

**MINUTES OF THE GILBERT TOWN COUNCIL, IN REGULAR MEETING OF TUESDAY, APRIL 26, 2022 AT 6:30 PM, GILBERT PUBLIC SAFETY TRAINING FACILITY, ATLAS AUDITORIUM, 6860 SOUTH POWER ROAD, GILBERT, ARIZONA**

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**COUNCIL PRESENT:** Mayor Brigette Peterson, Vice Mayor Aimee Yentes, Councilmembers Scott Anderson, Laurin Hendrix, Yung Koprowski, Scott September (*appeared virtually*), and Kathy Tilque

**COUNCIL ABSENT:** None

**STAFF PRESENT:** Town Manager Patrick Banger, Town Clerk Chaveli Herrera, Deputy Clerk Judy Martinez, Town Attorney Christopher Payne, Organizational Development Manager Heather White, Fire Chief Jim Jobusch, Police Chief Michael Soelberg, Recreation Business Manager Rocky Brown, Office of Management and Budget Director Kelly Pfost, Assistant Fire Chief Bob Badgett, Senior Transportation Planner Stephanie Bubenheim, Finance Management Services Director Håkon Johanson, Development Services Director Kyle Mieras, and Planner II Kristen Devine

**AGENDA ITEM**

**CALL TO ORDER**

Mayor Peterson called the meeting to order at 6:31 p.m.

**PRESENTATION OF STUDENT CITIZEN OF THE MONTH AWARD**

Vice Mayor Yentes presented Student Citizen of the Month Awards for April (*presented alphabetically by school*):

Elizabeth McCarthy, Noelle Jones, Henry Phend, Claire Baker, Kennedy Karal, Liam Graham, Cambrie Ross, Jordan Black, Hannah Cardon, Liam Hill, Daylynn Priewe, Colby McCallen, Thomas Coria, Charles Hayes, Hayden Hill-Guerrero, Payden Larson, Kaden Woodward, Grant Adams, Sharon Schuessler, Eleanor Cannon, Ethan Nolan, Anny Hernandez, Jacklyn Korb, Dallin Luke, Hallie Haught, Keeley Pyers, Eva Jameson, Juan Giron, and Madeline Wilson.

## **INVOCATION AND PLEDGE OF ALLEGIANCE**

Organizational Development Manager White of the Gilbert's People Team introduced herself and gave the invocation. Councilmember Hendrix led the Pledge of Allegiance.

## **ROLL CALL**

Town Clerk Herrera called roll and declared a quorum present.

## **PRESENTATIONS; PROCLAMATIONS**

1. PROCLAMATION - Proclamation declaring the week of May 1-7, 2022 as Municipal Clerks Week.

Vice Mayor Yentes read a proclamation declaring the week of May 1 through 7, 2022, as Municipal Clerks Week, and presented the proclamation to Town Clerk Chaveli Herrera, Deputy Town Clerk Judy Martinez, and Town Clerk Specialist June Wilson. She also acknowledged Records Management Specialist Patti Hageman and Town Clerk Specialist Ali Ostahowski, who were not present.

2. RECOGNITION – Recognition of Town-wide volunteers during National Volunteer Month and Gilbert Kindness Week.

Mayor Peterson recognized Gilbert's town-wide volunteers, thanked them for their service, and showed a list of volunteers in Gilbert who had served for 10 years or more. Mayor Peterson and Town Clerk Herrera presented a certificate, Gilbert Challenge Coin, and Gilbert cookie to the following Board and Commission Members who were present: John Dalen Wilcock, 11 years; Les Presmyk, 23 years; and Kevin Boudreau, 30 years. Mayor Peterson and Fire Chief Jobusch presented certificates, coins, and cookies to the following Fire and Rescue Volunteers who were present: Ed Taggard, 10 years; Lynne Robison, 11 years; Matt Kirks, 11 years; Melissa Beauchamp, 11 years; and Ryan Keating, 13 years. Mayor Peterson and Police Chief Soelberg presented certificates, coins, and cookies to the following Police Department Volunteers who were present: Jack Hafner, 13 years; Jim Frazier, 14 years; Mary Hafner, 14 years; Edwina Perschke, 16 years; Sherrie Moyers, 23 years; and Charlotte Sharp, 26 years.

Councilmember Tilque noted it was Gilbert Kindness Week and the theme for the current year was "Pay it Forward". She stated Gilbert would celebrate the initiative on Thursday, April 28, 2022, and Gilbert Digital would post a Gilbert Kindness story on social media; she invited others to share their kindness stories.

3. PRESENTATION - Annual report presentation by the Gilbert Historical Society doing business as (dba) HD South.

Recreation Business Manager Rocky Brown introduced Denise Lopez, President of HD South, who gave a presentation highlighting the year of accomplishments including the 10<sup>th</sup> annual signature fundraiser, Night at the Museum, which was also the 40<sup>th</sup> anniversary of the Gilbert Historical Museum. She stated the generated revenue was 45% higher than any previous year. She thanked those in attendance and provided future details on the 11<sup>th</sup> annual signature fundraiser to be held in March 4, 2023. She provided details on the Society's programming and their six pillars of history, art, science, music, literature, and health and wellness. She reported that from April 2021 to March 2022, 95 programs were held with a total of nearly 730 participants. She reported that due to extensive volunteer recruitment efforts, they now had five additional front desk volunteers and detailed their extended business hours to include Fridays, noting they were continuing to recruit volunteers. She stated volunteers were the heart of their organization and thanked them for their service and detailed some of the areas of volunteer efforts, noting over 1,500 hours of service during the past year. She provided details on See it Saturday Exhibits, Gallery 4 Kids in Focus, and the Gallery 4 40 years of Roaming for Beauty Exhibit of acclaimed artist Kerrick James.

Ms. Lopez provided information on the two annual shows by the Gilbert Visual Art League in both the Fall and Spring and discussed the Arizona Needle Art Show featuring work from the American Embroiders Guild exhibit which was currently on display. She discussed the upcoming Gilbert Public Schools Secondary Art Show and Exhibit. She detailed the sponsorship on the Annual Memorial Day Event in May 2021 in conjunction with the Veteran's Advisory Board, the Town of Gilbert, and the American Legion Post 39. She said they participated in the nationwide event, Taps Across America, and welcomed members of the Ahwatukee Foothills Brass Section who played Taps for their visitors. She stated they were honored to be home to the replica of USS Arizona, which was on display in their military room and confirmed they would be supporting the Veterans Day Event in 2022, which would be held on May 30, 2022 at Park University. She reported the hosting of their first Collectors Car Show, Spooktacular Car Event, in October and discussed the potential of an annual event. She detailed the Breakfast with Santa Event in December and provided details on their 17<sup>th</sup> Annual Art of Quilting Show which was currently on display. She provided additional details on exhibits and displays and discussed their visitors. She reported on the expansion at HD South and discussed the changes, as well as the prospect for the purchasing of commemorative bricks and naming opportunities. Lastly, she discussed the importance of preserving Gilbert's history and driving arts and culture, then thanked the Town for their support.

## COMMUNICATIONS FROM CITIZENS

Suzanne Borland, Gilbert resident, spoke about concerns of the widening of Lindsay Road, adding the road was currently about 67 feet from her front door. She said in 2018 they were approached by Town engineers about moving the roadway about 30 feet closer to the home, then in 2021 there was another meeting where Town Engineer David Fabiano presented a new alignment which consisted of 25 more feet, which would leave 12 feet from property line. She asked the Council to reevaluate that alignment, stating there were other properties in Gilbert that compromised their alignments to a modified standard that did not include a wandering sidewalk and easement with trees. She asked the Council to reevaluate the engineers' decisions and go back to non-standard alignment.

Tom Patterson, Gilbert resident, spoke about Project No. WW1060 taking half of his land to redo the sewer. He said that the next meeting was supposed to take place soon in May and he was there as a reminder. He spoke of the Town motto to anticipate, create and help people that was mentioned in the prayer at the meeting, stating they could use those things in regard to the next project meeting. He also spoke about Councilmember Anderson, stating he grew up next to him and listed other personal connections, yet he was voting to take away his land. He said there was a lot of money being spent and suggested shopping bids and having multiple departments review the bids.

## CONSENT CALENDAR

A MOTION was made by Councilmember Koprowski, seconded by Councilmember Tilque, to approve Consent Items 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, and 22; and remove Items 7 and 16 from the Consent Calendar. *Motion carried 7-0.*

4. INTERGOVERNMENTAL AGREEMENT – consider adoption of a Resolution approving Intergovernmental Agreement No. 322000314 with the City of Mesa for Paramedic School Instruction and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar vote. *Resolution No. 4284 was adopted.*

5. INTERGOVERNMENTAL AGREEMENT – consider adoption of a Resolution approving Intergovernmental Agreement No. 322000269 with the Gila River Indian Community for Cooperative Law Enforcement Training Operations and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar vote. *Resolution No. 4285 was adopted.*

6. CONTRACT – consider approval of a Cooperative Purchase Agreement No. 322000329 with Foreward Tilt, LLC utilizing the Maricopa County Community College District (MCCCD) Cooperative Purchasing Contract No. 3383-6 in an amount not to exceed \$1,374,563.88 for the Municipal Center I Renovation, Project No. MF0530, and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar vote.

7. AGREEMENT – consider approval of Professional Consulting Services Agreement No. 322000317 with AECOM in an amount not to exceed \$288,760 for the Integrated Transit Center Development Plan Assessment, Project No. ST2070, and authorize the Mayor to execute the required documents.

Vice Mayor Yentes explained that this particular item was for a consulting contract to do a study on two potential transit center stations.

Senior Transportation Planner Stephanie Bubenheim noted she was available virtually for questions.

Vice Mayor Yentes stated her concerns were specific to being planned as commuter rail but that this Council had not had a chance to discuss this idea. She said it was premature and the scope that was in that contract regarding stakeholder involvement was not particularly clear. She said it was perceived that the work of the stakeholders in the contract were more oriented towards the designing, planning, and framework for the stations, not whether the Town was going to reach out to the community at large and see if it was something they would like to see in Gilbert.

Councilmember Koprowski commented that the commuter rail stations had been published in several documents that had been presented to the public in Gilbert over the past several years. She said she believed a study was about to start right before COVID hit and it was cancelled, adding the station that was to be in the Heritage District was included in the Redevelopment Plan, which included public participation. She said the Cooley Station and Heritage Station were both mentioned as part of outreach for the transportation bond, adding while sitting on the Citizens Transportation Task Force, they did not receive any negative feedback towards those transit stations.

Vice Mayor Yentes expressed she had neighbors that she was certain were not aware of that, despite the platforms available for public engagement.

Councilmember Koprowski commented that last year Amtrak announced some projects that might bring a commuter rail line through Gilbert, but currently it did not identify a stop in Gilbert; it would be in Queen Creek, Mesa, and Phoenix. She said she thought that project was the step that would give the Council the information or background needed to help decide whether to move forward with those projects or not.

Development Services Director Mieras commented on the Arizona Department of Transportation (ADOT) commuter rail study from Tucson to Phoenix that was completed in 2013, stating the Council at that time did sign a letter of support. He noted that a Federal record of decision identified that a rail line through Gilbert was the most favorable one, it had the highest ridership, and the station locations were very favorable. He said the study went on for several years and the prospect had been at the forefront of thoughts and transportation planning for quite some time. He said there were development agreements with the Cooleys that contemplated a rail station for about 20 years now and the station location up in the air was in the Heritage District, adding a study such as that would help determine if and where a station in the Heritage District would be located and if it was feasible or not. He said in the Cooley Station it would help decide where land was set aside and how the design would lay out, noting it would also include multimodal design including pedestrian, bus, other mobility factors. He said it would not only connect commuter rail but transit throughout the community.

Councilmember Anderson commented he had no problem with the station per se, but it was very similar to other Capital Improvement Project (CIP) discussions and a little bit premature. He said, "We are out over our skis." He stated that from the discussion, Amtrak did not consider Gilbert as a location for the stations and he would like to see a commitment by the region that it was going to happen, noting the need to get that commitment and get Amtrak on board if there was going to be a station in Gilbert, reiterating it was premature to get into assessment before commitments.

Development Services Director Mieras commented Amtrak did not show in their early documents a station in Gilbert, they had met with a gentleman from Amtrak and studies now showed Gilbert was right for a station location. He said mayors in the region had signed a letter of support for a commuter rail and he believed that there was Federal funding available for transit projects. He said the next step was to see how that money would be allocated for spending and what the rules would be for expenditures.

Mayor Peterson commented that the Amtrak representative was shocked that Gilbert was not on the initial map, considering the community of Cooley Station was designed with commuter rail in mind. She said they wondered why Washington, DC did not pick up that Gilbert had all those things in mind, adding the Phoenix Mayor said Gilbert was ahead of them with all those stations planned and they needed to catch up to Gilbert. She said the Cooley Station rail agreement was signed by Council in 2014, and now Gilbert was at the point where it had to decide if it was going to work within those locations. She said the Town needed to be at the point where it could say that, and if Amtrak came to the door with Federal dollars, was Gilbert on board to do that.

Development Services Director Mieras commented it was a study to determine the feasibility of those sites and it was not construction of any type, adding it was to determine what size it needed to be and what the layout would be, what the possibility was so that the Town would be poised for success in the future when commuter rail and Amtrak got combined.

Councilmember Koprowski stated why she would support the feasibility study, noting the Heritage District was growing and the study would show if the reserved location for a station was feasible or even desired there. She said, if necessary, the Town could release that area for other things that might serve the Town in a better way.

Vice Mayor Yentes said she wondered what the Council's idea of what the standard of feasibility meant and about the intended takeaways from the contract. She said she was interpreting it as what the Town already had their minds made up on, then some pretty pictures were designed to build support in the community. She stated we were taking "crazy pills" if we thought people were going to be excited about commuter rail and the "complete boondoggle" that it would be, not just for this community but for the entire state. She added we are literally seeing California living that nightmare and she could not point to a state that Amtrak was not being deeply and heavily subsidized by taxpayers, despite a 75% decline in their ridership, or where we have a good model that made sense for this. She said it had to do with financial gain and nothing to do with reducing congestion or improving transportation as a model.

Councilmember Tilque stated that her recollection with the Chamber was like Development Services Director Mieras', that the Chamber supported the yellow line because the way it came through Gilbert made more sense than other options like going down the freeway, etc. She said there was a lot of community discussion with stakeholder groups, but many people moving to the community in the last 10 years

may not be aware. She said she appreciated the question on if it was the right time and if the Town was getting ahead of itself. She said in her mind, based on that history, we needed to decide if it was time to do feasibility study or bring it back and have a different discussion. She said she was not sure about the timing but the question was if the Town was being proactive and prepared or if the Town needed to pump the breaks.

Vice Mayor Yentes stated she was perusing the 2018 Maricopa Association of Governments (MAG) plan that had a chart comparing different cities and states that had a commuter rail. She said all of them had a dedicated local sales tax that was on top of State and Federal money, adding it was insane, there would be a lot of community backlash when they go down the road, and she thought it was a broken model.

Councilmember September stated Vice Mayor Yentes made valid points, but perhaps having a study was a better way to gather information. He said he knew that commuter systems were used and the light rail in Phoenix met their long-term projections within a few years, but his questions went deeper than user-ship. He discussed the goal of a rail transit system and asked should the user fees pay for the system and the improvements that the Town would entertain, or was that never the goal and financially what would that look like.

Councilmember Anderson stated they were talking about two separate things, the commuter rail itself and the location and feasibility study of stations. He said his concern was whether the commuter rail would happen, which was totally out of the Council's hand, adding there were discussions still going on and that decision was going to be made outside of Gilbert. He asked if the Town would spend that much money on that gamble of if it was going to happen, adding he was not comfortable doing that at this point. He said he did not oppose the stations, but the decision was out of the Council's hands.

Councilmember Tilque questioned if they could bring the item back to the Council as a study session item to discuss any commitment levels, to better understand where they were as far as commuter rail and the timing of it, and how it would impact the community. She asked about putting it in the form of motion as a study session and to continue it in two months.

Town Manager Banger asked Development Services Director Mieras if they could push the item until August 2022 in order to bring the topic to a study session to discuss the information about the study, multimodal centers, and commuter rail and to dive deeper for the Council before a study was commissioned.

Development Services Director Kyle Mieras answered "yes" to Town Manager Banger, adding they may also have more information from Amtrak at that time. There was discussion regarding the best meeting in August to continue the item to.

A MOTION was made by Councilmember Tilque, seconded by Vice Mayor Yentes, to continue the item to the August 23, 2022 Council meeting. *Motion carried 7-0.*

8. CONTRACT – consider approval of:

a) Architectural/Engineering (A/E) Services Contract for Design-Bid-Build (DBB) Project Contract No. 322000229 with Kittelson & Associates Inc. in an amount not to exceed \$97,670 for the Val Vista Dr and Mercy Rd Intersection Improvements, Project No. ST1970, and authorize the Mayor to execute the required documents; and

b) a Contingency Transfer in the amount of \$97,670 with 2022 General Obligation bonds as the designated funding source.

This item was approved with the Consent Calendar vote.

9. CONTRACT – consider approval and authorize the Mayor to execute the required documents of:

a) Pre-Construction Services Contract for Construction Manager at Risk (CM@R) Project Contract No. 321000281 with TF Contracting Services, LLC in an amount not to exceed \$249,511 for the Force Main - System Wide Retrofit, Project No. WW1050; and

b) Project Management/Construction Management (PM/CM) Services Contract for Construction Manager at Risk (CM@R) Project Contract No. 321000280 with Consor, Inc. in an amount not to exceed \$186,090 for the Force Main - System Wide Retrofit, Project No. WW1050.

This item was approved with the Consent Calendar vote.

10. CONTRACT – consider approval of:

a) Architectural/Engineering (A/E) Services Contract for Design-Bid-Build (DBB) Project Contract No. 322000174 with NFra Inc. in an amount not to exceed \$325,006 for the Val Vista Lakes Improvements Phase I and Mercy Intersection Improvements, Project No. ST1720, and authorize the Mayor to execute the required documents; and

b) a Contingency Transfer in the amount of \$335,010 with 2022 General Obligation bonds as the designated funding source.

This item was approved with the Consent Calendar vote.

11. CONTRACT – consider approval of:

a) Architectural/Engineering (A/E) Services Contract for Construction Manager at Risk (CM@R) Project Contract No. 322000212 with Point Engineers in an amount not to exceed \$454,977.02 for the Mesquite Street - Lindsay to Val Vista Improvements Capital Improvement Plan (CIP), Project No. ST1620, and authorize the Mayor to execute the required documents; and

b) a Contingency Transfer in the amount of \$470,000 with 2022 General Obligation bonds as the designated funding source.

This item was approved with the Consent Calendar vote.

12. CONTRACT – consider approval of:

a) Job Order No. 15 to Job Order Contract (JOC) Contract No. 320000098 with Felix Construction in an amount not to exceed \$1,041,703.40 for the Layton Lakes Lift Stations Improvements, Project No. WW1160, and authorize the Mayor to execute the required documents; and

b) a Contingency Transfer in the amount of \$450,000 with the Wastewater Fund balance as the designated funding source in FY2022; and

c) a Contingency Transfer in the amount of \$50,000 with the Wastewater Fund as the designated funding source in FY2023.

This item was approved with the Consent Calendar vote.

13. CHANGE ORDER – consider approval of:

a) Change Order No. 1 to Contract No. 320000179 with Walker Consultants increasing the contract amount by \$43,246.30 for the Heritage District Parking Master Plan Update, Project No. RD2200, and authorize the Mayor to execute the required documents; and

b) a Contingency Transfer from the Roadway and Maintenance Fund in the amount of \$53,250 for FY 2022 and FY 2023.

This item was approved with the Consent Calendar vote.

14. BUDGET – consider approval of a Contingency Transfer from the General Fund in the amount of \$71,400 for use of the FY22 Proposition 302 monies for tourism marketing by the Gilbert Office of Economic Development with revenue received from the Arizona Office of Tourism in a like amount to replenish the General Fund.

This item was approved with the Consent Calendar vote.

15. GRANTS- consider adoption of a Resolution for the application and acceptance of the following grants from Maricopa Association of Governments (MAG) for various transportation uses:

a) MAG Traffic Signal Optimization Program (TSOP) in the amount of \$29,200 for Gilbert Road (Elliot Rd South) & Lindsay Road (Pecos Rd to Queen Creek Rd) corridor signal retiming for 11 signals;

b) MAG Traffic Signal Optimization Program (TSOP) in the amount of \$24,800 for Germann Road corridor signal retiming for 9 signals;

c) MAG Traffic Signal Optimization Program (TSOP) in the amount of \$35,800 for Recker Road for corridor signal retiming for 14 signals; and

d) MAG Traffic Signal Optimization Program (TSOP) in the amount of \$10,000 for Val Vista Road TranSync Optimization.

This item was approved with the Consent Calendar vote. *Resolution No. 4286 was adopted.*

16. BUDGET – consider approval of a one-time Contingency Transfer from the General Fund in the amount of \$420,000 for Gilbert Fire and Rescue Department (GFRD) overtime expenses.

Vice Mayor Yentes stated instead of using General Fund monies for covering the one-time overtime expenses, the AZ CARES monies should be used instead. She said they most closely aligned with the original intention of the AZ CARES monies.

Councilmember Anderson asked about overtime funds and if there was the same sort of issue with the Police and Public Works Departments, did they have overtime issues there also.

Town Manager Banger stated unless Office of Management and Budget Director Pfof had information on hand, he would be happy to get back with them on that question.

Director Pfof addressed Councilmember Anderson, stating other departments had additional overtime. She said they had been able to cover it with other savings in their budget, but Fire was not able to, there was some contingency support in there. She said they would continue to watch as the year closed.

Councilmember Anderson questioned if it was all COVID related.

Assistant Fire Chief Bob Badgett addressed Councilmember Andersons question, stating it was a cumulation of many factors over the past year. He said some was tied to COVID and they froze vacation leave for fire fighters for 4-5 months, so they accumulated extra hours. He said there was an increase in vacation time and COVID sick time, and they were fortunate that they did not have to freeze vacation time this year. He said some of the paternity leave had impacted them, which was incorporated in next year's budget and there was carry-forward for paramedic school. He added the current provider dropped their program, which caused overtime from last year to be carried over into this year. He said there was a combination of 4-5 events that were driving this fiscal year.

Councilmember Anderson stated he would like to know if any of the other departments experienced the same kind of overtime issues and he would like to see it avoided in the future.

A MOTION was made by Councilmember Tilque, seconded by Councilmember Koprowski, to approve Item 16, with the change that the money would be paid out as a one-time expense out of the AZ CARES money. *Motion carried 6-1, with Councilmember Hendrix casting the dissenting vote.*

17. BUDGET – consider approval of a Contingency Transfer from the General Replacement Fund in the amount of \$350,000 in FY2022 and FY2023 for the Municipal Center I Renovations in Capital Improvement Plan (CIP), Project No. MF0530.

This item was approved with the Consent Calendar vote.

18. FINAL PLAT S20-16 - consider approval of the final plat for Waterston Central - Phase 2 located south and west of the southwest corner of Val Vista Drive and Ocotillo Road, subject to the submittal and staff approval of a Water Use Agreement and NPCCP form for the Project.

This item was approved with the Consent Calendar vote.

19. PROPERTY SALE - consider:

a) approval of the acceptance of the bid of Derek Martin and Kristina Martin for Gilbert Surplus Property, Portion of Parcel No. 304-71-106P, from Gilbert Invitation for Bids in the amount of \$21,500 and authorize the Mayor to execute Purchase Agreement No. 322000218; and

b) authorizing the Town Manager to take all actions necessary to carry out Purchase Agreement No. 322000218 in accordance with its terms and intent.

This item was approved with the Consent Calendar vote.

20. RISK MANAGEMENT - consider acceptance of the Risk Management Quarterly report for the Fiscal Year 2022 Quarter 3.

This item was approved with the Consent Calendar vote.

21. LEGAL- consider authorizing the Town Attorney to file counterclaims against Standard Construction Company, Inc. in Maricopa County Superior Court Case No. CV2021-093355.

This item was approved with the Consent Calendar vote.

22. MINUTES - consider approval of the minutes of the Regular Meeting of April 12, 2022 and Special Meeting of April 12, 2022.

This item was approved with the Consent Calendar vote.

## **PUBLIC HEARING**

Mayor Peterson opened the public hearing for Items 23, 26, and 27. No one wished to speak and Mayor Peterson closed the public hearing.

A MOTION was made by Councilmember Tilque, seconded by Councilmember Anderson, to approve public hearing items 23, 26, and 27. *Motion carried 7-0.*

23. LIQUOR LICENSE – conduct hearing and consider approval of a Series 12 Restaurant Alcohol License for The Bar & Grill located at 366 North Gilbert Road.

This item was approved with the Public Hearing vote.

24. BONDS- conduct hearing and consider adoption of a Resolution authorizing the execution and delivery of a Purchase Agreement, a Bond Purchase Agreement and a Continuing Disclosure Certificate; approving the execution and delivery by Town of Gilbert, Arizona, Water Resources Municipal Property Corporation of such Purchase Agreement, such Bond Purchase Agreement, and a Bond Indenture; approving an Official Statement and the execution and circulation thereof; approving the issuance of not to exceed \$500,000,000 aggregate principal amount of Town of Gilbert, Arizona, Water Resources Municipal Property Corporation revenue bonds; delegating to the Manager or Finance and Management Services Director of the Town the authority to determine various terms with respect to the bonds and the sale thereof and declaring an emergency.

Mayor Peterson opened the public hearing for Item 24.

Finance Management Services Director Håkon Johanson said there was no presentation but he was available to talk through or answer any questions regarding the bond. He said the Municipal Property Corporation (MPC) met the previous night for a robust discussion and that Councilmember September was present there. He said the MPC approved their resolution and it was a two-part process, adding the MPC board was the entity that issued the bonds. He said the Town agreed to pay lease payments equal to the bond payments, and that was how the process worked with the MPC bonds.

Mayor Peterson asked if their resolution was a recommendation for the Council to pass the bonds that evening. Finance Management Services Director Johanson affirmed.

Councilmember Tilque asked for clarification on the blank areas in the documents that she read through in the bond, asking would they be filled in once they approved everything and the paperwork was signed.

Finance Management Services Director Johanson addressed Councilmember Tilque and the Council, stating that was correct. He said they would work on the documents and the preliminary official statement, that was the document that investors looked at prior to deciding to purchase the bonds. He added there were some things they would continue to fill in as they got closer to the day; it was

substantially complete and no significant changes would be made after that point but the item did have an emergency clause. He said the purpose of that was for the Town to be able to close the bonds as quickly as they could, adding it was a very turbulent market and the emergency clause allowed them to close the bonds sooner than the 30 days that was typically required for legislative action from Council, which required six or more votes in favor. He said if that did not happen, then they would not be able to close the bonds until after the 30-day period and rates could stay the same or go up or down significantly, adding there could be impacts financially for the Town.

Mayor Peterson stated that recently rates had been increasing.

Finance Management Services Director Johanson stated that rates had increased significantly over the last six months and they were looking to sell bonds on Wednesday, April 27, 2022. He said there was a pause at the moment and they were very cognizant of that, and he wanted to make sure the Council understood why that emergency clause was in place and it was not something that they took lightly. He added the bonds would be sold if the resolution was passed, but without the emergency clause, they would have to wait to sell.

Mayor Peterson closed the public hearing for Item 24.

A MOTION was made by Councilmember Anderson, seconded by Councilmember Koprowski, to approve Public Hearing Item 24. *Motion carried 6-1, with Councilmember Hendrix casting the dissenting vote. Resolution No. 4287 was adopted.*

25. ZONING Z21-13 - conduct hearing and consider approval of the findings and adoption of an Ordinance for Gilbert 13 to rezone approximately 12.19 acres generally located northwest of Lindsay Road and Galveston Street from Single Family-43 (SF-43) to Single Family-35 (SF-35).

Mayor Peterson opened the public hearing for Item 25.

Planner II Devine provided a presentation on the item sharing an aerial map and highlighting the request to rezone 12.19 gross acres from Single-Family (SF) 43 to Single-Family (SF) 35, noting no Planned Area Development (PAD) overlay was proposed and all the developments would follow the SF-35 standard. She highlighted the development standards specifications, stating the rezoning would create one additional lot. She provided a reference of a proposed development plan/site plan with a proposed 13-lot subdivision on the vacant parcel, noting the application originally requested a 14-lot subdivision but it did not work. She

highlighted the various forms of public participation including a virtual neighborhood meeting and the public comments at a meeting of the Planning Commission. She said staff was recommending the change to SF-35.

Ryan Boehme, Gilbert resident, stated his property was right at the beginning of the proposed subdivision and discussed how the road went down and the 50-foot setback. He said he was concerned with all of the traffic, adding there could be eight lots in that property but he said it should stay SF-43. He said acre-lots could be built there and asked the Council to vote no on the item.

Perry Kastanis, Gilbert resident, stated he purchased his home 18 months ago and bought because of the acre size. He asked the Council to vote no on the item, adding it afforded the lifestyle that was conducive to the area that was already existing. He discussed another rezoning case and said the area afforded a unique living opportunity including the narrow streets causing trash containers to have to be taken to the end of the street. He urged the Council to vote no on the item.

Jessica Sarkissian of Upfront Planning stated she was representing the applicant and showed aerial views of the property. She discussed changes and how the setbacks still needed to be maintained, adding there was a dedicated right-of-way instead of a property easement. She discussed that the changes were due to the need for dedicated right-of-ways and provided the conventional rezone details and the history of the project with the Town. She showed a map of the proposed properties and their lot sizes, stating they all met the setback requirements. She said it was an infill piece, was tucked away, transitioned nicely, and was appropriate.

Mayor Peterson closed the public hearing for Item 25.

Mayor Peterson spoke on item, stating she attended the Planning Commission meeting and discussed the efforts of the Town to successfully develop the lot. She said the infill project lots were larger than many and those types of infill lots may be seen more in the future. She said it was not an unreasonable request and was appropriate to make the project fit in the space allotted, noting the need to have a salable project in that location. She said it was not a huge down-zone and it was getting the setbacks of the SF-43; she did not think it was a big decision.

Councilmember Anderson asked about the dissenting vote of the Planning Commission. Mayor Peterson replied it was 1 dwelling unit per acre and was going to 1.05 units per acre.

Councilmember Tilque stated the point that made her decision was that it was an infill project and the applicant worked hard with staff to transition it to keep the setbacks and other things to try to be good neighbors. She noted those types of cases would be coming forward to the Council and appreciated the hard work on the items. She said we always want it to be as it always was when we buy our property, but she did feel they did a good job and would like to motion to approve the item.

A MOTION was made by Councilmember Tilque, seconded by Vice Mayor Yentes, to approve Public Hearing Item 25. *Motion carried 6-0; Councilmember September was absent during the vote. Ordinance No. 2823 was adopted.*

26. PROPERTY ACQUISITION – conduct hearing and consider adoption of a Resolution approving the acquisition of right-of-way and easement for Parcel No. 302-09-516 for the McQueen and Guadalupe Intersection Improvements, Project No. ST1910.

This item was approved with the Public Hearing vote. *Resolution No. 4288 was adopted.*

27. PROPERTY ACQUISITION – conduct hearing and consider adoption of a Resolution approving the acquisition of right-of-way and easement for the Phoenix Avenue Pedestrian Mall Capital Improvement Plan (CIP), Project No. RD1210.

This item was approved with the Public Hearing vote. *Resolution No. 4289 was adopted.*

## **ADMINISTRATIVE ITEMS**

28. 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

Councilmember Anderson provided an update as the representative from the Town on Arizona Municipal Water Users Association (AMWUA). He referenced the email from Water Resources Manager Lauren Hixson regarding the situation on the Colorado River and encouraging the community there was not a shortage at the tap, that it was the river that had a shortage. He said the shortage was getting a little bit more serious, even the ability to generate electricity may be in jeopardy. He said Manager Hixson did the right thing in letting them know that in the future they would need to discuss implementing its own conservation plan here in Gilbert. He said it would probably be worked on at a regional basis with other communities, but it was something Gilbert needed to look at in the near future.

Mayor Peterson stated to Councilmember Anderson that the Town would rely on his guidance from AMWUA.

Councilmember Tilque provided updates on the Community Engagement Task Force, stating it was up and running. She said beginning on May 2, 2022, they would be diving into some of the demographics of Gilbert, what resources Gilbert currently had, and what was being seen out in our community. She said the public was invited to come and learn with them and information was on the Town's website. She then gave a quick shout out to Gilbert Leadership Class 31, adding she was out with them on Saturday and they planted over 600 plants in the Sister Cities Friendship Garden. She stated the Garden was really taking shape and she was so proud of them, Town staff, and the whole community. She said there would be a ribbon cutting May 20, 2022, information would be forthcoming, and everyone was invited to attend. She said the grand opening would be held in the fall and thanked everyone for participating.

## **POLICY ITEMS**

None.

## **FUTURE MEETINGS**

No discussion.

## COMMUNICATIONS

Report from the TOWN MANAGER on current events.

Town Manager Banger stated on Friday he attended a ribbon cutting for the Northrup Grumman expansion at their satellite facility. He said they specifically highlighted and expressed their appreciation for two Team Gilbert members for their work and helping guide them through their process, including Dan Henderson and his team in Economic Development, to help them understand the investment opportunity in Gilbert and why it was the right place for their continued investment. He added they had facilities all over the nation and all over the globe, and he was glad to see them make that investment here. He said as part of that they will be manufacturing the Habitat Logistics Outpost (HALO), adding the space station that would actually be circling the moon and delivering materials, supplies, and individuals to and from the surface of the moon would be partly manufactured right here in Gilbert, also the first man space flight vehicle built in the State of Arizona. They also recognized Development Services Director Kyle Mieras and his team. He said the pandemic hit towards the beginning of the project and it was a very complex project. He said certain portions of the satellite assembly facility had some of the largest tilt up panels in the United States on a construction project, adding they required some special cranes and a lot of logistics to figure out how to get that done. They mentioned when the pandemic hit, many cities just slammed the brakes on inspection services, planning services, and all the type of activities they needed to keep projects moving long. He said to use their words, "...Gilbert didn't miss a beat and kept things moving along for that project." He said they were very grateful for that and thanked Directors Henderson and Mieras and their teams, adding it was a great day for Gilbert and a great thing for our community.

Manager Banger recognized Project Supervisor Jeanne Jensen who won another award. He said just a couple weeks ago she won an Engineer of the Year Award and had now been awarded the George Warren Fuller Award, presented annually by the American Water Works Association (AWWA) of respective, selected members for their distinguished service to the water supply field in commemoration of sound engineering skill, brilliant diplomatic talent, and constructive leadership. He said Supervisor Jensen was nominated and selected by the awards committee made up of AWWA members, adding in the 18 years that the Engineer of the Year Award had been given out, the same person had never won both awards in the same year. He said he was glad Supervisor Jensen was a member of Gilbert's staff.

Report from the COUNCIL on current events.

There was no report.

Report from the MAYOR on current events.


Mayor Peterson said she and Councilmember Anderson attended a groundbreaking for the Mercy Gilbert Medical Office Building the prior Wednesday morning, adding the developers had great comments regarding the process of going through the Town and working with Town staff. She then noted she became a patient at Mercy Gilbert Medical Center on Friday. She said she was thankful to have those great people and that great relationship at Dignity Health and to know that they were not only caring for us today and the 300 babies that were being born a month at Mercy Gilbert Medical Center, they were now going to be training the doctors of the future. She said those doctors would stay in Gilbert and in the region, adding they would bring an economic development base to our community over the time that they were here. She added she was sad to have missed the Northrup Grumman ribbon cutting on Friday and thanked everyone who attended. She thanked everyone for their support and good wishes.

**ADJOURN**

Mayor Peterson adjourned meeting at 8:12 p.m.

**ATTEST:**


  
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Brigette Peterson, Mayor

  
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Chaveli Herrera, 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 26<sup>th</sup> day of April, 2022. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 17 day of May 2022.

  
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Chaveli Herrera, Town Clerk