

**MINUTES OF THE GILBERT TOWN COUNCIL IN REGULAR MEETING,
TUESDAY, OCTOBER 9, 2007 AT 7:00 P.M., 50 EAST CIVIC CENTER DRIVE,
GILBERT, ARIZONA**

COUNCIL PRESENT: Mayor Berman, Councilmembers Abbott, Krueger, Presmyk, and Skousen

COUNCIL ABSENT: Vice Mayor Urie, Councilmember Crozier

STAFF PRESENT: Assistant Manager Skocypec, Clerk Templeton, Attorney Schwab, Principal Planner Edwards

CALL TO ORDER OF REGULAR MEETING

Mayor Berman called the meeting to order at 7:02 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Elliot, Victory Tabernacle Pentecostal Church, gave the invocation. Councilmember Krueger led the Pledge of Allegiance.

ROLL CALL

Clerk Templeton called roll and declared a quorum present.

PRESENTATIONS; PROCLAMATIONS

1. Pillar of the Month for October *Trustworthiness*.

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

2. Administer the Oath of Office to Brent Priday for the Town of Gilbert, Arizona Self-Insured Trust Fund for Health Insurance Benefits.

Mayor Berman administered the Oath of Office to Brent Priday for the Town of Gilbert, Arizona Self-Insured Trust Fund for Health Insurance Benefits.

3. Proclamation declaring October 9, 2007 as *Energy Star Change a Light Day*.

Mayor Berman read a proclamation declaring October 9, 2007 as *Energy Star Change a Light Day*.

4. Proclamation declaring the Month of October as *Family Appreciation Month*.

Mayor Berman read a proclamation declaring the Month of October as *Family Appreciation Month*, and presented the proclamation to Tim Falconer.

5. COMMUNICATIONS FROM CITIZENS

Tina Besthoff, 1561 East Sagebrush Court, Gilbert, stated that the Gilbert High School marching band would be traveling to Dublin, Ireland this year to march in the St. Patrick's Day Parade and visit Newtownabbey, Gilbert's Sister City. Ms. Besthoff explained how the band benefits the community and its residents, such as providing a positive activity for teenagers, which allows an opportunity for self-expression. Ms. Besthoff introduced three members of the marching band.

Jack Williams, 2787 East Haymore Court, Gilbert, asked Council to look into dust control, work performed at all hours of the night, damage to his vehicle, and the death of his dog due to construction at 164th Street and Riggs Road. Mr. Williams provided pictures and documentation to Council and asked them to resolve the issues.

CONSENT CALENDAR

A MOTION was made by Councilmember Presmyk, seconded by Councilmember Skousen, to approve Consent Items 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 24, 25, 27, and 28; remove Items 20, 21, 23, 26 from the Consent Calendar; and remove Consent Item 8 from the agenda. *Motion carried 5-0.*

6. ANNEXATION A07-61 – consider adoption of an Ordinance approving the annexation of approximately 28.31 acres located at the southwest corner of Baseline and Recker Roads. *A public hearing was held on September 4, 2007.*

This item was approved with the Consent Calendar. Ordinance No. 2067 was adopted.

7. AGREEMENT – consider approval of the purchase of a Maintenance Agreement through a Cooperative Purchasing Agreement with Imagine Technology in an amount not to exceed \$159,000 for the Avaya Telephone System for FY2005-08.

This item was approved with the Consent Calendar.

8. AGREEMENT – consider approval of the purchase of one BMW Motorcycle from BMW of Scottsdale through a Cooperative Purchasing Agreement in an amount not to exceed \$22,682.47.

This item was removed from the agenda; no action was taken.

9. AGREEMENT – consider approval of the purchase of 23 digital mobile radios from Motorola, Inc. through a Cooperative Purchasing Agreement in an amount not to exceed \$108,021.94.

This item was approved with the Consent Calendar.

10. AGREEMENT – consider approval of the purchase of one 2007 Ford F-450 Truck through a Cooperative Purchasing Agreement with Five Star Ford in an amount not to exceed \$98,750.99.

This item was approved with the Consent Calendar.

11. CONTRACT – consider approval of a License Agreement with Microsoft through a Cooperative Purchasing Contract with ASAP in an amount not to exceed \$200,000 for FY2005-08.

This item was approved with the Consent Calendar.

12. CONTRACT – consider approval of a Purchase Contract with Motorola, Inc., a Sole Source provider, in an amount not to exceed \$300,000 for the purchase of portable and mobile radios and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar.

13. CONTRACT – consider approval of a Purchase Contract with Zoll Medical Corporation, a Sole Source Provider, in an amount not to exceed \$270,000 for the purchase of Cardiac Monitor/Defibrillators and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar.

14. CONTRACT – consider approval of a Purchase Contract with United Fire Equipment Company, a Sole Source Provider, in an amount not to exceed \$390,000 for the purchase of Self-Contained Breathing Apparatus and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar.

15. CONTRACT – consider approval of a Cooperative Purchasing Contract with Klondyke, Inc. in an amount not exceed \$66,500 for emergency Pipeline Repair Services for FY2005-08 and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar.

16. CONTRACT – approval of the purchase of additional modules for the Town Imaging System through a Cooperative Purchasing Contract with ASAP in an amount not to exceed \$180,000.

This item was approved with the Consent Calendar.

17. CONTRACT – consider approval of a Contract renewal with Schaefer Systems International, Inc. in an amount not to exceed \$625,000 for Blue and Black 90-gallon Containers for FY2005-08 and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar.

18. CHANGE ORDER – consider approval of Amendment No. 2 to the Design-Build Services Contract with Sundt Construction, Inc. in the amount of \$37,117 for a new Water Well, 2MG Reservoir and Pump Station for Freeman Farms, Project WA058.

This item was approved with the Consent Calendar.

19. FINAL PLAT S03-12B – consider approval of the amended plat for Val Vista Classic, Parcel 2 located at the northeast corner of Val Vista Drive and Frye Road.

This item was approved with the Consent Calendar.

20. FINAL PLAT SP1132 – consider approval of the final plat for Quick Trip #469 located at the southwest corner of Baseline and Lindsay Roads.

Mayor Berman asked about the approval at this time when the building was almost complete. Engineer Allred informed Mayor Berman that the request was for approval of a land split, which would allow Quick Trip to occupy the building and comply with the building permit.

A MOTION was made by Mayor Berman, seconded by Councilmember Presmyk, to approve Item 20. *Motion carried 5-0.*

21. FINAL PLAT SP1133 – consider approval of the replat of Tract 1 of Tract 7 amended at Fiesta Ranch located at the northwest corner of Cooper and Guadalupe Roads.

No discussion.

A MOTION was made by Mayor Berman, seconded by Councilmember Presmyk, to approve Item 21. *Motion carried 5-0.*

22. EASEMENT – consider approval to grant an easement to the Arizona Public Service Company for installation of underground electric facilities for the Community Center.

This item was approved with the Consent Calendar.

23. BUDGET/PERSONNEL – consider authorizing creation of a new Special Revenue Fund for towing fees and expenses, a new job classification of Towing/Hearing Specialist at (Grade 10 \$35,594 to \$49,832); two new Towing/Hearing Specialist positions in the Special Revenue Fund; a Budget reallocation of \$150,000 of Revenue and Expense from Improvement District allowance to the special Revenue Fund to establish a Revenue and Expenditure Budget for FY2005-08; and adoption of a Resolution establishing a new rate of \$150 for the Hearing Fee.

Councilmember Abbott explained she wanted the public to be aware of revisions to the law by the State Legislature regarding towing of vehicles, the results of which mandate the addition of personnel and removing police officers from this duty. Councilmember Abbott stated that this action makes perfect sense. Police Chief Dorn explained the justifications to authorize towing a vehicle and the hearing process. Councilmember Skousen said the new regulations would create an increased load on the Court but the changes were needed. Police Chief Dorn reviewed some of the job requirements and said there would be more information on the Town Website. He said the program will be self-sustaining and will pay for the new positions.

A MOTION was made by Councilmember Abbott, seconded by Councilmember Krueger, to approve Item 23. *Motion carried 5-0.*

24. BUDGET – consider authorizing a transfer from the Streets Fund Contingency for the Safe Routes to School Program in the amount of \$18,300.

This item was approved with the Consent Calendar.

25. COURT – consider the appointment of Mr. Mike Cutchen as a Judge Pro Tempore for the Gilbert Municipal Court.

This item was approved with the Consent Calendar.

26. SPECIAL EVENT – consider waiving the fees and authorizing the use of Cosmo Park by Gabriel's Angels for a fund raising event on Saturday, March 1, 2008.

Councilmember Abbott asked staff from Gabriel's Angels to provide information about the organization and the fund raising event. A representative explained their program was to help abused children throughout the Valley and requested a fee waiver for use of Cosmo Park. Councilmember Abbott said the program was a benefit to Gilbert because the program helped find and help these children

A MOTION was made by Councilmember Abbott, seconded by Councilmember Presmyk, to approve Item 26. *Motion carried 5-0.*

27. SPECIAL EVENT – consider authorizing the use of the Gilbert Civic Center grounds and facility, provide staff and support costs, and \$2,000 from General Fund Contingency for the 2007 Veteran's Day observance on November 9, 2007.

This item was approved with the Consent Calendar.

28. MINUTES – consider approval of the minutes of the Special Meetings of September 17, and September 22, 2007 and the Regular Meeting of September 25, 2007.

This item was approved with the Consent Calendar.

PUBLIC HEARINGS

Councilmember Presmyk reported that no items were removed for discussion.

Mayor Berman opened the public hearing for items 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, and 40. No one wished to speak and Mayor Berman closed the public hearing.

A MOTION was made by Councilmember Presmyk, seconded by Councilmember Krueger, to approve public hearing items 29, 37, 39, and 40 with the emergency clause removed from Item 40. *Motion carried 5-0.*

29. LIQUOR LICENSE – conduct hearing and consider approval of a Series 12 Restaurant Liquor License for Blue Wasabi Sushi and Martini Bar located at 2080 East Williams Field Road #110.

This item was approved with the Public Hearing vote.

30. ANNEXATION A06-82 – conduct hearing on the annexation of approximately 8.7 acres located at the northwest corner of Ray Road and Santan Village Parkway.

No action required. This was a hearing only.

31. ANNEXATION A07-65 – conduct hearing on the annexation of approximately 1.12 acres located south and east of the southeast corner of Lindsay road and Mesquite Street.

No action required. This was a hearing only.

32. ANNEXATION A07-67 – conduct hearing on the annexation of approximately 39.16 acres located north and west of the northwest corner of Germann Road and Val Vista Drive.

No action required. This was a hearing only.

33. ANNEXATION A07-68 – conduct hearing on the annexation of approximately 1.03 acres located south and west of the southwest corner of Williams Field and Lindsay Roads.

No action required. This was a hearing only.

34. ANNEXATION A07-69 – conduct hearing on the annexation of approximately 6.72 acres located south and west of the southwest corner of Pecos and Lindsay Roads.

No action required. This was a hearing only.

35. ANNEXATION A07-70 – conduct hearing on the annexation of approximately 6.47 acres located south and west of the southwest corner of Guadalupe and Greenfield Roads.

No action required. This was a hearing only.

36. ANNEXATION A07-71 – conduct hearing on the annexation of approximately 1 acre located south and west of the southwest corner of Guadalupe and Greenfield Roads.

No action required. This was a hearing only.

37. ZONING Z07-88 – conduct hearing and consider adoption of an Ordinance amending the Land Development Code by amending Chapter 1 Zoning Regulations, Division 2 Land Use Designations, Article 2.6 Employment Districts, Sections 2.603 Land Use Regulations, Division 4 General Regulations, Article 4.6 Non-Conforming Uses, Lots, Parcels, Structures and Signs, Section 4.603 General Provisions and Section 4.605 Repair and Rebuilding of Damaged Structures related to permitting existing Single Family uses located in business Park zone areas to improve and expand the existing use subject to the site regulations applicable to the Single Family-43 (SF-43) Zoning District.

This item was approved with the Public Hearing vote. Ordinance No. 2068 was adopted.

38. NO ITEM.

39. PARKWAY IMPROVEMENT DISTRICTS – conduct hearing and consider adoption of

a) Resolution declaring its intention to create an improvement district to install and maintain landscaping, irrigation systems, common area walls and other improvements included within, near, and adjacent to a parkway as shown on the plans, within an area in the Town of Gilbert as described herein; adopting plans for town of Gilbert Parkway Improvement District No. PK 07-3 more particularly described herein, and declaring the work or improvement to be of more than local or ordinary public benefit, and that the cost of said work or improvement shall be assessed upon a certain district, and providing that the proposed work or improvement shall be performed under Arizona Revised Statutes Title 48, Chapter 4, Article 2, and amendments thereto, and directing staff to publish the notice of intention;

b) Resolution declaring its intention to create an improvement district to install and maintain landscaping, irrigation systems, common area walls and other improvements included within, near, and adjacent to a parkway as shown on the plans, within an area in the town of Gilbert as described herein; adopting plans for Town of Gilbert Parkway Improvement District No. PK 07-5 more particularly described herein, and declaring the work or improvement to be of more than local or ordinary public benefit, and that the cost of said work or improvement shall be assessed upon a certain district, and providing that the proposed work or improvement shall be performed under Arizona Revised Statutes Title 48, Chapter 4, Article 2, and amendments thereto, and directing staff to publish the notice of intention

c) Resolution declaring its intention to create an improvement district to install and maintain landscaping, irrigation systems, common area walls and other improvements included within, near, and adjacent to a parkway as shown on the plans, within an area in the Town of Gilbert as described herein; adopting plans for Town of Gilbert Parkway Improvement District No. PK 07-6 more particularly described herein, and declaring the work or improvement to be of more than local or ordinary public benefit, and that the cost of said work or improvement shall be assessed upon a certain district, and providing that the proposed work or improvement shall be performed under Arizona Revised Statutes Title 48, Chapter 4, Article 2, and amendments thereto, and directing staff to publish the notice of intention; and

d) Resolution declaring its intention to create an improvement district to install and maintain landscaping, irrigation systems, common area walls and other improvements included within, near, and adjacent to a parkway as shown on the plans, within an area in the Town of Gilbert as described herein; adopting plans for Town of Gilbert Parkway Improvement District No. PK 07-8 more particularly described herein, and declaring the work or improvement to be of more than local or ordinary public benefit, and that the cost of said work or improvement shall be assessed upon a certain district, and providing that the proposed work or improvement shall be performed under Arizona Revised Statutes Title 48, Chapter 4, Article 2, and amendments thereto, and directing staff to publish the notice of intention.

This item was approved with the Public Hearing Vote. Resolutions 2826, 2827, 2828 and 2829 were adopted.

40. PARKWAY IMPROVEMENT DISTRICTS – consider adoption of:

- 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. PK 07-4, Spring Meadows, 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 declaring an emergency.
- 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. PK 07-9, Morning Ridge, 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; and declaring an emergency.
- c) 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. PK 07-11, Cassia Place, 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. 2794; and declaring an emergency.

This item was approved with the Public Hearing Vote without an emergency clause. Resolution Nos. 2830, 2831 and 2832 were adopted.

ADMINISTRATIVE ITEMS

41. STREETS – report on traffic study and the Automated Traffic Management System.

Councilmember Abbott requested an anticipated completion schedule of the signal timing study discussed at the June 16 Quarterly Planning Meeting. Traffic Engineer Herb explained that staff is planning to monitor traffic generated by the opening of the Santan Mall, as the opening will change traffic patterns and will require changes as the public becomes familiar with the store locations and the best method to access the center. Engineer Herb explained about some of the traffic pattern changes and that staff is monitoring the activity. He informed Council that with funding, they might be able to retime the entire Town within a short period with the help of hired consultants or they could phase the different timing upgrades throughout the Town and complete one or two zones per year. Engineer Herb informed Councilmember Krueger that they have the ability and the hardware to retime the signals. Councilmember Skousen asked for clarification on whether staff was planning to retime traffic in the east-west direction or the north south direction. Engineer Herb explained they were reviewing traffic patterns in both directions because traffic signal timing is now east west but current traffic is more in the north-south direction. Councilmember Abbott asked for information as to whether or not conduits had been included in the roadway construction work performed by Gilbert along the freeway corridor. Engineer Herb stated that conduits for fiber optics were installed at the time of the 202 Freeway construction.

42. PARKS – report on Crossroads Park field lighting and field conditions.

Community Services Director Norman explained landscaping suffered due to the lack of water. The fields did not receive water for some time because of construction activities and poor communication with personnel. Community Services Director Norman said with lessons learned a recent inspection showed a 50 percent improvement in the condition of the fields. Councilmember Abbott expressed appreciation for the efforts of the Parks staff and the leadership of Community Services Director Norman.

Councilmember Abbott asked that discussion on field lighting be deferred to a meeting with a full Council present. Councilmember Presmyk said field lighting had been discussed at length with the Parks and Recreation Advisory Board and had a high priority and should be completed.

Assistant Manager Skocypec said staff was ready to proceed upon Council's direction. Councilmember Skousen expressed concern about plans for other field improvements. There was a brief discussion about improvements needed at different parks. Councilmember Skousen expressed concern that those parks would be overlooked because of scheduling at Crossroads Park and possible commitments made by the Parks and Recreation Advisory Board. Councilmember Presmyk explained that the Parks and Recreation Advisory Board did not make commitments and that members of the school board were present during discussions about improvements to various parks. These were ongoing discussions to determine the possibilities available to the Town. Councilmember Krueger noted that lighting the fields at Crossroads Park might make it necessary to defer some other work. Assistant Manager Skocypec said that at the direction of the Council, staff would create a report and present the different options to Council. Council directed staff to bring additional information to Council to move Crossroads Park field lighting forward.

43. 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 Presmyk reported that the Veteran's Day observance would be held at the north side of the Town hall on November 9 at 11:30 a.m. There will be food and the Higley High School band will perform. Mayor Berman asked Assistant Manager Skocyec to collect pictures of employees and Board and Commission members who are veterans to show on Channel 11 and patriotic music.

Councilmember Skousen reported on the Hispanic Heritage celebration. The program was wonderful and commended Assistant Manager Skocyec for working that day. The Commission worked hard but the attendance was low. Councilmember Abbott said the school fall break might have contributed to the low attendance.

POLICY ITEMS

None.

FUTURE MEETINGS

None.

COMMUNICATIONS

44. Report from the MAYOR on current events.

Mayor Berman reported on the opening of the Santan Village Mall. Dillard's will host an event to support the Ronald McDonald House. Mayor Berman shared his experience as a model for Dillard's and offered to sell the suit with the money going to the Ronald McDonald House.

45. Report from members of the COUNCIL on current events.

Councilmember Presmyk reported that as of October 8, early voting for the November 6 Election was available Monday through Friday and on Saturday, October 27, 2007. Councilmember Presmyk described the items to be voted on.

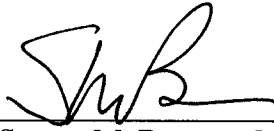
Councilmember Krueger reported that the Economic Development Advisory would be discussing the election. Attorney Schwab advised that the item would not be on the agenda.

46. Report from the TOWN MANAGER on current events.

Assistant Manager Skocyec recognized Lindsey Walker and Frances DeFlores for helping with Hispanic Heritage.

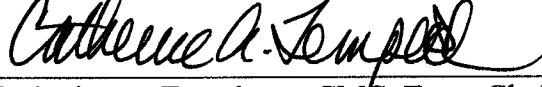
ADJOURN

A MOTION was made by Councilmember Presmyk, seconded by Councilmember Skousen, to adjourn the meeting. *Motion carried 5-0.* Mayor Berman adjourned the meeting at 8:13 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 9th day of October 2007. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 24th day of October 2007.



Catherine A. Templeton, CMC, Town Clerk