

gilbert



Council Meeting Agenda August 3, 2021

Members may attend in person or by telephone.

Brigette Peterson, *Mayor* • Yung Koprowski, *Vice Mayor*
Scott Anderson • Laurin Hendrix • Scott September • Kathy Tilque • Aimee Yentes

Regular Meeting
6:30 PM

Gilbert Public Safety Training Facility, Atlas Auditorium
6860 S. Power Road
Gilbert, Arizona

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

Your Town Council is very appreciative of the honor to serve. In performing our roles and functions, we use iPads and/or laptops at our meetings as well as monitors on the dais, which contain the materials of the agenda items before us this evening. If you notice our eyes on these electronic devices, it is not due to lack of attentiveness to speakers, as we are actively listening to all who are speaking and at the same time following along in our packets that the staff has prepared for us this evening.

Upon a public majority vote of a quorum of the Town Council, the Town Council may hold an executive session for legal advice on any item listed on this agenda pursuant to A.R.S. § 38-431.03(A)(3). This notice is given pursuant to A.R.S. § 38-431.02.

Meeting Protocol

Items on agenda may be shortened, continued to a future public meeting, or taken out of order. Participants will be allotted a limited amount of time to speak at public meetings (the exact amount of time will be determined at the meeting by the Mayor depending on the number of participants, as permitted by Town Code and State Law).

Remote Viewing

For those who want to view Town Council meeting without attending in person, a live stream of the meeting will be broadcast online at <https://gilbertaz.gov/gilbertlive>. Meetings are also recorded and available for view anytime on the [Gilbert Live](#) website.

Any member of the public who wishes to address the public body at [Town Council](#) meetings can attend in person or choose one of the following options:

Email

By 5 p.m. the day before the [Town Council](#) meeting, email comments to councilmeeting@gilbertaz.gov. All emails received by this deadline will be distributed to members of the public body for their review and consideration but will not be read aloud at the meeting. Emails sent after the deadline will be disregarded and not be included in

the public record. In the email, please identify your name, city/town of residence, and either state that your comment pertains to the Communications from Citizens section of the public meeting or identify the particular Public Hearing item that your comments concern.

Online Comment Card

By 12 p.m. the day of the Town Council meeting, submit an online [public comment card](#) and indicate whether you are for or against the public hearing item. Online comment cards not submitted by the deadline will not be read at the meeting.

AGENDA ITEM

CALL TO ORDER

INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation may be offered by a person of any religion, faith, belief or non-belief, as well as Councilmembers. A list of volunteers is maintained by the Town Clerk and interested persons should contact the Clerk for further information.

Mayor invites all scouts present to the front of the Council Chambers.

Pledge of Allegiance and introduction and recognition of scouts.

Invocation by Dr. Dan Mooney, Pastor with Elliot Road Baptist Church.

ROLL CALL

PRESENTATIONS; PROCLAMATIONS

- 1 PROCLAMATIONS - Proclamations that were issued and not presented during a Council Meeting are as follows:

Proclamation declaring the month of August 2021 as Child Support Awareness Month.

- 2 RECOGNITION - Recognition of Brie Chiarella as Ms President US Gilbert based on her campaign for animal rights.

COMMUNICATIONS FROM CITIZENS

At this time, members of the public may comment on matters within the jurisdiction of the Town but not on the agenda. The Council's response is limited to responding to criticism, asking staff to review a matter commented upon, or asking that a matter be put on a future agenda.

CONSENT CALENDAR

All items listed below are considered consent calendar items and may be approved by a single motion unless removed at the request of Council for further discussion/action. Other items on the agenda may be added to the consent calendar and approved under a single motion.

- 3 INTERGOVERNMENTAL AGREEMENT – consider approval of:
 - a) adoption of a Resolution approving Amendment No. 3 to Intergovernmental Agreement No. 319000354 with The City of Mesa for Crime Scene Services and Specified Laboratory Services and authorize the Mayor to execute the required documents; and
 - b) a Contingency Transfer from the General Fund to the Police General Fund in the amount of \$52,000 for FY2022.
- 4 AGREEMENT – consider approval of Agreement No. 321000429 with Salt River Project (SRP) and participating entities for the shared costs associated with seeking to obtain approval for Operation of the Flood Control Space in Modified Roosevelt Dam under a Temporary Deviation to Water Control Plan, and authorize the Mayor to execute the required documents.
- 5 CONTRACT – consider approval of a Cooperative Purchase Agreement No. 321000476 with Graybar Electric Company Inc. utilizing Kansas City, Missouri (OMNIA Partners) Cooperative Purchasing Contract No. EV2370 in an amount not to exceed \$150,000 annually for electrical, lighting, data communications and security products and related products and services, and authorize the Mayor to execute the required documents.
- 6 CONTRACT – consider approval of the following Cooperative Purchasing Agreements for Water and Wastewater Motor, Pump, Well Repair and Replacement Services utilizing City of Mesa Cooperative Purchasing Contract No. 2020112 and authorize the Mayor to execute the required documents for:
 - a) Cooperative Purchase Agreement No. 321000452 with Hennesy Mechanical Sales (HMS), LLC in an amount not to exceed \$500,000;
 - b) Cooperative Purchase Agreement No. 321000453 with Southwest Waterworks Contractors PM, LLC dba Pumpman Waterworks in an amount not to exceed \$500,000;
 - c) Cooperative Purchase Agreement No. 321000454 with Weber Water Resources LLC in an amount not to exceed \$600,000; and
 - d) Cooperative Purchase Agreement No. 321000455 with Phoenix Pump, Inc. in an amount not to exceed \$150,000.

- 7 CONTRACT – consider approval of Task Order No. 26 to Job Order Contract (JOC) Contract No. 319001058 with Sunland Asphalt in an amount not to exceed \$537,516.20 for Turn Lane Safety and Congestion Improvements, Project No. ST1540, and authorize the Mayor to execute the required documents.
- 8 CONTRACT – consider approval of expenditures under Contract No. 320000248 with Motorola Solutions, Inc. in an amount not to exceed \$188,496.42 for providing Public Safety with two-way radios, and authorize the Mayor to execute the required documents.
- 9 CONTRACT – consider approval of the purchase of five (5) vehicles for various departments pursuant to:
 - a) Cooperative Purchase Agreement No. 319000038 with San Tan Ford in an amount not to exceed \$137,820.21;
 - b) Cooperative Purchase Agreement No. 319000032 with Courtesy Chevrolet in an amount not to exceed \$49,640.74, and authorize the Mayor to execute the required documents;
 - c) a Contingency Transfer from the General Fund in the amount of \$94,329.77;
 - d) a Contingency Transfer from the General Replacement Fund in the amount of \$49,640.74; and
 - e) a Contingency Transfer from the Wastewater Replacement Fund in the amount of \$43,490.44.
- 10 CONTRACT – consider approval of:
 - a) expenditures utilizing Contract No. 319001233 with Sentinel Technologies, Inc. in an amount not to exceed \$266,000 for providing VMware infrastructure products and services and authorize the Mayor to execute the required documents; and
 - b) a Contingency Transfer from the General Fund in the amount of \$266,000.
- 11 CONTRACT – consider approval of:
 - a) Task Order No. 3 to Job Order Contract (JOC) Contract No. 320000230 with Haydon Building Corporation in an amount not to exceed \$352,391.85 for 16" Power Road Water System Loop, Project No. WA1544, and authorize the Mayor to execute the required documents; and
 - b) A Contingency Transfer for the Water Fund in the amount of \$268,000.
- 12 BUDGET - Consider approval of a Contingency Transfer from the General Fund

Contingency to the Water Tower Plaza budget in the amount of \$53,400 for the Water Tower Plaza water feature improvement project.

- 13 FINAL PLAT S21-08 - consider approval of the final plat for The Shops at Evans Ranch Condominium located north of the northeast corner of Val Vista Drive and Riggs Road.
- 14 LEGAL – consider approval of a settlement agreement with Sierra Signs & Service, Inc., resulting in a payment to the Town of \$20,000, and transfer of outfield graphic files; and authorize the Mayor to execute the required documents and the Town Manager to take all actions necessary to effect such settlement.
- 15 RISK MANAGEMENT - consider acceptance of the Risk Management Quarterly report for the Fiscal Year 2021 Quarter 4.
- 16 MINUTES - consider approval of the minutes for the Regular Meeting of June 15, 2021, Study Session of June 15, 2021, and Special Meeting of June 14, 2021.

PUBLIC HEARING

Items will be heard at one Public Hearing; at which time anyone wishing to comment on a Public Hearing Item may do so. Comments will be heard from those in support of or in opposition to an item. Hearings are noticed for 6:30 p.m.

In order to comment on a Public Hearing Item, you must fill out a public comment form, indicating the Item Number on which you wish to be heard. Once the hearing is closed, there will be no further public comment unless requested by a member of the Council. After the Public Hearing, the Council may act on all items not requiring additional staff, public, or Councilmember comment with a single vote.

- 17 LIQUOR LICENSE – conduct hearing and consider approval of a Series 7 Beer and Wine Alcohol License for Palace Nail Lounge located at 5052 South Power Road, Suite 103.
- 18 LIQUOR LICENSE – conduct hearing and consider approval of a Series 7 Beer and Wine Alcohol License for GCM Liquor located at 118 North Gilbert Road.
- 19 LIQUOR LICENSE – conduct hearing and consider approval of a Series 7 Beer and Wine Alcohol License for Wicked Rain A PNW Craft Beer Bar located at 1817 East Baseline Road, Suite 101.
- 20 LIQUOR LICENSE – conduct hearing and consider approval of a Series 10 Wine and Beer Store Alcohol License for Ray Quick Mart located at 797 East Ray Road.
- 21 LIQUOR LICENSE – conduct hearing and consider approval of a Series 12 Restaurant Alcohol License for Cracker Barrel #763 located at 1799 North Higley Road.

- 22 LIQUOR LICENSE – conduct hearing and consider approval of a Series 12 Restaurant Alcohol License for Sushi Rock and Grill located at 3306 South Higley Road, Suite 105.
- 23 LIQUOR LICENSE – conduct hearing and consider approval of a Series 12 Restaurant Alcohol License for Social Axe Throwing located at 2530 South Val Vista Road, Suite 103.
- 24 LIQUOR LICENSE – conduct hearing and consider approval of a Series 12 Restaurant Alcohol License for Flower Child located at 1950 East Williams Field Road, Suite 101.
- 25 LIQUOR LICENSE – conduct hearing and consider approval of a Series 12 Restaurant Alcohol License for Surf City Sandwich located at 5482 South Power Road, Suite 101.
- 26 ANNEXATION A21-02 - conduct hearing on the proposed annexation of approximately 14 acres located at east of the southeast corner of Recker (Sanders) and Warner Roads.
- 27 GENERAL PLAN GP20-04/ZONING Z20-09 – conduct hearing and consider:
 - a) adoption of a Resolution approving a Minor General Plan Amendment to change the land use classification of approx. 5.0 acres generally located west of the southwest corner of Val Vista and ray Roads from Residential > 2-3.5 DU/Acre to Residential > 3.5-5 DU/Acre; and
 - b) approval of the findings and adoption of an Ordinance for rezoning approx. 5.0 acres of real property generally located west of the southwest corner of Val Vista and Ray Roads from Single Family-35 (SF-35) zoning district to Single Family-Detached (SF-D) zoning district with a Planned Area Development overlay zoning district (PAD).
- 28 CODE OF GILBERT - conduct hearing and consider adoption of an Ordinance amending the Code of Gilbert, Arizona, Chapter 66 Utilities, by amending Article VIII Water Conservation, by amending Section 66-351 Definitions related to the definitions of “Non-per Capita Conservation Program or NPCCP”; by amending Section 66-352 Water Conservation Officer relating to section implementation; by amending Section 66-355 Limitations on new water features related to children’s recreation features; by amending Section 66-362 Landscaping in new Single-Family and Multi-Family developments related to percentage of allowable water intensive landscaped area for reclaimed water using developments and certain irrigation system requirements; by amending Section 66-363 Model homes in new residential developments related to certain irrigation system requirements; by deleting Section 66-371 Water Conservation Plans; by amending Section 66-372 Landscaping in

non-residential developments related to percentage of allowable water intensive landscaped area for reclaimed water using developments and certain irrigation system requirements; providing for repeal of conflicting ordinances; and providing for severability.

- 29 CODE OF GILBERT - conduct hearing and consider adoption of an Ordinance amending the Code of Gilbert, Arizona, Chapter 66 Utilities, by amending Article VIII Water Conservation, by amending Section 66-380 Purpose of Plan; amendments by making technical changes; by amending Section 66-381 Declaration of Stages related to the causes of declaration for each stage; by amending Section 66-382 Public Notice relating to stage names; by amending Section 66-383 Mandatory Actions related to sale of construction water and construction of new water features during certain stages; by amending Section 66-384 Enforcement related to technical amendments pertaining to enforcement actions; providing for repeal of conflicting ordinances; and providing for severability.
- 30 CODE OF GILBERT - conduct hearing and consider adoption of an Ordinance amending the Code of Gilbert, Arizona, by amending Chapter 1 General Provisions, Article II Mayor and Council, Division 3 Rules of Order and Procedure, Sections 1-86 Regular Meetings; Study Sessions, 1-87 Special Meetings, 1-92 Order of Business, 1-95 Addressing the Council, and 1-96 Disruption of Meeting; Penalty; and providing for repeal of conflicting ordinances.

ADMINISTRATIVE ITEMS

Administrative Items are for Council discussion and action. It is to the discretion of the majority of the Council regarding public input requests on any Administrative Item. Persons wishing to speak on an Administrative Item should complete a Request to Speak Form and indicate the Item they wish to address. Council may or may not accept public comment.

- 31 **BOARDS, COMMISSIONS, AND COMMITTEES** - reports from Council Liaisons for the:
- a) Council Subcommittees
 - b) Ad Hoc Committees
 - c) Regional Meetings
 - d) Industrial Development Authority
 - e) Judicial Selection and Advisory Board
 - f) Mayor's Youth Advisory Committee
 - g) Parks and Recreation Board
 - h) Planning Commission
 - i) Police and Fire Public Safety Personnel Retirement System (PSPRS) Local Pension Boards
 - j) Redevelopment Commission
 - k) Town of Gilbert, AZ Deferred Compensation Trust Board
 - l) Town of Gilbert, AZ Public Facilities Municipal Property Corporation
 - m) Town of Gilbert, AZ Self-Insured Trust Fund Board

- n) Town of Gilbert, AZ Water Resources Municipal Property Corporation
- o) Utilities Board
- p) Veterans Advisory Board

POLICY ITEMS

FUTURE MEETINGS

There may be a discussion of whether to place an item on a future agenda and the date, but not the merits of the item.

COMMUNICATIONS

Report from the TOWN MANAGER on current events.

Report from the COUNCIL on current events.

Report from the MAYOR on current events.

RECESS REGULAR MEETING AND RECONVENE IN EXECUTIVE SESSION

a) Pursuant to A.R.S. §§ 38-431.03(A)(3), (4), (7), legal advice from the Town Attorney and discussion and consultation with Town representatives concerning condemnation litigation entitled Town of Gilbert v. Central Christian Church Arizona, et al., Maricopa County Superior Court Case No. CV2019-052212.

b) Pursuant to A.R.S. §§ 38-431.03(A)(3), (4), (7), legal advice from the Town Attorney and discussion and consultation with Town representatives concerning disposition or encumbrance of a Town-owned parcel near the northwest corner of Greenfield and Ocotillo Roads.

ADJOURN EXECUTIVE SESSION AND RECONVENE REGULAR MEETING

ADJOURN

NOTICE TO PARENTS: Parents and legal guardians have the right to consent before the Town of Gilbert makes a video or voice recording of a minor child. A.R.S. 1-602.A.9. Gilbert Council Meetings are recorded and maybe viewed on Gilbert Live website. If you permit your child to participate in the Council Meeting, a recording will be made. If your child is seated in the audience your child may be recorded, but you may request that your child be seated in a designated area to avoid recording. Please submit your request to the Town Clerk.