



COUNCIL MEETING AGENDA

February 15, 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
2/15/2018 6:30 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 PRESENTATION - Presentation by the Gilbert Sister Cities exchange students.**

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 by Dr. Thor Strandholt of the Valor Christian Center.

ROLL CALL

PRESENTATIONS; PROCLAMATIONS

- 2 PRESENTATION - Presentation by the Gilbert Sister Cities organization.
- 3 Presentation of Annual Audited Financial Reports for the fiscal year ended June 30, 2017.

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.

- 4 INTERGOVERNMENTAL AGREEMENT – consider approval of a renewal of Intergovernmental Agreement No. 2013-4105-0134 with Town of Queen Creek for their use of Gilbert's Household Hazardous Waste Facility and authorize the Mayor to execute the required documents.
- 5 CONTRACT – consider approval of Purchase Agreement and Escrow Instructions Contract No. 2018-1000-0145 with Verde Building Corporation for the sale of Parcel 304-53-131C for \$501,000 and authorize the Mayor to execute the required documents.
- 6 CONTRACT – consider approval of Design Services (A/E) Contract No. 2018-2106-0148 with Brown and Caldwell in an amount not to exceed \$425,662 for the South Recharge Site Phase II, Project No. WW077, and authorize the Mayor to execute the required documents.
- 7 CONTRACT – consider approval of Professional Services Contract No. 2018-2106-0128 with HDR Engineering, Inc. in an amount not to exceed \$118,480 for the Storm Water Pump Station Assessment, Project No. SW008, and authorize the Mayor to execute the required documents.
- 8 CONTRACT – consider approval of:
 - a) Construction Manager at Risk (CM@R) Services Contract No. 2018-2106-0057 with Okland Construction Company Inc. with a guaranteed maximum price

(GMP) of \$14,574,760 for the Heritage District Parking Garage II, Project RD120, and authorize the Mayor to execute the required documents; and

b) a Contingency Transfer from the General Contingency Fund in the amount of \$825,000.

9 CONTRACT – consider approval of Cooperative Purchase Agreement No. 2018-1308-0146 with Standard Printing Company doing business as (DBA) Information Outsource utilizing City of Surprise Cooperative Purchasing Contract No. COS 16-012 in an amount not to exceed \$130,000 per year for the Utility Billing Print and Mail Services and Utility Billing Advertising Insert Services and authorize the Mayor to execute the required documents.

10 CONTRACT – consider approval of renewal of Contract No. 2014-1105-0205 with Lucy in an amount not to exceed \$100,985 for software support and maintenance and authorize the Mayor to execute the required documents.

11 CONTRACT – consider approval of:

a) Job Order No. 2 of Job Order Contract (JOC) No. 2017-2106-0666 with MGC Contractors in an amount not to exceed \$1,499,072 for the replacement of the Crossroads Force Main under Williams Field Road at Greenfield Road, Project No. WW115 and authorize the Mayor to execute the required documents; and

b) a Contingency Transfer from the Wastewater Replacement Fund in the amount of \$500,000.

12 CHANGE ORDER – consider approval of Change Order No. 1 to Task Order No. 9 of Job Order Contract (JOC) Contract No. 2016-4107-0019 with B&F Contracting increasing the contract amount by \$289,616.51 for a 48-inch steel casing pipe under Roosevelt Water Conversation District (RWCD) Canal for the Ocotillo Gravity Sewer Rehabilitation, Project No. WW106, and authorize the Mayor to execute the required documents.

13 CHANGE ORDER – consider approval of and authorize the Mayor to execute the required documents:

a) Change Order No.1 to Architectural Engineering (A/E) Services Contract No. 2017-2106-0590 with Dig Studio increasing the contract amount by \$1,191,987 for additional design and engineering services for Gilbert Regional Park - Phases 1 and 1B, Project No. PR031;

b) Change Order No.1 to Contract No. 2017-2106-0604 with Marc Taylor, Inc. increasing the contract amount by \$263,325 to provide additional project management services for the Gilbert Regional Park, Project No. PR031;

c) Change Order No.1 to Contract No. 2017-2106-0628 with Haydon Building

Corp. increasing the contract amount by \$75,477 to provide pre-construction services for the Gilbert Regional Park, Project No. PR031; and

d) a Contingency Transfer from the Greenfield Wastewater System Development Fee (SDF) Fund, Project No. WW094, in the amount of \$313,675 for an Aquifer Storage Recovery (ASR) well.

14 BUDGET – consider adoption of a Resolution authorizing a Loan from the General Fund in an amount not to exceed \$7,500,000 to be repaid with proceeds from property sales for the purpose of constructing park improvements and authorize the Mayor to execute the required documents.

15 CONTRACT – consider approval of Task Order No. 33 to Job Order Contract (JOC) Contract No. 2017-2106-0411 with CS Construction Inc. in an amount not to exceed \$364,705 for installation of new Advanced Detection Video Camera Systems at nine (9) signalized intersections, Project No. TS174, and authorize the Mayor to execute the required documents.

16 GRANT – consider approval of:

a) the application and acceptance of 2018 Arizona State Parks & Trails Non-Motorized Outdoor Recreation Grant No. 2018-5002-0188 for accessible parking and trail access within the Riparian Preserve in the amount of \$80,000 and authorize the Mayor to execute the required documents; and

b) a Contingency Transfer from the Grant Fund Contengency in the amount of \$85,000.

17 BUDGET – consider approval of a Contingency Transfer for the claim settlements incurred for the period of July 1, 2017 to December 31, 2017 from:

a) General Contingency Fund in the amount of \$32,810;

b) Streets Contingency Fund in the amount of \$6,810;

c) Water Contingency Fund in the amount of \$1,301;

d) Wastewater Contingency Fund in the amount of \$3,220;

e) Environmental Services - Residential Contingency Fund in the amount of \$25,060; and

f) Environmental Services - Commercial Contingency Fund in the amount of \$2,580.

18 HUMAN RESOURCES - consider approval of the division of the Personnel Rules into Administrative Guidelines which require Town Manager approval and focus

on operational, employment-level details; and Personnel Rules which require Town Council approval and focus on executive, policy-level concerns.

- 19 FINAL PLAT SP1646 - consider approval of the final plat for Lots 11, 12 and 13 of Rivulon, located south of Pecos Road between Allen Avenue and Lindsay Road.
- 20 ABANDONMENT - consider adoption of a Resolution of abandonment for a portion of Somerset Boulevard right-of-way adjoining the Somerset Development, located south of Pecos Road and east of Greenfield Road.
- 21 TEMPORARY EXTENSION OF PREMISES – consider approval of a temporary extension of premises for Isabel's Amor located at 1490 East Williams Field Road, Suite 101 for a Special Event Fundraiser to be held on March 3, 2018.
- 22 PERMANENT EXTENSION OF PREMISES – consider approval of a permanent extension of premises for Jesters Billiards located at 1515 North Gilbert Road, Suite 115.
- 23 SPECIAL EVENT LIQUOR LICENSE – consider ratifying approval of a Series 16D Craft Distillery Festival/Fair Liquor License for Village of Elgin Distillery by the Mayor for the Gilbert Art and Wine Festival for February 16, 2018 through February 18, 2018 from 10 am to 5 pm located at 50 East Civic Center Drive.
- 24 SPECIAL EVENT LIQUOR LICENSE – consider ratifying approval of a Series 16W Wine Festival/Wine Fair Liquor License for Village of Elgin Winery by the Mayor for the Gilbert Art and Wine Festival for February 16, 2018 through February 18, 2018 from 10 am to 5 pm located at 50 East Civic Center Drive.
- 25 LIQUOR LICENSE – consider ratifying approval of a Series 16W Wine Festival/Wine Fair Liquor License for Garage East for the Gilbert Fine Art & Wine Festival for February 16, 2018 through February 18, 2018 from 10 am to 5 pm located at 50 East Civic Center Drive.
- 26 MINUTES – consider approval of the minutes of Special Meeting of January 9, 2018 and Regular Meeting of January 11, 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.

- 27 LIQUOR LICENSE – conduct hearing and consider approval of a Series 9 Liquor Store Liquor License for Target Store 1959 located at 5110 South Power Road.
- 28 LIQUOR LICENSE – conduct hearing and consider approval of a Series 12 Restaurant Liquor License for Blue Adobe Grille located at 884 East Williams Field Road, Suite 102.
- 29 DEVELOPMENT AGREEMENT – consider adoption of a Resolution approving an Amended and Restated Development Agreement with the Cooley Center Property Ownership to allow for certain development of portions of the property and provide for reimbursements of infrastructure improvements and authorize the Mayor to execute the required documents.
- 30 GENERAL PLAN GP17-1013/ ZONING Z17-1023 – conduct hearing and consider:
- a) adoption of a Resolution approving a Minor General Plan amendment to change the land use classification of approximately 35.47 acres of real property generally located south and east of the southeast corner of Recker and Williams Field Roads from approximately 14.66 acres of Gateway Village Center and 10.00 acres of Residential >14-25 DU/Ac, and 10.81 acres of Residential >8-14 DU/Ac to approximately 35.47 acres of Residential > 5-8 DU/Ac as shown on the exhibit which is available for viewing in the Planning and Development Services Office. The effect of this amendment will be to change the plan of development to allow the reconfiguration of a previously approved residential development; and
 - b) approval of the findings and adoption of an Ordinance to amend Ordinance Nos.1900 and 2179 pertaining to the Cooley Station Residential, Office, and Shopping Center Planned Area Development (PAD-ROS), Ordinance Nos. 2195 and 2304 pertaining to the Cooley Station Residential 2 Planned Area Development (PAD-2), and Ordinance Nos. 2413, 2425, 2443, 2473, 2485, 2496, 2520, 2521, 2563, and 2612 pertaining to both PAD-ROS and PAD-2 by removing from the Cooley Station PAD-ROS and PAD-2 approximately 114.88 acres of real property generally located south and east of the southeast corner of Recker and Williams Field Roads and consisting of approximately 14.66 acres of Gateway Village Center (GVC), 10.00 acres of Multi-Family / Medium (MF/M), and 90.22 acres of Single Family - Detached (SF-D) zoning districts, approving the Development Plan for the Cooley Station Parcels 9, 11, 17A, and 30 for approximately 114.88 acres of Single Family - Detached (SF-D) zoning districts, all with a Planned Area Development overlay zoning district as shown on the exhibit (map), which is available for viewing in the Planning and Development Services Office; and amending the conditions of development in the Cooley Station Parcels 9, 11, 17A, and 30 Planned Area Development (PAD). The effect of the rezoning will be to: allow for a decrease in density/intensity, reduce the minimum lot area, increase the height, decrease the minimum front yard setback, clarify the side setback, clarify minimum rear yard setback, and increase maximum lot coverage.

31 GENERAL PLAN GP17-1015/ ZONING Z17-1025 – conduct hearing and consider:

a) adoption of a Resolution approving a Minor General Plan amendment to change the land use classification of approximately 15.00 acres of real property generally located at the northwest corner of Recker and Williams Field Roads from approximately 15.00 acres of Gateway Village Center to approximately 15.00 acres of General Commercial as shown on the exhibit which is available for viewing in the Planning and Development Services Office. The effect of this amendment will be to change from a village environment to a shopping center; and

b) approval of the findings and adoption of an Ordinance amend Ordinance Nos.1900 and 2179 pertaining to the Cooley Station Residential, Office, and Shopping Center Planned Area Development (PAD-ROS), Ordinance Nos. 2195 and 2304 pertaining to the Cooley Station Residential 2 Planned Area Development (PAD-2), and Ordinance Nos. 2413, 2425, 2443, 2473, 2485, 2496, 2520, 2521, 2563, and 2612 pertaining to both PAD-ROS and PAD-2 by removing from the Cooley Station PAD-ROS and PAD-2 approximately 15.00 acres of real property generally located at the northwest corner of Recker and Williams Field Roads and consisting of approximately 15.00 acres of Gateway Village Center (GVC) to approximately 15.00 acres of General Commercial (GC) zoning district all within a Planned Area Development overlay district, as shown on the exhibit (map), which is available for viewing in the Planning and Development Services Office. The effect of the amendment will be to: allow the real property to be developed subject to the development standards for the General Commercial (GC) zoning district and to include the modified roadway cross-sections for Cooley Loop North and Cooley Loop West.

32 GENERAL PLAN GP17-1016/ ZONING Z17-1026 – conduct hearing and consider:

a) adoption of a Resolution approving a Minor General Plan amendment to change the land use classification of approximately 25.33 acres of real property generally located at the southeast corner of Recker and Williams Field Roads from approximately 15.11 acres of Gateway Village Center, 6.61 acres of Residential >8-14 DU/Ac, and 3.61 acres of Residential >5-8 DU/Ac to approximately 25.33 acres of General Commercial, as shown on the exhibit which is available for viewing in the Planning and Development Services Office. The effect of this amendment will be to change from a village environment to a shopping center; and

b) approval of the findings and adoption of an Ordinance to amend Ordinance Nos.1900 and 2179 pertaining to the Cooley Station Residential, Office, and Shopping Center Planned Area Development (PAD-ROS) Ordinance Nos. 2195 and 2304 pertaining to the Cooley Station Residential 2 Planned Area Development (PAD-2), and Ordinance Nos. 2413, 2425, 2443, 2473, 2485, 2496, 2520, 2521, 2563, and 2612 pertaining to both PAD-ROS and PAD-2 by

removing from the Cooley Station PAD-ROS and PAD-2 approximately 25.33 acres of real property generally located at the southeast corner of Recker and Williams Field Roads and consisting of approximately 15.11 acres of Gateway Village Center (GVC) and 10.22 acres of Single Family - Detached (SF-D) zoning districts amending to approximately 25.33 General Commercial (GC) zoning districts, all with a Planned Area Development overlay zoning district, as shown on the exhibit (map) and Development Plan, which is available for viewing in the Planning and Development Services Office. The effect of this amendment would be to: approve a detailed development plan for the proposed project.

- 33 ZONING Z17-1007 - conduct hearing and consider adoption of an Ordinance amending the Town of Gilbert Land Development Code, Chapter I Zoning Regulations, Division 1: General Provisions, Division 2: Land Use Designations, Division 3: Overlay Zoning Districts, Division 4: General Regulations, Division 5: Administration, and Division 6: Use Definitions; Chapter II Design Standards and Guidelines; Chapter III: Subdivision Regulations, Glossary of General Terms, Appendix 1: Graphics and the Town of Gilbert Zoning Map. The effect of this amendment will be to: add lot ties as new type of Minor Land Division; clarify that a Minor Subdivision refers to land division into 4 or fewer lots or parcels and that subdivision refers to >5 lots or parcels; reduce or eliminate building and landscape setback requirements internal to a commercial project; reduce or eliminate the requirements for rear industrial landscape areas; extend the expiration date of a use permit from two years to three years for consistency with the Design Review process; clarify the required lengths for residential driveways and alley aprons; amend provisions relating to airport overflight avigation easements; and amend lot development regulations to allow for the reduction or elimination of the side clear area on single family lots.
- 34 PROPERTY ACQUISITION – conduct hearing and consider approving the acquisition of right-of-way and temporary construction easement Parcel Nos. 302-16-972, 302-16-974, 302-16-975, 304-16-837, 304-11-145A and 304-11-134A for the Heritage District Transportation Improvements, Project No. RD211.
- 35 CODE OF GILBERT - conduct hearing and consider adoption of an Ordinance amending the Code of Gilbert, Arizona, by amending Chapter 2, Administration, Article II Officers and Employees, Division 2 Manager, Sections 2-56 Assistant Town Manager and 2-57 Acting Town Manager, and 2-62 Meet and Confer and Chapter 66, Utilities Operations, Article II Rates and Charges; Billing and Collection, Section 66-73 Procedure to challenge utility bills; correction of utility bills and Article IX Utilities Board, Section 66-391 Membership related to title change of Assistant Town Manager.
- 36 CODE OF GILBERT -conduct hearing and consider adoption of an Ordinance amending the Code of Gilbert, Arizona by amending Chapter 15 Special Events, Article II Permits, Section 15-40 Prohibited Special Event Conduct; Revocation; Chapter 42 Offenses and Abatement of Public Nuisances, Article III Offenses Involving Public Peace and Order, Division 1 Generally, Sections 42-61 Noise, 42-

62 Special Noise Sources, 42-64 Unnecessary Noise, 42-65 Penalties.

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.

- 37 COUNCIL ADMINISTRATION - consider acceptance of the Budget Report and Contingency Report for the 2nd Quarter of FY2018.
- 38 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.

Requested Agenda Items and Projected Meeting Dates:

March - May 2018 - Adjust Mayor and Council compensation to levels existing prior to the change to the Town Code that provided for automatic increases to the compensation for the Mayor and Council. Contact: Christopher Payne (J. Taylor, V. Petersen, E. Cook)

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(3), (4), and (7) for discussion and consultation for legal advice from the Town Attorney and discussion and consultation with designated Town representatives concerning the sale of four small parcels located near the following areas: (i) Greenfield Road, south of Walnut, (ii) two parcels north of Ray Road, west of San Tan Village Parkway; and (iii) Ray Road, near the northwest corner of Ray Road and San Tan Village Parkway; and

b) 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 lease of real property at the regional park at Chandler Heights Basin.

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.