

**MINUTES OF THE GILBERT TOWN COUNCIL IN REGULAR MEETING,  
TUESDAY, AUGUST 21, 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, Krueger, Presmyk, and Skousen

**COUNCIL ABSENT:** None

**STAFF PRESENT:** Manager Pettit, Assistant Manager Skocypec, Clerk Templeton, Attorneys Goodwin and Wendell, Planning and Development Manager Mieras

**CALL TO ORDER OF REGULAR MEETING**

Mayor Berman called the meeting to order at 7:05 p.m.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

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

**ROLL CALL**

Clerk Templeton called roll and declared a quorum present.

**PRESENTATIONS; PROCLAMATIONS**

**1. Recognition of Gilbert National Little League Juniors All Star Team.**

Vice Mayor Urie recognized the Gilbert National Little League Junior All Star Team for representing the Town of Gilbert at the 2007 Little League Junior All-Star District and State Championship Tournaments. The coaches and players were introduced.

**2. Presentation of Pillar of the Month, *Responsibility*.**

Mayor Berman presented the Pillar of the Month, *Responsibility*.

**3. Presentation on the Williams Gateway Airport name change.**

Lynn Kusy, Williams Gateway Airport, gave an update on Williams Gateway Airport businesses, improvements to the facility, and efforts to update the Master Plan. Mr. Kusy explained there is a desire to rename the airport to include Phoenix in the name. Mr. Kusy reviewed the history of the name changes and Lt. Charles L. Williams for whom the original base was named after. Responses to a survey sent to several airlines indicated no one knows

where Williams Gateway Airport is located and including Phoenix in the name would address this problem. Mr. Kusy reviewed information gathered from airport managers and the reason they changed the name of the airport. He reviewed the implementation process and expectations because of the name change to Phoenix-Mesa Gateway Airport. Mr. Kusy explained they received over 150 comments on how to honor Lt. Williams.

#### 4. Presentation on the 2007 Global Village Festival.

Arts Advisory Board Chair Cress-Sweet made a presentation on the 2007 Global Village Festival and thanked the supporters and festivalgoers. Chair Cress-Sweet reported there were 170 volunteers who gave time and energy to the event. She reviewed the types of events and entertainment at the Festival and stated that all events were educational or enlightening. Chair Cress-Sweet said Global Village Festival is growing and adding countries. The parade of nations had about 40 countries that are present in Gilbert.

Councilmember Presmyk arrived, 7:40 p.m.

Gale Diesch, Vice President of Sister Cities, explained the Festival began in 2005 and she reviewed statistics showing the growth of the event. A series of charts and photographs were presented that showed the growth in revenues, expenses, and the value of in-kind contributions. The presentation reviewed the events, activities, and publicity that took place during the Festival.

Dr. Barrett, Gilbert Public Schools Superintendent, addressed Council and thanked them for the cooperative partnerships that Gilbert has with the schools. He said there is none better than Global Village Festival. Dr. Barrett explained that the schools have a World's Fair and previously they had only one venue at the schools. The Global Village Festival has allowed the children to take the projects to a larger venue. Dr. Barrett thanked the Council for their support and said he hopes the event continues to help expose children to activities such as the Global Village Festival.

Human Relations Commission Chair Smull concluded by saying culture, arts, and education are the three critical elements of the Festival. She explained that the Speakers Bureau has provided education for adults and the presentations have been recorded and hopefully, will become part of a library. Chair Smull said they reviewed a comparison of the Global Village Festival and the So Long to Summer Fest. The Global Village Festival has been in place three years and they feel the success is phenomenal. Chair Smull said the Global Village Festival compares favorably to the So Long to Summer Fest and reviewed comparisons of revenues and expenses for the two events. Chair Smull said the three critical success elements to the Global Village Festival includes Marketing Ideals, the partnership with Gilbert Public Schools, and the Coalition of the Arts Advisory Board, Human Relations Commission, and Sister Cities.

Councilmember Abbott requested additional information on the in-kind contributions and the Speakers Bureau so it can be publicized for the event. Councilmember Krueger said the Festival is a great success and asked when next year's Festival is scheduled. Ms. Smull advised it would be on April 12, 2008. Councilmember Krueger asked when the budget would come to the

Council. Ms. Smull said right now they are waiting for information from Marketing Ideals and at that time will be back with the budget. Councilmember Presmyk thanked everyone for their participation, and explained that Mesquite High has a tradition that every foreign-born student has a flag recognizing that student in the office. At the last count there were over 100 countries represented. Ms. Cress-Sweet reported that much of the entertainment is donated or at a very low cost.

## **5. COMMUNICATIONS FROM CITIZENS**

Dan Adams, 3347 East Florian, Mesa, addressed the Council and complained about his treatment in a Gilbert courtroom after being cited in error for driving under a suspended license. Mr. Adams said the judge was rude and did not allow him to defend himself and that a portion of the bond he paid was not recorded. Mr. Adams stated he had provided documents to the court from the City of Mesa dismissing the charges. Mayor Berman asked that this issue be reviewed. Manager Pettit said he would work with the Presiding Judge to file a report with Council. Councilmember Skousen asked Mr. Adams if he had filed a complaint with the Judicial Commission and Mr. Adams said he was at a loss as to where to go for help. Mr. Adams urged that Council look at the Court System and find out what is going on.

## **CONSENT CALENDAR**

A MOTION was made by Vice Mayor Urie, seconded by Councilmember Krueger, to approve Consent Items 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 19, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 49, 50, and 52; remove Items 11, 18, 33, 46, 47, and 48 from the Consent Calendar; add Items 69 and 70 to the Consent Calendar; appointing Brent Priday to the Town of Gilbert, Arizona Self-Insured Trust Fund for Health Insurance Benefits with a term ending September 30, 2010 and reinstated Keith Vaughan to the Economic Development Advisory Board to complete the term ending June 1, 2009; and approve Item 28 to waive the bidding requirements and approve the purchase of a front end loader. *Motion carried 7-0.*

**6. AGREEMENT** – consider approval of promotional agreements with the Arizona Republic for the So Long to Summer Fest and the Concerts in the Park series and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar.

**7. INTERGOVERNMENTAL AGREEMENT** – consider approval of an amendment to the Intergovernmental Agreement with the Regional Public Transportation Authority in an amount not to exceed \$1,055,974 for FY2008 Transit Services and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar.

**8. DEVELOPMENT AGREEMENT** – consider adoption of a Resolution approving a Development Agreement with Maracay San Tan, L.L.C. in an amount not to exceed \$86,992 for Roadway Median Improvements on Val Vista Drive and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar. Resolution No. 2803 was adopted.

**9. INTERGOVERNMENTAL AGREEMENT** – consider approval of an Intergovernmental Agreement with the Regional Public Transportation Authority in an amount not to exceed \$82,772 for the FY2008 East Valley Dial-A-Ride Paratransit Services and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar.

**10. INTERGOVERNMENTAL AGREEMENT** – consider adoption of a Resolution approving an Intergovernmental Agreement with the Arizona Department of Transportation for a video wall for the Traffic Management Center and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar. Resolution No. 2804 was adopted.

**11. INTERGOVERNMENTAL AGREEMENT** - consider approval of an Intergovernmental Agreement authorizing participation in the East Valley Gang and Criminal Information Fusion Center and authorize the Mayor to execute the required documents.

Councilmember Crozier asked Commander Fixel about the full-time officer being assigned and asked if there is an officer assigned full-time to ACTIC in addition to Officers Burchette and Battalion Chief Kemp, who are already assigned and spend a minimum of 10 hours per week at ACTIC. Commander Fixel advised that this new position would include 10 hours per week working with ACTEC. Councilmember Skousen commented Gilbert is blessed with the low number of known gang members compared to surrounding communities. A good deal of the problem is spillover from other communities and whatever provides intelligence and exchange of information is important.

A MOTION was made by Councilmember Crozier, seconded by Councilmember Presmyk, to approve Item 11. *Motion carried 7-0.*

**12. CONTRACT** – consider approval of renewal of the contract with Tribune Newspapers for legal advertisement for the period of September 1, 2007 through August 31, 2008 and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar.

**13. CONTRACT** – consider approval of an Engineering and Construction Management Services Contract with Wilson Engineers in an amount not to exceed \$139,077 for the Warner and Power

Roads Sewer Service Area, Project WW073, and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar.

**14. CONTRACT** – consider approval of a Construction Contract with CityWide Contracting L.L.C. in an amount not to exceed \$197,654 for the North Elm Parking Lot Expansion Project, Project RD001, and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar.

**15. CONTRACT** – consider waiving the bidding requirements and approve:

- a) a five-year contract with 3M for Pavement Marking Services in an amount not to exceed \$1,581,750 and authorize the Mayor to execute the required documents; and
- b) a two-year contract with 3M in an amount not to exceed \$316,350 plus taxes for Traffic Sign Upgrades and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar.

**16. ANNEXATION A07-32** – consider adoption of an Ordinance approving the annexation of approximately 1.01 acres located north and west of the northwest corner of Elliot and Greenfield Roads.

This item was approved with the Consent Calendar. Ordinance No. 2009 was adopted.

**17. GRANT** – consider authorizing application and acceptance of the 2007 Juvenile Accountability Grant from the Arizona Governor's Division for Children through the City of Tempe in the amount of \$2,330 and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar.

**18. CHANGE ORDER** – consider approval of Change Order No. 3 with M. A. Mortenson in the amount of \$395,265 for the Design-Build Contract for Elliot District Park – Big League Dreams, Project PR020.

Councilmember Krueger said she is continually concerned about the increasing cost of the project and is concerned about another increase. Councilmember Krueger said that because the increase is for safety items the Town should go forward with the change order and understands there are discussions with Big League Dreams to evaluate future expenditures.

A MOTION was made by Councilmember Krueger, seconded by Councilmember Presmyk, to approve Item 18.

Councilmember Crozier asked if the change orders had reached ten percent of the Guaranteed Maximum Price. Capital Projects Administrator Mood said they had not exceeded ten percent.

*Motion carried 5-2 with Mayor Berman and Councilmember Abbott casting dissenting votes.*

Councilmember Presmyk asked whether these types of items would be included in the ten percent of maximum price. Capital Projects Administrator Mood advised that everything is included.

**19. CHANGE ORDER** – consider approval of Change Order No. 8 with FCI Constructors, Inc. in the amount of \$442,642 for the Design-Build Services Contract for the South Area Service Center, Project MF040.

This item was approved with the Consent Calendar.

**20. NO ITEM.**

**21. CHANGE ORDER** – consider approval of Change Order No. with Y. S. Mantri & Associates, LLC in the amount of \$26,830 for additional Design Phase Services for the Automated Traffic Monitoring System, Project TS039.

This item was approved with the Consent Calendar.

**22. CHANGE ORDER** – consider approval of an amendment to the Intergovernmental Agreement with the City of Mesa for operation and maintenance of the 72-inch Reclaimed Water Line from the Greenfield Water Reclamation Plant to the East Maricopa Floodway, Project WW027.

This item was approved with the Consent Calendar.

**23. CHANGE ORDER** – consider approval of Change Order No. 1 to the McCloskey Peltz, Inc. Landscape Services Contract in the amount of \$27,500 for Phase One Construction Services in the Parkway Improvement Districts.

This item was approved with the Consent Calendar.

**24. CHANGE ORDER** – consider approval of Change Order No. 1 to the Construction Manager at Risk Phase II Contract with PCL Civil Constructors, Inc. decreasing the contract in the amount of \$55,633 for Arsenic Mitigation of Well No. 8 and the Surface Water Treatment Plant, Project WA043.

This item was approved with the Consent Calendar.

**25. CHANGE ORDER** – consider approval of Change Order No. 2 to the Engineering Services Contract with Dibble & Associates decreasing the contract in the amount of \$18,700 for design of the Turner Ranch Conversion Project, Project WA046.

This item was approved with the Consent Calendar.

**26. CHANGE ORDER** – consider approval of Change Order No. 1 to the Project Management Services Contract with EPS Group, Inc. decreasing the contract in the amount of \$52,957.44 for the Turner Ranch Conversion Project, Project WA046.

This item was approved with the Consent Calendar.

**27. CHANGE ORDER** – consider approval of Amendment No. 1 to the Project Management Services Contract with Stanley Consultants, Inc. decreasing the contract in the amount of \$346,849.09 for a 5 MG Reclaimed Water Reservoir adjacent to the South Wastewater Reclamation Plant, Project WW028.

This item was approved with the Consent Calendar.

**28. PURCHASE** – consider waiving the bidding requirements and approve the purchase of a 2007 Front Load Solid Waste Collection Truck from Norwood Equipment Inc. in an amount not to exceed \$195,012.40; or authorize advertisement and acceptance of bids.

This item was approved with the Consent Calendar.

**29. REQUEST FOR BIDS** – consider authorizing advertisement and acceptance of bids for improvements to Greenfield Road, Project ST082, ST106, and WW062.

This item was approved with the Consent Calendar.

**30. REQUEST FOR BIDS** – consider authorizing advertisement and acceptance of bids for Full Depth Asphalt Patchwork and miscellaneous asphalt repairs.

This item was approved with the Consent Calendar.

**31. REQUEST FOR BIDS** – consider authorizing advertisement and acceptance of bids for minor concrete repairs and utility adjustments.

This item was approved with the Consent Calendar.

**32. REQUEST FOR BIDS** – consider authorizing advertisement and acceptance of bids for Streetlight Maintenance-Equipment.

This item was approved with the Consent Calendar.

**33. REQUEST FOR BIDS** – consider authorizing advertisement and acceptance of bids for a Barricade Rental Services Agreement.

Councilmember Skousen asked about a maximum dollar amount. Streets Superintendent Yardley advised this was a service contract and could be used by all departments for barricading. He said there is an amount in the Streets budget but previously barricading was paid from preventative maintenance funds and expenditures were not tracked. The Barricading contract will allow staff to monitor expenditures in the future. Streets Superintendent Yardley advised most activity is on an emergency basis and cannot be anticipated.

A MOTION was made by Councilmember Skousen, seconded by Vice Mayor Urie, to approve Item 33. *Motion carried 7-0.*

**34. PROPERTY ACQUISITION** – consider adoption of a Resolution approving the acquisition of a right-of-way for the Ocotillo Road Water Mains Project, Project WA050.

This item was approved with the Consent Calendar. Resolution No. 2805 was adopted.

**35. FINAL PLAT S06-13** – consider approval of the amended block plat for Mountainwood Phase 1 located at the southeast corner of Riggs Road and the East Maricopa Floodway.

This item was approved with the Consent Calendar.

**36. FINAL PLAT SP866** – consider approval of the final plat for Lamoreaux Marketplace located at the northwest corner of Gilbert and Ray Roads.

This item was approved with the Consent Calendar.

**37. MAP OF DEDICATION SP990** – consider approval of the Map of Dedication for Chandler High School No. 4 located south of Queen Creek Road and east of Val Vista Drive.

This item was approved with the Consent Calendar.

**38. FINAL PLAT SP1109** - consider approval of the final plat for Gilbert 202 Commerce Center located east of the northeast corner of Gilbert and Germann Roads.

This item was approved with the Consent Calendar.

**39. MAP OF DEDICATION SP1110** – consider approval of the Map of Dedication for the Seville Ward Latter Day Saints Church located at the southeast corner of Riggs Road and 164<sup>th</sup> Street.

This item was approved with the Consent Calendar.



**40. FINAL PLAT SP1111** – consider approval of the final plat for Archstone Santan Apartments located at the northwest corner of Greenfield Road and Santan Village Parkway.

This item was approved with the Consent Calendar.

**41. STREETLIGHT IMPROVEMENT DISTRICT 07-10** – consider adoption of a Resolution creating Streetlight Improvement District 07-10 for Lakeview Trails at Morrison Ranch and ordering the improvements.

This item was approved with the Consent Calendar. Resolution No. 2806 was adopted.

**42. SPECIAL EVENT** – consider authorizing use of the Municipal Center Parking Lot at no charge by Maricopa County Animal Control on Sunday, September 9, 2007.

This item was approved with the Consent Calendar.

**43. SPECIAL EVENT-** consider authorizing use of the Council Chambers and the Municipal Center by the Human Relations Commission for the Hispanic Heritage Festival to be held on October 6, 2007 and authorize a budget amount of \$4,000.

This item was approved with the Consent Calendar.

**44. SPECIAL EVENT LIQUOR LICENSE** – consider approval of a Special Event Liquor License for the Gilbert Chamber Of Commerce for the Gilbert Community Excellence Awards on September 28, 2007 from 6:00 p.m. to 10:00 p.m. at 4415 East Village Parkway.

This item was approved with the Consent Calendar.

**45. STREETS** – consider adoption of a Resolution approving a street name change from South Soboba Street to South Beach Boulevard in the San Tan Lakeside Estates subdivision.

This item was approved with the Consent Calendar. Resolution No. 2807 was adopted.

**46. EASEMENT** – consider approval to grant an easement to Salt River Project for irrigation improvements along Warner Road adjacent to the Lindsay/Warner Village Project.

**47. EASEMENT** – consider approval to grant an easement to Salt River Project for irrigation improvements along Guadalupe Road adjacent to the Astrotronics Project.

**48. EASEMENT** – consider approval to grant an easement to Salt River Project for irrigation facilities along Germann Road and Mustang Drive adjacent to the Gilbert 202 Commerce Center.

Councilmember Presmyk declared a conflict of interest on Items 46, 47, and 48.

A MOTION was made by Vice Mayor Urie, seconded by Councilmember Abbott, to approve Items 46, 47, and 48. *Motion carried 6-0-1 with Councilmember Presmyk abstaining.*

**49. PERSONNEL/BUDGET** – consider approval of the revised classification of Telecommunications Administrator (Grade 22 \$59,509 to \$83,313 to Grade 21 \$57,516 to 80,522); approve a new classification of Polygraph Examiner (Grade 17 \$49,544 to \$69,361) and authorize the reclassification of one Background Investigator (Grade 10 \$35,594 to \$49,832) to fill the position; approve a revised classification for Sanctions Coordinator (Grade 15 \$45,559 to \$63,783) and reallocate the authorized Probation Officer (Grade 12) to this position; authorize a new classification of Civilian Patrol Assistant (Grade 10 \$35,594 to \$49,832); and authorize a new classification of Security Systems Technician (Grade 12 \$39,580 to \$55,411).

This item was approved with the Consent Calendar.

**50. PERSONNEL** – consider adoption of a Resolution amending the Personnel Rules regarding exempt pay for holidays and compensatory time administration.

This item was approved with the Consent Calendar. Resolution No. 2808 was adopted.

**51. NO ITEM.**

**52. MINUTES** – consider approval of the minutes of the Regular Meeting of July 10, 2007, the Regular Meeting of July 17, 2007, and the Special Meeting of August 7, 2007.

This item was approved with the Consent Calendar.

## **PUBLIC HEARINGS**

Vice Mayor Urie reported that Items 67 and 68 would be removed for discussion.

Mayor Berman opened the public hearing for items 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, and 66. No one wished to speak and Mayor Berman closed the public hearing.

A MOTION was made by Councilmember Presmyk, seconded by Vice Mayor Urie, to approve public hearing items 54, 60, 61, 62, 63, 65, and 66; and continue Item 64 to September 4, 2007. *Motion carried 7-0.*

**53. LIQUOR LICENSE** – conduct hearing and consider approval of a Series 10 Beer and Wine Store License for the Fresh and Easy Neighborhood Market located at 3232 East Guadalupe Road.

Mayor Berman opened the public hearing.

Mr. Guttilla, 4150 West Northern Avenue, Phoenix, said he did not wish to speak unless there was a question.

Mayor Berman closed the public hearing.

A MOTION was made by Councilmember Krueger, seconded by Councilmember Skousen, to approve Item 53. *Motion carried 7-0.*

**54. LIQUOR LICENSE** – conduct hearing and consider approval of a Series 12 Restaurant Liquor License for Wa Sushi & Teppanyaki located at 2512 South Val Vista Drive #101.

This item was approved with the public hearing vote.

**55. ANNEXATION A07-39** – conduct hearing on the annexation of approximately 52.99 acres generally located west of the Eastern Canal and south of Germann Road.

No action required. This was a hearing only.

**56. ANNEXATION A07-57** – conduct hearing on the annexation of approximately 1 acre located north and west of the northwest corner of Warner Road and Val Vista Drive.

No action required. This was a hearing only.

**57. ANNEXATION A07-58** – conduct hearing on the annexation of approximately 1.63 acres located north and east of the northeast corner of Val Vista Drive and Ray Road.

No action required. This was a hearing only.

**58. ANNEXATION A07-59** – conduct hearing on the annexation of approximately 1.08 acres located south and east of the southeast corner of Lindsay Road and Mesquite Street.

No action required. This was a hearing only.

**59. ANNEXATION A07-60** – conduct hearing on the annexation of approximately 16.39 acres located at the northeast corner of Chandler Heights Road and Val Vista Drive.

No action required. This was a hearing only.

**60. ZONING Z07-2** – conduct hearing and consider approval of the findings and adoption of an Ordinance amending the Lyon's Gate Planned Overlay Development, Phases 10 and 11 for approximately 32 total acres located at the northwest corner of Wade Drive and Williams Field Road by rezoning from Multi-Family-Low (MF/L) to Multi-Family-Medium (MF/M) and Single-Family-Detached (SF-D) and modify base zoning regulations for open space and building step-back.

This item was approved with the public hearing vote. Ordinance No. 2010 was adopted.

**61. ZONING Z07-03** – conduct hearing and consider approval of the findings and adoption of an Ordinance amending the Zoning Code of Gilbert, Chapter I Zoning Regulations, Division 4 General Regulations, Article 4.1, Site Regulations, Section 4.105 Screening of Mechanical and Electrical Equipment, Subsection B Equipment Subject to Screening Requirements, Subsections 4.105(B)(1)(f), 4.105(B)(2)(b) and 4.105(B)(3)(c) relating to description and applicability of measures to screen and secure backflow prevention devices and requirements to secure these devices.

This item was approved with the public hearing vote. Ordinance No. 2011 was adopted.

**62. ZONING Z07-37** – conduct hearing and consider approval of the findings and adoption of an Ordinance rezoning 0.8 acres at the northwest corner of Gilbert and Elliot Roads from Single Family-6 with a Heritage District overlay (SF-6 HD) to Heritage Village Center with a Heritage District overlay (HVC HD).

This item was approved with the public hearing vote. Ordinance No. 2012 was adopted.

**63. ZONING Z07-64** – conduct hearing and consider approval of the findings and adoption of an Ordinance modifying the Planned Area Development (PAD) for Central Park at Beebe Estates located generally east of Recker Road approximately ¼ mile north of Warner Road with underlying Single Family/Detached (SF/D) zoning district to allow 64% lot coverage for two story residences.

This item was approved with the public hearing vote. Ordinance No. 2013 was adopted.

**64. ZONING Z07-65** – conduct hearing and consider approval of the findings and adoption of an Ordinance rezoning approximately 19 acres located at the southwest corner of Power Road and Galveston Street from Garden Industry (I-1) with a Planned Area Development Overlay to Business Park (BP) with a Planned Area Development Overlay and to increase the maximum building height.

This item was continued to September 4, 2007 by the public hearing vote.

**65. ZONING Z07-67** – conduct hearing and consider approval of the findings and adoption of an Ordinance amending the Land Development Code of Gilbert, Chapter 1 Zoning Regulations, by amending Division 2 Land Use Designations, Article 2.5 Office Districts, Sections 2.503 Land Use Regulations and 2.506 Additional Use Regulations, related to providing for additional uses in support of principal office and other permitted uses.

This item was approved with the public hearing vote. Ordinance No. 2014 was adopted.

**66. ZONING Z07-77-** conduct hearing and consider approval of the findings and adoption of an Ordinance amending the Land Development Code of Gilbert, Arizona, Chapter 1 Zoning Regulations, by amending Division 2 Land Use Designations, Article 2.2 Multi-Family Residential Districts, Sections 2.203 Land Use Regulations and amending 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 multi-family zoned areas of the Heritage District to improve and expand the existing use subject to the site regulations applicable to the SF-D Zoning District.

This item was approved with the public hearing vote. Ordinance No. 2015 was adopted.

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

- a) 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 Parkway Improvement District No. PK07-4 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) 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 Parkway Improvement District No. PK07-9 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) 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 Parkway Improvement District No. 07-11 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.

Mayor Berman opened the Public Hearing. Mr. Al Zapata, 933 North Neilson, Gilbert, addressed Council but his comments related to Item 68 and are reflected under that item. No one wished to speak on Item 67 and Mayor Berman closed the Public Hearing.

A MOTION was made by Councilmember Crozier, seconded by Vice Mayor Urie, to adopt Resolution Nos. 2809, 2810, and 2811 to create Parkway Improvement Districts PK07-4, PK07-9, and PK07-11. *Motion carried 7-0.*

**68. PARKWAY IMPROVEMENT DISTRICTS** – 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 (PKID) No. PK-07-1 (Val Vista Park), 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 (PKID) No. PK-07-2 (Templeton 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. 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 (PKID) No. PK-07-7 (Circle G Ranches VI), 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.
- d) 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 (PKID) No. PK-07-10 (Madera Parc), 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. 2795; and declaring an emergency.

Mayor Berman opened the Public Hearing. Mr. Al Zapata, 933 North Neilson, Gilbert, addressed Council He said the project affects his property but when he learned about it the design was already complete and there was not much he could do about it. Mr. Zapata suggested some changes and said he has lived in the neighborhood for over 16 years and admired the landscaping throughout the area. Over the last few years the maintenance has been poor and this is why almost one-half million dollars is being spent on improving the area. Mr. Zapata said this is due to the contractors the Town hired and this is costing the residents money. He suggested the city

be more involved in the maintenance of these areas and said they cannot pay these fees every ten years. Mr. Zapata said he has no problem with the plants but the trees to be planted are any common trees and most of them will be ugly except for the Chinese Pistachio. He suggested planting the entire boulevard with the same trees and said Council is the only one that can change the trees. Manager Pettit said there have been neighborhood meetings that were noticed to address the scope of the improvements. Mr. Zapata said there were invitations and the fact that not everyone participated is the residents fault but only a handful participated in the decision not all the neighborhoods.

Mr. Zapata made some closing comments and said that we cannot keep doing these projects. He asked that there be more inspectors and maintenance and that the Town spend money and put beautiful trees in the boulevard. Councilmember Skousen said he agrees the inspections have been poor in the past but in some the city stepped in and picked up the tab. Attorney Wendel said the hearing tonight is to discuss ordering the improvements. Councilmember Skousen asked if he had participated in any of the meetings. Mr. Zapata said he attended one of the meetings and most of the neighbors attended but only a handful of people participated. The landscape architect is the one who selected the trees and residents had an opportunity to make changes. Mr. Zapata said this is common problem not only in Phoenix but State wide and said some cities have created a website for projects and advise the neighbors of what is planned and allow them to make comments. Mayor Berman explained the Town must post what will be discussed at least 24 hours in advance.

Marilyn Kamb, 1126 East San Pedro Avenue, Gilbert commented that she has lived in the neighborhood for over 20 years and has participated in the PKID Improvements process to make some positive changes in the neighborhood. Ms. Kamb said she is happy with changes made in the past and wants to build on these changes to make the neighborhood even better. The neighborhood is over 20 years old and it is important to give it a little facelift. Ms. Kamb said she is happy about the changes to be made in the neighborhood.

Richard Steely, 1142 East Douglas, expressed his appreciation for the hard work by the Town this past year and commended Parks Superintendent Martin and Finance/Performance Manager Archer for their efforts. Mr. Steely said he had participated in the neighborhood meetings and approved of the very prudent plans to enhance the beauty of their existing PKID. The changes will improve the quality of the neighborhood and the quality of life of the residents. Mr. Steely explained the four-step plan would allow the residents to progress through the improvements and as a result within a few years see some positive results. Mr. Steely expressed support for the plan. The trees are already in place and the residents had selected what they thought was in good taste.

Mark Mooney, 1101 East Princeton, spoke in support of the project and expressed his appreciation for the work of Town staff. Mr. Mooney said the neighborhood meetings were not well attended except for the last one. The residents who participated helped make the final decisions for the project.

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

Attorney Wendel asked that Council make the findings that the protests filed are insufficient per statutory requirements and noted that those findings are included in the Resolution. She also stated that no protests as to the extent of the boundaries were received and that reflects the records of the Town Clerk as well as information presented tonight. The findings are included in the Resolution.

A MOTION was made by Councilmember Krueger, seconded by Councilmember Crozier, to adopt Resolution Nos. 2812, 2813, 2814 and 2815 ordering improvements for Parkway Improvement districts PK07-1, PK07-2, PK07-7 and PK07-10. *Motion carried 7-0.*

## **ADMINISTRATIVE ITEMS**

**69. BOARDS AND COMMISSIONS** – consider the appointment of one individual to the Town of Gilbert, Arizona Self-Insured Trust Fund for Health Insurance Benefits with term ending September 30, 2010.

This item was approved with the Consent Calendar. Brent Priday was appointed with term ending September 30, 2010.

**70. BOARDS AND COMMISSIONS** – consider the re-instatement of Keith Vaughan to the Economic Development Advisory Board.

This item was approved with the Consent Calendar. Keith Vaughan was reinstated to the Economic Development Advisory Board completing the term ending June 1, 2009.

**71. ZONING** – discussion and direction regarding zoning of 1.8 acres of Light Industry (L-2) located near Greenfield and Ryan Roads.

Manager Pettit advised Council that a description of the situation that arose in Gilbert because of enacting the revised zoning ordinance in 2005 was included in their Agenda Packets. Manager Pettit explained that in developing the revised zoning code, staff did not recognize a previous zoning action affecting a property on Ryan and Greenfield Roads. The property owner is requesting the original use and right be reinstated and staff is requesting direction from Council on resolution of the issue. He explained the two options presented in the staff report.

Councilmember Krueger asked for clarification that under the current land use that was adopted in 2003 the appropriate manner for restoring the land use designation is the use permit process. Manager Pettit advised that was one option that staff is reviewing. He explained running a trucking business in SF-35 is not allowed and staff wants to know how Council wants them to proceed to reinstate the property's original use. If Council wishes to re-instate zoning approved in 1995, which would allow improvements to the business operation, then a motion to authorize a no-cost zoning case would be needed.

Manager Pettit recommended postponing this item to September 4, 2007.



Councilmember Crozier stated that former Mayor Brown advised that Council should restore the original zoning. Councilmember Abbott recommended postponing the item to allow time to gather more background information. Manager Pettit said Council's information included minutes from the 1995 action but if Council wanted to do a use permit or some other action, the item should be postponed. If Council wants to re-instate the original zoning then a motion would be appropriate but if they decide on another option that would not allow improvements to the business, then a postponement would be needed. There was a brief discussion on the available options and Councilmember Presmyk's request for clarification on the effect of Ordinance 913 in 1995.

A MOTION was made by Councilmember Krueger, seconded by Councilmember Abbott, to continue the item to September 4, 2007.

Councilmembers asked if a re-instatement zoning would include noise and buffering issues. Manager Pettit advised that it would need to conform to the noise ordinance.

*Motion carried 7-0.*

**71A. SPECIAL EVENTS** – consider authorizing Town staff, facilities, and resources to support the Constitution Week Program as developed by the Constitution Week Committee.

Manager Pettit informed Council this was added after the Council Retreat to allow discussion on the event and representatives are here from Gilbert Public Schools.

Keith Vaughn, Gilbert Public Schools, addressed Council and stated Jack Blanchard was present. Mr. Blanchard said he hoped to clear up some of the inaccuracies and said that it has been on their agenda because it is on the Intergovernmental Agreement with the Town. This year, depending upon what Council decides, their position might change. At this time there is a rental agreement with Constitution Week but at this point they have not received the insurance policy. In addition, it is his understanding that no permit has been granted for fireworks. Mr. Blanchard asked that there be a minimum of four Gilbert Police Officers, as they are not in favor of the Arizona Rangers doing security. They would require that four Gilbert officers be on site during the event. Mr. Blanchard also asked that there be medical on-site and he is asking that they guarantee that Southwest Ambulance will be on-site and provide medical service.

Councilmember Presmyk said it was described as providing officers at the same level as a football game. Mr. Blanchard said four is the minimum they have for a Friday night football game. Councilmember Abbott said at the retreat Council asked about insurance and the Arizona Rangers and Mr. Norton made it clear the request was for traffic control on the exterior and the police officers. He said there was a firm commitment from Southwest Ambulance and that they had insurance coverage. Councilmember Abbott said she would like to continue with what was committed to Mr. Norton for traffic on the outside and four internal officers inside.

Councilmember Skousen said he understood Mr. Norton would be here to respond. The statute allows the Rangers to operate if asked by a police agency. Council made it clear that they would

not be under the direction of the Gilbert Police Department. Councilmember Abbott said if the plan is formalized she would like to see the police officers, school security personnel, and Constitution Week personnel meet to discuss the parameters so that everyone is on the same page. Manager Pettit recommended that Chief Dorn be responsible for traffic staffing and working with the Street Department. Attorney Goodwin asked that the level of support by the Town not be considered sponsorship of the event.

Mike McClellan, 210 North Heritage Drive, said he is for Constitution Week as long as the support for police and public safety is provided. He said he feels that it is a fantastic event although he had concerns with partisanship in the past. Mayor Berman asked Mr. McClellan if he was satisfied with the mix of participation this year. Mr. McClellan stated he is not involved in the planning this year and was not aware of the type of participation. Councilmember Presmyk explained that he would be disappointed if efforts to improve participation did not provide some significant changes.

Councilmember Crozier commented that it appears the issue has been resolved as members of the Democratic Party were invited and they have participated in the planning.

Vice Mayor Urie asked about the deadline to apply for a fireworks permit. Fire Chief DeWitt explained the permit would be needed in time for the shooter to plan the types of fireworks. Manager Pettit advised the Town usually asks for three weeks to allow for adequate review. He said that Chief DeWitt represented accurately that they have made accommodations in the past.

Mr. Blanchard advised they need the insurance certificate three weeks prior to the event.

Manager Pettit said the motion as he understands it would include no town sponsorship of the event, Town will provide internal security and sufficient officers for traffic control and that street signage and barricades be provided and banner space at no cost.

Vice Mayor Urie said there is concern about the fireworks permit and insurance for the school.

Mr. Norton advised that the insurance has been obtained. Mr. Norton said he would check with the fireworks company on the permit application.

A MOTION was made by Councilmember Presmyk, seconded by Councilmember Abbott, to include no town sponsorship of the event, Town will provide internal security and sufficient officers for traffic control and that street signage and barricades be provided and banner space at no cost *Motion carried 7-0.*

**71B. SPECIAL EVENTS** – discussion and direction regarding the Holiday Concert at the Court.

Manager Pettit said this was discussed at the Council Retreat and placed on the agenda so Council could take action.

Councilmember Abbott said last night the Arts Advisory Board met with the Judge and because of the short timeframe they are asking for this event to be postponed.

**71C. COUNCIL ADMINISTRATION** – consider establishing dates for Special Council Meetings for Quarterly Council Retreats for FY07-08.

Manager Pettit reviewed direction from Council related to a special Saturday meeting for CIP and Quarterly Planning Meetings. Councilmember Abbot requested that the proposed May 10, 2008 Planning Meeting be moved up to April so as not to coincide with the budgeting process. Manager Pettit suggested that Council could discuss budget issues at the February meeting. Councilmember Abbot said they could approve the identified meeting dates and if a change was needed later, they could do so. Councilmember Presmyk suggested as in previous years, to use non meeting-Tuesdays to meet to discuss budget items. There was discussion on the proposed meeting dates and the consensus was to approve the proposed dates.

A MOTION was made by Councilmember Presmyk, seconded by Councilmember Krueger, to approve September 22, 2007, November 10, 2007, February 2, 2008 and May 10, 2008 for Planning Meetings. *Motion carried 7-0.*

**72. 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 Krueger said she has served as Liaison to the Planning Commission and Design Review Board and she enjoyed working with them.

Councilmember Abbott asked that staff notify the Board members and staff members of the Liaisons. She said she has already been notified that several people are interested in the Environmental/Energy Commission. Councilmember Abbott will be attending an upcoming environmental and energy expo in October.

Manager Pettit advised that the Clerk notifies the Boards and Commissions and staff of changes in the liaisons.

## **POLICY ITEMS**

**72A. COUNCIL ADMINISTRATION** – consider the repeal of Policy 1992-01, Collective Bargaining for Town employees and authorize the Manager to secure professional services, including special counsel and draft an Ordinance allowing meet and confer activities by Town employees.

Manager Pettit said this is a policy item for discussion and would repeal Policy 1992-01, Collective Bargaining for Town employees and authorize the Manager to secure professional services, including special counsel, and draft an Ordinance allowing meet and confer activities by Town employees.

A MOTION was made by Councilmember Abbott, seconded by Councilmember Crozier, to repeal Policy 1992-01, Collective Bargaining for Town employees and authorize the Manager to secure professional services including special counsel and draft an Ordinance allowing meet and confer activities by Town employees. *Motion carried 7-0.*

## **FUTURE MEETINGS**

None.

## **COMMUNICATIONS**

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

None.

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

Councilmember Crozier reminded everyone this is Drowning Awareness Month and to watch the children when near water.

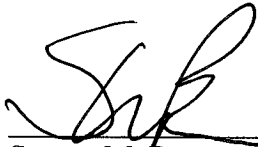
Councilmember Abbott confirmed with Manager Pettit that a public service announcement is being aired regarding leaving children and pets in cars.

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

Manager Pettit reminded Council of the tours and events at the South Area Service Center on Thursday, August 23. The Town is kicking off their United Way Campaign with a Bowling Tournament on Saturday, August 25.

**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 9:33 p.m.

  
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Steven M. Berman, Mayor

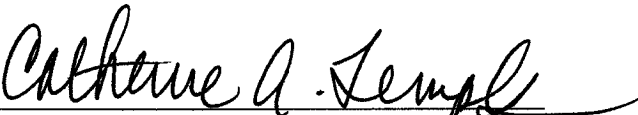
ATTEST:

  
\_\_\_\_\_  
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 21st day of August 2007. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 5<sup>th</sup> day of September 2007.

  
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Catherine A. Templeton, CMC, Town Clerk