

MINUTES
TOWN OF QUARTZSITE
REGULAR MEETING OF THE COMMON COUNCIL
TUESDAY, JANUARY 27, 2015, 7:00 PM

CALL TO ORDER: 7:26 p.m.

INVOCATION: Pastor Bruce Swart led a prayer.

PLEDGE OF ALLEGIANCE: Led by Council Member Warner.

ROLL CALL:

Present: Mayor Foster, Vice Mayor Simpson, Council Member Kelley, Council Member Warner, Council Member Orgeron, Council Member Davidson, Council Member St. Germain.

STAFF PRESENT: Skylor Miller, Town Manager; Kelly Schwab, Town Attorney; Patricia Ronan, Town Attorney; Miguel Castellanos, Deputy Town Clerk; and Tina Abriani, Town Clerk

CALL TO THE PUBLIC AND COMMUNICATIONS FROM CITIZENS:

None

ANNOUNCEMENTS:

None

CONSENT AGENDA:

- 1-a. **LEDGER OF ACCOUNTS PAID – Consider approval of check series 38427-38481, totaling \$ 97,651.74.**
- 1-b. **Consider approval of the minutes of the Special Meeting of January 13, 2015 and the Regular Meeting of January 13, 2015.**

Council Member Orgeron moved to approve the consent agenda as presented and Council Member Warner seconded the motion. The vote was unanimous. Motion Passed.

ADMINISTRATIVE ITEMS:

2. **RESCISSION OF RESOLUTION 13-09 AND PASSAGE OF REPLACEMENT RESOLUTION – Discussion and possible action to adopt a resolution rescinding Resolution 13-09 and adopting a new resolution for the purpose of ending the litigation Foster v. Town of Quartzsite, et al., to preserve the**

Town's opportunity to finance the design, acquisition, construction, and equipping of wastewater collections facilities and related treatment plant and other appurtenances for the Town, and to borrow an amount not to exceed \$1,507,000 to provide funds for the wastewater project.

Town Attorney Schwab advised the Council that in light of the work session just held, the attorneys are not recommending adoption of any new resolution. She stated the matter of financing the wastewater treatment plant repairs and expansion will come back to the Council with more definitive numbers; and possibly some other alternatives relating to the financing. At that time, a resolution, if necessary, with the amount of money that would be proposed for the wastewater treatment expansion will be brought to the Council.

Town Attorney Schwab advised the Council that the Town's attorneys do recommend a vote to rescind Resolution 13-09. She explained the issue is moot, meaning the resolution and the amounts are no longer relevant due to possible increased costs and possible other savings.

Council Member Orgeron moved to rescind Resolution 13-09 and Council Member St. Germain seconded the motion.

Vice Mayor Simpson stated he understood the rescission opened the door to go forward with some new financing and asked if that was correct.

Town Attorney Schwab responded that the rescission takes, for now, the USDA loan, that was part of the resolution in the amount of approximately \$1,500,000, off the table and a new loan may be proposed with the USDA, again, based on some number crunching that will be done by the finance people.

The Mayor asked for verification that if the Council rescinds the resolution, there will be no loan agreement authorization right now.

Town Attorney Schwab replied that what the Mayor said was correct.

The Mayor called for a roll call vote.

Roll Call Vote: Motion Passed. Motion carried by unanimous roll call vote (summary: Yes = 7). **Yes:** Mayor Foster, Vice Mayor Simpson, Council Member Kelley, Council Member Warner, Council Member Orgeron, Council Member Davidson, Council Member St. Germain.

3. SETTLEMENT AGREEMENT – Discussion and possible action to authorize the Town Attorney and Town Manager to negotiate a settlement agreement in Foster v. Town of Quartzsite, et al.

The Mayor recused himself on this issue.

Council Member Orgeron moved to table Item 3 and Council Member Davidson seconded the motion. The vote was unanimous. Motion Passed.

4. TRANSIT REQUEST - Transit presentation; request to Council to rescind the Complaints and Unfair Competition Policy; and to match \$12,000 for the 5311 grant to pay for the Transit Coordinator.

Janet Collier, Town Transit Coordinator, spoke regarding the current transit system.

Mrs. Collier explained the Town transit system is audited by the federal government. She stated that during the last audit, the auditors requested the Town review a policy they noted as unnecessary. The Unfair Competition Policy was designed to deal with complaints from the community regarding unfair competition. Mrs. Collier said the Town transit system does not have any competition as the Town is the only transit system that runs strictly charter services right now.

Mayor Foster asked if the \$12,000 is in the budget and if the expenditure was allocated as match ADOT funding for a transit planner.

Town Manager Miller advised that the \$12,000 funding is in the budget and was anticipated. He explained the funds will come from the Contingency Fund because at the time the budget was created, staff did not know whether or not the Town would be receiving 5311 funding.

Vice Mayor Simpson asked if that obligates the Town to go forward with the total cost of the program.

Mrs. Collier stated that it obligates the Town to go forward with Phase I, which is putting up the \$12,000 as match money for an ADOT transit planner.

The Mayor asked if there would be any service issues for the citizens using the transit services.

Mrs. Collier said there would not be any service issues affecting the riders.

The Mayor asked if the plan will cause service cuts.

Town Manager Miller stated that would not be a goal of the planning process.

Town Manager Miller explained the Town is seeking to increase the funding to the transit system by moving to the 5311 program. He advised that he does not see how there could be a loss of service.

Council Member Orgeron moved to move forward with matching funds for 5311 in the amount of \$12,000 and to rescind the Unfair Competition Policy per ADOT contracted auditor Ann Beauvais of Rae Consultants. Vice Mayor Simpson seconded the motion. The vote was unanimous. Motion Passed.

5. MUAC REAPPOINTMENT - Consider and possibly approve the reappointment of Darrell Crooks, a regular member of the Municipal Utility Administrative Committee, whose term expires in January 2015. The position's new term would expire January 2018.

Vice Mayor Simpson moved to table this item. He said he would like to see a list of candidates brought to the Council and to see these items advertised to get some new people and new applicants. He said right now the Council is just rubber stamping the same people that have been on the boards over and over.

The Mayor asked if there were any applications for volunteers in the Town.

Town Manager Miller said no and advised that he has spoken out in the community regarding the position, in anticipation of Mr. Crooks possibly stepping down due to family issues. Town Manager Miller advised no applications for this committee have been received by the Town.

The Mayor asked if the Town could put out some public notification.

Council Member Orgeron advised that he had spoken with Mr. Crooks and learned that Mr. Crooks is sincerely interested in continuing on the committee.

Town Manager Miller stated he spoke with Mr. Crooks' wife last week. She advised the Town Manager that Mr. Crooks is interested in continuing.

The Mayor said he would still like to see other options.

Council Member Kelley asked if the Town has any applications for any board members for any board.

Town Manager Miller replied that there are some applicants for other boards. He stated he would bring those to the Council soon.

Council Member Davidson seconded the Vice Mayor's motion to table the item.

Council Member Orgeron noted that there is a willing participant and the Council is saying no to someone looking to volunteer.

The Mayor called for a vote on the motion to table Item 5.

The vote was a nay from Council Member Orgeron and three audible ayes from Mayor Foster, Vice Mayor Simpson and Council Member Davidson. **Motion Passed.**

6. ENGINEERING SERVICES PAYMENTS TO ATKINS - Discussion and possible action to approve check numbers 38388 and 38418 after review of detailed explanation of the invoices.

Town Manager Miller stated Atkins has reviewed its invoicing process and is withdrawing the \$30,000 invoice. Town Manager Miller invited Linda Potter of Atkins to speak regarding the withdrawal of the invoice.

Linda Potter of Atkins spoke regarding the issue with the \$30,000 invoice. She apologized and explained there was some confusion with the invoicing process during the transition period of Kevin Murphy's departure from Atkins. She stated that when she closely reviewed this invoice, she was able to determine that Atkins performed about \$30,000 worth of work for which they are unable to charge the Town because it was outside of the contracted scope of work.

Town Manager Miller stated Atkins has a contract with the Town of Quartzsite and will potentially be performing bidding services in the future. He advised if and when that service is performed, the Town will be invoiced again.

Council Member St. Germain asked if there is any chance the Council can be notified in advance of a \$30,000 invoice, so that they are not surprised when it needs to be paid. He asked if bidding is the engineers' responsibility or the Town's.

Town Attorney Schwab advised the bidding process will come back for the Council's approval to proceed with the project before the bidding services are performed.

The Mayor asked which check number represents the \$30,000.

Council Member Orgeron advised check number 38388 is being removed (as it was to be a payment for an invoice that was rescinded by Atkins).

Council Member Orgeron moved to approve payment for check number 38418 in the amount of \$18,000, and Council Member Warner seconded the motion. The vote was unanimous. Motion Passed.

7. LA PAZ COUNTY ECONOMIC DEVELOPMENT CORP. - Discussion and possible action on an agreement between the Town of Quartzsite and the La Paz Economic Development Corporation for Regional Economic Development Program Services.

Council Member Orgeron, after referencing the Resolution 13-09 issues, moved to table Item 7, until the Council can get something to move forward with in regard to growing the Town. **Council Member Kelley seconded the motion.**

Roll Call Vote: Motion Passed. (summary: Yes = 4, No = 3, Abstain = 0).

Yes: Council Member Kelley, Council Member Warner, Council Member Orgeron, Council Member St. Germain. **No:** Mayor Foster, Vice Mayor Simpson, Council Member Davidson.

COMMUNICATIONS:

8. Reports from the MAYOR on current events.

None

9. Reports from the COUNCIL on current events.

Council Member Kelley said they are doing great at the Food Bank and thanked everyone for their help.

Council Member Kelley advised that the Food Bank is recycling. She asked that people, please, bring their bottles and cans because they need egg money for the summer.

10. Reports from the TOWN MANAGER to the Council.

None.

ADJOURNMENT: 7:49 p.m.

Council Member Orgeron moved to adjourn and Council Member Kelley seconded the motion. The vote was unanimous. Motion Passed.

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of January 27, 2015, of the Town Council of Quartzsite, Arizona, held on January 27, 2015.

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

DATED this 10th day of February 2015



Tina M. Abriani, Town Clerk

On behalf of the Common Council

Approved:



Ed Foster, Mayor