



Town of Wickenburg

MINUTES

**WICKENBURG COMMON COUNCIL
REGULAR MEETING
Monday, February 4, 2019- 5:30 P.M.
155 N. TEGNER - COUNCIL CHAMBERS
WICKENBURG, ARIZONA 85390**

- A. **CALL TO ORDER** - Mayor Sickles called the meeting to order at 5:30 PM and read the following statement:

Welcome to the Wickenburg Town Council meeting. If you are interested in speaking to the Council during the Call to the Public or Public Hearings, you must fill out a speaker card located at the entrance door and deliver it to the Town Clerk. Public comments are limited to 3 minutes per person.

All persons attending the Council meeting, whether speaking to the Council or not, are expected to observe the Council rules, as well as the rules of politeness and good conduct. State law prohibits the use of town resources to influence an election. Members of the public and Council are prohibited from campaigning during the call to the public.

Please refrain from cheering or booing people during the meeting. Any person interfering with the conduct of the meeting will be removed from the meeting.

- B. **PLEDGE OF ALLEGIANCE** - Lead by Vice Mayor Royce Kardinal
- C. **INVOCATION** - Lead by Pastor Duane Middleton from Mt. Hope Assembly of God Church – Prior to his prayer he presented information about Night Watchman Clarence Dotson who is the only Wickenburg Police Officer to be killed in the line of duty on February 7, 1945 when he interrupted a burglary in progress. He had been Watchman for only nine months at the time of his death. He served Wickenburg from 1944-1945.
- D. **ROLL CALL**
- | | |
|----------------|---------------------------------------------------------------------|
| Present: | Mayor Everett Sickles |
| | Vice Mayor Royce Kardinal |
| | Council Member Chris Band |
| | Council Member Kristy Bedoian |
| | Council Member Sam Crissman |
| | Council Member David Stander |
| Absent: | Council Member Kelly Blunt |
| Staff Present: | Vince Lorefice, Town Manager |
| | Trish Stuhan, Town Attorney |
| | Steve Boyle, Community Development & Neighborhood Services Director |
| | Amy Brown, Town Clerk |
| | Les Brown, Police Chief |

Ed Temerowski, Fire Chief
Pamela Green, Economic Development & Community Relations Director
Stephanie Wojcik, Finance & Technology Director
Herschel Workman, Public Services Director

E. MAYOR & COUNCIL MEMBERS REPORT ON CURRENT EVENTS

- Kristy Bedoian attended her first CDAC meeting with a presentation from Public Services Director Herschel Workman and Matt Egan. They gave a great presentation.
- Mayor Sickles presented the Henry Awards for 2019 to Tom & Betty Watt and Myron & Betsy Deibel.
- Vice Mayor Kardinal stated that she was pleased to nominate them as they have worked tirelessly to keep Wickenburg western.

F. TOWN MANAGER'S REPORT – Nothing to report and no questions

G. CALL TO THE PUBLIC

- Nohl Rosen, In-Town Resident, stated that part of being a western town is carrying firearms. The Town is violating the US Constitution and the second amendment by not allowing firearms in Town Hall. Banning firearms was never voted on by the Town Council. The Council needs to uphold the Constitution and take down the sign that says no firearms.
- Teresa Underdown, In-Town Resident, stated that she is here to represent the Community Rodeo Association of Wickenburg (CRAW). Rusty Gant brought the group together in 1998 because the chutes were made of wood and didn't work very well. It started with five people to really work to raise money to make improvements at the Rodeo Grounds. Over the past 18 years, CRAW has put in \$1.2 million in improvements with some help from the Wellik Foundation. Some of the improvements include a new announcers booth, lighting, water and covered grandstands. CRAW is now developing a new youth rodeo group to hopefully bring 4H and FFA to Town. CRAW will have a fundraiser at the Community Center on March 9th.
- Danielle Birch, Out-of-Town Resident, stated that she is continuing with the introduction of the youth rodeo club. She has a seven-year-old who has some neurological issues and was diagnosed with ADHD. The local school and hospital have been great at helping him, but they discovered his love for horses and now he is thriving. He may not be the typical rodeo kid, but this group will be able to help a wide variety of kids.
- Randi Jo Bowser, Out-of-Town Resident, stated that she is the great niece of Officer Dotson and was very thankful for the Town still remembering him at the meeting tonight. She is a realtor, wife, rancher and has three children. People ask if Wickenburg has a 4H program or Rodeo Team. She would like to keep the Western Heritage. This new youth rodeo group will be a safe place for many kids as well as allow for a sociable group with a positive environment. They are moving forward in setting up this group with the help of CRAW. Her daughter Ellie Bowser was with her at the meeting and stated that she does the barrels and poles. She is also learning to rope.

- Dick Van Pelt, In-Town Resident, stated that he wanted to call attention to the magazine *Western Horseman* to everyone attention as Wickenburg was featured in the magazine. He wanted to thank the Watt's and Deibel's for helping to keep Wickenburg western. He was from Laramie, Wyoming and is a new kid in Town with only being here for two years now on a permanent basis. He has been coming to Rancho Rio for five years. The cowboys spend lots of money in this Town. Wickenburg is still a cowboy Town to the core. He thought it was great to take care of the kids and get them involved in rodeo. He wanted to thank the Chamber of Commerce as the *Western Horseman* magazine reached out to them in the beginning and they provided information to have Wickenburg featured.
- Julie Brooks, Out-of-Town Resident, reminded everyone that it is Gold Rush weekend. This has been ten months of planning and it looks to be a great weekend. This year is the 71st Gold Rush Days. She stated that the Chamber can't do this event without the assistance of the Town of Wickenburg. They have over 300 volunteers to help with this event. She wanted to thank the Town for their support.

H. NEW BUSINESS

1. Approval of the Consent Agenda -

All items listed under the Consent Agenda are considered to be routine matters and will be enacted by one motion and vote of the Town Council. There will be no separate discussion on these items unless a Council Member requests, in which event the item will be removed from the consent agenda and considered in its normal sequence on the agenda.

MOVED BY Council Member Kristy Bedoian to approve items a, b, and c of the consent agenda

SECONDED BY Council Member Chris Band

VOTE: 6 – 0 (Yes – Mayor Sickles, Vice Mayor Kardinal, Council Members Band, Bedoian, Crissman and Stander) (Council Member Blunt – absent)

a. Approval of Minutes – Regular Meeting of January 22, 2019

By a 6-0 vote under the Consent Agenda, Council moved to approve the minutes of January 22, 2019.

b. Consider Approval to Transfer \$6,500 from CIP funds allocated for a handheld police radio to the New Vehicle CIP fund for a vehicle radio

Les Brown, Police Chief, reported in his Council routing form that the police department was allocated \$6,500 for the purchase of a new handheld radio but due to the increase of the cost of a handheld radio and the need for a new vehicle radio it is requested that the money be transferred to the New Vehicle CIP account to be used to purchase a vehicle radio instead.

By a 6-0 vote under the Consent Agenda, Council moved to approve the transfer from 700-90956 of \$6,500 originally designed for the purchase of a hand-held

police radio to 100-90908 the vehicle fund to purchase a vehicle radio for the new police car.

- c. Consider Resolution No. 2203, Approving and Authorizing the Mayor to Execute a Grant Agreement with the Arizona Department of Transportation Airport Pavement Preservation Program for 2019

Herschel Workman, Public Services Director, reported in his Council routing form that the ADOT Multimodal Planning Division is awarding the Town of Wickenburg a grant to improve the runway at the Wickenburg Municipal Airport. The pavement improvements include a crack seal, seal coat and pavement markings. The runway is in need of this pavement preservation.

The project is estimated to cost \$285,726.00, of which the Town would be responsible for \$28,572.60, representing 10% of the project cost. The project is anticipated to start no earlier than March 1, 2019. Funding for this project is budgeted in the Airport Fund.

By a 6-0 vote under the Consent Agenda, Council moved to approve Resolution No. 2203, Approving and Authorizing the Mayor to Execute a Grant Agreement with the Arizona Department of Transportation Airport Pavement Preservation Program for 2019.

2. Public Hearing to Consider Ordinance No. 1191 for a Rezone/Planned Area Development (PAD) on Approximately 80 Acres of Land. The Property is Located on the West side of Vulture Mine Road, North of the Intersection with West Wickenburg Way. The Applicant Requested the R1-6 Single Family Residential and RM-1 Multi-Family Residential with a Planned Area Development and Approval of the Proposed Development Plan. The Applicant is Requesting to Increase the Existing Density Level of 1.4 Dwellings per Acre to 2.0 Dwellings per Acre or 103 Single Family Homes and 60 Multi-Family Homes

Steve Boyle, Community Development Director, reported that Caliber Companies has submitted a request to change the zoning on a portion of the existing Saddleback Ranch and to place a Planned Area Development Overlay on top of the requested zoning. Saddleback Ranch is an existing platted subdivision that was approved by the Town of Wickenburg in August 2007.

The property is north of the intersection of West Wickenburg Way and Vulture Mine Road and is bounded by Vulture Mine Road to the east, Flying E Wash to the North and West and by Sunset Terrace and Mountain View Villas Condos to the South. The development received plat approval for 115 units over 10 years ago and the development currently consists of most of the Single-Family Residential Zoning Districts, ranging from R1-35 to R1-6. The majority of the approved lots are in the R1-6 and R1-9 Zoning Districts which range from 6,000-9,000 square feet. The development was to connect to the Town utilities and all the roadways were dedicated to the Town.

During the economic downturn the original developer could not financially make the development work so it was sold as unimproved land. Caliber Companies purchased the property with the intent to develop the land at a certain point in time but knew the approved development plan needed to be adjusted. Early on the developer spent a lot of time making internal adjustments to the approved plan so as to make it more compatible with the market with the intent to lessen the destruction of the topography of the land. The overall concept of the proposed plan is to increase the amount of open space and amenities while increasing the density. The proposed development plan consists of a variety of lot sizes and housing options which is something Wickenburg has not seen in quite some time. This gives the option of more affordable housing options which meets the goal of the strategic plan of the Wickenburg Town Council.

According to the development plan the idea is to retain the large lots to the north and west which have FEMA floodway on them and have an open space buffer along the majority of the southern boundary with Sunset Terrace. The developer also desires to construct a clubhouse on site along with an extravagant gateway feature. The developer also has applied for the rezone from single family to multi-family on portions of the development for Quad units and a Condominium Complex at the southeast corner of the property. This will not be apartments or Section 8 housing. The main condo complex is located directly behind the existing multi-family development of Mountain View Villas and a portion of Sunset Terrace.

The overall approved density of the land is 1.4 units per acre whereas the developer is requesting 2.0 units per acre. The proposed unit breakdown is 103 Single Family lots and 60 Multi-Family lots. The purpose of the Planned Area Development request is to allow for the clubhouse, gateway feature, subdivision signage, parking, parks, and trails. The developer is requesting a single zoning category of R1-6 for the single-family home lots and RM-1 for the Multi-Family lots. The total average lot size of the single-family homes is 21,120 square feet. In comparison, Sunset Terrace or the homes located on Terrace Drive has an average lot size of 8,201 square feet.

The developer is proposing all the lots, including single family and multi-family, to be fee simple property not rental units. So, they are not apartments or Section 8 housing. The designed setbacks would vary based on the lot size but all would exceed and conform to the proposed zoning districts. The single-family homes are proposed to be a single story. The model homes and multi-family condos would come back at a later date to the Planning and Zoning Commission for design review, if zoning is approved.

The property is designated in the Wickenburg General Plan 2025 as High Density 5-10 units per acre. The properties to the south, including Terrace Drive and Mountain View Villas are zoned Commercial with residential uses which is considered legal non-conforming. The southwestern, western and northern bounded properties are zoned R1-35 Single Family. The proposed development is located near the intersection of 2 major streets in Town. Vulture Mine Road is currently being planned as a principal arterial street. The developer is aware of such future improvements and should be required to participate in the improvements and possibly dedicating a few feet of property for right-of-way improvements. The developer will put in a turn lane

and deceleration lane.

The subdivision is proposed to have a single point of access off of Vulture Mine Road. A traffic study was required for this proposal and the Town's engineer reviewed the study and considered the single access adequate however the town engineer recommended an emergency access at some point along the road. The developer is aware that adequate space must be made to accommodate safe traffic flow both in and out of the development. The development is proposed to be gated therefore the gate and access point must be engineered adequately to prohibit backing up of traffic onto Vulture Mine Road. It is also noted that all the roadway system within the proposed development is to be maintained by the developer or HOA and not the Town of Wickenburg. The Town will dedicate the existing ROW back in the subdivision phase if the development plan is approved. The developer will be required to connect to all the available infrastructure (sewer, water, electric) and the designed plan will have to be approved by the town engineer and public works staff. This engineered design would be submitted during the platting stage as is normally required.

In May 2018 the applicant held a neighborhood meeting with those property owners in the area of Saddleback Ranch and many comments came from that meeting. Comments ranged from concerns of change to the area, current vistas blocking with new development to water usage. A memo was in the packet with the full comments. The proposed development is to connect to the Town wastewater system and water system. The Town has adequate capacity for both. One of the concerns neighbors and staff have is the plan for the water front property. There is no purple pipe system in this area and the use of potable water is not encouraged. Purple Pipe is an infrastructure system that delivers reclaimed water to an area to recharge the aquifer. The neighbors also raised concerns over future development patterns, especially grading patterns and what the overall grading plan is. Staff nor neighbors want to see a bladed property for decades with no improvements. This is understandable and the developer is proposing to grow the property in phases, including grading and infrastructure.

The applicant has a build out plan but realizes the market dictates growth. The idea is to create various levels of housing options in a small master planned community. The larger lots will likely be on the higher end of the market rate, while the condos or smaller lots could be the more affordable workforce housing option. During the same neighborhood meeting the residents seemed troubled by the fact that portions of this development would likely block the existing views they enjoy of the distant mountain range to the north. The applicant mentioned that they were committed to not creating neighborhood issues so they went back to the drawing board and lowered the base of the proposed condos so the neighbors to the south in Mountain View Villas would still have a vista.

The developer held a second neighborhood meeting in December with the surrounding neighbors and they addressed similar comments as the meeting earlier in the year. The main change was that the developer lowered the overall height of the main multi-family building area so as to be more neighborly with preserving the vista

that the existing multi-family complex currently has. This is not a requirement, however the developer felt it was the right thing to do to assist their application. The developer also eliminated the interior water feature to conserve water. The applicant also is proposing a street scape plan and will also be required to adhere to the dark sky regulations of the Town. They are also proposing to have sidewalks on both sides of the road system and a trail system throughout. There are also plans for the developer to connect to the existing multi-use path along Wickenburg Way as the existing sidewalk ends at the beginning of the Mountain View Villas property.

The requested density level of 2.0 units per acre is well below the 5.0 minimum preference of the voter approved Wickenburg General Plan so the applicant is well within their bounds of the request. This also provides workforce housing, which has been a Council directive in the Strategic Plan. This development also has access off of one of the Town's major roads and is bounded by multi-family and single family uses. If approved the development would be required to be re-platted so as to meet the proposed development standards. Since this is a PAD request, the developer would be required to substantially conform to the development plan.

This development was approved by the Planning and Zoning Commission unanimously. They did request access control lanes in Phase 1. They agreed with the second emergency access. They also would like to see the extension of the Multi-Use path that is along West Wickenburg from Sunset Park to Los Altos. The Town's ultimate plan is to have the multi-use path go up Vulture Mine Road to Wickenburg Ranch. They have agreed to make this improvement to their design plans and construct the multi-use path in their area. The path will connect to the bridge for pedestrians to go over their entryway.

Council Member Crissman asked about sidewalks on Vulture Mine Road. Mr. Boyle stated that there will definitely be curbing. The multi-use path will be ADA compliant.

Mayor Sickles asked about the second access for emergencies. Mr. Boyle stated that the Town engineers recommended it, but it is not shown on the plans yet.

Public Hearing Open at 6:14 PM

Sandra Olney, Out-of-Town Resident, stated that her question was the density of traffic on Vulture Mine Road. There can be a jam of cars turning onto West Wickenburg Way. She also was concerned with the water issue and wondered if they would be hooking up to Town water. She stated that this many people being crunched into one area could be a problem. She would like for the Town to revisit the idea of an ingress and egress off of Wickenburg Way instead of Vulture Mine Road. Mayor Sickles responded that the access off of US-60 is controlled by ADOT and they have said no to direct access to Wickenburg Way. The water is adequate to add this many homes. The Town bought the Wickenburg Ranch water system, so that allocation is also the Town's water.

Nohl Rosen, In-Town Resident, stated that he was concerned about the water issue as the Town can't guarantee the water for 10 or 20 years from now. This is a multi-

housing development that will use a lot of water. Could they not make the multi-housing units' single story? Can they come back in the future and ask for more? Mr. Boyle stated that they can do half-levels but zoning allows for a second story. Mr. Rosen continued asking if they could ask for commercial in the future? Mr. Boyle stated that right now it is residential only. Mayor Sickles stated that any change they make would have to come through the Planning and Zoning Commission in a public meeting, especially if they wanted to add any commercial.

Roger Berg, In-Town Resident, stated that his concern was the congestion issue. The Town has no control of the intersection at US-60 and Vulture Mine Road since it is an ADOT road. It could take years for ADOT to realize there is too much traffic at that intersection and add a left turn light. He does realize that the Town does need some affordable housing options.

Cassie Doyle, In-Town Resident, stated that she had 280 signatures on a petition to keep the zoning as single-family residential. They preferred it stay the 115 units instead of the increase to 160. She is concerned that the increased density will cause traffic and water issues. The last water study was done in 1972. She demanded that the Town do a water study before approving this change.

Mr. Lorefice responded that the Town has done numerous water studies. The allocation was set in 1973-1974. The Town is only using 80% of our allocation of water now per year. In addition, we have the Wickenburg Ranch allocation of water. We still have approximately 2,400-acre feet of water that is unallocated in the area and that amount has been proven in several studies. We have an allocation of 1,750-acre feet per year and we only use 1,400-acre feet each year. The Town will be working on a new report with a water study. We will take that report to Arizona Department of Water Resources (ADWR) to get all the more allocation that we can get. When Wickenburg Ranch received their allocation and did all their research for that, they used the real time data from the wells to receive the authority for some of the water. Their reports showed an adequate supply of water and included all the platted developments that have been approved. By our calculations, we can still support another 1,200 homes on our current allocation.

Edward Hargens, In-Town Resident, stated that he has lived in Wickenburg for three years and he has the same concerns that have already been brought up. The Town needs to do some more studies to deal with the water and traffic concerns. The developer should come back with the information. Mayor Sickles stated that any changes they would make to the subdivision would have to come to the Planning and Zoning Commission and Council. Mr. Hagens continued that he thought the Planning and Zoning Commission was very political and wondered if there was any guarantee that they would not come back.

Brenda Henson, In-Town Resident, wanted to thank the developers for being receptive and working with the residents in the area. She stated that Commissioner Stevens abstained from voting, so it was not a unanimous vote at the Planning and Zoning Commission. At the Planning and Zoning Commission meeting, they stated that the Town is playing catch up. The Town is behind in building infrastructure and

improving roadways. She asked if it was one way in and out of the development and wondered what the Fire Chief thought about that since it is gated. Chief Temerowski stated that just like any other gated community, the Fire Department does have access 24/7. He would like to see an alternate emergency access. Ms. Henson stated that this is a 45% increase in the density for the subdivision. The Town is already at 80% use of the water, so those added together are over 100%. ADOT is usually delayed in reacting to the need for an arrow. She would like to see the Town consider doing a water study. She would also like to have the developer do a traffic study looking at the traffic at the light at Vulture Mine Road during the high time of the year.

Mr. Lorefice clarified that when a member abstains, the vote is still unanimous based on the number of people who are eligible to vote. He clarified that the Town is only using 80% of our water allocation and we can add approximately 1,200 more homes before we reach our maximum allocation. The Town did a traffic study of Vulture Mine road in 2014-15 where they considered the full build-out of all the approved subdivisions. They looked at all the subdivisions within three miles, so that included Wickenburg Ranch and Perks Ranch. Even with the full build out, the improvement to Vulture Mine Road will still be a two-lane road, not two lanes in each direction. The road can carry about 10,000 vehicles per day. They will have a deceleration lane with the development.

Martha Brown, In-Town Resident, stated that she lives in Sunset Terrace and has the same concerns that are already mentioned. With 160 units, that will be about 300 more cars in the area. That will add lots of additional traffic to the area. The Town needs to approach ADOT about reviewing that intersection. These are legitimate concerns.

Bill Green, In-Town Resident, stated that he had looked at the plans for this development and he has no agenda. He liked that fact that it is a PAD since the changes are set in stone and hard to change. The benefit to the Town is that the streets will be private. In reviewing the plan, it is much better than the previous 115 home plan. This is 80 acres with approximately 163 homes, so averaging about 2 per acre. He lived on North Vulture Mine Road for years and stated that there will be more traffic coming from Wickenburg Ranch than from this development in the next few years. The developer has said that they will build traffic lanes at the beginning of the development to help with traffic turning in to the subdivision. In addition, they will continue the multi-use path. He was concerned with a sidewalk on private property.

Public Hearing was closed at 6:44 PM

Council Member Band asked if there would be any walls. Mr. Boyle stated that there were no walls proposed, just the gateway.

Council Member Band stated that the major expansion of Vulture Mine Road will cost about \$25-30 million. He asked about the bridge for crossing the wash and how this developer could help with that project. Mr. Boyle stated that there might be a bridge over the wash or culvert installed but this development is prior to that wash. They will

install a deceleration and turn lane which will meet the future plans for Vulture Mine Road.

Council Member Band asked if this would cause any rearrangement with these changes to Vulture Mine Road or if it would have to be redone later. Mr. Boyle stated that the plan is to have the developer pay for their development, so they will pay for the extra lanes to access their subdivision.

Council Member Band was also concerned about the water. He said that there was a traffic study done in 2014 and the Town can recover from additional traffic on a road. However, how will the Town recover if we run out of water. We are not in an Active Management Area (AMA). This is a 45% increase in the density yet there is no water impact study. Do we have enough capacity? The attorney told us we did but he is not a hydrologist. We are operating off of a 1974 study. We should do a water impact study and have this development estimate the amount of water that will be used as there are trees included in the development.

Council Member Crissman asked if it is required of ADWR to show sufficient quantity of water prior to approving a subdivision. Mr. Boyle stated that for approved subdivisions, we do have to show adequate water. This was not required in the past. The water attorney presented the information from the hydrologist showing that we have enough water for this additional density. The attorney stated that we cannot prevent a development until we have reached 100% of our allocation, which we have not reached.

Council Member Band asked why we can't ask for a water study as we did a traffic study. We are in a catch-up mode on sewer and rates. We need to be proactive to see how this will affect this area. We are at 80% of our allocated capacity. We should have the water study before we move forward.

Vice Mayor Kardinal asked if we could discriminate against one developer and require it of them when we haven't required it in the past. Town Attorney Trish Stuhan stated that this is a PAD application with certain requirements established in the Town Code. There is no requirement for a water study. Bill Sullivan, the Town Water Attorney, stated that the Town can't deny a subdivision based on water since ADWR says there is adequate water. You can't now set a moratorium on development because of water concerns when ADWR says there are no concerns and you are not in an AMA. If the Town denies this subdivision because of water concerns solely, it would not be defensible in court.

Council Member Stander stated that this development is at the base of his back stairs. This is where his kids go out to play. He looked at the original platting and this is an upgraded plan. They have set a buffer area between his subdivision and they are not leveling the entire area. They have agreed to an ingress and egress in Phase 1. The developer has taken a lot into consideration to try to work with the Town and the neighbors.

Council Member Crissman stated that based on the General Plan, they could put 800 homes in this area and they are only asking for about 160. Mr. Boyle stated that they are zoned for 115 homes right now. The General Plan does allow between 5-10 per acre in this area, so they could have up to 800 but that would be all multi-family. This new plan does meet the General Plan.

Council Member Bedoian stated that she has always thought that if you own a property, you should be able to do what you want with it. The developer has set it up to be similar to the properties around it. She asked what would be behind Sunset Terrace. Mr. Boyle brought up the map and showed that there would be a buffer then multi-family units.

Council Member Bedoian stated that maybe we should look at the PAD ordinance to see if there is a development over a certain number of homes that we should ask for a water study. However, we can't ask for it now as we do not have it in the code right now. She asked about the emergency access. Mr. Boyle stated that the access they have right now in the plan is adequate, however the Town engineers wanted them to add an emergency access to the plan.

Council Member Bedoian asked if we could ask for that? Mr. Boyle stated that we can look at adding that stipulation. It would be in the wash.

Mayor Sickles stated that at the Planning and Zoning Commission meeting they talked about the density change. Where is the density change from the previous development plan? Mr. Boyle stated that it is in Phase 1 with the multi-family units. That is the biggest density increase to add the workforce housing that the Town needs. This density increase is in the Southeast corner of the property. They went to 103 single family homes from the original 115 and added the rest in four-plex units. The last multi-family units that were built was Northridge in the late 1990's on Brallier. There are also apartments on West Road that were built. Those were built on minor streets. This subdivision will have access off of a major road similar to Mountain Vista.

Mayor Sickles stated that we need the workforce housing. He wondered if they could develop the areas that didn't have changes in density first, then develop the density change areas. Mr. Boyle stated that this is a development plan with a PAD and zoning. If they go three years and are stagnant, then it will revert back to what the zoning was. Mr. Lorefice clarified that the density increase is the multi-family units, which is what Phase 1 includes because those are the most needed at this time. Phase 1 will include the club house and multi-family housing.

Mayor Sickles asked if we needed the amenities right away. He did understand that we need the basic workforce housing. Mr. Boyle stated it would be up to the developer as to when they put in the amenities. Courtney Bring from Caliber Companies, stated that Phase 1 will be the multi-family units because that is what the market studies show are needed in Wickenburg. The developer can put the amenities into Phase 2. Caliber has a desire to work with the Town. They have added the

access lanes into the early phase as requested by the Town. They are also willing to work with the engineer and fire department regarding the emergency access issue.

Ms. Stuhan stated that there were already some stipulations in the Ordinance based on the discussion at the Planning and Zoning Commission including the following:

- a. That the maximum density permissible be 163 lots (103 Single Family and 60 Multi-Family).
- b. That the main clubhouse be built to conformance as submitted in the zoning application.
- c. That Developer shall create a Homeowner's Association (HOA) for pedestrian, bicycle, multi-use or trail purposes and other common area needs. Equestrian trails shall be maintained by the HOA.
- d. That, in recognition of the modifications to the underlying zoning regulations set forth herein, equestrian trails shall be opened for public access and use.
- e. That internal streets of the development shall be private streets maintained by the Developer or the HOA.
- f. That off-site improvements shall be required by the Town Engineer and, at the request of the Town Engineer, that Developer shall dedicate all necessary easements for such required improvements.

Ms. Stuhan suggested adding the below stipulations based on the discussions at this meeting:

- g. That a final development plan be approved within three years.
- h. That the multi-use path be extended and designed/constructed as required by the Town Engineer.
- i. That the development be designed and constructed with access points as required by the Town Engineer.
- j. That the development be designed and constructed with turn lanes as required by the Town Engineer.

MOVED BY Vice Mayor Kardinal to approve Ordinance 1191 with the addition of the four conditions listed by the Town Attorney

SECONDED BY Council Member Sam Crissman

VOTE: 5 – 1 (Yes – Mayor Sickles, Vice Mayor Kardinal, Council Members Bedoian, Crissman and Stander) (No – Council Member Band) (Council Member Blunt – absent)

Council Member Bedoian asked if they needed anything else in order to begin. Mr. Boyle stated that they will have to bring a final development plan to the Town along with construction bonds. They will phase the project instead of moon scaping the entire piece of property.

Mayor Sickles asked how the developer would be aware of the additional requirements. Mr. Boyle stated that Courtney Bring is from Caliber Companies and is here. In addition, he talked to the developer today so they are aware of what staff was going to be suggesting tonight.

3. Presentation Regarding the Wickenburg Town Court Yearly Departmental Update to Council

Judge Sherri Rollison stated that she has been the Town Magistrate for four years. The Supreme Court came in this year for a court operational review. They pull records that have been processed and sit with the staff for a week to see the processes. In 2005 and 2011, the court failed the review and were taken over for a period of time to correct the issues. She was proud to say that this time the court passed with flying colors. They said the “court was in great shape.”

Rosa Garcia-Marquez, Court Administrator started the presentation talking about the training and professional development at the court.

- CORE (Court Operational Review Evaluation) took place in the late summer of 2018. This usually happens every 10 years. Town Court Operational Review was finalized in September 2018. All findings were minor in nature and remedied either during the audit or before it was finalized, with all findings completed by the time it finalized. The court even has a new case management system that they have only had for one year and the staff is doing well with that new system.
- COJET (Committee On Judicial Education and Training) Requirements Met. The Judge has attended some conferences including: Mandatory three-day judicial conference in the summer, DUI Conference held by the Governor’s Office of Highway Safety in early December and the Arizona Courts Association Spring Conference. There is a 16-hour minimum requirement with staff completing 100 hours altogether. Training includes ethics, case specific processing and cyber security plus other topics.
- Court Administrator was accepted in a Court Manager program through the Supreme Court. This is free training.

The Court has tried to work on the public outreach including the following:

- First “LAW DAY CELEBRATION”, which was held on May 2, 2018. This included the Town Prosecutor, Public Defender and Judge. They had information on the separation of powers.
 - Upcoming Law Day Celebration on May 1, 2019
- The court participated in the Stand Up for Veteran’s event held in Glendale, AZ.
- Staff participated in the Angel Tree Program for the local schools and the Humane Society.
- Staff participated in the Bell Ringing for the Salvation Army.
- Weddings Performed - In 2017 – 13 and in 2018 – 22

The role of the Town Court is the following:

The Town Court adjudicates violations that occurred within town limits:

- Criminal misdemeanors
- Town Code violations
- Traffic violations
- Certain juvenile offenses committed in the Town of Wickenburg

In cases of domestic violence and harassment, the Court issues protective orders. The Court has the authority to issue search warrants for misdemeanors.

- Judgment entered by judge is based on evidence presented in court.
- How does court staff come in to play?
 - Process the orders issued by judge
 - Answer questions from litigants regarding their specific cases
 - Work on the older cases
 - Data entry
 - Financial entries
 - Reviewing cases for compliance

When someone calls the court, they try to direct them to the correct court, since the Municipal Court only handles some types of cases. With the cases we do handle, there are certain mandatory fees or minimum sentences that have to be given.

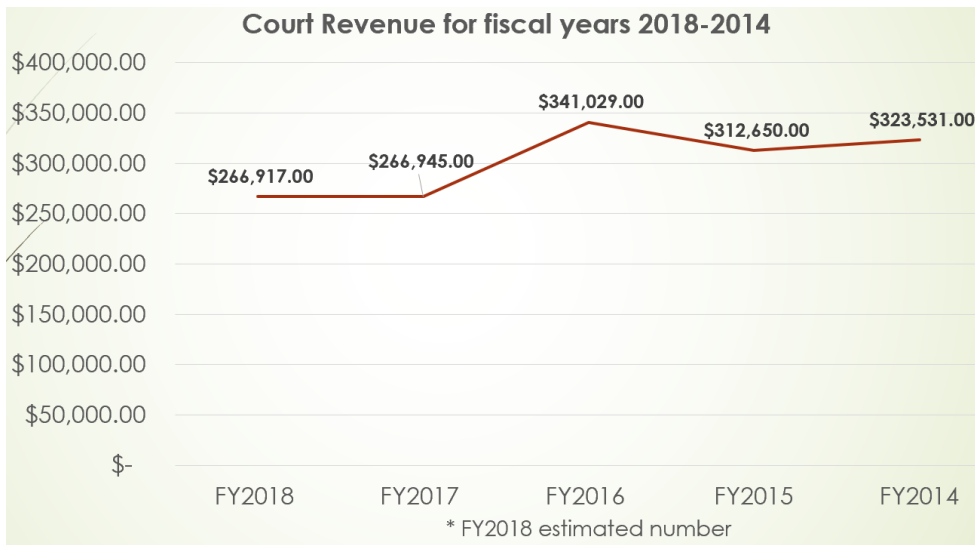
The court has increased the amount of online payments.

- Total Payments Processed (by phone, counter and mail)
 - Jan. 2017 to Dec. 2017
 - 2284 + 63 - Online auto payments
 - Jan. 2018 to Dec. 2018
 - 1654 + 370 - Online auto payments

The annual case filings are below and reflect the charges from the Police Department.

| Case Type | FY18 | FY17 | FY16 | FY15 | FY14 |
|----------------------|-------------|-------------|-------------|-------------|-------------|
| Criminal Traffic | 86 | 133 | 143 | 125 | 128 |
| Misdemeanors | 150 | 223 | 270 | 264 | 186 |
| Failure to Appear | 40 | 55 | 77 | 64 | 64 |
| Civil Traffic | 908 | 884 | 1094 | 1073 | 937 |
| Parking | 0 | 0 | 0 | 0 | 0 |
| DUI | 102 | 116 | 103 | 141 | 67 |
| Total Filings | 1286 | 1411 | 1687 | 1667 | 1382 |
| Protective Orders | 44 | 23 | 24 | 37 | 36 |

The sole purpose of the Town Court is not to bring in revenue, but the numbers are below. The court has to be fair and impartial in their review of the laws and then impose appropriate fines. These fees or revenues are for the Town, County and State.



There are several ways to collect revenue including the following:

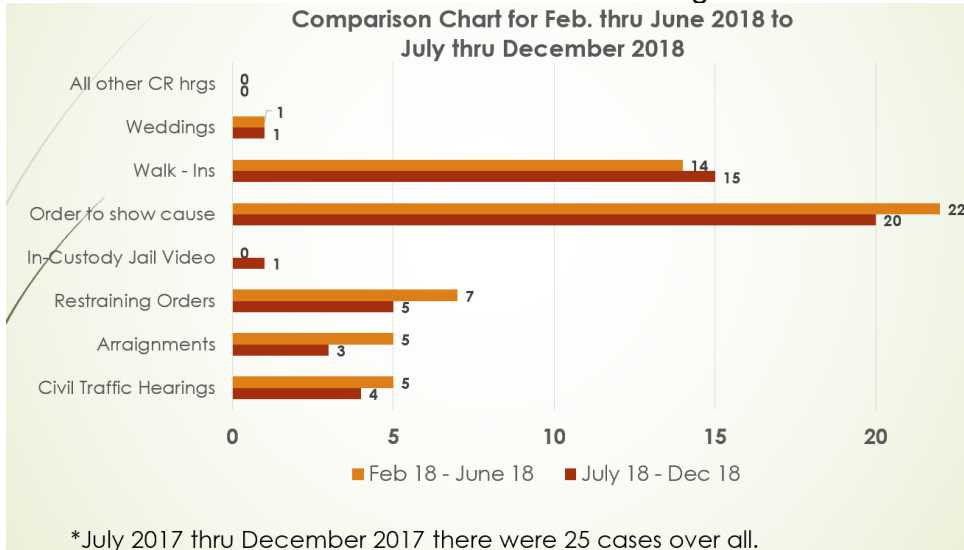
- At the counter by staff
- By phone with staff
- Payments mailed in
- FARE Program (Collections), these totals are included in total revenue. In 2018 the Supreme Court allowed individuals to get on a payment plan to get their license back, so those have gone up. In addition, in 2014, they started the tax intercept which helped to clean up many of the old files.

| 2018 | 2017 | 2016 | 2015 | 2014 |
|---------------------|--------------------|--------------------|--------------------|--------------------|
| \$109,293.20 | \$48,474.68 | \$60,091.62 | \$60,951.64 | \$86,952.85 |

- TIP Program (Tax Intercept), these totals are included in total revenue

| 2018 | 2017 | 2016 | 2015 | 2014 |
|-------------------|-------------------|-------------------|-------------------|--------------------|
| \$6,660.81 | \$4,259.05 | \$3,910.85 | \$8,667.17 | \$13,313.90 |

Since the Court has added the additional morning the volume of cases is as follows:



The volume of cases seen is not that many, but there are many other benefits to having the Judge in Wickenburg for additional time including:

1. Time to discuss administrative matters and concerns
2. Discuss new legislation
3. Procedural and business matters
4. Time to rule on last minute request

Council Member Band asked about the failure to appear with 40 cases. Ms. Garcia-Marquez stated that when someone gets a citation, they sign for the ticket. If they fail to appear on their designated date, then there is a failure to appear warrant issued and added.

Council Member Band stated that in looking at the numbers from 2014 to 2018 there has been a decrease in the number of cases except for DUI's which have increased. He thought maybe there should be a task force or more information given to citizens to keep them safe.

Mayor Sickles stated that it looks like the number of cases is down along with the revenues.

Chief Brown stated that all the officers are better trained now and able to process DUI's. In addition, we have had the DUI Task Force up here which is why the numbers have increased. The police department has seen an increase in domestic violence cases, which is why the protective orders have increased. The Police Department's priorities have been DUI's and Drugs, which is why you see the court numbers where they are. They have not been doing as much traffic, thus those numbers are down. The domestic violence calls the Police had to go on and those numbers have been increasing.

Ms. Garcia-Marquez stated that DUI's have the most requirements by statutes and they have to make sure they are following all the time frames with these cases. Judge Rollison stated that each protective order case can ask for a hearing. In addition, the court is looking at cases for the past 20 years to clean up back cases either with a payment plan or community service hours.

Council Member Band suggested promoting the online payment option. Ms. Garcia-Marquez stated that that option started in August 2017. They promote that on all information including a note on the receipts, business cards, on the payment plan notifications and the Town website.

- I. **EXECUTIVE SESSION** - (Council May Vote to Go Into Executive Session Pursuant to A.R.S §38-431.03(A)(3) to Receive Legal Advice from the Town Attorney on Any of the Above Agenda Items.)
 1. An executive session pursuant to A.R.S. § 38-431.03(A)(1) for discussion or consideration of employment, assignment, appointment and salary of Municipal Judge Sherri Rollison.

MOVED BY Vice Mayor Royce Kardinal to adjourn into executive session at 7:48 PM
SECONDED BY Council Member David Stander
VOTE: 6 – 0 (Yes – Mayor Sickles, Vice Mayor Kardinal, Council Members Band, Bedoian, Crissman and Stander) (Council Member Blunt – absent)

Meeting was reconvened at 8:16 PM

J. SCHEDULING OF FUTURE COUNCIL AGENDA ITEMS

- Council Member Band requested an item to look at a requirement of a Water Impact Study. This item was seconded by Council Member Bedoian.

K. ADJOURNMENT

MOVED BY Council Member Sam Crissman to adjourn the meeting at approximately 8:17 PM

SECONDED BY Council Member Kristy Bedoian

VOTE: 6 – 0 (Yes – Mayor Sickles, Vice Mayor Kardinal, Council Members Band, Bedoian, Crissman and Stander) (Council Member Blunt – absent)

Everett Sickles, Mayor

ATTEST:

Amy Brown, Town Clerk

CERTIFICATION

I, Amy Brown, the duly appointed and qualified Town Clerk of the Town of Wickenburg, do hereby certify that the foregoing MINUTES of the REGULAR MEETING of February 4, 2019 is a full, true and correct copy of the Wickenburg Common Council and that a quorum was present at the meeting.

Amy Brown, Town Clerk