



COUNCIL MEETING AGENDA

May 18, 2017

Members may attend in person or by telephone.

Jenn Daniels, *Mayor*
Victor Petersen, *Vice Mayor*

Scott Anderson
Eddie Cook
Brigette Peterson

Jordan Ray
Jared Taylor

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

**Regular Meeting
6:30 PM**

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

ADDENDUM NO. 2

1B CONTRACT – consider

a) authorizing termination of Employment Agreement Contract No. 2013-1004-0302 with L. Michael Hamblin for service as Town Attorney, effective immediately, and authorize the Mayor to execute the required documents; and

b) a contingency transfer from the General Fund Contingency Fund in the amount of \$100,000.

1C CONTRACT – consider approval and authorize the Mayor to execute the required documents for:

a) Employment Agreement Contract No. 2017-1003-0644 with Lisa Maxwell for service as Town Clerk; and

b) Amendment to Contract No.2017-1003-0644 with Lisa Maxwell.

RECESS REGULAR MEETING AND RECONVENE IN EXECUTIVE SESSION

b) Pursuant to A.R.S. Sec. 38-431.03(A)(1) for discussion regarding appointment of Interim Gilbert Town Attorney.

ADJOURN EXECUTIVE SESSION AND RECONVENE REGULAR MEETING

ADDENDUM

1A Presentation to Commander Randy Brice for his service as Interim Chief of Police for the Town of Gilbert in 2017.

RECESS REGULAR MEETING AND RECONVENE IN EXECUTIVE SESSION

a) Pursuant to A.R.S. §38-431.03(A)(3) and (4) for discussion and consultation for legal advice with Town Attorney regarding development agreement authorized by Resolution No. 2889 (Maricopa County Recorder No. 20080651178) regarding the development of property in the vicinity of Recker and Williams Field Roads.

ADJOURN EXECUTIVE SESSION AND RECONVENE REGULAR MEETING

AGENDA ITEM

CALL TO ORDER

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 Pastor Tim Thompson, Fountain of Life Church.

ROLL CALL

- 1 HUMAN RESOURCES - consider confirming the appointment of Michael Soelberg as Police Chief effective June 5, 2017.

There will be a short recess following Council action on this item for a reception for the Police Chief.

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.

- 2 DEVELOPMENT AGREEMENT – consider adoption of a Resolution approving a Development Agreement with M. Dawn Knight, Trustee of the M. Dawn Knight Revocable Trust dated October 30, 1984, for the use of a solid waste garbage truck turn-around on private property, Project No. PR006, and authorize the Mayor to execute the required documents.
- 3 DEVELOPMENT AGREEMENT – consider adoption of a Resolution approving Amendment No. 2 to the Development and Disposition Agreement with MD Heritage, LLC for the sale and development of property located at the southeast corner of Vaughn Avenue and Ash Street (Site A) and authorize the Mayor to execute the required documents.
- 4 DEVELOPMENT AGREEMENT – consider adoption of a Resolution approving an Amendment No. 2 to the Development and Disposition Agreement with MD Heritage, LLC for the sale and development of property designated as Parcel No. 302-16-053 (Site B) and authorize the Mayor to execute the required documents.
- 5 MEMORANDUM OF UNDERSTANDING – consider approval of Memorandum of Understanding No. 2017-4108-0660 with the National Forest Foundation for mitigating the risk of wildfires that threaten Gilbert's water supply and furthering progress toward water reliability in exchange for \$25,000 for three years and authorize the Mayor to execute the required documents.
- 6 CONTRACT – consider approval of:
 - a) Architectural/Engineering (A/E) Services Contract No. 2017-2106-0631 with BWS Architects in an amount not to exceed \$253,658 for the design and engineering services for Heritage District Transportation Improvements, Project No. RD211, and authorize the Mayor to execute the required documents; and
 - b) a Contingency Transfer from the General Fund in the amount of \$263,660.
- 7 CONTRACT – consider approval of:
 - a) Construction Services Contract No. 2017-2106-0580 with Schofield Civil Construction, LLC in an amount not to exceed \$265,740 for the equipping and installation of Alternative Recovery Well R-5, Project No. WW100, and authorize the Mayor to execute the required documents; and
 - b) a Contingency Transfer from the Wastewater Contingency Fund in the amount of \$115,000.

- 8 CHANGE ORDER – consider approval of Change Order No. 1 to Contract No. 2017-2106-0436 with Waterworks Engineers, LLC. with no change in cost to the contract for System Wide Force Main Retrofit, Project No. WW105, and authorize the Mayor to execute the required documents.

Remove Item 8 from the Agenda

- 9 CONTRACT – consider approval expenditures under Cooperative Purchasing Contract No. 2016-4108-0006 with Southwest Waterworks Contractors, INC. in an amount not to exceed \$494,301.82 to drill and develop a reclaimed water recovery well, Alternate Recovery Well R-5, Project No. WW100, and authorize the Mayor to execute the required documents.

Remove Item 11 from the Agenda

- 10 GRANT – consider ratifying the application of a grant, Contract No. 2017-7010-0658, from the Arizona Department of Emergency and Military Affairs (AzDEMA) for Layton Lakes Force Main Rehabilitation, Project No. WW101, in an amount not to exceed \$4,000,000.

- 11 GRANT – consider:

a) application and acceptance of a grant, Contract No. 2017-3001-0649, from the Arizona Automobile Theft Authority (AATA) FY2017 Training Grant in the amount of \$2,065 to send one detective and one sergeant to an Outlaw Motorcycle Gang Training conference and three detectives and one sergeant to an Auto Theft Conference; and

b) approval of a Contingency Transfer from Grant Fund Contingency in the amount of \$2,065.

Remove Item 11 from the Agenda

- 12 BUDGET – consider approval of a Contingency Transfer in the amount of \$176,750 for the Claim Settlements incurred for the period of July 1, 2016 to March 31, 2017.

- 13 FINAL PLAT SP990 - consider approval of the final plat for Perry High School Parking Lot located south of the southeast corner of 156th Street and Queen Creek Road.

- 14 MINUTES – consider approval of the minutes of the Study Session of April 20, 2017 and Regular Meeting of April 20, 2017.

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.

- 15 LIQUOR LICENSE – conduct hearing and consider approval of a Series 9 Liquor Store Liquor License for Target #1960 located at 3931 South Gilbert Road.
- 16 ZONING Z16-11 - conduct hearing and consider adoption of an Ordinance amending the Town of Gilbert Land Development Code, Revised Sign Code - Chapter I Zoning Regulations, Division 4 General Regulations, by repealing and replacing in its entirety Article 4.4 Sign Regulations, related to the reorganization and replacement of the sign ordinance to provide consistency with recent case law; by amending the Glossary of General Terms related to sign definitions; the Appendix 1 Graphics related to graphic illustrations; and by amending in part Article 4.5 Supplemental Use Regulations, Section 4.5013 Temporary Structures, Article 4.6 Non-Conforming Uses, Lots, Parcels, Structures and Signs related to updating cross references to the sign code, and by amending in part Article 5.2 Common Procedures, Section 5.204 Neighborhood Meeting and Section 5.205 Notice of Public Hearing related to removal of requirements for an attached information tube on the posted sign and for certain words to be visible from 100 feet; and declairing the Gilbert Sign Code a public record. The effect of the amendment will be to update the sign ordinance in its entirety and any related definitions, and to codify the product of a comprehensive legal review to clarify terms, resolve discrepancies, add cross references and improve procedures related to sign regulation; to amend graphic illustrations to clarify the meaning and intent of certain provisions; and to remove outdated public notice requirements.
- 17 GENERAL PLAN GP16-08/ ZONING Z16-21 – conduct hearing and consider:
 - a) adoption of a Resolution approving a Minor General Plan Amendment for American Groves to change the Land Use Classification of approximately 2.25 acres of real property generally located at the southeast corner of Elliot Road and 29th Place from approximately 2.25 acres of Neighborhood Office (NO) to approximately 2.25 acres of Residential > 0-1 du/acre Land Use Classification. The effect of this amendment will be to change the plan from employment to residential; and
 - b) approval of the findings and adoption of an Ordinance for American Groves rezoning approximately 6.48 acres of real property generally located at the southeast corner of Elliot Road and 29th Place from approximately 2.25 acres of Neighborhood Office (NO) and 4.23 acres of Single Family Residential-15 (SF-15) zoning district to approximately 6.48 acres of Single Family Residential - 35 (SF-35) zoning district. The effect of the rezoning will be to change the permitted land uses from non-

residential employment uses to residential land uses.

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 COUNCIL ADMINISTRATION - consider acceptance of the Budget Report and Contingency Report for the 3rd Quarter of FY2017.

19 FEES – consider:

a) directing staff to publish a Notice of Intention to Increase Water, Wastewater, Reclaimed Water, Trash Rates and Fees; and

b) setting the public hearing date for August 3, 2017 at 6:30 PM.

Remove Item 19 from the Agenda

20 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) Regional Meetings

d) Industrial Development Authority

e) Mayor's Youth Advisory Committee

f) Parks and Recreation Board

g) Planning Commission

h) Redevelopment Commission

i) Town of Gilbert, AZ Public Facilities MPC

j) Town of Gilbert, AZ Water Resources MPC

k) Town of Gilbert, AZ Self-Insured Trust Fund for Health Benefits

l) 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

June 15, 2017 - Policy to use Uber/Lyft instead of Town vehicles. Contact Hakon Johanson (E. Cook, V. Petersen, J. Taylor, S. Anderson)

June 1, 2017 - Analysis of allowing residents to opt out of Town trash services. Contract Jessica Marlow (V. Petersen, J. Candland, J. Ray)

September 21, 2017 - Review of the number of service calls to group homes to trigger Town engagement with group home management. Contact: Kyle Mieras (E. Cook, V. Petersen, J. Daniels)

September 21, 2017 - Review noise and disturbing the peace ordinances related to group and sober homes. Contact: Kyle Mieras (E. Cook, V. Petersen, J. Daniels)

August 3, 2017 - Ordinance to prohibit taxpayer money from going to organizations involved in political activities. Contact Jacob Ellis (J. Taylor, E. Cook, V. Petersen)

September 21, 2017 - Policy on undergrounding 12 kV power lines. Contact: Kyle Mieras (J. Daniels, V. Petersen, J. Ray)

October 19, 2017 - Strategy on Tourism. Contract: Dan Henderson (J. Daniels, V. Petersen, J. Ray)

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.