

MINUTES OF THE GILBERT TOWN COUNCIL, IN REGULAR MEETING OF TUESDAY,  
JANUARY 24, 2023 AT 6:30 PM, MUNICIPAL CENTER I, COUNCIL CHAMBERS, 50 E.  
CIVIC CENTER DRIVE, GILBERT, ARIZONA

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COUNCIL PRESENT: Mayor Brigette Peterson, Vice Mayor Kathy Tilque,  
Councilmembers Scott Anderson, Chuck Bongiovanni, Bobbi  
Buchli, Yung Koprowski, Jim Torgeson

COUNCIL ABSENT: None

STAFF PRESENT: Town Manager Patrick Banger, Town Clerk Chaveli Herrera,  
Town Attorney Christopher Payne, Deputy Clerk Judy  
Martinez, Office of Management and Budget Director Kelly  
Pfof, Planner II Noah Schumerth, Planner I Samantha  
Novotny, and Development Services Director Kyle Mieras

AGENDA ITEM

CALL TO ORDER

Mayor Peterson called the meeting to order at 6:35 p.m.

PRESENTATION OF STUDENT CITIZEN OF THE MONTH AWARD

Vice Mayor Tilque presented Student Citizen of the Month Awards for December to  
*(presented alphabetically by school)*:

Penelope Brown, Kate Worwa, Max Honahni, Danielle Cortes, Anastasia Hardt, Sawyer  
Mayes, Easton Rabicoff, Anthony Gomez, Madeline Appel, Liberty Garvin, Xavier Coleman,  
Karsyn Tyler, Jaxon Kitamura, Emilio Aguirre, Sahana Kodimela, Cole Damiani, Sophie  
Graham, Brynlin Fraser, Madisyn Matejcek, Eva Tinti, Beatrice Sanchez-Nunez, Benjamin  
Bustamante, Suki Kanow, Michael Herndon, Avery Miller-Fabregas, Sadie Boutlon, Sofia

Ferrero, Seijdee Cepeda, Aveline Scilley, Jackson “JD” Kutella, Wyatt Packer, Alexander Copeland, Samantha Provins, Meredith Allen, Adrean Pacheco, and Camille Ricks.

Mayor Peterson shared a story about Penelope Brown, Student Citizen of the Month Award winner, and said her great-great grandfather, Elvin Lines was the first graduate of the first graduating class of Gilbert High School along with his sister Myrtle Lines. His Father, George Willis Lines, also known as G.W. Lines, was one of the first settlers in Gilbert, one of the original Town Councilmembers and the President of Gilbert Board of Education. She said it was amazing that now Penelope Brown was being honored as a Student Citizen of the Month and it was a great family lineage. She said it was proof that “as big as Gilbert gets as small as it stays.”

## INVOCATION AND PLEDGE OF ALLEGIANCE

Elder John Kamau of Kenya Presbyterian Church of Arizona gave the invocation. Scouts in attendance led the Pledge of Allegiance.

## ROLL CALL

Town Clerk Herrera called roll and declared a quorum present.

## PRESENTATIONS; PROCLAMATIONS

1. PRESENTATION – Presentation of the 2022 Gilbert Benchmark Report.

Office of Management and Budget Director Pfof presented the 2022 Gilbert Benchmark Report and stated there were 75 benchmarks in the report with eight major areas, 24 Divisions, compared with 41 other municipalities and 13 different states. She highlighted the share of workers in Science, Technology, Engineering, and Mathematics (STEM) and STEM-related occupations stating Gilbert increased from 13.5% to 13.6%. She said the vacancy rate for commercial properties increased but was a common trend across the board. She said the percent of utility customers who received their statements electronically

increased from 29% to 35%. She said the number of sworn officers per 1,000 residents increased slightly but was still on the lower end and said some investment was done in this area to improve to ensure we had the resources needed. She said the average Fire response time for 90% of calls increased slightly and part of it was due to additional protective equipment that needed to be worn during the time of COVID. She discussed the surface versus groundwater usage and stated the target was to use 85% surface water and 15% groundwater. She said the North Water Treatment Plant and new technology would help the Town take advantage of ground water. She said it would be interesting to see this statistic in the next couple of years and this was an area they were closely watching. She discussed the average annual trash weight per household, stating Gilbert was highest on the list and increased by about 100 pounds per year, per household. She said there was growth across other communities but would like to see the trend reversing. She said the information in the Benchmark Report was taken and considered for decision making and looking into any resources the Town may need to improve in the future.

Councilmember Torgerson asked how Scottsdale had such little trash and said it was stunning to see that statistic.

Office of Management and Budget Director Pfof said some of that may be due to seasonal people who would average less trash for the months they were there, versus 12 months, and said smaller household sizes or retirees which had less people per household could make a difference.

Councilmember Koprowski asked if some of the services provided by the Town, such as roll off dumpsters, that may not be offered in other communities, were factored into the calculation.

Office of Management and Budget Director Pfof said that metric was only based on residential trash and did not include any bulk trash or roll off containers.

Councilmember Bongiovanni asked if the statistic included recyclables.

Office of Management and Budget Director Pfof said she did not believe it included recyclables, but said she would verify and email the information to the Council.

Mayor Peterson thanked Office of Management and Budget Director Pfof for the presentation.

**COMMUNICATIONS FROM CITIZENS**

Doralise Machado-Liddell, Gilbert resident, asked the Council to consider letting the public speak during the Study Sessions. She spoke of concerns for safety related to the Study Session discussion on the Water Tower Plaza Design and Heritage District Redevelopment stating there was not appropriate circulation for the food trucks in the alley and the easement needed to be clear for emergency pass. She also said noise mitigation needed to be considered for the residents who live in the area. She spoke of the overpass in the renderings and said she would not want a vehicle overpass leading to a residential neighborhood and hoped it would remain for pedestrians. She spoke about park hours and technology and said people might enjoy the birds in the park and suggested adding information about trees.

Echo Love, Gilbert resident, said she wanted to follow up on an incident from the December 13, 2022 Council meeting. She stated she was under the impression that she would be given 10 minutes to speak during that meeting but was only given three minutes at the podium, then spoke of following up with Town staff by email. She spoke about the Modera Z22-12 project, stating it had failed the traffic study. She said former Vice Mayor Aimee Yentes followed up with the developer on the traffic study and was told by the developer that the concerns were related to parking only and there were no traffic concerns, stating that was in contrast with what she had been told by staff. She said staff told her it had failed during the initial review in the design phase and had other concerns, including four major traffic issues, then it was stated to the Council that there were no major traffic concerns. She asked for guidance and information on how information presented by developers at Council meetings could be verified for accuracy.

Teresa Welker, Gilbert resident, spoke about the structure on 2711 East Melrose Street. She said she was grateful to live in the beautiful neighborhood, but things had changed due to a three-story, multi-unit, detached, standalone building with two party decks on top in the front yard of the cul-de-sac. She said she had spoken with many Town employees who were shocked and surprised to hear about this project. She urged the Council to look at the plans and do the right thing.

McDavid M. Dobson, Gilbert resident, stated he lived near the Welker Family and Melrose Street. He discussed his family and farming in Gilbert. He said he was shocked to see what was going on with that residence on Melrose. He said it did not conform and that it would have never been approved before. He said it seemed like so much was being done to let it happen but not a lot was being done to see if they could mitigate it, not just in his neighborhood but for anyone. He said he hoped it would not require legal action, but he would join with his neighbors to do so if necessary.

Ernest Langdon, Gilbert resident, spoke about the structure being built at the end of his street. He said when this was pursued at a meeting with the Town they changed it from guest quarters after being denied three times previously, to a home extension. He said it was not a home extension but an apartment building because it had multiple entrances, multiple wiring and plumbing for separate kitchens and washer/dryer units. He said the owners of the property had seven other rental properties in the state. He questioned why it got approved and why it changed. He pleaded with the Council to shut down the project. He said he would pursue legal action if necessary.

Dianne Wist, Gilbert resident, stated they lived right next door to the residence at 2711 E Melrose Street, and her parents had been residents in that neighborhood (Poco Bueno) for 22 years. She said it was a quiet neighborhood with a tight community of families. She said in the past ten years neighbors had been renting their home out and there had been disastrous parties. She said rather than speculate what might happen in the structure, she questioned how the structure was approved. She quoted the Mayor and said she loved the statement about “as big as Gilbert gets, as small as it stays” saying it touched her heart. She said there was something about living in certainty and the uncertainty created by one

family and one structure was alarming. She asked the Council to drive to see the property at Poco Bueno.

Terry Naddy, not a Gilbert resident, said she lived on a County Island within the Gilbert planning area. She said she was given a copy of the Gilbert Transportation Plan. She said on Page 31 it talked about minor arterials and said that Ocotillo Road was a minor arterial that was approved with the bundle. She said there were five different kinds of minor arterials, which each had design characteristics, but all say that the Right-of-Way (ROW) could be 110-130 feet and lanes could be 10-11 feet. She asked the Council to please pull it back to 55 feet on each side and said it was within the Town limits.

Chris Welker, Gilbert resident, said he was a civil litigation attorney but was present as a resident of Gilbert. He also spoke of the home on Melrose Street, stating it was being built in the front yard and was blocking their original front door. He said it had multiple entrances and full party decks, faced due west instead of due north, and was intended for rental purposes. He said the owners of the property had rented out their home for short term rentals and owned seven other rental properties around the state. He said it was designed to be used for multiple units, essentially an apartment building or hotel complex that had been built and permitted for a front yard. He discussed it was originally approved as guest quarters but discussed how it did not comply under Town Code. He discussed how staff changed the designation from guest quarters to a home addition. He discussed many violations and asked the Council to shut it down.

Aimee Langdon, Gilbert resident, spoke of her frustrations of the property on Melrose Street. She said there were several easements that were violated and the change to guest quarters occurred during the meeting. She said zoning and planning rules and regulations needed to be followed and Town members were violating rules. She spoke about safety concerns and said there had been nudity and armed guards at the door for parties. She asked the Council to see the property in person.

Nathan LeSueur, Gilbert resident, said he was a fifth generation farmer in the valley and had raised his family in Gilbert. He said his front yard was 20 feet from the “apartment

complex”. He spoke about four checkpoint requirements of the permit application and said site grading and drainage was one of the requirements. He said his front yard looked as if it had been flood irrigated due to the rain and raised front yard at the property. He said he requested the grading and drainage report plan from the Town and was told there was no grading and drainage report plan for the property on 2711 E Melrose Street. He questioned how they received a permit without checking off this bullet point. He stated he appreciated Councilmember Anderson who visited the site and asked the Council to please help.

**CONSENT CALENDAR**

A MOTION was made by Councilmember Koprowski, seconded by Councilmember Torgeson, to approve Consent Items 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20; remove Item 21 from the Consent Calendar; and remove Item 7 from the agenda. *Motion carried 7-0.*

2. INTERGOVERNMENTAL AGREEMENT – consider approval of Intergovernmental Agreement No. 322000295 with Arizona Board of Regents for and on behalf of Arizona State University for sustainable Solid Waste Master Plan development and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar vote.

3. INTERGOVERNMENTAL AGREEMENT – consider adoption of a Resolution approving Intergovernmental Agreement No. 323000246 with The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for joint law enforcement training and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar vote. *Resolution No. 4352 was adopted.*

4. AGREEMENT – consider approval of Enhanced Distribution Service Agreement No. 323000192 with Salt River Valley Water Users Association for design and construction of

the North Water Treatment Plant Reconstruction, Project No. WA1589, in an amount not to exceed \$1,939,108 and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar vote.

5. AGREEMENT – consider approval of Cooperative Purchase Agreement No. 323000232 with Nutrien AG Solutions utilizing City of Tempe Cooperative Purchasing Contract No. T22-141-01 in an amount not to exceed \$200,000 for fertilizers, herbicides and pesticides services, and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar vote.

6. AGREEMENT– consider approval of Cooperative Purchase Agreement No. 323000182 with Shade N' Net of Arizona, Inc. utilizing Mohave Cooperative Purchasing Contract No. 20Q-SHADE-0402 in an amount not to exceed \$560,000 for Pre-Engineered Fabric Shade Structures, and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar vote.

7. AGREEMENT – consider approval of Agreement for Services Contract No. 323000137 with RH Borden and Company LLC, in an amount not to exceed \$440,000 for the Pipe Inspection Services, and authorize the Mayor to execute the required documents.

This item was removed from the agenda.

8. AGREEMENT – consider approval of:

a) Legal Services Agreement No. 323000171 with Dickinson Wright, P.L.L.C. to provide outside counsel services to Gilbert on an as-needed basis; and

b) Legal Services Agreement No. 323000254 with Grasso Law Firm, P.C. to provide outside counsel services to Gilbert on an as-needed basis; and



c) Legal Services Agreement No. 323000255 with Gust Rosenfeld, P.L.C. to provide outside counsel services to Gilbert on an as-needed basis; and

d) Legal Services Agreement No. 323000256 with Law Offices of Michael A. Curtis, P.L.L.C. to provide outside counsel services to Gilbert on an as-needed basis; and

e) Legal Services Agreement No. 323000257 with Peshkin & Kotalik, P.C. to provide outside counsel services to Gilbert on an as-needed basis; and

f) Legal Services Agreement No. 323000258 with Pierce Coleman, P.L.L.C to provide outside counsel services to Gilbert on an as-needed basis, and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar vote.

9. AGREEMENT – consider adoption of a Resolution approving the Telecommunications License and Right-of-Way Use Agreement No. 323000250 with Gigapower, LLC for a fiber-based telecommunications network, and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar vote. *Resolution No. 4353 was adopted.*

10. AGREEMENT – consider approval of Agreement for Professional Consulting Services Contract No. 323000194 with Hazen and Sawyer, PLC in an amount not to exceed \$360,000 for the Vulnerability Assessment and Emergency Response Plan, Project No. WA1542, and authorize the Mayor to execute the required documents.

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. 323000093 with Brown and Caldwell, Inc. in an amount not to exceed \$594,509 for the Site 33 Well Development, Project No. WA0800, and authorize the Mayor to execute the required documents; and

b) CIP Contingency with 2022 Water Resources Municipal Property Corporation (WRMPC) Water System Development Fee (Water SDF) as the designated funding source in the amount of \$78,000 for FY2023.

This item was approved with the Consent Calendar vote.

12. CONTRACT – consider approval of Architectural/Engineering (A/E) Services Contract for Design-Bid-Build (DBB) Project Contract No. 323000156 with NFra, Inc. in an amount not to exceed \$299,732 for the Higley Road – North of Elliot, Project No. ST1830, and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar vote.

13. CONTRACT – consider approval of:

a) Task Order No. 148 to Job Order Contract (JOC) No. 319000397 with CS Construction, Inc. in an amount not to exceed \$551,680.50 for Melrose and Val Vista Traffic Signal Long Lead Items and authorize the Mayor to execute the required documents; and

b) FY2023 Roadway and Maintenance Fund Contingency in the amount of \$168,900.

This item was approved with the Consent Calendar vote.

14. CONTRACT – consider approval of Task Order No. 35 to Job Order Contract (JOC) Contract No. 319001049 with Talis Corporation, Inc. in an amount not to exceed \$554,000

for American with Disabilities Act (ADA) transition replacement, Project No. ST1550, and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar vote.

15. CONTRACT – consider approval of:

a) reinstatement of Software and Services Contract No. 320000190 with Advanced Utility Systems for Utility Billing System Replacement, Project No. MF2310;

b) Change Order No.1 to Contract No. 320000190 with Advanced Utility Systems increasing the contract amount by \$262,000 for Utility Billing System Replacement, Project No. MF2310, and authorize the Mayor to execute the required documents;

c) Contingency from Water in the amount of \$80,722;

d) Contingency from Wastewater in the amount of \$75,325;

e) Contingency from Environmental Services Residential in the amount of \$105,114; and

f) Contingency from Environmental Services Commercial in the amount of \$839.

This item was approved with the Consent Calendar vote.

16. CHANGE ORDER – consider approval of the following contracts for landscape maintenance services for Parkway Improvement Districts 07-01, 07-02, 07-03, 07-04, 07-05, 07-06, 07-07, 07-08, 07-09, and 07-11:

a) Change Order No. 1 to Contract No. 320000073 with Sonrisa Landscape Management increasing the contract amount by \$9,576.69;

b) Change Order No. 1 to Contract No. 320000338 with Sonrisa Landscape Management increasing the contract amount by \$8,776.46; and

c) Change Order No. 1 to Contract No. 321000212 with Sonrisa Landscape Management increasing the contract amount by \$2,377.34 and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar vote.

17. GRANT – consider:

a) acceptance of a grant, Contract No.322000309 from Governor's Office of Highway Safety (GOHS) for additional Grant Funding in an amount not to exceed \$17,285 for the purchase of Preliminary Breath Test (PBT) units, simulation goggles and overtime funding to address impaired driving; and

b) authorization of FY 2023 Grant Fund contingency in the amount of \$17,285, in acceptance of the GOHS Grant additional funding.

This item was approved with the Consent Calendar vote.

18. FINAL PLAT DR22-102 - consider approval of the final plat for Morrison Ranch II located at Southwest corner of Elliot Road and the Owl Drive alignment.

This item was approved with the Consent Calendar vote.

19. RISK MANAGEMENT - consider authorization of the Town Attorney to initiate litigation against the following people/entities to recover for damages to Town property:

a) Joseph Curry (Gilbert Claim No. 21-000138); and

b) Towmater's Towing and Michelle L. Sheldon (Gilbert Claim No. 22-000132).

This item was approved with the Consent Calendar vote.

20. RISK MANAGEMENT - consider acceptance of the Risk Management Quarterly report for the Fiscal Year 2022-2023 Quarter 2.

This item was approved with the Consent Calendar vote.

21. MINUTES – consider approval of the minutes of the Regular Meeting of December 13, 2022; the Special Meeting Minutes of December 12, 2022 and December 13, 2022; and the Special Inauguration Meeting Minutes of January 10, 2023.

A MOTION was made Vice Mayor Tilque, seconded by Councilmember Koprowski, to approve Item 21. *Motion carried 4-0-3; with Councilmembers Bongiovanni, Buchli, and Torgeson abstaining.*

**PUBLIC HEARING**

Mayor Peterson opened the public hearing for Items 22, 24, and 25. No one wished to speak and Mayor Peterson closed the public hearing.

A MOTION was made by Councilmember Anderson, seconded by Councilmember Bongiovanni, to approve public hearing Items 22, 24, and 25. *Motion carried 7-0.*

22. LIQUOR LICENSE – conduct hearing and consider approval of a Series 07 Beer and Wine Store Alcohol License for Sip & Shop located at 2486 South Recker Road, Suite 105.

This item was approved with the Public Hearing Vote.

23. ZONING Z22-13 - conduct hearing and consider adoption of an Ordinance amending The Town of Gilbert Land Development Code, Chapter I Zoning Regulations, Section 2: Terms, related to The “Mixed-Use Development” Use And Design Definition; Section 3: Base

Zoning Districts And Use Regulations, Section 3.1 Use Regulations, Section 3.1.2, Use Regulations, Table 3.1.2 Use Regulations related to Permitted Uses by Zoning District; addition of Section 3.10 Mixed-Use Zoning Districts, Section 3.10.1 Purpose And Intent; Section 3.10.2 Mixed-Use Districts; Section 3.10.3 Mixed-Use District Guide; Section 3.10.4 Mixed-Use District Development Regulations; Section 3.10.5 Mixed-Use Districts - additional Regulations; Section 4: Overlay District Regulations, Section 4.4 Heritage District Overlay Zoning District related to Development Standards Within the Designated Heritage District Overlay Area; Section 4.5 Vertical Development Overlay Zoning District related to the Development Standards Within Designated Vertical Development Overlay Areas; Section 5: additional Use and Site Regulations, Section 5.1 Supplemental Use Regulations, Related to additional Standards Specific to Various Land Uses; Section 5.2 Site Regulations, related to additional Standards Specific to the Properties and Characteristics of Site Planning; Section 5.3 Circulation, Parking, and Loading, Related to Standards for Parking, Site Circulation, And Vehicle Storage On Sites; Section 5.5, Common Area Ownership And Maintenance, related to the Requirements for Maintenance and Administration of Open Spaces and Tracts Within Private Communities; Section 5.6 Sign regulations, related to Regulations of Signage Form and Design; Section 5.8 Wireless Communication Facilities, related to the Regulation of Wireless Facilities On Private Land; Chapter II Design Guidelines and Standards, Section 10 Mixed-Use Development Design Guidelines.

Mayor Peterson opened the public hearing for Item 23.

Planner II Schumerth presented on the Z22-13 Land Development Code (LDC) Text Amendment – Mixed-Use Zoning related to the creation of three new base zoning districts. He gave background on the case progress and spoke of the “Why” for Mixed-Use Zoning in the Town of Gilbert. He stated it would serve as a land development tool to help achieve additional goals such as; Implementation of General Plan, land use goals, constructive flexibility, and new era of development. He stated the development outcomes were consistent with the principles in the General Plan. He discussed the key standards of Mixed-Use/Small (MU/S), Mixed-Use/Large (MU/L) and Mixed-Use/Regional (MU/R) zoning districts stating the maximum allowed height was the main topic. He spoke about the additional height allowance provision and said it would need to meet design guidelines and

additional findings of fact. He explained that the item was a zoning text amendment and not a rezoning of land; stating a rezoning application would be required to use the zone in any capacity. He discussed integration of the zoning districts in the General Plan Compatibility category.

Planner I Novotny spoke about Use Table Regulations and referenced existing Mixed-Use districts in the Town. She said two new “L” Limitations were added for consistency. She discussed supporting LDC amendments highlighting signage and stated a comprehensive sign plan or sign master plan would be required with Mixed-Use development. She stated that Mixed-Use districts would not be allowed in the Heritage District Overlay District. She spoke about Vertical Development Overlay Districts (VDOD) stating those areas were planned for taller buildings. She spoke about the Mixed-Use definition stating it was unclear if residential uses would or wouldn't be required and proposed an update to the language.

Planner II Schumerth discussed the Design Guidelines stating they were essential to the success of Mixed-Use districts in the Town. He discussed public input efforts and feedback from staff and Planning Commission. He concluded with the recommended motion to approve the proposed Z22-13 Mixed-Use Zoning districts and Design Guidelines and thanked the Council for their time.

Mayor Peterson thanked Planner II Schumerth and Planner I Novotny for their presentation.

Councilmember Buchli asked what the maximum height and type of development was for the Mixed-Use Large Zoning.

Planner II Schumerth said the maximum height allowed for a Mixed-Use Large development would be 65 feet for the vast majority of projects. He said hotels could be a component of Mixed-Use/Large Zoning and referenced the Gilmore as an example.

Councilmember Buchli asked if 65 feet was the maximum height of the three Mixed-Use zoning districts.

Planner II Schumerth said the Mixed-Use/Small Zoning maximum height was 45 feet, Mixed-Use/Large was 65 feet and Mixed-Use/Regional had an 85-foot height limit.

Councilmember Buchli asked what the maximum height was for a building to be built in the Town.

Planner II Schumerth said the tallest buildings that could be built in Gilbert was in the VDOD areas, which could go up to 150 feet with a development bonus matrix. He said for the three Mixed-Use districts presented the maximum height was 105 feet with all design guidelines met and within the correct VDOD.

Mayor Peterson said the height of 105 feet was already allowed in certain locations and said the vote that evening was for the three potential changes to the code.

Councilmember Bongiovanni said he was a strong supporter of Mixed-Use development and said he applauded the Team for their work. He asked what was meant by “shared parking strategy” in the presentation and if the number of parking spaces affected the number of dwellings per acre. He also asked if underground parking would be allowed.

Planner II Schumerth said the amendment to parking standards would allow for different spaces to be shared for multiple uses, stating that a parking study was in progress to evaluate the use of parking.

Development Services Director Mieras shared an example of office and retail space stating that someone driving to the office may also go to the retail and with a shared parking agreement the need to double up on parking spaces would be eliminated. He said the parking was driven by the density, and the number of dwellings was driven by the number of parking spaces. He also stated that underground parking would be allowed.

Councilmember Torgeson asked what was meant by self-park.

Planner II Schumerth explained that self-park meant parking spaces dedicated to residents.



Councilmember Torgeson asked if that was something that could be for smaller homes.

Development Services Director Mieras answered that it most likely would, not due to the higher density.

Councilmember Anderson said he was happy to hear the Police Department was included in the design guidelines. He asked about the complex signage policy and asked if A-frames were complex signs.

Development Services Director Mieras said A-frames were not complex signs, rather temporary signs allowed to be placed in the community. The complex signs would be wayfinding and street signs inside the development.

Councilmember Anderson said he was waiting on a report from staff regarding signage and A-frames.

Director Mieras said he would work with staff to get that information to him.

Mayor Peterson asked if it was correct that this would not be allowed in the Heritage Village Center (HVC) Zoning but it would be allowed in the Gateway Village Center (GVC) Zoning.

Planner II Schumerth said for the HVC Heritage District it was determined not to immediately include the Mixed-Use districts because the HVC zoning tool was designed to carry out the Redevelopment Plan and Design Guidelines for the Heritage District, then said they would want the input of Redevelopment Commission in that area and stated the HVC Zoning allowed for Mixed-Use development as well. He said with the Gateway Village Center (GVC) and Gateway Business Center (GBC), when a Mixed-Use project was allowed in those zones, they also had to be responsive to the site and building design guidelines. He added the zoning itself could be used in those areas and would be compliant, but for GBC and GVC, those would have to comply with the design guidelines.

Mayor Peterson said the Multi-Use Residential (MUR) would allow 85 feet since it was already allowed in the VDOD; she asked what was automatically allowed in the VDOD.

Planner II Schumerth said it depended on the based zoning district. He said it ranged from 75-105 feet.

Mayor Peterson said she was concerned with the 85 feet but it seemed to fit the current code. She said she appreciated that they spoke about the Planned Area Development (PAD) process and spoke of her experience with PADs on the Planning Commission.

Planner I Novotny said during their pre-research they referenced previous PADs and relied on previous staff history and experience in drafting their outline.

Mayor Peterson said she appreciated the work that went into this.

Mayor Peterson closed the public hearing for Item 23.

Vice Mayor Tilque congratulated the team on the project and said by providing the guidelines it allowed developers who wanted to invest in our community to understand the standards and flexibility. She said she was in support of the project.

Councilmember Anderson said he felt the same as Vice Mayor Tilque and remembered speaking about this project 20 years ago. He spoke of City of the Future initiative, Design Guidelines, and property maintenance codes. He thanked the staff for their work on the project.

Councilmember Torgeson said he appreciated the work and was in support of the project.

Mayor Peterson said she was in support of the project and thanked staff for the work that was put into the project.

A MOTION was made by Vice Mayor Tilque, Seconded by Councilmember Torgeson to approve Public Hearing Item No. 23. *Motion carried 7-0. Ordinance No. 2848 was adopted.*

24. PROPERTY ACQUISITION – conduct hearing and consider adoption of a Resolution approving the acquisition of Right-Of-Way (ROW) and Easements for both the Mesquite Street - Lindsay to Val Vista Road Project, Project No. ST1620, and for the 29th Place - Elliot to Mesquite Street Project, Project No. ST2117.

This item was approved with the Public Hearing Vote. *Resolution No. 4354 was adopted.*

25. SYSTEM DEVELOPMENT FEES - conduct hearing and consider acceptance of the Biennial Audit Report dated December 7, 2022 in fulfillment of ARS § 9-463.05 for the System Development Fees for FY 2021 and FY 2022.

This item was approved with the Public Hearing Vote.

## ADMINISTRATIVE ITEMS

26. 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

Vice Mayor Tilque said Council Communications Subcommittee had met twice and were working with the Town Clerk's office on improving the Request to Speak Cards and also working with Digital Government for a video outlining the public input process. She said while she had not attended the first meeting for the Maricopa Association of Governments (MAG) Domestic Violence Council, she received an email that noted February was Teen Violence Prevention Month and information was available online at AZMAG.gov.

## **POLICY ITEMS**

None.

## **FUTURE MEETINGS**

No discussion.

## **COMMUNICATIONS**

Report from the TOWN MANAGER on current events.

Town Manager Banger reported that Senior Water Distribution Utility Technician, Susan Logan will be celebrating her retirement after 22 years of service. He discussed her work with Gilbert and recognized her many achievements and awards, including 2007 Employee of the Year. He wished her well in her retirement and future endeavors. He said after 27 years Park Ranger Supervisor, Jodi Becker retired. He spoke of her work at Gilbert and said she was highlighted in the July 2020 issue of Parks and Recreation Magazine and was a Gilbert MVP winner in 2014.

Town Manager Banger thanked Gilbert staff and volunteers who participated in the Regional Point in Time (PIT) count that was done annually in an effort to get the size of population of people who were experiencing homelessness.

Report from the COUNCIL on current events.

Councilmember Anderson said he realized during the Mayor's recognitions at the start of the meeting another graduate from Perry High School to be recognized was the starting quarterback of the 49ers team, Brock Purdy.

Councilmember Koprowski wished everyone a Happy Lunar New Year and noted it was the Year of the Rabbit, and wished everyone happiness, prosperity and health.

Report from the MAYOR on current events.

Mayor Peterson welcomed everyone to the new Council Chambers. She explained that Mayor and Council had about 48 assignments that they served or were liaisons to. She said she was a part of 19 assignments and the remainder was split up among the rest of the Councilmembers and thanked everyone for their work thus far. She gave a special community congratulations to Highland High School Hawkettes POM team for winning the 2022-2023 Division I POM State Championship. She also congratulated 6<sup>th</sup> grader from Mesquite Elementary school, Julia Crossley, who was announced as the Good Morning America Superbowl Kid Correspondent. She also shared an email she received about Perry High School student, Joshua Shunk, who was named a finalist in this year's Regeneron Science Talent Search which was a science and math competition founded by the Society of Science. She said Joshua would compete for 1.8 million dollars in awards including a top prize of \$250,000, in a weeklong competition in March 2023. She wished him good luck in the competition and thanked the Daisy Troop for leading the Pledge of Allegiance. She said the Arizona City Management Association (ACMA) provided training, career development and best practice sharing opportunities for city managers and those seeking to get into city management. She congratulated Town Manager, Patrick Banger, stating he would be sworn in as President of ACMA for the upcoming year.

*Mayor provided her update at the beginning of the meeting.*

#### RECESS REGULAR MEETING AND RECONVENE IN EXECUTIVE SESSION

Mayor Peterson recessed the Regular meeting at 8:38 p.m.

Mayor Peterson reconvened the meeting in Executive Session at 8:47 p.m. 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 regarding the legal aspects for the potential acquisition of interest in land near Neely Road and the Western Powerline Trail.

#### ADJOURN EXECUTIVE SESSION AND RECONVENE REGULAR MEETING

Mayor Peterson reconvened the Regular meeting at 11:01 p.m.

#### ADJOURN

Mayor Peterson adjourned meeting at 11:01 p.m.

ATTEST:

\_\_\_\_\_  
Brigette Peterson, Mayor

\_\_\_\_\_  
Chaveli Herrera, MMC, 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 24<sup>th</sup> day of January, 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_ day of \_\_\_\_\_2023.

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Chaveli Herrera, MMC, Town Clerk