



Town of Wickenburg

MINUTES

**WICKENBURG COMMON COUNCIL
REGULAR MEETING
Tuesday, September 7, 2021- 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
- B. **PLEDGE OF ALLEGIANCE** - Led by Community Development Director Steve Boyle
- C. **INVOCATION** - Led by Pastor Duane Middleton from the Mt. Hope Assembly of God Church with a special tribute for the 20th anniversary of September 11th and Town Manager Vince Lorefice's last Council meeting
- D. **ROLL CALL**
- Present: Mayor Rui Pereira
Vice Mayor Kristi Henson
Council Member Chris Band
Council Member Kristy Bedoian
Council Member BG Bratcher
Council Member Rebecca Rovey
Council Member David Stander
- Staff Present: Vince Lorefice, Town Manager
Trish Stuhan, Town Attorney
Tim Suan, Deputy Town Manager/Economic Development
Steve Boyle, Community Development & Neighborhood Services Director
Amy Brown, Town Clerk
Les Brown, Police Chief
Tarah Mayerhofer, Human Resources and Risk Manager
Ed Temerowski, Fire Chief
Stephanie Wojcik, Finance & Technology Director
Herschel Workman, Public Services Director
- E. **MAYOR & COUNCIL MEMBERS REPORT ON CURRENT EVENTS**
- Council Member Rebecca Rovey attended the League of Arizona Cities and Towns annual conference with some great seminars and the town had a great booth.
 - Vice Mayor Kristi Henson attended the 32nd annual Fiesta de Septiembre with new leadership and the new contract. There was great attendance and food with about 65% of the people coming from out of town.

- Council Member BG Bratcher also attended the League conference and said it was fantastic with 35-40 seminar offerings and hoped to have more of the Council join her next year because of the great information. She also previously requested an item to have the Finance Commission review an item but after realizing the complexity of the issue has removed this from future consideration.
- Council Member David Stander attended the Trails Commission meeting and said they are an active group talking with the Wickenburg Conservation Foundation about cleanups in the desert and planning the Tour de Ranch.
- Mayor Rui Pereira also attended the League conference and learned a lot along with reconnecting with people from around the state. The town had a very busy booth where staff advertised Wickenburg and the upcoming Oktoberfest.

F. TOWN MANAGER'S REPORT

- Town Manager Vince Lorefice thanked staff including Tamara Garro, Tim Suan, Tonya Forbrook, Taylor Fischer and Sarah Brown for putting together the booth at the League Conference. The booth highlighted a new event, Oktoberfest on October 16th, to celebrate the town's German heritage. Tickets are now on sale for this 21-year-old and older event, that is being put on by the Arizona Craft Brewers Guild. The Town will also have an event on September 11th starting at 8:30 AM at the new Police Department Building and will include the naming of that building. He also thanked the Council and the community for the opportunity to serve in Wickenburg.
- Mayor Rui Pereira stated that this is Town Manager Lorefice's last Council meeting after eight years of service. He has not only been very involved in the town but his family has also been involved in the community. He has been dedicated to the town and made the community a better place. The Mayor has enjoyed working with him and getting to know him. He thanked him for his four years as Town Manager and leading the town.
- Council Member BG Bratcher stated that Town Manager Lorefice's accomplishments are many and he has achieved some great goals. Thank you and God Bless.
- Vice Mayor Kristi Henson said there is "no place like home" and Town Manager Lorefice will always have a home here and can come back at any time. Home is where your heart is and there are a lot of people who love you in Wickenburg.
- Council Member Rebecca Rovey thanked Town Manager Lorefice for his time and patience in training the new Council on the town's operations. He has made Wickenburg a better place and a great place to raise a family.
- Council Member Kristy Bedoian stated that Town Manager Lorefice feels like a friend since he is so approachable. He has been better than previous managers and hoped that he would be blessed in what he does next.
- Council Member David Stander stated that Town Manager Lorefice has been a great family man, citizen and Town Manager. He saved the tax payers a lot of money with some great ideas and insight.
- Council Member Chris Band appreciated what Town Manager Lorefice has done for the town and he has really grown in his role as Town Manager. He has

accomplished a lot and is excited for his new adventure. He encouraged him to keep challenging himself.

- Mayor Rui Pereira presented Town Manager Lorefice with a picture of Wickenburg signed by the Council and employees.

G. CALL TO THE PUBLIC

- Vern Correa, Out-of-Town Resident, thanked the Mayor for working on due process and going forward with his issue.
- Joanne Pierce, In-Town Resident, talked about the cost of insurance to Wickenburg Ranch residents due to the North Fire Station not being built yet. Town Manager Lorefice responded that the contract to start the construction is forthcoming as the Council has allocated the budget to build the station. If residents shop locally for their insurance, they will not see the large increase in insurance rates.

H. NEW BUSINESS

1. Action on 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, b, c, d and e of the consent agenda

SECONDED BY Council Member Kristy Bedoian

VOTE: 7 – 0 (Yes – Mayor Pereira, Vice Mayor Henson, Council Members Band, Bedoian, Bratcher, Rovey and Stander)

- a. Consideration and Action to Approve the Minutes of the Special Meeting of July 26, 2021 and August 16, 2021 and the Regular Meeting of August 2, 2021

By a 7-0 vote under the Consent Agenda, Council moved to approve the minutes from July 26, 2021, August 2, 2021 and August 16, 2021.

- b. Consider the Appointments of Karla Mortimer and John Woodmansee to the Park and Recreation Advisory Commission and Anne Powlas and Kathy Okrasa to the Library Advisory Board

Amy Brown, Town Clerk, reported in her Council routing form that we currently have two vacancies on the Parks and Recreation Advisory Commission, which makes it difficult to have a quorum for a meeting. Karla Mortimer and John Woodmansee have submitted applications for the Parks and Recreation Commission to fill those vacancies. If approved, their terms

will expire on December 2024.

We also have two vacancies on the Library Advisory Board so Anne Powlas and Kathy Okrasa will fill those vacancies with the expiration of December 2024.

We have the following vacancies on other Commissions, if you know someone who would like to be involved they can apply:

- Airport Advisory Commission - 1 vacancy
- Finance Advisory Commission - 1 vacancy

By a 7-0 vote under the Consent Agenda, Council moved to approve the appointments of Karla Mortimer and John Woodmansee to the Parks and Recreation Advisory Commission and Anne Powlas and Kathy Okrasa to the Library Advisory Board.

c. Consideration and Possible Action Regarding the Agreement with Flying E Ranch for the 3rd Annual Tour de Ranch Mountain Bike Race

Taylor Fischer, Special Events and Facility Rental Manager, reported in her Council routing form that November 6, 2021 will be the 3rd Annual Off-Road Mountain Bike Race Tour de Ranch located at Flying E Ranch. Flying E Ranch will now be the official host of Tour de Ranch and the Town of Wickenburg desires to continue support of the event while encouraging local partnerships that ease the burden of hosting the event as it grows in popularity. Flying E Ranch has indicated that they are willing to become the official host of the event, providing location, insurance, and general operational support. Mountain Bike Races are excluded from the Town of Wickenburg's insurance policy which is why the Flying E Ranch would like to be the host and why the Town would like the Flying E Ranch to be the host. We all want this event to continue as this event has doubled each year and has continually proved to bring an economic impact to the Town. The Town's Trails Commission is willing to assist Flying E Ranch in the operation of the event by providing volunteers for the event. The Town can provide staff to coordinate registration and marketing for the event. This is a new agreement.

By a 7-0 vote under the Consent Agenda, Council moved to approve the agreement with Flying E Ranch for the Tour de Ranch and authorize the Mayor to execute the agreement.

d. Consideration and Action Regarding the Agreement for Swimming Pool Operations and Use by the Wickenburg Christian Academy for their High School Swim Team

Sarah Brown, Recreation Manager, reported in her Council routing form that during the months of August, September, and October, the Town of Wickenburg allows the Wickenburg Christian Academy High School Swim Team the use of the Wickenburg Municipal Pool, four days a week, two hours a day, for a minimal fee. This allows the high school to run a competitive swim team that they would not normally have the ability to run without the proper facility.

The Wickenburg Christian Academy is required to provide certified staff, coaches, and lifeguards while using the pool. They are also responsible for the upkeep of the restrooms. Town staff maintains the cleanliness of the pool and assures chemicals are in place to maintain water quality.

In exchange for this service, the Wickenburg Christian Academy will be charged a fee of \$320 per season.

By a 7-0 vote under the Consent Agenda, Council moved to approve the agreement for Swimming Pool Operations and Use with the Wickenburg Christian Academy and authorize the Mayor to execute the agreement.

- e. Consideration and Action Regarding Approving A Cooperative Purchasing Contract with Norwood Equipment, LLC for the Purchase of a Vactor Truck in the Amount of \$284,427.00 in Accordance with the Terms and Conditions Submitted to Sourcewell in Contract #122017-FSC-2

Herschel Workman, Public Services Director, reported in his Council routing form that through the budget process, staff determined that it would be more beneficial to the Town to purchase a vactor truck instead of renting the services of a vactor truck when the need arises. The vactor truck will be used by several departments to clean sewer mains, culverts and hydro-excavation. This purchase will be split between streets, both water systems and both wastewater systems,

By a 7-0 vote under the Consent Agenda, Council moved to approve and authorize the Mayor to execute a cooperative purchasing contract with Norwood Equipment, LLC for the purchase of a vactor truck in the amount of \$284,427.00 in accordance with the terms and conditions submitted to Sourcewell in contract #122017-FSC-2.

- f. Consideration and Action Regarding the License Agreement with Wickenburg Development Co., LLC. for Four Signs on the North Fire Station Property

Vince Lorefice, Town Manager, reported in his Council routing form that Wickenburg Ranch Development recently provided the property for the North Fire Station. This property does have four signs for the developers on that

property. This agreement will allow them to leave those signs on that property until the Town wishes them to be removed by written notice.

Council Member Bratcher wanted the attorney to explain this license agreement. Town Attorney Trish Stuhan stated that this was part of the real estate transfer of the fire station property. Wickenburg Ranch has their advertising signs on the new town property that was just turned over to the town per the development agreement. There is economic benefit to allowing the signs to remain on town property.

MOVED BY Vice Mayor Kristi Henson to approve the License Agreement with Wickenburg Development Co., LLC. related to four signs on the North Fire Station property and authorize the Mayor to execute the agreement

SECONDED BY Council Member BG Bratcher

VOTE: 7 – 0 (Yes – Mayor Pereira, Vice Mayor Henson, Council Members Band, Bedoian, Bratcher, Rovey and Stander)

2. Presentation from Ed Squires of Hydro Logic., Inc. Regarding the Town's Water Supply and the Monitoring Well Findings

Herschel Workman, Public Services Director, introduced Ed Squires from Hydro Logic, Inc. to provide some preliminary findings from the monitoring well.

Ed Squires stated that the Town of Wickenburg installed a monitoring well to protect the water supply. He has 14 years of experience as a professional geologist in Arizona and ten years with water specifically. This monitoring well will track the Upper Hassayampa Basin. He thanked Matt Egan, Herschel Workman and Vince Lorefice for their desire to find a solid path for the town to know the aquifer system so it can be understood and managed. This monitor well is at Adams Tank and is a multi-depth monitor well. It will monitor the depth and thickness of the aquifer. It can also be a future site for a new well. The four tube wells show the different depths of four separate subaquifers. There was also funding to look at the airport well for the possibility of redeveloping that well.

The conclusion of the initial monitoring well findings is that there is no immediate pending crisis. There is not an infinite supply of water in Arizona, but this monitor well will closely track the levels to be able to identify changes. There could be problems caused by private single wells due to their process for setting up those wells. Wickenburg Ranch did excellent tests of the water in that area with number 7 and 8 wells monitoring the water in that area for an extended period of time.

Mayor Pereira was glad to hear that the town is on a good path to understand our water supply with more study of the data. He wondered if the Council could get some more information.

Vice Mayor Henson asked about the issues with the private wells. Mr. Squires stated that they are unsealed wells which can allow pollution into the water supply.

Council Member Stander asked about federal restrictions and how that could impact the water situation locally, specifically looking at the Lake Mead issues. Mr. Squires stated that the Lake Mead issues and federal restrictions will not affect Wickenburg. The valley cities are impacted by those issues. Wickenburg is solely dependent on ground water, so the town is more protected than the air water that is used by the valley cities. However, the town is just starting to get the data regarding the aquifer as five years of data is really needed to show trends. Wickenburg Ranch had about fourteen years of data with great information. The good thing is that we are not seeing declines in the local aquifers. Growth can cause issues, but we have seen the levels stabilize and haven't seen any declines.

Council Member Band asked how to protect the ground water rights. Mr. Squires stated that is difficult in Arizona. There is no priority system like other states. Wickenburg Ranch received a Determination of Adequate Water Supply (DAWS) for one hundred years of assured water supply. Unfortunately, the Arizona Department of Water Resources (ADWR) DAWS don't carry a lot of meaning or teeth. ADWR is wanting to build a computer model of the Upper Hassayampa Basin and will use the data that the town is able to provide with the monitoring well to develop that model.

Mayor Pereira asked the timeline for the next steps and asked that updates be brought to the Council. He asked how long the aquifer needs to be monitored before we have a good sense of the water supply, is five years good? Mr. Squires stated that the town is doing a great job of monitoring with six data points from Wickenburg Ranch, four from the Adams tank monitor well along with some data from the Mariposa well and the airport well. The town is making steady progress.

Town Manager Lorefice thanked Operations Manager Matt Egan who oversees the water resources for the town and pushed to get this monitor well. We needed to do this first step to provide data for the future. There is no emergency tonight regarding the water supply. With the monitoring that is now happening, we will be able to see any potential problems in the future.

3. Presentation, Discussion and Possible Action Regarding the Recruitment Firm Recommended for the Town Manager Recruitment

Tarah Mayerhofer, HR and Risk Manager, reported that the consensus of Council from the August 16th meeting was to set up a Town Manager Committee to interview up to four firms and report back to the Council on their suggestion along with bringing the contract back to the Council. The committee was made

up of Mayor Pereira, Vice Mayor Henson, Council Member Bedoian, Chief Brown, Town Manager Lorefice and HR Manager Mayerhofer. The Committee met and is recommending SGR Government Resources. Their initial proposal was for \$24,900 but the committee added five DiSC Management Assessments and the Stakeholder Survey for a new total of \$26,775. There will be additional costs to place online ads for a total recommended not to exceed amount of \$32,000.

MOVED BY Council Member Kristy Bedoian to approve authorizing the Town Manager or designated staff to execute a contract for recruitment of the Town Manager recruitment with SGR Government Resources and to utilize General Fund Contingency not to exceed \$32,000

SECONDED BY Council Member Rebecca Rovey

VOTE: 7 – 0 (Yes – Mayor Pereira, Vice Mayor Henson, Council Members Band, Bedoian, Bratcher, Rovey and Stander)

4. Discussion and Possible Action Regarding Procedures during Council Meetings

Council Member Stander stated that he requested this item due to the personal attacks that have been happening toward the Mayor, Council, staff and the public. There has been grandstanding by a few people that has caused many citizens to comment to him about how embarrassing the Council meetings have become. He always welcomes respectful engagement. The meetings are embarrassing for visitors to watch and has chased away possible future businesses which results in lost revenues. His suggestion was to possibly drop the Call to the Public or move it to the end of the meeting.

Council Member Rovey said she has heard the same complaints from citizens. She said that a Call to the Public is not legally required and is a privilege that the Council has permitted. She thought that we need to allow this civic engagement but would agree to moving it to the end of the meeting.

Vice Mayor Henson stated that she doesn't want to infringe on people's free speech but people can get the same point across without it being in such a cruel way. Citizens laugh at the meetings and we have lost businesses. We need to have some decorum. Speakers need to do homework prior to speaking as there has been a lot of misinformation that has been spoken. She is not in favor of doing away with the Call to the Public but the idea that someone can speak on every agenda makes the meetings very long and usually they are saying the same thing. She encouraged people to speak to the Council or staff prior to the meeting to get the correct information and express their concerns to the Council.

Town Attorney Stuhan confirmed that the Call to the Public is not required to be on the agenda and the Council has the right to move it anywhere on the agenda. The Council has to be able to discuss the normal business items. The public has the right to attend the meetings and listen to the deliberations. They do not have

to be allowed to speak during the meetings except during Public Hearings and some items that go to the Planning and Zoning Commission. This is a policy decision as to how the Council wants their meetings run. She stated that if the Council wants to allow public comments, you have to take all the comments. The Council can set a time limit. The public legally only has the right to attend the meeting and listen.

Council Member Bedoian stated that no one enjoys criticism or conflict but in order to sit on the Council you need to have thick skin. The Council took an oath to uphold the Constitution but there should be respect and decorum. She stated that Justice Brennan stated that even inaccurate speech is protected. The Council is not Facebook or Twitter and shouldn't be censoring the comments. She would prefer that people talk to her prior to the meeting so that she can get all the information.

Council Member Band said that the ability to speak up needs to be respectful. In addition, the Council doesn't need to hear the same thing all the time. The public just needs to follow the rules. Some public give great feedback. If they are being disrespectful, we should be able to ask them to stop.

Council Member Bratcher thought that we should continue to have the Call to the Public as she supports free speech. We have rules for conduct, we just need to enforce them. She would also like to encourage the public to reach out to her prior to the meeting, that way she can do her own research and ask questions.

Mayor Pereira agreed with Council Member Band that public comment is important but the constant attacks of the Council, staff and public needs to stop. He does understand communism and socialism as he grew up with that and enjoys the freedoms in America. But respect needs to happen. He remembers seeing Ronald Reagan work with Tip O'Neill. He plans to start using the gavel more to enforce the rules but the rest of the Council can also help to maintain respectful meetings.

Council Member Stander said another option is to have all comments from the public to be made during the Call to the Public including comments regarding agenda items. Town Attorney Stuhan stated the issue is that during the Call to the Public, the Council can't respond except to criticism. We can change the language on the agenda so the public can give all their input for the meeting under the Call to the Public. There just can't be discussion back and forth at that time as that is only allowed under an agenda item. The Council could call someone back up for questions when that agenda item comes up for discussion. Public Hearings would have to allow comments regarding those items at the time of the agenda item.

Council Member Stander stated the reason for having all comments at the beginning of the meeting under the Call to the Public is so that the Council can then have a business meeting with Council and staff input only.

Vice Mayor Henson wasn't sure when the Council can speak out for the criticism aspect, is it only when they are personal criticisms or others are criticized? She would like to ask people if they have talked to any staff or Council member to get all the facts when they are providing misinformation.

Town Attorney Stuhan stated that during Call to the Public the Council can do three things; ask staff to review a matter, ask that it be placed on a future agenda for discussion and respond to criticism. The responding to criticism is a little messy since it is not defined but her take is that the Council can respond and correct any information that is not correct. It can't be long or include a discussion, but there can be a clarifying comment. The Council can respond when the town or staff are criticized, not just for personal criticism.

Vice Mayor Henson thought that they could only respond to personal attacks so Council needs to be better at responding when staff is attacked.

Town Attorney Stuhan said that there needs to be some discretion as there can't be a back and forth discussion. If someone is actively being disruptive of the meeting, they can be asked to leave. They can come back into the meeting, if they are calmed down and not be disruptive as the public has a right to attend and watch the meetings, but they do not have to be allowed to interrupt the public business taking place. The Council can do a short statement to correct the record.

Council Member Bedoian would prefer to leave the meeting as it is and encourage everyone to be respectful.

Council Member Band wanted to make sure the public was given the opportunity to speak, he didn't want that being taken away.

Town Manager Lorefice stated from a business aspect, it could save the town money by moving the Call to the Public to the end of the meeting. If there is a long Call to the Public, we might be paying a professional to wait until after that to present, so it is costing the town money. Moving this item can help with cost savings. In addition, many people give their speech and leave. If they truly feel driven to share their opinion, they will then have to listen to the meeting and see how business is handled. It will hopefully help with the public image of the town.

Vice Mayor Henson asked if the town attorney knew how many have the Call to the Public at the beginning or end of their agenda. Town Attorney Stuhan said from what she has seen it is split 50/50 but some cities don't have a Call to the

Public. There is not a consensus. The question is what works for the Town of Wickenburg as this is the Council's meeting and a policy decision.

Mayor Pereira stated that the Council had the Call to the Public at the end of the meeting in the past and it was moved back to the beginning of the meeting. He attended a Mayor's meeting with discussion regarding the Call to the Public and it was split 50/50 based on that discussion. There was one city that read the entire rules at every meeting by playing a recording. There were others with the rules on the screen, like the town has started showing. There was a meeting a few weeks ago where we had a presentation by WESTMARC and she had to experience the negativity prior to her presentation. He called to apologize to her and she said she has seen that at other towns and cities but it is up to the town to decide how to manager their meetings. Mayor Pereira wanted to allow people to present their opinion but just asked that they be respectful.

Council Member Stander stated that it is not his intent to suppress free speech but just to have more respectful meetings. Even if the Council decided to do away with the Call to the Public he would still encourage the public to engage with him outside of the meeting. He would just prefer to move the Call to the Public to the end of the meeting.

Council Member Rovey stated that we aren't trying to squash the public input, but there is business that needs to get done. She would like to see it at the end of the meeting and if that doesn't work, the Council can always move it back.

MOVED BY Council Member Rebecca Rovey to move the Call to the Public to the end of the Council meeting agenda

SECONDED BY Council Member David Stander

VOTE: 7 – 0 (Yes – Mayor Pereira, Vice Mayor Henson, Council Members Band, Bedoian, Bratcher, Rovey and Stander)

5. Discussion and Possible Action Regarding contract with Standard Construction Company, Inc. regarding the Jefferson Street Waterline Project 2 and Pavement Replacement and Possible Action Regarding Use of Contingency Funds to resolve a dispute

Herschel Workman, Public Services Director, reported in his Council routing form that this item was discussed by the Council on August 2 in executive session. Following executive session, Council authorized a settlement offer of \$157,766.74 which includes the \$68,804.60 that was already paid. Town Attorney Trish Stuhan will update the Council regarding the response from Standard Construction and Council may provide direction and/or take action regarding the dispute.

The Town bid opening for Jefferson Street Waterline Project 2 and Pavement Replacement was May 11, 2020. Standard Construction Company, Inc. was the

apparent low bidder for the project. The Town Council awarded the contract to Standard Construction Company, Inc. on June 15, 2020 in an amount of \$539,131.07. Final payment is disputed.

Standard Construction was given ten minutes to present their arguments for a larger final payment. Town Attorney Stuhan stated that there are two items regarding this tonight including this public item to be able to hear from Standard Construction and their perspective. There is also an executive session to talk about the item and then come back out.

Daniel Roer from Standard Construction started the discussion stating that he has a civil engineering degree from Arizona State University (ASU). He grew up in Buckeye, so he knows Wickenburg very well. He is going to share Standard Construction's perspective on the contract. He showed a copy of the as-builts for this project was a waterline project on Jefferson street along with pavement replacement. This project went from Yavapai Street to Mohave Street. They had previously completed a project on Jefferson Street on the other side of Yavapai Street during a prior phase. This is the eighth job for the Town of Wickenburg with their first project being in 2004 so they have had a relationship with the town for 17 years. There were some issues with this project and differing conditions since bid time.

They had water item issues, additional removals, along with added concrete and asphalt items. They also had to stub a 48" storm drain that became an issue at the end of the project that no one knew about. There are seven tie-in locations, one on Yavapai, two on Mohave, two by the tank and two on Santa Cruz. These tie-ins connect with the existing system and show that they work perfectly. In reality there were times that the new installation was seven feet deep and they were four feet in the road or two feet in the tank area. There were major elevation differences with both vertical and horizontal realignment issues at the seven locations.

There was a water main from Yavapai to Santa Cruz where they were able to turn in a Request for Information (RFI) to save the project 400 linear feet of curb and gutter that would have needed to be replaced because of how deep that was. That was a savings on the contract of \$44,800. Another contractor could be asking for that additional money also. They saw that issue and tried to get out in front of that and help the project.

They have horizontally relocated the fire hydrant and the ARV. Those were partially installed and noticed to be in conflict with something and had to be relocated in the field. The 1" water service was found to be a 2" water service. The project didn't include new meter boxes but the town wanted new boxes so they dropped them off and Standard Construction installed them and took care of the old boxes. That is all additional work.

There were additional removals of items under the asphalt. There were removals of three additional driveways that went to nowhere and weren't on the plans. The concrete quantities that were shown on the plans and installed at the direction of the town, the quantities weren't located on the plans. The town schedule quantities supplied at bid time dictated these quantities for bidding purposes and the final quantities were simply counted and turned in for billing.

The same thing for the asphalt. Asphalt quantities were installed per the plans at the direction of the town. The plans supplied at bid time showed asphalt quantities showed quantities on the water plan and on the paving plans. The town scheduled quantities dictated at bid time the quantities to be used for bidding and in the end, they simply installed within the plan limits, counted the square yards and billed per the contract. Those were a couple of additional contract items.

The last issue was the stub of the 48" storm drain. From the first picture on page 1 of their information showed the double 48". They were on their last 100 feet of installing the main line pipe. 100' is not even a day's operation. So, they were on their last day of installation and they come across 2-48" pipes that are about six inches in the ground and they create a literal wall. The progress stops at that point and they lose a day of operations. They have excavators, loaders, equipment and manpower that are standing waiting to figure out what to do while they redesign where to go. The engineer and town meet on the job site. They figure out a new direction to go. They are directed to pothole and send in an RFI on how to complete the installation. They start potholing and then come across another conflict with the sewer at the same elevation. They have to dip underneath that and add encasement and rebar. This included a bunch of extra work at that location also.

The new mainline was installed up to the 48"er, so it had to be removed for 40 linear feet. It wasn't that they didn't install for that area, it was a matter that they installed it and had to take it back out. During this time, they had all their equipment and trying to work out these issues and move forward with the project.

They performed additional potholing for the new alignment. The additional potholing was on each side of the double 48". Additional potholing at the new tie in location at the retirement community. It is now in a new location across the road.

The fire hydrant at 10 + 66 had to be relocated as it was also at that alignment. All of these had to be figured out on the job. This was at the end when they are trying to figure out how to get this done and they run into that wall. This involved additional oversight and professional services for all this additional work. He is on the job for very little time per the budget. They have done these projects for the town in the past a lot. He had to be on the job a ton. He was getting calls every

day about what should they do next. He was out there trying to figure out and then writing RFI's.

Moving on to the budget and affected items, 27 of the 59 budget items were overrun. Concrete and asphalt quantities were overrun by \$120,000. Contracting pricing came to an adjusted contract value of \$659,614, this is just contracting and pricing. The additional work for additional budget overruns of just direct costs for PM and Superintendent of \$26,000. Changes to the horizontal and vertical realignments tie-ins logged \$22,000 in overage and direct costs in the budget. Additional main line excavation was \$64,000 in direct cost. Added potholing and new utility alignments and new locations was roughly \$20,000 in additional costs. Additional quality control and survey were in the ranges of 14% and 31% increases roughly.

The next sheet is a snippet from the 12-14-2020 memo from GHD. It is a long memo, but has a stack of them under this chair. This is a recommendation from them that says "Additionally the engineer's opinion of cost estimate was above the contractor's current requested value of \$696,000." The \$696,000 was prior to all the bills being turned in as this was a projected cost when they were close to the end so that everyone could get an idea of what was happening. GHD goes further to state that his projections were higher than that plus he suggests a contingency. The engineer has told the town that it will cost more than this.

The actual contract totals and amounts requested is the last page. The actual contract value of this project with the additional quantities is \$657,097. Change orders written by the town right now are \$0.00. They have tracked changes and turned them in but nothing has been written. The actual contractor's costs to date is logged at \$749,153. A fair markup of 15% would add \$112,372. The total requested new contract value would be \$861,525. This would include a change order request for the adjusted contract total plus the contractor's markup would be \$204,428.

At the end of the day, what he wants to say as the Council has heard all the issues. There were a ton of changes from the contract bid date. They are looking for someone to be fair with them. They have done a lot of work for the town. They have actual costs of \$749,153. They are looking for that plus a fair markup. He will leave it to the town to determine what a fair markup is. He knows that Steve has talked to everyone and there has been a lot of miscommunication. He hopes that this will clarify their opinion of the contract and where they believe they stand. This has been going on for a year now. He would appreciate the town's attention to the actual costs and a fair markup.

- 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)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town's position regarding negotiations with Standard Construction Company, Inc. regarding the Jefferson Street Waterline Project 2 and Pavement Replacement, and (2) pursuant to A.R.S. § 38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding Standard Construction Company, Inc. regarding the Jefferson Street Waterline Project 2 and Pavement Replacement.

MOVED BY Council Member David Stander to adjourn into executive session at approximately 7:24 PM

SECONDED BY Council Member Rebecca Rovey

VOTE: 7 – 0 (Yes – Mayor Pereira, Vice Mayor Henson, Council Members Band, Bedoian, Bratcher, Rovey and Stander)

Meeting was reconvened at 8:06 PM.

Mayor Pereira stated that staff will do a little more analyzing and will get back with Standard Construction in a week or so.

J. SCHEDULING OF FUTURE COUNCIL AGENDA ITEMS

- Vice Mayor Henson would like a further discussion with Ed Squires regarding the private wells. This was seconded by Council Member Rovey.

K. ADJOURNMENT

MOVED BY Council Member David Stander to adjourn the meeting at approximately 8:07 PM

SECONDED BY Council Member Kristy Bedoian

VOTE: 7 – 0 (Yes – Mayor Pereira, Vice Mayor Henson, Council Members Band, Bedoian, Bratcher, Rovey and Stander)

ATTEST:

Rui Pereira, Mayor

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 September 7, 2021 is a full, true and correct copy of the Wickenburg Common Council and that a quorum was present at the meeting.

Amy Brown, MMC
Town Clerk