

ORDINANCE NO. 1076

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF WICKENBURG, ARIZONA AMENDING THE TOWN OF WICKENBURG CODE CHAPTER 4 ADMINISTRATION, ARTICLE 4-4 PURCHASING, BY AMENDING SECTIONS 4-4-3 PURCHASE ORDERS REQUIRED, 4-4-8 QUOTATION OR BID REQUIREMENTS, 4-4-17 SURPLUS SUPPLIES AND EQUIPMENT and 4-4-19 CONFLICT OF INTEREST PROCEDURES; ALL RELATED TO PROCEDURES AND REQUIREMENTS FOR THE PURCHASE OF GOODS AND SERVICES BY THE TOWN; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY

BE IT ORDAINED by the Mayor and Common Council of the Town of Wickenburg, Arizona as follows:

Section 1. In General.

The Code of Wickenburg, Chapter 4 Administration, Article 4-4 Purchasing, is amended by amending Sections 4-4-8 Quotation or Bid Requirements, Paragraph B and 4-4-19 Conflict of Interest Procedures, to read as follows (deleted text appears in ~~strikeout~~; new text in ALL CAPS):

Section 4-4-3 Purchase Orders Required

- A. The purpose of a purchase order is to create an encumbrance in the general ledger to permit the remaining balance of budgeted line items to be monitored. When the invoice is received by accounts payable from the Department Head, it shall be matched to the applicable purchase order and processed for payment. The encumbrance shall then be replaced by the actual expenditure. Violation of this Article may result in disciplinary action.
- B. All Town purchases shall be by written Purchase Order except that purchase orders shall not be required ~~when~~:
 - 1. For contracts approved by the Common Council, EXCEPT PURCHASE ORDERS SHALL BE REQUIRED FOR PROJECT SPECIFIC CONTRACTS FOR BUDGET MONITORING PURPOSES.
 - 2. For purchases of less than two hundred dollars (\$200.00) upon approval of the Department Head of the Department for which the purchase applies.

3. For utility expenses for gas, electric, water, sewer, sanitation, and telephone services.

4. For vehicle fuel which is required when outside of the Town limits.

5. FOR INDEPENDENT CONTRACTORS WHO HAVE A CONTRACT WITH THE TOWN AND PROVIDE AN INVOICE FOR SERVICES.

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Section 4-4-8 Quotation or Bid Requirements

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B. Notwithstanding the provisions of Subsection A of this Section, no public official, ~~relative of a public official, OR employee, or relative of an employee,~~ shall supply goods or services to the Town unless pursuant to a sealed bid process except where such purchase does not exceed three hundred dollars (\$300.00) in costs a single transaction, and the aggregate total of all transactions for the fiscal year does not exceed one thousand dollars (\$1,000). ~~For purposes of this Section, "relative" means the spouse, child, child's child, parent, grandparent, brother or sister of the whole or half blood and their spouses and the parent, brother, sister or child of a spouse.~~

* * *

D. NOTWITHSTANDING THE PROVISIONS OF SUBSECTION A OF THIS SECTION, BECAUSE FUEL PRICES FLUCTUATE DAILY AND PURCHASES NEED TO BE MADE QUICKLY, PURCHASES OF FUEL FOR THE AIRPORT OR FUEL FACILITY WILL ONLY REQUIRE TWO WRITTEN QUOTATIONS.

Section 4-4-9 Application to Employees and Professional Services

A. Nothing in Sections 4-4-8 through 4-4-10 shall be construed to apply to the hiring of Town employees, or FOR INDEPENDENT CONTRACTORS PROVIDING professional SERVICES FOR A MONTHLY FEE ~~receive monthly fees as independent contractors.~~

B. Unless required by Council, the bidding and other requirements of Sections 4-4-8 through 4-4-10 shall not apply to professional services. For purposes of this Section, "professional services" include, but are not limited to: accounting, auditing, ~~engineering~~, physicians, attorneys or similar professions.

* * *

Section 4-4-17 Surplus Supplies and Equipment

All Departments and offices shall submit to the ~~Purchasing Officer~~ FINANCE DIRECTOR, at such time, and in such time, and such form as he/she shall prescribe, reports showing all supplies and equipment which are no longer used or which have become obsolete or worn out. The ~~Purchasing Officer~~ FINANCE DIRECTOR OR DESIGNEE shall dispose of such supplies and equipment pursuant to ARS §9-402.

* * *

Section 4-4-19 Conflict Of Interest Procedures

- A. Purpose: All Town employees shall not engage in on or off duty conduct which constitutes a conflict of interest with their Town duties and responsibilities. No employee ~~or relative of an employee~~ shall have a financial interest in any sale to the Town of land, materials, supplies, equipment or services, unless the sale complies with the bidding requirements of the conflict of interest statutes of the State of Arizona. Contracts or sales made by a person or entity with knowledge, express or implied, of a violation of this Section shall be voidable by the Town Manager.
- B. Process:
1. Conflicts Of Interest:
 - a. No employee of the Town, ~~or relative of an employee~~, shall supply to the Town equipment, material, supplies or services, unless pursuant to an award of a contract after a public competitive bid. A request for proposals or quotes shall not be considered a competitive bid.
 - b. Any employee of the Town who has, or whose relative has, a substantial interest in any contract with, sale to, purchase from, or service to the Town shall notify the employee's Department Head or Town Manager. The Department Head or Town Manager shall require the employee to file a notice of such interest with the Town Clerk and a copy of such notice with the Town Attorney and Town Manager. The Department Head or Town Manager shall establish procedures to ensure the employee does not participate in any manner in such contract, sale, purchase or service.
 - c. Any employee of the Town who has, or whose relative has, a substantial interest in any decision or action of the Town, other than as an employee, shall notify the employee's Department Head or Town Manager. The Department Head or Town Manager shall require the employee to file a notice of such interest with the Town Clerk and a copy of such notice with the Town Attorney and Town Manager. The Department Head or Town Manager shall also establish procedures to ensure the employee does not participate in any manner in such a decision.

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Section II. Repeal of Conflicting Ordinances.

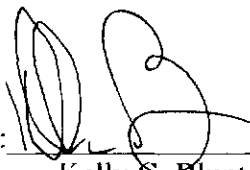
All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Town Code adopted herein by reference are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of the Town Code adopted therein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Town Council of the Town of Wickenburg,

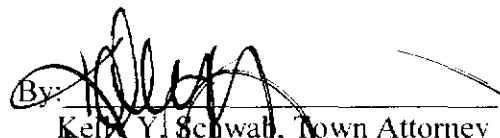
Arizona, this 8 day of September, 2010.

By: 
Kelly C. Blunt, Mayor

ATTEST:

By: 
Donna Riffel, Town Clerk

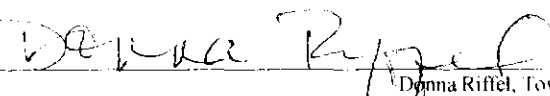
APPROVED AS TO FORM:

By: 
Kelly Y. Schwab, Town Attorney
Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.,

Number of Councilmembers Present: 6
Number of Votes For: 6
Number of Votes Against: 0
Number of Abstentions: 0

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance Number 1076 was duly passed and adopted by the Common Council of the Town of Wickenburg, Arizona, at a regular meeting held on the 8th day of SEPTEMBER 2010, and that a quorum was present at the meeting.


Donna Riffel, Town Clerk



MINUTES OF THE REGULAR MEETING OF THE WICKENBURG COMMON COUNCIL

**MONDAY, AUGUST 16, 2010
5:30 P.M.**

**COUNCIL CHAMBERS
WICKENBURG, ARIZONA**

A. CALL TO ORDER: 5:37 p.m. pursuant to Meeting Notice of August 10, 2010.

B. PLEDGE OF ALLEGIANCE: Mayor Blunt led all in the pledge to our Flag.

C. INVOCATION: Duane Middleton, Police Chaplin.

D. ROLL CALL

Kelly Blunt	Mayor	Present
John Cook	Vice Mayor	Excused
Scott Stewart	Councilmember	Present
Chris Band	Councilmember	Excused
Rui Pereira	Councilmember	Present
Sam Crissman	Councilmember	Present
Kristi Henson	Councilmember	Present
Michelle Swann	Town Attorney	Present
Gary Edwards	Town Manager	Present
Donna Riffel	Town Clerk	Present
STAFF PRESENT		
Ed Temerowski, Fire Chief; Steve Boyle, Community Development Director; Steve McKay, Community Services Director; Rick Austin, Public Works Director; Wayde Webb, Interim Chief of Police; Andy Brinkman, Police Sergeant; Amy Travers, Court Administrator; Stephanie Wojcik, Finance Director; and, Amy Brown, HR Analyst & Camera Operator		
AUDIENCE/PUBLIC PRESENT		
Roger Wayne Lippincott, Soren Stoutner, Cheryl Musick, Hunter Wilkes, Richard Austin, Steve Schwarzbach, Julie Brooks, Chad Munoz, Denise Steiger, Josh Musick, Bruce Frederick, Rosemary Maglio, Christian Carrasco, Jim Serbin, Howard Carlson, Jeanette Schwarzbach, Jack Lunsford, Blue Crowley III and Janet DeTufio.		

E. APPROVAL OF MINUTES

1) Minutes Of The Regular Meeting Of August 2, 2010

MOTION: **MOVED TO APPROVE THE REGULAR COUNCIL MINUTES OF AUGUST 2, 2010 AS PRESENTED**

BY: **COUNCILMEMBER PEREIRA**

SECOND: **COUNCILMEMBER STEWART**

VOTE: **5-0-2 (Cook & Band – Excused)**

F. TOWN MANAGER – The Edwards Report

DISCUSSION AND POSSIBLE ACTION ON:		
General Plan Update		U.S. 60 East Utilities Project
Annexations – Current & Proposed		Economic Development-Wickenburg Economic Development Partnership (WEDP)
Budget		Retreat Goals
Utilities		Stimulus Funds
Elections		

- ANNEXATIONS: Community Development Director Boyle reported they were really close to reaching 51% of property owners and assessed valuation for the North Tegner/Hwy 89/93 annexation which would include Dairy Queen and Jack-in-the-Box. He asked for assistance from Mayor & Council as they were at 47% for both.
- RETREAT GOALS – RODEO GROUNDS: Councilmember Henson asked for an update regarding activities at the Rodeo Grounds. Public Works Director Austin reported staff has been contacted by numerous rodeo associations and organizations wanting to use the rodeo grounds for events. Some of those include: Grand Canyon Rodeo, PRC Salt River, Sheppard Herding, High School and Junior High rodeo groups, 2 tractor pulls, cow punchers rodeo and a shooting group. With this many offers, staff is working to organize and determine the best use for the facility. Councilmember Henson commented she appreciated and commended all the work staff was putting into organizing these events because the rodeo grounds facility was a gold mine to the Town.
- UTILITIES: Mayor Blunt asked about the progress on the ADOT utility issue. Town Manager Edwards reported a meeting has been set up with Lon McDermott, Vice Mayor John Cook and any other Council member who may be interested; after this meeting another meeting would be called with ADOT. ADOT stated they would meet and find a solution even though it may not be the solution the Town was after.

With the concurrence of Council, Mayor Blunt skipped to Agenda Item K, Call To The Public

- Cheryl Musick, Town resident, addressed Mayor & Council by stating she was appalled when she drove by and saw the Skate Park was tagged by what looked like gang graffiti. She heard the Town may be considering closing down the Skate Park and wanted to oppose that. The local kids did not do the graffiti. She was present to support the kids and help keep the park open. (Councilmember Henson indicated several kids contacted her and she, in turn, provided them with Ms. Musick's number).
- Hunter Wilkes, Town resident, addressed Mayor and Council by stating he was worried about the Skate Park closing so he was present to show his support. He stated there was a party at the Park and he was there until 8:30 or 9 p.m. When he showed up at 7:30 a.m. the next morning everything was totally tagged. There were three parties going on at the Park and one table had cans of spray paint on it and the people at the table were drinking a lot of alcohol. He felt they might have got drunk and tagged the entire Park.
- Richard Austin, Town resident, addressed Mayor & Council by stating he also heard the Town may be shutting down the Skate Park and was worried about it. He was very willing to help raise money to expand the Skate Park or do whatever needed to be done.
- Steve Schwarzbach, Town resident, addressed Mayor & Council by stating he was totally shocked and horrified by the vandalism at the Skate Park. He wanted to volunteer his time to help raise money or help in any way needed. He was posting a \$500 reward for any information leading to catching who did the graffiti. Town crews were out all day trying to clean up which was a total waste of their time and money. Mr. Schwarzbach felt the following things would be a detriment to future vandalism: 1) increased police patrols; 2) better lighting; 3) gates; and 4) cameras. He mentioned the kids who used the Skate Park were also willing to help raise funds, which was why he wanted to help them.
- Julie Brooks, Chamber of Commerce, addressed Mayor & Council by presenting them with a poster depicting Wickenburg and stated it was also the cover of their new directory for this year. She reminded everyone the dates of the Septiembre Festival and how it was a historical event; presented and discussed a small business book which provided resources to small businesses and explained how everyone could join the "Tools for Success" program that was being offered by Wickenburg and Casa Grande.
- William "Blue" Crowley III, Town resident addressed Mayor & Council by reported last week's agenda was not on the station or he would have been present. Wanted to see better use of Channel 4 including the televising of the Maricopa County Board of

Supervisor meetings or people would think their actions were like Big Brother. Indicated a MAG meeting would be held at the Phoenix Civic Center and Wickenburg should attend and provide input. Discussed a 2007 MAG map; passed out a new Valley Metro bus schedule since, in his opinion, the one in the Town foyer was incorrect. Mr. Crowley wanted more advertising about Valley Metro services otherwise people would continue to take taxi's which were higher in cost. He asked the Chamber to solicit people to use the bus to come up to Wickenburg and spend the day. He again discussed purchasing bus tickets at Safeway, the bus rates, RPTA involvement, future planning, wanting additional stops in Morristown, Circle City and join Aguila/La Paz County with Maricopa County's services. He also thought the "Call to the Public" portion of the meeting should be held at the beginning of the meeting. Clarified the Library meeting was scheduled for August 26, 2010 at the Wickenburg Community Center.

Mayor Blunt returned to Agenda Item G.

G. MAYOR & COUNCIL MEMBERS REPORT ON CURRENT EVENTS

MAYOR KELLY BLUNT reported on Saturday, September 11th the annual NRA banquet and auction will be held to help raise money for the youth in the community. Anyone interested should contact Dian Valencic at 1-888-238-3465.

H. OLD BUSINESS - None

I. NEW BUSINESS

1. Discussion/Possible Approval Of The Consent Agenda

a.	RATIFICATION Authorizing Acceptance Of A Municipal Airport Grant To Update The Town's Municipal Airport Master Plan Through The FAA And ADOT (Arizona Department Of Transportation) For \$221,053 With A Town Match Of \$5,527 From Airport Contingency Fund
b.	RATIFICATION Authorizing Payment From Airport Contingency In The Amount Of \$1,500 For Municipal Airport Master Plan Update Independent Review By The Adams Company
c.	AUTHORIZATION To Go Out For Request For Qualifications (RFQ) For Municipal Airport Consultants
d.	AUTHORIZATION To Waive The Constellation Park Rodeo Ground Fees For A Benefit Trail Ride Sponsored By The Humane Society Of Wickenburg On Saturday, November 6, 2010
e.	APPROVAL Of An Annual Accountability Contract With The Wickenburg Chamber Of Commerce For \$25,000 From Projected Bed Tax Revenues
f.	MAYOR'S APPOINTMENT(S): Reinstatement Of George Pilicy To The Wickenburg Library Board Of Trustees With An Expiration Term Of 7/2013
g.	APPROVAL Of An Amendment To The Public Works Maintenance Worker Job Description Providing One (1) Year To Obtain Water Distribution Certificate
h.	APPROVAL Of Changing The Public Works Crew Leader Title To Public Works Supervisor And Amending The Job Description
i.	APPROVAL Of Changing The Community Services Crew Leader To Parks Supervisor And Amending The Job Description
j.	ACCEPTANCE Of Street Preservation Project To Commence The One Year Warranty Period And AUTHORIZATION Of Final Payment To D & O Contractors For \$268,898.23
k.	RATIFICATION Of Payment To Day & Night Septic Service For An Emergency Pumping Situation At The Weaver Street Sewer Lift Station Following Pump Failure For \$5,000
l.	ACCEPTANCE Of Maricopa County Community Development Block Grant Award Of \$245,762 For Washington Street Alleyway Improvements
m.	ADOPTION Of Ordinance No. 1075 Amending Chapter 8 BUILDING Increasing The Allowable Square Footage From 120 to 144 For Accessory Buildings
n.	ANNUAL RENEWAL Of The Greater Phoenix Economic Development Council (GPEC) Agreement With The Town For Economic Development Efforts In The Community For \$2,137

Mayor Blunt cited the Consent Agenda by title only. He advised item "d" was pulled from the Consent Agenda because Councilmember Stewart graciously volunteered to pay the rental fee at the Rodeo Grounds for the Humane Society of Wickenburg. Councilmember

Henson asked for Item "k" to be pulled; Councilmembers Pereira and Stewart asked for "e" to be pulled. With that,

MOTION: MOVED TO APPROVE CONSENT AGENDA ITEMS: a,b,c,f,g,h,i,l,m,n
BY: COUNCILMEMBER STEWART
SECOND: COUNCILMEMBER PEREIRA
VOTE: 5-0-2 (Cook & Band – Excused)

e.	APPROVAL Of An Annual Accountability Contract With The Wickburg Chamber Of Commerce For \$25,000 From Projected Bed Tax Revenues
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Councilmember Pereira asked that the reference to BBB in the Accountability Contract be amended to a single B tax on page 1 of 4. Councilmember Stewart asked if the Town was spending dollars before it was collected.

Julie Brooks, Chamber of Commerce, addressed Mayor & Council by stating she was not expecting the Town to pay the full amount. The Town could pay it in increments.

Finance Director Wojcik reported the Town has \$25,000 but it would be operating in the red for the Bed Tax account. They currently collected \$17,179.29 and have spent \$17,800 to date. Additionally, Bed tax funds have been promised at \$20,000 to the Wickburg Economic Development Partnership. There was no funding in the Bed tax account yet but staff was requesting clarification regarding how the money would be used. Was it okay to spend it first and then use the \$25,000 as a reimbursable because if so staff wanted to clarify that in the proposed contract. Councilmember Henson advised advertising had to be purchased at certain times of the year and that meant sometimes things had to be purchased in advance. How the Chamber used the money whether direct payments or reimbursements to a fund should not matter. The Town could not afford not to have the Chamber wait for its money. Advertising was critical to the Town's economic development and tourism industry. Discussion ensued on a one time payment versus payments of approximately \$5000 per month.

Mayor Blunt asked about when this was first discussed, Council decided any organization requesting money from the Town needed to submit a proposal outlining their marketing plan. No one would just be given money because they asked for it. He asked Council if anyone remembered that and if the Chamber needed to submit such a proposal. Finance Director Wojcik agreed with Mayor Blunt that she recalled everyone requesting Town funds had to submit a proposal and each proposal would be considered on a case-by-case basis on merit. Councilmember Henson stated that would not start this year but after this disbursement it could be set in place.

Councilmember Crissman asked where the funds for the Chamber came from; Ms. Wojcik replied from the previous BBB tax and before that the Town's General Fund. Ms. Brooks indicated they were receiving \$50,000 from the BBB tax fund but now it has dropped to \$25,000 from the Bed tax fund which was the same level they were receiving 7 years ago.

Discussion resumed on the possibility of making \$5000 payments to the Chamber; Ms. Wojcik stated she had no problem cutting a full check for \$25,000 from the General Fund just wanted clarification on what period the check would cover. Ms. Brooks stated July 1 through June 30, 2011 would be fine. Councilmember Stewart expressed concern over spending money they did not yet have. The Town received approximately \$17,000 in three months; maybe the Chamber should wait a while longer until the funds were in place. Councilmember Pereira reported even if they waited until the end of this fiscal year, the Bed

tax fund would still be in the red with all the debts owed. Ms. Wojcik indicated she thought the fund would most likely be in the black by April of 2011.

MOTION: **MOVED TO APPROVE CONSENT AGENDA ITEM "e" AMENDING THE CONTRACT BY CHANGING BBB TO B, PAYING THE FULL \$25,000 FROM THE GENERAL FUND, AND DATE THE START OF THE CONTRACT JULY 1ST**

BY: **COUNCILMEMBER HENSON**

SECOND: **COUNCILMEMBER STEWART**

VOTE: **5-0-2 (Cook & Band – Excused)**

k.	RATIFICATION Of Payment To Day & Night Septic Service For An Emergency Pumping Situation At The Weaver Street Sewer Lift Station Following Pump Failure For \$5,000
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Councilmember Henson asked what happened; Public Works Director Austin reported the Weaver Street sewage pump stopped pumping the poo. The backup pump failed to work so they had to call a poo pumper for 7 days while a new pump was ordered, received and installed. The original bill was over \$10,000 but staff negotiated it down to \$5,000 and gave the poo pumping company \$5600 worth of credits at the Town's sewer treatment plant. When asked, Mr. Austin replied the backup pump was 10 years old but had never been installed, just kept on standby.

MOTION: **MOVED TO APPROVE CONSENT AGENDA ITEM "k"**

BY: **COUNCILMEMBER HENSON**

SECOND: **COUNCILMEMBER PEREIRA**

VOTE: **5-0-2 (Cook & Band – Excused)**

2. Discussion/Presentation By Jack Lunsford Of WESTMARC Regarding An Update On WESTMARC And The Western Maricopa Foreign Trade Zone

Mr. Jack Lunsford of WESTMARC outlined the role its plays along with the Western Maricopa Foreign Trade Zone in economic development efforts as follows:

- ☐ His personal background: born in Phoenix, lived in Wales and Flagstaff, has a home in Munds Park. Was a former bank manager, radio broadcaster, and youngest County Assessor for Coconino County and co-founder of WESTMARC.
- ☐ Mission Statement is to "promote the West Valley, advocate on its behalf".
- ☐ 15 communities are involved including Wickenburg, Phoenix and both Sun Cities.
- ☐ Unified voice in region for public policy issues.
- ☐ Funded by businesses – all types of businesses
- ☐ Provides industry leadership
- ☐ In 1980's there were three similar groups that merged into WESTMARC in 1989
- ☐ 1991 WESTMARC incorporated
- ☐ Community issues include economic development, education, health care, transportation, water, and Luke Air Force Base
- ☐ Dues are paid 80% by businesses and 20% government
- ☐ Discussed events that provided revenues
- ☐ Budget was \$700,000 but reduced it to \$600,000 this year with four staff on board
- ☐ They are CPA reviewed
- ☐ Operate the largest enterprise zone in Arizona which includes Wickenburg
- ☐ The WMEZ (enterprise zone) is set to sunset in 2011 by legislature
- ☐ Discussed accomplishments including: West-Mec, enterprise zone, principles – ASU West, West Valley recreation corridor
- ☐ Took stands on various propositions to help lead the effort
- ☐ Leadership roles
- ☐ Help protect State Shared Revenues
- ☐ Numerous economic development efforts such as expanding enterprise zones, creation of greater Maricopa foreign trade zone and protecting Luke Air Force Base

- Challenges include transportation, education, water, healthcare, Luke Air Force Base and government
- There are 290 foreign trade zones in the United States today.
- Explained foreign trade zones offer reduced taxes in Ohio, Texas and Arizona
- Federal taxes reduced or exempted as part of the program if a business qualifies.
- Explained the authority and structure of the foreign trade zone
- Foreign Trade Zone cuts costs to businesses by providing local tax benefits and eliminates duty
- Saves big money for importers when the duty fees are eliminated

Councilmember Henson asked if the Town was late in joining; Councilmember Pereira advised the Town went through the process to enable local businesses to join but it was not in the Town's best interest to join at a \$50,000 fee to start. The Town needed to wait for some business activity. Town Manager Edwards asked if the Town went into a double dip session how it would affect sales tax. Mr. Lunsford explained the Town would have bigger problems than double dipping and discussed the State budget including Growing Smarter Fund and First Things First. He also discussed the deficit State Shared Revenues. This concluded Mr. Lunsford's presentation. No action was necessary or taken.

Mayor Blunt called for a recess at 7:05 p.m. and reconvened the meeting at 7:11 p.m.

3. Discussion/Possible Authorization To Enter Into An Agreement With Strategic Technology, Inc., To Permit The Installation Of Three (3) Wireless Antennae On Bass Tank For Sole Use By The Wickenburg Unified School District #9

Town Manager Edwards reported Strategic Technology, Inc., won the bid to do wireless communication services for the Wickenburg Unified School District #9. They would like to install three antennae on the Town's Bass Water Tank in order to perform this service. However, since the service is only for the School District, staff was proposing a reduced rate of \$100 per antenna. STI was comfortable with the rate being proposed. The Town Attorney reviewed the contract and was satisfied. Councilmember Pereira thought this was great for the School District and asked if the Town could not somehow take advantage of this opportunity as well. A representative of STI commented that door was not closed and maybe sometime down the road they could do something with the Town.

**MOTION: MOVED TO ENTER INTO AN AGREEMENT WITH STRATEGIC TECHNOLOGY, INC.,
 TO PERMIT THE INSTALLATION OF THREE WIRELESS ANTENNAE ON BASS TANK TO
 SOLELY BENEFIT THE WICKENBURG SCHOOL DISTRICT**

BY: COUNCILMEMBER PEREIRA

SECOND: COUNCILMEMBER HENSON

VOTE: 5-0-2 (Cook & Band – Excused)

4. Discussion/Possible Acceptance Of An Arizona Department Of Commerce Energy Office Grant Award Of \$54,596.00 With A Town Share Of Approximately \$25,185 Plus Tax From The Water Fund For Two Hybrid Vehicles And Authorization To Go Out To Bid For Same

Public Works Director Austin reported when staff went out for this grant award it was with the understanding that the \$35,000 budgeted for one Department vehicle would be used as the match if awarded. Staff was happy to inform Mayor & Council the Town has been awarded the grant for two hybrid vehicles. The Town would pay for the vehicles upfront estimated at \$79,233 plus tax and license and approximately \$46,548 would be reimbursed through the grant administrator Arizona Department of Commerce. The estimated out of pocket was \$25,185 plus tax and license fees. The remaining monies from the grant would be a CFL bulb exchange during the Town's electronic recycling event. The Town would have approximately 10,000 CFL bulbs to exchange. Mayor Blunt asked if staff would be talking to

Bromm Chevrolet and Jones Ford; Mr. Austin replied yes but the Town was required to go out to bid for the vehicles.

**MOTION: MOVED TO ACCEPT THE SECOND EECBG GRANT AWARD FOR \$54,596
ACKNOWLEDGING THE TOWN'S CONTRIBUTION WILL BE TAKEN FROM THE WATER
CONTINGENCY FUND AND AUTHORIZATION TO GO OUT TO BID FOR THE
VEHICLES**

BY: COUNCILMEMBER PEREIRA

SECOND: COUNCILMEMBER STEWART

VOTE: 5-0-2 (Cook & Band – Excused)

5. Discussion/Possible Authorization To Apply For A Federal Tiger Grant Jointly With The Wickenburg Economic Development Partnership (WEDP)

Town Manager Edwards reported this legislation pertained to the Wickenburg Economic Development Partnership's upcoming application for a federal TIGER grant. It was advisable for the Town to approve WEDP applying for the grant. If the grant was awarded, it would allow the Partnership funds to construct a rail facility north of Forepaugh including the needed infrastructure in the Forepaugh area including Town owned 80 acres. The funding would also cover the cost to purchase adjoining BLB property. This would be the second attempt applying for this \$19 million grant. There was no match to the grant if awarded. Councilmember Pereira asked if they could explain TIGER grants and how they worked; Denise Steiger of WEDP summarized the federal TIGER grant program. With that,

**MOTION: MOVED TO APPROVE THE PARTNERSHIP BETWEEN THE TOWN AND WICKENBURG
ECONOMIC DEVELOPMENT PARTNERSHIP, SUPPORT AND AUTHORIZE APPLYING
FOR A FEDERAL TIGER GRANT**

BY: COUNCILMEMBER PEREIRA

SECOND: COUNCILMEMBER STEWART

VOTE: 5-0-2 (Cook & Band – Excused)

6. Discussion/Possible Authorization For A "Letter Of Support" From Mayor & Council To Jointly Apply For A Federal Tiger Grant With The Wickenburg Economic Development Partnership (WEDP)

Town Manager Edwards reported the Letter of Support being requested pertained to WEDP upcoming federal TIGER grant application. This was an important project to the Town and community. Councilmember Henson asked what TIGER stood for; Denise Steiger of WEDP advised Transportation Infrastructure Grants for Economic Recovery.

**MOTION: MOVED TO SUPPORT THE JOINT PROJECT BETWEEN THE TOWN AND PARTNERSHIP
APPLYING FOR A FEDERAL TIGER GRANT APPLICATION BY HAVING THE MAYOR
SIGN A LETTER OF SUPPORT**

BY: COUNCILMEMBER STEWART

SECOND: COUNCILMEMBER PEREIRA

VOTE: 5-0-2 (Cook & Band – Excused)

7. Discussion/Possible Approval Of An Expenditure Of \$45,455 To Arizona Public Service (APS) For The Aztec Lift Station Design Work From The Electric Fund

Public Works Director Austin reported this and Agenda Item I-8 are related. It was his fault these were before Council as he did not roll over the monies budgeted from last fiscal year to pay the fees to the new fiscal year. Councilmember Henson asked why the Aztec bill was so much higher; Mr. Austin replied they had to redesign the system and underground everything. Councilmember Pereira asked if there were monies available; Mr. Austin replied yes. This project would come from the electric fund and the other one would come from Westside sewer line project in CIP fund.

MOTION: **MOVED TO APPROVE AN EXPENDITURE OF \$45,455 TO ARIZONA PUBLIC SERVICE FOR THE AZTEC LIFT STATION DESIGN WORK FROM THE ELECTRIC FUND**
BY: **COUNCILMEMBER PEREIRA**
SECOND: **COUNCILMEMBER HENSON**
VOTE: **5-0-2 (Cook & Band – Excused)**

8. Discussion/Possible Approval Of An Expenditure Of \$17,461.72 To Arizona Public Service (APS) For The Calamity Lift Station Design Work From The Electric Fund

MOTION: **MOVED TO APPROVE AN EXPENDITURE OF \$17,461.72 TO ARIZONA PUBLIC SERVICE FOR THE CALAMITY LIFT STATION DESIGN WORK FROM THE WESTSIDE SEWER LINE ITEM IN THE CIP FUND**
BY: **COUNCILMEMBER HENSON**
SECOND: **COUNCILMEMBER PEREIRA**
VOTE: **5-0-2 (Cook & Band – Excused)**

9. Discussion/Possible Approval On The Creation Of A New Job Description For Part-Time Court Security Officer/Court Clerk And Rejection Of All Proposals For Magistrate Court Security Services RFP-074

Town Manager Edwards reported staff has been working on this issue for some time now. The Personnel Committee met and was recommending approval of this request. Amy Travers, Court Administrator, stated this was a win-win situation for everyone. They have been paying Pro Force \$45 per hour for an armed security officer and there were times when the security guard had nothing to do. With this direction, the security person could be unarmed and when things were slow could answer phones or do computer work. They would not exceed 19 hours per week so no benefits would be provided. Councilmember Pereira asked if staff felt they would really find someone to do security and clerical work; Ms. Travers replied yes.

MOTION: **MOVED TO APPROVE A PART TIME SECURITY/COURT CLERK POSITION FOR THE MAGISTRATE COURT; AND, REJECT ALL PROPOSALS FOR COURT SERVICES THROUGH RFP-074**
BY: **COUNCILMEMBER HENSON**
SECOND: **COUNCILMEMBER PEREIRA**
VOTE: **5-0-2 (Cook & Band – Excused)**

10. Discussion/Possible Action Regarding Proposed Amendments To The Town's Personnel Rules & Regulations, Rule 10, Section 2, ANNUAL VACATION LEAVE To Clarify The Number Of Hours Of Annual Vacation Entitlement

HR Analyst Brown reported the Personnel Committee met on August 5th and were recommending approval of this clarification. Regarding annual vacation leave, it would be by number of hours only days no longer fit. COUNCIL CONSENSUS: Go with the Personnel Committee recommendation. No further action was necessary or taken at this time.

11. Discussion/Possible Action On Proposed Amendments To The Town's Personnel Rules & Regulations, Rule 10, Section 3, SICK LEAVE To Clarify Sick Leave Is Credited At Twelve (12) Days Per Year; No Sick Leave Accrual If Out Of Office For Eighty (80) Hours In One (1) Month; And, Notification Prior To Start Time Of Work Of Being Out Sick

HR Analyst Brown reported the Personnel Committee met on August 5th and were recommending approval of this clarification. Regarding an annual sick leave accrual at 8 hours once a month/96 hours per year; no sick leave accrual if out of office for 80 hours in one month and require staff notification of being sick prior to the start of work rather than up to two hours after. Finance Director Wojcik stated sick time accrual was at 12 days per year. She understood the Fire Department was different because they worked 24 hour shifts but also wanted something different at Town Hall. She felt Town Hall staff who worked 10

hour days should be provided 10 hours of sick leave per month rather than 8 because it did not cover one day. Councilmember Stewart indicated the employee still received 96 sick leave hours per year no matter how they were spent. Her idea would add more cost to the budget. He reported the Personnel Committee did not think this was a good idea.

Mayor Blunt advised the Town's sick time rolls over so if the employee was not an abuser of the sick leave they would be fine. Ms. Wojcik stated leaving it at 8 hours per month could be a hardship for some people. Mayor Blunt reported this would impact the bottom line regarding the budget and the Town could not take on any more debt. Ms. Wojcik disagreed and stated it would not affect the budget because regular time would be reduced so it would even out. Ms. Brown responded paying each employee except the Fire Department two more sick hours per month would cost the Town more money and was a budget issue. In order to be completely fair to all employees staff felt it should remain at 8 hours.

Councilmember Stewart stated employees were working the same number of hours per week whether it was 4 tens or 5 eights and on top of that some staff was now requesting an additional two hours sick leave. Staff was already getting 96 hours per year and actually nothing was written in stone; sick hours could also be reduced to a lesser amount of hours per year. Town Attorney Swann advised given the way jobs have changed over the years, to state one day per month was not advisable, hours cited were clearer and more concise.

- o Soren Stoutner, Town resident, addressed Council by discussing the sick leave request by Ms. Wojcik for the two additional hours per month of sick leave. He agreed with Councilmember Stewart's scenario that no matter if someone was out for 2 weeks they still worked 40 hours per week whether 4 tens or 5 eights. There would only be a small number of circumstances whereby someone experienced a hardship.

Lengthy discussion ensued; at the conclusion of all discussion Ms. Wojcik withdrew her request. **CONSENSUS OF COUNCIL** was to go with the Personnel Committee recommendation. No further action was necessary or taken at this time.

12. Discussion/Possible Action Regarding Proposed Amendments To The Town's Personnel Rules & Regulations, Rule 10, Section 4 USE OF DONATED LEAVE Allowing Employees To Donate Time (Option 1) Or Section 6 Military Leave Authorizing The Accrual Of Vacation Hours During Active Duty (Option 2)

HR Analyst Brown reported the Town has an employee coming back from active military duty after one year. The current Regulations state donated time was only for sickness or injury. Employees have asked to donate time to him so he could spend a couple weeks with his wife and kids prior to returning to work. Staff developed options 1 and 2 for Mayor & Council consideration. Option 1 allows employees the option of donating leave to military personnel up to 40 hours; Option 2 authorizes accrual of vacation leave during an employee's active military duty leave.

Mayor Blunt felt the Town should not ask employees to donate time but as a Town show the employee their service to our Country was appreciated and allow vacation time accrual. Councilmember Stewart agreed with the vacation accrual but also wanted to allow employees the opportunity to donate time if they wanted. By providing some paid time to returning military personnel, two weeks, would give him or her time to wind down and relax prior to heading back to work. It would make a safer police officer. Councilmember Henson agreed with Councilmember Stewart but did want a limit of two weeks of donated time.

Ms. Wojcik reported she did not have a problem with this request except she did not want to include comp time as one of the ways to donate time. She saw a potential for abuse

because an employee could give another employee comp time and then work additional hours to restore their own comp time. Mayor Blunt disagreed in that it was always up to the Supervisor, Department Head or Town Manager to make sure any type of abuse did not occur. The employees Supervisor and/or Department Head must sign off on the time sheet which ensured no abuse. Ms. Brown agreed that in order to get comp time an employee must work overtime. Overtime must be approved ahead of time and all overtime was also reviewed by the Town Manager. **CONSENSUS OF COUNCIL:** Include Options 1 and 2 into one resolution.

13. Discussion/Possible Adoption Of Resolution No. 1642-1 Or 1642-2 Amending Various Sections Of The Town's Personnel Rules And Regulations Including Either Option 1 Or Option 2 Regarding Military Leave Acceptance Of Donated Time Or Accrual Of Vacation Time

MOTION: **MOVED FOR THE ADOPTION OF A COMBINED RESOLUTION 1642-1 AND 1642-2**
BY: **COUNCILMEMBER STEWART**
SECOND: **COUNCILMEMBER PEREIRA**
VOTE: **5-0-2** (Cook & Band – Excused)

14. EXECUTIVE SESSION: Executive Session Pursuant To A.R.S. §38-431.03 (A)(7) Regarding Discussions Or Consultations With Designated Representatives Of The Public Body In Order To Consider Its Position And Instruct Its Representatives Regarding Negotiations For The Purchase, Sale Or Lease Of Real Property Relative To Town Owned Property Located Outside The Town Limits

MOTION: **MOVED TO ADJOURN INTO EXECUTIVE SESSION**
BY: **COUNCILMEMBER PEREIRA**
SECOND: **COUNCILMEMBER HENSON**
VOTE: **5-0-2** (Cook & Band – Excused) @ 7:57 P.M.

Mayor Blunt reconvened the meeting at 8:24 p.m.

J. CALL FOR EXECUTIVE SESSION - (see above)

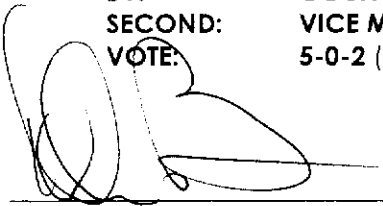
K. ~~CALL TO THE PUBLIC~~

L. SCHEDULING OF FUTURE COUNCIL AGENDA ITEMS 

- 1) Set up utility meeting with Rick Austin, Gary Edwards, Everett Sickles and herself along with another member or two of Council to meet about the transfer station bid currently out. (Henson)
- 2) Chamber funding from general fund. (Stewart)

M. ADJOURNMENT

MOTION: **MOVED TO ADJOURN**
BY: **COUNCILMEMBER STEWART**
SECOND: **VICE MAYOR COOK**
VOTE: **5-0-2** (Cook & Band – Excused) @ 8:29 P.M.



KELLY C. BLUNT, MAYOR

ATTEST:

Donna Riffel
Donna Riffel, Town Clerk

CERTIFICATION

I, Donna Riffel, the duly appointed and qualified Town Clerk of the Town of Wickenburg, an Arizona Corporation, do hereby certify that the foregoing is a full and true and correct copy of the MINUTES of the REGULAR MEETING of the Wickenburg Common Council held on the 16th day of AUGUST 2010.

Witnessed and certified my hand as Town Clerk of said Arizona Corporation on this 18th day of AUGUST 2010.

Donna Riffel
Donna Riffel, Town Clerk