



COUNCIL MEETING AGENDA

August 3, 2017

Members may attend in person or by telephone.

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

Scott Anderson
Eddie Cook
Brigette Peterson

Jordan Ray
Jared Taylor

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

**Regular Meeting
6:30 PM**

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

ADDENDUM 2

CODE OF GILBERT - discussion and direction to staff regarding the Town Code provision related to cost of living adjustments to Council compensation.

ADDENDUM

LEGAL - consider authorizing the Town Manager to sign the proposed settlement with Taylor Morrison/Arizona, Inc. of Town of Gilbert v. Taylor Morrison/Arizona, Inc., Maricopa County Superior Court Case No. CV2015-096632, in the amount of \$337,500.

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. Thor Strandholt, Valor Christian Center.

ROLL CALL

PRESENTATIONS; PROCLAMATIONS

- 1 Proclamation declaring August 2017 as Drowning Impact Awareness Month.

COMMUNICATIONS FROM CITIZENS

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

CONSENT CALENDAR

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

- 2 INTERGOVERNMENTAL AGREEMENT – consider approval of Intergovernmental Agreement No. 2018-2106-0032 with Maricopa County to waive traffic control permit fees and authorize the Mayor to execute the required documents.
- 3 INTERGOVERNMENTAL AGREEMENT – consider approval of an amendment 1 to Agreement No. 2017-1105-0453 with Maricopa County for the County's use of certain Town property located north of the northwest corner of Higley Road and Ocotillo Road and if it becomes necessary to relocate electrical lines associated with an easement granted by the Town, Maricopa County will pay all costs associated with such relocation and with restoring the easement area and authorize the Mayor to execute the required documents.
- 4 DEVELOPMENT AGREEMENT – consider approval and authorize the Mayor to execute the required documents for:
 - a) adoption of a Resolution approving a Development Reimbursement Agreement with Agritopia Epicenter, LLC. for development of a mixed-use project consisting of approximately 55,300 square feet of commercial space and 287 multi-family units with reimbursement of up to \$500,000 for the cost of construction of the off-site improvements and up to \$817,772 for permit and plan review fees; and
 - b) approval of a Contingency Transfer in the amount of \$1,317,772 from the Economic Development Reserve Fund.
- 5 DEVELOPMENT AGREEMENT – consider approval and authorize the Mayor to execute the required documents for:

- a) adoption of a Resolution approving a Development Agreement with GoDaddy.com, LLC for the purpose expanding GoDaddy operations in Gilbert; and
- b) approval of a Contingency Transfer in the amount of \$836,000 from the Economic Development Reserve Fund.
- 6 AGREEMENT – consider approval of Agreement No. 2018-2105-0026 with The Greater Phoenix Economic Council in an amount not to exceed \$105,498 for services in FY2018 and authorize the Mayor to execute the required documents.
- 7 AGREEMENT – consider approval of License Agreement No. 2018-2105-0018 with Alexander Building Company, Inc. in an amount not to exceed \$1,624.75 payable to the Town of Gilbert for construction trailer, construction staging and subcontractor purposes of Alexander Building Company located at 335 N. Gilbert Road commencing on July 17, 2017 and continuing for a period of five (5) months with the option of renewing one (1) additional month and authorize the Mayor to execute the required documents.
- 8 AGREEMENT – consider approval of Cooperative Purchasing Agreement No. 2018-4107-0017 with Hills Brothers pursuant to a Pima County contract in an amount not to exceed \$180,000 for wastewater system odor and corrosion control chemicals for the period ending June 30, 2018 with the option to renew for four (4) additional one (1) year terms and authorize the Mayor to execute the required documents.
- 9 AGREEMENT – consider approval of expenditures under Cooperative Purchase Agreement No. 2015-1103-0426 with RUSH Truck Centers of Phoenix in an amount not to exceed \$2,772,000 including taxes for the purchase of nine (9) residential refuse Automated Side Loader (ASL) vehicles and authorize the Mayor to execute the required documents.
- 10 CONTRACT – consider approval of Project Management/Construction Management (PM/CM) Services Contract No. 2017-2106-0634 with TriStar Engineering & Management, Inc. in an amount not to exceed \$334,080 for the Heritage District Transportation Improvements, Project No. RD211, and authorize the Mayor to execute the required documents.
- 11 CONTRACT – consider approval of Construction Management Services Contract No. 2018-2106-0008 with Stanley Consultants in an amount not to exceed \$487,256 for Heritage District Waterline Project, Project No. WA125, and authorize the Mayor to execute the required documents.
- 12 CONTRACT – consider approval of Architectural/Engineering (A/E) Services Contract No. 2017-2106-0591 with Kimley-Horn and Associates in an amount not to exceed \$1,188,739 to provide the design and engineering services for Rittenhouse District Park - Phase 1, Project No. PR032, and authorize the Mayor to execute the

- required documents.
- 13 CONTRACT – consider approval and authorize the Mayor to execute the required documents for:
- a) Architectural/Engineering (A/E) Services Contract No. 2017-2106-0621 with HAD Architects, LLC in an amount not to exceed \$2,584,382 for design and engineering services of the Gilbert Public Safety Training Facility, Project No. MF040;
 - b) Project Management/Construction Management (PM/CM) Services Contract No. 2017-2106-0625 with CookDZ, LLC in an amount not to exceed \$487,920 for project management services during the design phase of the Gilbert Public Safety Training Facility, Project No. MF040; and
 - c) Pre-Construction Services Contract No. 2017-2106-0626 with CORE Construction, Inc. in an amount not to exceed \$396,405 for professional pre-construction services during the design phase of the Gilbert Public Safety Training Facility, Project No. MF040.
- 14 CONTRACT – consider approval of Professional Consulting Services Contract No. 2017-2106-0650 with Kimley-Horn and Associates, Inc. in an amount not to exceed \$565,000 for the American with Disabilities Act (ADA) Assessment and Transition Plan for Town facilities, Project No. MF238, and authorize the Mayor to execute the required documents.
- 15 CONTRACT – consider approval of Architectural/Engineering (A/E) Services Contract No. 2018-2106-0010 with NFra Inc. in an amount not to exceed \$173,584 for the Recker Road - 660' North of Ray to 1,320' North project, Project No. ST096, and authorize the Mayor to execute the required documents.
- 16 CONTRACT – consider approval and authorize the Mayor to execute the required documents of:
- a) expenditures under Contract No. 2015-1105-0447 with Motorola Solutions in an amount not to exceed \$281,400 to provide Public Safety two way radios and associated test equipment; and
 - b) a Contingency Transfer from the Capital Improvement Project (CIP) Contingency Fund to the Police System Development Fee Funds in the amount of \$193,000 for the purchase of eligible communication equipment that is growth related.
- 17 CHANGE ORDER – consider approval of Change Order No. 1 to Architectural/Engineering (A/E) Services Contract No. 2017-2106-0631 with BWS Architects increasing the contract amount by \$36,093 for engineering services to add water line design for Heritage District Transportation Improvements, Project No.

RD211, and authorize the Mayor to execute the required documents.

- 18 FEES - consider adoption of the System Development Fee Schedules for Water and Wastewater pursuant to Arizona Revised Statutes (ARS) Section 9-463.05 to be effective October 17, 2017.
- 19 ABANDONMENT S14-08-B - consider adoption of a Resolution of Abandonment for a portion of three existing easements crossing the proposed Marathon Ranch subdivision, located south and east of the intersection of Val Vista Drive and Riggs Road.
- 20 FINAL PLAT S14-08-B - consider approval of the final plat for Marathon Ranch located south and east of the intersection of Val Vista Drive and Riggs Road.
- 21 FINAL PLAT S14-12 - consider approval of the final plat for Somerset - Phase 1 located south and east of the intersection of Greenfield Road and Pecos Road.
- 22 FINAL PLAT S1571 - consider approval of the final plat for 1980 West Commerce Avenue located at the northeast corner of Commerce Avenue and the Union Pacific Railroad (UPRR) Tracks (Hamilton Place alignment).
- 23 FINAL PLAT S15-02 - consider approval of a replat for Tract "M" of Legacy at Seville located north of the Seville Golf and Country Club and south of the golf course maintenance building.
- 24 MINUTES – consider approval of the minutes of the Regular Meetings of June 15, 2017 and June 29, 2017 and Special Meeting of June 15, 2017.

PUBLIC HEARING

Items will be heard at one Public Hearing; at which time anyone wishing to comment on a Public Hearing Item may do so. Comments will be heard from those in support of or in opposition to an item. Hearings are noticed for 7:00 p.m.

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

- 25 LIQUOR LICENSE – conduct hearing and consider approval of a Series 7 Beer and Wine Bar Liquor License for Rott N' View located at 313 North Gilbert Road, Suite 301.
- 26 LIQUOR LICENSE – conduct hearing and consider approval of a Series 12 Restaurant Liquor License for Steak and Stone of Gilbert located at 1026 South Gilbert Road.

- 27 LIQUOR LICENSE – conduct hearing and consider approval of a Series 12 Restaurant Liquor License for Jalisience Mexican Food located at 743 South Lindsay Road, Suite 101.
- 28 LIQUOR LICENSE – conduct hearing and consider approval of a Series 12 Restaurant Liquor License for Flying Basset Brewing located at 720 West Ray Road.
- 29 CODE OF GILBERT - conduct hearing and consider a petition from Heather Chadwick, Forward Planner for CalAtlantic Homes, to waive the requirements of the Code of Gilbert, Chapter 10 Building and Construction Regulations, Article 8 Utility Lines, Section 10-254 Waiver of Requirements – related to requirements for underground installation of existing utility lines along McQueen Road, adjacent to their new residential subdivision, S15-14-A.

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.

- 30 CODE OF GILBERT - discussion and direction to staff to proceed with amending the Code of Gilbert to prohibit taxpayer funds from going to organizations involved in political activities.
- 31 BOARDS, COMMISSIONS, AND COMMITTEES - reports from Council Liaisons for the:
 - a) Subcommittee on Board and Commission Application Screening, Interview, and Selection
 - b) Other Council Subcommittees
 - c) Regional Meetings
 - d) Industrial Development Authority
 - e) Mayor’s Youth Advisory Committee
 - f) Parks and Recreation Board
 - g) Planning Commission
 - h) Redevelopment Commission
 - i) Town of Gilbert, AZ Public Facilities MPC
 - j) Town of Gilbert, AZ Water Resources MPC
 - k) Town of Gilbert, AZ Self-Insured Trust Fund for Health Benefits
 - l) Utility Board

POLICY ITEMS

- 32 POLICY NO. 2017-02 - consider approval of Council Policy No. 2017-02 regarding Policies of Responsible Financial Management, repealing Policy No. 2016-04.

FUTURE MEETINGS

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

Requested Agenda Items and Projected Meeting Dates

August 3, 2017 - Discussion and potential action on repeal or adjustment of ordinance that adjusts Council pay based on staff pay. Contact Andrew McGuire (V. Petersen, J. Taylor, E. Cook)

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

September 21, 2017 - Review noise ordinances. Contact: Kyle Mieras (E. Cook, V. Petersen, J. Daniels)

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

September 21, 2017 - Gift Policy for Staff - discuss applying the same gift policy for Council to Town Staff and Contractors/Consultants Contact: ____ (J. Taylor, S. Anderson, B. Peterson)

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

June 2018 - New Execution Funding Policy. Contact: ____ (E. Cook, V. Petersen, J. Daniels)

No assigned date - Park Funding Policy. Contact: ____ (E. Cook, J. Taylor, S. Anderson)

COMMUNICATIONS

Report from the TOWN MANAGER on current events.

Report from the COUNCIL on current events.

Report from the MAYOR on current events.

ADJOURN

NOTICE TO PARENTS: Parents and legal guardians have the right to consent before the Town of Gilbert makes a video or voice recording of a minor child. A.R.S. 1-602.A.9. Gilbert Council Meetings are recorded and maybe viewed on Channel 11 and the Gilbert website. If you permit your child to participate in the Council Meeting, a recording will be made. If your child is

seated in the audience your child may be recorded, but you may request that your child be seated in a designated area to avoid recording. Please submit your request to the Town Clerk.