

**MINUTES OF THE GILBERT TOWN COUNCIL IN REGULAR MEETING,  
TUESDAY, DECEMBER 4, 2007 AT 7:00 P.M., 50 EAST CIVIC CENTER DRIVE,  
GILBERT, ARIZONA**

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**COUNCIL PRESENT:** Mayor Berman, Vice Mayor Urie, Councilmembers Abbott, Crozier (by phone), Krueger, Presmyk, and Skousen

**COUNCIL ABSENT:** None

**STAFF PRESENT:** Manager Pettit, Assistant Manager Skocypec, Clerk Templeton, Attorneys Goodwin and Wendel, Planning and Development Manager Mieras, Police Chief Dorn, Fire Chief DeWitt, Engineer Allred

**CALL TO ORDER OF REGULAR MEETING**

Mayor Berman called the meeting to order at 7:07 p.m.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Councilmember Krueger gave the invocation. Girl Scouts led the Pledge of Allegiance and introduced themselves.

**ROLL CALL**

Clerk Templeton called roll and declared a quorum present.

**PRESENTATIONS; PROCLAMATIONS**

**1. Pillar of the Month, *Caring*.**

Mayor Berman read the Pillar of the Month, *Caring*.

**2. Presentation on the *Shop Gilbert Campaign*.**

Councilmember Abbott introduced the Shop Gilbert Campaign members. Kathy Langdon, Gilbert Chamber of Commerce, gave a presentation on *the Shop Gilbert Campaign*. Ms. Langdon said the campaign would start on Wednesday, December 5 and businesses could register at that time. The Arizona Republic will publish articles in the Gilbert Republic each day about the campaign. Information will include how sales tax dollars help fund services in Gilbert. Ms. Langdon exhibited the logo and the countertop displays available for Gilbert businesses.

Paul Maryniak, Arizona Republic, expressed excitement about participating in the campaign from the beginning and said they invested a great deal of time in preparation to get it going. Mr. Maryniak said the campaign would be good for business and all of Gilbert. He described the ad campaign planned for the duration of *Shop Gilbert*.

Mayor Berman and Councilmember Abbott thanked Mr. Maryniak for the support the Arizona Republic is providing for *Shop Gilbert* and would provide for the Mayor's New Years Eve Party and other Gilbert events.

Business Development Manager Henderson thanked Council for funding to allow the program to launch. He said it would be good for the community because it will allow small, medium, and large businesses to participate. Business Development Manager Henderson advised that the intent of the program is to showcase to the residents where their tax dollars go. Mayor Berman encouraged everyone to shop in Gilbert because it not only provides tax revenue but it helps the many local business owners.

### **COMMUNICATIONS FROM CITIZENS**

None.

### **CONSENT CALENDAR**

A MOTION was made by Vice Mayor Urie, seconded by Councilmember Presmyk, to approve Consent Items 3, 3A, 6, 7, 8, 9 10 11, 14, 18, 20, and 23; remove Item 5, 121, 13, 15, 16, 17, 19, 21, and 22 from the Consent Calendar. *Motion carried 7-0.*

**3. ANNEXATION A07-58** - consider adoption of an Ordinance approving the annexation of approximately 1.63 acres located north and east of the northeast corner of Val Vista Drive and Ray Road. *A public hearing was held on August 21, 2007.*

This item was approved with the Consent Calendar. Ordinance No. 2088 was adopted.

**3A. ANNEXATION A07-74** – consider adoption of an Ordinance approving the annexation of approximately 3.56 acres located north and east of the northeast corner of Ocotillo Road and Val Vista Drive. *A public hearing was held on November 13, 2007.*

This item was approved with the Consent Calendar. Ordinance No. 2089 was adopted.

### **4. NO ITEM.**

**5. EASEMENT** – consider approval to grant a Utility Easement to Arizona Public Service for the installation of underground electric facilities along the Western Powerline Trail and authorize the Mayor to execute the required documents.

Councilmember Crozier declared a conflict of interest.

A MOTION was made by Vice Mayor Urie, seconded by Councilmember Krueger, to approve Item 5. *Motion carried 6-0-1 with Councilmember Crozier abstaining.*

**6. NO ITEM.**

**7. AGREEMENT** – consider approval of a Project Agreement with the Maricopa Association of Governments for the Warner and Cooper Roads Intersection Improvement Project, Project ST091, and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar.

**8. CONTRACT** – consider approval of the purchase of a Microsoft Enterprise Agreement from ASAP Software in an amount not to exceed \$150,222.76 for FY2007-09 through a Cooperative Purchasing Contract.

This item was approved with the Consent Calendar.

**9. CONTRACT** – consider approval of a Purchase Contract with Valmont Industries in an amount not to exceed \$441,672 for the purchase of Traffic Signal Poles and Mast Arms for the Capital Improvement Signal Program and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar.

**10. CONTRACT** – consider approval of a Purchase Contract with McCain Inc. in an amount not to exceed \$231,419.57 for the purchase of Traffic Signal Heads and LED Lights for the Capital Improvement Traffic Signal Program and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar.

**11. CONTRACT** – consider approval of a Construction Manager at Risk Pre-Construction Phase Services Contract with PCL Construction in an amount not to exceed \$23,380 for Riggs Road Utilities, Val Vista Drive to 164<sup>th</sup> Street, Project WW074, and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar.

**12. CONTRACT** – consider approval of an Accountability Contract with the Gilbert Fine Arts Association in an amount not to exceed \$10,000 for services for FY2007-08 and authorize the Mayor to execute the required documents.

Councilmember Abbott said she is supportive of the contract but has questions. She asked how the percentage of increase in funding compared to prior funding. Manager Pettit advised he did not believe there was any funding the prior year. Councilmember Presmyk said Gilbert had funded prior to the budget crunch and then funding ceased for four or five years. It was re-instated this year. Mayor Berman commented that they also were able to use the old Boys and Girls Club at no charge. Councilmember Abbott asked about the number of participants and

Manager Pettit advised he would need to pull the information. She asked that it be included in the future with information on the amount of revenue that is generated from performances. Manager Pettit said the contract does require an annual report prepared by the CPA and participant information is required.

A MOTION was made by Councilmember Presmyk, seconded by Councilmember Abbott, to approve Item 12. *Motion carried 7-0.*

**13. GRANT** – consider authorizing the acceptance of a 2007 Homeland Security Grant in the amount of \$919,010 for Police and Fire Equipment and Programs and authorize the Mayor to execute the required documents.

Councilmember Skousen asked if Gilbert received a percentage or the entire requested amount. Manager Pettit advised this is an agreement for Gilbert and Gilbert is a sub-recipient to the State. Councilmember Skousen asked about drug seizure funds and reporting requirements. Sherri Gibbons, Emergency Management Coordinator, responded there would be a report.

A MOTION was made by Councilmember Skousen, seconded by Councilmember Abbott, to approve Item 13. *Motion carried 7-0.*

**14. CHANGE ORDER** – consider approval of Change Order No. 1 with Haydon Building Corporation in the amount of \$95,764.20 for widening of Higley Road from Baseline Road to Highway US 60.

This item was approved with the Consent Calendar.

**15. CHANGE ORDER** – consider approval of Change Order No. 1 to Job Order Contract No. 4 with CS Construction, Inc. in an amount not to exceed \$750,000 per Job Order Contract for construction of traffic signals and extend the contract for an additional 12-month period.

Councilmember Skousen said the total amount was not included in the staff report. PinnacleOne Program Manager Nadziejka explained a job order contract is issued on a not to exceed amount and several job orders are issued against this amount. He explained the job order process.

A MOTION was made by Councilmember Skousen, seconded by Councilmember Presmyk, to approve Item 15. Councilmember Crozier had questions regarding the date of the Change Order. Mr. Nadziejka explained it was a change order against a contract approved in December 2006 and CS Construction was the low bidder.

Manager Pettit suggested pulling the item and placing it on the December 11, 2007 meeting. The motion was withdrawn.

**16. REQUEST FOR BIDS** – consider rejecting bids received for Phase 1 of Landscape Renovation in Parkway Improvement District Nos. 07-04 and 07-09.

Councilmember Skousen had questions about the huge variance and asked how the budget was completed when the bid was five times as much.

Community Services Director Norman explained what needs to be considered when preparing a landscape budget. Renovation compared to new landscape is more expensive, the profit margin is lower, and there are unknowns, such as hooking up to utilities. Community Services Director Norman outlined a more detailed process to arrive at budget amounts.

A MOTION was made by Councilmember Skousen, seconded by Councilmember Presmyk, to approve Item 16 and reject the bids for PK07-04 and PK07-09. *Motion carried 7-0.*

**17. FINAL PLAT S550B** – consider approval of the replat of Agritopia Phase 2B Lots 225 through 242 located at the northwest corner of Higley and Ray Roads.

Councilmember Abbott questioned the street width and asked whether the replat changed the street width. Engineer Allred said this is simply replatting some of the flex lots and does not change the rights of way. Chief DeWitt advised the streets were decided some time ago and the buildings have sprinklers as a trade off.

A MOTION was made by Councilmember Abbott, seconded by Councilmember Presmyk, to approve Item 17.

Mayor Berman expressed his hope that street widths would be considered in future projects.

*Motion carried 7-0.*

**18. FINAL PLAT SP1136** – consider approval of the replat of Lot 1, Santan Village Marketplace Parcel G-2 located at the northeast corner of Pecos Road and Market Street.

This item was approved with the Consent Calendar.

**19. PROPERTY ACQUISITION** – consider adoption of:

- a) A Resolution authorizing the acquisition of 40 acres located west of the northwest corner of Lindsay and Germann Roads for a Public Safety Training Facility, Project MF040; and
- b) A Resolution authorizing reimbursement of expenses from a future bond issue.

Councilmember Abbott asked about possible environmental impacts on the site. She explained she was assured by Manager Pettit that if there are environmental impacts, the acquisition would be put on hold.

A MOTION was made by Councilmember Abbott, seconded by Councilmember Skousen, to approve Item 19 and adopt Resolution Nos. 2845 and 2846. *Motion carried 7-0.*

**20. PROPERTY ACQUISITION** – consider adoption of a Resolution authorizing the acquisition of certain real property in the Town for public improvement purposes, authorizing and directing the Mayor, Town Manager, and Town Attorney to acquire title to certain parcels of real property on behalf of the Town by donation, Eminent Domain, or purchase, Project SW004.

This item was approved with the Consent Calendar. Resolution No. 2847 was adopted.

**21. BUDGET** – consider approval of an additional Police Officer to be assigned to Court Security.

Councilmember Skousen asked whether this was a full time officer or possibly a retired police officer with reduced benefits. Manager Pettit advised that staff and legal felt that this should be a full time officer due to liability concerns. He said that the position would not be filled immediately due to training and other requirements. Councilmember Skousen asked if a retired officer who is post certified could do the job. Chief Dorn said it would be too limiting to consider only retired officers but they could participate in the recruiting process.

A MOTION was made by Councilmember Skousen, seconded by Councilmember Presmyk, to approve Item 21. *Motion carried 7-0.*

**22. BUDGET** – consider authorization for the early hiring of 14 positions within the Fire Department and approve the transfer of \$350,000 from General Fund Contingency to cover the additional personnel costs for FY2007-08.

Vice Mayor Urie asked why the Town is accelerate the hiring of 14 firefighters. Chief DeWitt said that the issue is reserving space in Chandler Academy. If they wait, space would not be available in time to train staff and meet demands when the non-contiguous county island fire district forms. Chief DeWitt had explained to Manager Pettit and the Executive Team that the ability to provide service would be delayed because of the inability to train and for that reason he recommended the early hiring.

Councilmember Krueger asked what would happen if the positions become redundant if the non-contiguous fire district is not formed. Chief DeWitt said the personnel would then go to Station 10, which will be under construction in another 30 days. Manager Pettit advised that the funding for Fire Station #10 is included in the current five year financial plan starting in July 2008, so there is only the additional cost of the expenses for the third quarter that are not in the current plan. Positions will not be redundant if a district is formed and if a district were not formed, the staff would be assigned to Station 10. Councilmember Abbot asked about recovering the costs.

Manager Pettit said the cost would be known if Council authorizes an Intergovernmental Agreement (IGA). Councilmember Skousen said that he believes Fire Station No. 10 will not be completed until October 2008. He asked if a fire district is formed, will this crew be sufficient, or will there be a need for other personnel. Chief DeWitt advised based on calculations that the equivalent of one crew would be sufficient. The staffing and equipment can be managed as an Adaptive Response Unit not assigned to any particular station while Fire Station 10 is completed.

Councilmember Skousen expressed concern that if a district comes on board an argument could be made that we already had the people and the district should not be required to pay for them. Manager Pettit commented that they could argue that but that the assumption would be flawed. The purpose of accelerating hiring is the potential of the district. If it were only Station 10 we would be hiring in July 2008.

Councilmember Skousen commented on discussions about the district and the ability to enter into an IGA with Queen Creek. He expressed concern that if Queen Creek had not been added there would have been no need to add personnel at this time. Chief DeWitt advised that the Adaptive Response Unit was always included in the plan. If started with authorization today, they could not train until January and it would be April before personnel could be on the street. Councilmember Skousen asked if some of the unit costs can be recovered if Gilbert is the provider for the County Island Fire District.

Manager Pettit said there are three sequential options. The first option that the District is required to pursue negotiation of an IGA with Gilbert. If no IGA is negotiated, then the District would go to bid for a private provider. The default is for Gilbert to provide the services and the fees paid would be determined by a committee who would determine what the District pays regardless of the costs to Gilbert. He said that until they go through the process, he cannot honestly answer the question. Councilmember Skousen verified that the problem is openings in the training academy would not be available until after Fire Station 10 is open.

A MOTION was made by Councilmember Presmyk, seconded by Vice Mayor Urie, to approve Item 2. *Motion carried 7-0.*

**23. MINUTES** – consider approval of the minutes of Special Meeting of November 10, 2007, and the Regular Meetings of November 13, 2007 and November 20, 2007.

This item was approved with the Consent Calendar.

## **PUBLIC HEARINGS**

Vice Mayor Urie reported that Item 24, 28, 29, 30 and 30A would be removed for discussion.

Mayor Berman opened the public hearing for items 25, 26, and 27. No one wished to speak and Mayor Berman closed the public hearing.

A MOTION was made by Vice Mayor Urie, seconded by Councilmember Krueger, to approve public hearing items 25, 26, and 27. *Motion carried 7-0.*

**24. LIQUOR LICENSE** – conduct hearing and consider approval of a Series 07 Beer and Wine Bar License for Big League Dreams Sports Park located at 4536 East Elliot Road.

Randy Nations, 1811 South Alma School Road, Mesa, was present to speak.

Councilmember Abbott asked if liquor sales will be cut off at 2:00 a.m., as other establishments are required to do. Mr. Nations said they must follow the same requirement and cease liquor sales at 2:00 a.m.

Councilmember Abbott asked about the payback on hotel agreements and payment to Gilbert. Manager Pettit said this is a typical arrangement, which allows Gilbert to count commission toward facility revenue. This is not limited to Gilbert hotels.

Councilmember Abbott asked about alcoholic beverage restrictions and if during a Town event, would those attending be required to buy alcoholic beverages from Big League Dreams. Manager Pettit clarified that the alcohol license is to the site and this vendor and no one else can bring alcohol to this site. She asked if there were any complaints from the church located nearby. Mr. Nation said the church was very supportive.

Vice Mayor Urie opened the Public Hearing. No one wished to speak and Vice Mayor Urie closed the public hearing.

A MOTION was made by Vice Mayor Urie, seconded by Councilmember Skousen, to approve a Series 07 Beer and Wine Bar License for Big League Dreams Sports Park located at 4536 East Elliot Road. *Motion carried 7-0.*

**25. LIQUOR LICENSE** – conduct hearing and consider approval of a Series 12 Restaurant Liquor License for Old World Pizza Kitchen located at 323 South Gilbert Road, Suite 111 and 113.

This item was approved with the Public Hearing vote.

**26. LIQUOR LICENSE** – conduct hearing and consider approval of a Series 12 Restaurant Liquor License for Logan’s Roadhouse located at 2649 South Market Street.

This item was approved with the Public Hearing vote.

**27. PARKWAY IMPROVEMENT DISTRICTS** – conduct hearing and consider adoption of a:

- a) Resolution ordering improvements of certain areas within the corporate limits of the town and creating an improvement district known as Town of Gilbert Parkway Improvement District No. **PK07-3 (Park Village)**, for the purpose of the installation and maintenance of all landscaping, irrigation systems, common walls and other improvements, and the ongoing maintenance of the same, including replacement, within adjacent, and near designated parkways, as shown on the plans, in the Town of Gilbert, as described in Resolution No. 2792; and
- b) Resolution ordering improvements of certain areas within the corporate limits of the town and creating an improvement district known as Town of Gilbert Parkway Improvement District



No. **PK07-6 (Circle G III)**, for the purpose of the installation and maintenance of all landscaping, irrigation systems, common walls and other improvements, and the ongoing maintenance of the same, including replacement, within adjacent, and near designated parkways, as shown on the plans, in the Town of Gilbert, as described in Resolution No. 2793.

This item was approved with the Public Hearing Vote. Resolutions 2848 and 2849 were adopted.

**28. PARKWAY IMPROVEMENT DISTRICTS** – conduct hearing and consider adoption of a:

- a) Resolution of the Town Council of the Town of Gilbert, Arizona, passing upon the sufficiency of protests to the proposed improvements to, and objections to the extent of an improvement district known as Town of Gilbert Parkway Improvement District No. **PK07-5 (Circle G Meadows II)**, for the purpose of the installation and maintenance of all landscaping, irrigation systems, common walls and other improvements, and the ongoing maintenance of the same, including replacement, within adjacent, and near designated parkways, as shown on the plans, in the Town of Gilbert, as described in Resolution No. 2827; and determining that the protests are sufficient to bar any further proceedings in making the improvement for six (6) months from the date the protest is filed; and
- b) Resolution of the Town Council of the Town of Gilbert, Arizona, passing upon the sufficiency of protests to the proposed improvements to, and objections to the extent of an improvement district known as Town of Gilbert Parkway Improvement District No. **PK-07-8 (Circle G Ranches VII)**, for the purpose of the installation and maintenance of all landscaping, irrigation systems, common walls and other improvements, and the ongoing maintenance of the same, including replacement, within adjacent, and near designated parkways, as shown on the plans, in the Town of Gilbert, as described in Resolution No. 2829; and determining that the protests are sufficient to bar any further proceedings in making the improvement for six (6) months from the date the protest is filed.

Mayor Berman opened the public hearing. Vice Mayor Urie said the following residents were in opposition but did not wish to speak: Kevin McCarthy, 1901 East Washington, Gilbert; R. A. Fitzsimmons, 443 East Harwell, Gilbert; Sue Arnold, 438 East Harwell Road; Vaughn Godel, 438 East Moore Avenue; Sharon Godel, 438 East Moore Avenue.

Richard Arnold, 438 East Harwell Road, Gilbert, said when he has visitors he drives them down Corrine because it is beautiful. They do not want to rip out the landscape, as the only change that is needed is to change sprinklers and replace a few dead trees. The majority of neighbors want it left alone.

Kathy Cross, 444 East Harwell Road, said since she bought in that area she has developed health problems and that the improvements would be a financial burden. She commented when she had a tree removed it was \$400 and the cost of removing nine tree was astronomical. She agrees 100 percent with Rick's comments.

Heidi Van Tassell, 449 East Harwell Road said one thing she has missed in Arizona is green and trees and fell in love with the neighborhood because of the trees and green common areas. She said it is one of the most beautiful areas around and hates to see changes to desert landscaping. She said she is a foster parent to three kids and she said the cost would be difficult because taxes have also increased. Ms. Van Tassell said she likes the trees and does not want to see go to a great deal of expense to change the landscaping. She asked Council to consider leaving the landscaping as it is.

Greg Park, 534 East Terrace Avenue, discussed that originally proposed were things that were not necessary. There was a meeting on November 15, 2007 with the largest turnout ever. There was one voice for making the changes and everyone else was upset that it was even being considered. He was the only person who attended all the meetings prior to that. After they all visited about it they felt it was interesting that people who signed the petition and used the area for soccer practice, thought it was terrible to replace the greenbelt area with rocks. What is proposed now is not necessary and would take away the reason many purchased homes in the development. Discussion followed on the repairs to the walls and the need to make some adjustments. Mr. Park presented figures on assessments and how the budgets have increased.

Financial/Performance Manager Archer reviewed work that had been performed, such as removing trees, and the reasons for doing so. She explained there were no plans to add picnic tables or ramadas to the park area and no plans to remove the grass except along the walls. Councilmember Abbott commented how difficult it to maintain grass along walls. Mayor Berman asked Financial/Performance Manager Archer to describe what maintenance was planned. Councilmember Abbott asked Financial/Performance Manager Archer to review the number of meetings held and how many attended. Financial/Performance Manager Archer described the process that was followed.

Mel Clary, 525 East Terrace, Gilbert did not get involved until the signs went up. The plans were to replace the sprinkler systems and trees to be removed were old. He said the plans included picnic tables and a barbeque, which would invite vandalism. It is not a park but is a retention basin and does not need to be changed, especially at \$2,000 per household.

Manager Pettit said for the record all Council has is an option to adopt the Resolutions halting work. The Council may continue the public comment but there is really only one choice because of the percentage of protests from the project.

Mayor Berman closed the public hearing.

Councilmember Presmyk complimented the speakers on becoming involved. He reminded residents of the development that they were notified of what was to happen. This is a process that was followed since February 2007 because other residents demanded that common areas be brought up to standards. Residents were encouraged to attend meetings and be involved in what is planned for their common areas.

Mayor Berman complimented the speakers on coming before Council to express their opinions.

A MOTION was made by Councilmember Presmyk, seconded by Councilmember Krueger, to adopt:

- a) Resolution No. 2850 of the Town Council of the Town of Gilbert, Arizona, passing upon the sufficiency of protests to the proposed improvements to, and objections to the extent of an improvement district known as Town of Gilbert Parkway Improvement District No. **PK07-5 (Circle G Meadows II)**, for the purpose of the installation and maintenance of all landscaping, irrigation systems, common walls and other improvements, and the ongoing maintenance of the same, including replacement, within adjacent, and near designated parkways, as shown on the plans, in the Town of Gilbert, as described in Resolution No. 2827; and determining that the protests are sufficient to bar any further proceedings in making the improvement for six (6) months from the date the protest is filed; and
- b) Resolution No. 2851 of the Town Council of the Town of Gilbert, Arizona, passing upon the sufficiency of protests to the proposed improvements to, and objections to the extent of an improvement district known as Town of Gilbert Parkway Improvement District No. **PK-07-8 (Circle G Ranches VII)**, for the purpose of the installation and maintenance of all landscaping, irrigation systems, common walls and other improvements, and the ongoing maintenance of the same, including replacement, within adjacent, and near designated parkways, as shown on the plans, in the Town of Gilbert, as described in Resolution No. 2829; and determining that the protests are sufficient to bar any further proceedings in making the improvement for six (6) months from the date the protest is filed.

**29. IMPROVEMENT DISTRICT 20** – consider adoption of a Resolution of the Mayor and Common Council of the Town of Gilbert, Arizona, (1) declaring its intention to improve, and adopting preliminary plans and an engineer's estimate for the improvement of, certain streets, rights-of-way and easements within the corporate limits of the town by the furnishing of all labor, materials, transportation, services and equipment necessary to construct asphaltic concrete pavement, concrete curbs, gutters, sidewalks, sidewalk ramps, driveways, valley gutters and aprons, traffic signal facilities, signing and striping, water facilities, sanitary sewer facilities, drainage improvements, landscaping and irrigation improvements, and dry utility improvements together with all necessary adjuncts and appurtenances as shown on such preliminary plans being for "Town of Gilbert, Arizona Improvement District No. 20"; (2) determining that improvement bonds will be issued to represent the costs and expenses thereof; (3) declaring such improvements to be of more than a local or ordinary public benefit and that the costs thereof be assessed upon such district; (4) providing that such improvements be performed under the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, and all amendments thereto and (5) fixing the time and place for hearing of all protests with respect to such improvements and objections to the extent of such district

Mayor Berman opened the public hearing. No one wished to speak and the hearing was closed.

Councilmember Skousen asked how many active districts there are.

Assistant Manager Skocypec said the only district with outstanding bonds are Improvement District No. 19. He responded to a question on periodic reports to Council and said that it is possible to provide periodic reports on collection of assessments. Councilmember Skousen said he is in favor but would like to see something in place to show that collections are made. Discussion continued and Assistant Manager Skocypec said that semi annual reports could be provided.

A MOTION was made by Councilmember Skousen, seconded by Councilmember Presmyk, to adopt Resolution No. 2852 for Improvement District No. 20.

Councilmember Presmyk asked what safeguards are in place to ensure that Gilbert does not end up footing some of the bill. Assistant Manager Skocypec explained it is ultimately Gilbert's obligation and the property owners within the Improvement District are borrowing through Gilbert. Gilbert has rights under State Law to foreclose on the property to recover the debt.

Manager Pettit reported that they were continuing with the voluntary collection program and not going to foreclosure for Improvement District 11, per Council direction.

*Motion carried 7-0.*

**30. 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, Section 2-62 Meet and Confer, and amending Subsection 2.62.1 Definitions, by defining the Town Clerk's Office and staff as confidential Employees.

Mayor Berman opened the Public Hearing. No one wished to speak and Mayor Berman closed the Public Hearing.

A MOTION was made by Councilmember Presmyk, seconded by Councilmember Krueger, to adopt Ordinance No. 2090 amending the Code of Gilbert by amending Chapter 2 Administration, Article II Officers and Employees, division 2 Manager, Section 2-62 Meet and Confer, and amending Subsection 2.62.1 Definitions, by defining the Town Clerk's Office and staff as confidential Employees. *Motion carried 7-0.*

**30A. CODE OF GILBERT** – conduct hearing and consider adoption of an Ordinance amending the Code of Gilbert, Arizona by amending Chapter 22 Court, Article III Appointment of Judges of the Municipal Court, Section 22-45 Selection Process – Presiding Judge related to the selection process for the Presiding Judge of the Gilbert Municipal Court.

Mayor Berman opened the Public Hearing. No one wished to speak and Mayor Berman closed the Public Hearing.

Councilmember Skousen said he feels Council should have the additional flexibility if they wish to do something and asked about qualifications. Manager Pettit stated that the qualifications are in the Code of Gilbert and not affected by this Council directed change.

A MOTION was made by Councilmember Skousen, seconded by Councilmember Krueger, to adopt Ordinance No. 2091 amending the Code of Gilbert by amending Chapter 22 Court, Article III Appointment of Judges of the Municipal Court, Section 22-45 Selection Process – Presiding Judge related to the selection process for the Presiding Judge of the Gilbert Municipal Court.

Mayor Berman commented that this is a very important appointment and should cover a broad area to find a Presiding Judge.

*Motion carried 7-0.*

### **ADMINISTRATIVE ITEMS**

**31. BOARDS, COMMISSIONS, AND COMMITTEES** reports from Council Liaisons for the:

- a) Council Subcommittee on Board and Commission Application Screening, Interview, and Selection
- b) Other Council Subcommittees
- c) Arts Advisory Board
- d) Building and Construction Regulations Code Board of Appeals
- e) Community Activities Board
- f) Congress of Neighborhoods Committee
- g) Design Review Board
- h) Economic Development Advisory Board
- i) Gilbert Educational Cable Access Governing Board.
- j) Human Relations Commission
- k) Mayor's Youth Advisory Committee
- l) Parks and Recreation Advisory Board
- m) Planning Commission
- n) Redevelopment Commission
- o) Gilbert Public Facilities MPC
- p) Gilbert Water Resources MPC
- q) Gilbert Self-Insured Trust Fund
- r) Regional Meetings
- s) Utility Board

Councilmember Abbott said there will be a Joint Meeting with Parks and Recreation on December 11.

Mayor Berman reported on the Mayor's New Years Eve Party to be held on December 31 at the McQueen Activity Center at 8:00 p.m.

### **POLICY ITEMS**

None.

## **FUTURE MEETINGS**

Councilmember Abbott asked when the last Joint Meeting with school districts was held and recommended holding them in the near future. Manager Pettit advised it was approximately two years ago. Councilmember Abbott asked if Councilmembers Skousen and Krueger could research the possibility.

Councilmember Crozier recommended a joint meeting with the Mesa and Queen Creek. Councilmember Abbott recommended that Mayor Berman talk to Queen Creek and Chandler.

Mayor Berman recommended a future meeting to discuss emergencies and who would be in charge if both the Mayor and Vice Mayor were incapacitated.

## **COMMUNICATIONS**

**32.** Report from the MAYOR on current events.

None.

**33.** Report from members of the COUNCIL on current events.

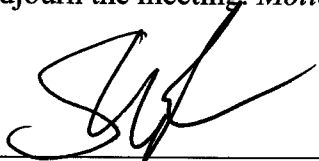
None.

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

None.

## **ADJOURN**

A MOTION was made by Councilmember Presmyk, seconded by Councilmember Krueger, to adjourn the meeting. *Motion carried 7-0.* Mayor Berman adjourned the meeting at 9:05 p.m.



Steven M. Berman, Mayor

ATTEST: ,

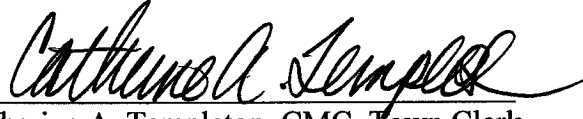


Catherine A. Templeton, CMC, Town Clerk

## **CERTIFICATION**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Town Council of the Town of Gilbert held on the 4<sup>th</sup> day of December 2007. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 19<sup>th</sup> day of December 2007.

A handwritten signature in black ink, reading "Catherine A. Templeton". The signature is written in a cursive style with a horizontal line underneath the name.

Catherine A. Templeton, CMC, Town Clerk