

**MINUTES
TOWN OF QUARTZSITE
REGULAR MEETING OF THE COMMON COUNCIL
TUESDAY, MAY 28, 2013, 9:00 AM**

CALL TO ORDER: 9:02 AM
Mayor Foster

INVOCATION:
Pastor Bruce.

PLEDGE OF ALLEGIANCE:
Led by Vice Mayor Jewitt, said by all.

ROLL CALL:
Present: Mayor Foster, Vice Mayor Jewitt, Council Member Kelley, Council Member Crooks, Council Member Workman, Council Member Orgeron.

ABSENT:

STAFF PRESENT:
Town Manager Laura Bruno, Town Clerk Terry Frausto, Town Attorney Patricia Ronan, Assisting Town Clerk Tina Abriani

APPROVAL/AMENDMENT OF AGENDA:
Mayor Foster spoke on the interviewing of people for Council.

Town attorney explained what could be done during executive session

Motion: to hold all interviews for Council in the public, **Action:** Approve, **Moved by** Mayor Foster, **Seconded by** Vice Mayor Jewitt.

Vote: Motion carried by unanimous roll call vote (summary: Yea = 6).

Yea: Mayor Foster, Vice Mayor Jewitt, Council Member Kelley, Council Member Crooks, Council Member Workman, Council Member Orgeron.

Motion: To remove from the consent agenda checks numbered 35592, 35612, 35621, 35623, **Action: Approve, Moved by** Council Member Workman, **Seconded by** Vice Mayor Jewitt.

Motion passed unanimously.

PRESENTATIONS; PROCLAMATIONS:

1. **Presentation to former Council Member Patricia Anderson in appreciation of her years of service on the Council.**

Council Member Carol Kelley did presentation to previous Council Member Patricia Anderson.

2. **Presentation** by Shelley Fischer of the Parents as Teachers Program.

Shelley Fischer did a presentation and did a review of PAT Goals. Home visits and what they do at home visits. Group Connections- meeting with other parents and supporting each other. Working activities with children. Screening, ASQ. Referrals and resources. Parents as teachers. Review of national outcomes.

CONSENT AGENDA:

3. **Ledger of Accounts Paid** - Consider approval of checks series 35592-35649, totaling \$214,400.87
4. **Minutes** - Consider approval of the minutes of the Regular Meeting of May 14, 2013 and the Special Meeting of May 16, 2013.
5. **Federal Transit Grant** – Consider authorizing the filing of an application for Federal Transit Administration (FTA) Sections 5310 and 5311 funding; committing the necessary local match for the project; and stating the assurance of the Town of Quartzsite to complete the project upon receipt of the FTA section 5310 and 5311 funding.
6. **Purchase** - Consider authorization to replace the Town's networked, multifunction printer/scanner/copier/fax under the cooperative purchasing agreement with the Mojave Educational Service Cooperative.
7. **Boards, Commissions & Committees** - Consider Acceptance the Resignation of Rebecca Gigous of the Park and Recreation Board.

Motion: To approve items on the consent agenda with the exception of the checks that were previously presented, **Action:** Approve, **Moved by** Vice Mayor Jewitt, **Seconded by** Mayor Foster. Motion passed unanimously.

Council Member Workman brings up the four checks she wanted pulled from the consent agenda.

Motion: To approve the checks pulled from the consent agenda, **Action:** Approve, **Moved by** Vice Mayor Jewitt, **Seconded by** Council Member Orgeron. Motion passed unanimously.

8. **COMMUNITY DEVELOPMENT BLOCK GRANT** – Conduct hearing to consider options for the use of Community Development Block Grant (CDBG) funds; select a project to be funded by the FY 2013 CDBG grant, and authorize staff to prepare and submit an application for the FY 2013 grant.

Town Manager Laura Bruno introduced the Item for discussion.

The Town Manager stated the Town expects to be receiving about \$159,000 in federal funds. That is down from the initial amount. The Town has been advised that this is the amount eligible to be received. CDBG Funding must be used to benefit low-income

persons and areas to alleviate slum and blight or to address urgent needs. Based upon citizen input and local and state planning objectives and council direction, a grant application will be submitted to the State of Arizona, Department of Housing (ADOH) for the request of the use of these funds. The ADOH has prioritized the various CDBG projects that are available for funding.

Two public hearings, properly noticed, have been conducted to provide members of the public an opportunity to make suggestions and provide input. The projects under consideration that meet program criteria all have to do with public facilities and improvements, specifically water system improvements. Those three include stabilizing and rehabilitating the Quail Trail Well, constructing a second redundant well at the Kofa Well site and installing a water filtration system. Other suggestions were received at the public hearings; unfortunately, each and every one of those did not meet requirements.

Rob Troxler, Director of Water and Waste Water Services, gave a presentation regarding the proposed stabilization and rehabilitation and Quail Trail Well. He stated that long term usage has caused the gallonage to drop drastically. Re-vamping / rehabilitation is to get back up to 200 gallons per minute.

Oscar Cruz, Water Operator, explained the re-vamping process. Basically the screens are plugged up and are causing an approximate intake of 25%. They used a sonar jet to blast several times to clean the hole out. They wet-jetted it and that didn't work. There is a calcium build up.

The issues are cleaning out the hole and pumps and boosters. The Town estimates that this will cost about \$225,000. This amount, if the Council were to choose to focus on this, with the CDBG being eligible to pick up about \$160,000 of that, the balance would come out of the Water Resource Fund. ADOH confirmed that this will be a very eligible project for CDBG Funds.

Rob Troxler said the rehabilitation of the Quail Trail Well should be the number one priority. The second priority should be the Kofa Well booster pump upgrade. The third priority should be to try to have the two wells work in conjunction with each other.

Mayor Foster Questioned the Town Manager on the funding for the proposed well work. He asked if there is another source of funding that can be had to supplement the CDBG funds. The Town Manager explained what is not covered by the CDBG funds, would be covered by the Town's Enterprise Fund and not a General Fund expense. The Enterprise Fund is the Town's Water and Waste Water Revenues Funds. There will be no need to borrow.

Terry Frausto presented information regarding public input.

Jennifer Jones spoke regarding her opinion on the fact that the two public hearings, regarding the CDBG funds uses, were held on the same day. She stated that projects couldn't be proposed, reviewed, with additional information brought forward at a later date. She noted that her suggestion to renovate the existing animal shelter and the

waste water treatment plan made at the meeting. Jennifer Jones spoke to Patty Patton, a former shelter director in Quartzsite, and was informed that a land sale had been approved with the Bureau of Land Management and that the Town was very capable of putting the animal shelter on those 5 acres. Jennifer Jones re-proposed that the Town buy 2 to 5 acres in Town and put an animal shelter on it.

Town manager Laura Bruno brought up that there are long term and short terms. She said the Town has two wells and the Kofa well is starting to falter. Long term, a sister well or redundant well, is needed.

Starr BearCat spoke regarding the CDBG funds. She asked what assurance there is that the reconditioning of a well will it be effective and how long will it last.

Town Manager Laura Bruno responded to Starr's inquiry. She stated that part of the response is the long term / short term issue. Long term: a proven water source needs to become a sister well to the Kofa Well. Short term, the hole must be cleaned.

Oscar Cruz responded to the question asked by Starr BearCat. He said there are no guarantees.

Town Manager Bruno commented on Water and Waste Water systems and the necessity to set-up and maintain routine regular maintenance schedules.

Jerry Lukkasson said he thinks that the well issue is one of the most important things that the Town can do. He wants good water. He believes the use of money on this is a good way to go. He noted that there is a fluctuating water pressure issue.

Town Manager Bruno commented on the pumping system at the well sites.

Shanana 'Rain' GoldenBear asked what the deadline is for the CDBG grant application submission. The Town Manager stated it is due mid-July.

Motion: to approve the use of these funds for rehabbing the Quail Trail Well., **Action:** Approve, **Moved by** Mayor Foster, **Seconded by** Vice Mayor Jewitt.

The Mayor directed staff to advise the Council when the grant money runs low.

The Town Attorney asked for clarification of motion. She asked if the motion is to make the application for the grant.

The Mayor restated the motion.

The Motion passed unanimously.

ADMINISTRATIVE ITEMS:

9. **General Plan-** Discussion and possible action to approve a Resolution adopting written procedures for public participation in the Town of Quartzsite General Plan preparation.

Steve Henrichs, Acting Director of Community Development Services, presented the options to update the General Plan based on current requirements: re-adopt the existing General Plan for another ten years; complete a General Plan update by March 23, 2014, which is ten years from the date the plan was initially adopted and ratified; or complete a General Plan update by March 23, 2019, which includes the additional five years provided by the State Legislative Action for update of the General Plan. Mr. Henrichs said the Town Attorney has reviewed the proposed resolution to ensure that it meets all legal and statutory requirements. The Planning and Zoning Commission has reviewed, discussed and taken action to recommend the proposed written process to provide effective, early and continuous public participation in the development of the General Plan.

The Town Manager let the Council know the action requested was to approve the resolution which adopts a citizen participation plan pursuant to State Legislation for the purpose of ensuring an open process for the Quartzsite citizens to become actively involved in the preparation of the Quartzsite General Plan.

The Mayor said it is a function of the Council, as the governing body, to delegate to the Planning and Zoning Commission regarding the General Plan.

Motion: to adjourn this agenda item until the Council has had time to review where the Council wants to go with the General Plan. Moved by Mayor Foster and seconded by Council Member Workman.

Council Member Mark Orgeron asked the purpose of adjourning the agenda item now.

The Mayor stated he is concerned that it implies Planning and Zoning involvement.

Steve Henrichs read a part of the Ordinance 13-2. He read aloud that the Commission shall have the following powers and duties:

1. Provide advice to the Council and Town officials related to planning and zoning in the Town.
2. Recommend to the Council a General Plan and amendments thereto.
3. Annually review progress towards implementation of the General Plan and recommend to the Council changes desired due to new legislation, development trends and changing economic, social and environmental conditions.
4. Initiate changes to the Official Zoning Map or text of the Zoning Code to insure conformance and consistency with the Town's General Plan.

5. Review and make recommendations to the Council regarding proposals to amend zoning districts or the provisions of the Zoning Code.
6. Review and make recommendations to the Council regarding annexation of territory into the Town.

Steve Henrichs finished by saying that he is simply following the Council's ordinance.

The Town Attorney clarified that the Town will not be starting over on the General Plan, it will be updating the General Plan.

The Resolution lists participation from the public. The Mayor is concerned it is delegating authority to the Planning and Zoning Commission.

Call for the Roll Call vote: **Vote:** Motion failed (**summary:** Yea = 2, Nay = 4, Abstain = 0). **Yea:** Mayor Foster, Council Member Workman. **Nay:** Vice Mayor Jewitt, Council Member Kelley, Council Member Crooks, Council Member Orgeron. The Motion Failed.

Motion: to adopt Resolution 13 – the Resolution in front of the Council, that the Council just finished discussing. **Action:** Approve, **Moved by** Vice Mayor Jewitt, **Seconded by** Council Member Crooks.

Motion: to open this for public discussion, Roll Call Vote: **Action:** Approve, **Moved by** Mayor Foster, **Seconded by** Council Member Workman.

Roll Call **Vote:** Motion carried by unanimous roll call vote (**summary:** Yea = 6). **Yea:** Mayor Foster, Vice Mayor Jewitt, Council Member Kelley, Council Member Crooks, Council Member Workman, Council Member Orgeron.

Violet Kiss, resident, said she wants to help clarify the Resolution with public participation. She would like to know what the written procedures are; specifically, she listed the public participation element. She said the state says this is one of the very first acts in starting the process of updating a Plan – to adopt a Public Participation Plan.

Jennifer Jones stated that Miss Kiss is right. She said the statutes for the adoption of the Town General Plan do mandate that a schedule be set by the Council, not by Planning and Zoning or the Town Manager or anyone else in administration. She thinks the Council should read the statute before the Council makes a decision on this.

Shanana 'Rain' GoldenBear said she would like to see that not only the Town do the minimum requirements as required by state law, but go above and beyond. She would like to see the General Plan go to vote before the people.

Council Member Workman made a comment that it seems like most of the people are gone when we are doing this.

Assisting Town Clerk Tina Abriani read the motion now standing.

Call for the vote on the Motion as a roll call vote;

Roll Call Vote: Motion passed (**summary:** Yea = 4, Nay = 2, Abstain = 0).

Yea: Vice Mayor Jewitt, Council Member Kelley, Council Member Crooks, Council Member Orgeron. **Nay:** Mayor Foster, Council Member Workman.

Council Member Crooks moved to adjourn into Executive Session for discussion with the Town Counsel regarding the contract of Amanda Lilly at this time. Council Member Orgeron seconded the motion. The vote was unanimous and the motion passed

Adjourned to Executive Session: 10:23 AM

10. Executive Session:

Executive session pursuant to A.R.S. 38-431.03(A)(4) for discussion and consultation with the Town Attorney in order to consider the Town's position and instruct the Town Attorney regarding the public body's position regarding the contract with Amanda Lilly that is subject of negotiations.

Reconvene from executive session: 10:53 AM

Roll Call.

Present: Mayor Foster, Vice Mayor Jewitt, Council Member Kelley, Council Member Crooks, Council Member Workman, Council Member Orgeron.

Review of Applicants for Council Member Appointment to the Quartzsite Common Council.

Review of Mary Scott's qualifications for Council.
Opening Statement of Mary Scott.

Review of Sean Austin for qualifications for council.
Sean Austin responded to questions from the Council.

Review of Starr BearCat for qualifications for Council.
Opening statement by Starr BearCat.

Review of Jerry Lukkasson for qualifications for council.
Opening statement by Jerry Lukkasson.

Review of James Mitchell for qualifications for council.
Opening statement by James Mitchell.

11. Review of Joe Winslow for qualifications for council.
Opening statement by Joe Winslow.

Meeting Recessed at 11:42 AM

Meeting Reconvened at 1:02 PM

Roll Call: Present: Mayor Foster, Vice Mayor Jewitt, Council Member Kelley, Council Member Crooks, Council Member Workman, Council Member Orgeron

12. Consider appointment of a Council Member to the Quartzsite Common Council to fill the term previously held by Mrs. Patricia Anderson. The term expires 2014.

Council Member Workman moved to nominate Starr BearCat. Mayor Foster seconded the motion.

Roll Call **Vote:** Motion failed. (**summary:** Yea = 2, Nay = 4, Abstain = 0).

Yea: Mayor Foster, Council Member Workman. **Nay:** Vice Mayor Jewitt, Council Member Kelley, Council Member Crooks, Council Member Orgeron.

Council Member Orgeron moved to appoint Mary Scott. Council Member Workman seconded the motion.

Roll Call **Vote:** Motion passed. (**summary:** Yea = 4, Nay = 2, Abstain = 0).

Yea: Mayor Foster, Council Member Kelley, Council Member Workman, Council Member Orgeron. **Nay:** Vice Mayor Jewitt, Council Member Crooks.

COMMUNICATIONS:

13. Announcements and Reports from the Mayor on current events.

The Mayor said this is the final report on this: he is pleased to report that the last poles are up on the power line to Parker and the Town shouldn't be subject to lengthy power outages this summer.

14. Announcements and Reports from the Council on current events.

Council Member Orgeron commented on a Memorial Day Service thank you to the Police Department for providing the escort for them.

15. Reports from the Town Manager to the Council.

Town Manager Laura Bruno spoke on the impacts of the APS improvements on our community. She also briefly discussed the slightly modified fiscal calendar.

COMMUNICATIONS FROM CITIZENS:

Jennifer Jones spoke to the town attorney about Jennifer Jones' statement that the town attorney works for the people. Jennifer Jones asked the town attorney to consider

preparing a legal opinion for the Town Council as to under what circumstances the town attorney may represent the Town Council.

ADJOURNMENT: 1:11 PM

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of May 28, 2013 of the Town Council of Quartzsite, Arizona, held on May 28, 2013.

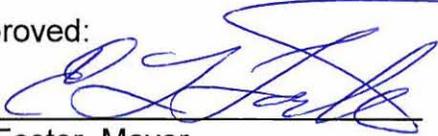
I further certify that the meeting was duly called and held and that a quorum was present.

DATED this 11th day of June 2013.


Terry Frausto, Town Clerk, ASSISTANT

On behalf of the Common Council

Approved:


Ed Foster, Mayor