MINUTES
TOWN OF QUARTZSITE
REGULAR MEETING OF THE COMMON COUNCIL
TUESDAY, DECEMBER 10, 2013, 9:00 AM

CALL TO ORDER: 9:00 AM

INVOCATION: None

PLEDGE OF ALLEGIANCE: Led by the Mayor.

ROLL CALL: Roll Call.
Present: Mayor Foster, Vice Mayor Jewitt, Council Member Kelley, Council Member Crooks, Council Member Orgeron and Council Member Timberlake.

ABSENT: Council Member Scott.

STAFF PRESENT: Town Manager Laura Bruno, Town Attorney Susan Goodwin, Town Clerk Tina Abriani

APPROVAL/AMENDMENT OF AGENDA: Vice Mayor Jewitt moved to approve the agenda as presented with the exception of Item 11 which must be removed from the agenda.

Council Member Orgeron moved to amend the motion to remove number 12, as that was addressed and taken care of already.

Council Member Crooks seconded the motion to remove Items 11 & 12 from the agenda.

Roll Call Vote: Motion Failed (**summary:** Yes = 3, No = 3, Abstain = 0, a tie equals a 'No' vote). Items 11 & 12 stay on the agenda.
Yes: Vice Mayor Jewitt, Council Member Crooks, Council Member Orgeron
No: Mayor Foster, Council Member Kelley, Council Member Timberlake
Absent: Council Member Scott.

PRESENTATIONS; PROCLAMATIONS: None.

CONSENT AGENDA:

1-a. **LEDGER OF ACCOUNTS PAID** – Consider approval of check series 36535 – 36591, totaling $225,948.90.

1-b. **MINUTES** – Consider approval of the minutes of the Regular Meeting of November 26, 2013 and the Special Meeting of December 3, 2013.

Council Member Orgeron moved to approve the Consent Agenda as written. **Vice Mayor Jewitt seconded** the motion. The vote was unanimous. **Motion Passed**.

ADMINISTRATIVE ITEMS:

The Mayor stated Item 12 will be first.

2. **TROLLEY SERVICE CONTRACT – Consider approval of a service contract to provide transportation services for the Quartzsite Trolley for general public fixed-route and paratransit services.**

John Andoh of the Yuma County Intergovernmental Public Transit Authority and Janet Collier, Town Transit Coordinator, spoke to the Council regarding the Trolley Service Contract.

Vice Mayor Jewitt left the dais briefly.

Emmett Brinkerhoff, Director of Public Works, spoke regarding the beautification and pedestrian/trolley stops.

Town Manager Bruno discussed the trolley system. She noted that staff wanted to have this project to do something positive to the Town.

Vice Mayor Jewitt returned to the dais.

Council Member Crooks moved to approve a contract with Parking Concepts, Inc. to provide transportation services for the Quartzsite Trolley for general public fixed-route and paratransit services, and authorize the Town Manager to execute the contract.

John Andoh spoke regarding general standards in the contract and the transit budget.

Council Member Kelley asked the Town Manager if the Town has $22,000 to pay this contract.

Council Member Crooks amended the motion to include the contingency amount of $22,000, not be exceeded.

John Andoh stated the exact figure will be $19,565.

Council Member Crooks amended her amended motion to include the sum not to exceed $19, 565.

Council Member Kelley seconded the motion. **Motion Passed**.

3. **USDA-RUS SEWER LOAN - Consideration and possible adoption of a resolution approving the form and authorizing the execution and delivery of a Ground Lease and a Town Lease, approving the execution and delivery by**

Town of Quartzsite Municipal Property Corporation of such Ground Lease and Town Lease and the government documents (as such term is defined herein), the negotiation of a note to the United States Government, acting through Rural Utilities Service, United States Department of Agriculture; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by such ground lease, town lease and government documents and this resolution and declaring an emergency.

The Mayor explained that this resolution would authorize a 1.5 million dollar loan to go with the grant to expand the waste treatment plant and that the Council's authorization is required.

Mark Reader of Stifel, Nicolaus, retained by the Town to assist with the WIFA and USDA financing applications, spoke regarding the USDA-RUS project.

The Mayor asked if the Town is guaranteeing the loan company. Mark Reader passed out a paper for the Council's review.

The Mayor asked what would happen if the Town were to default on the loan.

Michael Cafiso of the Law Firm of Greenberg, Traurig explained the obligation of the Town to set rates to cover the loan.

Michael Cafiso explained the lock in the lower interest rate is the emergency nature of the resolution.

Council Member Orgeron moved to adopt the resolution approving the form and authorizing the execution and delivery of a Ground Lease and a Town Lease, approving the execution and delivery by Town of Quartzsite Municipal Property Corporation of such Ground Lease and Town Lease and the government documents (as such is defined herein), the negotiation of a note to the United States Government, acting through Rural Utilities Service, United States Department of Agriculture; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by such ground lease, town lease and government documents and this resolution and declaring an emergency.

Roll Call Vote: (**summary:** Yes = 5, No = 1, Abstain = 0).
Yes: Vice Mayor Jewitt, Council Member Kelley, Council Member Crooks, Council Member Orgeron, Council Member Timberlake.
No: Mayor Foster.
Absent: Council Member Scott.
The motion with the emergency clause failed.

Town Attorney Goodwin explained that with a 7 (seven) member council, 6 (six) ayes are necessary to pass the motion with the emergency clause.

Council Member Orgeron made the same motion without the emergency clause.

Council Member Crooks seconded the motion.

Roll Call Vote: Motion Passed (summary: **Yes = 5, No = 1, Abstain = 0).**
Yes: Vice Mayor Jewitt, Council Member Kelley, Council Member Crooks, Council Member Orgeron, Council Member Timberlake.
No: Mayor Foster.
Absent: Council Member Scott.

11:37 AM the Mayor recessed the meeting until 12:45 PM.

12:46 PM the Mayor called to the meeting back to order.

Roll Call.
Present: Mayor Foster, Vice Mayor Jewitt, Council Member Kelley, Council Member Crooks, Council Member Orgeron, Council Member Timberlake.
Absent: Council Member Scott.

4. **ELECTION DATES** - Consideration and possible approval of an ordinance of the Mayor and Common Council of the Town of Quartzsite, Arizona, amending the code of Quartzsite, Arizona, Chapter 2 Mayor and Council, Article 2-1 Council, by amending Section 2-1-5 Compensation; amending Article 2-3 Council Election, by amending Section 2-3-6 Election Dates; amending Article 2-6 Initiative and Referendum, by amending Section 2-6-1 Power Reserved; Time of Election; all related to consolidating the Town's election dates with the State of Arizona's election dates, as required by A.R.S. § 16-204; providing for repeal of conflicting ordinances; and providing for severability.

Town Manager Bruno read the preface of the proposed ordinance aloud for the record.

Vice Mayor Jewitt moved to approve as presented and **Council Member Crooks seconded** the motion. The vote was unanimous. **Motion Passed**.

5. **AFTER-SCHOOL RECREATION PROGRAM** - Update, discussion and possible direction regarding a request for additional funding for the Town's after-school recreation program.

Town Manager Bruno gave an update on the donations and volunteers for this program.

Town Manager Bruno stated that she checked with the County to try to get funding. She spoke to Leann Anderson of the County Health Department, Tobacco Prevention Program. Town Manager Bruno has a meeting with Ms. Anderson scheduled to discuss some opportunities that may be available.

Dana Anderson stated the department has interviewed someone who declined the job offer. He will be interviewing a volunteer later in the week.

The Mayor asked for the amount of donations. Town Attorney Susan Goodwin donated $300 and the Mayor donated $20.00.

There is funding for one person at 10 hours a week from 3:00 – 5:00 in the afternoon for the term of the program for the year.

Holiday breaks for the children were discussed.

Council Member Orgeron suggested partnering with the school.

Council Member Orgeron asked that the ten hour per week be given a chance before providing more funding for the program.

Vice Mayor Jewitt brought up the subject of the parents paying $1.50 per day. Yesenia Jackson of the Park and Recreation, After-School Recreation Program, said the parents said they cannot afford it.

Council Member Timberlake said she would like to see a twenty hour per week employee funded by the Town.

Town Manager Bruno stated she will be sure there are two people with the children during the Christmas break.

Town staff was directed to bring this item back to the agenda for the first regular Council meeting in February, 2014.

6. **HOLIDAY TIME OFF – Consideration and possible approval for employee's discretion, either two (2) half days on December 24th and December 31st, or one full day.**

Vice Mayor Jewitt moved to approve the issue as presented and **Council Member Crooks seconded** the motion. The vote was unanimous. **Motion Passed**.

7. **NEXT COUNCIL MEETING - Consider re-scheduling or cancellation of the December 24, 2013 Regular Meeting of the Town Council.**

The Mayor moved to reschedule the meeting for the 24th to Monday the 23rd. **Vice Mayor Jewitt seconded** the motion. **Motion Passed**.

8. **ALTERNATE ELECTED DESIGNEE - Consider nomination and approval of an additional, Alternate Elected Designee for purposes of signing bank drafts and checks on behalf of the Town.**

Town Manager Bruno noted the Town's ordinance for check signing authorization for the elected representative provides for one primary representative, currently Council Member Kelley, and two alternate representatives. Currently only Council Member Orgeron is an alternate. An additional council member needs to be an alternate to sign.

Council Member Kelley nominated Vice Mayor Jewitt and **Council Member Timberlake seconded** the motion. The vote was unanimous. **Motion Passed**.

9. **WAIVER OF ATTORNEY-CLIENT PRIVILEGE** - Discussion and consideration of waiver of the attorney-client privilege for two designated attorney-client privileged communications dated 11/19/2013 and 12/02/2013.

The Mayor asked that Items 9 & 10 be tabled to the next meeting

Council Member Orgeron moved to table Agenda Items 9 and 10 to the next regular meeting. **Council Member Timberlake** seconded the motion. The vote was unanimous. **Motion Passed**.

10. **REQUEST TO TOWN ATTORNEY - Discussion and possible action to comply with Mayor Foster's request made directly to the Town Attorney that the Town Attorney provide to him documents and communications with the Town Manager subsequent to the December 5, 2012 decision in the litigation entitled *Brannan, Johnson, Yackley v. Town of Quartzsite.***

11. **SEWER RATES – Discussion and possible action regarding sewer rates. Presentation by Shawn Farish from the RV park owners and managers association.**

The Mayor chose to have this second on the agenda.

Vice Mayor Jewitt related why he asked that this item be removed from the agenda.

Shawn Farish, owner of an RV park, spoke regarding the recent rate structure change as discussed by the Park Owners Association.

Council Member Timberlake asked Shawn Farish some questions regarding her utility bill.

Rondus Bennett, Utilities Accountant and Kevin Murphy, Town Engineer, spoke regarding the past and present sewer rate structure.

The Town Manager spoke regarding the volumetric rate.

Council Member Crooks spoke regarding the rate study and public hearings. She suggested that a work session be held in which the Town Engineer would explain, possibly with a PowerPoint presentation.

Kevin Murphy spoke in response to the Mayor's question: if the RV park owners decrease their sewer services, what will happen? Mr. Murphy stated it was his job to make the system fair, equitable and defensible and cover the cost for the wastewater system.

Vito Austin of Vito's RV Park spoke regarding the consequences of RV Park rate increases.

Council Member Timberlake asked that when Kevin Murphy does the presentation that he address the question as to the consequences of the RV Parks capping off their sewers. Mr. Murphy said he will.

Shawn Farish spoke regarding her belief that even after the work session and everyone understands why this increase is necessary; it does not address the fact that the RV Park owners cannot pay the increased rate. She proposes the redistribution of the burden based on actual data.

Kevin Murphy explained why they used ADEQ's information to establish rates.

Kevin Murphy said one cannot accurately meter sewer flow.

The Town Manager said the next step would be to have a work session to potentially look at options. This may be at the Community Center and be advertised on the radio and so forth.

Dean Taylor spoke regarding his park's having a great deal fewer renters this year.

Bruce Jacobson of the Quail Run RV Park addressed the equitable part of the rates which he believes compares apples to oranges. He suggested that a study be done on RV Parks to determine average usage.

Terry Frausto, property owner and year around resident, spoke regarding her opinion of the fairness of the new sewer rates. She suggests that the Town look in a different direction. A year around Town with industry and growth is what is needed. ADEQ will not let the Town grow until the sewer system is expanded which requires a rate increase.

Norm Simpson, business owner and resident, discussed a work shop that was held on November 19, 2013. He said the Town does not have the ground, employees, or housing to support growth. He suggested supporting and strengthening the existing businesses.

Joyce Snyder, resident since 1980, spoke regarding her opinion that since the Town has been incorporated it has gone steadily downhill. She wants the Town to start working together.

Jenny Mills, RV Park owner and owner of other businesses around Town, spoke regarding the usage at truck stops. She asked about their water and sewer rates and if they pay a fair rate.

Rondus Bennett of the Utility Department explained that the truck stops and restaurants are charged for their sewer service at a higher rate.

Jennifer Jones, lessee at Rice Ranch, spoke regarding the Economist.com rate study and the loan grant package for the wastewater treatment plant expansion.

Town Manager Bruno spoke regarding the old rate structure, and the Economist.com rate study.

Council Member Timberlake moved to schedule a work session; then amended the motion to direct staff to schedule a work session in a timely manner. **Vice Mayor Jewitt seconded** the amended motion. The vote was unanimous. **Motion Passed**.

12. **OPEN MEETING LAW - Discussion and possible action regarding open meeting law complaints of the Municipal Corp. Board meeting.**

The Mayor stated that Item 12 will be first. He said two people filed Open Meeting Law complaints, Shanana Rain GoldenBear and Jennifer Jones.

Shanana Rain GoldenBear stated that she came into Town Hall and wondered where the Municipal Property Corporation Meeting was being held. She was asked by an employee if she was there for the Municipal Property Corporation and Rain replied in the affirmative. Rain was then led behind the locked door into the Town Manager's office.

Jennifer Jones stated she came to Town Hall for the meeting and saw no sign and no agenda for the meeting on the common table.

Town Attorney Susan Goodwin spoke regarding the Open Meeting Law complaints. In an abundance of caution Attorney Goodwin called Mr. Munns, of the Arizona State Attorney General's Office, to find out if there was an open meeting law violation and Mr. Munns said there was not; but, he agreed with Attorney Goodwin that the meeting should be redone.

Town Attorney Goodwin assured the Council that the procedure will be that meetings will be held in Council Chambers in the future, unless otherwise posted as to a specific room that is open to the public.

COMMUNICATIONS:

13. **Announcements and Reports from the MAYOR on current events.**

None

14. **Announcements and Reports from the COUNCIL on current events.**

Vice Mayor Jewitt and Council Member Crooks thanked the Town Attorneys for their $300.00 donation to the after school program. Council Member Crooks directed staff to send a letter to the law firm with a thank you from all.

15. **Reports from the TOWN MANAGER to the Council.**

Town Manager Bruno acknowledged and thanked Violet Kiss for her positive comments on the community center.

COMMUNICATIONS FROM CITIZENS

None.

ADJOURNMENT: 1:23 PM Vice Mayor Jewitt moved to adjourn.

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of December 10, 2013, of the Town Council of Quartzsite, Arizona, held on December 10, 2013.

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

DATED this 23rd day of December 2013

Tina M. Abriani

Tina M. Abriani, Town Clerk

On behalf of the Common Council

Approved:

Ed Foster, Mayor