



## MINUTES

**WICKENBURG COMMON COUNCIL  
REGULAR MEETING  
Monday, October 5, 2020- 5:30 P.M.  
155 N. TEGNER - COUNCIL CHAMBERS  
WICKENBURG, ARIZONA 85390**

- A. **CALL TO ORDER** - Mayor Pereira called the meeting to order at 5:30 PM - Due to COVID-19 the public was limited in number for those attending in person but were able to watch the meeting online or listen over the phone. Staff was reduced as well and Council Members were able to call into the meeting.
- B. **PLEDGE OF ALLEGIANCE** - Lead by Council Member Sam Crissman
- C. **INVOCATION** - Lead by Pastor Duane Middleton, Mt. Hope Assembly of God Church
- D. **ROLL CALL**
- Present: Mayor Rui Pereira  
Vice Mayor Royce Kardinal  
Council Member Chris Band (At 5:43 PM)  
Council Member Kristy Bedoian  
Council Member Kelly Blunt (By Phone)  
Council Member Sam Crissman  
Council Member David Stander
- Staff Present: Vince Lorefice, Town Manager  
Trish Stuhan, Town Attorney  
Amy Brown, Town Clerk  
Ed Temerowski, Fire Chief  
Herschel Workman, Public Services Director
- E. **MAYOR & COUNCIL MEMBERS REPORT ON CURRENT EVENTS** - Nothing
- F. **TOWN MANAGER'S REPORT**
- Town Manager Lorefice stated that he looked at the construction permits that have been issued this year. For the entire fiscal year, we estimated \$501,925 in revenues from construction permits. For July, August and September, we have already received \$395,357 in permit fees. We went with a very conservative budget. Some of this is due to a very large permit for the gas company that is in the other permits line, but it does show that the permits are coming in now so the sales tax will follow.
- G. **CALL TO THE PUBLIC**
- Joanne Pierce, In-Town Resident, stated that she lives in Wickenburg Ranch and wants to encourage the Council to put in the fire house. The residents of the ranch vary in their

response times with those further into the development seeing 22 minutes. She would like the Council to commit to the three-year plan presented by Chief Temerowski.

- Nohl Rosen submitted the following comments that were read into the minutes: Once again I must press that the Town Council fully open their meetings to the public to attend in person and stop requiring masks in order to attend. Not only is it an unconstitutional mandate but it also makes one wonder if the town government is using this pandemic to purposely keep the public out so they can't speak out on the agenda items. The masks don't protect you from anything and neither does social distancing. The masks do nothing more than create health issues. A person also doesn't have to wear them if they don't wish to and the government doesn't have any right to ask you about any health conditions you may have which would prevent you from wearing them. Enough is enough already. Re-open the meetings fully to the public to attend in person.
- Casey Hanna submitted the following comments that were read into the minutes: Please remove from Consent Agenda following items to enable Discussion and Public Comment - Item H.1.d – Consider Resolution No 2277 and Item H.1.e – Consider Mayor Appointment to Honorary Consul. On tonight's Agenda Item I. are Executive Session items without any new business references (section H.) informing the Public of the nature and reason Executive Session is required for these items. Please correct the I.1. item by removing "...Attorney General Office's closure..." and replacing (if necessary) with "...AG decision to not investigate..." to better characterize the AG's action. What is the "general" problem statement for each one on the Items being discussed in Executive Session? Please inform the Public why the status on the Forepaugh property sale cannot be discussed in Public View. I am disappointed in the Mayor for not processing in a timely manner a serious complaint filed against the Town Mayor on June 11, 2020, for Gross Negligence and Unlawful Acts. This situation may have caused further damage to the Town because of the Mayor's inaction. I expect the Mayor to keep commitments made in the meeting on September 9, 2020.

## 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 David Stander to approve items a and b of the consent agenda

**SECONDED BY** Vice Mayor Royce Kardinal

**VOTE:** 6 – 0 (Yes – Mayor Pereira, Vice Mayor Kardinal, Council Members Bedoian, Blunt, Crissman and Stander) (Council Member Band – not present yet)

#### a. Approval of Minutes – Regular Meeting of September 21, 2020

By a 6-0 vote under the Consent Agenda, Council moved to approve the minutes of September 21, 2020.

- b. Consider Approving and Authorizing the Mayor to Execute a Contract with CR&R, Inc. for Transportation of Solid Waste

Herschel Workman, Public Services Director, reported in his Council routing form that the Town of Wickenburg has utilized the local transfer station for hauling its solid waste to Waste Management for many years. Utilizing the local transfer station is the most cost-effective way to transport solid waste collected from residents and businesses. The contract before you this evening is a continuation of the contract with CR&R, Inc. for transportation of solid waste and green waste to Waste Management's Northwest Regional Landfill, the Town's current contracted landfill.

By a 6-0 vote under the Consent Agenda, Council moved to approve and authorize the Mayor to execute a contract with CR&R, Inc. for transportation of solid waste.

- c. Consider Approving and Authorizing the Mayor to Execute a Long-Term Fire Truck Lease Agreement with Congress Fire District

Ed Temerowski, Fire Chief, reported in his Council routing form that the Congress Fire District approached the Town regarding using the town's out-of-service fire engine for mutual-aid calls. Congress Fire currently only has one fire engine, so this will serve as a backup for their engine. This fire engine was taken out of service, by Wickenburg Fire a year ago, and is only used as a backup. This will allow Congress Fire to respond to mutual aid calls with a Type 1 engine for our area, focusing on the Northern Division.

Council Member Bedoian asked if the Fire Chief could explain this for the public's information.

Chief Temerowski stated that this engine is a 1994 Type 1 piece of equipment. It has been out of service for Wickenburg for about a year and a half. Congress Fire District needs this as a backup especially for their mutual aid calls where they assist Wickenburg Fire Department. This will especially help with calls north on 93 and 89. Chief Virgil Suitor from Congress Fire District is in the audience if there are questions. This is to help a neighboring department that doesn't have the resources that the town has and they help the town with mutual aid calls.

**MOVED BY** Council Member Kristy Bedoian to approve and authorize the Mayor to execute a Long-Term Fire Truck Lease Agreement with Congress Fire District

**SECONDED BY** Council Member David Stander

**VOTE:** 7 – 0 (Yes – Mayor Pereira, Vice Mayor Kardinal, Council Members Band, Bedoian, Blunt, Crissman and Stander)

- d. Consider Resolution No. 2277, Amending and Revising the Salary Plan, the Organizational Chart and Approving the Job Descriptions for Deputy Town Manager / Economic Development and Public Information & Grant Program Administrator

Vince Lorefice, Town Manager, reported in his Council routing form that per the Town's Personnel Rules & Regulations the Classification and Compensation Plan

shall be adopted and may be amended from time to time by the Town Council. The recommendations before you create a new organizational structure.

**Deputy Town Manager / Economic Development** | With the resignation of the former Economic Development Director we are recommending converting this position to the Deputy Town Manager / Economic Development. While we have been able to make great strides forward with economic tourism, we see opportunity for improvement in more of the conventional economic development models. The new role and organizational structure would free up time for this position to focus on Economic Development and allow for succession planning. The current role of Economic Development Director would be removed from the Classification Plan.

**Public Information & Grant Program Administrator** | This new position is a combined role. The position will assume the duties of Public Information and Marketing from the former Economic Development Director and lead the Town in finding new opportunities for outside funding. By assuming these duties, it allows the Deputy Town Manager / Economic Development to focus on more conventional Economic Development. The recommendation is to re-classify the current Recreation & Natural Resources Manager into this role and fill that vacancy internally.

Town Manager Lorefice explained that we have seen growth in the town since adding the economic development position. We had a 58% increase in business licenses over the past three years. We had an increase in the facility rentals which is bringing more people to town. This position attended trade shows to expand the equine exposure as well as solicit a hotel. There has been an increase in lodging, meaning more heads in beds. New special events have been added including Tour De Ranch, First Friday Concerts, Color Run, Pickleball, Baseball tournaments, and now the Ferris Wheel. We have seen new businesses built such as Maverik and Auto Zone as well as major reinvestment into existing businesses such as Western Laundry. The store front inventory is extremely low right now. The changes can be seen below:

2013	2020	Change/Notes
6,300 Residents	8,100 Residents	29% Increase
\$29 million budget	\$43 million budget	Includes WR-WWTP
\$2.6 million in local sales tax	\$4.5 million in local sales tax	Conservatively Budgeted
\$350k Reserve	\$3.1 million Reserve	10x Greater
\$1,035,491 Contingency	\$1,300,365 Contingency	Plus \$1.5mil not accounted in current budget
162 permits, 4 new home starts	599 permits, 169 new home starts	270% Increase
593 Business License (2017)	937 Business License	58% Increase in 3yrs
7 Directors - No Econ. Dev.	7 Directors - 1 being Econ. Dev.	No Increased Management

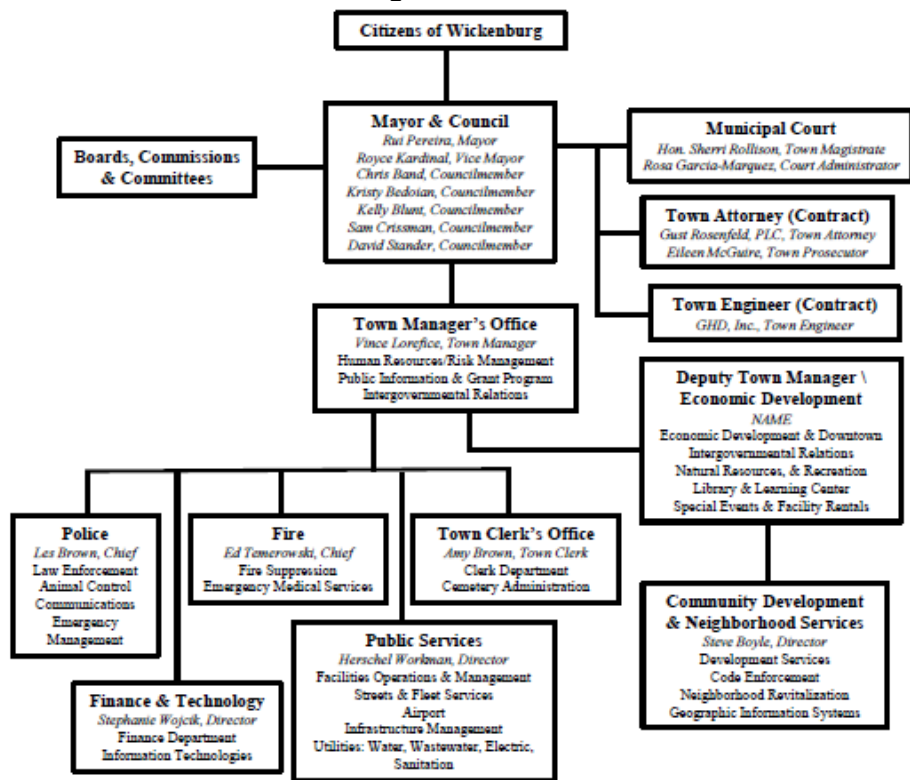
The Deputy Town Manager position will do the following:

- Act as Town Manager in Town Manager absence (vacation, sick, meetings, etc.)
- Directly focus on Economic Development as a core work responsibility
- Oversight of Community Development Department (Make Town Code easier for businesses to start, expand and conduct business in Town)
- Oversight of Special Events/Recreations as it relates to Economic Tourism
- Oversight of Library (Library Manager operates daily operation)
- Previous PIO duties reassigned to allow more time to focus on Econ. Development

The Grant Administrator / Public Information Officer will do the following:

- Research and apply for grants for all departments
  - ✓ Create working list of all future projects (future buildings, 911 communication upgrades, flood control improvements, CDBG, rodeo grounds, cemetery, etc.)
  - ✓ Build/manage database for typical grant submittal data points
- Proactively prepare press releases per new media policy
  - ✓ Work directly with all departments to build annual press release schedule for telling the Town's story
  - ✓ Draft releases for immediate use for "hot" topics as needed
  - ✓ Manage Social Media pages
- Website improvements
  - ✓ Look/feel as well as functionality
  - ✓ Look for opportunities to better serve our customers with data
- Public Notification System (Civic Ready)

Below would be the new organizational chart:



Before the Council are two new job descriptions but no new additional employees added, those are the Deputy Town Manager and the Grant Administrator/PIO. The Salary Plan only changes these two positions, all other positions stay the same. There is no additional funding needed this year due to salary savings and avoidance of increases, however, additional funding would be needed for next fiscal year from the general fund. If approved, internal reclassifications would take place, Deputy Town Manager position would be solicited for recruitment through the normal process.

The Grant position is in the same range as the current position. There is an increase in the range from an Economic Development Director to the Deputy Town Manager position. The last time, when we advertised for the Economic Development Director position, we didn't get anyone with experience in economic development.

Council Member Stander stated that he thought this position was needed due to the growth and we need a designated grants administrator.

Council Member Crissman was concerned regarding the Deputy Town Manager position as to who picks that person. He thought the Town Council should pick the person. He also wondered about the additional funding. Town Manager Lorefice stated that in most cities and towns the Deputy or Assistant Manager reports to the Town Manager. The Council could have a role in the selection process. This person could take over in the Town Manager's absence. These positions are all in the General Fund and the cost this fiscal year will be \$28,750 and next fiscal year will be \$41,000. He said the Economic Development Director position would be left open and we would fill the Deputy Town Manager position instead, which is a higher position. We are on the low end of the pay for a position similar to this at \$105,000. Chino Valley starts their Assistant Town Manager position at \$119,000 and Surprise has their Deputy City Manager at \$135,984 and their Assistant City Manager position starting at \$144,240. The difference between the Economic Development Director position and the Deputy Town Manager is about \$10,000.

Vice Mayor Kardinal stated that it took about twenty years to get an economic development position at the town. She would like to see someone in that position with economic development experience but would like to wait until next year to hire the Deputy Town Manager.

Council Member Band asked the yearly impact on the budget. Town Manager Lorefice stated that the plan is for the Recreation Manager to move to the Grants Administrator position. We would then move the Recreation Coordinator up to the Recreation Manager position. It will be about \$28,000 this first year by the time this person is hired. It will cost about \$41,000 per year in the future.

Council Member Band asked the annual increase in pay. Town Manager Lorefice stated that the Economic Development Director was at about \$94,000 and the Deputy Town Manager position starts at about \$105,000. The Grants position is in the same range. We can meet the goals in recreation with just a Recreation Manager without the Recreation Coordinator position being filled.

Council Member Band asked how many new employees have been added in recent years. Town Manager Lorefice stated that most of the new employee positions were for the water and wastewater positions to help with the new Wickenburg Ranch utility system. We added a Planner 1/Code Enforcement, a maintenance position and a Management Analyst position in the Finance Department. We have added about four positions in the past five years along with about 5-6 for the Wickenburg Ranch utilities.

Council Member Band asked how many other towns our size have a Deputy Manager. Town Manager Lorefice stated that Chino Valley, which is a little larger, has one. Litchfield Park and Tolleson both have one and they are our size. It is not really dependent upon the population, it depends on the services provided and we provide all the services. For example, Youngtown has a similar population to Wickenburg but they only have 17 employees because they provide no services, such as police or fire.

Council Member Band stated that many of the towns that have Deputy Managers have economic engines where they have the taxes to pay for additional staff. It is good to restructure if it is for efficiency. The Council received a letter from an employee regarding the salary and being understaffed in departments. The Parks employees are now having to sanitize the buildings along with their other duties and are overworked. We do need to watch the happiness and safety of our employees so we don't start losing employees. It is good to have an Economic Development Director, but do we really need a Deputy Town Manager. The grants position should pay for itself. In looking at the job description, this is a lot of the Town Manager duties. He didn't think other towns that have our budget that are our size have a Deputy Town Manager. The employee mentioned a revolving door of employee unless the wages match the workload.

Council Member Bedoian thought that we should be adding employees from the bottom and not getting too top heavy. She wondered why the title has to change instead of just changing the duties. The Economic Development position was controversial because that position was overloaded with other duties and not able to do a lot of the economic development duties. She thought with adding the Community Development Department under that position that it would again be too much work. It is a heavy load to watch over recreation and special events. She thought that we should switch around on the bottom level and not change the titles.

Charlie Cannon, In-Town Resident, said she was new to Wickenburg and was concerned with the pay structures. In the scale a firefighter makes the same hourly rate as a Library Assistant. Being a firefighter requires a lot of training so it doesn't look equitable. She was in the Oil and Gas Industry for 25 years and you need to pay people properly.

Mayor Pereira stated that last year we did a salary analysis and increased many of the positions primarily public safety. We still don't compare to the wages made by larger cities in the valley, but we are comparable to towns our size.

Nohl Rosen submitted the following comments that were read into the minutes: I would like to ask that this agenda item be removed from the agenda. Earlier this year the town workers already received a pay raise and they don't need another one at the present time. To raise their pay to \$12 per hour more is something we can least afford to do right now.

Casey Hanna submitted the following comments that were read into the minutes: Why are we gold-plating salaries, services, and growing government staff when we have unfulfilled serious public safety needs? You passed a total of 4% across-the-board raise and now the pay scale is being increased (except for those at the bottom). Please consider that there is significant population of residents that are close to, at, or below, the "bottom". In our current economic times, we have dramatic, and increasing, imbalance between "haves" and "have nots". Government employees are enjoying increasing pay and benefits while the population they serve are suffering losses in pay and benefits. The proposed reorganization and additional budget outlay (onetime \$28K and recurring \$40K) is not thoroughly vetted for necessity. What is the problem statement that Council is considering and what other solution alternatives have been identified? A one alternative proposition is not a decision. Reject it back to the originator and request better decision analysis.

Council Member Blunt stated that he was in favor of this change as long as it was sustainable. He thinks the grant writer position is important. He did think the Deputy Town Manager should be hired by the Council. The Council is the one over the Town Manager.

Council Member Stander thought that a dedicated grant administrator was important. When he attended the League training for Newly Elected Council he talked to a Council Member from Globe and they talked about how important their grant position was for the town. They were able to fund economic development through grants.

Mayor Pereira said he was in favor of the Deputy Town Manager position but they did need to focus on economic development. It will not take their entire time because Wickenburg doesn't have many of the aspects that attract industry. It does make sense to put Community Development under that person as they can then work together to realign the town code to be more business friendly to attract businesses. We are not making it more top heavy as this is not any more senior positions than what has been there since 2013. We do need to look at getting more boots on the ground. If we hire someone with economic development experience, hopefully they will bring in more tax money to then be able to hire more employees. There are new things happening at Wickenburg Ranch. There is also the possibility of Flying E and Los Cab coming into town. In addition, the Meadows is expanding. So, we are seeing growth.

Council Member Band said that if the positions don't produce what we need, then the job needs to end. This needs to be performance based. He does like to have an economic development position to bring business to town.



Council Member Bedoian stated that she also likes having the economic development position, but doesn't want to overload them with other responsibilities so they have no time for economic development. The Deputy and Community Development should work together.

Mayor Pereira said that this frees up some of the Town Manager's time to work on other things.

Council Member Band suggested bringing the Police Department under the Council to free up more time.

Mayor Pereira said that that would concern him as we have a Council / Manager form of government where the Manager is there to take care of the day to day overseeing. He works 12-14 hours per day then comes home to answer town emails and messages. He doesn't have time during the day to deal with all that would be involved with overseeing a department.

Town Manager Lorefice stated that we do have a Council / Manager form of government where the Council makes the policy and the Town Manager is in charge of implementing that policy and the administrative day to day operations of the town. There are only two Police Chiefs, that he knows of in Arizona, that are under the Council. He did meet with the team prior to moving forward on this change.

Council Member Bedoian said it will depend on the person but she would like to see an economic development employee. She would just like to wait to add a Deputy position in the future.

Town Manager Lorefice stated that he usually only spends about 2-3 hours per week coordinating with the Community Development Department and some weeks it is not even that much.

Mayor Pereira clarified that the interview process will include the directors. Town Manager Lorefice stated that he will have certain qualities, traits and characteristics that he will be looking for during the interview process. The process will include several panels and meet & greets.

Vice Mayor Kardinal stated that some of the directors have been here for a while and she wondered how the other directors feel about a new person coming in to be in the second position. Town Manager Lorefice said he received mixed reviews but everyone can apply for the position.

**MOVED BY** Council Member David Stander to approve Resolution No. 2277, amending and revising the salary plan, the organizational chart and approving the job descriptions for Deputy Town Manager / Economic Development and Public Information & Grant Program Administrator

**SECONDED BY** Vice Mayor Royce Kardinal

**VOTE:** 4 – 3 (Yes – Mayor Pereira, Vice Mayor Kardinal, Council Members Blunt and Stander) (No – Council Members Band, Bedoian and Crissman)

e. Consider Approval of the Mayor's Honorary Consul Appointment for Portugal in Arizona

Vince Lorefice, Town Manager, reported in his Council routing form that the Mayor has been nominated to be honorary consul for Portugal in Arizona. Before accepting the position, the State Department requests confirmation that the duties of Mayor will not be incompatible with the duties of the foreign consular office and there is no conflict of interest. Please find a letter from Town Attorney Trish Stuhan included that does not find incompatibility of office or legal conflict to bar appointment.

Mayor Pereira stated that he was born in Portugal and moved to the United States in 1980. At that time, there were very few people from Portugal that lived in Arizona. Now there are more than 16,000 people of Portuguese descent that live in Arizona. He has been very involved with meeting with people about every three months and include celebrating Portuguese feasts. This is an honor to be asked as it goes through the State Department. There is no conflict with his current position as Mayor. This is an honorary position where he helps them with documents. There is no diplomatic immunity with this. He is just a resource for these people.

Council Member Bedoian asked why it required a vote of the Council. Mayor Pereira responded that the State Department has asked for the approval of the local Council.

Charlie Cannon, In-Town Resident, asked if there was any financial impact in the future such as paying for him to go to Portugal. Mayor Pereira stated that this has nothing to do with the town and there are no costs involved. He does travel to Portugal to see his family, but that is not on the town. Ms. Cannon asked what this position was for? Mayor Pereira stated it is only to represent Arizona and help people of Portuguese descent who come here.

Nohl Rosen submitted the following comments that were read into the minutes: This item should also be stricken from the agenda and I find this a very big conflict of interest. Mr. Pereira has claimed to be a United States citizen but his application to be an honorary consul for Portugal raises many red flags and the people will tend to question not only his citizenship status but his true intentions. Is he truly a United States citizen? Is he a dual citizen? And if Mr. Pereira's proudest moment was to become a United States Citizens like he had once claimed, why would he apply to work to represent a foreign country whether the position is honorary or not? Also, how much did his consulting with the town attorney over the legalities of this matter cost the taxpayers? One also has to wonder what the true agenda of Mr. Pereira is by becoming an honorary consul to Portugal. Perhaps he should step down as mayor, because you either serve the country you became a citizen of or you don't. His application and appointment to represent a foreign country also would also violate the public trust as well.

Mayor Pereira said that in order to have this position, you have to be an American citizen. He is very proud of his US citizenship as he took the test to be a US citizen in

1987. He had to answer 50 questions regarding the United States and he got 100% on the test. This country has done a lot for his family and this is a way to help others.

Casey Hanna submitted the following comments that were read into the minutes: Why is the Town spending time and money on a personal activity of a public official? Why has the Town Attorney not addressed the potential risks and abuse of immunity privileges that are afforded to an Honorary Consul conducting official business while also acting as a public official?

Mayor Pereira stated that there is no immunity with this position. If he does something wrong, he is held to the same laws as everyone else.

Mayor Pereira declared a conflict of interest from voting on this matter.

Town Attorney Trish Stuhan stated that the State Department just wants to make sure there is no incompatibility with his office or a conflict of interest. This is a policy decision. If there is no objection to this position, then it should be approved.

**MOVED BY** Vice Mayor Royce Kardinal to approve the Mayor's Honorary Consul Appointment for Portugal in Arizona and authorizes the Town Manager to notify the State Department that it has no objection to the appointment

**SECONDED BY** Council Member David Stander

**VOTE:** 6 – 0 (Yes – Vice Mayor Kardinal, Council Members Band, Bedoian, Blunt, Crissman and Stander) (Mayor Pereira – Conflict of Interest)

2. Public Hearing Related to Public Input on Qualified Projects for the 2021-2022 Community Development Block Grant (CDBG) Funding Cycle

Herschel Workman, Public Services Director, reported in his Council routing form that this public hearing is a requirement for the Community Development Block Grant (CDBG) application process. It is held for the purpose of seeking public input for the selection of a project submittal for the 2021-2022 CDBG funding cycle. Community Development Block Grants, funded through the U.S. Department of Housing and Urban Development (HUD), provide funding assistance for projects that benefit low-to-moderate income households through a competitive application process.

This public hearing is the first step of the application process. During the Council meeting, staff may suggest projects for consideration that qualify for this funding. Improvement areas are subject to income requirements determined by US Census information. The selected, qualified project application will be brought back to the Council at a later meeting.

Public Hearing was opened by Mayor Pereira at 6:50 PM.

Mayor Pereira asked if anyone had any ideas for water, sewer or streets projects in low income areas.

Public Hearing was closed at 6:50 PM with no input.

Herschel Workman, Public Services Director, stated the project the town would bring forward was to continue the water line projects. He would suggest going up Adams Street from US-60 to Santa Cruz and then over on Santa Cruz to Washington Street to complete the loop. Currently there is a 2" water line on Santa Cruz that would be increased to an 8" waterline. In addition, the pavement in that area needs to be replaced.

Mayor Pereira asked if this will complete the loop in that area. Director Workman stated that yes, it will complete the loop.

Vice Mayor Kardinal asked if he had any estimate of the cost for that project. Director Workman estimated it to be around \$700,000 for the CDBG grant along with a \$200,000 town match.

3. Public Hearing and Council consideration of an Application by The Meadows Behavioral Healthcare for an Amendment to an Existing Conditional Use Permit on parcel 505-03-019L, located at 2075 North Vulture Mine Road Zoned R1-35 Single Family Residential including 33.48 acres, to Permit Additional Residential Care and Office Space on the Property for Patients and Staff

Steve Boyle, Community Development Director, reported in his Council routing form that the Meadows Behavioral Healthcare submitted an application to amend an existing Conditional Use Permit for the Gentle Path located on North Vulture Mine Road. The property is zoned R1-35 and the existing land use of behavior health will not change with approval of this permit. The intent of the applicant is to add new facilities on-site which will consist of residential care, office and meeting room. The applicant also has plans of remodeling a residential care facility. The project will allow for ten additional patient beds and will require licensing from the Arizona Department of Health Services for the expansion.

The applicant is also proposing extensive landscaping to improve the overall site. The site is currently accessed off of Vulture Mine Road and that will not change with the plan. There is a proposal to do additions on the southern end of the property that will also have access off of Vulture Mine Road.

Town Manager Lorefice stated that this item is to amend the existing conditional use permit that was issued in 2016. This will expand the facility by ten beds. The Planning and Zoning Commission reviewed this item on October 1<sup>st</sup> and approved it unanimously. There were no public comments. Alan Benham is present if there are any questions.

Public Hearing was opened by Mayor Pereira at 6:54 PM

Public Hearing was closed at 6:55 PM with no comments.

**MOVED BY** Council Member Chris Band to approve the Amended Conditional Use Permit for 2075 North Vulture Mine Road

**SECONDED BY** Council Member David Stander

**VOTE:** 7 – 0 (Yes – Mayor Pereira, Vice Mayor Kardinal, Council Members Band, Bedoian, Blunt, Crissman and Stander)

4. Public Hearing and Consideration of Ordinance No. 1209, Amending Chapter 14 Zoning Article 14-17 Off-Street Parking and Loading Regulations Section 14-17-2 Off-Street Parking Regulations to Exclude the C-2 Central Business and Decrease all Assembly, Commercial and Industrial Off-Street Parking Regulations by 50%; Amending Article 14-11 Commercial Districts Section 14-11-4 Yard, Height and Area Regulations by Decreasing the Street Side Yard Setback to 0 feet in the C-2 Central Business Zoning District and the Interior Side Yard Setback to 10 Feet when Property is Adjacent to a Residential Zone

Steve Boyle, Community Development Director, reported in his Council routing form that for the past few years, the topic of parking has come up in various forums dedicated to discussions related to Downtown Wickenburg. The Town has invested tens of thousands of dollars in improvements to off-street parking areas in the downtown with the addition of the Valentine and Coconino lots. During this same time of the parking improvements, the Downtown Redevelopment Plan was being put together and there was discussion of our existing parking code language and how it impacted economic development. While this study was not formally adopted by the Council, it did generate some thought into our own zoning regulations pertaining to parking. There was discussion on how to maximize buildable space while still retaining some area for onsite parking along with discussion about the possibly of eliminating the requirement altogether to create additional economic opportunity while using existing parking areas.

Staff has spent some time researching the topic of 'regulated parking' and found that the Town of Wickenburg is not alone in the quest to finding parking solutions both in the code and physical improvements. There is a popular growing trend across the country and world concerning the elimination or minimizing of the arbitrary parking requirements in zoning codes. Staff has prepared an ordinance that intends to address the off-street parking and setback regulations discussed at the September 8th Council meeting. It is staff's opinion that with the adoption of these minimized regulations that it may spur additional investment in the Downtown.

Town Manager Lorefice stated that this ordinance will make the changes that were recommended by the Council at the September 8<sup>th</sup> Council meeting. This will preserve the downtown so that growth can happen similar to the museum, theater and restaurants. In addition, in the downtown zoning area (C-2) the businesses will be able to self-regulate how much parking they think they need. The rest of the commercial zoning districts will be reduced in the requirements by 50%. In addition, the setbacks will go to 0' for the side setbacks in the downtown.

Public Hearing was opened by Mayor Pereira at 6:58 PM.

Casey Hanna submitted the following comments that were read into the minutes: Has Planning and Zoning considered the unintended consequences of gaming this ordinance change? For example, as worded today, events at a future hotel may consume all available public parking. Also, non-local caterers and vendors may provide products and

services at the event. This situation will impact local businesses reliant on public parking being available to their customers and suffer loss of business to the non-local caterers and vendors servicing the event. Is the Town ready to experience “parking lot wars” among local businesses and customers trying to obtain parking spots? Please consider amending Ordinance No 1209 with some limits and controls to mitigate gaming scenarios and negative competitive effects.

Public Hearing was closed at 7:00 PM.

Vice Mayor Kardinal said she has had several businesses on West Wickenburg Way ask her about the parking changes and wondered if it was only in the downtown. She wondered about what requirements there would be for the property next to Tractor Supply. Town Manager Lorefice stated that in the downtown (C-2 zoning) the parking requirement would be removed. In the C-3 zoning, along West Wickenburg Way, the parking requirement would be reduced by 50%. The businesses would regulate how much parking they think they need for their business to meet the customers demand. For example, Tractor Supply put in more parking than was required because they know their customers.

Vice Mayor Kardinal said that most do know what they need but wondered if there was adequate protection for the rest of the businesses on Wickenburg Way. For example, could someone park in the Safeway parking lot to visit the Police Department. Town Manager Lorefice said that that could happen, but they could put a sign that says parking for customers only. We don't want to set the requirements for the 1% of the time that the most parking is needed, usually Black Friday. We would like to reduce it by 50% from that high requirement. If they were having a mega sale, it could affect other businesses in their area.

Council Member Band asked about the potential of a hotel coming into Wickenburg and with no parking requirements, they could take up much of the parking in the downtown. In addition, if a large store came into the downtown, could they do the same.

Council Member Crissman thought that a hotel or big box store would put in the parking that they thought would be required by their customers. This will help to bring new businesses into the downtown.

Council Member Band asked if this could be an issue. Town Manager Lorefice said that it will depend on the type of business that would come into the downtown, such as a hotel. They would need to have adequate parking for their needs to service their customers.

Council Member Band wondered about Gold Rush Days, if there was a hotel taking up lots of the parking. It is just one time per year. Town Manager Lorefice stated that the town has invested into paving parking lots in the downtown and could continue with more parking, if needed.

Council Member Bedoian stated that she had talked to Director Boyle about this item and wondered if we could put something into the code change to say that anything new over 8,000-10,000 square feet would need some parking, just to protect ourselves. Town

Manager Lorefice stated that putting in a requirement like that could be difficult as the criteria was usually by the zoning, not by the type of business.

Town Attorney Trish Stuhan stated that we could look at adding some restrictions for a larger business, we just don't want to call out a certain type of business. She will look at the code changes to see what can be added. She stated that if the Council wants to table the item to another meeting, it should be to a date specific.

**MOVED BY** Council Member Kristy Bedoian to table the item to the November 2<sup>nd</sup> Council Meeting at 5:30 PM

**SECONDED BY** Vice Mayor Royce Kardinal

**VOTE:** 5 – 2 (Yes – Mayor Pereira, Vice Mayor Kardinal, Council Members Band, Bedoian and Stander) (No – Council Members Blunt and Crissman)

5. Presentation, Discussion and Direction to Staff Regarding the Business Survey related to Covid-19

Sarah Brown, Recreation Coordinator, stated that the Council directed staff to send out a business survey to the local businesses about the effect that COVID-19 has had on their business. This was sent to all local businesses with an active business license and we received 102 responses to the 17 questions.

To what degree has the COVID-19 pandemic affected your business?

- 10% - Not at all affected
- 17% - Somewhat affected
- 25% - Affected
- 24% - Highly Affected
- 24% - Extremely Affected

Has your business revenue dropped?

- 75% - Yes
- 25% - No

How has your business been affected financially?

- Cancelled reservations
- Additional cost of installing safety measures and purchasing PPEs
- Loss of membership
- Loss of customers/no customers
- Delayed start of seasonal jobs
- No walk-in traffic
- Tours cancelled
- Decline in sales
- Cost of inventory/stock has increased
- Increased shipping costs/fees
- Limited hours of operation or capacity = limited revenue
- Shortened season
- Future contracts cancelled or put on hold

Was your business forced to close and the length of time it was closed?

- 65 were not forced to close
- 37 were forced to close for the following amount of time:
  - ✓ 1 week: 1 business
  - ✓ 3 weeks: 2 businesses
  - ✓ 4 weeks: 6 businesses
  - ✓ 5 weeks: 8 businesses
  - ✓ 6 weeks: 6 businesses
  - ✓ 7 weeks: 2 business
  - ✓ 8 weeks: 6 businesses
  - ✓ 10 weeks: 2 businesses
  - ✓ 12 weeks: 4 businesses

Have you considered permanently closing your business due to COVID-19?

- 70 have not considered closing
- 18 have considered closing

How was your workforce affected due to closures?

- 3% had to reduce the pay of employees
- 9% had to reduce staffing levels

Is your business current on your rent/mortgage and your utility bills?

- 7 were not current on their rent/mortgage
- 5 were not current on their utility bills

Does your business have new credit card debt due to COVID-19?

- 22 have new credit card debt
- 80 don't have new debt

Has your business defaulted with any suppliers due to COVID-19?

- 4 have defaulted with suppliers
- 98 have not defaulted

What financial assistance have you received?

- 22% received Paycheck Protection Program (PPP)
- 7% received Pandemic Unemployment Assistance (PAU)
- 9% received an Economic Injury Disaster Loan (EIDL)
- 56% didn't apply for any assistance
- 6% were denied assistance

What assistance can the Town of Wickenburg provide?

- 25 suggested a utility rebate
- 33 suggested a free business license
- 9 suggested changing the Town Codes
- 7 suggested promotion of the town/advertising
- 14 suggested other miscellaneous ideas



- 23 had no suggestions

Vice Chair Kardinal stated that the information was very interesting as it was what the Council wanted to know.

Council Member Band asked about any of the other ideas and if any of them were of interest. Coordinator Brown stated the only one that stuck out was the idea of advertising on the blue signs leading into town.

6. Consider Approval of a Preliminary Plat at Wickenburg Ranch for Parcel O Phase 2 and Parcel O South

Steve Boyle, Community Development Director, reported in his Council routing form that the developers at Wickenburg Ranch have submitted a Preliminary Plat at Wickenburg Ranch for Parcel O Phase 2 and Parcel O South. The subdivision consists of 53 vacant acres and 140 proposed lots. All the lots conform to the zoning standards set by the code. The streets are to be private roads. The proposed subdivision is off of Wickenburg Ranch Way and south of the previously approved Parcel O plat. The Planning & Zoning Commission recommended approval of the plat on September 17, 2020.

Items 6 and 7 were discussed together.

Town Manager Lorefice stated that both preliminary plats went to the Planning and Zoning Commission on September 17<sup>th</sup> and were approved 6-1. The one person who voted against the plat didn't think that there should be any new development at Wickenburg Ranch until the fire station is built. These plats are in conformance with the master plan at Wickenburg Ranch.

**MOVED BY** Council Member Kelly Blunt to approve the Preliminary Plat at Wickenburg Ranch for Parcel O Phase 2 and Parcel O South

**SECONDED BY** Council Member Sam Crissman

**VOTE:** 7 – 0 (Yes – Mayor Pereira, Vice Mayor Kardinal, Council Members Band, Bedoian, Blunt, Crissman and Stander)

7. Consider Approval of a Preliminary Plat at Wickenburg Ranch for Parcel U

Steve Boyle, Community Development Director, reported in his Council routing form that the developers at Wickenburg Ranch have submitted a Preliminary Plat at Wickenburg Ranch for Parcel U. The subdivision consists of 20 vacant acres and 23 proposed lots. All the lots conform to the zoning standards set by the code. The streets are to be private roads. The proposed subdivision is off of Club Access Road which is just past the main gate at Wickenburg Ranch. The Planning & Zoning Commission recommended approval of the preliminary plat on September 17, 2020.

**MOVED BY** Council Member David Stander to approve the Preliminary Plat at Wickenburg Ranch for Parcel U

**SECONDED BY** Vice Mayor Royce Kardinal

**VOTE: 7 – 0** (Yes – Mayor Pereira, Vice Mayor Kardinal, Council Members Band, Bedoian, Blunt, Crissman and Stander)

- 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)(3) for discussion or consultation for legal advice with the Town Attorney regarding the sale of the Forepaugh property, status of escrow, environmental cleanup, and the Attorney General Office's closure of a complaint filed by a resident related to the sale.
  2. An executive session pursuant to A.R.S. § 38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding the Town's regulations for medical marijuana dispensaries and possible Code amendments regarding recreational marijuana in response to the Smart and Safe Arizona Act, Proposition 207, which is on the November 3, 2020 general election ballot.

Council Member Bedoian asked why we were discussing these in executive session instead of in the public. Town Attorney Stuhan stated that these two executive sessions are for legal advice. The first is to discuss the status of the Forepaugh property and to go over the previous executive session discussion, which has to be in executive session. The second was regarding the proposition regarding recreational marijuana that is on the ballot. She has been involved with the League's working group on the effect of this on towns, if this passes. She doesn't want it out there on public record as it is on the ballot. She said she needed direction from the Council to have an ordinance ready that will be on a future agenda for the public.

**MOVED BY** Vice Mayor Royce Kardinal to adjourn into executive session at 7:29 PM

**SECONDED BY** Council Member David Stander

**VOTE: 7 – 0** (Yes – Mayor Pereira, Vice Mayor Kardinal, Council Members Band, Bedoian, Blunt, Crissman and Stander)

Meeting was reconvened at 8:42 PM

Mayor Pereira updated the public on the outcome of the executive sessions. The Council is now updated on Forepaugh and will continue to follow the issue. The Council has instructed the attorney regarding the ordinance for the recreational marijuana issue that is on the ballot.

J. **SCHEDULING OF FUTURE COUNCIL AGENDA ITEMS**

- Council Member Bedoian would like to talk about the fire station again. Town Manager Lorefice stated that staff will be bringing the funding options to the Council at the next meeting.
- Mayor Pereira stated that there were some administrative issues that the Council currently has to approve. He would like to have staff put together a list of the administrative issues that could be handled by the staff instead of the Council. Town Manager Lorefice clarified that this was to clean up some of the issues in the Personnel

Rules such as Job Descriptions coming to the Council, which was confirmed. Council Member Crissman seconded this item.

**K. ADJOURNMENT**

**MOVED BY** Council Member Sam Crissman to adjourn the meeting at approximately 8:45 PM

**SECONDED BY** Vice Mayor Royce Kardinal

**VOTE:** 7 – 0 (Yes – Mayor Pereira, Vice Mayor Kardinal, Council Members Band, Bedoian, Blunt, Crissman and Stander)

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Rui Pereira, Mayor

ATTEST:

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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 October 5, 2020 is a full, true and correct copy of the Wickenburg Common Council and that a quorum was present at the meeting.

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Amy Brown, CMC  
Town Clerk