319000622 with Hazen and Sawyer, PLLC increasing the contract amount by \$54,600 for Greenfield Reclaimed Water Pump Station (RWPS) Expansion Project design and construction management services, Project No. WW0780, and authorize the Mayor to execute the required documents.**

- 18 **CHANGE ORDER – consider approval and authorize the Mayor to execute the required documents of:**
- a) Change Order No. 2 to Contract No. 319000435 with HDR Construction Control Corporation increasing the contract amount by \$137,716.21 for Recker Road - Ray Road to SR 202 Improvements, Project No. ST0960; and
- b) a Contingency Transfer from the Roadway and Maintenance Fund, Project No. ST0710 to Project No. ST0960 in the amount of \$150,000 for miscellaneous engineering services and construction management costs.
- 19 **BUDGET – consider approval of a Contingency Transfer from the the Water Replacement Fund to establish Project No. WA1588 in the amount of \$1,100,000 for the Hackamore Road Waterline Replacement.**
- 20 **ABANDONMENT - consider adoption of a Resolution of abandonment for approximately 21,970 square feet of roadway easement and approximately 15,312 square feet of irrigation easement located on Lots 3 and 4 of the Haven Groves subdivision, at the request of the property owners.**
- 21 **ABANDONMENT - consider adoption of a Resolution of abandonment of approximately 5,097 square feet of public right-of-way located on the north side of Ray Road at 154th Place, at the request of the property owner.**
- 22 **HUMAN RESOURCES/CONTRACT - consider approval of:**
- a) Appointment of Chaveli Herrera as Town Clerk effective November 16, 2020; and
- b) Contract No. 321000133, and authorize the Mayor to execute the required documents.
- 23 **HUMAN RESOURCES - consider the appointment of Ann Ching as a Judge Pro Tempore of the Gilbert Municipal Court.**
- 24 **RISK MANAGEMENT - consider acceptance of the Risk Management Quarterly Claim Report for Fiscal Year 2021, Quarter 1.**
- 25 **MINUTES – consider approval of the minutes of the Regular meeting of September 15, 2020 and the Special meetings of September 15, 2020 and September 29, 2020.**

**PUBLIC HEARING**

Items will be heard at one Public Hearing; at which time anyone wishing to comment on a Public Hearing Item may do so. Comments will be heard from those in support of or in opposition to an item. Hearings are noticed for 6:30 p.m.

In order to comment on a Public Hearing Item, you must fill out a public comment form, indicating the Item Number on which you wish to be heard. Once the hearing is closed, there will be no further public comment unless requested by a member of the Council. After the Public Hearing, the Council may act on all items not requiring additional staff, public, or Councilmember comment with a single vote.

- 26 **LIQUOR LICENSE – conduct hearing and consider approval of a Series 10 Beer and Wine Store Alcohol License for Joey Smoke Shop located at 1111 North Gilbert Road.**
- 27 **LIQUOR LICENSE – conduct hearing and consider approval of a Series 10 Beer and Wine Store Alcohol License with sampling privileges for Aldi located at 1801 East Pecos Road.**
- 28 **LIQUOR LICENSE – conduct hearing and consider approval of a Series 12 Restaurant Alcohol License for Howler's Restaurant and Sports Bar located at 1026 South Gilbert Road.**
- 29 **LIQUOR LICENSE – conduct hearing and consider approval of a Series 12 Restaurant Alcohol License for Catching Flights Grille and Bar located at 1475 West Elliot Road.**
- 30 **ZONING AP20-02 (DR16-25-B) - conduct hearing and consider appeal to the Gilbert Town Council from the Town of Gilbert Planning Commission's, acting as the Design Review Board, approval of a Design Review to Gilbert Christian School: Titan Solar Field on approximately 11.01 acres generally located at the northeast corner of Greenfield Road and Ryan Road, and zoned Single Family-43 (SF-43). The Town Council may uphold the approval, modify, or reverse the decision of the Design Review Board.**

- 31 **PROPERTY ACQUISITION** – conduct hearing and consider adoption of a Resolution approving the acquisition of certain real property for right-of-way and easement purposes along the South 148th Street alignment between East Appleby Road and East Spur Road, authorizing and directing the Mayor, Town Manager, and Town Attorney to acquire title to such real property on behalf of the Town by donation or exchange in kind for the improvement of such real property as right-of-way, for an amount not to exceed fair market value of the property, plus acquisition and closing costs.
- 32 **CODE OF GILBERT - conduct hearing and consider adoption of an Ordinance amending the Code of Gilbert, Arizona, by adopting a new Division 7 in Article VII Offenses Involving Public Health and Sanitation, Chapter 42 Offenses and Abatement of Public Nuisances;** relating to the regulation of recreational marijuana, prohibiting marijuana on public property, prohibiting retail marijuana establishments and testing facilities within Gilbert, adopting related regulations, and setting a conditional effective date.

**ADMINISTRATIVE ITEMS**

Administrative Items are for Council discussion and action. It is to the discretion of the majority of the Council regarding public input requests on any Administrative Item. Persons wishing to speak on an Administrative Item should complete a Request to Speak Form and indicate the Item they wish to address. Council may or may not accept public comment.

- 33 **PRESENTATION - Presentation and discussion on COVID-19 budget impacts.**
- 34 **PRESENTATION - Presentation Update to Council on Utility Billing account delinquencies.**
- 35 **BOARDS AND COMMISSIONS – consider appointment to the Redevelopment Commission of:**
  - a) one regular member with a term beginning November 1, 2020 and ending October 31, 2024; and
  - b) one regular member with a partial term beginning November 1, 2020 and ending October 31, 2021.
- 36 **COUNCIL ADMINISTRATION- Consider acceptance of invitation to become the Sponsoring Town for the new USS Arizona SSN-803.**
- 37 **BOARDS, COMMISSIONS, AND COMMITTEES - reports from Council Liaisons for the:**
  - a) Council Subcommittees
  - b) Ad Hoc Committees
  - c) Regional Meetings
  - d) Industrial Development Authority
  - e) Mayor’s Youth Advisory Committee
  - f) Parks and Recreation Board
  - g) Planning Commission
  - h) Police and Fire Public Safety Personnel Retirement System (PSPRS) Local Pension Boards
  - i) Redevelopment Commission
  - j) Town of Gilbert, AZ Deferred Compensation Trust Board
  - k) Town of Gilbert, AZ Public Facilities Municipal Property Corporation
  - l) Town of Gilbert, AZ Self-Insured Trust Fund for Health Benefits
  - m) Town of Gilbert, AZ Self-Insured Trust Fund for Worker’s Compensation
  - n) Town of Gilbert, AZ Water Resources Municipal Property Corporation
  - o) Utilities Board
  - p) Veterans and Military Advisory Board

**POLICY ITEMS**

**FUTURE MEETINGS**

There may be a discussion of whether to place an item on a future agenda and the date, but not the merits of the item.

**COMMUNICATIONS**

**Report from the TOWN MANAGER on current events.**

**Report from the COUNCIL on current events.**

Report from the MAYOR on current events.

**ADJOURN**

**NOTICE TO PARENTS:** Parents and legal guardians have the right to consent before the Town of Gilbert makes a video or voice recording of a minor child. A.R.S. 1-602.A.9. Gilbert Council Meetings are recorded and maybe viewed on Channel 11 and the Gilbert website. If you permit your child to participate in the Council Meeting, a recording will be made. If your child is seated in the audience your child may be recorded, but you may request that your child be seated in a designated area to avoid recording. Please submit your request to the Town Clerk.



Meetings will be held in the Council Chambers located at 50 E Civic Center Drive, Municipal Building 1, Gilbert, Arizona

85296 unless otherwise noted on the Agenda.

Click here for a Map or to Find Directions (<https://goo.gl/maps/ouPs95USd9w>)

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The minutes provided above are draft minutes.

You may search final approved Minutes here: **Minutes** (<http://www.gilbertdocs.com/pa3/>)

See our YouTube channel for On Demand Video when Available



(<https://www.youtube.com/playlist?list=PL515B03692F942503>)