



## **COUNCIL MEETING AGENDA**

### **May 17, 2018**

Members may attend in person or by telephone.

Jenn Daniels, *Mayor* • Brigette Peterson, *Vice Mayor*  
Scott Anderson • Eddie Cook • Victor Petersen • Jordan Ray • Jared Taylor

**Regular Meeting**  
**5/17/2018 6:30:00 PM**

**Municipal Center, 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.**

#### **AGENDA ITEM**

#### **CALL TO ORDER**

#### **PRESENTATIONS; PROCLAMATIONS**

- 1 PROCLAMATION - Proclamation declaring May 17, 2018 as Adaptive Recreation Unified Cheer Day.**

#### **PRESENTATION OF STUDENT CITIZEN OF THE MONTH AWARD**

#### **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 Pastor Mike Henry of the Royal View Baptist Church.

## **ROLL CALL**

## **PRESENTATIONS; PROCLAMATIONS**

- 2 **RECOGNITION** - Recognition of the Gilbert Leadership Class 26 and their class project of installing Exchange Zones at the North and South Police Department locations.

## **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.

- 3 **AGREEMENT** – consider approval of Amendment No. 1 to Building Lease Agreement No. 2015-3002-0521 with Desert Rock Custom Homes, LLC in an amount not to exceed \$180,730 for an additional three (3) years lease of property located at 701 North Monterey Street for use as a training facility with an option to renewal for one (1) additional year and authorize the Mayor to execute the required documents.
- 4 **INTERGOVERNMENTAL AGREEMENT** – consider approval of an amendment to Agreement No. 2014-1501-0328 with Superior Court of Arizona in Maricopa County for a two-year extension through June 30, 2020 to provide jury services for the Town and authorize the Mayor to execute the required documents.
- 5 **INTERGOVERNMENTAL AGREEMENT** – consider approval of Gilbert's proportional cost of replacement or repair of facilities and equipment between the City of Mesa and PCL in an amount not to exceed \$118,380 for the Greenfield Water Reclamation Plant Miscellaneous Equipment Replacement, Project No. WW097, pursuant to Intergovernmental Agreement No. 2004-7010-0078 between the Town of Gilbert, City of Mesa and Town of Queen Creek, and authorize the Mayor to execute the required documents.
- 6 **CONTRACT** – consider approval of Construction Services Contract No. 2018-2106-0224 with ELS Construction, Inc. in an amount not to exceed \$739,247.32 for the Santan Vista Trail – Phase II Project, Project No. PR084, and authorize the Mayor to execute the required documents.

- 7 **CONTRACT** – consider approval of a renewal of Contract No. 2005-4107-0147 with Inframark (formerly Severn Trent Services), in an amount not to exceed \$3,385,677 for a period of one (1) year commencing July 1, 2018 through June 30, 2019 for the operation and maintenance of the Neely Wastewater Reclamation Plant and authorize the Mayor to execute the required documents.
- 8 **CONTRACT**– consider approval of the guaranteed maximum price (GMP) Change Order No. 2 to Construction Manager at Risk (CM@R) Services Contract No. 2018-2106-0059 with Hunter Contracting Co. increasing the contract amount by \$1,355,359 for the Construction Phase II of the street and right of way improvements at the intersection of Gilbert and Vaughn Roads, Project No. RD211, and authorize the Mayor to execute the required documents.
- 9 **PROPERTY ACQUISITION** – consider approval of a Counter Offer for Resolution No. 3967 acquisition of right-of-way and easements on Parcels No. 304-08-834, No. 140-69-010, and No. 304-08-926 in an amount not to exceed \$126,458.50 for the Higley and Baseline Intersection Improvements, Project No. ST174.
- 10 **FINAL PLAT RD-116** - consider approval of the final plat for Ash Street South of Juniper Amended, located south and west of the southwest corner of Gilbert Road and Juniper Avenue.
- 11 **MINUTES** – consider approval of the minutes of the Regular Meeting of April 19, 2018 and Study Session of April 19, 2018.

#### **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 7:00 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.

- 12 **LIQUOR LICENSE** – conduct hearing and consider approval of a Series 7 Beer and Wine Liquor License for Pinot's Palette located at located at 2743 South Market Street, Suite 110.
- 13 **LIQUOR LICENSE** – conduct hearing and consider approval of a Series 12 Restaurant Liquor License for Native Grill & Wings located at 4341 East Baseline Road, Suite 108.
- 14 **BONDS** – conduct hearing and consider:

- a) adoption of a Resolution to call up to \$1,000,000 of bonds for early repayment; and
  - b) authorizing a Contingency Transfer from the Capital Improvement Plan (CIP) Contingency Fund in the amount of \$1,000,000.
- 15 **ZONING AP18-01 (UP17-1045):** - conduct hearing and consider appeal to the Gilbert Town Council from the Town of Gilbert Planning Commission's denial of a Conditional Use Permit (CUP) to allow a multi-family residential use in the Regional Commercial (RC) zoning district on approximately 10 acres of real property generally located at the southeast corner of Higley Road and Michelle Way.
  - 16 **PROPERTY ACQUISITION** – conduct hearing and consider adoption of a Resolution approving the acquisition of Temporary Construction Easements on Parcel No. 302-16-972, No. 302-16-974, No. 302-16-975, and No. 304-16-837 in a total amount not to exceed \$22,368 per year for the Heritage District Transportation Improvements, Project No. RD211.
  - 17 **CODE OF GILBERT** - conduct hearing and consider adoption of an Ordinance amending the Code of Gilbert, Arizona, by amending Chapter 15 Special Events, Article 1 In General, Section 15-1 Definitions, Section 15-2 Administration, Section 15-3 Violation of Chapter, and Section 15-5 Prohibited Special Event Locations; Article II Permits, Section 15-36 Required; Exemptions, Section 15-37 Application and Fee, Section 15-38 General Application Requirements, Section 15-39 Issuance of Permit, Section 15-40 Prohibited Special Event Conduct; Revocation, Section 15-41 Mistake; Collection of Correct Amount, Section 15-42 Right of Entry, Section 15-44 Other Certificates or Permits Required, and Section 15-45 Denial, Modification, Revocation, or Suspension; Appeal to Town Manager; Article III Requirements, Section 15-50 General Requirements, Section 15-51 Special Provisions Related to Fireworks Displays, Section 15-52 Special Provisions Related to Parades and Public Assemblies, and Section 15-53 Special Provisions Related to Town Special Events.

#### **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.

- 18 **CODE OF GILBERT** - discussion and direction to staff regarding an amendment to the Land Development Code (LDC) to allow accessory structures greater than 6 feet in height to be located in setbacks of 5 feet or greater with the written consent of the lot owners abutting said setbacks.
- 19 **BOARDS, COMMISSIONS, AND COMMITTEES** - reports from Council Liaisons for

the:

- a) Subcommittee on Board and Commission Application Screening, Interview, and Selection
- b) Other Council Subcommittees
- c) Ad Hoc
- d) Regional Meetings
- e) Industrial Development Authority
- f) Mayor's Youth Advisory Committee
- g) Parks and Recreation Board
- h) Planning Commission
- i) Redevelopment Commission
- j) Town of Gilbert, AZ Public Facilities MPC
- k) Town of Gilbert, AZ Water Resources MPC
- l) Town of Gilbert, AZ Self-Insured Trust Fund for Health Benefits
- m) Utility 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.

### **RECESS REGULAR MEETING AND RECONVENE IN EXECUTIVE SESSION**

a) Pursuant to A.R.S. § 38-431.03(A)(3), (4) & (7) for discussion and consultation with designated Town representative and legal advice with Town Attorney on potential sponsorships and operating model for Elliot District Park; and

b) Pursuant to A.R.S. § 38-431.03(A)(3),(4) for discussion or consultation with designated Town representations and for legal advice with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town's position regarding Project Barley development agreement that is the subject of negotiations related to economic development and job creation in the Town.

### **ADJOURN EXECUTIVE SESSION AND RECONVENE REGULAR MEETING**

### **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.